



ORDINANCES

of the

YUKON TERRITORY

passed by the

YUKON COUNCIL

In the Year

1980

Being the First Sitting of the Third Session
of the Twenty-fourth Council
March 20 - April 21, 1980

D. Bell, Administrator

Produced by the Legislative Counsel's Office, Department of Justice, for the Government of Yukon.

Printed and Published for the Government of Yukon under Authority of Chapter P-9 of the Revised Ordinances of the Yukon Territory, 1971, by Diarmuid O'Donovan, Queen's Printer.

ORDINANCES OF THE YUKON TERRITORY

1980 (First Sitting)

<u>BILL No.</u>	<u>CHAPTER No.</u>	<u>TITLE</u>	<u>PAGE No.</u>
32	1	Business Development Incentive	1
37	2	Community Assistance Ordinance, An Ordinance to Amend	15
2	3	Companies	17
25	4	Condominium Ordinance, An Ordinance to Amend	35
18	5	Credit Union Ordinance, An Ordinance to Amend	39
20	6	Energy Conservation Ordinance	41
33	7	Evidence Ordinance, An Ordinance to Amend	43
34	8	Executions Ordinance	45
29	9	Fatal Accidents Ordinance	65
14	10	Financial Agreement Ordinance	73
26	11	Frustrated Contracts Ordinance	75
9	12	Garnishee Ordinance	79
4	13	Government Employee Housing Plan, An Ordinance to Amend	111
31	14	Human Tissue Gift Ordinance	115
23	15	Insurance Ordinance, An Ordinance to Amend	123
12	16	Interim Supply Appropriation Ordinance, 1980-81	125
21	17	Liquor Ordinance, An Ordinance to Amend	127
35	18	Liquor Tax Ordinance, An Ordinance to Amend	129
15	19	Loan Agreement Ordinance (1980) No. 1	131
3	20	Miscellaneous Statute Law Amendment Ordinance	133
8	21	Motor Vehicles Ordinance, An Ordinance to Amend	149
16	22	Municipal General Purposes Loan Ordinance, 1980	153
24	23	Perpetuities Ordinance	157

27	24	Presumption of Death Ordinance	169
28	25	Reciprocal Enforcement of Maintenance Orders Ordinance	173
11	26	Second Appropriation Ordinance, 1979-80	189
13	27	Second Appropriation Ordinance, 1980-81	191
10	28	Small Claims Ordinance	193
19	29	Stabilization Fund Loan, An Ordinance to Amend	197
6	30	Summary Convictions Ordinance	199
30	31	Survivorship Ordinance	219
17	32	Transport Public Utilities, An Ordinance to Amend	221
22	33	Trustee Ordinance, An Ordinance to Amend	247
7	34	Yukon River Basin Study Agreement Ordinance	249

Note:

The following Bills are still on the Order Paper:

Bill #1 - An Ordinance to Perpetuate a Certain Ancient Right

Bill #5 - An Ordinance to Amend the Electrical Public Utilities
Ordinance

Bill #36 - An Ordinance to Amend the Game Ordinance

Private Members' Public Bill:

Bill #101 - Fair Weather Friends Ordinance

The 1980 First Sitting of the Third Session of the Twenty-fourth
Council was adjourned on April 21, 1980.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 1

BUSINESS DEVELOPMENT ASSISTANCE ORDINANCE

(Assented to May 2, 1980)

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(1)	This Ordinance may be cited as the <i>Business Development Assistance Ordinance</i> .
	2(1)	In this Ordinance,
"application"		"application" means an application under section 3 for financial assistance;
"approval"		"approval" means an approval of an application made under section 4;
"Board"		"Board" means the Business Development Advisory Board established under section 13;
"financial assistance"		"financial assistance" means financial assistance applied for under section 3;
"local improvement"		"local improvement" has the same meaning as in the <i>Municipal Ordinance</i> and includes services of the nature ordinarily supplied by public utilities;
"municipality"		"municipality" has the same meaning as in the <i>Municipal Ordinance</i> ;
"project"		"project" means a project in respect of which an application for financial assistance may be made or approved under this Ordinance; and
"purpose"		"purpose" means a purpose in respect of which an application for financial assistance may be made or approved under this Ordinance.
"applicant" "purpose" "project"	(2)	For all purposes subsequent to the approval of an application, "applicant", "purpose", and "project"

mean, respectively, the applicant, purpose and project specified on the approval under subsection 4(2).

- Applicant for assistance 3(1) Any person may apply to the Commissioner for financial assistance under this Ordinance.
- Approval of application 4(1) Where an application has been made for financial assistance the Commissioner may, in accordance with this Ordinance, approve the application in whole or in part, with or without terms or conditions.
- Contents of approval (2) The approval of an application shall specify
- (a) the name of the applicant,
 - (b) the amount of the financial assistance that is to be paid to the applicant,
 - (c) the purpose for which the financial assistance is to be paid,
 - (d) the project in respect of which the financial assistance is to be paid, and
 - (e) the terms and conditions, if any, subject to which the financial assistance is to be paid.
- Information to be given (3) It shall be deemed to be a condition of every approval that the applicant shall, before the payment of the financial assistance, furnish to the Commissioner on demand such information as the Commissioner reasonably may require for the purpose of ascertaining
- (a) the actual or anticipated effect of the payment of the financial assistance on the carrying-out or success of the project, or
 - (b) the compliance of the applicant with this Ordinance or with a term or condition of the approval.
- Repayment (4) It may be a condition of the approval of an application that the applicant agree to repay all or part of the financial assistance under such circumstances and upon such terms as may be specified in the approval.

- Pre-requisites for approval 5(1) The Commissioner shall not approve an application unless
- (a) the Commissioner has received the recommendation of the Board in relation to the application, and
 - (b) the Commissioner is of the opinion that a direct result of the carrying out of the project will be a net increase in the number of opportunities for long-term employment in the Territory or the prevention of a decrease in the number of such opportunities.
- Projects 6(1) No application for financial assistance shall be approved for a purpose in relation to a project that is not of an industrial or commercial nature.
- Purposes (2) No application for financial assistance shall be approved for a purpose that is not authorized by this Ordinance.
- Operation of project (3) Except as provided by subsection 25(3), no application for financial assistance shall be approved for the purpose of the operation of a project.
- Notice to applicant 7(1) Where an application is not approved, the Commissioner shall deliver to the applicant forthwith a notice that his application has not been approved.
- Notice of approval (2) Where an application is approved in whole or in part, the Commissioner shall deliver the approval to the applicant forthwith.
- Acceptance of approval (3) Upon receipt of an approval, the applicant may accept the approval by signing a copy of the approval and delivering it to the Commissioner.
- Mail (4) An applicant and the Commissioner may deliver documents to each other under this section by mail.
- Payment of assistance 8(1) Where an application has been approved by the Commissioner with or without terms and conditions and the approval has been accepted under subsection 7(3), financial assistance in the amount specified

in the approval shall be paid by the Commissioner to the applicant on demand, unless

- (a) any of the terms or conditions specified in the approval have not been met,
- (b) the Commissioner has become aware, since the making of the approval, that the applicant made any misrepresentations in, or in support of, the application, and the misrepresentation actually misled the Board or the Commissioner, or was calculated to do so,
- (c) the Commissioner is not satisfied that the applicant has paid, for the carrying-out of the purpose in relation to the project, an amount greater than or equal to the amount of the financial assistance,
- (d) the purpose, in relation to the project, has not been fully carried out to the satisfaction of the Commissioner, or
- (e) there is reason to believe that the applicant has, since accepting the approval, discontinued or changed substantially his intentions as represented by him in, or in support of, his application.

Proof

- (2) Where, in any proceeding by a person against the Commissioner for the payment of financial assistance under subsection (1), it is alleged that the requirements of this Ordinance for the payment of the financial assistance have been satisfied, the burden of proving the allegation is on the person making the allegation.

Discretion to pay

- (3) Notwithstanding paragraphs (1) (a) and (d), the Commissioner may authorize the payment of financial assistance in an amount less than the amount specified in the approval, where
 - (a) the applicant has, in the opinion of the Commissioner, complied substantially with the terms and conditions specified in the approval, or
 - (b) the applicant has paid an amount for carrying out the purpose in relation to the project, and the failure of the applicant to comply with any term or condition was not, in the

opinion of the Commissioner, due to circumstances within the control of the applicant.

- Progress payments (4) Notwithstanding subsection (1), the Commissioner may authorize the partial payment of financial assistance before the purpose is fully carried out where the Commissioner is satisfied that
- (a) there is no reason to believe that the purpose will not be fully carried out, or that the payment of the balance of the financial assistance may not be authorized under subsection (1), and
 - (b) the partial payment of the financial assistance is important to the carrying-out of the purpose or the success of the project.
- Progress payments (5) More than one partial payment may be made under subsection (4) in relation to one approval, but the aggregate of all such payments shall not exceed the lesser of
- (a) three-quarters of the amount specified on the approval under paragraph 4(2)(a), and
 - (b) the amount expended by the applicant for the carrying-out of the purpose in relation to the project.
- Assignees 9(1) Notwithstanding any other provision of this Ordinance, no financial assistance shall be paid to a person who is the assignee of the applicant unless the requirements of subsection 8(1) have been satisfied, and
- (a) the assignment was made with the written consent of the Commissioner, or
 - (b) the Commissioner is of the opinion that it would be unjust in the circumstances not to make the payment.
- Local projects 10(1) No financial assistance shall be paid under this Ordinance in respect of a project that is not being, or has not been, carried out within the Territory.
- Real estate (2) No financial assistance shall be paid under this Ordinance in respect of a project that consists

only of the acquisition or development by the applicant of real property solely for sale or lease.

Assistance not retro-active (3) No financial assistance shall be paid under this Ordinance in respect of any amount paid before the application for the financial assistance is approved, or in respect of any obligation to pay an amount arising before the application for the financial assistance is approved.

Improper approval 11(1) Where a conflict occurs between an approval and the provisions of this Ordinance, the approval is unenforceable to the extent of the conflict.

Information to be given 12(1) Where financial assistance is paid to an applicant under section 8 or 9, the applicant shall furnish to the Commissioner on demand made within five years after the payment is made, such information as the Commissioner reasonably may require for the purpose of assessing the effect of the payment of the financial assistance on the carrying-out or success of the project, or on the number of opportunities for long-term employment in the Territory.

Offence (2) Every person who fails to comply with a demand under subsection (1) commits an offence.

Business Development Advisory Board

Board established 13(1) There is hereby established a Business Development Advisory Board, consisting of not less than 5 persons appointed by the Commissioner, one of whom shall be appointed as the Chairman, and another as the Vice-Chairman.

Oath of office (2) Every member of the Board shall, before entering upon the execution of his duties, take and subscribe the prescribed oath or affirmation of office.

Term of office (3) Each member of the Board shall be appointed for a term of not more than two years.

- Travel expenses (4) The Commissioner shall fix the travelling and living expenses that may be paid to a member of the Board in respect of his absence from his ordinary place of residence in connection with the performance of his duties under this Ordinance.
- Chairman 14(1) The Chairman of the Board is the chief executive officer of the Board, and he shall
(a) supervise and direct the work of the Board, and
(b) preside at sittings of the Board.
- Vice-chairman (2) If the Chairman is unable at any time for any reason to perform the duties of his office, or if his office is vacant, the Vice-Chairman has and may exercise all of the powers of the Chairman.
- Quorum and vacancy 15(1) A majority of the members of the Board constitutes a quorum, but a vacancy in the membership of the Board does not impair the right of the remainder to act.
- Conflict of interest 16(1) No person interested directly or indirectly in any project to which a matter before the Board relates shall act as a member of the Board in relation to that matter.
- Substitute members (2) Where any member of the Board is prevented from acting under subsection (1), the Commissioner may appoint a member to act in his place for the purpose of dealing with that matter.
- Secretary 17(1) The Commissioner may, from among the persons employed in the public service,
(a) designate a person to be the Secretary of the Board, and
(b) provide the Board with such other employees or assistants as may be necessary for the proper conduct of the business of the Board.
- Duties of Secretary (2) The Secretary of the Board shall
(a) receive applications,
(b) at the direction of the Chairman or the Commissioner, investigate and make reports

respecting applications and the carrying-out of purposes and projects in relation to applications,

- (c) keep a record of the business conducted by the Board,
- (d) have the custody and care of the records, documents and recommendations of the Board, and
- (e) obey the instructions given to him by the Chairman relating to his office as Secretary of the Board.

- | | | |
|---------------------|-------|---|
| Experts | (3) | The Commissioner may, upon the recommendation of the Board, engage the services of experts or persons having special technical or other knowledge to advise the Board on matters under this Ordinance. |
| Annual report | 18(1) | The Secretary of the Board shall, no later than the 31st day of May in each year, prepare a report showing the activities of the Board in the preceding fiscal year. |
| Report to be tabled | (2) | The report prepared under subsection (1) shall be signed by the Chairman, and it shall be tabled in the next ensuing session of the Territorial Council. |
| Meetings | 19(1) | The Board shall meet at the call of the Chairman as often as the conduct of its business may require. |
| Special meetings | (2) | The Board shall hold meetings in addition to those required under subsection (1) at such times and places as the Commissioner may require. |
| Procedure | 20(1) | The Board may make rules governing the procedure to be followed at meetings of the Board. |
| Duties of the Board | 21(1) | The Board shall <ul style="list-style-type: none">(a) review applications and make recommendations to the Commissioner respecting the approval of applications for financial assistance under this Ordinance, and(b) at the request of the Commissioner, make recommendations concerning the payment of financial assistance in respect of applications that have been approved. |

- Factors to be considered (2) In making a recommendation to the Commissioner to approve or not to approve an application, the Board shall take into consideration
- (a) the provisions of this Ordinance and the regulations;
 - (b) the extent to which the project may contribute to the development of the economy of the Territory;
 - (c) the extent to which the project may be carried out if the application is not approved;
 - (d) the costs that may be incurred by the Commissioner, by the Government of Canada, or by a municipality, if the project is carried out;
 - (e) the viability of the project;
 - (f) the ability of the applicant to carry out the project;
 - (g) the effect of the project on a community;
 - (h) the applicant's receipt, or eligibility for receipt, of financial assistance for the purpose in relation to the project, from the Commissioner under any other Ordinance, from the Government of Canada, or from a municipality; and
 - (i) such other factors as the Board considers relevant to the accomplishment of the purposes of this Ordinance.
- Information for Board (3) For the purpose of performing its obligations under subsection (1), the Board may require the applicant to furnish such information as it considers relevant to the application, and the Board may defer consideration of the application until the required information is supplied.
- Verification by oath (4) The Board may require that representations made by or on behalf of the applicant in, or in support of, an application be verified by oath or affirmation.
- Decision on application 22(1) Every recommendation of the Board to the Commissioner under paragraph 21(1)(a) shall be in writing, and shall set forth
- (a) the opinion of the Board on every matter in respect of which the opinion of the Commissioner is a prerequisite to the approval of an

- application or the payment of financial assistance under this Ordinance;
- (b) the recommendation of the Board that the Commissioner should or should not approve the application;
 - (c) where it is recommended that the application be approved,
 - (i) the name of the applicant to whom the financial assistance should be paid,
 - (ii) the maximum amount of the financial assistance that should be paid,
 - (iii) the purpose for which the financial assistance should be paid,
 - (iv) the project in respect of which the financial assistance should be paid, and
 - (v) the terms and conditions, if any, subject to which the financial assistance should be paid; and
 - (d) any other matter that the Board considers the Commissioner ought to take into consideration in deciding whether or not to approve an application.

Decision on payment (2) Every recommendation of the Board to the Commissioner under paragraph 21(1)(b) shall be in writing and shall set forth the opinions of the Board on every matter that is a prerequisite to the payment of financial assistance under this Ordinance.

Opportunity Identification Incentive

Purpose 23(1) An application may be approved for the purpose of providing financial assistance to an applicant for the costs of developing a proposal for a project.

Amount (2) The amount of financial assistance payable under this section shall not exceed

- (a) where the costs incurred by the applicant in developing the proposal for the project are less than \$10,000, 75% of those costs, and
- (b) where the costs incurred by the applicant in developing the proposal for the project are \$10,000 or more, 50% of the costs in excess of \$10,000, in addition to the costs provided for in paragraph (a),

but in no case shall the amount paid in respect of one application under this section exceed \$50,000.

Opportunity Equalization Incentive

- | | | |
|------------------------|-------|--|
| Purpose | 24(1) | An application for financial assistance may be approved for the purpose of providing local improvements or other services of a similar nature to an applicant in relation to a project where the Commissioner is of the opinion that the provision of the local improvement or other service is important or essential to the success of the project. |
| Mining roads | (2) | No application for financial assistance shall be approved under this section for the purpose of constructing a road in relation to a mining or mineral exploration project. |
| Amount for new project | (3) | Where the Commissioner is of the opinion that the provision of the local improvement or other service is important to the success of a new project, the amount of financial assistance payable under this section shall not exceed the lesser of
(a) \$100,000, and
(b) 75 per cent of the amount expended by the applicant for the carrying-out of the purpose in relation to the project. |
| Amount for new project | (4) | Where the Commissioner is of the opinion that the provision of the local improvement or other service is important to the success of a project that is not a new project, the amount of financial assistance payable under this section shall not exceed the lesser of
(a) \$50,000, and
(b) 50 per cent of the amount expended by the applicant for the carrying-out of the purpose in relation to the project. |

Interest Rebate Incentive

- | | | |
|---------|-------|--|
| Purpose | 25(1) | An application for financial assistance may be approved for the purpose of reimbursing an applicant. |
|---------|-------|--|

for interest costs incurred by him in the carrying-out of a project.

- Exception (2) No application for financial assistance shall be approved under this section in respect of interest other than interest paid or payable in respect of money lent to the applicant by
- (a) a bank to which the *Bank Act* (Canada) applies,
 - (b) a company to which the *Loan Companies Act* (Canada) applies,
 - (c) a trust company to which the *Trust Companies Act* (Canada) applies, or
 - (d) a company or credit union incorporated for the purpose of making loans to the public and authorized to do so by an Ordinance, or by an Act of Canada or a province.
- Working capital (3) An application for financial assistance under this section may be approved for the purpose of providing working capital for the operation of a project.
- Completion required (4) Notwithstanding section 8, where an application is made for financial assistance under this section, other than subsection (3), no amount shall be paid to the applicant until the project has been fully carried out.
- Capital projects (5) Where the Commissioner is of the opinion that the loan in respect of which the interest is incurred is for the making of a capital expenditure in relation to a new project, the amount of the financial assistance payable under this section shall not exceed
- (a) in the first year after the approval of the application, 75% of the interest charges incurred that year,
 - (b) in the second year after the approval of the application, 50% of the interest charges incurred in that year, and
 - (c) in the third year after the approval of the application, 25% of the interest charges incurred in that year.
- Other projects (6) Where the Commissioner is of the opinion that the loan in respect of which the interest is incurred

is for the making of an expenditure that is a capital expenditure in relation to a project that is not a new project, the amount of the financial assistance payable under this section shall not exceed

- (a) in the first year after the approval of the application, 37.5% of the interest charges incurred in that year,
- (b) in the second year after the approval of the application, 25% of the interest charges incurred in that year, and
- (c) in the third year after the approval of the application, 12.5% of the interest charges incurred in that year.

Additional loans (7)

More than one application may be made under this section in relation to one project.

Payment prohibited (8)

No financial assistance shall be paid under this section in respect of interest paid or payable in relation to a project that consists only of the acquisition of an existing business or shares in a company.

Maximum amount (9)

No financial assistance shall be paid under this section in respect of interest paid or payable by one applicant in respect of a loan amount in excess of \$500,000.

General

Regulations 26(1)

The Commissioner may make regulations

- (a) respecting the manner in which an applicant may be required to satisfy the Commissioner that he has paid any amount for the carrying-out of a purpose in relation to a project;
- (b) requiring proof of the carrying-out of a purpose in relation to a project before financial assistance is paid, and providing for the manner in which the proof may be given;
- (c) respecting the making of applications;
- (d) respecting the making of demands for the payment of financial assistance under section 8;

- (e) prescribing terms or conditions that may be specified in approvals under subsections 4(2) and 4(4);
- (f) prescribing terms or conditions that shall be deemed to be specified in every approval made after the regulation comes into force; and
- (g) generally, carrying the provisions and purposes of this Ordinance into effect.

27(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 2

AN ORDINANCE TO AMEND THE COMMUNITY ASSISTANCE ORDINANCE

(Assented to May 2, 1980)

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

- 1(1) Sections 33 and 34 of the *Community Assistance Ordinance* are amended by striking out the expression "1 mill" and substituting therefor the expression "2 one-hundredths of 1 per cent".
- 2(1) This Ordinance shall be deemed to have come into force on January 1, 1980.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 3

AN ORDINANCE TO AMEND THE COMPANIES ORDINANCE
(Assented to May 2, 1980)

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

- 1(1) The *Companies Ordinance* is amended by inserting immediately after the definition "general rules" where it occurs in section 2 thereof the following new definition:

"insurance"

"insurance" means the undertaking by one person to indemnify another person against loss or liability for loss in respect of a certain risk or peril to which the object of the insurance may be exposed, or to pay a sum of money or other thing of value upon the happening of a certain event;".

- 2(1) The Ordinance is amended by adding after section 5 the following new section:

Refusal of
registration

"5.1(1) The Registrar may, where he is of the opinion that any document submitted to him

- (a) contains matter contrary to law;
- (b) by reason of any omission or mis-description, has not been duly completed;
- (c) does not comply with the requirements of this Ordinance;
or
- (d) contains any error, alteration or erasure

refuse to receive or register the document and request that the document be appropriately amended or completed and re-submitted, or that a new document be submitted in its place.

Form of document

- (2) Every document required by this Ordinance to be filed or registered with the Registrar shall be
- (a) in typed or printed form and, in the opinion of the Registrar, legible and sufficiently permanent for his records, and
 - (b) in the English language, or accompanied by a notarially certified English translation thereof."

3(1) The Ordinance is amended by repealing paragraphs 11(2)(e), (f) and (g) and substituting the following therefor:

- "(e) contain the agreement of each subscriber to be a member of the company; and
- (f) contain every restriction upon the business to be carried on by the company or upon the powers of the company."

4(1) The Ordinance is amended by repealing subsection 17(4), by renumbering subsection (5) as subsection (4), and by adding the following new subsection:

Publication of notice

- "(5) The registrar may publish in the Yukon Gazette a notice of the change of name made pursuant to subsection (4)."

(2) Subsection 17(7) of the Ordinance is amended by striking out the expression "thirty days" and substituting therefor the expression "ninety days".

5(1) The Ordinance is amended by repealing subsection 18(4) and substituting the following therefor:

- "(4) The Registrar may cause the certificates, setting out the memorandum as altered, to be published twice in the Yukon Gazette, at the expense

of the company, with at least one week intervening between the two publications."

6(1) The Ordinance is amended by repealing subsection 19(4) and substituting the following therefor:

Number of members

"(4) In the case of an unlimited company or a company limited by guarantee, if the company does not have a share capital, the articles shall state the number of members with which the company proposes to be registered."

7(1) The Ordinance is amended by adding the following new section after section 20:

Amendment of Table A

"20.1(1) To the extent that, under subsection 19(2) or 20(1), the regulations of a company are the regulations contained in Table A in Schedule I, the regulations of the company shall be deemed to be those contained in Table A in Schedule I as it is in force from time to time, unless a contrary intention is set forth in the articles of the company."

8(1) The Ordinance is amended by repealing subsection 26(2) and substituting the following therefor:

Statutory declaration

"(2) A statutory declaration of compliance with all or any of the requirements referred to in subsection (1), made by a solicitor engaged in the formation of the company, or by an officer or director of the company, shall be produced to the Registrar, and the Registrar may accept the declaration as sufficient evidence of compliance."

9(1) Subsection 33(3) of the Ordinance is amended by striking out the expression "subsection (1)" and substituting therefor the expression "subsection (1) or (6), as the case may be."

(2) Subsection 33(4) of the Ordinance is amended
(a) by striking out the expression "after three months" and substituting therefor the expression "later than one month",
and
(b) by striking out the expression "subsection (1)" and substituting therefor the expression "subsection (1) or (6), as the case may be".

(3) Section 33 of the Ordinance is amended by adding the following new subsection:

Further
information

"(7) The Registrar may at any time require the company to supply such further or other information as he deems reasonable and proper."

10(1) The Ordinance is amended by repealing subsection 63(3) and substituting the following therefor:

Resolution
to be filed

"(3) A copy of every such resolution, certified by an officer or agent of the company, shall be filed in the office of the Registrar within ten days after the passing of the resolution, and ten days shall elapse after the filing thereof before the payment out of any such dividends to the shareholders."

(2) The Ordinance is amended by repealing subsection 63(4) and substituting the following therefor:

Publication
of resolution

"(4) After the filing of every such resolution with the Registrar, the Registrar may, by a notice published

in the Yukon Gazette, declare to what sum the capital of any such company, by such payment of dividends, stands reduced; and the company shall pay the Registrar the costs of such publication."

11(1) The Ordinance is amended by repealing subsection 69(1) and substituting the following therefor:

Registered office

"(1) Every company shall have a registered office in the Territory at which it may be served, and to which all communications and notices may be addressed, and may from time to time change the location of its registered office."

(2) The Ordinance is amended by repealing subsection 69(2) and substituting the following therefor:

Notice of office

"(2) Notice of the situation of the registered office of such company shall be delivered to the Registrar with the memorandum of association, and notice of any change, signed by an officer, director, agent or solicitor of the company, shall be given to the Registrar."

12(1) The Ordinance is amended by repealing subsection 71(3) and substituting the following therefor:

Location of meetings

"(3) Every general meeting of the company shall be held within the Territory, except where written permission to the contrary has been given by the Registrar."

(2) Section 71 of the Ordinance is amended by adding, immediately after subsection (3), the following new subsection:

Meeting not
required

"71(3.1) Notwithstanding subsection (1), it is not necessary for a company to hold a general meeting where

- (a) all of the shares of the company are owned by one shareholder, or
- (b) all of the members entitled to attend and vote at the meeting consent in writing to all business required to be transacted at the meeting, in which case the meeting shall be deemed to have been held on the date specified in the consent."

13(1) The Ordinance is amended by repealing subsections 79(1) and (2) and substituting the following therefor:

Qualifications
of director

"(1) A person is not capable of being appointed director of a company by the articles, and shall not be named as a director or proposed director of a company in any prospectus issued by or on behalf of the company, unless, before the registration of the articles or the publication of the prospectus, as the case may be, he has, by himself or by his agent authorized in writing, either signed the memorandum for a number of shares not less than his qualification, if any, or signed a contract in writing to take from the company and pay for his qualification shares if any."

14(1) Subsection 82(1) of the Ordinance is amended by striking out the expression "from time to time notify to the Registrar any change among its directors or managers" and substituting therefor the expression "within thirty days of any change in its directors or managers,

give the Registrar written notice of the change".

- 15(1) Subsection 86(1) of the Ordinance is amended by striking out the expression "by writing under its common seal" and substituting therefor the expression "by instrument in writing."
- 16(1) Subsection 102(4) of the Ordinance is amended by striking out the expression "stating the amount thereby secured".
- (2) Subsection 102(6) of the Ordinance is amended by striking out the expression "not exceeding twenty-five cents for each inspection".
- 17(1) The Ordinance is amended by repealing subsection 102.1(4) and substituting the following therefor:
- Exception "(4) This section does not apply to a guarantee or the provision of security given by a private company in connection with the purchase made or to be made by any company or person of not less than ninety percent of the issued common shares in the capital of such private company if the giving of any such guarantee or the provision of such security has been previously authorized by special resolution of such private company."
- 18(1) Subsection 109(1) of the Ordinance is amended by striking out the expression "twenty-five cents" and substituting therefor the expression "fifty cents".
- 19(1) Subsections 110(1) and (2) of the Ordinance are amended by striking out the expression "ten cents" and substituting therefor the expression "twenty-five cents".

- 20(1) Section 118 of the Ordinance is repealed.
- 21(1) Subsection 121(1) of the Ordinance is amended by striking out the expression "authenticated by the seal of the company whose affairs they have investigated" and substituting therefor the expression "purporting to be signed by them".
- 22(1) Subsections 142(1) and (3) of the Ordinance are amended by striking out the expression "under authority of an Act" and substituting therefor the expression "by an Act".
- 23(1) Subsection 149(1) of the Ordinance is amended by striking out the expresssion "may obtain a licence" and substituting therefor the expression "may be registered".
- 24(1) The Ordinance is amended by repealing paragraph 154(1)(a) and substituting the following therefor:
- "(a) "business" means such lawful objects and purposes for which an extra-territorial company is established as are within the legislative authority of the Territory and includes the sale of its shares or debentures by or on behalf of the company, but does not include the business of banking or insurance, the construction and operation of a railway or the operation of air transport, canals, telegraphs, telephones or irrigation;"
- 25(1) Paragraph 156(1)(b) of the Ordinance is amended by striking out the expression "thirty days" and substituting therefor the expression "sixty days".
- (2) The Ordinance is amended by repealing subsection 156(2) and substituting the following therefor:
- "(2) The statement shall declare that
- Contents of statement

the company is a valid and subsisting corporation and legally authorized to transact business under its charter, and shall be duly executed by the company; and one director or officer of the company shall make a statutory declaration on behalf of the company, verifying the particulars set forth in the statement."

26(1) The Ordinance is amended by repealing subsection 163(2) and substituting the following therefor:

Attorney
of
company

"(2) The first attorney shall be appointed by the company in the statement filed by it under section 156 and where the attorney for any reason ceases to act as such or the company desires to change its attorney, the company shall forthwith file a notice, stating the full name, address and occupation of the new attorney appointed by it."

(2) Section 163 of the Ordinance is amended by adding the following new subsection:

Head office
not in the
Territory

"(7) Where an extra-territorial company does not have a head office in the Territory, a reference in this Ordinance to the head office of the company shall be deemed to be a reference to the address of its attorney under this section".

27(1) The Ordinance is amended by repealing subsection 165(1).

28(1) The Ordinance is amended by repealing section 165.1 and substituting the following therefor:

Continuation
in Yukon

"165.1(1) A corporation incorporated under the laws of a jurisdiction other

than the Territory may, if it appears to the Registrar to be authorized by the laws of the jurisdiction in which it was incorporated, deliver to the Registrar an instrument of continuation in duplicate continuing it as if it had been incorporated under this Ordinance.

Instrument
of continua-
tion

- (2) The instrument of continuation shall
 - (a) set out those matters required by the regulations,
 - (b) be signed by an officer or director and verified by a statutory declaration of the person signing the instrument of continuation, and
 - (c) be accompanied by such other material as may be required by the Registrar.

Laws of the
Territory

- (3) The instrument of continuation shall make any amendments to the charter of the corporation necessary to make the instrument conform to the laws of the Territory and may make such other amendments as are permitted under this Ordinance as if the corporation were incorporated under this Ordinance.

Certificate
of continua-
tion

- (4) If the instrument of continuation conforms to law, the Registrar may, when all prescribed fees have been paid, file one duplicate of the instrument and issue to the corporation a certificate of continuation to which he shall affix the other duplicate.

Terms and
conditions

- (5) The Registrar may issue the certificate of continuation on such terms and

subject to such limitations and conditions and containing such provisions as appear to him to be fit and proper.

Effect of certificate

- (6) On and after the date set forth in a certificate of continuation issued under subsection (4), this Ordinance applies to the corporation to the same extent as if it had been incorporated under this Ordinance.

Appeal

- (7) The Registrar may refuse to issue a certificate of continuation, but an appeal from his decision lies to the Commissioner.

Continuation outside Yukon

- 165.2(1) A company may, if authorized by
- (a) a special resolution,
 - (b) the Registrar, and
 - (c) the laws of another jurisdiction,
- apply to the proper officer of that other jurisdiction for an instrument of continuation continuing the company as if it had been incorporated under the laws of that other jurisdiction.

Ordinance no longer applies

- (2) A company shall cease to be a company within the meaning of this Ordinance on and after the date on which it is continued under the laws of the other jurisdiction and the company shall forthwith file with the Registrar a copy of the instrument of continuation certified by the proper officer of the other jurisdiction.

Reciprocity

- (3) This section applies only in respect of a jurisdiction that has laws that permit corporations incorporated under its laws to

apply for an instrument of continuation under the laws of the Territory.

Liabilities
not affected

165.3(1) All rights of creditors against the property, rights and assets of a corporation continued under section 165.1 and all liens upon its property, rights and assets are unimpaired by the continuation, and all debts, contracts, liabilities and duties of the corporation thenceforth attach to the continued corporation and may be enforced against it."

29(1) Subsection 165(2) of the Ordinance is amended by striking out the expression "under authority of an act" and substituting therefor the expression "by an Act".

30(1) Subsection 174(1) of the Ordinance is amended by striking out the expression "under authority of any Act" and substituting therefor the expression "by an Act".

31(1) Subsection 177(1) of the Ordinance is amended by striking out the expression "four regular issues of the Yukon Gazette, consecutively" and substituting therefor the expression "two issues of the Yukon Gazette, at least one week apart".

32(1) Subsection 178(1) of the Ordinance is amended by striking out the word "four" and substituting therefor the word "two".

33(1) Subsection 179(1) of the Ordinance is amended by striking out the word "four" and substituting therefor the word "two".

34(1) The Ordinance is amended by repealing subsection 219(1) and substituting the following therefor:

Winding-up
by the Court

"219(1) A company may be wound up by the Court

- (a) if the company has by special resolution resolved that the company be wound up by the Court,
- (b) if default is made in filing the statutory report or in holding the statutory meeting,
- (c) if the company does not commence its business within a year from its incorporation, or suspends its business for a whole year, or
- (d) if the Court is of the opinion that it is just and equitable that the company should be wound up."

- 35(1) Subsection 263(1) of the Ordinance is amended by striking out the expression "in the form prescribed".
- 36(1) Subsection 269(1) of the Ordinance is amended by striking out all the words following the expression "for such consideration as the company thinks fit".
- 37(1) The Ordinance is amended by repealing subsection 301(4) thereof.
- 38(1) Paragraph 337(4) (a) of the Ordinance is amended by striking out the expression "under the corporate seal thereof".
- 39(1) The Ordinance is amended by adding immediately before Form "A", the heading "Schedule II".
- 40(1) The Ordinance is amended by striking out the word "citizenship" where it occurs in Form "A" and Form "B" in Schedule II.
- 41(1) The Ordinance is amended by striking out the expression "paragraph II" where it occurs in paragraph (b) of the Notes to Form "B" in Schedule II and substituting therefor the expression "paragraph 2".

42(1) The Ordinance is amended by repealing Form "C" in Schedule II and substituting the following therefor:

"FORM "C"
COMPANIES ORDINANCE
YUKON TERRITORY

ANNUAL REPORT

- 1. This report contains information as at
19....
- 2. Name of Company
- 3. Date of Incorporation or Amalgamation
- 4. Annual General Meeting:
State date and place last annual
general meeting was held:
.....
- 5. Directors:
Name

Resident

Address:

.....
.....
.....

6. Officers:

Name:

.....
.....
.....

Address:

.....
.....
.....

Office:

.....
.....
.....

Certified correct the of , 19 .

.....
Signature

.....
Relationship to Company

NOTES:

- (a) This date must be the anniversary of the incorporation or amalgamation. (See section 33).
- (b) Section 33 requires that this report be filed within one month of the anniversary of incorporation or amalgamation in each year."

43(1) The Ordinance is amended by repealing paragraph 6 of Form "D" in Schedule II and substituting the following therefor:

"6. All filings required by the *Companies Ordinance* have been made, relating to any change in

- (1) the address for the head office or chief place of business outside the Territory,
- (2) the address of the registered office in the jurisdiction of incorporation, or
- (3) the name and address of any attorney within the Territory."

(2) The Ordinance is amended by repealing paragraphs 10 and 12, and by renumbering paragraph 11 as paragraph 10.

44(1) The Ordinance is amended by repealing paragraph 6 of Form "E" in Schedule II and substituting the following therefor:

"6. The full address of the registered

office in the jurisdiction of incorporation is
.....
....."

- (2) The Ordinance is amended by repealing the Statutory Declaration accompanying Form "E" in Schedule II and substituting the following therefor:

"S T A T U T O R Y D E C L A R A T I O N

C A N A D A) IN THE MATTER OF THE
) COMPANIES
YUKON TERRITORY) ORDINANCE
TO WIT) AND OF:

I, , of , and,
of , do solemnly declare:

1. That I am the
(director or secretary or other officer)
of (name
of corporation)

2. That I have personal knowledge of
the matters set forth in the foregoing
Statement of the corporation.

3. That the information contained in
the Statement is true and correct.

4. That the corporation has not within
the preceding five years been convicted of any
offence involving fraud.

AND I make this solemn declaration
conscientiously believing it to be true.

Declared by)
the above-)
named declarant)
at)
in the)

of)
this day of)
19 .)
)
.....)
A Notary Public in)
and for the)

CONSENT

I , of , hereby consent
to act as the attorney of the above-mentioned
extra-territorial company.
Date this day of , 19 .

.....
Signature"

- 45(1) The Ordinance is amended by repealing Form "F" in Schedule II.
- 46(1) This Ordinance shall come into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 4

AN ORDINANCE TO AMEND THE CONDOMINIUM ORDINANCE

(Assented to April 14, 1980)

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

1(1) Section 18 of the *Condominium Ordinance* is repealed and the following substituted therefor:

Insurance by
Corporation

"18(1) The Corporation shall obtain and maintain insurance in respect of the units and the common elements to the replacement value thereof against fire, and against such other perils including liability as may be specified by the declaration or by-laws to the amount required by the declaration or the by-laws; and for this purpose the Corporation shall be deemed to have an insurable interest in the units, the common elements, and in the subject matter of any other perils insurance.

Payment
under
policy

(2) Any payment by an insurer under a policy of insurance entered into under subsection (1) shall, notwithstanding the terms of the policy, be paid to the order of the insurance trustees designated by the declaration or the by-laws of the Corporation, if any, and otherwise shall be paid to or to the order of the Corporation; and, subject to section 20, the Corporation shall forthwith use the proceeds for the repair or replacement of the damaged units and common elements so far as the same may lawfully be effected.

No
contri-
bution

- (3) A policy of insurance issued to a corporation under subsection (1) is not liable to be brought into contribution with any other policy of insurance except another policy issued on the same property under subsection (1); and, notwithstanding the provisions of the policy, shall be deemed not to be other insurance in relation to such other policy.

Insurance
by unit
owner

- (4) Notwithstanding subsection (1), the *Insurance Ordinance* or any other law relating to insurance, a unit owner may obtain and maintain insurance
- (a) in respect of loss or damage to his unit against fire and other perils in excess of any amount for which it is insured by the Corporation under subsection (1),
 - (b) in respect of loss or damage to his unit in excess of any amount for which the improvements are insured by the Corporation under subsection (1),
 - (c) in respect of loss of rental value of his unit in excess of any amount for which it is insured by the Corporation under subsection (1), and
 - (d) for the purpose of paying to the mortgagee under a mortgage of the unit the amount owing under the mortgage on the date of any loss or damage to the unit.

Payment
to
mortgagee

- (5) Notwithstanding the *Insurance Ordinance* or the terms and conditions of the policy, any payment by an insurer under a policy of insurance entered into for the purpose of

paragraph (4) (d) shall be made to the mortgagees, if the mortgagees, or any of them so require, in the order of their priorities, and the insurer is then entitled to an assignment of the mortgage or a partial interest in the mortgage to secure the amount so paid.

No
contri-
bution

(6) A policy of insurance issued to a unit owner under this section is not liable to be brought into contribution with any other policy of insurance except another policy issued on the same property; and notwithstanding the provisions of the policy, shall be deemed not to be other insurance in relation to such other policy.

Other
insurance

(7) Subsection (1) does not restrict the capacity of any person to insure otherwise than as provided in that subsection."

2(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY |
1980 (1st), Chapter 5

AN ORDINANCE TO REPEAL THE CREDIT UNION ORDINANCE

(Assented to April 14, 1980)

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

- | | | |
|------------------------------|------|--|
| Repeal | 1(1) | Subject to this section, the <i>Credit Union Ordinance</i> is repealed. |
| Existing rights | (2) | Nothing in this Ordinance affects any right, benefit or privilege that any person had prior to the coming into force of this Ordinance. |
| Whitehorse Credit Union Ltd. | (3) | The <i>Credit Union Ordinance</i> shall be deemed to remain in force for the purpose of the winding-up, dissolution or liquidation of the Whitehorse Credit Union Ltd. |
| | 2(1) | This Ordinance, or any provision of this Ordinance, comes into force on a day to be fixed by the Commissioner. |

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 6

ENERGY CONSERVATION AGREEMENT ORDINANCE

(Assented to April 16, 1980)

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(1) | This Ordinance may be cited as the <i>Energy Conservation Agreement Ordinance</i> . |
| Authority for agreement | 2(1) | The Commissioner may enter into agreements with the Government of Canada, subject to such terms and conditions as the Commissioner may deem appropriate, providing for the creation of programs <ul style="list-style-type: none">(a) to improve the efficiency with which energy is used by residential, industrial, commercial and institutional establishments in the Territory,(b) to develop or demonstrate techniques for the conservation of energy or for the use of renewable sources of energy, or(c) to identify and evaluate the energy resources of the Territory. |
| | 3(1) | This Ordinance comes into force on a day to be fixed by the Commissioner. |

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 7

AN ORDINANCE TO AMEND THE EVIDENCE ORDINANCE

(Assented to April 14, 1980)

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

1(1) Section 11 of the *Evidence Ordinance* is amended by adding the following new subsections:

Medical
report

"(2) Notwithstanding subsection (1), a report or finding that purports to have been prepared and signed in a professional capacity by

- (a) a medical practitioner,
- (b) a dentist, or
- (c) a chiropractor,

licensed to practise in any part of Canada is, with leave of the court, admissible without testimony and without proof of his signature, qualifications or license.

Penalty
in costs

(3) Where a medical practitioner, dentist or chiropractor has testified in an action and the court is of the opinion that all or part of his evidence could have been produced as effectively by way of a written report or finding under subsection (2), the court may order the party who produced him as a witness to pay as costs therefor such sum as the court deems appropriate."

2(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 8

EXECUTIONS ORDINANCE

(Assented to April 14, 1980)

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(1)	This Ordinance may be cited as the <i>Executions Ordinance</i> .
	2(1)	In this Ordinance,
"company"		"company" includes a credit union, a bank, and any corporation established for the purpose of trade or profit, or for the construction of any work, or for the acquisition of gain;
"execution creditor"		"execution creditor" includes a person who is deemed to be an execution creditor under section 18 of the <i>Creditors' Relief Ordinance</i> ;
"land"		"land" has the same meaning as in the <i>Land Titles Act</i> (Canada);
"personal property"		"personal property" means goods, chattels and effects that are situated in the Territory, but does not include land, or property that could not in law or in equity be sold by the execution debtor without the assent of another person immediately before it is bound by the writ;
"property"		"property" means personal property and land;
"sale"		"sale" means sale under a writ of execution and, in the case of a sale of land, includes a sale under and other writ within the meaning of section 125 of the <i>Land Titles Act</i> (Canada);

"seizure"		"seizure" means seizure under a writ of execution;
"sheriff"		"sheriff" has the same meaning as in the <i>Creditors' Relief Ordinance</i> and, <ul style="list-style-type: none"> (a) in relation to section 61 of the <i>Judicature Ordinance</i>, means a person to whom a writ of execution is issued by a Small Claims Official, and (b) in relation to section 62 of the <i>Judicature Ordinance</i>, means a Small Claims Official; and
"writ of execution"		"writ of execution" includes a writ of seizure and sale, a writ of sequestration, a certificate under section 17 of the <i>Creditors' Relief Ordinance</i> , and any writ that may be issued subsequently for giving effect to a writ of execution.
Land Titles Act (Canada)	3(1)	The provisions of this Ordinance are subject to the provisions of the <i>Land Titles Act (Canada)</i> .
Creditors' Relief and Small Claims	(2)	The provisions of this Ordinance are subject to the provisions of the <i>Creditors' Relief Ordinance</i> and to sections 61 and 62 of the <i>Judicature Ordinance</i> .
Exemptions Ordinance	(3)	Except as provided by subsection 7(2), the provisions of this Ordinance are subject to the provisions of the <i>Exemptions Ordinance</i> .
Seizable property	4(1)	All of the property of an execution debtor is liable to seizure and sale.
Prohibited seizures	(2)	No person other than the sheriff shall effect a seizure or sale of property.
Inquiries by sheriff	5(1)	The sheriff is not required to make any inquiry as to the existence or location of property that might be liable to seizure or sale.

- Security to sheriff (2) The sheriff is not required to do any act to effect the seizure or sale of property, or to do any act in relation to the seizure or sale of property, unless the execution creditor, where required by the sheriff to do so, has provided reasonable security
- (a) indemnifying the sheriff against all damages, costs and expenses, including the costs and expenses of interpleader proceedings, that the sheriff may incur or to which he may become liable by doing the act, and
 - (b) indemnifying any person who has an interest in the property against any damages, costs or expenses that the person may suffer by reason of the doing of the act.
- Application to judge (3) Where a difference occurs as to the security required to be provided pursuant to subsection (2),
- (a) the execution creditor may apply at his own cost to a judge for an order determining the security to be provided, and
 - (b) the sheriff is not required to do any act to which subsection (2) applies until the security has been provided pursuant to the order.
- Costs of application (4) Except in the case of a writ of execution issued upon a judgment for an amount within the jurisdiction of a Small Claims Official, the costs of providing security under this section, including the costs of an application under subsection (3), may be added to the costs of the execution creditor that may be included in the amount required to be levied by the writ.
- Effect of writ 6(1) A writ of execution binds the personal property of the execution debtor from the receipt of the writ by the sheriff, but the writ does not affect an interest in any of that property

acquired by a person for valuable consideration before he receives notice that the writ has been received by the sheriff.

Effect of second writ (2) Where a writ of execution that has not been satisfied remains in the hands of the sheriff and he receives another writ of execution, the property of the execution debtor shall be deemed to have been bound by the later writ from the date from which the property was bound by the earlier writ.

Seizure of Personal Property

Instructions to sheriff 7(1) Before he seizes any personal property, the sheriff may require written instructions from the execution creditor instructing him to effect the seizure, and the sheriff may require that the instructions contain a description of the property that will enable him to identify and seize it.

Seizure of exempt property (2) Notwithstanding any provision of the *Exemptions Ordinance*, where the sheriff deems it impracticable to distinguish between personal property that is exempt from seizure and personal property that is not exempt, he may seize exempt property along with property that is not exempt, but the seizure of the exempt property shall be released as soon as the sheriff can ascertain which of the seized property is exempt.

Seizure of shares 8(1) In addition to any other method of seizure that may be applicable, the sheriff may effect the seizure of personal property that consists of or relates to shares in a company by delivering a copy of the writ of execution to the registered office of the company in the Territory.

Time of seizure (2) A seizure of an execution debtor's interest in personal property under subsection (1)

shall be deemed to take place upon the receipt of the writ at the registered office of the company.

- | | | |
|----------------------------|------|--|
| Exception | (3) | Subsection (1) does not apply in relation to shares in respect of which a share warrant to bearer has been issued but has not been surrendered. |
| Effect of seizure | (4) | Where a seizure has been effected under subsection (1) or by any other method, no transfer of the shares or of any interest in the shares by the execution debtor is valid unless the seizure has been released. |
| Payment of dividends, etc. | (5) | From the receipt of a copy of a writ of execution at the registered office of a company, all dividends, premiums, bonuses or other pecuniary profits in the shares that would otherwise be paid by the company to the execution debtor shall be paid by the company to the sheriff, until the seizure is released. |
| Situs | (6) | Personal property seized under this section shall be deemed to be personal property found by the sheriff at the registered office of the company. |
| Seizure of mobile home | 9(1) | Except as provided by subsection (2), where personal property that is a mobile home is occupied, the sheriff shall not take possession of the property without demanding and receiving the permission of the occupant to do so. |
| Refusal of permission | (2) | Where the occupant of personal property that is a mobile home refuses to deliver up possession of the mobile home upon demand by the sheriff, or where no response is made to the demand, the execution creditor may apply to a judge for an order directing the occupant to deliver up possession of the property to the sheriff. |
| Making of demand | (3) | A demand under this section may be made by affixing a notice in the prescribed form to the mobile home. |

Notice of seizure	10(1)	Where the sheriff seizes personal property and does not cause such possession to be taken of the property as would be reasonable notice to others of the seizure, he shall, at the time of the seizure, affix a notice in the prescribed form to the property, or to a conspicuous place upon the premises where the property is located at the time of the seizure.
Publication of notice	(2)	Where the sheriff has affixed a notice as provided by subsection (1) and he believes that the notice may become lost or obliterated, he shall also cause the notice to be published in a newspaper circulating in the Territory.
Tampering with notice	(3)	No person shall remove or deface a notice affixed by the sheriff under this section.
Record of notice	11(1)	The sheriff shall keep a record of all notices affixed or published by him under section 10 and the record shall be open for inspection by any person at the prescribed times, upon payment of the prescribed fee.
Con-structive notice	12(1)	Where a notice is affixed or published under section 10, every person who has not previously received notice of the receipt of the writ of execution by the sheriff shall be deemed to have received such notice upon the affixation of the notice.
Notice of seizure	(2)	Notice that property has been seized by the sheriff shall be deemed to be notice of the receipt of the writ of execution by the sheriff.
Failure to give notice	13(1)	A seizure is not affected by the failure of the sheriff to affix or publish a notice as provided by section 10 or by any defect in a notice affixed or published under section 10.
Removal of property	14(1)	Where the sheriff believes that, for the security of personal property seized by him, it should be removed from the premises upon

which it is situated at the time of the seizure, he may remove the property by such means, at such times, and to such places as he deems proper.

- | | | |
|-------------------------------|-------|---|
| Inventory
of pro-
perty | (2) | The sheriff shall deliver an inventory of personal property that has been seized <ul style="list-style-type: none"> (a) to the execution debtor, upon request, and (b) to a person, other than the execution debtor, in possession of the property at the time of the seizure, upon request made before the property is removed from the premises upon which it is situated at the time of the seizure. |
| Request
before
removal | (3) | Where a request under subsection (2) is made before the property is removed from the premises upon which it is situated at the time of the seizure, the sheriff shall not remove it from the premises until he has delivered the inventory to the person making the request. |
| Agent
for
seizure | (4) | Where the sheriff has seized personal property, he may appoint the execution debtor or any other person to be his agent to hold the property on behalf of the sheriff, but no such appointment is effective unless it is accepted in writing by the appointee. |
| Seizure
continues | 15(1) | A seizure of personal property shall be deemed to be a continuing seizure until the seizure is released. |
| Release
of
seizure | (2) | Except as otherwise provided in this Ordinance, a seizure of personal property is released <ul style="list-style-type: none"> (a) by the sale of the property, or (b) by the issuance of a notice of release of the seizure in the prescribed form by the sheriff. |

- Notice of release

16(1)

Where a period of six months has elapsed from the date upon which a seizure was effected, the sheriff may give, to any execution creditor, 60 days' notice of his intention to release the seizure.
- Form and service

(2)

A notice of the sheriff's intention to release a seizure under subsection (1) shall be in the prescribed form and it shall be served upon the person to whom it is directed, or mailed to him by registered or certified mail.
- Continuation of seizure

(3)

A person who receives a notice of intention under subsection (1) may, within the 60-day period, apply to a judge for an order continuing the seizure.
- Procedure

(4)

An application under subsection (3) may be made *ex parte* or upon such notice as a judge may direct.
- Order by judge

(5)

A judge, upon hearing an application, may make an order providing for the release or continuation of the seizure upon such terms as he considers proper.
- Release after notice

(6)

Where a person who has been given notice under subsection (1) does not apply for an order under subsection (3) and the sheriff releases the seizure after the expiration of the 60-day period, no action arising out of the release of the seizure is maintainable by that person against the sheriff.

Sale of Personal Property

- Instructions for sale

17(1)

Before the sheriff sells personal property that has been seized, he may require the written instructions of the execution creditor to sell the property, and he may require that the instructions set forth the execution creditor's instructions as to the terms and conditions of the sale.

- Form of sale 18(1) Except as otherwise provided by this Ordinance, or unless a judge otherwise orders, a sale of personal property that has been seized shall be held by way of public auction or public tender.
- Notice of sale (2) At least 20 days before personal property is offered for sale under subsection (1), the sheriff shall
- (a) serve notice of the offer in the prescribed form on the execution creditor and the execution debtor, or send it to them by registered or certified mail, and
 - (b) cause public notice of the sale in the prescribed form to be published in a newspaper circulating in the Territory.
- Notice of objection (3) A notice of objection in the prescribed form shall be served upon or mailed to the execution debtor with the notice of the offer for sale served or mailed under paragraph (2)(a).
- Sale of shares 19(1) Where personal property that has been seized consists of shares in a private company, the property shall be offered for sale at a reasonable price to the other shareholders of the company or any one of them.
- Form of offer (2) For the purposes of subsection (1), an offer of sale shall be made by mailing an offer of sale in the prescribed form by registered or certified mail to the registered office of the company, and the offer shall be deemed to have been made when the offer of sale is received.
- Notice of offer (3) At least ten days before an offer of sale is made under this section, the sheriff shall serve notice of the offer in the prescribed form on the execution creditor and the execution debtor, or send it to them by registered or certified mail.

Dispute as to price	(4)	Where a dispute arises between the execution creditor or the debtor and a shareholder as to the price to be paid for shares offered for sale under subsection (1), the shares shall not be sold under subsection (1).
Right of first refusal	(5)	Where no sale of personal property that consists of shares in a private company is made under subsection (1) within 30 days of the making of the offer, they shall be sold as if subsection (1) did not apply, but <ul style="list-style-type: none"> (a) a person who is not a shareholder of the company is not entitled to purchase any share or shares if a shareholder makes a bid for the share or shares that is equal to or greater than the bid of the person who is not a shareholder, and (b) a shareholder is not entitled to purchase any share or shares if the bid of the shareholder for the share or shares is less than the bid of any other shareholder for the share or shares.
Perishable property	20(1)	Where personal property that has been seized is of a perishable nature, the sheriff, in his discretion, may sell the property forthwith, in such manner and upon such notice as he deems proper, and the proceeds of the sale shall take the place of and be dealt with as if they were the property that was seized.
Time for sale	21(1)	Except as provided by section 20 or subsection (5) a sale of personal property that has been seized shall not be held <ul style="list-style-type: none"> (a) within 14 days after the seizure of the property, (b) after an application has been made to a judge under subsection (2), or (c) after the sheriff has received notice of objection under subsection (3).
Restraining order	(2)	An execution debtor or any other person who claims an interest in personal property that has been seized may, at any time before the

(d) every person who appears by the records of the Land Titles Office to have an interest in the land acquired after the receipt of the writ by the registrar under the *Land Titles Act* (Canada), or after the receipt of the first writ if more than one writ has been received.

Public notice

(2) Before land is offered for sale, the sheriff shall cause public notice of the sale in the prescribed form to be published at least once a week, for four consecutive weeks, in a newspaper circulating in the Territory, the last of such notices to be published at least ten days before the date of the sale.

Notice to others

26(1) Where it appears to the sheriff that any person who has an interest in the land to be offered for sale may be affected by the sale, he shall serve notice in the prescribed form on that person, or mail it to him by registered or certified mail, at least 30 days before the land is offered for sale.

Substituted service

(2) Where the sheriff is unable to identify or find a person to whom he may be required to give notice under subsection (1), the sheriff may apply to a judge for an order for substituted service.

Order for notice

(3) Upon an application by the sheriff under subsection (2), the judge may in his discretion direct the publication of such advertisements at such times and in such manner as the judge thinks fit, calling upon all persons claiming to be interested in the land to come in to establish their claims before the court within the time specified in the advertisements.

Failure to appear

(4) After the expiration of the time specified in an advertisement published under subsection (3), all persons who have not come in to establish their claims before the court, whether or not they are within the Territory,

including persons under disability, are absolutely debarred from all right, title and interest in and to the land to the extent that such right, title or interest would otherwise prevail over the interest acquired by a purchaser at the sale of the land.

- | | | |
|----------------------|-------|--|
| Registered interests | (5) | This section does not apply to a person mentioned in paragraphs 25(1)(a), (b) or (c) or to an interest in the land appearing by the records of the Land Titles Office to have been registered before the receipt of the writ by the registrar under the <i>Land Titles Act</i> (Canada). |
| Adjournment of sale | 27(1) | Where land is offered for sale and no bids that are adequate in the opinion of the sheriff are made for the land, the sheriff may adjourn the sale, and a sale held upon an adjournment is subject to all of the provisions of this Ordinance as if the previous sale had not been held. |
| Venditioni exponas | (2) | Where land remains unsold after having been offered for sale upon an adjournment, a writ of <i>venditioni exponas</i> may be issued, and on delivery thereof to the sheriff he shall sell the land for the highest bid made the next time the land is offered for sale. |
| Notice of sale | (3) | A sale of land under a writ of <i>venditioni exponas</i> is subject to the provisions of section 25 relating to the giving of notices. |

General

- | | | |
|----------------------|-------|--|
| Warranty as to title | 28(1) | Every sale of property shall be without warranty as to title. |
| Effect of sale | (2) | A sale of property transfers to the purchaser the same estate, right, title, or interest as the execution debtor possessed
(a) in the case of personal property, at the |

time as of which the property was bound by the receipt of the writ by the sheriff as provided by section 6, or

- (b) in the case of land, at the time when the writ was received by the registrar under section 125 of the *Land Titles Act* (Canada).

Obligations of others	29(1)	Where property that is sold consists of or is subject to a contract between the execution debtor and another person, the purchaser is not entitled to the benefit of the contract as against the other person until he has given notice of the purchase to that person.
Release of contract	(2)	The purchaser of property that consists of, or is subject to, contractual rights of the execution debtor against the purchaser shall deliver to the execution debtor upon demand an appropriate release of the execution debtor's liability under the contract.
Seizure of security for money	30(1)	Where property that has been seized, or that is bound by writ under section 125 of the <i>Land Titles Act</i> (Canada), consists of a security for the payment of money, whether or not it also secures the performance of any other obligation, <ul style="list-style-type: none"> (a) the sheriff may hold the property as security for the satisfaction of the writ, (b) from the delivery of notice in the prescribed form to the person liable to pay the money until the release of the writ, that person shall pay to the sheriff all money payable and, as it becomes due, all money that may become payable in respect of the property, and (c) the sheriff may sue in his own name for money payable in respect of the property.
Obligations of others	(2)	Without limiting the generality of subsection 29(1), where property to which this section

applies is sold, a person liable to pay money in respect of the property is not required to make any payment to the purchaser until the purchaser has given him notice of the purchase.

- | | | |
|-------------------------|-------|---|
| Payment to sheriff | (3) | A payment of money to the sheriff under paragraph (1)(b) discharges the person liable to make the payment from his liability to do so to the extent of the payment made. |
| Improper payment | (4) | A payment of money in contravention of subsection 8(5) or paragraph (1)(b) is of no effect as against the sheriff or a purchaser of the property. |
| Seizure of money, etc. | 31(1) | Where personal property that has been seized consists of money, or bank notes, it may be applied directly to the satisfaction of the writ. |
| Payment of charge | 32(1) | An execution debtor is entitled to recover from the purchaser of property that is sold any amount paid by the execution debtor, in respect of the period between the date when the writ was received by the sheriff, or by the registrar under the <i>Land Titles Act</i> (Canada), as the case may be, and the date of the sale, pursuant to a pecuniary charge on the property that has priority over the execution under which the sale is held. |
| Assign-ment of security | 33(1) | Where personal property that has been seized consists of a cheque, bill of exchange, promissory note, bond, specialty or other security for the payment of money that does not secure also the performance of any other obligation, the sheriff may assign the property to the execution creditor at the sum actually due on and secured by the property if the execution creditor will accept the property as money collected. |

- Notice of assignment (2) At least ten days before an assignment is offered to be made under subsection (1), the sheriff shall serve notice of the offer in the prescribed form on the execution debtor, or send it to him by registered or certified mail.
- Authority of sheriff (3) The authority conferred on the sheriff in this section is in addition to any authority conferred on him by this Ordinance or otherwise possessed by him at law.
- Effect of assignment (4) An assignment by the sheriff to the execution creditor of any personal property mentioned in subsection (1) discharges the sheriff to the extent of the amount due on and secured by the property.
- Obligations of others (5) An execution creditor to whom an assignment is made under this section shall be deemed to be a purchaser at a sale of the property to which subsections 29(1) and 30(2) apply.
- Directions by judge 34(1) The sheriff may apply to a judge at any time for directions as to the exercise by the sheriff of any authority or responsibility in relation to the seizure or sale of property.
- Actions prohibited (2) No action is maintainable against a sheriff for anything done by him in compliance with an order or directions of a judge.
- Wrongful seizure 35(1) Where a claim is made to or in respect of property that has been seized or that has been bound by a writ under section 125 of the *Land Titles Act* (Canada), and the execution creditor notifies the sheriff in writing that he admits the claim, the sheriff may
- (a) release the seizure or transmit a certificate to the registrar under section 127 of the *Land Titles Act* (Canada), as the case may be, and
 - (b) apply to a judge for an order protecting the sheriff from any action in respect of the seizure or binding of the property.

- Notice of application (2) The claimant shall be given notice of the application made by the sheriff under paragraph (1)(b), and he is entitled to be heard at the hearing of the application.
- Order by judge (3) Upon hearing the application, whether or not the claimant has attended, the judge may make such order as he deems just, including an order as to costs.
- Claim to proceeds (4) For the purposes of subsection (1), a claim to or in respect of the proceeds or value of such property shall be deemed to be a claim to or in respect of the property.
- Procedure 36(1) Upon any application to a judge under this Ordinance, the judge may
 (a) direct that the application be dealt with in a summary way or by the trial of an issue,
 (b) require such notice to be given to such parties as the judge thinks proper, and
 (c) hear evidence either *viva voce* or by affidavit.
- Questions concerning sheriff (2) Where, upon the hearing of an application under this Ordinance, it appears to the judge that the disposition of the application may involve the determination of a dispute as to the authority or responsibility of the sheriff, or as to the interests of any person in any property, the judge in his discretion may proceed to hear and determine the matter.
- Ancillary powers 37(1) Where a judge is authorized to make an order under this Ordinance, he may also refuse to make the order, or he may make the order subject to such terms and conditions as he deems appropriate, and he may make such further or other orders as are necessary to give full effect to the order he is specifically authorized to make under this Ordinance.

Territorial Court	38(1)	For the purposes of this Ordinance, a judge of the Territorial Court has all the powers of a judge in relation to personal property to deal with any application in respect of a writ of execution issued upon the judgment of a judge of the Territorial Court or issued by a Small Claims Official.
Monetary limit	(2)	This section does not empower a judge of the Territorial Court to deal with an application where the amount in issue exceeds \$1500.
Breach of Ordinance	39(1)	A breach of any of the provisions of this Ordinance does not affect the title to property acquired by a purchaser by way of sale, notwithstanding any knowledge he may have of the breach, unless he is a party to the breach.
Other remedies	40(1)	Nothing in this Ordinance deprives an execution creditor of any other remedy otherwise available to him.
Mailing of notice	41(1)	Where any notice is authorized to be mailed to a person under this Ordinance, the notice may be mailed to that person at his post office address last known to the person mailing the notice.
Proof of mailing	(2)	Proof of the mailing of a notice under this Ordinance may be made by affidavit.
Receipt of notice	(3)	A notice mailed under this Ordinance shall be deemed to have been received ten days after the date on which it was mailed.
Liability of debtor for costs	42(1)	An execution debtor is not liable for any costs or expenses incurred in respect of a writ of execution that is released under section 16 or 35.
Liability of creditor for costs	(2)	The execution creditor is liable for the payment of costs or expenses incurred by the

sheriff under the instructions of the execution creditor where

- (a) the amount levied by the sheriff against the execution debtor is not sufficient to pay the costs or expenses, or
- (b) the writ of execution in respect of which the costs or expenses are incurred is released under section 16 or 35.

Discretion of court (3)

Except as provided by subsections (1) and (2), the costs of execution proceedings are in the discretion of the court.

Regulations 43(1)

The Commissioner may make regulations

- (a) prescribing the forms necessary for the purposes of this Ordinance,
- (b) prescribing the fees to be charged by the sheriff under this Ordinance,
- (c) requiring the payment of fees to the sheriff for the doing of any act under a writ of execution or under this Ordinance,
- (d) governing the practice to be followed on applications under this Ordinance to a judge,
- (e) prescribing the times when the record kept under section 11 shall be open for inspection,
- (f) governing the requirement or provision of security to the sheriff under subsection 5(2),
- (g) governing the requirement or provision of instructions to the sheriff under subsection 7(1), 17(1) or 23(1),
- (h) requiring the sheriff to keep records, and governing the inspection of those records, and
- (i) generally, for carrying the purposes and provisions of this Ordinance into effect.

44(1)

This Ordinance shall come into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 9

FATAL ACCIDENTS ORDINANCE

(Assented to April 14, 1980)

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(1)	This Ordinance may be cited as the <i>Fatal Accidents Ordinance</i> .
	2(1)	In this Ordinance,
"child"		"child" includes a son, daughter, grandson, grand-daughter, step-son, step-daughter, an illegitimate child, an adopted child, and a person to whom the deceased stood in <i>loco parentis</i> ;
"deceased"		"deceased" means a person whose death has been caused as mentioned in subsection 3(1);
"parent"		"parent" includes a father, mother, grandfather, grandmother, step-father, step-mother, an adoptive parent, and a person who stood in <i>loco parentis</i> to the deceased; and
"tortfeasor"		"tortfeasor" means a person whose wrongful act, neglect or default has caused the death, or contributed to the cause of the death of the deceased and who, if death had not ensued, would have been liable to him for damages, and includes a person who would have been liable vicariously or otherwise for such damages.
Damages for death	3(1)	Where the death of a person is caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the deceased to maintain an action and recover damages in respect thereof, the person who

would have been liable, if death had not ensued, is liable for damages, notwithstanding the death of the deceased, even if the death was caused in circumstances amounting in law to culpable homicide.

Action arises on death

(2) Subject to subsection (5), the liability for damages under this section arises upon the death of the deceased.

Premature settlements

(3) No settlement made, release given or judgment recovered in an action brought, by the deceased within a period of three months after the commission or occurrence of the wrongful act, neglect or default causing his death, is a bar to a claim made under this Ordinance or is a discharge of liability arising under this Ordinance, but any payment made thereunder shall be taken into account in assessing damages in any action brought under this Ordinance.

Other settlements

(4) Unless it is set aside, a settlement made or release given or a judgment recovered in an action brought by the deceased after the expiration of the period mentioned in subsection (3) is a discharge of liability under this Ordinance.

Death of tortfeasor

(5) If, at the time of the death of the deceased, the tortfeasor is himself dead, the liability arising under this Ordinance shall be conclusively deemed to have been subsisting against the tortfeasor before his death.

Coincidental deaths

(6) Where the tortfeasor dies at the same time as the deceased, or in circumstances rendering it uncertain which of them survived the other, or after the death of the deceased, the liability and cause of action arising under this Ordinance shall be conclusively deemed to lie upon and continue against the executor or administrator of the tortfeasor as if the executor or administrator were the tortfeasor in life.

- Persons who may benefit 4(1) Every action under this Ordinance shall be for the benefit of the wife, husband, parent or child of the deceased, or any of them, and except as hereinafter provided, shall be brought by and in the name of the executor or administrator.
- Apportionment of damages (2) Subject to subsection (3), in every action under this Ordinance such damages as are proportional to the pecuniary loss resulting from the death shall be awarded to the persons respectively for whose benefit the action is brought.
- Funeral expenses (3) Where an action has been brought under this Ordinance there may be included in the damages awarded an amount sufficient to cover the reasonable expenses of the funeral and the disposal of the body of the deceased if those expenses were incurred by any of the persons by whom or for whose benefit the action is brought.
- Negligence of beneficiary 5(1) Where a person for whose benefit alone or with others an action may be brought under this Ordinance is a tortfeasor, the damages that would otherwise be awarded for his benefit shall be reduced in proportion to the degree in which the court finds that his wrongful act, neglect or default contributed to the cause of the death of the deceased.
- Negligence of deceased (2) Where the wrongful act, neglect or default of the deceased contributed to the cause of his death, the damages that would otherwise be awarded under this Ordinance shall be reduced in proportion to the degree in which the court finds that his wrongful act, neglect or default contributed to the cause of his death.
- Special administrator 6(1) Where, within three months after the death of the tortfeasor,
 (a). no executor of his will or administrator

of his estate has been appointed in the Territory, and

(b) no letters probate of his will or letters of administration have been re-sealed in the Territory,

any person intending to bring or continue an action under this Ordinance may apply to a judge of the court in which the action is to be, or has been, brought to appoint an administrator of the estate of the tortfeasor to act for all purposes of the intended or pending action and as defendant therein; and the judge, on such notice as he may direct, given either specially or generally by public advertisement and to such persons as he may designate, may appoint such an administrator.

Powers of administrator (2)

The administrator appointed under subsection (1) is an administrator against whom an action under this Ordinance may be brought or continued and by whom such action may be defended; and the administrator may bring any action or take any proceedings in respect of the action that the tortfeasor could have brought or taken if he were alive.

Effect of judgment (3)

Any judgment obtained by or against the administrator so appointed has the same effect as a judgment in favour of or against the tortfeasor or the executor of his will or the administrator of his estate.

Limitation on application (4)

No application shall be made under subsection (1) after the expiration of the period of one year mentioned in subsection 9(4), but where such an application is made not earlier than three months before the expiration of that period, the judge may, in his discretion and if he thinks it just to do so, extend for a period not exceeding one month the time within which action may be brought as provided in subsection 9(4).

Action by beneficiaries 7(1)

Where there is no executor or administrator of the estate of the deceased, or, there

being an executor or administrator, no action is brought by him, within six months after the death of the deceased, an action may be brought by and in the name or names of any one or more of the persons for whose benefit the action would have been brought if it had been brought by the executor or administrator.

Effect of action

(2) Every action so brought shall be for the benefit of the same persons as if it were brought by the executor or administrator.

Assessment of damages

8(1) In assessing damages in an action brought under this Ordinance there shall not be taken into account,

- (a) any sum paid or payable on the death of the deceased under any contract of insurance or assurance, whether made before or after the coming into force of this Ordinance,
- (b) any premium that would have been payable in future under any contract of insurance or assurance if the deceased had survived,
- (c) any benefit or right to benefits, resulting from the death of the deceased under the Workers' Compensation Ordinance, the Social Assistance Ordinance, or the Child Welfare Ordinance, or under any other Act that is enacted by any legislature, parliament or other legislative authority and that is of similar import or effect,
- (d) any pension, annuity or other periodical allowance accruing payable by reason of the death of the deceased, and
- (e) any amount that may be recovered under any statutory provision creating a special right to bring an action for the benefit of persons for whose benefit an action may be brought under this Ordinance.

One action

9(1) Only one action lies under this Ordinance in respect of the death of the deceased.

Notice not required

(2) Except where it is expressly declared in another Ordinance that it operates notwithstanding

this Ordinance, it is not necessary that any notice of claim or intended claim, or notice of action or intended action or any other notice, or any other document, be given or served, as provided in any such other Ordinance, or otherwise, before bringing an action under this Ordinance.

Effect of limitation

(3) If the deceased, at the time of his death, could not have brought an action against the tortfeasor by reason of lapse of time or failure to comply with any statutory or contractual condition, a person entitled to bring action under this Ordinance is not, solely by reason of that fact, barred from so doing.

Limitation period

(4) Except where it is expressly declared in another Ordinance that it operates notwithstanding this Ordinance, an action, including an action to which subsection 3(5) or (6) applies, may be brought under this Ordinance within one year after the death of the deceased, but, subject to subsection 6(4), no such action shall be brought thereafter.

Effect of contract

(5) This section has effect notwithstanding any contract.

Payment into court

10(1) The defendant may pay into court one sum of money as compensation for his wrongful act, neglect or default to all persons entitled to damages under this Ordinance, without specifying the shares into which, or the parties among whom it is to be divided under this Ordinance.

Particulars of beneficiaries

11(1) In every action brought under this Ordinance,
 (a) the statement of claim shall contain, or the plaintiff shall deliver therewith, full particulars of the names, addresses and occupations of the persons for whose benefit the action is brought, and
 (b) the plaintiff shall file with the statement of claim an affidavit in which he shall

state that to the best of his knowledge, information and belief, the persons on whose behalf the action is brought as set forth in the statement of claim or in the particulars delivered therewith are the only persons entitled, or who claim to be entitled, to the benefit of the action.

- | | | |
|---------------------------------|-------|--|
| Order for particulars | (2) | Where the plaintiff fails to comply with subsection (1), the court, on application, may order the plaintiff to give such particulars or so much thereof as he is able to give; and the action shall not be tried until he complies with the order; but the failure of the plaintiff to comply with subsection (1) or with an order made under this subsection is not a ground of defence to the action, or a ground for its dismissal. |
| Dispensing order | (3) | A judge of the court in which the action is brought may dispense with the filing of the affidavit, as required in subsection (1), if he is satisfied that there is sufficient reason for doing so. |
| Apportionment by judge | 12(1) | Where the amount recovered has not been otherwise apportioned, a judge in chambers may apportion it among the persons entitled thereto. |
| Questions between beneficiaries | 13(1) | Where an action is brought under this Ordinance, a judge of the court in which the action is pending may make such order as he may deem just for the determination of all questions as to the persons entitled under this Ordinance to share in the amount, if any, that may be recovered. |
| Commissioner | 14(1) | The Commissioner is bound by this Ordinance. |
| Settlements by infants | 15(1) | Where an action is maintainable under this Ordinance, and some or all of the persons for whose benefit the action is maintainable are |

infants, and where the executor or administrator of the person deceased has agreed, either before or after the commencement of an action, on a settlement of the claim or action, either the executor or administrator or the person against whom the claim or action is made or brought, may, on ten days' notice to the opposite party, apply to a judge for an order confirming the settlement.

Confirming
order

(2)

The judge may on the application confirm or disallow the settlement, but, if the settlement is confirmed by him, the party against whom the claim is made or action brought shall be discharged from all further claims.

Settle-
ment
proceeds

(3)

The judge may also on the application order the money or a portion thereof to be paid into court or otherwise apportioned and distributed as he may deem best in the interests of those entitled thereto.

16(1)

The *Fatal Accidents Ordinance* is repealed.

17(1)

This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE:

This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 10

FINANCIAL AGREEMENT ORDINANCE, 1980

(Assented to April 14, 1980)

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

- 1(1) This Ordinance may be cited as the *Financial Agreement Ordinance, 1980*.
- "agreement" 2(1) In this Ordinance "agreement" means the agreement entered into pursuant to section 3.
- Commissioner 3(1) Subject to this Ordinance, the Commissioner may execute agreement is authorized to enter into and execute, on behalf of the Government of the Territory, an agreement providing for the payment by the Government of Canada to the Government of the Territory, in respect of the period of one year commencing on April 1, 1980, and ending on March 31, 1981,
- (a) as an operating grant, an amount equal to thirty-two million, two hundred and nine thousand dollars, for operating expenses, and
- (b) as a capital grant, an amount equal to twenty million, forty-eight thousand dollars for capital expenses.
- Additional 4(1) The agreement shall provide also that the provisions amounts payable by the Government of Canada to the Government of the Territory shall be paid,
- (a) in the case of the amounts described in paragraph 3(1)(a), in equal installments in each month in the period, and
- (b) in the case of the amounts described in paragraph 3(1)(b), in the amounts and at the times set forth in a schedule to be provided by the Commissioner and agreed to by the Government of Canada.

- Other terms and conditions (2) The agreement shall contain such other terms and conditions as may be agreed upon for the purpose of giving effect to this Ordinance.
- Variations and amendments 5(1) The agreement may be varied or amended from time to time by agreement between the Government of Canada and the Commissioner, but no such variation or amendment is valid unless it is ratified by the Council.
- Other laws 6(1) Upon the execution of the agreement, every Ordinance, and every regulation or by-law made thereunder, including the by-laws of every municipality or local improvement district, shall, for the relevant periods provided in the agreement, be deemed to be amended, suspended or inoperative as the case may be to the extent necessary to give effect to the agreement and to permit the Government of the Territory to fulfill every obligation assumed by it under the agreement.
- The Commissioner may implement agreement (2) The Commissioner is empowered to do every act and exercise every power for the purpose of fulfilling every obligation assumed by the Government of the Territory under the agreement.
- Duration of section (3) This section shall remain in operation for only so long as may be necessary to give effect to the agreement.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 11

FRUSTRATED CONTRACTS ORDINANCE

(Assented to April 16, 1980)

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(1)	This Ordinance may be cited as the <i>Frustrated Contracts Ordinance</i> .
Application of Ordinance	2(1)	Subject to subsection (2), this Ordinance applies to every contract (a) from which the parties thereto are discharged by reason of the application of the doctrine of frustration, or (b) that is avoided under sections 8 or 9 of the <i>Sale of Goods Ordinance</i> .
Exception	(2)	This Ordinance does not apply (a) to a charterparty or a contract for the carriage of goods by sea, except a time charterparty or a charterparty by demise, (b) to a contract of insurance, or (c) to a contract entered into before the date of coming into force of this Ordinance.
Contract prevails	3(1)	This Ordinance applies to a contract referred to in subsection 2(1) only to the extent that, upon its true construction, it contains no provision for the consequences of frustration or avoidance.
Commissioner	4(1)	The Commissioner is bound by this Ordinance.
Partial performance	5(1)	Where a part of a contract to which this Ordinance applies is (a) wholly performed before the parties are discharged, or (b) wholly performed except for the payment in respect of that part of the contract

of sums that are or can be ascertained under the contract, and that part may be severed from the remainder of the contract, that part shall, for the purposes of this Ordinance be treated as a separate contract that has not been frustrated or avoided, and this Ordinance, excepting this section, is applicable only to the remainder of the contract.

- | | | |
|----------------------------------|------|---|
| Restitu-
tion for
benefit | 6(1) | Subject to section 7, every party to a contract to which this Ordinance applies is entitled to restitution from the other party or parties to the contract for benefits created by his performance or part performance of the contract. |
| Relief
from
obligations | (2) | Every party to a contract to which this Ordinance applies is relieved from fulfilling obligations under the contract that were required to be performed prior to the frustration or avoidance but were not performed except in so far as some other party to the contract has become entitled to damages for consequential loss as a result of the failure to fulfil those obligations. |
| Reduction
of resti-
tution | (3) | Where the circumstances giving rise to the frustration or avoidance cause a total or partial loss in value of a benefit to a party required to make restitution under subsection (1), that loss shall be apportioned equally between the party required to make restitution and the party to whom such restitution is required to be made. |
| "benefit" | (4) | In this section, a "benefit" means something done in the fulfilment of contractual obligations whether or not the person for whose benefit it was done received the benefit. |
| No
restitu-
tion | 7(1) | A person who has performed or partly performed a contractual obligation is not entitled to restitution under section 6 in respect of a loss in value, caused by the circumstances |

giving rise to the frustration or avoidance, of a benefit within the meaning of section 6, if there is

- (a) a course of dealing between the parties to the contract,
- (b) a custom or a common understanding in the trade, business, or profession of the party so performing, or
- (c) an implied term of the contract, to the effect that the party so performing should bear the risk of such loss in value.

Course of dealing

- (2) The fact that the party performing such an obligation has in respect of previous similar contracts between the parties effected insurance against the kind of event that caused the loss in value is evidence of a course of dealing under subsection (1).

Custom or understanding

- (3) The fact that persons in the same trade, business, or profession as the party performing such obligations generally effect insurance against the kind of event that caused the loss in value, or enter into similar contracts, is evidence of a custom or common understanding under subsection (1).

Amount of restitution

- 8(1) Where restitution is claimed for the performance or part performance of an obligation under the contract other than an obligation to pay money,
 - (a) in so far as the claim is based on expenditures incurred in performing the contract, the amount recoverable shall include only reasonable expenditures, and
 - (b) if performance consisted of or included delivery of property that could be and is returned to the performer within a reasonable time after the frustration or avoidance, the amount of the claim shall be reduced by the value of the property returned.

- Deter-
mining
amount
- 9(1) In determining the amount to which a party is entitled by way of restitution or appointment under section 6,
- (a) no account shall be taken of
 - (i) loss of profits, or
 - (ii) insurance money that becomes payable by reason of the circumstances that give rise to the frustration or avoidance, but
 - (b) account shall be taken of any benefits which remain in the hands of the party claiming restitution.
- Action
pro-
hibited
- 10(1) No action or proceeding under this Ordinance shall be commenced after the period determined under subsection (2).
- Limita-
tion
period
- (2) For the purposes of subsection (1), a claim under this Ordinance shall be deemed to be a claim for a breach of the contract arising at the time of frustration or avoidance, and the limitation period applicable to that contract applies.
- 11(1) The *Frustrated Contracts Ordinance* is repealed.
- 12(1) This Ordinance comes into force on a day to be fixed by the Commissioner.
- NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 12

GARNISHEE ORDINANCE

(Assented to April 14, 1980)

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(1) This Ordinance may be cited as the *Garnishee Ordinance*.
- 2(1) In this Ordinance,
- "court" "court" means,
- (a) in the case of a judgment or action in the Supreme Court, the Supreme Court, and
- (b) in the case of a judgment or action in the Territorial Court, the Territorial Court;
- "creditor" "creditor" means,
- (a) in the case of a writ of garnishment issued or sought to be issued before judgment, the plaintiff in the action, and
- (b) in the case of a writ of garnishment issued after judgment, the judgment creditor;
- "debt" "debt" means a debt, obligation or liability to pay money arising out of a contract, trust, court order, statute, claim for restitution, or quasi-contractual claim, and includes wages;
- "debtor" "debtor" means,
- (a) in the case of a writ of garnishment issued or sought to be issued before judgment, the defendant in the action, and;

(b) in the case of a writ of garnishment issued after judgment, the judgment debtor;

"due" "due" means owing, payable, due or accruing due;

"garnishee" "garnishee" means a person upon whom a writ of garnishment is served under this Ordinance;

"judgment" "judgment" includes any order of a court for the payment of money;

"term of the writ" "term of the writ" means the term during which debts are bound by the service of a writ of continuing or temporary garnishment as provided by subsection 11(2) or section 12, and includes a term as reduced or extended under section 13;

"wages" "wages" means wages, salary, commissions, fees and any money payable by an employer to a debtor in respect of work done or services performed in the course of the employment of the debtor; and

"writ of garnishment" "writ of garnishment" means a writ of immediate garnishment, a writ of continuing garnishment or a writ of temporary garnishment, as the case may be, issued under this Ordinance.

Cause of action 2(2) A debt shall be deemed to be due from the garnishee to the debtor if the debtor has a cause of action against the garnishee in respect thereof.

Issuance of Writ

Immediate garnishment 3(1) Subject to section 7, a writ of immediate garnishment shall be issued by the clerk of the court upon request of a creditor.

- Continuing garnishment 4(1) Subject to section 7, a writ of continuing garnishment shall be issued by the clerk of the court upon request of a creditor, but a creditor shall not make such a request unless
- (a) a writ of immediate garnishment would not be adequate, having regard to the nature of the debt sought to be attached, and
 - (b) the creditor has knowledge of facts or circumstances, including the relationship between the debtor and the garnishee, amounting to reasonable grounds for his belief that a debt may become due from the garnishee to the debtor.
- Writ may be set aside (2) A writ of continuing garnishment that has been issued in contravention of subsection (1) or section 7 may be set aside by the court upon application made by the debtor or the garnishee at any time during the term of the writ.
- Order and exceptions (3) Upon the hearing of an application under subsection (2) an order shall be granted for the setting aside of the writ unless the creditor satisfies the court that subsection (1) and section 7 were complied with.
- Section 6 (4) Nothing in this section limits the power of the court to set aside a writ of garnishment under section 6.
- Amount of writ 5(1) A writ of garnishment issued under section 3 or 4 after judgment shall specify the amount sought to be attached by the writ, but the specified amount shall not exceed the total of
- (a) the amount owing on the judgment on the date when the writ is issued,
 - (b) an amount in respect of the garnishee's costs, and
 - (c) an amount in respect of the creditor's costs relating to the writ.

- Writ before judgment 6(1) A writ of garnishment shall be issued before judgment by the clerk of the court, upon the request of the plaintiff in an action, where the plaintiff's claim against the defendant is for a liquidated demand.
- Amount of writ (2) A writ issued under subsection (1) shall specify the amount sought to be attached by the writ, but the amount shall not exceed the amount of the plaintiff's claim against the debtor in the action.
- Writ may be set aside (3) A writ of garnishment issued under subsection (1) before judgment shall be set aside by the court upon application made by the debtor at any time before judgment unless the court is satisfied that
- (a) the creditor's claim against the debtor is for a liquidated demand,
 - (b) there are reasonable grounds for believing that, if the judgment is obtained by the creditor, it may not be satisfied if the writ is set aside,
 - (c) having regard to the potential hardship and inconvenience to the debtor and to the potential benefit to the creditor, the writ will achieve a result that is equitable in the circumstances,
 - (d) the creditor has demonstrated sufficiently the merits of his claim against the debtor, and
 - (e) the creditor has established that the issuance of the writ did not contravene subsection (1) or section 7.
- Section 4 (4) Nothing in this section limits the power of a court to set aside a writ of garnishment under section 4.
- Issuance and effect 7(1) A writ of garnishment shall not be issued before judgment except as provided by section 6 or 8, but a writ of garnishment issued before judgment otherwise is subject to all

of the provisions of this Ordinance, including section 4, that apply to writs of garnishment issued after judgment.

- | | | |
|-----------------------------|------|---|
| Salary
or wages | (2) | No writ of garnishment shall be issued before judgment for the attachment of a debt that is or may become due to a debtor for salary or wages. |
| Issuance
with leave | 8(1) | A writ of garnishment shall be issued before judgment by the clerk of the court upon the request of the plaintiff in an action for a money judgment to which section 6 does not apply where the plaintiff has applied for and obtained the leave of the court for the issuance of the writ before judgment. |
| Application
for leave | (2) | An application for the leave of the court for the issuance of a writ of garnishment before judgment shall specify the amount sought to be attached by the writ. |
| Grounds for
giving leave | (3) | <p>Leave shall not be given for the issuance of a writ of garnishment before judgment unless the court is satisfied that</p> <ul style="list-style-type: none"> (a) there are reasonable grounds for believing that, if a judgment is obtained by the creditor, it may not be satisfied if the writ is not issued, (b) having regard to the potential hardship and inconvenience to the debtor and the potential benefit to the creditor, the issuance of the writ will achieve a result that is equitable in the circumstances, (c) the creditor had demonstrated sufficiently the merits of his claim against the debtor, (d) the issuance of the writ will not contravene the provisions of section 7, (e) the debtor has been given two days' notice of the application, and (f) the creditor, if successful, is likely to recover a judgment in the action for |

an amount not less than the sum of the amount specified in the application and the proceeds of any previous garnishment in respect of the action.

- Amount to be attached (4) An order granting leave for the issuance of a writ of garnishment before judgment shall specify the amount that may be attached by the writ, and the amount specified in the order shall not exceed, but it may be less than, the amount specified under subsection (2) in the application for leave.
- Amount is not admission (5) The specification in an application under subsection (2) of an amount sought to be attached shall be deemed not to be an admission by the plaintiff as to the amount of his claim against the defendant.
- Demonstration of merits 9(1) For the purposes of subsections 6(3) and 8(3), the merits of a creditor's claim against a debtor are demonstrated sufficiently if
- (a) there appears to be no defence that has a reasonable prospect of defeating the claim, other than a defence that, to succeed, depends on a finding, favourable to the debtor, on a fact that is in dispute, and
 - (b) one or more affidavits filed on behalf of the creditor set out and verify the facts on which the creditor's claim is based and, where a defence is made, deny the facts on which the defence is based, or set out and verify additional facts that rebut the defence.
- Presumptions (2) In an application to the court under subsection 6(3) or 8(1), it may be presumed in favour of the creditor that, unless the debtor gives evidence to the contrary,
- (a) there are reasonable grounds for believing that, if a judgment is obtained by the creditor, it will not be satisfied if the writ is not issued,

- (b) having regard to the potential hardship and inconvenience to the debtor and to the potential benefit to the creditor, issuance of the writ will achieve a result that is equitable in the circumstances, and
- (c) the creditor is likely to recover a judgment in the action for an amount not less than the sum of the amount specified in the application and the proceeds of any previous garnishment in respect of the action.

Temporary garnishment 10(1) Where an application has been made to the court for leave for the issuance of a writ of garnishment before judgment under section 8, the clerk of the court shall issue a writ of temporary garnishment upon the request of the creditor.

Attachment of Debts

Immediate garnishment 11(1) Service of a writ of immediate garnishment upon the garnishee attaches, up to the amount specified in the writ, every debt that is due from the garnishee to the debtor at the time of service.

Continuing garnishment (2) Service of a writ of continuing garnishment upon the garnishee attaches, up to the amount specified in the writ, every debt that is due from the garnishee to the debtor at the time of service or that becomes due from the garnishee to the debtor within one year from the date on which the writ was issued.

Temporary garnishment 12(1) Service of a writ of temporary garnishment upon the garnishee attaches every debt due from the garnishee to the debtor at the time of service or that becomes due from the garnishee to the debtor at any time thereafter until the earlier of

- (a) the dismissal of the application,

- (b) the expiration of 15 days after leave is granted for the issuance of the writ of garnishment before judgment, or
 - (c) the service, on the garnishee, of a writ of immediate or continuing garnishment based on the application.
- Subsequent proceedings (2) Where a writ of temporary garnishment has been served upon the garnishee,
- (a) service of a writ of garnishment based on the application attaches every debt attached by the writ of temporary garnishment, except as otherwise provided in the order granting leave, and
 - (b) a copy of the order granting or refusing the application shall be delivered to the garnishee within seven days of the date when the order is entered.
- Compensation to debtor (3) A debtor is entitled upon application to the court as provided by subsection 39(2) to recover from the creditor compensation for any direct loss or damage actually suffered by the debtor as a result of the wilful or negligent failure of the creditor to comply with paragraph (2) (b).
- Reduction of term 13(1) The term during which debts are attached by a writ of continuing garnishment may be reduced upon application made to the court by the garnishee or the debtor at any time during the term of the writ.
- Extension of term (2) Notwithstanding subsection 11(2), upon application made to the court by the creditor at any time during the initial term during which debts are attached by a writ of continuing garnishment, the term may be extended for one additional term not exceeding one year from the date on which the application for the extension is granted.
- Order to be served (3) Until a copy of an order extending the term of a writ of continuing garnishment has been

served on the garnishee the order does not attach any debt that becomes due from the garnishee to the debtor after the expiration of the initial term during which debts are attached by the writ.

Other Attachable Rights

- | | | |
|-----------------------|-------|---|
| Funds in court | 14(1) | Where a proceeding has been commenced under which funds have been, or may be, paid into court, a writ of garnishment may be served upon the clerk of the court, and the service of the writ attaches any funds held by the court that are payable to the debtor at the time of service. and if the writ is a writ of continuing or temporary garnishment, it attaches also any funds that may be held thereafter by the court and become payable to the debtor during the term of the writ. |
| Funds held by sheriff | (2) | Where a proceeding has been commenced under which funds have been, or may be, held by the sheriff, a writ of garnishment may be served on the sheriff, and the service of the writ attaches any funds held by the sheriff that are payable to the debtor at the time of service, and if the writ is a writ of continuing or temporary garnishment, it attaches also any funds that may be held thereafter by the sheriff during the term of the writ. |
| Contents of writ | (3) | A writ of garnishment served upon the clerk under subsection (1), or upon the sheriff under subsection (2), does not attach any funds that may be held by the court or the sheriff unless it contains a statement identifying the proceedings in respect of which the funds have been, or may be, held by the court or the sheriff, by specifying the action number, the style of cause, or both, as the practice of the court may require. |
| Name of garnishee | (4) | The clerk of the court or the sheriff, as the case may be, shall be named as the garnishee |

in a writ to which this section applies.

- | | | |
|------------------------------------|-------|--|
| Joint debts | 15(1) | Subject to section 37, a debt that is due or that may become due from the garnishee to the debtor and one or more other persons jointly may be attached by a writ of garnishment as if the entire debt was due, or would become due, to the debtor alone. |
| Partnerships | (2) | Notwithstanding subsection (1), a debt owing to a partnership in which the debtor is a partner is not attachable under a writ of garnishment except on a judgment sought or obtained against the partnership. |
| Insured debts | 16(1) | Where a writ of garnishment is served upon a garnishee and the garnishee is insured with respect to a debt that may be attached by the service of the writ on the garnishee, a copy of the writ may be served upon the insurer. |
| Immediate attachment | (2) | Service of a copy of a writ of immediate garnishment upon an insurer attaches any insurance proceeds that are due at the time of service from the insurer to the garnishee in respect of any debt attached by the service of the writ on the garnishee. |
| Continuing or temporary attachment | (3) | Service of a copy of a writ of continuing or temporary garnishment upon an insurer attaches any insurance proceeds that are due from the insurer to the garnishee at the time of service, or that become due from the insurer to the garnishee during the term of the writ, in respect of any debt attached by the service of the writ on the garnishee. |
| Status of insurer | (4) | Where a copy of a writ of garnishment is served upon an insurer under this section, he shall be deemed to be a garnishee for the purposes of this Ordinance, and this Ordinance applies as if the insurer were liable directly to the debtor under the writ. |

Improper payment	(5)	The payment of insurance proceeds by an insurer to a debtor in contravention of this section is not, as between the creditor and the garnishee, a failure to comply with the writ of garnishment, and it does not render the garnishee liable to the creditor under section 33.
Equitable execution	17(1)	A claim or demand against the garnishee available to the debtor under equitable execution is attachable under a writ of garnishment.
Debts of government	18(1)	Debts that are payable, or that may become payable, out of public funds of the Territory may be attached by the service of a writ of garnishment upon the Territorial Treasurer.

Exceptions and Exemptions

Negotiable instruments	19(1)	Service of a writ of garnishment does not attach a debt in payment of which, at the time of service, a negotiable instrument has been drawn by the garnishee if, at the time of service, (a) the instrument is not in the possession of the garnishee or his agent, and (b) the instrument has not been dishonoured.
Chattel paper	(2)	Service of a writ of garnishment does not attach a debt that is covered by a writing that evidences both the debt and a security interest in, or a lease or hire of, specific goods.
Collateral	(3)	Where a garnishee has pledged collateral as security for a debt, the service of a writ of garnishment on him does not attach the debt until (a) the collateral is returned to him, or (b) the creditor gives to the garnishee satisfactory security for the return of the collateral.

Contract not in Territory	20(1)	Service of a writ of garnishment does not attach a debt arising out of a contract that contemplates performance of the contract wholly outside the Territory.
Money on deposit	21(1)	Where a debt that is sought to be attached is money on deposit in a savings institution having more than one branch, the service of a writ of garnishment upon one branch does not attach money that may be on deposit at any time at another branch of the savings institution.
Certain other debts	22(1)	A debt that does not arise out of a trust or contract is not attachable under a writ of garnishment unless judgment has been recovered thereon against the garnishee.
Wage exemption	23(1)	<p>Except as otherwise provided in this Ordinance, seventy percent of the wages payable from time to time by an employer to a debtor is not attachable under a writ of garnishment, but in no case shall the monthly amount that is exempt from attachment under this subsection be less than,</p> <p>(a) in the case of a debtor supporting at least one dependant, \$1000 and, where he supports at least four dependants, an additional \$150 for the fourth dependant and for each additional dependant after the fourth dependant, and</p> <p>(b) in the case of a debtor who supports no dependants, \$600.</p>
Reduction of exemption	(2)	<p>The amount of a debtor's exemption under subsection (1) may be reduced by the court upon application made by the creditor where</p> <p>(a) the judgment obtained by the creditor against the debtor was for a debt owing for board or lodging, or</p> <p>(b) the creditor establishes to the satisfaction of the court that the exemption is excessive in view of the debtor's financial resources and commitments, and the provisions that may be made for the</p>

support and maintenance of the debtor and his dependants.

Increase of exemption (3) Notwithstanding paragraph (2) (a), the amount of a debtor's exemption under subsection (1) may be confirmed or increased by the court upon application made by the debtor or the Commissioner where

(a) the court is of the opinion that the exemption, or the increase in the exemption, would be equitable in the circumstances, or

(b) the exemption, or the increase in the exemption, is necessary to prevent the debtor or his dependants from needing assistance or welfare services within the meaning of section 8 of the *Social Assistance Ordinance*.

Pro-rating exemption (4) Where the wages of an employee are paid more frequently than once per month, his exemption shall be pro-rated accordingly.

Statutory deductions 24(1) Any part of the wages of a debtor that are required to be withheld or deducted by his employer under an Act of Canada or a province, or under an Ordinance,

(a) is not attachable, and

(b) shall be deemed not to be part of the wages of the debtor for the purposes of calculating his exemption under section 23.

Compliance by Garnishee

Notice of response 25(1) Service of a writ of garnishment, or a demand under subsection (3), upon the garnishee is not effective unless the garnishee is served also with three copies of a notice of response appropriate to the writ of garnishment or demand being served.

Contents of notice (2) Copies of a notice of response served under subsection (1) shall be completed to show

- (a) the style of cause and court registry number of the writ of garnishment,
 - (b) the address of the court, and
 - (c) the address of the creditor.

- Demand for further response (3) The creditor may, at any time during the term of a writ of continuing garnishment,

 - (a) serve a demand for a further response on the garnishee, and
 - (b) file a copy of the demand with the clerk of the court within seven days of the date of service.

- Further demands (4) More than one demand under subsection (1) may be served and filed during the term of a writ.

- Response by garnishee 26(1) A garnishee shall, within 14 days of the date on which he is served with a writ of garnishment, or a demand under subsection 25(3),

 - (a) file a copy of the notice of response with the court, and
 - (b) deliver a copy of the notice of response to the creditor.

- Contents of response (2) The copies of a notice of response under subsection (1) shall contain a statement by the garnishee that, as of the date of the notice of response,

 - (a) he acknowledges his liability to pay into court the amount set out in the writ, or
 - (b) he disputes his liability to pay in the court all or part of the amount set out in the writ,

and where the garnishee pays any money into court in compliance with the writ, he shall specify the amount of the payment in his notice of response.

- Delivery to creditor (3) A garnishee may deliver a copy of a notice of response to the creditor personally, or

 - (a) by returning it at the time of service

- to the person who serves the garnishee with the writ, or
- (b) by mailing it to the creditor by registered or certified mail addressed to the address set out in the notice of response as required by paragraph 25(2) (c).
- Delivery to court (4) A notice of response may be filed with the court by mailing it by registered or certified mail to the address of the court set out in the notice of response as required by paragraph 25(2) (b).
- Payment into court 27(1) Except as provided by subsection 29(3), where a garnishee does not dispute his liability under the writ in whole or in part, he shall pay into court the amount attached by the writ when he files his notice of response.
- Temporary attachment (2) No debt that is attached by a writ of temporary garnishment is required to be paid into court until it is attached by a writ of garnishment issued before judgment as provided by section 12.
- Amount not in dispute (3) Where a garnishee disputes his liability, he shall pay any amount not in dispute into court when he files his notice of response, and he may refuse to pay the amount in dispute into court, or he may pay it into court.
- Other rules of law 28(1) The service of a writ of garnishment does not affect the right of a garnishee or an insurer to interplead or to pay money into court under any applicable rule of law.
- Notice of payment (2) Where a garnishee who has been served with a writ of garnishment, or an insurer who has been served with a copy of a writ of garnishment, pays money sought to be attached by the writ into court otherwise than in compliance with the writ, he shall deliver forthwith to the creditor a notice that he has done so.

- Set-off 29(1) Where a writ of garnishment is served upon the garnishee, the garnishee is not entitled to set off against the amount due from the garnishee to the debtor any claim against the debtor by the garnishee arising after the service of the writ unless the garnishee establishes that
- (a) the claim arose pursuant to a binding commitment entered into before the service of the writ, or
 - (b) the garnishee has behaved reasonably and with good faith in the circumstances, and it would be inequitable to deny his claim to a right of set-off.
- "set-off" (2) In this section, a right of set-off includes a right that could be raised by way of counterclaim or otherwise by a garnishee to resist, or that could be raised in reduction of, a claim brought by the debtor on a debt attached, or sought to be attached, by a writ of garnishment.
- Exception for costs (3) Notwithstanding subsections (1) and (2), where a garnishee pays an amount into court under a writ of garnishment, he is entitled to deduct, from the amount attached, his costs as between solicitor and client relating to the payment of the money into court, and the deductions may be for the minimum amounts set out in section 45.
- Dispute by garnishee 30(1) A garnishee may dispute his liability under a writ of garnishment
- (a) by filing a notice of response under subsection 26(1) indicating that he disputes his liability in whole or in part, or
 - (b) by applying to the court for an order determining his liability under the writ.
- Application upon dispute (2) Where a garnishee files a notice of response indicating that he disputes his liability,

- (a) the creditor may apply to the court for an order determining the liability of the garnishee under the writ, and
- (b) if the creditor does not apply to the court for an order under paragraph (a) within two months of the date when the notice of response was filed, the garnishee may apply for an order to set aside the writ of garnishment.
- Non-payment, (3) Where the garnishee does not pay into court no dispute the full amount set out in the writ and he does not file and serve a notice of response within the time limited by subsection 26(1), the creditor may apply to the court for an order determining the garnishee's liability under the writ.
- Determina- (4) Upon an application by the garnishee under tion of liability paragraph (1)(b) or by the creditor under paragraph (2)(a) or subsection (3), the court may
- (a) fix a time for summarily determining the liability of the garnishee, or
- (b) order the trial of an issue to determine the liability of the garnishee.
- Parties to (5) The court may direct who shall be the parties proceedings the determination of the liability of the garnishee under this section, and where the garnishee does not appear the court may, if it thinks fit, determine his liability *ex parte* either summarily or by the trial of an issue.
- Order for 31(1) The court may order the garnishee to pay an payment amount into court,
- (a) where the garnishee does not dispute his liability and does not appear to contest an application made by the creditor under section 30, without determining the liability of the garnishee under the writ, or

- (b) where it is determined by the court upon proceedings under section 30 that the garnishee is liable to pay an amount of money into court under the writ.
- Enforcement of order (2) An order under subsection (1) may be enforced by the creditor as a judgment against the garnishee.
- Refusal to make order (3) The court may refuse to make an order under subsection (1) where it appears to the court that the garnishee has made reasonable efforts to comply with the writ of garnishment and, in all the circumstances, it would be inequitable to make the order.
- Payment under order (4) Money paid into court pursuant to an order made under subsection (1) shall be held in court as if paid in by the garnishee in compliance with the original writ of garnishment.
- Liability to debtor 32(1) The liabilities of a garnishee to a debtor are discharged by
- (a) the payment of an amount into court under a writ of garnishment,
 - (b) the satisfaction of an order of the court for the payment of money into court under a writ of garnishment, and
 - (c) the deduction of an amount for costs under subsection 29(3),
- to the extent of the payment or satisfaction made, even though any proceedings in relation to the garnishment may be set aside, or the judgment reversed.
- Liability of insurer (2) The liabilities of an insurer to a garnishee are discharged by
- (a) the payment of an amount into court under a copy of a writ of garnishment served upon him under section 16,
 - (b) the satisfaction of an order of the court for the payment of money into court under the writ of garnishment, and

(c) the deduction of an amount for costs under subsection 29(3), to the extent of the payment or satisfaction made, even though any proceedings in relation to the garnishment may be set aside, or the judgment reversed.

Payment of debts 33(1)

Except as provided in subsection 16(5), no payment of a debt attached under a writ of garnishment, other than a payment authorized by this Ordinance, is effective as against the creditor.

Temporary attachment (2)

No payment of a debt attached by a writ of temporary garnishment, other than a payment authorized by this Ordinance, is effective as against the creditor if the debt is attached before or after the payment by a writ of garnishment issued before judgment as provided by subsection 12(2).

Money in Court

Notice to debtor 34(1)

Where any money is paid into court under a writ of garnishment, the creditor shall deliver to the debtor within ten days of the date on which the creditor learns of the payment into court

- (a) a notice of the payment or,
- (b) a copy of the garnishee's notice of response, or the order of the court pursuant to which the payment was made, as the case may be.

Continuing attachment (2)

Where a writ of continuing garnishment is issued, the creditor shall deliver a copy of the writ to the debtor within 14 days of the date on which it is served upon the garnishee.

Payment out without order 35(1)

Money paid into court under a writ of garnishment may be paid out of court to the creditor without an order of the court where

- (a) judgment has been entered in the action in respect of which the writ of garnishment was issued, and

- (b) no application is pending to set aside or otherwise to dispute the garnishment, and
- (c) an affidavit is filed by the creditor verifying that
 - (i) the documents required to be delivered to the debtor under section 34 have been delivered, and
 - (ii) the creditor knows of no person other than the creditor, the debtor and the garnishee who is interested in, or entitled to, the money paid into court, and
- (d) the clerk of the court has received no notice that any person other than the creditor, the debtor and the garnishee may be interested in or entitled to the money paid into court, and
- (e) 30 days have elapsed since the later of
 - (i) the payment of the money into court,
 - (ii) the entry of judgment as required by paragraph (a), and
 - (iii) the filing of an affidavit as required by paragraph (c).

Order for payment out (2) Upon application made at any time by the creditor or the debtor, the court may order that money paid into court under a writ of garnishment be paid out to the creditor or the debtor, notwithstanding any of the provisions of subsection (1).

Payment out with consent (3) Notwithstanding subsections (1) and (2), money paid into court under a writ of garnishment may be paid out to the creditor at any time with the consent of the debtor.

Unsuccessful action 36(1) Where an amount has been paid into court under a writ of garnishment issued before judgment and the creditor does not recover judgment against the debtor for the full amount paid into court, the full amount, or the balance to which the creditor is not

entitled, as the case may be, shall be paid out of court to the debtor upon request.

- | | | |
|--------------------------|-------|---|
| Where writ is set aside | (2) | Where an amount has been paid into court under a writ of garnishment that is set aside, the amount shall be paid out of court to the debtor upon request. |
| Interests of others | 37(1) | Notwithstanding section 35 or 36, money shall not be paid out of court otherwise than under this section if the clerk of the court has received notice that another person is interested in, or entitled to, the money. |
| Division of interests | (2) | A creditor, a debtor, or any person claiming a beneficial interest in money that has been or may be paid into court under a writ of garnishment that has been issued, may apply to the court for an order determining the extent of the debtor's beneficial interest, if any, in the money and limiting the effect of the attachment to the debtor's beneficial interest in the debt. |
| Restoration of interests | (3) | Where an order is made under subsection (2) in respect of money that has been paid into court, the court may give directions for the restoration, to persons other than the creditor and debtor, of beneficial interests and for the payment of the debtor's beneficial interest out of court to the creditor or the debtor. |
| Notice to others | (4) | Where it is suggested in a notice of response filed by a garnishee, or where it otherwise appears to the court, that a person other than the creditor, debtor or garnishee may be interested beneficially in money that has been paid into court under a writ of garnishment, the clerk of the court shall notify that person of his right to make an application under subsection (2). |
| Failure to appear | (5) | An order made under subsection (2) may bar the claim of a person to whom notice has been |

given under subsection (4) if he does not appear in the proceedings or make an application under subsection (2) before the order is made under subsection (2).

- Allocation of funds (6) For the purpose of determining a person's beneficial interest or entitlement where there are excess joint funds,
- (a) the excess joint funds are allocated first to beneficial interest or entitlement of the joint obligee or obligees, and the debtor's beneficial interest in, or entitlement to, the excess joint funds is correspondingly reduced, and
 - (b) the money paid into court is allocated first to the beneficial interest or entitlement of the debtor and the beneficial interest or entitlement of any joint obligee in the money is correspondingly reduced.
- Application (7) Subsection (6) applies only
- (a) if the garnishee is a savings institution, or
 - (b) if no joint obligee is prejudiced thereby.
- "excess joint funds" (8) In this section "excess joint funds" means an amount equal to the difference between the total amount payable under a joint monetary obligation and the amount of that obligation attached by garnishment process.
- Payment to garnishee 38(1) The court may, on the application of a garnishee, order that money paid into court under a mistake of fact or law relating to his liability to do so be paid out to the garnishee.
- Compensation to debtor 39(1) Where an amount of money is paid into court under a writ of garnishment and all or part of that money is paid out of court to the debtor under section 36, the debtor is entitled to be compensated by the creditor for any direct loss or damage actually caused by the wrongful or excessive garnishment, whether

or not any matter in relation to the garnishment proceedings was done pursuant to an order of the court.

- Application by debtor (2) An application may be made by the debtor to the court for an order assessing and directing the payment of compensation under subsection (1) or subsection 12(3) in the action in respect of which the writ of garnishment was issued or otherwise, and the court may dispose of the matter summarily or direct the trial of an issue.
- Order for payment by installments 40(1) Where money has been paid into court in compliance with a writ of garnishment and the creditor has entered a judgment against the debtor, the debtor may apply to the court for an order that
- (a) the money attached be paid out to the debtor, and
 - (b) the judgment be payable by installments.
- Contents of order (2) Where, under subsection (1), the court considers it just in all the circumstances, it may make an order releasing the money in whole or in part and fixing the amounts and terms of the payments.
- Effect of order (3) Where an order respecting installments has been made under subsection (2) and the debtor is not in default under the order,
- (a) no further writ of garnishment shall be issued in respect of the judgment debt, and
 - (b) if the money was paid into court in compliance with a writ of continuing garnishment, no further money shall be paid into court pursuant to the writ.
- Delivery of copy (4) Forthwith after the making of an order under subsection (2) the clerk of the court shall deliver a copy of the order to the creditor and the garnishee.

Termination of order (5)

Where an order is made under this section for the payment of a judgment by installments, the order shall be terminated

- (a) by the default of the debtor in paying any of the installments so ordered for more than five days, or
- (b) by the issuance of a writ of garnishment against the debtor in a proceeding other than that in respect of which the installment payments were ordered.

Substitution of security 41(1)

Where an amount is paid into court under a writ of garnishment issued before judgment and no application to set aside the writ or to pay the money out of court is outstanding,

- (a) the creditor or debtor may apply to the court for an order empowering the applicant to substitute for the amount paid into court an interest-bearing security satisfactory to the court,
- (b) the creditor or debtor may apply to the court for an order that the money paid into court be used to purchase an interest-bearing security, or
- (c) the debtor may apply to the court for an order empowering him to have the amount paid out to him upon the provision to the court of such security over the debtor's property as, in the opinion of the court, is adequate to secure the amount sought to be paid out to the debtor.

Effect of substitution (2)

Security provided under subsection (1) takes the place of and shall be dealt with as if it were the amount paid into court under the writ of garnishment, and for that purpose the security may be managed, assigned, liquidated, discharged or otherwise dealt with as the court may direct from time to time.

Failure to substitute (3)

The provision of security under this section, or the failure of a creditor or debtor to make an application under this section, may

be taken into account for the purpose of an assessment under subsection 39(2).

Costs

- | | | |
|---------------------------|-------|---|
| Discretion
of court | 42(1) | Except as otherwise provided in this Ordinance, where any application is made or any issue is tried in relation to a writ of garnishment, the costs of the proceedings are in the discretion of the court. |
| Non-
compliance | 43(1) | Where a person fails to comply with an obligation imposed upon him by this Ordinance as to the delivery of a document or as to the information to be contained in a document he is obliged to deliver, the court may, upon the application of any person affected by the failure, order him to reimburse the person affected, on a solicitor and client basis, for the costs incurred by the person affected as a result of the failure including the costs of the application. |
| Liability
of garnishee | 44(1) | Subject to section 43 and subsection (2), a garnishee is not liable for the costs of any proceedings under this Ordinance. |
| Untenable
dispute | (2) | A garnishee may be held liable for the costs of proceedings under this Ordinance to the extent that the costs are incurred as a result of the setting-up of a dispute by the garnishee based upon grounds that, in the opinion of the court, he knew or ought to have known to be untenable. |
| Successful
dispute | (3) | Subject to section 43 a garnishee is entitled to be reimbursed by the creditor on a solicitor and client basis for any costs incurred by the garnishee in a dispute as to the garnishee's liability under a writ of garnishment to the extent that the garnishee is successful in the dispute. |

- Garnishee's 45(1)
costs A garnishee who responds to a writ of garnishment served upon him is entitled to be compensated for the costs incurred by him in making his first response to the writ in an amount equal to \$25, or such greater amount as may be prescribed.
- Subsequent (2) Where a garnishee is required under a writ of responses continuing garnishment to make more than one response, or more than one payment into court, he is entitled to be compensated for the costs incurred by him in making each such additional response or payment in an amount equal to \$5, or such greater amount as may be prescribed.
- Creditor's 46(1)
costs Subject to section 43, where a writ of garnishment attaches a debt and the creditor obtains a judgment against the debtor, the creditor is entitled to be compensated by the debtor for all of the costs incurred by the creditor in relation to the writ of garnishment, other than the costs of any application under this Ordinance, in an amount equal to \$25, or such greater sum as may be prescribed.
- Liability (2) The creditor is liable for the payment of the to garnishee garnishee's costs under section 45, but if the writ of garnishment attaches a debt and the creditor obtains judgment against the debtor, an amount equal to those costs may be added to the judgment debt.
- Liability 47(1) A debtor is not liable for any costs or of debtor disbursements incurred by the creditor or the garnishee in relation to
- (a) a writ of garnishment that does not attach a debt, or
 - (b) an application under this Ordinance, to the extent that the applicant, if he is the creditor or the garnishee, is unsuccessful.

Setting aside writ	48(1)	Where a writ of garnishment is ordered to be set aside under section 4 or 6, the court may award to the applicant costs in an amount not exceeding three times the costs to which he would have been entitled without this subsection.
Restora- tion of interest	49(1)	A person to whom a beneficial interest is restored under subsection 37(3) is entitled to be reimbursed by the creditor, on a solicitor and client basis, for the costs incurred by him in securing the determination of the debtor's beneficial interest and the restoration of his own beneficial interest.
Excessive claim	50(1)	Where an amount ordered to be paid into court by a garnishee under subsection 31(1) is less than the amount sought to be attached as set out in the writ of garnishment, or where no amount is ordered to be paid, the court may award to the garnishee his costs in an amount not exceeding three times the costs to which he would have been entitled without this subsection.
Failure to give notice	51(1)	Where a creditor fails to comply with subsection 34(1) or (2), he is not entitled to receive from the debtor any of the costs incurred by the creditor in connection with the garnishment proceedings, unless the creditor upon application to the court satisfies the court that he made a reasonable attempt to ensure that subsections 34(1) and (2) were complied with.
Costs of small claims	52(1)	Subject to subsection (2) and notwithstanding any other provision of this Ordinance, no costs other than those provided for in section 45 and 46 are recoverable in respect of proceedings that are within the jurisdiction of a Small Claims Official.
Penalties in costs	(2)	Sections 43, 48 and 50 apply in respect of proceedings within the jurisdiction of a Small Claims Official, but the costs payable under those sections shall be one-third of

the amount that would be payable if the proceedings were not within the jurisdiction of a Small Claims Official.

General

- | | | |
|-------------------------------|-------|--|
| Applica-
tion to
court | 53(1) | Where any difference of opinion arises as to the rights or obligations of any person under this Ordinance and no other provision is made for the determination of the issue, any person interested in the matter may apply to the court, and the court may make such order, not inconsistent with this Ordinance, as the court may deem appropriate. |
| Procedure
in court | (2) | The procedure upon any application under this Ordinance shall be regulated by the Rules of Court, except insofar as provision is made for the procedure in this Ordinance. |
| Discretion
of court | 54(1) | Subject only to subsection 13(2), the court has a discretion to order that, to achieve a result that is just in all the circumstances,
(a) a writ of garnishment be varied
(b) a writ of garnishment be set aside, or
(c) terms and conditions be imposed with respect to a writ of garnishment. |
| Discretion
not limited | (2) | The generality of subsection (1) is not limited by any other provision of this Ordinance that authorizes the court to order that a writ of garnishment be varied or set aside. |
| Service
of docu-
ments | 55(1) | A writ of garnishment, an order under subsection 13(3), or a demand under subsection 25(3), may be served in any way that a writ of summons may be served. |
| Delivery
of docu-
ments | (2) | Any document required to be delivered under this Ordinance, may be delivered by serving it personally upon the person to whom it is to be delivered, or by mailing it to him by registered or certified mail addressed to his last address known to the person delivering the document. |

Delivery by mail	(3)	A document mailed as provided in subsection (2) shall be deemed to have been delivered ten days after the day on which it was mailed.
Savings institution	(4)	A document may be served on, or delivered to, a branch of a savings institution by serving it on, or delivering it to, the manager or other person in charge of the branch.
Small Claims proceedings	56(1)	The provisions of this Ordinance apply to proceedings before Small Claims Officials with such changes in the title of the court, the style of the officers, the forms of process and other matters as are necessary to make this Ordinance applicable to the proceedings.
Money due to Her Majesty	57(1)	<p>Where any money is due to Her Majesty by order of a justice of the peace, a judge of the Territorial Court, or a judge of the Supreme Court, under any Act of Canada or under any Ordinance, then, for the purposes of this Ordinance,</p> <p>(a) an order of a justice of the peace or a judge of the Territorial Court shall be deemed to be a judgment of the Territorial Court, and an order of a judge of the Supreme Court shall be deemed to be a judgment of the Supreme Court,</p> <p>(b) Her Majesty shall be deemed to be a judgment creditor, and</p> <p>(c) the person liable to pay the money shall be deemed to be a judgment debtor.</p>
Protection of employees	58(1)	No employer shall dismiss or demote a debtor, or terminate a contract of employment of a debtor, by reason of the service of a writ of garnishment on the employer in respect of the debtor.
Offence and penalty	(2)	An employer who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$1000, or to imprisonment for a period of 6 months, or both.

- Reinstatement by employer (3) On application made within 30 days of the contravention by or on behalf of the debtor, an employer who contravenes subsection (1) may be ordered by the court,
- (a) to reinstate the debtor in his employment on the terms and conditions that were in effect before the employer contravened subsection (1), and
 - (b) to pay to the debtor the wages and employment benefits of the debtor from the date of the contravention to the date on which he is reinstated in his employment.
- Conviction of employer (4) Where an employer is convicted of an offence under subsection (2) and the information is sworn within 30 days of the day on which the offence was committed, the employer shall forthwith
- (a) reinstate the debtor in his employment on the terms and conditions that were in effect before the offence was committed, and
 - (b) pay to the debtor the wages, and give to him the employment benefits, that would have been paid and given to the debtor in the ordinary course of his employment, from the date of the offence to the date of his reinstatement, as if the offence had not been committed.
- Regulations 59(1) The Commissioner may make regulations
- (a) prescribing the forms necessary for the purposes of this Ordinance,
 - (b) prescribing the costs payable to garnishees and creditors under this Ordinance,
 - (c) requiring the payment of fees to the clerk of the court for the issuance of writs of garnishment, and prescribing the amounts of the fees, and
 - (d) generally, for carrying the purposes and provisions of this Ordinance into effect.
- 60(1) The *Garnishee Ordinance* is repealed.

61(1) This Ordinance comes into force on a day to
be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 13

AN ORDINANCE TO AMEND
THE GOVERNMENT EMPLOYEE HOUSING PLAN ORDINANCE

(Assented to April 16, 1980)

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

- 1(1) Section 5 of the *Government Employee Housing Plan Ordinance* is amended by adding the following new subsection:
- Joint property " (2) Where an employee is entitled to and applies for the benefit of the Plan in respect of a qualified housing unit that is deemed to be owned by the employee under subsection 7(3), the Corporation may, pursuant to the Plan, purchase the housing unit from the employee and his spouse."
- 2(1) Section 6 of the Ordinance is repealed and the following substituted therefor:
- Price "6(1) The price to be paid by the Corporation under section 5 for a housing unit shall not exceed the lesser of
- (a) \$68,400, and
 - (b) 95 per cent of the mean of two appraisals, one of which shall be made by an appraiser appointed by the Government, and the other by an appraiser appointed by the employee.
- Appraisers (2) A person shall not be appointed as an appraiser under this section unless he is able to demonstrate that he is experienced in the

making of appraisals of real property for others, for other purposes, for gain or reward.

Qualified persons

- (3) A person shall be deemed to have satisfied the requirements of subsection (2) if
- (a) he is the holder of a certificate from the Appraisal Institute of Canada qualifying him to appraise the housing unit, or
 - (b) he has been paid by a bank to which the *Bank Act* (Canada) applies for making appraisals of property in the Territory similar to the housing unit within a period of one year immediately before the application is made under paragraph 4(1)(a).

Method of appraisal

- (4) An appraisal under this section shall be based on the cost approach or on the market approach as recognized by the Appraisal Institute of Canada.

Differing appraisals

- (5) Where the appraisals made under subsection (1) differ by an amount greater than 15 per cent of the lesser of the appraisals, the Government and the employee shall appoint new appraisers for the purpose of obtaining new appraisals for determining the price to be paid under paragraph (1)(b).

Final appraisals

- (6) Where the new appraisals under subsection (5) differ by an amount greater than 15 per cent of the lesser of the two new appraisals, the Government and the employee together shall appoint one appraiser for the purpose of obtaining a

final appraisal for determining the price to be paid under paragraph (1) (b)."

3(1) Section 7 of the Ordinance is repealed and the following substituted therefor:

Qualification
of unit

"7(1) A housing unit qualifies under the Plan where

- (a) it is owned by the employee and occupied by him as his principal residence on the day on which he resigns from the Public Service, proceeds to pension, is laid off by the employer, is retired for ill-health by the employer, is transferred from one community to another community, or dies, as the case may be, and
- (b) it qualifies for a mortgage loan under the *National Housing Act* (Canada).

Exception

(2) Notwithstanding subsection (1), where an employee resigns from the Public Service or proceeds to pension, a housing unit does not qualify under the Plan if it has not been owned by the employee and occupied by him as his principal residence for the period of two years immediately preceding the day on which he resigns or proceeds to pension, as the case may be.

Joint
ownership

(3) For the purposes of this section, a housing unit shall be deemed to be owned by an employee where it is wholly owned by the employee and his spouse as tenants in common or joint tenants."

4(1) Subsection 8(1) of the Ordinance is amended by striking out the expression "within 60 days of the registration of the unit with the Corporation" and substituting therefor the expression "within 30 days of the day on which an application is made under paragraph 4(1)(a) in respect of the housing unit".

(2) Subsection 8(3) of the Ordinance is repealed.

5(1) Subsection 10(1) of the Ordinance is repealed and the following substituted therefor:

Transfer
required

"10(1) No amount shall be paid by the Corporation for the purchase of a housing unit under this Ordinance until title to the property has been transferred to the Corporation."

6(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 14

HUMAN TISSUE GIFT ORDINANCE

(Assented to April 16, 1980)

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(1)	This Ordinance may be cited as the <i>Human Tissue Gift Ordinance</i> .
	2(1)	In this Ordinance,
"consent"		"consent" means a consent given under this Ordinance;
"medical practitioner"		"medical practitioner" has the same meaning as in the <i>Medical Profession Ordinance</i> ;
"tissue"		"tissue" includes an organ, but does not include any skin, bone, blood, blood constituent or other tissue that is replaceable by natural processes of repair;
"transplant"		"transplant" means the removal of tissue from a human body, whether living or dead, and its implantation in a living human body; and
"writing"		"writing" includes a will and any other testamentary instrument whether or not probate has been applied for or granted and whether or not the will or other testamentary instrument is valid.
Inter Vivos Gifts for Transplants		
Transplants	3(1)	A transplant from one living human body to another living human body may be done in accordance with this Ordinance but not otherwise.
Consent to transplant	4(1)	Any person who has attained the age of majority, is mentally competent to consent, and is able

to make a free and informed decision may in a writing signed by him consent to the removal forthwith from his body of the tissue specified in the consent and its implantation in the body of another living person.

Saving provision

- (2) Notwithstanding subsection (1), a consent given thereunder by a person who had not attained the age of majority, was not mentally competent to consent, or was not able to make a free and informed decision is valid for the purposes of this Ordinance if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority, was not mentally competent to consent, or was not able to make a free and informed decision as the case may be.

Effect of consent

- (3) A consent given under this section is full authority for any medical practitioner
- (a) to make any examination necessary to assure medical acceptability of the tissue specified therein, and
 - (b) to remove forthwith such tissue from the body of the person who gave the consent.

Avoidance of consent

- (4) If for any reason the tissue specified in the consent is not removed in the circumstances to which the consent relates, the consent is void.

Post Mortem Gifts

Consent

- 5(1) Any person who has attained the age of majority may consent
- (a) in a writing signed by him at any time, or
 - (b) orally in the presence of at least two witnesses during his last illness
- that his body or the part or parts thereof specified in the consent be used after his death for therapeutic purposes, medical education or scientific research.

- Saving provision (2) Notwithstanding subsection (1), a consent given by a person who had not attained the age of majority is valid for the purposes of this Ordinance if the person who acted upon it had no reason to believe that the person who gave it had not attained the age of majority.
- Effect of consent (3) Upon the death of a person who has given a consent under this section, the consent is binding and is full authority for the use of the body or the removal and use of the specified part or parts for the purpose specified, except that no person shall act upon a consent given under this section if he has reason to believe that it was subsequently withdrawn.
- Consent by others 6(1) Where a person of any age who has not given a consent under section 5 dies, or in the opinion of a medical practitioner is incapable of giving a consent by reason of injury or disease and his death is imminent,
- (a) his spouse of any age,
 - (b) if none or if his spouse is not readily available, any one of his children who has attained the age of majority,
 - (c) if none or if none is readily available, either of his parents,
 - (d) if none or if neither is readily available, any one of his brothers or sisters who has attained the age of majority,
 - (e) if none or if none is readily available, any other of his next of kin who has attained the age of majority, or
 - (f) if none or if none is readily available, the person lawfully in possession of the body other than, where he died in hospital, the administrative head of the hospital, may consent
 - (g) in a writing signed by the spouse, relative or other person,
 - (h) orally by the spouse, relative or other person in the presence of at least two witnesses, or

- (i) by the telegraphic, recorded telephonic, or other recorded message of the spouse, relative or other person to the body or the part or parts thereof specified in the consent being used after death for therapeutic purposes, medical education or scientific research.
- Exception (2) No person shall give a consent under this section if he has reason to believe that the person who died or whose death is imminent would have objected thereto.
- Effect of consent (3) Upon the death of a person in respect of whom a consent was given under this section the consent is binding and is, subject to section 7, full authority for the use of the body or for the removal and use of the specified part or parts for the purpose specified except that no person shall act on a consent given under this section if he has actual knowledge of an objection thereto by the person in respect of whom the consent was given or by a person of the same or closer relationship to the person in respect of whom the consent was given than the person who gave the consent.
- "possession of the body" (4) In subsection (1), "person lawfully in possession of the body" does not include
- (a) the supervising coroner or a coroner in possession of the body for the purposes of the *Coroners Ordinance*,
 - (b) the Public Administrator or any person on his behalf in possession of the body for the purposes of its burial,
 - (c) an embalmer or funeral director in possession of the body for the purpose of its burial, cremation or other disposition, or
 - (d) the superintendent of a crematorium in possession of the body for the purpose of its cremation.
- Directions by coroner 7(1) Where in the opinion of a medical practitioner the death of a person is imminent by reason

of injury or disease and the medical practitioner has reason to believe that section 7 of the *Coroners Ordinance* may apply when death does occur and a consent under this Ordinance has been obtained for a post-mortem transplant of tissue from the body, a coroner having jurisdiction, notwithstanding that death has not yet occurred, may give such directions as he thinks proper respecting the removal of such tissue after the death of the person, and every such direction has the same force and effect as if it had been made after death.

- | | | |
|-----------------------------|------|--|
| Determining death | 8(1) | For the purposes of a post-mortem transplant, the fact of death shall be determined by at least two medical practitioners in accordance with accepted medical practice. |
| Exception | (2) | No medical practitioner who has had any association with the proposed recipient that might influence his judgment shall take any part in the determination of the fact of death of the donor. |
| Participation in transplant | (3) | No medical practitioner who took any part in the determination of the fact of death of the donor shall participate in any way in the transplant procedures. |
| Cornea transplant | (4) | Nothing in this section in any way affects a medical practitioner in the removal of eyes for a cornea transplant. |
| Unusable gifts | 9(1) | Where a post-mortem gift under this Ordinance cannot for any reason be used for any of the purposes specified in the consent, the subject matter of the gift and the body to which it belongs shall be dealt with and disposed of as if no consent had been given. |

General

- | | | |
|--------------------|-------|---|
| Actions prohibited | 10(1) | No action or other proceeding for damages lies against any person for any act done in |
|--------------------|-------|---|

good faith and without negligence in the exercise or intended exercise of any authority conferred by this Ordinance.

Prohibited transactions	11(1)	No person shall buy, sell or otherwise deal in, directly or indirectly, for a valuable consideration, any tissue for a transplant, or any body or part or parts thereof other than blood or a blood constituent, for therapeutic purposes, medical education or scientific research, and any such dealing is invalid as being contrary to public policy.
Confidential information	12(1)	Except where legally required, no person shall disclose or give to any other person any information or document whereby the identity of any person <ul style="list-style-type: none"> (a) who has given or refused to give a consent, (b) with respect to whom a consent has been given, or (c) into whose body tissue has been, is being or may be transplanted, may become known publicly.
Exception	(2)	Where the information or document disclosed or given pertains only to the person who disclosed or gave the information or document, subsection (1) does not apply.
Transitional	13(1)	Any dealing with a body or part or parts thereof that was lawful before this Ordinance came into force shall, except as provided in this Ordinance, continue to be lawful.
Offence and penalty	14(1)	Every person who knowingly contravenes any provision of this Ordinance commits an offence and on summary conviction is liable to a fine of not more than one thousand dollars or to imprisonment for a term of not more than six months, or to both.
Coroners Ordinance	15(1)	Except as provided in section 7, nothing in

this Ordinance affects the operation of the
Coroners Ordinance.

16(1) The *Cornea Transplant Ordinance* is repealed.

17(1) This Ordinance comes into force on a day to
be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act
recommended by the Uniform Law Conference of
Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 15

AN ORDINANCE TO AMEND THE INSURANCE ORDINANCE

(Assented to April 14, 1980)

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

- 1(1) The *Insurance Ordinance* is amended by repealing subsection 119(1) and substituting the following therefor:

Coincidental
deaths

"119(1) Unless a contract or a declaration otherwise provides, where the person whose life is insured and a beneficiary die at the same time or in circumstances rendering it uncertain which of them survives the other, for the purpose only of paying out the proceeds of the policy, the insurance money is payable in accordance with subsection 97(1) as if the beneficiary had predeceased the person whose life is insured."

- 2(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 16

INTERIM SUPPLY APPROPRIATION ORDINANCE, 1980-81

(Assented to March 31, 1980)

Whereas it appears by message from the Commissioner, and in the estimates accompanying the message, that the sums mentioned in Schedule "A" of this Ordinance are required for the purpose of defraying certain expenses of the public service of the Territory and for related purposes for the month of April, 1980:

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

- 1(1) This Ordinance may be cited as the *Interim Supply Appropriation Ordinance, 1980-81*.

- 2(1) From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole nine million, eighty-three thousand, six hundred dollars, for defraying the several charges and expenses of the public service of the Territory for the month of April, 1980, as set forth in Schedule "A" of this Ordinance and that sum shall not be paid or applied except in accordance with Schedule "A".

- 3(1) The due application of all monies paid or applied pursuant to section 2 shall be accounted for.

SCHEDULE "A"

<u>Appropriation or Item</u>	<u>\$ (Dollars) (000's)</u>
Yukon Legislative Assembly	77.0
Executive Council Office	79.0
Education	1,710.0
Consumer and Corporate Affairs	60.0
Human Resources	452.0
Municipal and Community Affairs	373.0
Tourism and Economic Development	155.0
Justice	610.0
Highways and Public Works	1,795.0
Public Service Commission	91.0
Office of the Pipeline Coordinator	29.0
Finance	204.0
Library and Information Resources	122.0
Renewable Resources	299.0
Health	1,141.0
Government Services	175.6
Yukon Housing Corporation	103.0
Loan Capital	1,308.0
Loan Amortization	<u>300.0</u>
Total	<u>\$9,083.6</u>

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 17

AN ORDINANCE TO AMEND THE LIQUOR ORDINANCE

(Assented to April 16, 1980)

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

1(1) Subsection 50(1) of the *Liquor Ordinance* is repealed and the following substituted therefor:

Reception
and
special
occasion
permits

"50(1) The General Manager may, subject to the regulations, upon the receipt of an application in the prescribed form,
(a) issue a reception permit to any person in charge of a reception, or
(b) issue a special occasion permit to any person acting on behalf of, and authorized in writing to act on behalf of, a non-profit organization, whether or not it is incorporated."

2(1) Section 66 of the *Liquor Ordinance* is repealed and the following substituted therefor:

Conduct
on
premises

"66(1) No licensee, and no person employed in any premises in respect of which a licence has been issued, shall
(a) permit any person in a drunken or intoxicated condition to enter, be, or remain in the premises,
(b) permit any riotous, quarrelsome, violent or disorderly conduct to take place in the premises,
(c) permit any gambling to take place in the premises, or

(d) permit any slot machine or any device used for gambling to be placed, kept or maintained in the premises.

Gambling

(2) Paragraphs (1)(c) and (d) do not apply in respect of premises in respect of which a licence or permit has been issued to a person on behalf of a non-profit organization under section 45 or 50 where the gambling is authorized to be carried on under a licence issued by the Commissioner under the *Criminal Code* (Canada).

3(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 18

AN ORDINANCE TO AMEND THE LIQUOR TAX ORDINANCE

(Assented to April 16, 1980)

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

1(1) Section 3 of the *Liquor Tax Ordinance* is repealed and the following substituted therefor:

Tax

"3(1) There shall be levied on all liquor purchased from the Corporation a tax in an amount equal to ten per cent of the amount paid to the Corporation for its own use for the sale of the liquor."

2(1) This Ordinance shall come into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 19

LOAN AGREEMENT ORDINANCE (1980) No. 1

(Assented to April 14, 1980)

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

- 1(1) This Ordinance may be cited as the *Loan Agreement Ordinance (1980) No. 1*.

- 2(1) The Commissioner may, on behalf of the Government of the Territory, borrow from the Government of Canada a sum not exceeding fifteen million, seven hundred thousand dollars, for the making of loans to municipalities, for the making of loans under the Housing Ordinance, for the development of land for sale, and for the financing of community improvements outside municipalities.

- 3(1) The Commissioner is authorized to enter into and execute, on behalf of the Government of the 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,
 - (b) the payment to the Government of Canada of interest at such a 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, and
 - (c) such other terms and conditions as may be agreed upon by the Commissioner.

- 4(1) The Commissioner is empowered to do every act and exercise every power for the purpose of fulfilling every obligation assumed by the Government of the Territory under this agreement.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 20

MISCELLANEOUS STATUTE LAW AMENDMENT ORDINANCE, 1980

(Assented to May 2, 1980)

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

- 1(1) This Ordinance may be cited as the *Miscellaneous Statute Law Amendment Ordinance, 1980*.
- 2(1) Subsection 30(2) of the *Assessment and Taxation Ordinance* is amended by striking out the expression "subsection (1)" and substituting therefor the expression "subsection 32(1)".
 - (2) Subsection 48.1(2) of the *Assessment and Taxation Ordinance* is amended by striking out the expression "subsection (2)" and substituting therefor the expression "subsection 43(2)".
- (3) Subsection 65(1) of the *Assessment and Taxation Ordinance* is amended by striking out the expression "subsection 63(1)" and substituting therefor the expression "subsection 63(2)".
- 3(1) Section 2 of the *Brands Ordinance* is amended by striking out the expression "game guardian" and substituting therefor the expression "conservation officer".
 - (2) Subsection 10(2) of the *Brands Ordinance* is amended
 - (a) by striking out the expression "one-quarter of an inch" and substituting therefor the expression "six millimetres", and
 - (b) by striking out the expression "three inches" and substituting therefor the expression "75 millimetres".
- 4(1) The *Business Licence Ordinance* is amended by repealing subsection 9(2) thereof.

- 5(1) The *Contributory Negligence Ordinance* is amended by repealing section 8.
- 6(1) The *Corporation Securities Ordinance* is amended by repealing subsection 10(1) and substituting the following therefor:
- "10(1) Upon payment of the prescribed fee, the Registrar shall give a certificate under his hand of the filing of any instrument or affidavit in pursuance of this Ordinance, and the day and hour of such filing."
- 7(1) Section 33 of the *Corrections Ordinance* is amended by striking out the expression "*Public Service Ordinance*" and substituting therefor the expression "*Public Service Commission Ordinance*".
- (2) Schedule I of the *Corrections Ordinance* is amended by striking out the expression "The Whitehorse Correctional Institute" and substituting therefor the expression "The Whitehorse Correctional Centre".
- 8(1) The *Elections Ordinance, 1977* is amended by repealing subsection 41(11) and substituting the following therefor:
- "(11) Where a deputy returning officer dies or is unable to act, the returning officer may appoint another in his place as deputy returning officer and, if no such appointment is made, the poll clerk, without taking another oath of office, shall act as a deputy returning officer."
- 9(1) The *Evidence Ordinance* is amended by adding after subsection 40(2) the following new subsection:

- "(3) A document purporting to bear the signature of a judge of the Territorial Court, the Supreme Court, or the Court of Appeal, either in his capacity as such or as a *persona designata*, is admissible in evidence without proof of his signature, authority, or official capacity."
- 10(1) Sections 14, 15, 17 and 19 of the *Forest Protection Ordinance* are amended by striking out the expression "one-half of a mile" and substituting therefor the expression "one kilometre".
- (2) Subsection 17(6) of the *Forest Protection Ordinance* is amended by striking out the expression "three hundred feet" and substituting therefor the expression "100 metres".
- 11(1) Section 2 of the *Government Employee Housing Plan Ordinance* is amended by striking out the expression "*Public Service Ordinance*" and substituting therefor the expression "*Public Service Commission Ordinance*".
- 12(1) The *Insurance Ordinance* is amended by repealing paragraph 29(1)(e).
- (2) Section 200 of the *Insurance Ordinance* is amended by striking out the expression "subsection 196(2)" and substituting therefor the expression "subsection 195(2)".
- 13(1) Section 4 of the *Interpretation Ordinance* is amended by adding immediately after subsection (1) the following new subsection:
- "(1.1) Where an Ordinance contains a provision that the Ordinance or any provision thereof is to come into force on a day other than the date

of assent to the Ordinance, that provision shall be deemed to come into force on the date of assent."

14(1) Subsections 64(1) and 64(5) of the *Landlord and Tenant Ordinance* are amended by striking out the expression "section 89" and substituting therefor the expression "section 63".

15(1) The *Legal Profession Ordinance* is amended by striking out the definition of "Legal Adviser" in subsection 2(1) and substituting the following therefor:

"Legal Adviser" means the person who from time to time holds the office of Legal Adviser to the Government of the Yukon Territory and whose name is entered on the Roll pursuant to subsection 3(3);".

16(1) The *Legal Profession Accounts Ordinance* is amended by striking out the definition of "Legal Adviser" in subsection 2(1) and substituting the following therefor:

"Legal Adviser" means the person who from time to time holds the office of Legal Adviser to the Government of the Yukon Territory and whose name is entered on the Roll pursuant to subsection 3(3) of the *Legal Profession Ordinance*;".

17(1) Section 103 of the *Liquor Ordinance* as enacted by section 53 of *An Ordinance to Amend the Liquor Ordinance*, being chapter 9 of the Ordinances of the Yukon Territory, 1976 Third Session, shall be deemed to have been repealed upon the coming into force of section 1 of *An Ordinance to Amend the Liquor Ordinance*, being chapter 13 of the Ordinances of the Yukon Territory, 1977 First Session.

- (2) The *Liquor Ordinance* is amended by repealing subsection 2(2) and substituting the following therefor:

"(2) For the purposes of subparagraph (i) of the definition of "liquor" in subsection (1), any liquor that contains more than two and one-half per cent by volume of absolute alcohol at 16 degrees Celsius shall be deemed to be intoxicating."

- (3) The *Liquor Ordinance* is further amended by repealing the headings immediately preceding sections 6, 36, 52, and 53.

- (4) The *Liquor Ordinance* is further amended by adding after section 93 the following new section:

"93.1(1) The justice trying the case, in the absence of evidence to the contrary, is at liberty to infer that any substance in question is liquor within the meaning of this Ordinance from the fact that a witness describes it as liquor or by a name that is commonly applied to liquor."

- (5) Subsection 103(6) of the *Liquor Ordinance* is amended by striking out the expression "subsections (4) and (5)" and substituting therefor the expression "subsections (3) and (4)".

- (6) The *Liquor Ordinance* is further amended by repealing the heading immediately preceding section 103 and substituting therefor the following heading:

"PUBLIC DRINKING".

- (7) The *Liquor Ordinance* is further amended by adding immediately before section 105 the following heading:

"REGULATIONS".

- 18(1) Section 2 of the *Mental Health Ordinance* is amended by striking out the definition of "Director of Health Services".

- (2) The *Mental Health Ordinance* is further amended by repealing subsection 6.1(1) and substituting the following therefor:

"6.1(1) The chief executive officer of an approved institution may admit any person to and detain him in the institution where he is satisfied that the person has been examined by a physician who is of the opinion that the person is a mentally disordered person and

- (a) the person has attained the age of nineteen years and requests admission, or
- (b) the person has attained the age of sixteen years but has not attained the age of nineteen years and the person and a near relative of the person request that the person be admitted."

- (3) The *Mental Health Ordinance* is further amended by repealing subsection 6.1(2) and substituting the following therefor:

"(2) Within seventy-two hours of the time of the receipt of notification, in any way, of the desire of a patient who is admitted under this section to leave an approved institution, the chief executive officer of the institution shall discharge the patient from the institution."

- (4) The *Mental Health Ordinance* is further amended by repealing section 6.2 and substituting the following therefor:

"6.2(1) The chief executive officer of an approved institution may admit a person to and detain him in the institution where the chief executive officer receives two medical certificates in the prescribed form completed by two medical practitioners."

- 19(1) The *Motor Vehicles Ordinance* is further amended by repealing subsection 63(2).
- (2) Subsection 63(4) of the *Motor Vehicles Ordinance* is amended by striking out the expression "this section" and substituting therefor the expression "any section in this Part".
- (3) Subsection 181(1) of the *Motor Vehicles Ordinance* is amended by striking out the expression "outside of a municipality".
- (4) The *Motor Vehicles Ordinance* is further amended by repealing subsection 181(3).
- (5) The *Motor Vehicles Ordinance* is amended by adding immediately after section 241 thereof the following new section:

"241.1(1) For the purposes of the enforcement of this Ordinance within a municipality, an officer designated by the regulations has and may exercise all the powers and functions given to a peace officer under sections 33, 45, 91, 100, 142, 143, 144, 145, 190, 207, 221, 234, and 236.

- (2) For the purposes of the enforcement of any by-law made by a municipality under this Ordinance or under section 92 of the *Municipal Ordinance*,

the municipality may by by-law give, to any officer who is an officer or employee of the municipality, such of the powers or functions of a peace officer referred to in subsection (1) as may be specified in the by-law.

(3) The Commissioner may make regulations designating officers or classes of officers who shall have and exercise the powers and functions of peace officers for the purposes of subsection (1).

(4) Every person who fails to comply with any demand, request, direction, requirement, order or other exercise of authority by an officer under subsection (1) or (2) commits an offence and is liable on summary conviction to the penalty to which he would be liable if the officer were a peace officer."

20(1) Sections 166 and 168 of the *Municipal Ordinance* are amended by striking out the expression "Director of Local Government" and substituting therefor the expression "Director of Municipal and Community Affairs".

21(1) Section 69 of the *Partnership Ordinance* is repealed and the following substituted therefor:

"69(1) The surname of a special partner shall not appear in the firm name of a limited partnership unless it is also the surname of one of the general partners.

(2) A special partner whose surname appears in the firm name of a limited partnership in contravention of subsection (1) shall be deemed

to be a general partner, and he is liable as a general partner to any creditor of the limited partnership who has extended the credit without actual knowledge that the special partner is not a general partner."

- 22(1) Subsection 5(1) of the *Pioneer Utility Grant Ordinance* is repealed and the following substituted therefor:
- "5(1) Subject to subsection (3), every application for a pioneer grant shall be made to the Director in the prescribed form on or after the first day of October of the year for which the grant is to be made, but not later than the thirty-first day of January of the year following the year for which the grant is to be made."
- (2) Subsection 8(2) of the *Pioneer Utility Grant Ordinance* is amended by striking out the expression "section 4" and substituting therefor the expression "subsection (1)".
- 23(1) Section 2 of the *Pounds Ordinance* is amended by striking out the expression "four feet six inches" and substituting therefor the expression "135 centimetres".
- (2) Subsection 5(3) of the *Pounds Ordinance* is amended by striking out the expression "situate" and substituting therefor the expression "situated".
- (3) Section 20 of the *Pounds Ordinance* is amended by striking out the expression "game guardian" and substituting therefor the expression "conservation officer".
- 24(1) The *Real Estate Agents' Licensing Ordinance* is amended by repealing paragraphs 56(1)(d)

and (e) and substituting the following therefor:

- "(d) prescribing the practice and procedure upon an investigation under sections 15 to 21; and
- (e) providing for the qualifications required of applicants for licences."

25(1) Subsection 3(2) of the *Regulations Ordinance* is amended by striking out the expression "other than one referred to in section 10".

26(1) Subsection 3(1) of the *Securities Ordinance* is amended by striking out the expression "Part III" and substituting therefor the expression "Part I".

27(1) Section 2 of the *Societies Ordinance* is amended

- (a) by striking out the expression "and includes a declaration for incorporation and any other similar document of a society or association to which section 59 applies" in the definition of "declaration", and
- (b) by striking out the words "and includes a society to which section 59 applies" in the definition of "society".

(2) The *Societies Ordinance* is further amended by repealing section 18.

(3) The *Societies Ordinance* is further amended by adding after subsection 23(3) the following new subsection:

- "(3.1) No resolution under subsection (2) has any force or effect until it has been filed under subsection (3) with the Registrar."

28(1) The *Worker's Compensation Ordinance* is amended by striking out the word "recommended" and substituting therefor the expression "recommenced".

29(1) Schedule B of *An Ordinance Respecting the Revised Ordinances of the Yukon Territory, 1971*, being chapter 2 of the Ordinances of the Yukon Territory (third session), is amended;

- (a) by deleting the reference to "Change of Name, Territorial Court Ordinance" in the third column thereof, and by deleting the information contained in the first, second and fourth columns, with respect thereto, and
- (b) by adding thereto, immediately after the column headings thereof, the following:

"6	R.O. 1958	Arbitration Ordinance	The whole
7	R.O. 1958	Area Development Ordinance	The whole
8	R.O. 1958	Assignment of Book Debts Ordinance	The whole
9	R.O. 1958	Bills of Sale Ordinance	The whole
10	R.O. 1958	Blasting Ordinance	The whole
11	R.O. 1958	Bulk Sales Ordinance	The whole
12	R.O. 1958	Business Licence Ordinance	The whole
14	R.O. 1958	Change of Name Ordinance	The whole
15	R.O. 1958	Chiropractic Ordinance	The whole
16	R.O. 1958	Choses in Action Ordinance	The whole
17	R.O. 1958	Citizenship Instruction Agreement Ordinance	The whole
18	R.O. 1958	Collection Ordinance	The whole
19	R.O. 1958	Companies Ordinance	The whole
20	R.O. 1958	Conditional Sales Ordinance	The whole
21	R.O. 1958	Contributory Negligence Ordinance	The whole
22	R.O. 1958	Controverted Elections Ordinance	The whole
24	R.O. 1958	Coroners Ordinance	The whole
26	R.O. 1958	Creditors Relief Ordinance	The whole
27	R.O. 1958	Curfew Ordinance	The whole
28	R.O. 1958	Defamation Ordinance	The whole
29	R.O. 1958	Dental Profession Ordinance	The whole
30	R.O. 1958	Devolution of Real Property Ordinance	The whole

31	R.O. 1958	Disabled Persons Allowance Ordinance	The whole
32	R.O. 1958	Distress Ordinance	The whole
33	R.O. 1958	Dog Ordinance	The whole
34	R.O. 1958	Elections Ordinance	The whole
35	R.O. 1958	Employment Agencies Ordinance	The whole
36	R.O. 1958	Engineering Profession Ordinance	The whole
37	R.O. 1958	Evidence Ordinance	The whole
38	R.O. 1958	Exemptions Ordinance	The whole
39	R.O. 1958	Factors Ordinance	The whole
40	R.O. 1958	Fatal Accidents Ordinance	The whole
42	R.O. 1958	Financial Administration Ordinance	The whole
46	R.O. 1958	Floral Emblem Ordinance	The whole
47	R.O. 1958	Forest Protection Ordinance	The whole
48	R.O. 1958	Frustrated Contracts Ordinance	The whole
49	R.O. 1958	Fur Export Ordinance	The whole
50	R.O. 1958	Game Ordinance	The whole
51	R.O. 1958	Garage Keepers Ordinance	The whole
52	R.O. 1958	Garnishee Ordinance	The whole
57	R.O. 1958	Insurance Ordinance	The whole
58	R.O. 1958	Interpretation Ordinance	The whole
59	R.O. 1958	Intestate Succession Ordinance	The whole
60	R.O. 1958	Judicature Ordinance	The whole except 4,15,35, Form A
61	R.O. 1958	Jury Ordinance	The whole
63	R.O. 1958	Landlord and Tenant Ordinance	The whole
64	R.O. 1958	Legal Profession Ordinance	The whole
65	R.O. 1958	Legitimation Ordinance	The whole
66	R.O. 1958	Limitation of Actions Ordinance	The whole
68	R.O. 1958	Maintenance Ordinance	The whole
69	R.O. 1958	Marriage Ordinance	The whole
70	R.O. 1958	Married Women's Property Ordinance	The whole
72	R.O. 1958	Mechanics Lien Ordinance	The whole
73	R.O. 1958	Medical Profession Ordinance	The whole
74	R.O. 1958	Miners Lien Ordinance	The whole
75	R.O. 1958	Mining Safety Ordinance	The whole
76	R.O. 1958	Motion Picture Ordinance	The whole
77	R.O. 1958	Motor Vehicles Ordinance	The whole

80	R.O. 1958	Newspaper Ordinance	The whole
81	R.O. 1958	Noise Prevention Ordinance	The whole
82	R.O. 1958	Old Age Assistance and Blind Persons Allowance Ordinance	The whole
83	R.O. 1958	Optometry Ordinance	The whole
84	R.O. 1958	Partnership Ordinance	The whole
85	R.O. 1958	Pawn Brokers and Second Hand Dealers Ordinance	The whole
87	R.O. 1958	Pharmaceutical Chemists Ordinance	The whole
90	R.O. 1958	Pounds Ordinance	The whole
92	R.O. 1958	Public Health Ordinance	The whole
93	R.O. 1958	Public Printing Ordinance	The whole
95	R.O. 1958	Reciprocal Enforcement of Judgments Ordinance	The whole
96	R.O. 1958	Reciprocal Enforcement of Maintenance Orders Ordinance	The whole
97	R.O. 1958	Sale of Goods Ordinance	The whole
98	R.O. 1958	Saw Logs Driving Ordinance	The whole
100	R.O. 1958	Scientists and Explorers Ordinance	The whole
101	R.O. 1958	Societies Ordinance	The whole
102	R.O. 1958	Steam Boilers Ordinance	The whole
104	R.O. 1958	Tenants in Common Ordinance	The whole
105	R.O. 1958	Trustee Ordinance	The whole
106	R.O. 1958	Vital Statistics Ordinance	The whole
108	R.O. 1958	Warehousemen's Lien Ordinance	The whole
109	R.O. 1958	Wills Ordinance	The whole
110	R.O. 1958	Woodmen's Lien Ordinance	The whole".

(2) The Ordinances included in Schedule B of the said Ordinance pursuant to paragraph (1)(b) shall be deemed to have been repealed on and from the first day of April, 1972.

- 30(1) The following Ordinances are repealed:
- (a) *An Ordinance to Incorporate the Svendsgard Drug and Hospital Company Limited*, being chapter 1 of the Ordinances of the Yukon Council, 1899;
 - (b) *An Ordinance to Incorporate the Yukon Overland Empress and Transportation Company*, being chapter 12 of the Ordinances of the Yukon Council, 1899;
 - (c) *An Ordinance to Incorporate the Dawson Telephone and Electric Company, Limited*,

- being chapter 8 of the Ordinances of the Yukon Council, 1900;
- (d) *An Ordinance to Incorporate the Dawson City Water and Power Company Limited*, being chapter 14 of the Ordinances of the Yukon Council, 1900;
 - (e) *An Ordinance Amending the Ordinance Incorporating the Dawson City Water and Power Company Limited*, being chapter 41 of the Ordinances of the Yukon Council, 1900;
 - (f) *An Ordinance to Incorporate the Hadley Stage Line Limited*, being chapter 6 of the Ordinances of the Yukon Council, 1901;
 - (g) *An Ordinance to Incorporate the Dawson Transfer and Storage Company Limited*, being chapter 7 of the Ordinances of the Yukon Council, 1901;
 - (h) *An Ordinance to Incorporate the Yukon-Klondike General Trusts Company Limited*, being chapter 16 of the Ordinances of the Yukon Council, 1901;
 - (i) *An Ordinance to Amend the Ordinance to Incorporate the Dawson City Water and Power Company Limited*, being chapter 19 of the Ordinances of the Yukon Council, 1901;
 - (j) *An Ordinance to Increase the Capital Stock of the Hadley Stage Line Limited*, being chapter 39 of the Ordinances of the Yukon Council, 1901;
 - (k) *An Ordinance to Incorporate the Dawson Amateur Athletic Association Limited*, being chapter 15 of the Ordinances of the Yukon Council, 1902;
 - (l) *An Ordinance to Amend the Ordinance Incorporating the Dawson Amateur Athletic Association Limited*, being chapter 1 of the Ordinances of the Yukon Council, 1903;
 - (m) *An Ordinance to Incorporate the North Star Athletic Association Limited*, being chapter 13 of the Ordinances of the Yukon Council, 1903; and

(n) *An Ordinance to Incorporate the Zero Club Limited*, being chapter 21 of the Ordinances of the Yukon Council, 1903.

31(1) This Ordinance or any provision thereof comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 21

AN ORDINANCE TO AMEND
THE MOTOR VEHICLES ORDINANCE

(Assented to April 16, 1980)

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

1(1) Subsection 36(3) of the *Motor Vehicles Ordinance* is repealed and the following substituted therefor:

Visitors'
vehicles

"(3) Subject to Part IV, a private vehicle in respect of which a substituting certificate of registration has not been issued under this Ordinance may be operated on a highway where

- (a) the vehicle is registered pursuant to the laws of a place other than the Territory,
- (b) the registration number plates or other identification issued under the laws referred to in paragraph (a) is displayed on the vehicle,
- (c) the vehicle has not been in the Territory for a continuous period of more than 60 days in the preceding 12 months,
- (d) the person in whose name the vehicle is registered under the laws referred to in paragraph (a) is not a resident of the Territory,
- (e) the vehicle is not a rented vehicle, and
- (f) the vehicle is not leased, under a lease for a period of more than 30 days, to a person who is a resident of the Territory."

- (2) Section 36 of the *Motor Vehicles Ordinance* is amended by adding the following new subsections:

"private
vehicle"

"(6) For the purposes of subsection (3)
(a) "private vehicle" includes a trailer but does not include any vehicle that is used by any person in connection with the carrying-on of any business in the Territory, and

"resident"

- (b) a person shall be deemed to be a resident of the Territory where
(i) he makes his home in the Territory and is ordinarily present in the Territory,
(ii) he earn income from employment in the Territory, or
(iii) he carries on a business in the Territory.

New
registrations

- (7) A person shall be deemed not to have contravened subsection (1) during the period of seven days immediately following the day on which a vehicle is brought into the Territory for the first time in the previous 12 months where
(a) the vehicle is registered pursuant to the laws of a place other than the Territory
(b) the registration number plates or other identification issued under the laws referred to in paragraph (a) is displayed on the vehicle,
(c) the vehicle is not a rented vehicle, and
(d) a certificate of registration is issued under this Ordinance in respect of the vehicle within the seven-day period."

2(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

|

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 22

MUNICIPAL GENERAL PURPOSES LOAN ORDINANCE, 1980

(Assented to April 14, 1980)

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(1) | This Ordinance may be cited as the <i>Municipal General Purposes Loan Ordinance, 1980</i> . |
| | 2(1) | In this Ordinance, |
| "borrowing by-law" | | "borrowing by-law" means a by-law mentioned in section 4; |
| "council" | | "council" means the council of a municipality; and |
| "municipality" | | "municipality" means a town or city. |
| Ordinance one with Municipal Ordinance | (2) | This Ordinance shall be construed as one with the <i>Municipal Ordinance</i> , but in case of conflict, the provisions of this Ordinance shall prevail. |
| Commissioner may lend to municipalities | 3(1) | The Commissioner may, on behalf of the Government of the Territory, lend a sum not exceeding three million dollars, in the whole to municipalities to enable them to carry on programs of municipal works, and for that purpose the Commissioner may, on behalf of the Government of the Territory, enter into agreements with municipalities. |
| | 4(1) | Subject to this Ordinance, a council may pass by-laws for the borrowing of money for the purpose mentioned in section 3, but no such by-law shall be valid unless, before it is finally passed by the council, it is approved in accordance with the <i>Municipal Ordinance</i> . |

- 5(1) A borrowing by-law shall set out in detail
- (a) the amount proposed to be borrowed;
 - (b) the purpose for which the borrowed amount is to be expended;
 - (c) the term of the loan;
 - (d) the rate of interest payable on the loan;
 - (e) the method of repayment of the loan; and
 - (f) the amount of the existing debt of the municipality, if any, and how much, if any, of the principal or interest of the debt is in arrears.

- (2) Every borrowing by-law shall be in such form and contain such provisions as may be required by the Commissioner, and shall
- (a) fix the amount of the loan and the rate or rates of interest payable thereon, and the places and the times when the principal and interest shall be payable,
 - (b) provide that the loan and interest thereon shall be paid in lawful money of Canada, and
 - (c) provide for the levy of an annual tax or taxes sufficient to pay the principal and interest of the loan.

Money to be used for purpose stated

- 6(1) No money borrowed pursuant to a borrowing by-law shall be used for a purpose other than that stated in the by-law, but if there remains an unexpended balance on completion of the work for which the money was borrowed, the balance may be used by the municipality
- (a) for the repayment of any interest payable in respect of the loan,
 - (b) for the repayment of the principal amount of the loan or any portion thereof, or
 - (c) for such other purposes and upon such terms and conditions as the council, with the approval of the Commissioner, deems appropriate.

- Repayment prior to due date 7(1) A by-law may provide that the loan may be repaid prior to the due date at the option of the municipality at such time or times as the municipality may find it possible to repay it.
- Redemption (2) Where the loan or any portion of it is repaid prior to the due date, the repayment does not affect the validity of any by-law by which taxes have been imposed in respect of the loan, the validity of the taxes, or the power of the council to continue to collect the taxes.
- Effect of agreement 8(1) A loan agreement made pursuant to this Ordinance is valid and binding upon a municipality notwithstanding any insufficiency in the form or substance of the agreement or the by-law if the by-law has been approved in accordance with the *Municipal Ordinance*.
- Default 9(1) If a municipality defaults in the payment of the money owing in respect of a loan made under a borrowing by-law, the council shall forthwith make a special levy against all property in the municipality to raise sufficient funds to pay the arrears owing on the loan.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 23

PERPETUITIES ORDINANCE

(Assented to April 16, 1980)

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(1)	This Ordinance may be cited as the <i>Perpetuities Ordinance</i> .
	2(1)	In this Ordinance,
"disposition"		"disposition" includes the conferring of a power of appointment and any provision whereby any interest in property or any right, power or authority over property is disposed of, created or conferred and also includes a possibility of reverter or resulting trust, and a right of re-entry on breach of a condition subsequent;
"in being"		"in being" means living or en ventre sa mere;
"perpetuity period"		"perpetuity period" means the period within which at common law as modified by this Ordinance an interest must vest; and
"power of appointment"		"power of appointment" includes any discretionary power to transfer a beneficial interest in property without the furnishing of valuable consideration.
Rule is continued	3(1)	Except as provided by this Ordinance, the rule of law known as the rule against perpetuities continues to have full effect.
Vesting beyond period	4(1)	No disposition creating a contingent interest in real or personal property shall be treated as or declared to be void as violating the rule against perpetuities by reason only of

the fact that there is a possibility of the interest vesting beyond the perpetuity period.

Wait and see 5(1)

Every contingent interest in real or personal property that is capable of vesting within or beyond the perpetuity period is presumptively valid until actual events establish,

- (a) that the interest is incapable of vesting within the perpetuity period, in which case the interest, unless validated by the application of section 7, 8 or 9 shall be treated as void or declared to be void, or
- (b) that the interest is incapable of vesting beyond the perpetuity period, in which case the interest shall be treated as valid or declared to be valid.

General power of appointment (2)

A disposition conferring a general power of appointment, which but for this section would have been void on the ground that it might become exercisable beyond the perpetuity period, is presumptively valid until such time, if any, as it becomes established by actual events that the power cannot be exercised within the perpetuity period.

Other powers of appointment (3)

A disposition conferring any power other than a general power of appointment, which but for this section would have been void on the ground that it might be exercised beyond the perpetuity period, is presumptively valid and shall be declared or treated as void for remoteness only if, and so far as, the power is not fully exercised within the perpetuity period.

Determination of period 6(1)

Where section 5 applies to a disposition and

- (a) where any persons falling within subsection (2) are persons in being and ascertainable at the commencement of the perpetuity period, the duration of the perpetuity period shall be determined by reference to their lives and no others,

but so that the lives of any description of persons falling within paragraph (2) (b) or (c) shall be disregarded if the number of persons of that description is such as to render it impractical to ascertain the date of death of the survivor, or

- (b) where there are no lives under paragraph (a) the perpetuity period is 21 years.

Lives
in
being

- (2) The persons referred to in subsection (1) are
 - (a) the person by whom the disposition is made;
 - (b) a person to whom or in whose favour the disposition was made, that is to say,
 - (i) in the case of a disposition to a class of persons, any member or potential member of the class,
 - (ii) in the case of an individual disposition to a person taking only on certain conditions being satisfied, any person as to whom some of the conditions are satisfied and the remainder may in time be satisfied,
 - (iii) in the case of a special power of appointment exercisable in favour of members of a class, any member or potential member of the class,
 - (iv) where, in the case of a special power of appointment exercisable in favour of one person only, the object of the power is not ascertained at the commencement of the perpetuity period, any person as to whom some of the conditions are satisfied and the remainder may in time be satisfied,
 - (v) in the case of a power of appointment the person on whom the power is conferred;
 - (c) a person having a child or grandchild within clauses (b) (i) to (iv), or such a person any of whose children or grandchildren, if subsequently born, would by virtue of his descent, fall within those clauses;

- (d) any person who takes any prior interest in the property disposed of and any person on whose death a gift over takes effect; and
- (e) where a disposition is made in favour of any spouse of a person who is in being and ascertainable at the commencement of the perpetuity period, or where an interest is created by reference to the death of the spouse of such a person, or by reference to the death of the survivor, the same spouse whether or not he was in being or ascertainable at the commencement of the period.

Reduction
of age

7(1)

Where a disposition creates an interest in real or personal property by reference to the attainment by any person or persons of a specified age exceeding 21 years, and actual events existing at the time the interest was created or at any subsequent time establish

- (a) that the interest but for this section would be void as incapable of vesting within the perpetuity period, but
- (b) that it would not be void if the specified age had been 21 years,

the disposition shall be read as if, instead of referring to the age specified, it had referred to the age nearest the age specified that would, if specified instead, have prevented the interest from being so void.

Only one
reduction

(2)

One age reduction to embrace all potential beneficiaries shall be made pursuant to subsection (1).

Different
ages

(3)

Where in the case of any disposition different ages exceeding 21 years are specified in relation to different persons,

- (a) the reference in paragraph (1)(b) to the specified age shall be construed as a reference to all the specified ages, and
- (b) that paragraph operates to reduce each such age so far as is necessary to save the disposition from being void for remoteness.

- Exclusion of class members 8(1) Where the inclusion of any persons, being potential members of a class or unborn persons who at birth would become potential members of the class, prevents section 7 from operating to save a disposition from being void for remoteness, those persons shall be excluded from the class for the purposes of the disposition and that section has effect accordingly.
- Idem (2) Where, in the case of a disposition to which subsection (1) does not apply, it is apparent at the time the disposition is made, or becomes apparent at a subsequent time that, but for this subsection, the inclusion of any persons being potential members of a class or unborn persons who at birth would become members or potential members of the class, would cause the disposition to be treated as void for remoteness, such persons shall for all the purposes of the disposition be excluded from the class.
- General cy-pres 9(1) Where it has become apparent that, apart from the provisions of this section, any disposition would be void solely on the ground that it infringes the rule against perpetuities and where the general intention originally governing the disposition can be ascertained in accordance with the normal principles of interpretation of instruments and the rules of evidence, the disposition shall, if possible and as far as possible, be reformed so as to give effect to the general intention within the limits of the rule against perpetuities.
- Exception (2) Subsection (1) does not apply where the disposition of the property has been settled by a valid compromise.
- Future parent-hood 10(1) Where in any proceeding respecting the rule against perpetuities a question arises that turns on the ability of a person to have a child at some future time, then, it shall be presumed,

- (a) that a male is able to have a child at the age of 14 years or over, but not under that age, and
- (b) that a female is able to have a child at the age of 12 years or over, but not under that age or over the age of 55 years,

but in the case of a living person, evidence may be given to show that he will or will not be able to have a child at the time in question.

Effect
of
decision

- (2) Subject to subsection (3), where any question is decided in relation to a disposition by treating a person as able or unable to have a child at a particular time, then he shall be so treated for the purpose of any question that may arise concerning the rule against perpetuities in relation to the same disposition notwithstanding that the evidence on which the finding of ability or inability to have a child at a particular time is proved by subsequent events to have been erroneous.

Disproof
of
decision

- (3) Where a question is decided by treating a person as unable to have a child at a particular time and that person subsequently has a child at that time, the Court may make such order as it sees fit to protect the right that such child would have had in the property concerned as if such question had not been decided and as if such child would, apart from such decision, have been entitled to a right in the property not in itself invalid by the application of the rule against perpetuities as modified by this Ordinance.

Adoption
and
legitimation

- (4) The possibility that a person may at any time have a child by adoption or legitimation shall not be considered in deciding any question that turns on the ability of a person to have a child at some particular time, but, if a person does subsequently have a child by such means, then subsection (3) applies to such child.

Applica- tion to Court	11(1)	An executor or a trustee of any property or any person interested under, or in the validity or invalidity of, an interest in that property may at any time apply for the opinion, advice or direction of the Court as to the validity or invalidity with respect to the rule against perpetuities of an interest in that property and with respect to the application of any provision of this Ordinance.
Order of remedies	12(1)	The remedial provisions of this Ordinance apply in the following order: (a) section 10; (b) section 5; (c) section 7; (d) section 8; and (e) section 9.
Interim income	13(1)	Pending the treatment or declaration of a presumptively valid interest within the meaning of section 5 as valid or invalid, the income arising from that interest and not otherwise disposed of shall be treated as income arising from a valid contingent interest, and any uncertainty whether the disposition will ultimately prove to be void for remoteness shall be disregarded.
Expectant interests	14(1)	A disposition that, if it stood alone, would be valid under the rule against perpetuities is not invalidated by reason only that it is preceded by one or more dispositions that are invalid under the rule against perpetuities, whether or not such disposition expressly or by implication takes effect after, or is subject to, or is ulterior to and dependent upon, any such invalid disposition.
Accelera- tion	(2)	Where a prior interest is invalid under the rule against perpetuities, any subsequent interest that, if it stood alone, would be valid shall not be prevented from being accelerated by reason only of the invalidity of the prior interest.

- Powers of appointment 15(1) For the purpose of the rule against perpetuities, a power of appointment shall be treated as a special power unless,
- (a) in the instrument creating the power it is expressed to be exercisable by one person only, and
 - (b) it could, at all times, during its currency when that person is of full age and capacity, be exercised by him so as immediately to transfer to himself the whole of the interest governed by the power without the consent of any other person or compliance with any other condition, not being a formal condition relating only to the mode of exercise of the power.
- General power (2) A power that satisfies the conditions of paragraphs 1(a) and (b) shall, for the purpose of the rule against perpetuities, be treated as a general power.
- Power under will (3) For the purpose of determining whether an appointment made under a power of appointment exercisable by will only is void for remoteness, the power shall be treated as a general power where it would have been so treated if exercisable by deed.
- Powers of trustees 16(1) The rule against perpetuities does not invalidate a power conferred on trustees or other persons to sell, lease, exchange or otherwise dispose of any property, or to do any other act in the administration (as opposed to the distribution) of any property including, where authorized, payment to trustees or other persons of reasonable remuneration for their services.
- Transitional (2) Subsection (1) applies for the purpose of enabling a power to be exercised at any time after this Ordinance comes into force, notwithstanding that the power is conferred by an instrument that took effect before that time.

- Avoid-
ance of
contracts 17(1) Where a disposition inter vivos would be treated as void for remoteness if the rights and duties thereunder were capable of transmission to persons other than the original parties and had been so transmitted, it shall be treated as void as between the person by whom it was made and the person to whom or in whose favour it was made or any successor of his, and no remedy lies in contract or otherwise for giving effect to it or making restitution for its lack of effect.
- Option
for
reversion 18(1) The rule against perpetuities does not apply to an option to acquire for valuable consideration an interest reversionary on the term of a lease or renewal of a lease, whether the lease or renewal is of real or personal property,
(a) if the option is exercisable only by the lessee or his successors in title, and
(b) if it ceases to be exercisable at or before the expiration of one year following the determination of the lease or renewal.
- Agree-
ment
for
lease (2) Subsection (1) applies to an agreement for a lease as it applies to a lease, and "lessee" shall be construed accordingly.
- Pre-
emption,
first
refusal (3) Subsection (1) applies to a right of first refusal or pre-emption as it applies to an option.
- Option
to
renew
lease (4) The rule against perpetuities does not apply to options to renew a lease of real or personal property.
- Commercial
transactions 19(1) In the case of a contract whereby for valuable consideration an interest in real or personal property may be acquired at a future time, the perpetuity period is 80 years from the date of the contract, and if the contract provides for the acquisition of such an interest at a time greater than 80 years, then the interest may be acquired up to 80 years and not thereafter.

- Applica- (2) In particular and not so as to restrict the
tion generality of subsection (1), it applies to
all contracts relating to a future sale or
lease, to options in gross, rights of pre-
emption or first refusal, and to future
profits a prendre, easements and restrictive
covenants.
- Wills (3) This section does not apply to any provision
and in a will or inter vivos trust.
trusts
- Determin- 20(1) In the case of,
able (a) a possibility of reverter on the deter-
interests mination of a determinable fee simple,
or
(b) a possibility of a resulting trust on
the determination of any determinable
interest in real or personal property,
the rule against perpetuities as modified by
this Ordinance applies in relation to the
provision causing the interest to be deter-
minable as it would apply if that provision
were expressed in the form of a condition
subsequent giving rise on its breach to a
right of re-entry or an equivalent right in
the case of personal property, and, where the
event that determines the determinable interest
does not occur within the perpetuity period,
the provision shall be treated as void for
remoteness and the determinable interest
becomes an absolute interest.
- Reverter, (2) The perpetuity period for the purpose of a
etc. possibility of reverter or a possibility of a
resulting trust or of a right of re-entry on
breach of a condition subsequent or equivalent
right in personal property is 40 years.
- Cessation (3) Subsection (1) does not apply where the
of event, which determines the prior interest,
charity or on which the prior interest could be
determined, is the cessation of a charitable
purpose but in such a case if the cessation
of the charitable purpose takes place after

the expiration of the perpetuity period the property shall be treated as if it were the subject of a charitable trust to which the cy pres doctrine applies.

- | | | |
|-----------------------------------|-------|--|
| Exception | (4) | This section does not apply, nor does the rule against perpetuities apply, to a gift over from one charity to another. |
| Trusts for non-charitable purpose | 21(1) | A trust for a specific non-charitable purpose that creates no enforceable equitable interest in a specific person shall be construed as a power to appoint the income or the capital, as the case may be, and, unless the trust is created for an illegal purpose or a purpose contrary to public policy the trust is valid so long as and to the extent that it is exercised either by the original trustee or his successor, within a period of 21 years, notwithstanding that the disposition creating the trust manifested an intention, either expressly or by implication, that the trust should or might continue for a period in excess of that period, but, in the case of such a trust that is expressed to be of perpetual duration, the court may declare the disposition to be void if the court is of opinion that by so doing the result would more closely approximate the intention of the creator of the trust than the period of validity provided by this section. |
| Unexpended part of trust | (2) | To the extent that the income or capital of a trust for a specific non-charitable purpose is not fully expended within a period of 21 years, or within any annual or other recurring period within which the disposition creating the trust provided for the expenditure of all or a specified portion of the income or the capital, the person or his successors, who would have been entitled to the property comprised in the trust if the trust had been invalid from the time of its creation, are entitled to such unexpended income or capital. |

- Whitby v. Mitchell 22(1) The rule of law prohibiting the disposition, after a life interest to an unborn person, of an interest in land to the unborn child or other issue of an unborn person is hereby abolished, but without affecting any other rule relating to perpetuities.
- Employee benefit trusts 23(1) The rules of law and statutory enactments relating to perpetuities and to accumulations do not apply and shall be deemed never to have applied to the trusts of a plan, trust or fund established for the purpose of providing pensions, retirement allowances, annuities or sickness, death or other benefits to employees, or persons not being employees, engaged in any lawful calling, or to their surviving spouses, dependants or other beneficiaries.
- Rule binds the Crown 24(1) This Ordinance and the rule against perpetuities bind the Crown except in respect of dispositions of property made by the Crown.
- Applica- tion of Ordinance 25(1) Except as provided in subsection 16(2) and section 23, this Ordinance applies only to instruments taking effect after this Ordinance comes into force, and such instruments include an instrument made in the exercise of a general or special power of appointment after this Ordinance comes into force even though the instrument creating the power took effect before this Ordinance comes into force.
- 26(1) The *Perpetuities Ordinance* is repealed.
- 27(1) This Ordinance comes into force on a day to be fixed by the Commissioner.
- NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 24

PRESUMPTION OF DEATH ORDINANCE

(Assented to April 14, 1980)

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(1) | This Ordinance may be cited as the <i>Presumption of Death Ordinance</i> . |
| "interested person" | 2(1) | In this Ordinance, "interested person" means any person who is or would be affected by an order made under this Ordinance and includes,
(a) the next of kin of the person in respect of whom an order is made or applied for, and
(b) a person who holds property of the person in respect of whom an order is made or applied for. |
| Making of order | 3(1) | Where, upon the application of an interested person, the Court is satisfied that
(a) a person has been absent and not heard of or from by the applicant, or to the knowledge of the applicant by any other person since a day named,
(b) the applicant has no reason to believe that the person is living, and
(c) reasonable grounds exist for supposing that the person is dead,
the Court may make an order declaring that the person shall be presumed to be dead for all purposes, or for such purposes only as are specified in the order. |
| Date of death | (2) | An order made under subsection (1) shall state the date on which the person is presumed to have died. |
| Change, etc. of order | (3) | Any interested person may, with leave of the Court, apply to the Court for an order to |

vary, amend, confirm or revoke an order made under subsection (1).

- | | | |
|-----------------------|------|---|
| Effect of order | (4) | An order, or a certified copy thereof, declaring that a person shall be presumed to be dead for all purposes or for the purposes specified in the order is proof of death in all matters requiring proof of death for such purposes. |
| Confirmation required | 4(1) | Where an order has been made declaring that a person shall be presumed to be dead for all purposes or for the purpose of distributing his estate, and the personal representative of the person presumed to be dead believes or there are reasonable grounds for him to believe that the person is not in fact dead, the personal representative shall not thereafter deal with the estate or remaining estate unless the presumption of death is confirmed by an order made under subsection 3(3). |
| Mistaken order | 5(1) | Where a person who is presumed to be dead is, in fact, alive, any distribution of his property that has been made in reliance upon an order made under section 3, and not in contravention of section 4, shall be deemed to be a final distribution and to be the property of the person to whom it has been distributed as against the person presumed to be dead. |
| Return of property | (2) | Where a person who is presumed to be dead is found by the Court to be alive, the Court may, upon the application of any interested person and subject to subsection (1), by order give such directions as the Court considers appropriate respecting the property of the person found to be alive and its preservation and return. |
| Person dead in fact | 6(1) | Where a person who is presumed to be dead is in fact found to be dead, any distribution of his property that has been made in reliance upon an order made under section 3 shall be |

deemed to be a final distribution and to be the property of the person to whom it has been distributed as against any person who would otherwise be entitled if the order made under section 3 had not been made.

Appeal

- 7(1) Any interested person may appeal an order made under this Ordinance to the Court of Appeal.
- 8(1) The *Presumption of Death Ordinance* is repealed.
- 9(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 25

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ORDINANCE

(Assented to April 16, 1980)

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(1)	This Ordinance may be cited as the <i>Reciprocal Enforcement of Maintenance Orders Ordinance</i> .
	2(1)	In this Ordinance,
"certified copy"		"certified copy" means, in relation to a document of a court, the original or a copy of the document certified by the original or facsimile signature of a proper officer of the court to be a true copy;
"claimant"		"claimant" means a person who has or is alleged to have a right to maintenance;
"Commissioner"		"Commissioner" includes a person authorized in writing by the Commissioner to act for him in the performance of a power or duty under this Ordinance;
"confirmation order"		"confirmation order" means a confirmation order made under this Ordinance or under the corresponding enactment of a reciprocating state;
"court"		"court" means an authority having jurisdiction to make an order;
"final order"		"final order" means an order made in a proceeding of which the claimant and respondent had proper notice and in which they had an opportunity to be present or represented, and includes (a) the maintenance provisions in a written agreement between a claimant and a

respondent where those provisions are enforceable in the state in which the agreement was made as if contained in an order of a court of that state, and
(b) a confirmation order made in a reciprocating state;

"maintenance" "maintenance" includes support or alimony;

"order" "order" means an order or determination of a court providing for the payment of money as maintenance by the respondent named in the order for the benefit of the claimant named in the order, and includes the maintenance provisions of an affiliation order;

"provincial enactment" "provincial enactment" includes a Territorial enactment;

"provincially appointed judge" "provincially appointed judge" includes a judge of the Territorial Court;

"provisional order" "provisional order" means an order of a court in the Territory that has no force or effect in the Territory until confirmed by a court in a reciprocating state or a corresponding order made in a reciprocating state for confirmation in the Territory;

"reciprocating state" "reciprocating state" means a state declared under subsection 19(2) or under an enactment repealed by this Ordinance to be a reciprocating state, and includes a province;

"registered order" "registered order" means
(a) a final order made in a reciprocating state and filed under this Ordinance or under an enactment repealed by this Ordinance with a court in the Territory,
(b) a final order deemed under subsection 3(3) to be a registered order, or
(c) a confirmation order that is filed under subsection 6(8);

- "registration court" "registration court" means the court in the Territory
- (a) in which the registered order is filed under this Ordinance, or
 - (b) that deemed a final order to be a registered order under this Ordinance or under an enactment repealed by this Ordinance;
- "respondent" "respondent" means a person in the Territory or in a reciprocating state who has or is alleged to have an obligation to pay maintenance for the benefit of a claimant, or against whom a proceeding under this Ordinance, or a corresponding enactment of a reciprocating state, is commenced; and
- "state" "state" includes a political subdivision of a state and an official agency of a state.
- Receipt of final order 3(1) Where the Commissioner receives a certified copy of a final order made in a reciprocating state before, on or after the day on which this Ordinance comes into force with information that the respondent is in the Territory, the Commissioner shall designate a court in the Territory for the purposes of the registration and enforcement of the order, and shall forward the order and supporting material to that court.
- Registration (2) On receipt of a final order transmitted to a court under subsection (1) or under a provision in a reciprocating state corresponding to paragraph 6(8)(a), the proper officer of the court shall file the order with the court and give notice of the registration of the order to the respondent.
- Departure of claimant (3) Where a final order is made in the Territory before, on or after the day on which this Ordinance comes into force and the claimant subsequently leaves the Territory and is apparently resident in a reciprocating state,

the court that made the order shall, on the written request of the claimant, the respondent or the Commissioner, deem the order to be a registered order.

Variation of order (4) A registered order varied in a manner consistent with this Ordinance continues to be a registered order.

Setting aside order (5) A respondent may, within one month after receiving notice of the registration of a registered order, apply to the registration court to set the registration aside.

Grounds (6) On application under subsection (5) the registration court shall set aside the registration if it determines that the order was obtained by fraud or error or was not a final order.

Disposition of order (7) An order determined not to be a final order and set aside under subsection (6) may be dealt with by the registration court under section 6 as a provisional order.

Provisional order 4(1) On application by a claimant before, on or after the day on which this Ordinance comes into force, a court may, without notice to and in the absence of a respondent, make a provisional order against the respondent.

Amount (2) An order under subsection (1) shall not include maintenance provisions in excess of those the court could have included in a final order in a proceeding of which the respondent had notice in the Territory but in which he failed to appear.

Transmission of order (3) Where a provisional order is made, a proper officer of the court shall send to the Commissioner for transmission to a reciprocating state
(a) three certified copies of the provisional order,

- (b) a sworn document setting out or summarizing the evidence given in the proceeding,
 - (c) a copy of the enactments under which the respondent is alleged to have an obligation to maintain the claimant, and
 - (d) a statement giving available information respecting identification, location, income and assets of the respondent.
- Further evidence (4) Where, during a proceeding for a confirmation order, a court in a reciprocating state remits the matter back for further evidence to the court in the Territory that made the provisional order, the court in the Territory shall, after giving notice to the claimant, receive further evidence.
- Evidence and re-commendations (5) Where evidence is received under subsection (4), a proper officer of the court shall forward to the court in the reciprocating state a sworn document setting out or summarizing the evidence, with such recommendations as the court in the Territory considers appropriate.
- New order (6) Where a provisional order made under this section comes before a court in a reciprocating state and confirmation is denied in respect of one or more claimants, the court in the Territory that made the provisional order may, on application within six months from the denial of confirmation, reopen the matter, receive further evidence and make a new provisional order for a claimant in respect of whom confirmation was denied.
- Affiliation 5(1) Where the affiliation of a child is in issue and has not previously been determined by a court of competent jurisdiction, the affiliation may be determined as part of a maintenance proceeding under this Ordinance.
- Dispute (2) If the respondent disputes affiliation in the course of a proceeding to confirm a provisional order for maintenance, the matter of affiliation

- may be determined even though the provisional order makes no reference to affiliation.
- Effect of determination (3) A determination of affiliation under this section has effect only for the purpose of maintenance proceedings under this Ordinance.
- Designation of court 6(1) Where the Commissioner receives from a reciprocating state documents corresponding to those described in subsection 4(3) with information that the respondent is in the Territory, the Commissioner shall designate a court in the Territory for the purpose of proceedings under this section and shall forward the documents to that court.
- Procedure (2) On receipt of the documents referred to in subsection (1), the court shall, whether the provisional order was made before, on or after the day on which this Ordinance comes into force, issue a summons to the respondent in the same manner as it would in a proceeding under the Maintenance Ordinance for the same relief and shall proceed, taking into consideration the sworn document setting out or summarizing the evidence given in the proceeding in the reciprocating state.
- Absence of respondent (3) Where the respondent apparently is outside the territorial jurisdiction of the court and will not return, a proper officer of the court, on receipt of documents under subsection (1), shall return the documents to the Commissioner with available information respecting the whereabouts and circumstances of the respondent.
- Confirmation of payments (4) At the conclusion of a proceeding under this section the court may make a confirmation order in the amount it considers appropriate or make an order refusing maintenance to any claimant.
- Commencement of payments (5) Where the court makes a confirmation order for periodic maintenance payments, the court

may direct that the payments begin from a date not earlier than the date of the provisional order.

- Further evidence (6) The court, before making a confirmation order in a reduced amount or before denying maintenance, shall decide whether to remit the matter back for further evidence to the court that made the provisional order.
- Interim order (7) Where a court remits a matter under subsection (6), it may make an interim order for maintenance against the respondent.
- Notice of disposition (8) At the conclusion of a proceeding under this section, the court, or a proper officer of the court, shall
- (a) forward a certified copy of the order to the court that made the provisional order and to the Commissioner,
 - (b) file the confirmation order, where one is made, and
 - (c) where an order is made refusing or reducing maintenance, give written reasons to the court that made the provisional order and to the Commissioner.
- Choice of law 7(1) Where the law of the reciprocating state is pleaded to establish the obligation of the respondent to maintain a claimant resident in that state, the court in the Territory shall take judicial notice of that law and apply it.
- Proof of enactment (2) An enactment of a reciprocating state may be pleaded and proved for the purposes of this section by producing a copy of the enactment received from the reciprocating state.
- Adjournment for proof (3) Where the law of the reciprocating state is not pleaded under subsection (1), the court in the Territory shall
- (a) make an interim order for maintenance against the respondent where appropriate,

- (b) adjourn the proceeding for a period not exceeding 90 days, and
 - (c) request the Commissioner to notify the appropriate officer of the reciprocating state of the requirement to plead and prove the applicable law of that state if that law is to be applied.

- Lack of proof (4) Where the law of the reciprocating state is not pleaded after an adjournment under subsection (3), the court shall apply the law of the Territory.

- Statement of local law (5) Where the law of a reciprocating state requires the court in the Territory to provide the court in the reciprocating state with a statement of the grounds on which the making of the confirmation order might have been opposed if the respondent were served with a summons and had appeared at the hearing of the court in the Territory, the Commissioner shall be deemed to be the proper officer of the court for the purpose of making and providing the statement of the grounds.

- Variation and rescission 8(1) The provisions of this Ordinance respecting the procedure for making provisional orders and confirmation orders apply with the necessary changes to proceedings, except under subsection (5), for the variation or rescission of registered orders.

- Variation prohibited (2) This section does not
 - (a) authorize a provincially appointed judge to vary or rescind a registered order made in Canada by a federally appointed judge, or
 - (b) allow a registered order originally made under a federal enactment to be varied or rescinded except as authorized by a federal enactment.

- Powers of lower court (3) Notwithstanding subsection (2), a provincially appointed judge may make a provisional order

to vary or rescind a registered order made in Canada under a provincial enactment by a federally appointed judge.

- Acceptance of jurisdiction (4) Subject to subsections (2) and (3), a registration court has jurisdiction to vary or rescind a registered order where both the claimant and respondent accept its jurisdiction.
- Application against resident (5) Where the respondent is ordinarily resident in the Territory a registration court may, on application by the claimant, vary or rescind a registered order.
- Confirmation order (6) A registration court may make a confirmation order for the variation or rescission of a registered order where
- (a) the respondent is ordinarily resident in the Territory,
 - (b) the claimant is ordinarily resident in a reciprocating state,
 - (c) a certified copy of a provisional order of variation or rescission made by a court in a reciprocating state is received by the registration court through the Commissioner, and
 - (d) the respondent is given notice of the proceeding and an opportunity to appear.
- Powers of registration court (7) A registration court may, on application by the respondent, vary or rescind a registered order
- (a) where
 - (i) the respondent is ordinarily resident in the Territory,
 - (ii) the claimant is ordinarily resident in a reciprocating state, and
 - (iii) the registration court, in the course of the proceeding, remits the matter to the court nearest to the place where the claimant lives or works for the purpose of obtaining evidence on behalf of the claimant, or

- (b) where
 - (i) the respondent is ordinarily resident in the Territory,
 - (ii) the claimant is not ordinarily resident in a reciprocating state, and
 - (iii) the claimant is given notice of the proceeding.

- Application by resident (8) Where a claimant ordinarily resident in the Territory applies for the variation or rescission of a final order and the respondent apparently is ordinarily resident in a reciprocating state, the court may make a provisional order of variation or rescission, and section 4 applies with the necessary changes to the proceeding.

- Variation in other state 9(1) Where an order originally made in the Territory is varied or rescinded in a reciprocating state under the law in that state corresponding to section 8, the order shall be deemed to be so varied or rescinded in the Territory.

- Enforcement 10(1) The registration court has jurisdiction to enforce a registered order notwithstanding that the order
 - (a) was made in a proceeding in respect of which the registration court would have had no jurisdiction, or
 - (b) is of a kind that the registration court has no jurisdiction to make.

- Maintenance Ordinance (2) The provision of the *Maintenance Ordinance* for the enforcement of maintenance orders apply with the necessary changes to registered orders and interim orders made under this Ordinance.

- Effect of order (3) A registered order has, from the date it is filed or deemed to be registered, the same effect as if it had been a final order originally made by the registration court and may, both with respect to arrears accrued before registration

and with respect to obligations accruing after registration, be enforced, varied or rescinded as provided in this Ordinance whether the order is made before, on or after the day on which this Ordinance comes into force.

- Status of order (4) Where a registered order is registered with the Court, it may be enforced as if it were an order of the Court.
- Service not necessary (5) Where a proceeding is brought to enforce a registered order, it is not necessary to prove that the respondent was served with the order.
- Recording variations (6) Where a registered order is being enforced and the registration court finds that the order has been varied by a court subsequent to the date of registration, the registration court shall record the fact of the variation and enforce the order as varied.
- Remedies of a state 11(1) Where the Territory, a province, a state or a political subdivision or official agency of the Territory, a province or a state is providing or has provided support to a claimant, it has, for the purpose of obtaining reimbursement or to obtain continuing maintenance for the claimant, the same right to bring proceedings under this Ordinance as the claimant.
- Duties of Commissioner 12(1) The Commissioner shall, on request in writing by a claimant or an officer or court of a reciprocating state, take all reasonable measures to enforce an order made or registered under this Ordinance.
- Transmit documents (2) On receipt of a document for transmission under this Ordinance to a reciprocating state, the Commissioner shall transmit the document to the proper officer of the reciprocating state.

- Delegation (3) The Commissioner may, in writing, authorize a person to perform or exercise a power or duty given to the Commissioner under this Ordinance.
- Documents of other states 13(1) Where a document signed by a presiding officer of the court in a reciprocating state or a certified copy of the document is received by a court in the Territory through the Commissioner, the court in the Territory may deem the document to be a provisional order or a final order, according to the tenor of the document, and proceed accordingly.
- Terminology (2) Where in a proceeding under this Ordinance a document from a court in a reciprocating state contains terminology different from the terminology of this Ordinance or customarily in use in the court in the Territory, the court in the Territory shall give a broad and liberal interpretation to the terminology so as to give effect to the document.
- Canadian currency 14(1) Where confirmation of a provisional order or registration of a final order is sought and the documents received by a court refer to amounts of maintenance or arrears not expressed in Canadian currency, a proper officer of the court shall first obtain from a bank a quotation for the equivalent amounts in Canadian currency at a rate of exchange applicable on the day the order was last made or varied.
- Certified amount (2) The amounts in Canadian currency certified on the order by the proper officer of the court under subsection (1) shall be deemed to be the amounts of the order.
- Translation (3) Where an order or other document received by a court is not in English, the order or other document shall have attached to it from the other jurisdiction a translation in English approved by the court, and the order or other document shall be deemed to be in English for the purposes of this Ordinance.

Appeals	15(1)	Subject to subsections 16(1), (2) and (3), a claimant, respondent or the Commissioner may appeal any ruling, decision or order of a court in the Territory under this Ordinance and the <i>Maintenance Ordinance</i> applies with the necessary changes to the appeal.
Time for appeal	(2)	A person resident in the reciprocating state and entitled to appear in the court in the reciprocating state in the proceeding being appealed from, or the Commissioner on that person's behalf, may appeal within 75 days after the making of the ruling, decision or order of the court in the Territory appealed from.
Time for response	(3)	A person responding to an appeal under subsection (2) may appeal a ruling, decision or order in the same proceeding within fifteen days after receipt of notice of the appeal.
Order remains in force	(4)	An order under appeal remains in force pending the determination of the appeal, unless the court appealed to orders otherwise.
Spouses as witnesses	16(1)	In a proceeding under this Ordinance, spouses are competent and compellable witnesses against each other.
Proof of documents	(2)	In a proceeding under this Ordinance, a document purporting to be signed by a judge, officer of a court or public officer in a reciprocating state shall, unless the contrary is proved, be proof of the appointment, signature and authority of the person who signed it.
Sworn documents	(3)	Statements in writing sworn to by the maker, depositions or transcripts of evidence taken in a reciprocating state may be received in evidence by a court in the Territory under this Ordinance.

- Proof of default (4) For the purposes of proving default or arrears under this Ordinance, a court may receive in evidence a sworn document made by any person, deposing to have knowledge of, or information and belief concerning, the fact.
- Statement of payments 17(1) A registration court or a proper officer of it shall, on the reasonable request of a claimant, respondent or the Commissioner, a proper officer of a reciprocating state or of a court of that state, furnish a sworn itemized statement showing with respect to maintenance under an order,
- (a) all amounts that became due and owing by the respondent during the 24 months preceeding the date of the statement, and
 - (b) all payments made through the court by or on behalf of the respondent during that period.
- Departure of respondent 18(1) Where a proper officer of a court in the Territory believes that a respondent under a registered order has ceased to reside in the Territory and is resident in or proceeding to another province or state, the officer shall inform the Commissioner and the court that made the order of any information he has respecting the whereabouts and circumstances of the respondent and, on request by the Commissioner, a proper officer of the court that made the order or the claimant, shall send to the court or person indicated in the request,
- (a) three certified copies of the order as filed with the court in the Territory, and
 - (b) a sworn certificate of arrears.
- Regulations 19(1) The Commissioner may make such regulations as are ancillary to this Ordinance and not inconsistent with it.

Reciprocating state (2) The Commissioner may, where satisfied that laws are or will be in effect in a state for the reciprocal enforcement of orders made in the Territory on a basis substantially similar to this Ordinance, by order, declare that state to be a reciprocating state.

Savings provision 20(1) This Ordinance does not impair any other remedy available to a claimant or another person, the Territory, a province, a state or a political subdivision or official agency of the Territory, a province or state.

Transitional 21(1) Any order made under an enactment repealed by this Ordinance continues, insofar as it is not inconsistent with this Ordinance, valid and enforceable, and may be rescinded, varied, enforced or otherwise dealt with under this Ordinance.

22(1) The *Reciprocal Enforcement of Maintenance Orders Ordinance* is repealed.

23(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 26

SECOND APPROPRIATION ORDINANCE, 1979-80

(Assented to April 14, 1980)

Whereas it appears by message from the Commissioner, and in the estimates accompanying the message, that the sums mentioned in Schedule "A" of this Ordinance are required for the purpose of defraying certain expenses of the public service of the Territory and for related purposes for the period of 12 months ending on March 31, 1980:

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

- | | | |
|----------------------------|------|--|
| Citation | 1(1) | This Ordinance may be cited as the <i>Second Appropriation Ordinance, 1979-80</i> . |
| Amount granted | 2(1) | From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred, thirty-five million, six hundred and thirteen thousand, one hundred dollars for defraying the several charges and expenses of the public service of the Territory for the period of twelve months ending on March 31, 1980, as set forth in Schedule "A" of this Ordinance and that sum shall not be paid or applied except in accordance with Schedule "A". |
| Monies to be accounted for | 3(1) | The due application of all monies paid or applied pursuant to section 2 shall be accounted for. |

SCHEDULE "A"

<u>Appropriation or Item</u>	<u>\$ (Dollars) (000's)</u>
Yukon Legislative Assembly	774.2
Administrative Services	939.9
Education	25,683.3
Consumer and Corporate Affairs	1,910.4
Human Resources	4,940.6
Municipal and Community Affairs	25,655.3
Tourism and Economic Development	1,407.5
Justice	6,873.0
Highways and Public Works	28,306.4
Public Service Commission	1,040.3
Office of the Pipeline Coordinator	378.4
Finance	4,883.5
Library and Information Resources	1,407.3
Renewable Resources	3,932.4
Health	12,713.5
Government Services	2,248.0
Yukon Housing Corporation	1,369.0
Loan Capital	5,000.0
Loan Amortization	5,550.0
Central Purchasing and Stores Revolving Fund	600.0
Road Equipment Replacement - Special Account	.1
<p style="margin-left: 40px;">To provide for an increase in the upper limit within the Yukon Consolidated Revenue Fund of the special account called the Road Equipment Replacement Account set up in the Fourth Appropriation Ordinance 1970-71. Out of this account all purchases of road equipment replacement shall be paid for as directed by the Commissioner and this account shall be credited with the equipment replacement income together with the sale or trade-in value of the road equipment to be replaced. The balance of this account shall not at any time exceed \$3,000,000. Estimated transactions of this account will be presented to Council.</p>	
Total	<u><u>\$135,613.1</u></u>

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 27

SECOND APPROPRIATION ORDINANCE, 1980-81

(Assented to April 14, 1980)

Whereas it appears by message from the Commissioner, and in the estimates accompanying the message, that the sums mentioned in Schedule "A" of this Ordinance are required for the purpose of defraying certain expenses of the public service of the Territory and for related purposes for the period of 12 months ending on March 31, 1981:

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

- | | | |
|----------------------------|------|--|
| Citation | 1(1) | This Ordinance may be cited as the <i>Second Appropriation Ordinance, 1980-81</i> . |
| Amount granted | 2(1) | From and out of the Yukon Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one hundred and eight million, nine hundred and eighty-seven thousand, nine hundred dollars, for defraying the several charges and expenses of the public service of the Territory for the period of twelve months ending on March 31, 1981, as set forth in Schedule "A" of this Ordinance and that sum shall not be paid or applied except in accordance with Schedule "A". |
| Monies to be accounted for | 3(1) | The due application of all monies paid or applied pursuant to section 2 shall be accounted for. |

SCHEDULE "A"

<u>Appropriation or Item</u>	<u>\$ (Dollars) (000's)</u>
Yukon Legislative Assembly	923.0
Executive Council Office	946.0
Education	20,511.1
Consumer and Corporate Affairs	721.4
Human Resources	5,418.1
Municipal and Community Affairs	4,474.4
Tourism and Economic Development	1,857.8
Justice	7,313.4
Highways and Public Works	21,543.1
Public Service Commission	1,087.7
Office of the Pipeline Coordinator	353.0
Finance	2,446.5
Library and Information Resources	1,462.4
Renewable Resources	3,587.4
Health	13,696.0
Government Services	2,107.2
Yukon Housing Corporation	1,239.4
Loan Capital	15,700.0
Loan Amortization	<u>3,600.0</u>
Total	<u>\$108,987.9</u>

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 28

SMALL CLAIMS ORDINANCE

(Assented to April 14, 1980)

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

1(1) The *Judicature Ordinance* is amended by striking out the expression "Small Debt Official" wherever it occurs therein and substituting therefor in each case the expression "Small Claims Official".

(2) Subsection 51(1) of the *Judicature Ordinance* is repealed and the following substituted therefor:

Small
claims
jurisdiction

"51(1) Every person appointed as a Small Claims Official has jurisdiction in the Territory to try and adjudicate upon

(a) any claim for a debt, whether payable in money or otherwise, where the amount or balance claimed does not exceed \$1500; and

(b) any action in tort, where the damages claimed do not exceed \$1500,

but a Small Claims Official does not have jurisdiction over any case in which Her Majesty is a party or that is not within the jurisdiction of the Territorial Court."

(3) The *Judicature Ordinance* is amended by adding thereto the following new section:

Lawyers'
fees

"51.1(1) No counsel or solicitors' fees of any kind whatsoever shall be charged against either party in respect of

any claim that is adjudicated upon by a Small Claims Official."

2(1) The *Territorial Court Ordinance* is amended by striking out the expressions "Small Debt Official" and "Small Debts Official" wherever they occur and substituting therefor the expression "Small Claims Official".

(2) The *Territorial Court Ordinance* is amended by striking out the expression "one thousand dollars" wherever it occurs and substituting therefor the figure "\$1500".

(3) Paragraph 6(1)(b) of the *Territorial Court Ordinance* is amended by striking out the word "personal".

(4) Section 17 of the *Territorial Court Ordinance* is amended by adding thereto the following new section:

Lawyers' fees

"17(2) Notwithstanding subsection (1), no counsel or solicitors' fees of any kind whatsoever shall be charged against either party in respect of any action or proceeding in the court that might have been brought before a Small Claims Official under the provisions of the *Judicature Ordinance*."

3(1) The *Supreme Court Ordinance* is amended by adding thereto the following new section:

Costs of small claims

"10.1(1) If, in a proceeding in the Court, the plaintiff recovers a sum within the jurisdiction of a Small Claims Official under the *Judicature Ordinance*, he is not entitled to any costs, other than disbursements, unless the Court certifies on the record that there was sufficient

reason for bringing the proceeding
in the Court, or unless the Court,
by order, allows costs."

- 4(1) This Ordinance comes into force on a day to
be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 29

AN ORDINANCE TO REPEAL THE STABILIZATION FUND LOAN ORDINANCE

(Assented to April 14, 1980)

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

- 1(1) The *Stabilization Fund Loan Ordinance* is repealed.
- 2(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 30

SUMMARY CONVICTIONS ORDINANCE

(Assented to April 14, 1980)

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(1)	This Ordinance may be cited as the <i>Summary Convictions Ordinance</i> .
	2(1)	In this Ordinance,
"complaint"		"complaint" means the complaint part of a ticket issued under this Ordinance;
"enactment"		"enactment" has the same meaning as in the <i>Interpretation Ordinance</i> ;
"municipality"		"municipality" has the same meaning as in the <i>Municipal Ordinance</i> ;
"notice to appear"		"notice to appear" means the notice to appear part of a ticket issued under this Ordinance; and
"summons"		"summons" means a summons issued in respect of an offence against an enactment.
Application	3(1)	Subject to subsection (2), this Ordinance applies to every enactment.
Other Ordinances	(2)	The provisions of this Ordinance do not prevail over the provisions of any other Ordinance.
General offence	4(1)	A person who contravenes an enactment by doing an act that it forbids, or by omitting to do an act that it requires to be done, commits an offence against the enactment.

- General penalty (2) A person who commits an offence against an enactment is liable on summary conviction to a fine of \$500 or to imprisonment for 6 months, or both, except as otherwise specially provided in the enactment.
- Criminal Code applies 5(1) Subject to this Ordinance, the provisions of the *Criminal Code*, in force from time to time, relating to summary convictions and extraordinary remedies apply *mutatis mutandis* to proceedings in respect of an offence against an enactment.
- Appeals (2) Notwithstanding subsection (1), the provisions of the *Criminal Code* in force on April 30, 1978, relating to appeals in respect of summary convictions apply *mutatis mutandis* to appeals from proceedings in respect of an offence against an enactment.
- Seized articles (3) Any matter or thing seized pursuant to an enactment shall, if no other provision is made respecting it, be dealt with according to the provisions of the *Criminal Code*.
- "proceedings" (4) For the purpose of this section, "proceedings" includes proceedings commenced by means of a ticket issued under this Ordinance.
- Jurisdiction of justice 6(1) Proceedings in respect of an offence against an enactment may be brought before a justice.
- Appellate jurisdiction (2) Subsection (1) does not apply to proceedings in the nature of an appeal from or review of proceedings in respect of an offence against an enactment.

Issuance of Tickets

- Use of tickets 7(1) Instead of the procedure set out in the *Criminal Code* for the commencement of

proceedings by laying an information, proceedings in respect of an offence specified in the regulations, or in respect of an offence against a municipal by-law specified in a municipal by-law, may be commenced by means of a ticket issued under this Ordinance.

- | | | |
|--------------------------|------|---|
| Parts of ticket | (2) | A ticket shall be in at least two parts, namely, <ul style="list-style-type: none"> (a) a complaint, and (b) a notice to appear. |
| Complaint is information | (3) | For the purposes of subsections 5(1) and 7(1), a complaint shall be dealt with as if it were an information, except that <ul style="list-style-type: none"> (a) it need not be laid before a justice, (b) it need not be made under oath, and (c) it shall not charge more than one offence or relate to more than one matter of complaint. |
| Issuance of ticket | 8(1) | A ticket may be issued by a peace officer or any other person having responsibility for the enforcement of any provision of an enactment, and the signature on a ticket of the person who issued the ticket is <i>prima facie</i> proof of his authority to issue the ticket. |
| Contents of ticket | (2) | The person who issues a ticket shall, on the ticket, <ul style="list-style-type: none"> (a) set out the name of the person to whom the ticket is issued, (b) describe the offence that the person, to whom the ticket is issued, is alleged to have committed, and (c) specify the day on which, and the place where, the offence is alleged to have been committed. |
| Description of offence | (3) | The description of an offence on a ticket by the person who issued the ticket shall be deemed to be sufficient |

for all purposes if the offence is described

- (a) by using a general word or expression,
- (b) by referring to a provision of an enactment,
- (c) by marking or identifying a word or expression printed on the ticket, or
- (d) by using any word, expression or symbol authorized by the regulations for the description of the offence.

Contents of parking ticket

- (4) Notwithstanding paragraph 2(a), where a ticket is issued in relation to an offence with respect to the parking of a vehicle, or with respect to leaving a vehicle unattended, the person who issues the ticket need not set out the name of the person to whom the ticket is issued, but he shall set out on the ticket
 - (a) the licence number of the vehicle, if a licence plate is attached to the vehicle, or
 - (b) a description of the vehicle sufficient to distinguish it from other vehicles.

Contents of notice to appear

- 9(1) A notice to appear shall contain
 - (a) a statement as to the time and place at which the person to whom the ticket was issued is to appear in court in person or by agent to answer to the charge specified on the ticket, and
 - (b) an endorsement to the effect that the person may plead not guilty by signing the plea of not guilty on the notice to appear, and delivering the notice, within the time specified in the notice, to the place specified in the notice.

- Notice as summons (2) For the purposes of section 5, a notice to appear shall be dealt with as if it were a summons.
- Summons (3) A summons may be issued in respect of a complaint.
- Service of summons (4) A summons issued in respect of a complaint may be served in any manner in which a ticket may be served under this Ordinance.

Service of Tickets

- Time for service 10(1) Where a ticket is issued, it shall be served within 30 days after the day on which the offence is alleged to have been committed.
- Holidays (2) A ticket may be served on a holiday.
- Exception (3) This section applies to the service of a summons issued in respect of a complaint, except a summons issued under section 22.
- Service of a ticket 11(1) A ticket may be served on the person to whom it was issued
- (a) by delivering the notice to appear to the person,
 - (b) by mailing the notice to appear to the person by registered or certified mail to his last known post office address, or
 - (c) by leaving the notice to appear at the last or usual place of abode of the person with some inmate thereof who appears to be at least 16 years of age.
- Effect of service (2) Service of a ticket in accordance with this section shall be deemed to be personal service of the ticket on the person to whom the ticket was issued.

- Signature of accused (3) Upon the service of a ticket under paragraph (1)(a), the person to whom the ticket was issued shall be requested to sign the complaint, but his failure or refusal to sign as requested does not invalidate the complaint or the service of the ticket.
- Service of parking ticket 12(1) Where a ticket is issued in relation to an offence with respect to the parking of a vehicle, or with respect to leaving a vehicle unattended, the ticket may be served in accordance with section 11 or by attaching the notice to appear to the vehicle.
- Effect of service (2) Service of a ticket in accordance with this section shall be deemed to be personal service of the ticket on the owner of the vehicle in respect of which the ticket was issued, and the owner of the vehicle shall be deemed to be the person to whom the ticket was issued for the purposes of this Ordinance.
- Last known address 13(1) For the purposes of subsection 11(1), where a ticket is issued to a person and the post office address of the person appears in any records maintained by the Commissioner or the municipality, under the enactment in respect of which the ticket is issued, that address shall be deemed to be a last known post office address of the person unless it is shown that the person who issued the ticket knew of a more recent post office address of the person.
- Proof of address (2) A copy of any entry in a record to which subsection (1) applies purporting to be signed by a person having custody of the record shall be accepted as evidence of the information contained therein without

proof of the signature of the person or of his official capacity.

- | | | |
|------------------------|-------|---|
| Certificate of service | 14(1) | Where service of a ticket is made under paragraph 11(1) (a) or subsection 12(1), the person who served the ticket shall
(a) certify on the complaint that he delivered the notice to appear to the person to whom the ticket was issued or that he attached the notice to appear to the vehicle, as the case may be, and the date of service, or
(b) complete an affidavit of service in the prescribed form. |
| Affidavit of service | (2) | Where service of a ticket or a summons issued in respect of a complaint is made otherwise than under paragraph 11(1) (a) or subsection 12(1), the person who served the ticket or summons shall complete an affidavit of service in the prescribed form. |
| Proof of service | 15(1) | An affidavit or certification of service purporting to be signed by the person who served the ticket or summons shall be received in evidence and is proof of service in the absence of evidence to the contrary. |
| Not guilty plea | 16(1) | Where a plea of not guilty is signed, and the notice to appear is delivered, pursuant to paragraph 9(1) (b),
(a) a notice of trial in the prescribed form shall be served upon the person as soon as it is practicable to do so, and
(b) except as provided by paragraph (a), the person to whom the ticket was issued is not required to appear in court to answer to the charge. |
| Service of notice | (2) | A notice of trial may be served in any manner in which a ticket may be served under this Ordinance. |

Proceedings Upon Tickets

Delivery to justice	17(1)	Where a ticket, other than a ticket containing an endorsement under section 18, has been served under section 11 or 12, the complaint shall be delivered to a justice as soon as possible after the ticket has been served.
Non-payment of fine	(2)	Where a ticket containing an endorsement under section 18 has been served under section 11 or 12 and the specified fine is not delivered in accordance with subsection 18(2), the complaint shall be delivered to a justice as soon as possible after the expiration of the time specified for the delivery of the fine.
Voluntary fine	18(1)	Where authorized by the regulations or a municipal by-law, the complaint and notice to appear parts of a ticket may contain an endorsement to the effect that the person to whom the ticket is issued may pay the fine specified on the ticket instead of appearing in court to answer to the charge.
Obligation to appear	(2)	Notwithstanding any other provision of this Ordinance, where a person is served with a notice to appear endorsed as provided by subsection (1), he is not required to appear in court to answer to the charge if, within the time specified in the notice, he delivers to the place specified in the notice, (a) the fine specified in the notice, and (b) sufficient information to identify himself and the ticket in respect of which he is paying the fine.
Payment of fine	(3)	Upon the delivery of a fine in accordance with subsection (2), the person to whom

the ticket was issued shall be deemed to have made a plea of guilty and he shall be deemed to have been convicted of the offence described on the ticket.

Late
payment

(4) Where a fine is delivered after the expiration of the time specified for delivery in the notice to appear and a plea of guilty has not been entered under section 19, a justice may, without a hearing and notwithstanding any action he may have taken under section 30, direct that the fine be accepted as if it had been delivered within the time specified.

Compulsory
appearance

(5) Subject to section 29, a peace officer or any other person having responsibility for the enforcement of any provision of an enactment, may issue a ticket in respect of an offence to which this section applies requiring the person to whom the ticket is issued to appear in court to answer to the charge, without the option of paying a fine as set out in subsection (2), but the endorsements referred to in subsection (1) and section 19 shall not appear on a ticket issued under this subsection.

Officer not
to act as
agent

(6) Where a ticket endorsed under subsection (1) is served under paragraph 11(1)(a), the person who serves the ticket shall not receive payment of any money in respect of the payment of the specified fine under this section.

Automatic
conviction

19(1) Where authorized by the regulations, the complaint and notice to appear parts of a ticket endorsed as provided by subsection 18(1) may contain also an endorsement to the effect that, if the person to whom the ticket is issued does not deliver the fine specified on the ticket in

accordance with the endorsement or appear in court to answer to the charge

- (a) the person may be convicted, in his absence, of the offence specified in the ticket, and
- (b) a fine in an amount equal to twice the amount of the specified fine may be imposed upon him.

Entry of guilty plea

(2) Subject to section 21, where a person who has been served with a ticket containing an endorsement under subsection (1) does not appear in person or by agent to answer to the charge at the time stated in the notice to appear, and the specified fine is not delivered in accordance with subsection 18(2), a justice may, upon proof of the service of the ticket in accordance with section 11 or 12, as the case may be, enter a plea of guilty on behalf of the person.

Conviction and fine

20(1) Upon the entry of a plea of guilty on behalf of a person under subsection 19(2), the justice shall examine the complaint, and where the justice is satisfied that

- (a) the complaint is complete and regular on its face,
- (b) payment has not been made under section 18,
- (c) a plea of not guilty has not been signed and delivered under paragraph 9(1)(b), and
- (d) the person has not been excused from the need to appear in court under section 29,

the justice shall enter a conviction in the absence of the person, and impose upon the person a fine in an amount equal to twice the amount of the fine specified on the ticket under subsection 18(1).

- Quashing of proceeding (2) Where the justice is not able to enter a conviction under subsection (1), he shall quash the proceeding.
- Reopening on failure of notice 21(1) Notwithstanding section 20, where a plea of guilty is entered on behalf of a person under section 19 and the person was served with the ticket otherwise than under paragraph 11(1)(a), the person may appear before a justice and apply to have his conviction and fine set aside, and if it appears to the justice that the person in fact did not receive notice of his obligation to pay the specified fine or to appear in court to answer to the charge at the time stated in the notice to appear, the justice may
- (a) set aside the conviction and fine, and permit the person to enter a plea of guilty or not guilty,
 - (b) refuse to set aside the conviction and fine, or
 - (c) confirm the conviction, hear such submissions as to penalty as the justice may desire to hear, and confirm the fine or impose such lesser fine as the justice may deem appropriate.
- Sworn submissions (2) The justice may require submissions under paragraph (1)(c) to be made under oath, orally or by affidavit.
- Time for application (3) An application under subsection (1) shall not be made after the expiration of 15 days after the day on which the person receives notice of his conviction or fine.
- Appeal (4) An appeal lies to the Court in respect of the refusal of a justice to set aside a conviction and fine under subsection (1).

Arrest for failure to appear	22(1)	Where a person who has been served with a ticket under section 11 is required to appear in person or by agent to answer to the charge and he does not do so, a justice may, upon proof of the service of the ticket in accordance with section 11, issue a warrant for the arrest of the person.
Unfair arrest	(2)	Where a person has been served with a ticket under paragraph 11(1)(b) or (c) and is arrested upon a warrant issued under subsection (1), he shall be taken before a justice within a period of 24 hours after the arrest or as soon as possible thereafter, and if it appears to the justice that the person in fact did not receive notice of his obligation to appear in court to answer to the charge, the justice shall issue a summons to the person and order that the person be released from custody forthwith.
Complaint to be sworn for warrant	(3)	No warrant for the arrest of a person under subsection (1) shall be issued unless the complaint is sworn.
Complaint to be sworn before trial	23(1)	No trial shall be held in respect of proceedings commenced by means of a ticket issued under this Ordinance until the complaint has been sworn.
Evidence	24(1)	To the extent that the form of one part of a ticket prescribed for use under this Ordinance corresponds with the form of another part of the ticket, a justice may infer from the information set out in one part of a ticket produced to him that the same information is set out in any part of the ticket not produced to him.
Incomplete complaint	(2)	Failure to complete any information required in a complaint does not invalidate

the complaint if

- (a) the person to whom the ticket is issued is identified with reasonable clarity,
- (b) the offence with which the person is charged is described adequately,
- (c) the date when the offence is alleged to have occurred is specified with reasonable accuracy, and
- (d) the place where the offence is alleged to have occurred is specified with reasonable precision.

Recovery of Fines

Fine becomes debt due	25(1)	<p>Where a fine, or any part of a fine, imposed upon a person under any Ordinance is not paid within 15 days after its imposition, or within such other time as may be allowed for its payment, the fine shall be deemed to be a debt due</p> <ul style="list-style-type: none">(a) in the case of an offence against a municipal by-law, to the municipality, and(b) in the case of an offence other than an offence against a municipal by-law, to the Commissioner, <p>and upon the proof of the non-payment of the fine, a justice shall grant default judgment in favour of the municipality or the Commissioner, as the case may be.</p>
Default judgment	(2)	<p>Where a default judgment is granted under subsection (1), the justice shall complete a default judgment in the prescribed form, and upon the filing of the default judgment with the Territorial Court it shall be deemed to be a judgment of that court for all purposes.</p>
Limitation	(3)	<p>A default judgment shall not be granted under this section after two years after the day on which the fine was to be paid in full.</p>

- Attachment of debts by Commissioner 26(1) Where the Commissioner has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person indebted to the Commissioner under section 25, the Commissioner may, by notice in the prescribed form, require him to pay to the Commissioner, in whole or in part, the money otherwise payable to the person indebted to the Commissioner.
- Proceeds of attachment (2) Money received by the Commissioner under subsection (1) in respect of the indebtedness of a person under section 25 shall be applied only on account of that indebtedness, and the receipt of the Commissioner for money paid under this section is a good and sufficient discharge of the original liability to the extent of the payment.
- Attachment of wages (3) Where the Commissioner has, under this section, required an employer to pay to the Commissioner on account of an employee's indebtedness to the Commissioner under section 25 money otherwise payable by the employer to the employee as remuneration, the requirement
(a) applies consecutively to all future payments by the employer to the employee in respect of remuneration until the liability under section 25 is satisfied, and
(b) operates to require payment, to the Commissioner out of each payment of remuneration, of such amount as may be stipulated by the Commissioner in the notice.
- Improper payment (4) Every person who has discharged any liability to a person liable to the Commissioner under section 25 in contravention of a requirement under this section is liable to pay to the Commissioner an amount equal to the lesser of

- (a) the amount of the liability discharged,
and
 - (b) the amount that he was required to
pay to the Commissioner under this
section.
- Service of notice 27(1) A notice under subsection 26(1) may be served by delivering it to a person personally, or by mailing it to him at his last known post office address.
- Service on business (2) Where a person who is or is about to become indebted or liable to a person indebted to the Commissioner under section 25 carries on business under a name or style other than his own name, the notice under subsection 26(1) may be addressed to the name or style under which he carries on business and, in the case of personal service, the notice may be served by leaving it with an adult person employed at the place of business of the addressee.
- Service on partnership (3) Where a person or persons who are or are about to become indebted or liable to a person indebted to the Commissioner under section 25 carry on business in partnership, a notice under subsection 26(1) may be addressed to the name of the partnership and, in the case of personal service, the notice may be served by delivering it to one of the partners personally, or by leaving it with an adult person employed at the place of business of the partnership.
- Last known address (4) Section 13 applies *mututis mutandis* in respect of the mailing of a notice to a person under this section.
- Garnishee Ordinance 28(1) Sections 23 and 24 of the *Garnishee Ordinance* apply to and in respect of a requirement under section 26.

General

- Appearance not required 29(1) Notwithstanding any other provision of this Ordinance, a person who has been served with a ticket or summons is not required to appear in court in person or by agent to answer to the charge at the time stated in the notice to appear or summons if, before that time,
- (a) where authorized by the regulations, he enters a plea of guilty before a justice in the manner and within the time period prescribed for doing so,
 - (b) he enters a plea of not guilty in the manner and within the time period prescribed for doing so, or
 - (c) he obtains an adjournment of the proceedings in accordance with the regulations.
- Failure to appear 30(1) Where a person who has been served with a ticket or summons is required to appear in person or by agent to answer to the charge and he does not do so at the time specified, a justice may, upon proof of the service of the ticket or summons,
- (a) adjourn the proceedings for any period not exceeding 30 days, or
 - (b) enter a plea of not guilty on behalf of the person and set a time for an *ex parte* hearing of the charge.
- Territorial revenue 31(1) Any duty, penalty, fine or sum of money or the proceeds of a forfeiture under any enactment, if no other provision is made respecting it, constitutes territorial revenue and shall be paid into and form part of the Yukon Consolidated Revenue Fund.

- By-law 32(1) Subject to paragraphs 33(1) (a) and (b), the council of a municipality may by by-law
- (a) specify those provisions of its by-laws in respect of which proceedings may be commenced by means of a ticket issued under this Ordinance,
 - (b) specify those provisions of its by-laws in respect of which a person may be allowed to pay a fine instead of appearing in court, and set the amount of the fine for each such offence,
 - (c) prescribe the forms of tickets to be used under paragraphs (a) and (b),
 - (d) authorize the use on a ticket of any word, expression or symbol to designate any offence under paragraph (a) or (b), and
 - (e) provide for any other matter necessary for the use of tickets.
- Regulations 33(1) The Commissioner may make regulations
- (a) specifying the offences against enactments in respect of which proceedings may or may not be commenced by means of a ticket issued under this Ordinance,
 - (b) classifying offences and enactments, and for each class, specifying whether proceedings in respect of an offence may or may not be commenced by means of a ticket issued under this Ordinance,
 - (c) prescribing the forms of tickets to be used,
 - (d) prescribing the procedure for the issuance of tickets,
 - (e) prescribing the manner in which a date for an appearance in court or trial date is to be determined,
 - (f) prescribing the procedure for the acceptance of pleas,
 - (g) prescribing how an offence may be indicated on a ticket,
 - (h) authorizing the use on a ticket of any word, symbol or expression to designate an offence,

- (i) prescribing time periods under this Ordinance,
- (j) requiring the keeping of records and prescribing the manner in which those records are to be kept,
- (k) specifying those offences in respect of which a person may be allowed to pay a fine instead of appearing in court, and setting the amount of the fine for each such offence,
- (l) specifying those offences to which section 19 applies, and
- (m) prescribing the forms to be used for the purposes of this Ordinance,
- (n) providing for the extension of times under this Ordinance in the event of a disruption of postal services, and
- (o) providing for any other matter he deems necessary for the administration of this Ordinance.

34(1) Sections 18 and 19 of the *Maintenance Ordinance* are repealed and the following substituted therefor:

Summary
Convictions
Ordinance

"18(1) For the purposes of the *Summary Convictions Ordinance*, proceedings under this Ordinance shall be deemed to be proceedings in respect of an offence against an enactment."

35(1) Section 69.1 of the *Municipal Ordinance* is repealed.

(2) Sections 26 to 29 of the *Interpretation Ordinance* are repealed.

(3) Sections 33 and 34 of the *Judicature Ordinance* are repealed.

(4) Section 256 of the *Motor Vehicles Ordinance* is repealed.

36(1) This Ordinance comes into force on such day or days as may be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 31

SURVIVORSHIP ORDINANCE

(Assented to April 14, 1980)

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(1) | This Ordinance may be cited as the <i>Survivor-
ship Ordinance</i> . |
| Disposition
of property | 2(1) | Where two or more persons die at the same
time or in circumstances rendering it un-
certain which of them survived the other or
others, for all purposes affecting the legal
or beneficial title to, ownership of, or
succession to, property, the property of each
person, or any property of which he is competent
to dispose, shall be disposed of as if he had
survived the other or others. |
| Joint
tenancy | (2) | Unless a contrary intention appears, where
two or more persons hold legal title to
property as joint tenants, or with respect to
a joint account, with each other, and all of
them die at the same time or in circumstances
rendering it uncertain which of them survived
the other or others, each person is for the
purposes of subsection (1), deemed to have an
equal share with the other or with each of
the others in that property. |
| Substitute
personal
representative | (3) | Where a will contains a provision for a
substitute personal representative operative
if an executor designated in the will
(a) dies before the testator,
(b) dies at the same time as the testator,
or
(c) dies in circumstances rendering it
uncertain which of them survived the
other,
and the designated executor dies at the same
time as the testator or in circumstances |

rendering it uncertain which of them survived the other, then, for the purpose of probate, the case for which the will provides is deemed to have occurred.

3(1) The *Survivorship Ordinance* is repealed.

4(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 32

AN ORDINANCE TO AMEND
THE TRANSPORT PUBLIC UTILITIES ORDINANCE

(Assented to May 2, 1980)

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

1(1) Subsection 2(1) of the *Transport Public Utilities Ordinance* is repealed and the following substituted therefor:

"2(1) In this Ordinance,

"Board"	"Board" means the Transport Public Utilities Board established under section 4;
"certificate"	"certificate" means a certificate issued under section 24;
"compensation"	"compensation" includes any rate, remuneration, reimbursement or reward of any kind;
"goods"	"goods" includes asphalt, earth, water, garbage, refuse, snow and sewage;
"identification plate"	"identification plate" means an identification plate issued under section 24;
"member"	"member" means a member of the Board;
"owner"	"owner" means, with respect to a motor vehicle, (a) where the vehicle is registered under the <i>Motor Vehicles Ordinance</i> and it is not a

rented or leased vehicle, the person in whose name the vehicle is registered,

(b) where the vehicle is registered under the *Motor Vehicles Ordinance* and it is a rented or leased vehicle, the person to whom the vehicle is rented or leased, and

(c) where the vehicle is not registered under the *Motor Vehicles Ordinance*, the legal owner, a person in lawful possession of the vehicle, or a person who has the exclusive use of the vehicle;

"permit" "permit" means a permit issued under section 35, 35.1 or 35.2;

"public emergency" "public emergency" includes a flood, forest fire, or earthquake;

"Secretary" "Secretary" means the Secretary of the Board appointed under section 14;

"sticker" "sticker" means a sticker issued under section 35.3; and

"transport public utility" "transport public utility" means a person who is the holder of a certificate or permit."

(2) Subsection 2(2) of the Ordinance is amended by striking out the expression "which is" and substituting therefor the word "and", and by striking out the expression "and not in this Ordinance".

2(1) Section 3 of the Ordinance is repealed and the following substituted therefor:

Authority required	"3(1)	Except as provided by this Ordinance, no person shall operate a motor vehicle on a highway for the purpose of transporting goods or passengers, or for the purpose of transporting goods in a trailer towed by the motor vehicle, unless a certificate or permit has been issued authorizing the operation of the vehicle on the highway for that purpose.
Pilot cars	(2)	A certificate or permit is required for the purposes of subsection (1) to authorize the operation of a pilot car on a highway in connection with the operation of another vehicle on a highway unless no compensation is payable to, or is sought or received by, the owner of the pilot car, directly or indirectly, for the operation of the pilot car in connection with the operation of the other vehicle.
Regulations	(3)	A certificate or permit is required for the purposes of subsection (1) to authorize the operation of a vehicle on a highway where the operation is named in the regulations, individually or as part of a class, as one for which a certificate or permit is required.
Government vehicles	3.1(1)	This Ordinance does not apply to the operation of a vehicle that is registered in the name of the Government of the Territory.
Exemption of vehicles	(2)	This Ordinance does not apply to the operation of a vehicle, or a class of vehicles, that is exempted by the regulations from the application of this Ordinance.
Exemption of goods	(3)	This Ordinance does not apply to the transportation of goods that

are exempted by the regulations as one for which a certificate or permit is required.

Carriage
for no
charge

3.2(1) A certificate or permit is not required for the purposes of subsection 3(1) to authorize the operation of a motor vehicle on a highway for the transportation of goods or passengers where no compensation is payable to, or is sought or received by, the owner of the vehicle, directly or indirectly, for the transportation of the goods or passengers by means of the vehicle.

Owner's
goods

(2) A certificate or permit is not required for the purposes of subsection 3(1) to authorize the operation of a motor vehicle on a highway for the transportation of goods that are the property of the owner of the vehicle, or for the transportation in connection with the business of the owner of the vehicle of goods that are held by him for sale or lease, or that are used or consumed in the business.

Government
contracts

(3) A certificate or permit is not required for the purposes of subsection 3(1) to authorize the operation of a motor vehicle on a highway for the transportation of goods in performance of a contract between the person in whose name the vehicle is registered under the *Motor Vehicles Ordinance* and any government or government agency for the construction or maintenance of a public work in the Territory.

Order re
section 3

3.3(1) Any person may apply to the Board for an order determining whether a

certificate or permit is required for the purposes of subsection 3(1) to authorize the operation of a motor vehicle on a highway by that person for a specific purpose.

Application for order

(2) An application under subsection (1) shall set forth a description of the motor vehicle and a statement as to the purpose for which the vehicle is being operated, or is proposed to be operated, and such other information as the Board may require to ascertain the application of this Ordinance to the operation of the motor vehicle on a highway for that purpose.

Effect of order

(3) Notwithstanding any other provision of this Ordinance, a certificate or permit is not required for the purpose of subsection 3(1) to authorize the operation of a motor vehicle on a highway for a purpose where the Board has, by order, determined that a certificate or permit is not required to authorize the operation of the motor vehicle on the highway for that purpose.

Other applications

(4) The Board may make an order under this section upon an application for a certificate or permit.

Order to apply

3.4(1) Where the Board is of the opinion that the operation of a motor vehicle on a highway may be an operation required to be authorized by a certificate or permit under subsection 3(1), the Board may order the owner of the vehicle, at his option, to apply to the Board for

- (a) an order under section 3.3, or
- (b) a certificate or permit."

2.1(1) Subsection 4(1) of the Ordinance is amended by striking out the word "three" and substituting therefor the word "four".

3(1) Section 14 of the Ordinance is repealed and the following substituted therefor:

Secretary
and staff

"14(1) The Commissioner may, from among the persons employed in the public service,
(a) designate a person to be the Secretary of the Board, and
(b) provide the Board with such other employees or assistants as he may deem necessary for the proper conduct of the business of the Board.

Duties of
secretary

(2) The Secretary is responsible for the administration and enforcement of this Ordinance, and he shall
(a) keep a record of the business conducted by the Board,
(b) receive applications, submissions and complaints made to the Board,
(c) at the direction of the Chairman or the Commissioner, investigate and make reports respecting the provision of transport services to the public in the Territory,
(d) keep and take care of the records, documents and orders of the Board, and
(e) obey the instructions given to him by the Chairman relating to his office as Secretary of the Board.

Powers of
Secretary

(3) The Secretary of the Board has and may exercise all of the powers of an inspector appointed under section 20.

Federal powers	14.1(1)	The Board has the capacity to accept and exercise powers conferred upon it under the <i>Motor Vehicle Transport Act</i> (Canada) and the <i>National Transportation Act</i> (Canada).
Delegation by Board	14.2(1)	The Board may delegate any of its administrative functions to the Secretary or to any other member of the public service of the Territory.
Issuance of permits	(2)	The powers of the Board under sections 35, 35.1 and 35.2 may be exercised by the Secretary, or by a person acting on behalf of the Secretary and authorized in writing to do so by the Chairman of the Board.
Board may over-rule	(3)	Every decision made by or on behalf of the Secretary under this section shall be deemed to be a decision of the Board, but it subsequently may be over-ruled by the Board.
Instructions by Secretary	(4)	The Secretary may, subject to the approval of the Board or the Chairman of the Board, give instructions regarding the issuance of permits."
	4(1)	Section 15 of the Ordinance is amended by adding the following new subsection:
Assistance for Board	"(3)	The Board may authorize any person to assist the Board, whether at a public hearing or otherwise, in the conduct of the business of the Board."
	5(1)	Section 20 of the Ordinance is amended by adding the following new subsection:
Ex officio inspectors	"(2)	Every peace officer and every person employed to operate weigh

scales established by the Commissioner under the *Highways Ordinance* shall be deemed to be an inspector appointed under section 20."

5.1(1) Subsections 22(1) and (2) of the Ordinance are amended by striking out the expression "transport public utility" and substituting therefor the expression "holder of a certificate".

6(1) Subsections 24(1) to (3) of the Ordinance are repealed and the following substituted therefor:

Issuance of
certificates

"24(1) Subject to section 25, the Board may issue a certificate to a person to operate one or more motor vehicles on a highway for a purpose mentioned in subsection 3(1) where

- (a) an application for the certificate in the prescribed form is received by the Board,
- (b) the prescribed fees are paid, and
- (c) such information as the Board may require is received from the applicant.

Terms and
conditions

(2) The Board in its discretion may grant or refuse an application under subsection (1) in whole or in part, and a certificate issued under subsection (1) may contain such terms and conditions as the Board deems appropriate.

Contents of
certificates

(3) Every certificate shall be in the prescribed form and shall set out

- (a) the name of the person to whom the certificate is issued,
- (b) the number of motor vehicles that may be operated on highways at one time under the certificate,
- (c) the size and type of motor vehicles that may be operated under the certificate,

- (d) a description of the highways on which motor vehicles are authorized to be operated under the certificate,
- (e) a statement as to the purpose for which motor vehicles are authorized to be operated under the certificate,
- (f) the terms and conditions subject to which motor vehicles are authorized to be operated under the certificate,
- (g) a statement as to the circumstances in which the authority conferred by the certificate shall be considered not to have been fully exercised for the purposes of section 51, and
- (h) such other information as may be required by the regulations to be specified on the certificate."

(2) Section 24 is amended by adding the following new subsections:

I.D. plates

"(5) Where a certificate is issued under this section, the Secretary shall issue to the holder of the certificate a quantity of identification plates equal to the number of motor vehicles authorized to be operated on highways at one time under the certificate.

Operation
without
I.D. plate

(6) Where a motor vehicle is operated on a highway and an identification plate is not attached to the vehicle, a certificate shall be deemed not to have been issued authorizing the operation of the motor vehicle on the highway."

7(1) Section 25 of the Ordinance is repealed and the following substituted therefor:

- Hearing and notice "25(1) The Board shall, before it issues a certificate, give not less than 21 days' notice of its intention to hold a public hearing with respect to the application for the certificate, and the notice shall be given by publishing a notice in the prescribed form in a newspaper that circulates throughout the Territory.
- Intervenors (2) Any person may, by delivering or mailing a notice in the prescribed form to the Secretary, notify the Board of his desire to appear at the hearing and make representations to the Board.
- Where no intervenors (3) Where no notices are received by the Secretary under subsection (2) seven days before the day fixed under subsection (1) for the holding of the hearing, the hearing need not be held, but the certificate shall not be issued until after the day fixed for the holding of the hearing.
- Hearing required (4) Where a notice is received by the Secretary under subsection (2) more than seven days before the day fixed under subsection (1) for the holding of the hearing, a certificate shall not be issued until a public hearing has been held.
- Late intervenors (5) Where the Board learns, before it issues a certificate, that a person desires to be heard in relation to the matter, the Board shall not issue the certificate until the person has been given an opportunity to be heard, and the Board may postpone the issuance of the certificate until a public hearing, or a further public hearing, has been held."

8(1) Section 26 of the Ordinance is repealed and the following substituted therefor:

Amendment or revocation

"26(1) The Board in its discretion may amend or revoke a certificate, but before it does so it shall give the holder of the certificate ten days' notice of its intention to consider the matter, and give him an opportunity to be heard.

Suspension

(2) The Board in its discretion may suspend a certificate in whole or in part pending its consideration of the amendment or revocation of a certificate under subsection (1), without giving notice to the holder of the certificate, and without giving him an opportunity to be heard.

Hearing

(3) The Board in its discretion may hold a public hearing with respect to the amendment or revocation of a certificate.

Return of plates

(4) The Board may make such orders as it deems necessary for the return of identification plates in connection with the amendment, revocation or suspension of a certificate."

9(1) Subsection 28(1) of the Ordinance is amended by striking out the expression "shall not apply to an application for a licence" and substituting therefor the expression "does not apply to the operation of a motor vehicle on a highway".

10(1) The Ordinance is amended by adding, immediately after section 31, the following new section:

Evidence

"31.1(1) In the conduct of hearings and investigations the Board is not

bound by the technical rules of legal evidence, and the Board may accept and act upon evidence given orally or in writing obtained in such manner as the Board deems proper, whether or not the evidence is given on oath or affirmation."

11(1) Section 32 of the Ordinance is amended by adding the following new subsection:

Ordinance &
Regulations

"(2) The Board may receive submissions concerning the administration of this Ordinance, and may make recommendations concerning the Ordinance or the regulations."

12(1) Section 34 of the Ordinance is amended by adding the following new subsection:

Persons
aggrieved

"(2) The holder of a certificate, or any other person affected by an order made by the Board under section 3.3, 26, 45 or 51 may, within 30 days of the making of the order or such further time as the Board may allow, apply to the Board to have the order varied or rescinded."

13(1) Section 35 of the Ordinance is repealed and the following substituted therefor:

Issuance
of permits

"35(1) The Board may issue a permit to operate a motor vehicle on a highway for a purpose mentioned in subsection 3(1) where

- (a) an application for the permit in the prescribed form is received at a place prescribed for the making of applications,
- (b) the prescribed fees are paid,
- (c) the motor vehicle is produced for inspection at the time when, and at the place where,

- the application is received,
and
- (d) such information as may be required by the regulations is furnished with the application.
- Contents of permits (2) Every permit issued under this section shall be in the prescribed form and shall set out
- (a) the name of the person to whom the permit is issued,
- (b) a description of the vehicle in respect of which the permit is issued,
- (c) a statement as to the purpose for which the vehicle is authorized to be operated under the permit,
- (d) a description of the highways on which, and the points between which, the vehicle is authorized to be operated under the permit, and
- (e) such other information as may be required by the regulations to be specified on the permit.
- One vehicle (3) No permit shall be issued under this section in respect of more than one vehicle.
- Limit on permits (4) Only one permit shall be issued under this section on any day in respect of one motor vehicle, and every such permit expires 14 days after the day on which it is issued.
- Effect of permit (5) No permit issued under this section authorizes the operation of a motor vehicle for the purpose of transporting goods except for a one-way trip between the points referred to in paragraph (2) (d), and a permit may

specify that no new permit shall be issued under this section in respect of the vehicle unless the motor vehicle, after the issuance of the permit, completes a return trip between the points referred to in paragraph (2)(d).

Retroactive effect

- (6) A permit issued under this section may specify that it takes effect on a day prior to the day on which it is issued.

Emergency permits

- 35.1(1) The Board may issue an emergency permit to a person to operate a motor vehicle on a highway for a purpose mentioned in subsection 3(1) where
- (a) an application for the permit in the prescribed form is received at a place prescribed for the making of applications,
 - (b) such information as the Board may require is furnished to the Board, and
 - (c) the Board is of the opinion that the issuance of the permit is necessary because of the existence of a public emergency in the Territory or in a jurisdiction adjacent to the Territory.

Contents of permit

- (2) Every emergency permit shall be in the prescribed form and shall set out
- (a) the name of the person to whom the permit is issued,
 - (b) a description of the motor vehicle or motor vehicles in respect of which the permit is issued,
 - (c) a statement as to the purpose for which a motor vehicle is

authorized to be operated
under the permit,

- (d) a description of the highways on which a motor vehicle is authorized to be operated under the permit,
- (e) a statement as to the public emergency in respect of which the permit is issued, and
- (f) such other information as may be required by the regulations to be specified on the permit.

Special
permits

35.2(1)

The Board may issue a special permit to a person to operate a motor vehicle on a highway for the purpose of transporting specific goods where

- (a) an application for the permit in the prescribed form is received at a place prescribed for the making of applications,
- (b) the prescribed fees are paid,
- (c) the motor vehicle, or a trailer towed by the motor vehicle and owned by the owner of the motor vehicle, has been specially designed or modified to transport the goods, and
- (d) the goods are of such a special and unusual nature that
 - (i) they cannot readily be transported by means of a vehicle that is not specially designed or modified for that purpose, or
 - (ii) it is customary and commercially reasonable that the goods be transported only by means of a vehicle that is specially designed or modified for that purpose.

- Contents of permit (2) Every special permit shall be in the prescribed form and shall set out
- (a) the name of the person to whom the permit is issued,
 - (b) a description of the vehicle or vehicles in respect of which the permit is issued,
 - (c) a description of the specific goods in respect of which the permit is issued, and
 - (d) such other information as may be required by the regulations to be specified on the permit.
- I.D. sticker 35.3(1) A sticker in the prescribed form shall be issued with every permit that is issued.
- Operation without sticker (2) Where a motor vehicle is operated on a highway and a sticker issued in respect of a permit that has not expired is not displayed on the vehicle in the prescribed manner, a permit shall be deemed not to have been issued authorizing the operation of the vehicle on the highway.
- Complaint about permit 35.4(1) The holder of a certificate or any other person affected by the issuance of a permit under section 35, 35.1 or 35.2 may, within 14 days of the issuance of the permit, apply to the Board to have the permit amended or revoked.
- Permit policy (2) The holder of a certificate or any other person affected by the policy or practice of the Board relating to the issuance of permits under section 35, 35.1 or 35.2 may apply to the Board to have the policy or practice changed.

- Variation of permit 35.5(1) The Board in its discretion may suspend, revoke or amend a permit without giving prior notice to the holder of the permit, without holding a public hearing, and without giving the holder of the permit an opportunity to be heard.
- Unregistered vehicles 35.6(1) No permit shall be issued in respect of a motor vehicle that is not registered pursuant to the *Motor Vehicles Ordinance* or the laws of a place other than the Territory.
- Motor Vehicles Ordinance 35.7(1) The operation of a vehicle on a highway shall be deemed not to contravene subsection 36(1) of the *Motor Vehicles Ordinance* where
- (a) the vehicle is operated on the highway in accordance with a permit issued under this Ordinance,
 - (b) the vehicle is registered pursuant to the laws of a place other than the Territory, and
 - (c) the registration number plates issued under the laws referred to in paragraph (b) are displayed on the vehicle.
- Motor Vehicles Ordinance (2) Except as provided by subsection (1), nothing in this Ordinance authorizes the operation of a vehicle in contravention of the *Motor Vehicles Ordinance*."
- 14(1) Subsection 39(1) of the Ordinance is amended by striking out the figure "35" and substituting therefor the figure "35.4".
- 15(1) Subsection 40(1) of the Ordinance is amended by adding, immediately after the word "law", the expression "or jurisdiction".

15(2) Subsection 40 of the Ordinance is amended by adding the following new subsections:

Power of
the court

"(3) On the hearing of an appeal the Court shall not draw inferences that are inconsistent with the facts expressly found by the Board, and the Court shall certify its opinion to the Board, which shall take whatever steps are necessary in accordance with that opinion.

Membership
of the Board

(4) No order shall be made by the Court for the appointment of new or different members to the Board for any purpose.

Costs

(5) Neither the Board nor any member of the Board is liable in any case to pay costs in respect of an appeal."

16(1) Section 45 of the Ordinance is amended by adding the following new subsections:

Illegal
transfer

"(2) Every certificate capitalized, sold, assigned, leased or transferred in contravention of subsection (1) shall be deemed to be revoked on the day on which the contravention took place.

Sale of
shares

(3) Where the holder of a certificate is a corporation, the Board may require it to report to the Board any issue or transfer of shares of its capital stock, and where the Board is of the opinion that the number of shares issued or transferred has affected the actual control of the corporation, the issue or transfer shall, unless it was made with the prior written approval of the Board, be deemed to be a transfer of the certificate in contravention of subsection (1).

- Order by Board (4) A corporation may, before or after shares in the corporation are issued or transferred, apply to the Board for its written approval for the purposes of this section."
- 17(1) The Ordinance is amended by adding, immediately after section 47, the following new section:
- Use of I.D. plates "47.1(1) No person shall operate a motor vehicle to which an identification plate is attached except in accordance with the terms and conditions of the certificate in respect of which the identification plate was issued.
- Use of I.D. sticker 47.2(1) No person shall operate on a highway a motor vehicle on which a sticker is displayed except in accordance with the permit in respect of which the sticker was issued.
- Expired sticker (2) No person shall operate on a highway a motor vehicle on which a sticker is displayed where the permit in respect of which the sticker was issued has expired.
- Unlawful business 47.3(1) Except as provided by this Ordinance, no person shall conduct upon a highway by means of a motor vehicle the business of providing transportation services to the public for compensation."
- 18(1) Subsection 48(1) of the Ordinance is amended by adding, at the end of the subsection, the following expression: "and, in either case, to having the vehicle in respect of which the offence was committed impounded for a period of not more than 90 days".
- (2) Subsection 48(3) of the Ordinance is repealed and the following substituted therefor:

Conviction

"(3) Notwithstanding anything in sections 25 and 26, the Board in its discretion may, without prior notice, without a public hearing and without giving the holder of a certificate an opportunity to be heard, amend, suspend or revoke the certificate upon the conviction of the holder of the certificate of an offence under this Ordinance."

- (3) Subsection 48(7) of the Ordinance is amended by striking out paragraph (g) and substituting the following therefor:

"(g) fails to produce a permit or bill of lading for inspection when required to do so under section 50.1."

- (4) Subsection 48(8) of the Ordinance is amended by striking out the expression "public service vehicle" wherever it occurs and substituting therefor the expression "motor vehicle".

- (5) Section 48 of the Ordinance is amended by adding the following new subsection:

"(9) In a prosecution under this Ordinance, a bill of lading produced to an inspector upon demand made under section 50.1, or a copy of it certified to be true by the inspector, shall be admitted in evidence, without proof of the signature of the person signing the bill of lading or the inspector certifying it, as prima facie proof of

- (a) the origin and destination of the trip,
- (b) the ownership of the goods, and
- (c) the description of the goods.

19(1) The Ordinance is amended by adding, immediately after section 48, the following new sections:

Burden
of proof

"48.1(1) Where in any prosecution under this Ordinance it is alleged that a certificate or permit is not required for the purposes of subsection 3(1) to authorize the operation of the motor vehicle on a highway, the burden of proving the allegation is on the person making the allegation.

Liability
of owner

48.2(1) Where a motor vehicle is operated in contravention of any of the provisions of this Ordinance, the owner of the vehicle is liable for the contravention jointly and severally with the person who was operating the vehicle at the time of the contravention.

Certificate
holder

(2) Without limiting the effect of subsection (1), where a motor vehicle is operated in contravention of section 47.1, the holder of the certificate in respect of which the identification plate was issued is liable for the contravention jointly and severally with the person who was operating the vehicle at the time of the contravention.

Liability
of permittee

(3) Without limiting the effect of subsection (1), where a motor vehicle is operated in contravention of section 47.2, the holder of the permit in respect of which the sticker was issued is liable for the contravention jointly and severally with the person who was operating the vehicle at the time of the contravention.

Exception

(4) Subsections (1) to (3) do not apply where the owner of the vehicle, the holder of the certificate, or the holder of the permit, as the case may be, proves to the satisfaction of the court that, at the time of the contravention, the vehicle was not being operated by any person with his consent, express or implied.

Shipper and owner

(5) Where a motor vehicle is operated in contravention of this Ordinance for the purpose of transporting goods, the owner of the goods is liable for the contravention jointly and severally with every other person who is liable, unless the owner of the goods proves to the satisfaction of the court that the contravention occurred without his consent, express or implied."

20(1) Subsection 49(1) of the Ordinance is amended

(a) by striking out the words "or a member of the Royal Canadian Mounted Police", and

(b) by striking out paragraph (b) and substituting the following therefor:

"(b) retain the vehicle in custody for 14 days or until he is satisfied that all fees payable under this Ordinance in respect of the operation of the vehicle have been paid, whichever is less."

Prolongation of seizure

(2) Subsection 49(2) of the Ordinance is repealed and the following substituted therefor:

"(2) Where a vehicle has been seized under this section and it is not released from custody before proceedings are commenced with respect to the

operation of the motor vehicle in contravention of this Ordinance, the vehicle shall be retained in custody until the proceedings have been concluded judicially.

Early
release

- (2.1) Notwithstanding subsections (1) and (2), where a vehicle is seized under this section,
- (a) a justice may upon application release the vehicle or any goods on it upon security being given in such amount as the justice deems appropriate, or
 - (b) the vehicle or any goods on it shall be released upon security being given in the prescribed amount.

- (3) Subsection 49(3) of the Ordinance is amended by striking out the expression "or a member of the Royal Canadian Mounted Police".

- 21(1) Section 50 of the Ordinance is amended by adding the following new subsection:

Additional
powers

- "(2) For the purpose of the enforcement of this Ordinance, an inspector has and may exercise all the powers and functions of a peace officer under sections 33, 45, 72 and 207 of the *Motor Vehicles Ordinance*."

- 22(1) The Ordinance is amended by adding, immediately after section 50, the following new section:

Production
of permit

- "50.1(1) Where a person is operating on a highway a motor vehicle in respect of which a permit has been issued, he shall produce the permit for inspection upon demand by an inspector.

Production of
certificate

- (2) Where a person is operating on a highway a motor vehicle to which an

identification plate is attached, he shall produce for inspection upon demand by an inspector a copy of the certificate in respect of which the identification plate was issued.

Bill of lading

- (3) Where a person is operating a motor vehicle on a highway for the purpose of transporting goods and a certificate or permit is required to authorize him to do so under section 3, he shall upon demand by an inspector produce for inspection a copy of the bill of lading for those goods."

- 23(1) Section 51 of the Ordinance is repealed and the following substituted therefor:

Review of certificates

- "51(1) The Board shall review every certificate at least once in each year, and if the Board is of the opinion that the authority conferred by the certificate has not been exercised fully during the period of 12 months immediately preceding the review, the Board in its discretion may, subject to section 26,
- (a) revoke the certificate, if the authority was not exercised during the period, or
 - (b) amend the certificate to accord with the actual exercise of the authority."

- 24(1) Subsection 52(1) of the Ordinance is amended
- (a) by striking out the expression "public service vehicles" wherever it occurs and substituting therefor the expression "motor vehicles operated under this Ordinance",
 - (b) by striking out the expression "and members of the Royal Canadian Mounted Police" where it occurs in paragraph (s), and

(c) by adding the following new paragraphs:

- "(e.1) the operation of transport public utilities for the transportation of passengers;
- (e.2) travel agencies, tour wholesalers and passenger carriers, with respect to bus charter trips;
- (e.3) trust accounts and the conditions under which trust accounts must be established and maintained;
- (e.4) the style and nature of contracts between the holder of a certificate and a person proposing to exercise the authority granted under the certificate on behalf of the holder;
- (e.5) the publication, inspection and provision of copies of decisions, orders and rules of the Board, and of certificates and permits issued by the Board;"

25(1) Section 54 of the Ordinance is repealed.

26(1) Section 2 of the *Motor Vehicles Ordinance* is amended

- (a) by striking out the expression "or public service vehicle as defined in this Ordinance" where it appears in the definition of "commercial vehicle", and
- (b) by striking out the definition of "public service vehicle".

27(1) This Ordinance or any part of this Ordinance comes into force on a day to be fixed by the Commissioner.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 33

AN ORDINANCE TO AMEND THE TRUSTEE ORDINANCE

(Assented to April 14, 1980)

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

1(1) Sections 3 and 4 of the *Trustee Ordinance* are repealed and the following substituted therefor:

Authorized investments

"3(1) Unless a trustee is otherwise authorized or directed by an express provision of the law or of the will or other instrument creating the trust or defining his powers and duties, he may invest trust money in any kind of property, real, personal or mixed, but in so doing, he shall exercise the judgment and care that a man of prudence, discretion and intelligence would exercise as a trustee of the property of others.

Temporary deposit

(2) A trustee may, pending the investment of any trust money, deposit it during such time as is reasonable in the circumstances in any bank or trust company or in any other corporation empowered to accept moneys for deposit that has been approved for such purpose by the Commissioner.

Application of section 3

4(1) Section 3 applies to trustees acting under trusts arising before, on or after the first day of January, 1980."

2(1) This Ordinance comes into force on a day to be fixed by the Commissioner.

NOTE: This Ordinance is based on a model Act recommended by the Uniform Law Conference of Canada.

ORDINANCES OF THE YUKON TERRITORY
1980 (1st), Chapter 34

YUKON RIVER BASIN STUDY AGREEMENT ORDINANCE

(Assented to April 16, 1980)

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(1) | This Ordinance may be cited as the <i>Yukon River Basin Study Agreement Ordinance</i> . |
| Authority for agreement | 2(1) | The Commissioner may enter into an agreement with the Government of Canada for the purposes of the Canada Water Act and the Northern Inland Waters Act, subject to such terms and conditions as the Commissioner may deem appropriate, providing for the study of water and related resources in the basin of the Yukon River in Canada. |
| | 3(1) | This Ordinance comes into force on a day to be fixed by the Commissioner. |

TABLE OF ORDINANCES

(Being a table of those Ordinances included in the Revised Ordinances, 1971, those subsequently added to the consolidation thereof or those enacted since the coming into force of the Revised Ordinances, 1971.)

Legend:

In. = Included in	Am. = Amended
En. = Enacted	Sp. = Spent
Rp. = Repealed	History = from the earlier of (i) enactment; or
Re. = Re-enacted	(ii) inclusion in R.O.Y.T., 1971
N.C.N.R. = Not Consolidated, Not Repealed.	

* = On May 22, 1980 this Ordinance had not yet been proclaimed into force.

Consolidation Chapter No. = Chapter designation of the Ordinances having general application to members of the public, as contained in the Consolidated version of the Ordinances of the Yukon Territory.

<u>ORDINANCES</u>	<u>CONSOLIDATION CHAPTER NO.</u>	<u>HISTORY</u>
Adult Occupational Training Agreements Repeal	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 10
Age of Majority	A-0.1	En. O.Y.T. 1972 (1st), c. 1
Alaska Highway Maintenance (1972)	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 2
Animal Protection	A-0.2	En. O.Y.T. 1977 (2nd), c. 1
Apprentice Training	A-1	In. R.O.Y.T. 1971, c. A-1
Arbitration	A-2	In. R.O.Y.T. 1971, c. A-2
Archives	A-3	In. R.O.Y.T. 1971, c. A-3
Area Development	A-4	In. R.O.Y.T. 1971, c. A-4; Am. O.Y.T. 1975 (3rd), c. 3
Assessment and Taxation	A-4.1	En. O.Y.T. 1972 (1st), c. 13; Am. O.Y.T. 1975 (1st), c. 18; Am. O.Y.T. 1979 (2nd), c. 16; Am. O.Y.T. 1980 (1st), c. 20, s. 2 *
Assessment in the City of Whitehorse	N.C.N.R.	En. O.Y.T. 1977 (2nd), c. 11
Assignment of Book Debts	A-5	In. R.O.Y.T. 1971, c. A-5
Bills of Sale	B-1	In. R.O.Y.T. 1971, c. B-1
Blasting	B-2	In. R.O.Y.T. 1971, c. B-2
Boiler and Pressure Vessels	B-2.1	En. O.Y.T. 1979 (2nd), c. 1 *
Brands	B-3	In. R.O.Y.T. 1971, c. B-3 Am. O.Y.T. 1980 (1st), c. 20, s. 3 *

Building Standards	B-3.1	En. O.Y.T. 1973 (1st), c. 1
Bulk Sales	B-4	In. R.O.Y.T. 1971, c. B-4
Business Development Assistance	B-4.1	En. O.Y.T. 1980 (1st), c. 1
Business Licence	B-5	In. R.O.Y.T. 1971, c. B-5 Am. O.Y.T. 1980 (1st), c. 20, s. 4
Cancer Diagnosis	C-1	In. R.O.Y.T. 1971, c. C-1
Cemeteries and Burial Sites	C-2	In. R.O.Y.T. 1971, c. C-2
Change of Name	C-3	In. R.O.Y.T. 1971, c. C-3
Child Welfare	C-4	In. R.O.Y.T. 1971, c. C-4; Am. O.Y.T. 1972 (1st), c. 15
Chiropractic	C-5	In. R.O.Y.T. 1971, c. C-5; Am. O.Y.T. 1972 (1st), c. 16
Choses in Action	C-6	In. R.O.Y.T. 1971, c. C-6
Citizenship Instruction Agreement	C-7	In. R.O.Y.T. 1971, c. C-7
Civil Defence Workers' Compensation Agreement	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 26
Civil Emergency Measures	C-8	In. R.O.Y.T. 1971, c. C-8
Collection	C-9	In. R.O.Y.T. 1971, c. C-9
Community Assistance	C-9.1	En. O.Y.T. 1975 (1st), c. 1; Am. O.Y.T. 1975 (3rd), c. 4; Am. O.Y.T. 1976 (1st), c. 4; Am. O.Y.T. 1977 (1st), c. 8; Am. O.Y.T. 1978 (1st), c. 3; Am. O.Y.T. 1980 (1st), c. 2
Companies	C-10	In. R.O.Y.T. 1971, c. C-10; Am. O.Y.T. 1975 (3rd), c. 5; Am. O.Y.T. 1980 (1st), c. 3 *
Compensation for Victims of Crime	C-10.1	En. O.Y.T. 1975 (1st), c. 2; Am. O.Y.T. 1976 (1st), c. 5
Conditional Sales	C-11	In. R.O.Y.T. 1971, c. C-11
Condominium	C-12	In. R.O.Y.T. 1971, c. C-12; Am. O.Y.T. 1977 (2nd), c. 5; Am. O.Y.T. 1980 (1st), c. 4 *
Conflict of Laws (Traffic Accidents)	C-12.1	En. O.Y.T. 1972 (1st), c. 3
Consumers' Protection	C-13	In. R.O.Y.T. 1971, c. C-13
Contributory Negligence	C-14	In. R.O.Y.T. 1971, c. C-14; Am. O.Y.T. 1980 (1st), c. 20, s. 5 *
Controverted Elections	C-15	In. R.O.Y.T. 1971, c. C-15; Am. O.Y.T. 1977 (2nd), c. 3, s.103

Co-operative Associations	C-16	In. R.O.Y.T. 1971, c. C-16; Am. O.Y.T. 1973 (1st), c. 8; Am. O.Y.T. 1975 (2nd), c. 7
Cornea Transplant	C-17	In. R.O.Y.T. 1971, c. C-17 Rp. O.Y.T. 1980 (1st), c. 14, s. 16*
Coroners	C-18	In. R.O.Y.T. 1971, c. C-18; Am. O.Y.T. 1972 (2nd), c. 17
Corporation Securities Registration	C-19	In. R.O.Y.T. 1971, c. C-19; Am. O.Y.T. 1980 (1st), c. 20, s. 6 *
Corrections	C-19.1	En. O.Y.T. 1973 (1st), c. 2; Am. O.Y.T. 1980 (1st), c. 20, s. 7 *
Court of Appeal	C-20	In. R.O.Y.T. 1971, c. C-20
Court Worker Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 3
Credit Union	C-20.1	En. O.Y.T. 1977 (1st) c. 2; Rp. O.Y.T. 1980 (1st), c. 5 *
Credit Unions	C-21	In. R.O.Y.T. 1971, c. C-21; Am. O.Y.T. 1975 (2nd), c. 8; Am. O.Y.T. 1976 (1st), c. 6; Rp. O.Y.T. 1977 (1st), c. 2, s.158
Creditors' Relief	C-22	In. R.O.Y.T. 1971, c. C-22
Curfew	C-23	In. R.O.Y.T. 1971, c. C-23
Custody of Federal Parole Violators Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 4
Dawson, City of, General Purposes Loan	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 25
Dawson City Utilities Replacement	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 14
Dawson General Purposes Loan	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 31
Dawson Historic Sites Aid Grants	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 21
Day Care	D-01	En. O.Y.T. 1979 (2nd), c. 3
Defamation	D-1	In. R.O.Y.T. 1971, c. D-1
Dental Profession	D-2	In. R.O.Y.T. 1971, c. D-2 Am. O.Y.T. 1973 (1st), c. 9 Am. O.Y.T. 1979 (1st), c. 1
Dependants' Relief	D-3	In. R.O.Y.T. 1971, c. D-3
Devolution of Real Property	D-4	In. R.O.Y.T. 1971, c. D-4
Disabled Persons' Allowance	D-5	In. R.O.Y.T. 1971, c. D-5; Rp. O.Y.T. 1975(1st), c. 11
Distress	D-6	In. R.O.Y.T. 1971, c. D-6
Dog	D-7	In. R.O.Y.T. 1971, c. D-7

Elections	E-1	In. R.O.Y.T. 1971, c. E-1; Am. O.Y.T. 1974 (2nd), c. 5; Am. O.Y.T. 1975 (3rd), c. 6; Am. O.Y.T. 1977 (1st), c. 9; Am. O.Y.T. 1977 (2nd), c. 2; Am. O.Y.T. 1977 (2nd), c. 3, s. 104; Am. O.Y.T. 1978 (1st), c. 4; Am. O.Y.T. 1980 (1st), c. 20, s. 8 *
Elections, 1977	E-1.2	En. O.Y.T. 1977 (2nd), c. 3
Electoral District Boundaries	E-1.3	En. O.Y.T. 1977 (2nd), c. 2
Electoral District Boundaries Commission	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 1; Sp. June 17, 1974
Electoral District Boundaries Commission	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 3; Sp. November 7, 1977
Electrical Protection	E-2	In. R.O.Y.T. 1971, c. E-2; Rp/Re. O.Y.T. 1976 (3rd), c. 3
Electrical Public Utilities	E-2.1	En. O.Y.T. 1972 (1st), c. 4; Am. O.Y.T. 1974 (2nd), c. 6
Elevator and Fixed Conveyances	E-3	In. R.O.Y.T. 1971, c. E-3
Emergency Medical Aid	E-3.1	En. O.Y.T. 1976 (3rd), c. 1
Employment Agencies	E-4	In. R.O.Y.T. 1971, c. E-4; Rp/Re. O.Y.T. 1972 (1st), c. 5
Energy Conservation Agreement	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 6 *
Engineering Profession	E-5	In. R.O.Y.T. 1971, c. E-5
Evidence	E-6	In. R.O.Y.T. 1971, c. E-6 Am. O.Y.T. 1980 (1st), c. 7 * Am. O.Y.T. 1980 (1st), c. 20, s. 9 *
Executions	E-6.1	En. O.Y.T. 1980 (1st), c. 8 *
Exemptions	E-7	In. R.O.Y.T. 1971, c. E-7
Expropriation	E-8	In. R.O.Y.T. 1971, c. E-8
Factors	F-1	In. R.O.Y.T. 1971, c. F-1
Fair Practices	F-2	In. R.O.Y.T. 1971, c. F-2; Am. O.Y.T. 1974 (2nd), c. 7
Faro General Purposes Loan	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 30
Faro General Purposes Loan	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 27
Fatal Accidents	F-3	In. R.O.Y.T. 1971, c. F-3 Rp/Re. O.Y.T. 1980 (1st), c. 9 *
Fifth Appropriation, 1971-72	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 28

Fifth Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 16
Fifth Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 21
Fifth Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 5
Financial Administration	F-4	In. R.O.Y.T. 1971, c. F-4; Rp/Re. O.Y.T. 1976 (3rd), c. 4
Financial Agreement, 1973	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 28
Financial Agreement, 1974	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 22
Financial Agreement, 1975	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 21
Financial Agreement, 1976	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 10
Financial Agreement, 1977	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 14
Financial Agreement, 1978	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 19
Financial Agreement, 1979	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 8
Financial Agreement, 1980	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 10
Fire Prevention	F-5	In. R.O.Y.T. 1971, c. F-5; Am. O.Y.T. 1972 (1st), c. 18; Am. O.Y.T. 1973 (1st), c. 10
Firearms Administration Agreement	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 3
First Appropriation, 1972-73	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 27
First Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 21
First Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 17
First Appropriation, 1975-76	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 20
First Appropriation, 1976-77	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 11
First Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 15
First Appropriation, 1978-79	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 18
First Appropriation, 1979-80	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 7
First Appropriation, 1980-81	N.C.N.R.	En. O.Y.T. 1979 (2nd), c. 4
Fitness and Amateur Sport Agreement	F-6	In. R.O.Y.T. 1971, c. F-6
Flag	F-7	In. R.O.Y.T. 1971, c. F-7
Floral Emblem	F-8	In. R.O.Y.T. 1971, c. F-8
Forest Protection	F-9	In. R.O.Y.T. 1971, c. F-9; Am. O.Y.T. 1980 (1st), c. 20, s. 10*
Fourth Appropriation, 1972-73	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 20
Fourth Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1973 (4th), c. 24
Fourth Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 20
Fourth Appropriation, 1975-76	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 12

Fourth Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 17
Fraudulent Preferences and Conveyances	F-9.1	En. O.Y.T. 1973 (1st), c. 3
Frustrated Contracts	F-10	In. R.O.Y.T. 1971, c. F-10 Rp/Re. O.Y.T. 1980 (1st), c. 11 *
Fuel Oil Tax	F-11	In. R.O.Y.T. 1971, c. F-11; Rp/Re. O.Y.T. 1973 (1st), c. 4; Am. O.Y.T. 1975 (2nd), c. 9; Am. O.Y.T. 1979 (1st), c. 2
Fur Export	F-12	In. R.O.Y.T. 1971, c. F-12 Am. O.Y.T. 1979 (2nd) c. 5
Game	G-1	In. R.O.Y.T. 1971, c. G-1; Am. O.Y.T. 1972 (1st), c. 19; Am. O.Y.T. 1973 (1st), c. 11; Am. O.Y.T. 1975 (2nd), c. 10; Am. O.Y.T. 1975 (3rd), c. 7 Am. O.Y.T. 1979 (2nd), c. 6
Gaols	G-2	In. R.O.Y.T. 1971, c. G-2
Garage Keepers' Lien	G-3	In. R.O.Y.T. 1971, c. G-3
Garnishee	G-4	In. R.O.Y.T. 1971, c. G-4 Rp/Re. O.Y.T. 1980 (1st), c. 12 *
Gasoline Handling	G-5	En. O.Y.T. 1972 (1st), c. 6
General Development Agreement	G-5.1	En. O.Y.T. 1977 (1st), c. 4
Government Employee Housing Plan	G-6	En. O.Y.T. 1975 (1st), c. 5 Am. O.Y.T. 1980 (1st), c. 13; Am. O.Y.T. 1980 (1st), c. 20, s. 11*
Health Care Insurance Plan	H-1	In. R.O.Y.T. 1971, c. H-1
Highways	H-1.1	En. O.Y.T. 1975 (3rd), c. 1; Am. O.Y.T. 1976 (3rd), c. 5; Am. O.Y.T. 1978 (1st), c. 5
Historic Sites and Monuments	H-2	In. R.O.Y.T. 1971, c. H-2; Am. O.Y.T. 1975 (2nd), c. 11
Home Owner's Grant	H-2.1	En. O.Y.T. 1976 (1st), c. 1; Am. O.Y.T. 1976 (3rd), c. 6; Am. O.Y.T. 1978 (1st), c. 6
Hospital Insurance Services	H-3	In. R.O.Y.T. 1971, c. H-3; Am. O.Y.T. 1975 (3rd), c. 8
Hotels and Tourist Establishments	H-4	In. R.O.Y.T. 1971, c. H-4
Housing	H-5	In. R.O.Y.T. 1971, c. H-5

Housing Corporation	H-5.1	En. O.Y.T. 1972 (1st), c. 7
Housing Development	H-6	In. R.O.Y.T. 1971, c. H-6; Am. O.Y.T. 1975 (2nd), c. 12
Human Tissue Gift	H-7	En. O.Y.T. 1980 (1st), c. 14 *
Immunity of Members	I-1	In. R.O.Y.T. 1971, c. I-1; Rp. O.Y.T. 1978 (1st), c. 2, s.42
Income Tax	B-1	En. O.Y.T. 1979 (2nd), c. 7
Institute of Chartered Accountants	I-1.1	En. O.Y.T. 1976 (3rd), c. 2
Insurance	I-2	In. R.O.Y.T. 1971, c. I-2; Rp. O.Y.T. 1977 (1st), c. 1, s.236
Insurance	I-2.01	En. O.Y.T. 1977 (1st), c. 1; Am. O.Y.T. 1977 (2nd), c. 4, s. 257; Am. O.Y.T. 1980 (1st), c. 15; * Am. O.Y.T. 1980 (1st), c. 20, s. 12*
Insurance Premium Tax	I-2.1	En. O.Y.T. 1976 (1st), c. 2; Am. O.Y.T. 1976 (3rd), c. 7
Interim Supply Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 23
Interim Supply Appropriation, 1980-81	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 16
Interpretation	I-3	In. R.O.Y.T. 1971, c. I-3; Am. O.Y.T. 1973 (1st), c. 12; Am. O.Y.T. 1974 (2nd), c. 8 Am. O.Y.T. 1979 (2nd), c. 2, s. 4 * Am. O.Y.T. 1980 (1st), c. 20, s. 13* Am. O.Y.T. 1980 (1st), c. 30, s. 35*
Intestate Succession	I-4	In. R.O.Y.T. 1971, c. I-4
Judicature	J-1	In. R.O.Y.T. 1971, c. J-1; Am. O.Y.T. 1975 (2nd), c. 13; Am. O.Y.T. 1980 (1st), c. 28, s. 1 * Am. O.Y.T. 1980 (1st), c. 30, s. 35*
Jury	J-2	In. R.O.Y.T. 1971, c. J-2
Justice of the Peace	J-3	In. R.O.Y.T. 1971, c. J-3; Am. O.Y.T. 1976 (3rd), c. 8 Rp. O.Y.T. 1979 (2nd), c. 8, s. 23
Justice of the Peace Court	J-3.1	En. O.Y.T. 1979 (2nd), c. 8
Labour Standards	L-1	In. R.O.Y.T. 1971, c. L-1; Am. O.Y.T. 1973 (1st), c. 13; Am. O.Y.T. 1974 (2nd), c. 9; Am. O.Y.T. 1975 (1st), c. 14; Am. O.Y.T. 1975 (3rd), c. 9
Land Acquisition Fund	L-1.1	En. O.Y.T. 1976 (2nd), c. 1
Landlord and Tenant	L-2	In. R.O.Y.T. 1971, c. L-2; Am. O.Y.T. 1972 (1st), c. 20; Am. O.Y.T. 1980 (1st), c. 20, s. 14*
Lands	L-3	In. R.O.Y.T. 1971, c. L-3; Rp/Re. O.Y.T. 1972 (1st), c. 8, 14

Legal Aid	L-3.1	En. O.Y.T. 1975 (3rd), c. 2
Legal Profession	L-4	In. R.O.Y.T. 1971, c. L-4; Am. O.Y.T. 1975 (3rd), c. 10; Am. O.Y.T. 1979 (2nd), c. 9; Am. O.Y.T. 1980 (1st), c. 20, s. 15*
Legal Profession Accounts	L-5	In. R.O.Y.T. 1971, c. L-5; Am. O.Y.T. 1980 (1st), c. 20, s. 16*
Legitimation	L-6	In. R.O.Y.T. 1971, c. L-6
Limitation of Actions	L-7	In. R.O.Y.T. 1971, c. L-7
Liquor	L-8	In. R.O.Y.T. 1971, c. L-8; Am. O.Y.T. 1976 (1st), c. 3, s.5; Am. O.Y.T. 1976 (3rd), c. 9; Am. O.Y.T. 1977 (1st), c. 13; Am. O.Y.T. 1979 (2nd), c. 10; * Am. O.Y.T. 1980 (1st), c. 17; * Am. O.Y.T. 1980 (1st), c. 20, s. 17*
Liquor Tax	L-8.1	En. O.Y.T. 1976 (1st), c. 3; Am. O.Y.T. 1977 (1st), c. 10; Am. O.Y.T. 1980 (1st), c. 18
Loan Agreement (1972), No.1	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 26
Loan Agreement (1973), No.1	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 29
Loan Agreement (1973), No.2	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 30
Loan Agreement (1974), No.1	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 24
Loan Agreement (1975), No.1	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 22
Loan Agreement (1975), No.2	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 14
Loan Agreement (1976), No.1	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 13
Loan Agreement (1977), No.1	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 19
Loan Agreement (1978), No.1	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 20
Loan Agreement (1979), No.1	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 9
Loan Agreement (1980) No. 1	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 19
Local Improvement District	L-9	In. R.O.Y.T. 1971, c. L-9; Am. O.Y.T. 1972 (1st), c. 21; Am. O.Y.T. 1972 (2nd), c. 22; Am. O.Y.T. 1977 (1st), c. 11; Am. O.Y.T. 1977 (1st), c. 22; Am. O.Y.T. 1977 (2nd), c. 6
Lord's Day	L-10	In. R.O.Y.T. 1971, c. L-10
Lotteries	L-10.1	En. O.Y.T. 1974 (2nd), c. 2
Low Cost Housing	L-11	In. R.O.Y.T. 1971, c. L-11
Magistrate's Court	M-1	See Territorial Court
Maintenance	M-2	In. R.O.Y.T. 1971, c. M-2 Am. O.Y.T. 1980 (1st), c. 30, s. 34*

Marriage	M-3	In. R.O.Y.T. 1971, c. M-3
Married Women's Property	M-4	In. R.O.Y.T. 1971, c. M-4
Matrimonial Property	M-4.1	En. O.Y.T. 1979 (2nd) c. 11
Mechanics' Lien	M-5	In. R.O.Y.T. 1971, c. M-5
Mediation Board	M-5.1	En. O.Y.T. 1972 (1st), c. 9
Medical Profession	M-6	In. R.O.Y.T. 1971, c. M-6; Am. O.Y.T. 1975 (3rd), c. 11; Am. O.Y.T. 1978 (1st), c. 7 Rp. O.Y.T. 1979 (2nd), c. 12, s.63
Medical Profession	M-6.1	En. O.Y.T. 1979 (2nd), c. 12
Mental Health	M-7	In. R.O.Y.T. 1971, c. M-7; Am. O.Y.T. 1973 (1st), c. 14, Am. O.Y.T. 1980 (1st), c. 20, s. 18*
Metric Information Agreement	N.C.N.R.	En. O.Y.T. 1977 (2nd), c. 12
Miners' Lien	M-8	In. R.O.Y.T. 1971, c. M-8
Mining Safety	M-9	In. R.O.Y.T. 1971, c. M-9; Am. O.Y.T. 1974 (2nd), c. 10; Am. O.Y.T. 1975 (1st), c. 15; Am. O.Y.T. 1978 (1st), c. 8
Motion Pictures	M-10	In. R.O.Y.T. 1971, c. M-10
Motor Vehicles	M-11	In. R.O.Y.T. 1971, c. M-11; Am. O.Y.T. 1972 (1st), c. 23; Am. O.Y.T. 1973 (1st), c. 15; Am. O.Y.T. 1974 (2nd), c. 11; Am. O.Y.T. 1975 (3rd), c. 12; Am. O.Y.T. 1976 (2nd), c. 4; Am. O.Y.T. 1977 (1st), c. 1, s.236; Rp. O.Y.T. 1977 (2nd), c. 4, s.258
Motor Vehicles	M-11.1	En. O.Y.T. 1977 (2nd), c. 4, Am. O.Y.T. 1980 (1st), c. 20, s. 19; * Am. O.Y.T. 1980 (1st), c. 21; * Am. O.Y.T. 1980 (1st), c. 30, s. 35* Am. O.Y.T. 1980 (1st), c. 23, s. 26
Municipal	M-12	En. O.Y.T. 1972 (1st), c. 10; Am. O.Y.T. 1975 (1st), c. 16; Am. O.Y.T. 1975 (2nd), c. 14; Am. O.Y.T. 1976 (3rd), c. 10; Am. O.Y.T. 1977 (2nd), c. 7; Am. O.Y.T. 1980 (1st), c. 20, s. 20; * Am. O.Y.T. 1980 (1st), c. 30, s. 35 *
Municipal Aid	M-13	En. O.Y.T. 1972 (1st), c. 11
Municipal Elections	M-14	En. O.Y.T. 1972 (1st), c. 12
Municipal Employees Benefits	M-15	En. O.Y.T. 1975 (2nd), c. 1
Municipal General Purposes Loan (1974)	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 25
Municipal General Purposes Loan (1975)	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 23
Municipal General Purposes Loan (1976)	N.C.N.R.	En. O.Y.T. 1976 (1st), c. 15

Municipal General Purposes Loan (1977)	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 20
Municipal General Purposes Loan (1978)	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 21
Municipal General Purposes Loan (1979)	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 10
Municipal General Purposes Loan (1980)	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 22
Newspaper	N-1	In. R.O.Y.T. 1971, c. N-1
Noise Prevention	N-2	In. R.O.Y.T. 1971, c. N-2
Notaries	N-3	In. R.O.Y.T. 1971, c. N-3; Am. O.Y.T. 1974 (2nd), c. 12
Northern Natural Gas Pipeline Agreement	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 4
Occupational Training	O-O.1	En. O.Y.T. 1975 (1st), c. 6
Old Age Assistance and Blind Persons' Allowance	O-1	In. R.O.Y.T. 1971, c. O-1; Rp. O.Y.T. 1975 (1st), c. 12
Optometry	O-2	In. R.O.Y.T. 1971, c. O-2
Parks	P-01	En. O.Y.T. 1979 (2nd), c. 13
Partnership	P-1	In. R.O.Y.T. 1971, c. P-1; Am. O.Y.T. 1977 (2nd), c. 8; Am. O.Y.T. 1980 (1st), c. 20, s. 21*
Pawnbrokers and Second- Hand Dealers	P-2	In. R.O.Y.T. 1971, c. P-2
Perpetuities	P-3	In. R.O.Y.T. 1971, c. P-3 Rp/Re. O.Y.T. 1980 (1st), c. 23 *
Pharmaceutical Chemists	P-4	In. R.O.Y.T. 1971, c. P-4; Am. O.Y.T. 1973 (1st), c. 16; Am. O.Y.T. 1975 (3rd), c. 13
Pioneer Utility Grant	P-4.1	En. O.Y.T. 1978 (1st), c. 1; Am. O.Y.T. 1980 (1st), c. 20, s. 22
Plebiscite	P-5	In. R.O.Y.T. 1971, c. P-5
Pounds	P-6	In. R.O.Y.T. 1971, c. P-6; Am. O.Y.T. 1973 (1st), c. 17; Am. O.Y.T. 1980 (1st), c. 20, s. 23*
Presumption of Death	P-7	In. R.O.Y.T. 1971, c. P-7; Rp/Re. O.Y.T. 1980 (1st), c. 24 *
Public Health	P-8	In. R.O.Y.T. 1971, c. P-8; Am. O.Y.T. 1972 (1st), c. 24; Am. O.Y.T. 1975 (3rd), c. 14
Public Inquiries	P-8.1	En. O.Y.T. 1973 (1st), c. 5

Public Printing	P-9	In. R.O.Y.T. 1971, c. P-9
Public Service	P-10	In. R.O.Y.T. 1971, c. P-10; Rp. O.Y.T. 1976 (2nd), c. 2, s.217
Public Service Commission	P-10.1	En. O.Y.T. 1976 (2nd), c. 2
Public Service Staff Relations	P-11	In. R.O.Y.T. 1971, c. P-11; Am. O.Y.T. 1974 (2nd), c. 13; Am. O.Y.T. 1976 (3rd), c. 11
Purchase and Supply Services Agreement	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 31
Real Estate Agents' Licensing	R-0.1	En. O.Y.T. 1977 (1st), c. 5; Am. O.Y.T. 1980 (1st) c. 20, s. 24*
Reciprocal Enforcement of Judgments	R-1	In. R.O.Y.T. 1971, c. R-1
Reciprocal Enforcement of Maintenance Orders	R2	In. R.O.Y.T. 1971, c. R2; Rp/Re. O.Y.T. 1980 (1st), c. 25*
Recording of Evidence by Sound Apparatus	R-3	In. R.O.Y.T. 1971, c. R-3
Recreation Development	R-3.1	En. O.Y.T. 1977 (1st), c.6
Regulations	R-4	In. R.O.Y.T. 1971, c. R-4; Am. O.Y.T. 1980 (1st), c. 20, s. 25*
Rehabilitation Services	R-5	In. R.O.Y.T. 1971, c. R-5; Am. O.Y.T. 1975 (1st), c. 17
Rental-Purchase Housing	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 25
Retirement Plan Beneficiaries	R-5.1	En. O.Y.T. 1979 (2nd), c. 14
Robert Campbell Bridge Agreement	N.C.N.R.	En. O.Y.T. 1973 (4th), c. 32
Sale of Goods	S-1	In. R.O.Y.T. 1971, c. S-1
Saw Logs Driving	S-2	In. R.O.Y.T. 1971, c. S-2
Second Appropriation, 1972-73	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 29
Second Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 22
Second Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 18
Second Appropriation, 1975-76	N.C.N.R.	En. O.Y.T. 1975 (2nd), c. 17
Second Appropriation, 1976-77	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 18
Second Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 16
Second Appropriation, 1978-79	N.C.N.R.	En. O.Y.T. 1979 (1st), c. 6
Second Appropriation, 1979-80	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 26

Second Appropriation, 1980-81	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 27
School	S-3	In. R.O.Y.T. 1971, c. S-3; Rp/Re. O.Y.T. 1974 (2nd), c. 14
Scientists and Explorers	S-4	In. R.O.Y.T. 1971, c. S-4
Securities	S-5	In. R.O.Y.T. 1971, c. S-5; Am. O.Y.T. 1976 (3rd), c. 12; Am. O.Y.T. 1980 (1st), c. 20, s. 26*
Sixth Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 19
Social Assistance	S-6	In. R.O.Y.T. 1971, c. S-6
Societies	S-7	In. R.O.Y.T. 1971, c. S-7; Am. O.Y.T. 1974 (2nd), c. 15; Am. O.Y.T. 1980 (1st), c. 20, s. 27*
Society of Industrial Accountants	S-7.1	See Society of Management Accountants
Society of Management Accountants	S-7.2	En. O.Y.T. 1975 (2nd), c. 2; Am. O.Y.T. 1977 (2nd), c. 9
Special Rural Development Agreement (Special ARDA)	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 15
Stabilization Fund Loan	S-7.3	En. O.Y.T. 1977 (1st), c. 7; Am. O.Y.T. 1978 (1st), c. 9; Rp. O.Y.T. 1980 (1st), c. 29 *
Steam Boilers	S-8	In. R.O.Y.T. 1971, c. S-8 Rp. O.Y.T. 1979 (2nd), c. 1, s.43
Students' Financial Assistance	S-8.1	En. O.Y.T. 1975 (2nd), c. 3; Am. O.Y.T. 1978 (1st), c. 10
Students' Grants	S-9	In. R.O.Y.T. 1971, c. S-9; Rp. O.Y.T. 1975 (2nd), c. 6
Summary Convictions	S-9.1	En. O.Y.T. 1980 (1st), c. 30 *
Superannuation, Territorial Employees	S-10	In. R.O.Y.T. 1971, c. S-10; Am. O.Y.T. 1975 (2nd), c. 16
Supervision of Federal Parolees Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 7
Supreme Court	S-10.1	In. R.O.Y.T. 1971, c. T-2; Am. O.Y.T. 1971 (3rd), c. 3; Am. O.Y.T. 1979 (2nd), c. 2; Am. O.Y.T. 1980 (1st), c. 28, s. 3 *
Survivorship	S-11	In. R.O.Y.T. 1971, c. S-11; Rp/Re. O.Y.T. 1980 (1st), c. 31 *

Taxation	T-O.1	See Assessment and Taxation
Tenants in Common	T-1	In. R.O.Y.T. 1971, c. T-1
Territorial Court	T-2	See Supreme Court
Territorial Court	T-2.05	In. R.O.Y.T. 1971, c. M-1; Am. O.Y.T. 1979 (2nd), c. 2; Am. O.Y.T. 1980 (1st), c. 28, s. 2*
Territorial-Municipal Employment Loans	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 33
Third Appropriation, 1972-73	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 19
Third Appropriation, 1973-74	N.C.N.R.	En. O.Y.T. 1973 (3rd), c. 23
Third Appropriation, 1974-75	N.C.N.R.	En. O.Y.T. 1974 (2nd), c. 19
Third Appropriation, 1975-76	N.C.N.R.	En. O.Y.T. 1975 (3rd), c. 15
Third Appropriation, 1976-77	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 16
Third Appropriation, 1977-78	N.C.N.R.	En. O.Y.T. 1977 (1st), c. 17
Third Appropriation, 1978-79	N.C.N.R.	En. O.Y.T. 1979 (2nd), c. 17
Tobacco Tax	T-2.1	En. O.Y.T. 1974 (2nd), c. 3; Am. O.Y.T. 1976 (1st), c. 9; Am. O.Y.T. 1978 (1st), c. 12
Trade Schools Regulation	T-3	In. R.O.Y.T. 1971, c. T-3
Transfer of Prisoners Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 8
Transport Public Utilities	T-4	In. R.O.Y.T. 1971, c. T-4; Am. O.Y.T. 1980 (1st), c. 32 *
Travel for Medical Treatment	T-4.1	En. O.Y.T. 1975 (2nd), c. 4
Travel Industry Development Agreement	N.C.N.R.	En. O.Y.T. 1975 (2nd), c. 5
Trustee	T-5	In. R.O.Y.T. 1971, c. T-5 Am. O.Y.T. 1980 (1st), c. 33 *
Unemployment Assistance Agreement Repeal	N.C.N.R.	En.O.Y.T. 1975 (1st), c. 13
Variation of Trusts	V-1	In. R.O.Y.T. 1971, c. V-1
Vital Statistics	V-2	In. R.O.Y.T. 1971, c. V-2; Am. O.Y.T. 1973 (1st), c. 18;
Wages Recovery	W-1	In. R.O.Y.T. 1971, c. W-1
Warehousemen's Lien	W-2	In. R.O.Y.T. 1971, c. W-2
Wills	W-3	In. R.O.Y.T. 1971, c. W-3
Whitehorse, An Ordinance to open a certain portion of Land in the City of	N.C.N.R.	En. O.Y.T. 1978 (1st), c. 13
Whitehorse General Purposes Loan (1972)	N.C.N.R.	En. O.Y.T. 1972 (1st), c. 32

Whitehorse General Purposes Loan (1973)	N.C.N.R.	En. O.Y.T. 1973 (1st), c. 34
Whitehorse (Takhini and Valleyview) Lands	N.C.N.R.	En. O.Y.T. 1975 (2nd), c. 18
Woodmen's Lien	W-4	In. R.O.Y.T. 1971, c. W-4
Workers' Compensation	W-4.1	In. R.O.Y.T. 1971, c. W-5; Rp/Re. O.Y.T. 1973 (3rd), c. 6; Am. O.Y.T. 1975 (3rd), c.6, s.4; Am. O.Y.T. 1977 (2nd), c. 10; Am. O.Y.T. 1980 (1st), c. 20, s. 28*
Workmen's Compensation	W-5	See Workers' Compensation
Workmen's Compensation Supplementary Benefits	N.C.N.R.	En. O.Y.T. 1973 (3rd), c.7
Young Offenders Welfare Agreement	N.C.N.R.	En. O.Y.T. 1976 (2nd), c. 3
Young Voyageur Agreement	N.C.N.R.	En. O.Y.T. 1975 (1st), c. 9
Yukon Council	Y-1	En. O.Y.T. 1978 (1st), c. 2; Am. O.Y.T. 1979 (2nd), c. 18
Yukon River Basin Study Agreement	N.C.N.R.	En. O.Y.T. 1980 (1st), c. 34 *