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BYLAW NO. 2587

**ROYAL THEATRE LOCAL SERVICE AREA
ESTABLISHMENT BYLAW NO. 1, 1998**

**Consolidated for Public Convenience
(This bylaw is for reference purposes only)**

ORIGINALLY ADOPTED MARCH 27, 1998
(Consolidated with Proposed Amending Bylaw 4560)

For reference to original bylaws or further details, please contact the Capital Regional District,
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CAPITAL REGIONAL
DISTRICT BYLAW NO. 2587

**A BYLAW TO ESTABLISH THE OPERATION OF THE
ROYAL THEATRE AS A LOCAL SERVICE**

WHEREAS by Letters Patent, Division XI, dated February 15, 1974, as amended by further Supplementary Letters Patent, the Capital Regional District was granted the function of purchasing, maintaining, equipping, operating and selling the Royal Theatre in Victoria, British Columbia and, pursuant to that authority, sold the Royal Theatre to the City of Victoria, the District of Saanich and the District of Oak Bay.

AND WHEREAS the Board of the Capital Regional District wishes to reacquire the Royal Theatre from the City of Victoria, the District of Saanich and the District of Oak Bay and to exercise the function granted to it by the Letters Patent in accordance with Part 21 of the *Municipal Act* subject to all the terms and conditions contained in the Letters Patent and including all the powers granted by the Letters Patent;

AND WHEREAS the Board of the Capital Regional District wishes to proceed under section 775 of the *Municipal Act* and establish the service as a local service by bylaw under sections 775(4) and 806 of the *Municipal Act*;

AND WHEREAS the Board of the Capital Regional District has obtained the consent of the Councils of the City of Victoria, the District of Saanich and the District of Oak Bay.

NOW THEREFORE the Regional Board of the Capital Regional District in open meeting assembled enacts as follows:

Local Service

1. The function of purchasing, maintaining, equipping, operating and selling the Royal Theatre in Victoria, British Columbia granted to the Capital Regional District by Letters Patent, Division XI, is hereby converted to a local service for pleasure, recreation and community use and includes, without limitation, all facilities and concessions associated with the Royal Theatre and a parking lot.

Boundaries

2. The boundaries of the service area shall be the boundaries of the City of Victoria, the District of Saanich and the District of Oak Bay.

Participating Area

3. The City of Victoria, the District of Saanich and the District of Oak Bay are the

participating areas for this local service.

Cost Recovery

~~4. The annual costs for the local service, net of grants and other revenues shall be recovered by one or more of the following:~~

- ~~(a) the requisition of money under section 822 of the *Municipal Act* to be collected by a property value tax to be levied and collected under section 824(1) of the *Municipal Act*,~~
- ~~(b) the imposition of a parcel tax imposed under section 824(2) of the *Municipal Act*, and~~
- ~~(c) the imposition of fees and other charges that may be fixed by separate bylaw.~~

Maximum Requisition

~~5. The maximum amount that may be requisitioned under section 816(1) of the *Municipal Act* for the annual cost of the local service will be:~~

- ~~(a) for capital expenditures including but not limited to, the renovation, reconstruction or rebuilding of a performing arts theatre, machinery and equipment, reserve fund transfers and annual debt servicing payments. the maximum amount will be Four Hundred and Eighty Thousand (480,000) Dollars.~~
- ~~(b) for annual operating expenditures which may also include expenditures of a nature referred to in a) above, the maximum amount will be One Hundred Thousand (100,000) Dollars.~~

Apportionment

~~6.(1) In this section the following definitions apply:~~

~~**population** means the population for each municipality most recently published by the Province of British Columbia, Ministry of Finance and Corporate Affairs~~

~~**grantable crown land** means land and improvements owned by the crown or an agent of the crown in the previous year if the municipality received a grant in lieu of taxes for that land and improvements in the year before the current year and where the grant in lieu of taxes was equal to the property tax that would have been payable under section 331(1)(a), (b) and (c) if the land and improvements were not Crown Land~~

~~**grantable crown land value** means for grantable crown land owned by:~~

- ~~(a) the Province of British Columbia, excluding land owned by the British Columbia Hydro and Power Authority, the previous year's assessed value under the *Assessment Act*~~

- ~~(b) the British Columbia Hydro and Power Authority, the assessed value under the *Assessment Act*, 2 years previous to the current year~~
- ~~(c) the Government of Canada, the value of land and improvements, 2 years previous to the current year~~

~~**net taxable value of land and improvements** means the prior year's net taxable value of land and improvements for general municipal purposes under the *Assessment Act*~~

~~**converted value of land and improvements** means, within each municipality, the net taxable value of land and improvements multiplied by the percentages listed below for each property class added to the grantable crown land values multiplied by the percentages listed below for each property class:~~

Class of Property	Multiple
1	10 %
2	35 %
3	40 %
4	34 %
5	34 %
6	24.5%
7	30 %
8	10 %
9	10 %

~~6.(2) The amount of the annual operating and capital costs recovered by requisition shall be apportioned among the participants on the basis of:~~

- ~~(a) 50% on the basis of the converted value of land and improvements as defined above.~~
- ~~(b) 50% on the basis of population as defined above~~

Grants in Lieu of Taxes

~~For the purpose of 814 (4), (5) and (6) of the *Municipal Act* funds paid to the Regional District in respect of the local service will be held to the credit of the participant making the payment.~~

Committee and Operation

~~8.(1) Despite sections 2 and 16 of the Letters Patent, the Board of the Regional District may maintain, operate, equip and sell the Royal Theatre in accordance with the applicable provisions of the *Municipal Act*.~~

~~8.(2) Despite sections 5 to 15 of the Letters Patent, the Board of the Regional District may by bylaw provide for the establishment of a committee for the purpose of managing the administration and operation of the Royal Theatre and may, in relation to the committee, exercise the powers of the Regional Board under section 795(2) of the *Municipal Act*.~~

Cost Recovery

4. The annual cost of providing the service shall be recovered pursuant to Section 378 of the *Local Government Act* by one or more of the following:
 - a) property value taxes imposed in accordance with Division 3 [*Requisition and Tax Collection*] of Part 11 of the *Local Government Act*;
 - b) fees and charges imposed under Section 397 of the *Local Government Act*;
 - c) revenues raised by other means authorized under the *Local Government Act* or another Act; or
 - d) revenues received by agreement, enterprise, gift, grant or otherwise.

(Bylaw 4560)

Maximum Requisition

5. In accordance with Section 339(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned annually for the cost of the service is the greater of:
 - a) five hundred and eighty thousand (\$580,000); or
 - b) an amount equal to the amount that could be raised by a property value tax rate of \$0.00590 per One Thousand Dollars (\$1,000) that, when applied to the net taxable value of land and improvements in the Service Area, will yield the maximum amount that may be requisitioned for the service.

(Bylaw 4560)

Apportionment

6.
 - a) The annual costs for the service, net of grants and other revenues, shall be apportioned among the participating areas, as follows:
 - (i) fifty (50) per cent of the costs on the basis of the population of the participating areas; and
 - (ii) fifty (50) per cent of the costs on the converted value of land and improvements in the participating areas.
 - b) Population, for the purpose of this section, is the population estimate as determined annually by the Regional Planning department of the Capital Regional District.

(Bylaw 4560)

Grants in Lieu of Taxes

7. For the purpose of Section 389 of the *Local Government Act* funds paid to the Regional District in respect of the service will be held to the credit of the participant making the payment.

(Bylaw 4560)

Committee and Operation

8. a) The Board of the Regional District may maintain, operate, equip and sell the Royal Theatre in accordance with the applicable provisions of the *Local Government Act*.
- b) The Board of the Regional District may by bylaw provide for the establishment of a committee for the purpose of managing the administration and operation of the Royal Theatre and may, in relation to the committee, delegate the powers of the Regional Board under section 263 of the *Local Government Act*.

(Bylaw 4560)

Citation

9. This Bylaw may be cited as "Royal Theatre Local Service Area Establishment Bylaw No 1, 1998".

READ A FIRST TIME THIS	11th	day of	February	1998
READ A SECOND TIME THIS	11th	day of	February	1998
READ A THIRD TIME THIS	11th	day of	February	1998
APPROVED BY THE INSPECTOR OF MUNICIPALITIES THIS	6th	day of	March	1998
ADOPTED THIS	25th	day of	March	1998

CHAIR

CORPORATE OFFICER

Filed with the Inspector of Municipalities this 27th day of March 1998