



ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL

IN THE YEAR
1963

FIRST SESSION

G. R. CAMERON
COMMISSIONER

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CHAPTER 1

ORDINANCES OF THE YUKON TERRITORY

1963 (First Session)

AN ORDINANCE EMPOWERING THE COMMISSIONER OF THE YUKON TERRITORY TO GRANT A FRANCHISE TO THE YUKON ELECTRICAL COMPANY LIMITED TO SELL AND DISTRIBUTE ELECTRICAL ENERGY IN THE TESLIN AREA, YUKON TERRITORY

(Assented to May 7th, 1963)

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

1. The Commissioner is hereby authorized to enter into an agreement with the Yukon Electrical Company Limited in the form set out in the Schedule granting to it a franchise for the distribution of electrical energy in the area of Teslin in the Yukon Territory.
 2. The agreement made under this Ordinance may be varied or amended from time to time by agreement between the Commissioner in Council and the Yukon Electrical Company Limited.
-

SCHEDULE
FRANCHISE AGREEMENT

MEMORANDUM OF AGREEMENT made this
day of A.D. 19

BETWEEN:

THE COMMISSIONER OF THE YUKON TERRITORY (hereinafter called "the Commissioner")
of the first part,

— and —

THE YUKON ELECTRICAL COMPANY LIMITED (hereinafter called "the Company")
of the second part,

WHEREAS the Company, a body corporate under the laws of the Yukon Territory has, by the terms of its charter dated July 2nd, 1901, the necessary powers to operate a system for the production, sale and distribution of electrical energy anywhere in Yukon Territory;

WHEREAS, pursuant to Chapter of the Ordinances of the Yukon Territory, 1963, the Commissioner is authorized to grant a franchise to the Company for the distribution of electrical power in the area of Teslin in Yukon Territory;

WHEREAS the Company is prepared to construct and operate a system for the generation and distribution of electrical energy at the settlement known as Teslin in Yukon Territory; and

WHEREAS the Company is desirous of obtaining a franchise for the exclusive right to sell and distribute electrical energy in a defined area in and around the settlement of Teslin;

NOW THEREFORE in consideration of the premises and the covenants and agreements hereinafter contained the parties hereto mutually agree as follows:

1. Subject to the terms and conditions of this agreement the Commissioner grants to the Company for a period of twenty years from the date of this agreement

(a) the sole and exclusive right, licence and privilege to sell, supply and distribute to consumers situated within the Yukon Territory and within an area having a radius of ten miles from Mile Post 804 on the Alaska Highway commonly known as Teslin, electrical energy for all purposes for which electrical energy is or may be used;

(b) the right to enter in or upon all streets, lanes or public places in the said defined area for the purpose of erecting, establishing, operating and maintaining for the

distribution of electrical energy, poles, wire, conduits, cable and other works and, structures required for the sale and distribution of electrical energy;

(c) the right, with the approval of the Commissioner, to trim and remove any part of any tree on any street, lane or public place in the defined area interfering with the proper construction, erection, operation, maintenance and repair of said distribution system or any extension thereto; and

(d) the right to erect works, power-houses, buildings, poles, wires and structures of any kind required for the production of electrical energy.

Terms and Conditions

2. This franchise is granted subject to and upon the following terms and conditions:

(a) the poles, wires and other equipment installed by the Company shall be so placed as not to obstruct, interfere with or impair in any way the use by the public of any roads, rights-of-way, highways or bridges, and where wires are laid under a highway or other ground, such highway or ground shall, after such installation be returned to the same or improved state of repair as existed before the installation, and all poles, wires and other equipment installed by the Company shall not interfere with other poles and facilities already erected with the consent of the Commissioner, and where practicable the Company with the consent of the Commissioner will co-operate in the joint use of pole line facilities, with a view to minimizing the number of poles erected in the area to be served;

(b) during the erection of any poles, the laying or stringing of any wires during repairs to and alterations of the same, the Company shall take due care and proper precautions for the safety and protection of pedestrians and vehicles passing along highways, streets or lanes and shall not unnecessarily interfere with or impede the public use of the said highways;

(c) all poles erected under the provisions of this franchise shall be placed on the highway at a distance of ten feet from the boundary of the highway right-of-way, unless otherwise directed by the Commissioner;

(d) (i) the Commissioner may without charge make use of the poles of the Company for any useful purpose provided that such use by the Commissioner does not interfere with the use thereof by the Company;

(ii) the Commissioner covenants with the Company to indemnify it against any loss or damage suffered by or recovered from the Company as a result of any improper use made of such poles by the Commissioner;

(e) the Company shall from time to time and at all times indemnify and save harmless the Commissioner from any injury arising from any casualty or accident to person or

property by reason of any neglect or omission to keep the poles and wires of the Company in safe condition, and from all valid claims against the Commissioner for damage caused by such wire or poles or by any works, alterations, repairs or improvements in connection with the work herein contemplated;

(f) the Company shall file with the Commissioner such plans and descriptions of right-of-way acquired by the Company for the purpose of its business as the Commissioner shall request;

(g) whenever in the case of fire it becomes necessary for its extinction or for the preservation of property that the wires of the Company should be cut, the cutting under circumstances of any of the wires of the Company under the direction of any authorized officer in charge of fire fighting shall not entitle the Company to demand or claim compensation for any unavoidable damage that may be so incurred as a result of said cutting, and the Company's property so injured shall be restored to its former condition as soon thereafter as reasonably can be done at the expense of the Company;

(h) nothing herein contained shall be deemed to restrict the right of the Commissioner to make rules or orders for the safety, convenience, welfare and service of the public;

Rates

(i) subject to any right of arbitration, the Company shall have the right to charge the rates for electrical energy as shown in the schedule of rates, operating conditions and tariffs hereto attached and marked Schedule "A", which shall be the maximum rates chargeable by the Company for electrical energy, and the said Schedule "A" shall form a part of this agreement;

(j) notwithstanding anything herein contained, the Company may charge rates lower than the maximum rates where it considers conditions justify such departure from the normal tariff;

(k) the rates as set out in Schedule "A" shall during the term of this agreement or any renewal thereof, shall be subject to review annually by the Commissioner following the expiry of one full year of operation and for the next four years and thereafter at intervals of three years at or any time a cheaper source of electrical energy becomes available. Following such review the Company shall establish such rates as may be agreed upon, or, failing agreement, such rates as may be fixed by arbitration in accordance with the terms of this agreement. For the purposes of such review the Company agrees to produce its books and full details of its operations;

(l) the Company shall publish in the manner and form prescribed by the Commissioner, and keep open for public inspection, its schedules of operating conditions, rates and tariffs;

(m) the Company shall have the right to charge a normal monthly rental for the use of transformers in the power service in cases where it becomes necessary to install a separate transformer for such services;

(n) in the event that the Company is able to obtain electrical energy at a cheaper rate due to the availability of a cheaper source, the Company shall have the right, with the approval of the Commissioner, to include in the revised rates, the costs involved in continuing the generating plant which it operates under this franchise as a stand-by plant, even though its use for the normal production of power should cease to be economic by virtue of the availability of cheaper power;

Arbitration

- (o) (i) whenever, under the terms of this agreement, any matter, dispute, difference or question arises between any person and the Company, such person or the Company may refer it to the Commissioner for settlement;
- (ii) subject to subparagraph (iii), where the Commissioner is unable or refuses to settle such matter, dispute, difference or question, he may refer it to arbitration;
- (iii) the Commissioner shall not refer the matter, dispute, difference or question to arbitration unless and until such person or company or both deposits with the Commissioner such security as the Commissioner may require for the payment of the costs of arbitration;

(p) whenever under the terms of this agreement any matter, dispute, difference or question arises between the parties hereto, the parties shall refer such matter, dispute difference or question to arbitration;

(q) the Board of Arbitration set up to settle disputes under paragraph (o) and (p) shall consist of three arbitrators, one to be appointed by the Company, one by the Commissioner, and the two arbitrators so appointed shall appoint the third arbitrator; and

(r) the procedure for arbitration shall be in accordance with the Arbitration Ordinance as it is in force from time to time in the Yukon Territory.

Terms of Franchise

3. This franchise shall be automatically renewed for a period not exceeding ten (10) years from the date of expiration of the said period of twenty (20) years and any renewal period of ten (10) years (and so on from time to time) unless a written notice be given by the Commissioner to the Company at least three (3) months before the expiration of any such period notifying the Company that the

said franchise and all the rights of the Company therein and thereunder will terminate at the end of such a period.

4. The Company agrees to supply at all times and continuously during the period of the franchise the electrical energy required by the residents in the franchise area; subject only to the interruption by accident or Act of God or in other manner beyond the control of the Company or for the purpose of making necessary repairs.

5. It is further covenanted and agreed between the parties hereto that this Agreement is to enure to the benefit of and be binding upon the successors and assigns of the Company.

IN WITNESS WHEREOF the parties hereto have hereunto caused their respective seals to be affixed and duly witnessed by the hands of their proper officers duly authorized in that behalf on the first day above written.

The Seal of the Government of the Yukon Territory hereunto affixed in the presence of:

.....
Commissioner

The Corporate Seal of the Yukon Electrical Company Limited hereunto affixed in the presence of:

.....
President.

.....Schedule "A"

Schedule "A"

OPERATING CONDITIONS

1. Application for Electric Service shall be made on a form provided by the Company, which application will become a contract on commencement of service, and the provision of this tariff will be a part of said contract. Application for Service.
2. (1) When application for service has been approved, the customer may be required to pay a security deposit of an amount equivalent to the estimated bill for a period of sixty days. Security Deposit.
 (2) This security deposit will be refunded upon discontinuance of service.
 (3) Deposits under this section are as follows:
 - (a) for residential service the amount shall not be less than \$10.00; and
 - (b) for commercial service the amount shall not be less than \$10.00.
3. No connection charge will be collected for service extensions to premises within two hundred and fifty (250) feet of the existing lines of the Company. Connection Charge.
4. If any account to any customer shall remain unpaid for more than ten days after having been rendered to the customer, the Company shall have the right, after giving forty-eight hours notice to disconnect the service and to remove the meter, and it shall not be bound to supply any electrical service to the said customer until the said account shall have been paid, together with a reconnection charge of \$2.00 for such service and the said reconnection charge shall be payable whether the meter has been removed or not. Dis-connection for Non-Payment
5. (1) Where the contemplated service is for a period of less than one year the Company reserves the right to charge a connection fee not exceeding cost of installation. Seasonal or Temporary Service.
 (2) Temporary or seasonal disconnection will not be made for a period of less than sixty days.
 (3) A reconnection charge of \$2.00 shall be made for reconnection after such temporary or seasonal disconnection.
6. All meters shall be supplied by the Company and no rents shall be charged to the customer for same. Metering.
7. The Company's employees shall have the right of access to the customer's premises at all reasonable hours for the purpose of making connections, disconnections, reading the meters or for verification of connected loads. Access to Premises

Extension of Service to New Customers.

8. When the estimated revenue from an extension to a new customer or customers will within a period of two years, be equivalent to the cost of the extension no charge will be made to the customer or customers for such extension.

9. (1) When the estimated revenue will not within two years equal the cost of the extension, the customer will be required to pay a non-refundable connection charge equivalent to the difference between the cost of the extension and the estimated revenue for the two-year period.

(2) The Company may require an advance deposit of the revenue when deemed necessary, such payment to be applied on bills, or refunded at the expiry of the two-year period.

Move Charges.

10. If the customer moves from one premises to another, more than once a year, a charge of \$2.00 may be made to cover the cost of handling such moves.

Continuity of Service.

11. In the contract between the Company and the customer the Company will agree to use reasonable diligence for providing regular and uninterrupted supply of service but should the supply be interrupted by the Company for the purpose of making repairs, changes, or improvements, in any part of its system for the general good of the service of the safety of the public, or should the supply of service be interrupted or fail by reason of accident, strike, legal process, Territorial or Municipal interference, or any other cause whatsoever beyond its control, the Company shall not be liable for damages, direct or consequential, resulting from such failure.

Rates

Residential:

12. (1) The following rates shall apply to all residential consumers located within the franchise area of the proposed distribution lines of the Company, and who use the Company's standard single phase service in an individual residence or apartment through a single meter for residential lighting, and approved domestic cooking, heating utility appliances, whether plug in or permanently connected:

- (a) Demand Charge per month..... \$ 2.50
- (b) First 35 KWH used per month..... .15/KWH
- (c) Next 100 KWH used per month..... .10/KWH
- (d) All over 135 KWH used per month .08/KWH

(2) The minimum monthly charge shall be equal to the demand charge, but not less than \$2.50 per month.

13. (1) The following rates shall apply to all commercial Commercial:
places of business, stores, shops, hotels, lodges, and all other commercial lighting consumers located within the franchise area served by the Company and who use the Company's standard single phase service through a single meter for commercial lighting purposes when supplied to a single building, or to a single tenant:

Demand Charge

- | | |
|--|--------------|
| (a) First 500 watts of connected lighting load | \$ 1.00 |
| (b) Next 4,500 watts of connected lighting load | .10/100 watt |
| (c) All over 5,000 watts of connected lighting load and the connected load of all single phase motors and heating appliances | .10/200 watt |

Energy Charges:

- | | |
|--|--------|
| (a) First 50 KWH used per month per KW of connected load | \$.12 |
| (b) Next 50 KWH used per month per KW of connected load | .10 |
| (c) All over 100 KWH used per month per KW of connected load | .08 |

Minimum Charges

- (2) The minimum monthly charge shall be equal to the demand charge, but not less than \$2.50 per month.
14. Sections 15 to 21 inclusive apply to the rates set out in Section 13.
15. Determination of connected load for purpose of billing the demand charge will be the nearest 100 watts and a minimum load of two (2) KW will be used in determining the energy blocks. Application of rates in Section 13.
16. Consumer may, upon written notification to the Company, attach to his service single phase motors not exceeding three horsepower in rated capacity, other electrical devices of individual capacity not in excess of two (2) KW and on obtaining written permission of the Company may connect appliances of greater capacity. Each lamp socket shall be considered as not less than 60 watts except in case of electric signs, in which case the manufacturers rating will be the basis of computing the connected load.
17. One (1) horsepower in motors, or one (1) KW in heating or one (1) KVA in order devices shall be considered equivalent to one KW for billing purposes, but if the

power factor of the customers' load is below 85%, the Company reserves the right to apply the demand and energy charges on the basis of 85% power factor.

18. The demand charge for billing purposes shall be the demand charges as determined above during the month for which the bill is rendered, but shall not be less than the demand charge in any of the previous eleven months unless a permanent reduction has been made in the customer's connected load.
19. The Company may at its option, determine the connected load by actual count, estimate the demand, or measure same by means of a suitable demand meter. When the connected load of any installation exceeds 2 KW the Company will on request install a demand indicator, and in the event of a lower demand being registered by the demand indicator, demand charge and energy charge will be based on the maximum demand rather than on the connected load, but in no event shall the demand be taken as less than 2 KW. A connection charge of \$2.00 will be made for the installation of this demand indicator.
20. Representatives of the Company shall have the privilege of visiting consumers' premises during any reasonable hours to verify the connected load and if any increase is found, the billing will be amended back to date of such increase. Inspections shall be made at least semi-annually.
21. A dwelling with business premises in the same building and occupied by the same party may be supplied from a single service and metered with a single meter, where wiring makes use of two meters impractical. In the computation of total connection load, the connected load of the living quarters will be considered to be 1,000 watts.

COMMERCIAL AND SMALL POWER (three phase)

22. The following rates shall apply to all small commercial power consumers located in the franchise area and who use the Company's standard service at voltages of 115, 230 or 2300 for commercial power service to three phase motors of not less than five horsepower rated capacity, single phase motors of not less than two horsepower rated capacity, or other permanently installed electrical devices of not less than two KW capacity each.

Rate:

Demand Charge	Power Only	Combines Power & Light
Per HP of Connected Power Load, or per KW of Connected Load, per month	\$ 1.00	\$ 2.00

Energy Charge—Power Only

First 50 KWH used per month/HP Connected Load10 per KWH
All over 50 KWH used per month/HP Connected Load08 per KWH

Energy Charge—Power and Light

First 100 KWH used per month per HP Connected Load10 per KWH
All over 100 KWH used per month/HP Connected Load08 per KWH

Minimum Charge:

The monthly minimum charge shall be \$1.00 per HP per month plus \$2.00 per KW of lighting connected load but not less than \$5.00 per month.

23. Sections 24 to 31 inclusive apply to the rates set out in Section 22.
24. This schedule is applicable for service to three phase motors of not less than five horsepower in rated capacity, single phase motors of not less than two horsepower in rated capacity or other electric devices of individual capacity of not less than two KVA where permanently connected.
25. Where service conditions permit, the Company may, at its option permit the reduction of the above minimum for three phase motors to three horsepower.
26. One horsepower in motors, or one KW or KVA in heating or other similar electrical devices shall be considered equivalent for billing purposes except that where the power factor is below 85% the Company reserves the right to compute the billing on the basis of 85% power factor.
27. The Company may at its option determine the connected load by actual count of the nameplate rating, estimate the demand, or measure same by a suitable meter.
28. Rates set forth contemplate service for a period of not less than one year and the Company reserves the right to require a contract for annual service.
29. Notwithstanding charges and rates quoted in above schedules, the Company reserves the right to quote lower rates or charges where load conditions justify.
30. Special apparatus having poor power factor, or violently fluctuating characteristics and which disturbs the

system operation or requires special transformer capacity to prevent interference to supply of other customers will be charged on basis of transformer capacity allocated.

- 31. The Company may at its option permit the supply of lighting circuits in conjunction with the power installation, subject to special restrictions that may be necessary for each installation so supplied.
- 32. The following rates shall apply to street lighting which includes multiple burning street lamps on pole type brackets and the service shall extend from dusk to dawn.

RATE:

For each 1,000 lumen lamp.....	\$3.50 per month
For each 2,500 lumen lamp.....	\$4.50 per month
For each 6,000 lumen lamp.....	\$6.50 per month
For each 10,000 lumen lamp.....	\$8.50 per month

- (a) Upon request from the Commissioner, the Company at the Company's expense, will install additional street lights, provided that the additional revenue to be received by the Company, by reason thereof, justifies the capital expenditure of installation.
 - (b) The rates set out in section 32 are for street lighting for all night service each day in the year and shall cover operation and maintenance of the street lighting system, including the replacement of lamps.
33. Street lights once installed shall not be abandoned during the life of this contract but the Company shall at the expense of the person who requests such change, change the location of any lamp if the approval of the Commissioner has first been obtained, but the Commissioner shall have the right to discontinue at any time the use of any street light upon paying to the Company the cost of installing the light less a fair part of the revenue received by the Company which could reasonably be applied to such cost.



CHAPTER 2

ORDINANCES OF THE YUKON TERRITORY

1963 (First Session)

AN ORDINANCE TO INCORPORATE THE SYNOD OF
THE DIOCESE OF YUKON AND THE
BISHOP OF YUKON*(Assented to May 7th, 1963)*

WHEREAS it is expedient to incorporate the Synod of the Diocese of Yukon and to constitute the Bishop of Yukon a "Corporation Sole" to make provision for the management and control of the property, affairs and interests of the Anglican Church in Canada in matters relating to and affecting only the said Church and the officers and members thereof within the area in the Territory of the Yukon known as the Diocese of Yukon,

THEREFORE the Commissioner of the Yukon Territory by and with the consent of the members of Council of the Yukon Territory enacts as follows:

1. This ordinance may be cited as the *Synod of the Diocese of Yukon Ordinance*.
2. The Diocese of Yukon shall continue to include the whole of the Territory of the Yukon save and except that portion of the said territory lying to the North of the tree line incorporated in the Diocese of the Arctic.
3. The Synod of the Diocese of Yukon shall be and same is hereby made and constituted a body politic and corporate under the name of Synod of the Diocese of Yukon.
4. The said Synod shall consist of the Lord Bishop of the said Diocese and his successors to be from time to time appointed, in such manner as is or shall be provided by the Provincial Synod of the Ecclesiastical Province of British Columbia, and of such other persons as are or may hereafter become members thereof in accordance with the Constitution and Canons of the said Synod.
5. The said Synod shall have perpetual succession and a common seal, with power to change and renew the same when and so often as the said Synod shall think proper, and the said Synod may under the same name contract and be contracted with, sue and be sued, implead and be impleaded with, answer and defend in all Courts and places whatsoever; and the said Synod shall be able and capable in law, respectively, to purchase, take, hold, give, receive, enjoy, possess and retain all messuages, lands, tenements and immovable property, money, goods, chattels and movable property, which have been

or hereafter shall be paid, given, granted, appropriated devised or bequeathed to it, or purchased or acquired by it, in any manner whatsoever, to, for, or in favour of the eleemosynary, ecclesiastical, or educational uses and purposes of the Anglican Church of Canada within the Diocese of Yukon, including thereby the uses and purposes of any church, parish, mission, institution, school, hostel or hospital connected with the Anglican Church of Canada within the said Yukon Diocese.

6. The said Synod shall, in addition to the powers conferred upon it by the next preceding section of this ordinance have power to sell, convey, exchange, alienate, mortgage, lease, devise, or otherwise deal with any real or personal estate or property held by the said Synod, whether simply by way of investment or not; and the said Synod may also, from time to time, invest all or any or its funds and personal property which may be vested in or acquired by the said Synod for any purpose whatsoever, and including any Episcopal Endowment Fund, in any security for the time being authorized by law for the investment of trust funds, and generally shall have and enjoy the same, and as large, full and ample powers and rights as if it were a private person able and capable in law.
7. The Bishop for the time being of the Diocese of Yukon duly appointed and consecrated by lawful authority Bishop of Yukon, shall be a Corporation Sole with perpetual succession, retaining the name of the Lord Bishop of Yukon with full power to hold and acquire real and personal estate and to sell, convey, lease, mortgage, deal with or dispose of the same or any part thereof for the purposes of the said Diocese.
8. The said Synod may exercise all its powers by and through an executive committee or such boards or committees as the Bishop may from time to time appoint for the management of any of the affairs of the said Diocese, but in accordance only with any Canons of the said Diocese passed by any duly constituted Synod of the said Diocese and also in accordance only with the trusts relating to any property upon or for which the same is held.
9. It shall be lawful for the Bishop of Yukon as a Corporation Sole or any person or persons to transfer any property, real or personal held by him or them for any use or purpose of the Anglican Church of Canada to the said Synod to be held in trust for the same purpose.
10. The Constitution of the Synod of the Diocese of Yukon as revised in 1953 shall, until the same be altered or amended by the said Synod incorporated under this Ordinance be the constitution of the said Synod so incorporated.

CHAPTER 3

ORDINANCES OF THE YUKON TERRITORY

1963 (First Session)

AN ORDINANCE RESPECTING REGISTRATION OF
CORPORATION SECURITIES*(Assented to May 7th, 1963)*

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

1. This Ordinance may be cited as the *Corporation Securities Registration Ordinance*.
2. In this Ordinance,

	Definitions.
(a) "assignment" includes every legal or equitable assignment by way of security of, and every mortgage or other charge upon, book debts;	"Assignment"
(b) "assignor" means any corporation making an assignment of book debts;	"Assignor"
(c) "book debts" means all existing or future debts that in the ordinary course of business would be entered in the books of a corporation, whether actually entered or not, and includes any part or class thereof;	"Book debts"
(d) "chattels" means goods and chattels capable of complete transfer by delivery and includes, when separately assigned or charged, fixtures and growing crops, but does not include <ol style="list-style-type: none"> (i) chattel interests in real property, (ii) fixtures when assigned together with a freehold any leasehold interest in any land or building to which they are affixed, (iii) growing crops when assigned together with any interest in the land on which they grow, (iv) a ship or vessel registered under the <i>Canada Shipping Act</i> or the <i>Merchant Shipping Act, 1894</i> (United Kingdom), or a share in such a ship or vessel, (v) an interest in the stock, funds or securities of a government or in the capital of a corporation, or (vi) a book debt or other chose in action; 	"Chattels"
(e) "corporation" means a company, corporation or body corporate, wherever or however incorporated;	"Corporation"

- "Creditor" (f) "creditor" means a creditor of the assignor or mortgagor who becomes a creditor before the registration of the assignment of book debts, charge or mortgage;
- "Mortgagee" (g) "mortgagee" includes a person in whose favour a charge is created;
- "Mortgagor" (h) "mortgagor" includes a corporation that executes a charge;
- "Prescribed" (i) "prescribed" means prescribed by the Commissioner;
- "Registrar" (j) "Registrar" means the person appointed Registrar of Corporation Securities pursuant to section 13; and
- "Subsequent purchasers or mortgagees" (k) "subsequent purchasers or mortgagees" includes any person who obtains, whether by way of purchase, mortgage, charge or assignment, an interest in chattels or book debts which have already been mortgaged, charged or assigned.

Instruments to be registered

3. (1) Every mortgage and every charge, whether specific or floating, of chattels in the Territory made by a corporation and every assignment of book debts, whether by way of specific or floating charge, made by a corporation engaged in a trade or business in the Territory, and contained

- (a) in a trust deed or other instrument to secure bonds, debentures or debenture stock of the corporation or of any other corporation;
- (b) in any bonds, debentures or debenture stock of the corporation as well as in the trust deed or other instrument securing the same, or in a trust deed or other instrument securing the bonds, debentures or debenture stock of any other corporation; or
- (c) in any bonds, debentures, debenture stock or any series of bonds or debentures of the corporation not secured by a separate instrument,

is void as against creditors of the mortgagor or assignor and as against subsequent purchasers or mortgagees from or under the mortgagor or assignor, in good faith, for valuable consideration and without notice, unless it is duly registered, and unless, if contained in a trust deed or other instrument to secure bonds, debentures or debenture stock, it complies with the provisions of subsection (2).

Affidavit.

(2) If the mortgage, charge or assignment is contained in a trust deed or other instrument to secure bonds, debentures or debenture stock, the instrument containing it shall be accompanied by an affidavit of

- (a) the mortgagee, trustee or grantee or one of the mortgagees, trustees or grantees, his or their agent, or

(b) any officer or agent of the corporation, if the mortgagee, trustee or grantee is a corporation, stating that the instrument containing the mortgage, charge or assignment was executed in good faith and for the purpose of securing payment of the bonds, debentures or debenture stock referred to therein and not for the mere purpose of protecting the chattels or book debts therein mentioned against the creditors of the mortgagor or assignor or preventing such creditors from obtaining payment of any claim against the mortgagor or assignor.

(3) A mortgage, charge or assignment required to be registered under this Ordinance takes effect as against creditors and the subsequent purchasers or mortgagees referred to in subsection (1) only from the time of its registration. Mortgage, etc. take effect only from time of registration.

4. (1) Subject to subsection (2), registration of every mortgage, charge or assignment shall be effected by filing with the Registrar within thirty days from the date of the execution of the instrument Registration.

- (a) a duplicate original of the instrument containing the mortgage, charge or assignment;
- (b) the affidavit described in subsection (2) of section 3, and
- (c) an affidavit made by any officer or agent of the mortgagor or assignor stating the date of the execution of the instrument by the mortgagor or assignor.

(2) Registration of every mortgage, charge or assignment, contained in bonds, debentures or any series thereof or in debenture stock not secured by a separate instrument shall be effected by filing with the Registrar, within thirty days after the execution of the bonds, debentures or debenture stock, an affidavit made by any officer or agent of the mortgagor or assignor, setting forth Registration of mortgage, etc. contained in bonds, debentures or debenture stock.

- (a) the total amount secured by the bonds, debentures or series thereof, or debenture stock;
- (b) a true copy of one of the bonds or debentures or of one bond or debenture of the series or of the debenture stock certificate; and
- (c) the date of execution of the bonds, debentures or debenture stock.

5. Any affidavit made for the purpose of this Ordinance by an officer or agent of the corporation shall state that the deponent Affidavit of corporation officer.

- (a) is aware of the circumstances connected with the transaction, and
- (b) has personal knowledge of the facts deposed to.

Minutes of registration.

6. The Registrar shall cause every instrument containing a mortgage, charge or assignment and every affidavit filed in his office under this Ordinance to be

- (a) numbered;
- (b) endorsed with a memorandum of the day, hour and minute of its filing; and
- (c) indexed by entering in alphabetical order in a register kept by him
 - (i) the names of the parties to the mortgage, charge or assignment,
 - (ii) the date of execution of the instrument containing the mortgage, charge or assignment or the date of execution of the bonds, debentures or debenture stock not secured by separate instrument as shown by the affidavit filed, and
 - (iii) the date of filing and the amount secured as shown by the instrument or by the affidavit.

Rectification of omissions and misstatements.

7. A judge, on being satisfied that the failure to file an instrument or affidavit within the time prescribed by this Ordinance or that any omission or misstatement in any document filed under this Ordinance was accidental or due to inadvertence or impossibility or other sufficient cause, may, in his discretion and subject to the rights of any person accruing by reason of any failure, omission or misstatement referred to in this section

- (a) extend the time for registration, or
- (b) order the omission or misstatement to be rectified on such terms and conditions, if any, as to security, notice by advertisement or otherwise, or as to any other matter or thing, as he thinks fit.

and the judge's order or a copy thereof shall be annexed to the instrument or affidavit or document or copy thereof on file or tendered for filing, and the appropriate entries shall be made in the register.

Defects and irregularities.

8. No defect or irregularity in the execution of an instrument containing a mortgage, charge or assignment, no defect, irregularity or omission in any affidavit, and no error of a clerical nature or in an immaterial or non-essential part of the instrument shall invalidate or destroy the effect of the mortgage, charge or assignment or the registration thereof, unless in the opinion of the court or judge before whom a question relating thereto is tried, the defect, irregularity, omission or error has actually misled some person whose interests are affected by the mortgage, charge or assignment.

Assignments.

9. (1) An assignment of a mortgage of chattels, a charge of chattels or of an assignment of book debts may be filed with the Registrar.

(2) A mortgage, charge or assignment of book debts registered under this Ordinance with the Registrar may be discharged in whole or in part by filing with the Registrar a certificate of discharge signed by the mortgagee, trustee or assignee, his or its executors, administrators, successors or assigns and, except in the case of a certificate of discharge executed by a corporation under its corporate seal, the certificate shall be accompanied by the affidavit of an attesting witness of the execution thereof.

Discharge of mortgage, charge or assignment of book debts.

(3) Where a mortgage, charge or assignment of book debts has been assigned, no certificate of discharge by an assignee shall be registered until the assignment thereof has been registered.

Discharge where there has been an assignment.

(4) In the case of a mortgage, charge or assignment contained in bonds, debentures or any series thereof or in debenture stock not secured by a separate instrument, the Registrar may, on evidence being given to his satisfaction that the debt for which the mortgage, charge or assignment was given as security has been paid or satisfied, enter a memorandum of discharge in the register, and shall, if required, furnish the mortgagor or assignor with a copy thereof.

Registrar may enter memorandum of discharge.

5. The Registrar shall note each assignment or discharge of a mortgage or assignment of book debts against each entry in the books of his office respecting the filing of the instrument or affidavit, and shall make a like notation upon the affidavit filed under subsection (2) of section 4.

Recording of discharges and assignments.

10. (1) Upon payment of the prescribed fees the Registrar shall give

Certificate of filing.

- (a) a certificate under his hand of the filing of any instrument or affidavit in pursuance of this Ordinance, and of the day and hour of such filing, and
- (b) a certificate as to prior registrations, if any, of mortgages, charges or assignments created or made by the mortgagor or assignor.

(2) Every certificate furnished by the Registrar touching any matter dealt with by this Ordinance and every copy of a document filed under this Ordinance certified by the Registrar, shall be received as evidence for all purposes as if the original document were produced and as *prima facie* proof of the execution of the original document according to the purport of such copy.

Evidence.

(3) No proof shall be required of the signature of the Registrar in respect of any certificate produced as evidence pursuant to this section.

Proof of Registrar's signature not necessary.

11. (1) Upon payment of the prescribed fees every person shall have access to and be entitled to inspect the books of the Registrar containing records or entries of mortgages, charges or assignments or documents registered or filed under this Ordinance.

Searches

Inspection of mortgage, etc. (2) The Registrar shall, upon request accompanied by payment of the prescribed fees, produce for inspection any mortgage, charge assignment or document registered or filed under this Ordinance.

Regulations. 12. The Commissioner may make regulations

- (a) prescribing fees required to be paid to the Registrar by this Ordinance, and
- (b) generally, for carrying out the purposes and provisions of this Ordinance.

Appointment of Registrar 13. The Commissioner may appoint a person as Registrar of Corporation Securities.

Application. 14. This Ordinance applies only to mortgages or charges of chattels or assignments of book debts executed after the coming into force of this Ordinance.

CHAPTER 4

ORDINANCES OF THE YUKON TERRITORY

1963 (First Session)

AN ORDINANCE TO PROVIDE FOR THE
SUPERANNUATION OF EMPLOYEES
OF THE YUKON GOVERNMENT*(Assented to May 7th, 1963)*

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

Short Title

1. This Ordinance may be cited as the *Territorial Employees Superannuation Ordinance*. Short title.

Interpretation

2. In this Ordinance,

Definitions.

- (a) "Act" means the *Public Service Superannuation Act* of Canada; and "Act"
- (b) "employee" means any person employed in the public service of the Territory other than "Employee"
- (i) an employee who is
- (A) a part-time employee, or
- (B) engaged for a term of twelve months or less, unless he has been employed in the public service substantially without interruption for a period of more than twelve months;
- (ii) an employee who is in receipt of a salary computed at an annual rate of less than nine hundred dollars;
- (iii) an employee whose compensation for the performance of the regular duties of his position or office consists of fees of office; or
- (iv) a prevailing rate or seasonal employee, unless designated by the Commissioner individually or as a member of a class.

Employees Required to Contribute

3. Every employee is required to contribute, by reservation from his salary or otherwise,

Employees required to contribute.

- (a) to the Superannuation Account in the Consolidated Revenue Fund of Canada, the amount required by Part I of the Act to be contributed by him as a contributor under that Part; and

(b) to the Public Service Death Benefit Account in the Consolidated Revenue Fund of Canada, the amount required by Part II of the Act to be contributed by him as a participant under that Part.

Commissioner to pay contributions to Consolidated Revenue Fund.

4. The Commissioner shall reserve from the salary of every employee and pay to the Consolidated Revenue Fund of Canada the amounts required to be reserved from the salary of each employee by the Act.

Territorial Contribution

Territorial contribution.

5. There shall be paid from the Yukon Consolidated Revenue Fund to the Consolidated Revenue Fund of Canada from time to time as required by the Minister of Finance of Canada the amount required to be paid under the Act by a Public Service corporation specified in Schedule C or D to the *Financial Administration Act* of Canada in respect of the contributions of employees to the Superannuation Account and the Public Service Death Benefit Account in that Fund.

Regulations

Regulations.

6. The Commissioner may make regulations
(a) specifying, for the purpose of this Ordinance, the circumstances under which an employee's service in the public service of the Territory shall be deemed to be substantially without interruption;
(b) defining, for the purpose of this Ordinance, the expressions "part-time employee", "prevailing rate employee" and "seasonal employee"; and
(c) generally, for carrying out the purposes of this Ordinance.

Repeal

Repeal.

7. The *Annuity Plan Ordinance* is repealed.

Coming Into Force

Coming Into Force

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

CHAPTER 5

ORDINANCES OF THE YUKON TERRITORY

1963 (First Session)

AN ORDINANCE TO AMEND THE MUNICIPAL ORDINANCE

(Assented to May 7th, 1963)

1959 (2nd)c.1; 1960 (1st)c.6; 1961 (1st)c.6; 1961 (2nd)c.5 and c.9; 1961 (3rd) c.2; 1962 (1st) c.22 1962 (5th)c.10 c.13 and c.16.

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

1. Section 240 of the *Municipal Ordinance* is repealed and the following substituted therefor:

"240. Subject to this Ordinance, any elector, other than a corporation, who is a ratepayer in respect of real property Electors qualified to hold office.

(a) the assessed value of which is at least one thousand dollars; and

(b) on which the taxes are not in arrears, or is a spouse of such ratepayer and is ordinarily resident with such ratepayer is qualified to be nominated and elected to hold office as a member of the Council."

CHAPTER 6

ORDINANCES OF THE YUKON TERRITORY

1963 (First Session)

AN ORDINANCE TO AMEND THE TAXATION
ORDINANCE

(Assented to May 7th, 1963)

O.Y.T.
1959
(2nd)c.2;
1960
(1st)c.5;
1961
(1st)c.4.

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

1. Paragraph (b) of section 73 of the *Taxation Ordinance* is repealed and the following substituted therefor:

- “(b) the notice may be served upon the occupier or tenant either
- (i) personally,
 - (ii) by depositing it in some conspicuous place on the premises,
 - (iii) by leaving it with some adult person at the premises, or
 - (iv) by registered letter addressed to the tenant or occupier at his last address as shown in the records of the collector;”
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CHAPTER 7

ORDINANCES OF THE YUKON TERRITORY

1963 (First Session)

AN ORDINANCE TO AMEND THE ENGINEERING PROFESSION ORDINANCE

(Assented to May 7th, 1963)

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

R.O.Y.T.
1958, c.36;
1961
(1st) c.8.

1. The *Engineering Profession Ordinance* is amended by adding thereto, immediately after section 17 thereof, the following section:

'17A. A partnership, an association of persons or a corporation may engage in the practice of professional engineering in its own name and use the title "professional engineers" if the practice is carried on under the supervision of

Partnerships, associations and corporations.

- (a) a member of the partnership or association or a director of the corporation; or
- (b) a full time permanent employee of the partnership, association or corporation,

who is

- (c) a member of the Association and holds a certificate of registration issued pursuant to this Ordinance; or
- (d) a licensee."

CHAPTER 8

ORDINANCES OF THE YUKON TERRITORY
1963 (First Session)

AN ORDINANCE TO AMEND THE LOW COST
HOUSING ORDINANCE

(Assented to May 7th, 1963)

O.Y.T.
1962
(1st)c.1.

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

1. Section 2 of the *Low Cost Housing Ordinance* is repealed.

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

“(a) is the holder in fee simple of the land on which a house is to be constructed or is a lessee of such land under a lease entered into with Her Majesty in right of Canada having a term extending for not less than five years beyond the term of any loan that may be made pursuant to this section;”

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

“(c) satisfies the Commissioner that he is unable to obtain a loan pursuant to the provisions of the *National Housing Act, 1954.*”

(3) Paragraph (a) of subsection (3) of section 3 of the said Ordinance is repealed.

(4) Paragraph (d) of subsection (3) of section 3 of the said Ordinance is repealed and the following substituted therefor:

“(d) be secured by a first mortgage in favour of the Commissioner upon the land on which the house is to be constructed;”

3. Section 4 of the said Ordinance is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

“(1a) A loan shall not be made under the authority of this section in respect of a house the estimated cost of construction of which is in excess of seven thousand dollars.”

Where loan
not to be
made.

CHAPTER 9

ORDINANCES OF THE YUKON TERRITORY

1963 (First Session)

AN ORDINANCE TO AMEND THE LIQUOR
ORDINANCE

(Assented to May 7th, 1963)

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

R.O.Y.T.
1958, c.67
1959
(1st)c.6;
1961
(2nd)c.6;
1962
(1st)c.18.

1. (1) Subsection (7) of section 12A of the *Liquor Ordinance* is repealed and the following substituted therefor:

“(7) An inspector may suspend a licence issued pursuant to subsection (1) if, in his opinion, a breach of any of the conditions attached to the licence has been committed.”

Licence may be suspended.

(2) Subsection (9) of section 12A of the said Ordinance is repealed and the following substituted therefor:

“(9) Any licence issued pursuant to subsection (1) shall be deemed to be suspended or cancelled, as the case may be, if the licence permitting the sale of liquor on the premises where the entertainment is given is suspended or cancelled.”

Suspension or cancellation of licence respecting the premises.

2. Subsection (7) of section 12B of the said Ordinance is repealed and the following substituted therefor:

“(7) An inspector may issue an order to suspend a licence issued pursuant to subsection (1) if, in his opinion,

Licence may be suspended.

- (a) the licence is being used as a device to facilitate the sale of beer or wine;
- (b) beer or wine is being sold on the licensed premises to persons who are not consumers of *bona fide* meals therein; or
- (c) the money value of gross sales of beer and wine on the premises in any thirty day period exceeds the money value of gross sales of meals for the same period.”

3. Subsection (4) of section 12D of the said Ordinance is repealed and the following substituted therefore:

“(4) An inspector may suspend a licence issued pursuant to subsection (1) if, in his opinion, conduct of a disorderly nature has occurred or is occurring on the premises in respect of which a licence was issued.”

Licence may be suspended.

4. Section 15 of the said Ordinance is repealed and the following substituted therefor:

Suspension or cancellation by Commissioner.

“15. (1) The Commissioner may suspend or cancel any licence.

Additional powers of an inspector.

(2) In addition to any other powers he may have to suspend a licence under this Ordinance, an inspector may suspend the licence of licensed premises where he has reasonable grounds to believe that

(a) a violation of this Ordinance or regulations made pursuant to this Ordinance has been committed on licensed premises;

(b) unsanitary conditions exist in licensed premises; or

(c) the owner or operator of licensed premises permits or encourages excessive drinking on the premises.

Notice of suspension or cancellation.

(3) Suspension or cancellation of a licence pursuant to this Ordinance shall not be effective until a copy of the order of suspension or cancellation signed by the person making the same is

(a) served personally on the licensee; or

(b) posted on some prominent place in the licensed premises.

Idem

(4) Where an order of cancellation or suspension is posted in the licensed premises pursuant to paragraph (b) of subsection (3), a copy thereof shall be sent by registered mail to the licensee at his last known address.

Rights and privileges.

(5) Where a licence is suspended or cancelled pursuant to subsection (1) or (2), all rights and privileges conferred by or under this Ordinance on the holder thereof are suspended or terminated, as the case may be.

Suspension by Commissioner.

(6) Unless the order of suspension otherwise provides, every suspension of a licence by the Commissioner shall be for an indefinite period of time and may be terminated only by further order of the Commissioner.

Suspension by inspector or peace officer.

(7) Any order of suspension made by an inspector shall be for a period not exceeding fourteen days, but this period may be extended by order of the Commissioner for such period as he sees fit.

Liquor to be delivered to Commissioner.

15A. (1) Where a licence has been cancelled or suspended pursuant to this Ordinance, the licensee or the person in charge of the licensed premises shall deliver to the Commissioner all liquor in his possession or under his control and the Commissioner may, in his discretion, purchase the liquor at a price to be fixed by him.

(2) Where the licensee or the person in charge of the licensed premises fails to deliver up the liquor in his possession, the Commissioner or a person authorized by him may seize the liquor and dispose of it as the Commissioner directs.

Seizure of liquor.

15B. (1) Any person whose licence has been suspended by an inspector pursuant to this Ordinance may within twenty-one days of such suspension apply to the Commissioner to have the suspension revoked.

Appeal to Commissioner.

(2) Any person whose licence has been cancelled or suspended by the Commissioner may, within twenty-one days of such cancellation or suspension, apply to the Commissioner for reconsideration of the cancellation or suspension.

Application for reconsideration.

(3) The Commissioner shall within seven days of an application pursuant to subsection (1) or (2) hold a public hearing respecting the application at which all interested parties shall be heard, and at or subsequent to the hearing the Commissioner may reinstate any licence suspended or cancelled, alter any suspension or confirm any suspension or cancellation.

Hearing.

15C. A magistrate or justice trying the alleged violation of this Ordinance may recommend to the Commissioner the suspension or cancellation of any licence granted for the sale of liquor."

Recommendation by magistrate or justice.



CHAPTER 10

ORDINANCES OF THE YUKON TERRITORY

1963 (First Session)

AN ORDINANCE TO AMEND THE FINANCIAL
ADMINISTRATION ORDINANCE

(Assented to May 7th, 1963)

R.O.Y.T.
1958 c.42.

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

1. Section 21 of the *Financial Administration Ordinance* is repealed and the following substituted therefor:

Payment
by cheque.

"21. Every expenditure of public money shall be made by means of cheque drawn on a chartered bank and prepared and signed in such manner as the Commissioner directs."

CHAPTER 11

ORDINANCES OF THE YUKON TERRITORY

1963 (First Session)

AN ORDINANCE TO AMEND THE FOREST
PROTECTION ORDINANCE*(Assented to May 7th, 1963)*

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: R.O.Y.T.
1958 c.47

1. Section 11 of the *Forest Protection Ordinance* is hereby repealed and the following substituted therefor:

"11. Subject to section 13 no person shall during the fire season set out, start or kindle any fire for the purpose of clearing land, cooking or preparing food, or obtaining warmth, or burning any inflammable material, or for any industrial purpose except pursuant to a permit therefor issued under section 16."

2. Paragraph (a) of subsection (1) of section 16 of the said Ordinance is hereby repealed and the following substituted therefor:

"(a) the use of fire during the fire season for the purpose of clearing land, cooking or preparing food or obtaining warmth,"

3. This Ordinance shall take effect from and be in force on the first day of July, 1963.

CHAPTER 12

ORDINANCES OF THE YUKON TERRITORY

1963 (First Session)

AN ORDINANCE TO AMEND THE LIQUOR
ORDINANCE

(Assented to May 7th, 1963)

R.O.Y.T.
1958, c.67;
1959
(1st)c.6;
1961
(2nd)c.6;
1962
(1st)c.18.

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

1. Section 45 of the Liquor Ordinance is repealed and the following substituted therefor:

“45. (1) A person who is entitled to possess or consume liquor may lawfully have or keep not more than twenty-five ounces of spirits or thirty-one ounces of wine or not more than twelve pints of beer that was purchased outside the Territory

- (a) if the container or containers holding the liquor was imported into Canada by the possessor thereof under an authority issued by or with the permission of a Canadian customs officer; or
- (b) if the liquor was purchased from a liquor board, commission or similar body in any other part of Canada.

(2) Except as authorized by this Ordinance, no person within the Territory, by himself or his clerk, servant or agent shall

- (a) have or keep liquor purchased from a liquor store in a place other than the residence in which he resides or in a motor vehicle in the manner authorized by section 48; or
- (b) have or keep liquor not purchased from a liquor store.”

CHAPTER 13

ORDINANCES OF THE YUKON TERRITORY

1963 (First Session)

AN ORDINANCE TO REPEAL THE LOW RENTAL
HOUSING AGREEMENT ORDINANCE

(Assented to May 7th, 1963)

The Commissioner of the Yukon Territory, by and with ^{O.Y.T.} the advice and consent of the Council of the said Territory, ¹⁹⁶² (1st) c.3. enacts as follows:

1. The *Low Rental Housing Agreement Ordinance*, being Chapter 3 of the Ordinances of the Yukon Territory, 1962 (First Session) is hereby repealed.

**TABLE OF PUBLIC ORDINANCES OF THE
YUKON TERRITORY**

Show all the chapters of Revised Ordinances, 1958, with amendments
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Fire Prevention	45	Repealed by 1962 (5th) c.3
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Franchises:		
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Electrical—Whitehorse	1954 (2nd) c.2
Electrical—Haines Junction	1958 (1st) c.13
Electrical—Watson Lake	1959 (2nd) c.3
Electrical—Carcross	1960 (3rd) c.1
Electrical—Carmacks	1961 (1st) c.1
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Frustrated Contracts	48	
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Fur Export	49	1961 (2nd) c.11 Sched. A.
Game	50	1959 (1st) c.3 s.2(1); 8; 9A & 9B added; 14A added; 25(2); 27(1); 34(1); 36; 42(2); 49(1); 74(3)(4)(5); 81(b). 1959 (2nd) c.4. s. 39(1). 1961 (2nd) c.10. s.78(3)(4) added; Sched. A; 9A added.
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Loan Agreement (1961) No. 1	new	1961 (2nd) c.21
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Loan Agreement (1961)	new	1961 (3rd) c.4
Loan Agreement (1961) No. 1	new	1962 (1st) c.2
Low Cost Housing	new	1962 (1st) c.1 1963 (1st) c.8 s.2; 3(2)(a); 3(2)(c); 3(3)(a); 3(3)(d); 4(1)(a) added.
Low Rental Housing Agreement	new	1962 (1st) c.3 Repealed by 1963 (1st) c.13.
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Yukon Housing (1961)	new	1961 (2nd) c.3 1962 (1st) c.12 s.3(3)(b).
Yukon Lands	112	
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ORDINANCES
OF THE
YUKON TERRITORY

PASSED BY THE
YUKON COUNCIL

IN THE YEAR
1963
SECOND SESSION

G. R. CAMERON
COMMISSIONER

Printed and Published for the Government of the Yukon Territory under
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1963 (SECOND SESSION)

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CHAPTER 1

ORDINANCES OF THE YUKON TERRITORY
1963 (Second Session)

AN ORDINANCE RESPECTING THE TAKING AND
RECORDING OF EVIDENCE BY SOUND AND
RECORDING APPARATUS

(Assented to November 22nd, 1963)

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

1. This Ordinance may be cited as the *Recording of Evidence by Sound Apparatus Ordinance*. Short title.

2. In this Ordinance Interpretation.
 - (a) "court" means any court, a judge, magistrate, justice of the peace, arbitrator, umpire, commissioner or other person authorized by law or by order of a court or otherwise, to hear any witnesses or take any evidence or to make any order, decree, finding, decision or report or to exercise any judicial or quasi-judicial function; "Court."

 - (b) "evidence" includes judgments, decisions, opinions, speeches, reports and all other matters done or said by or before any court; "Evidence."

 - (c) "judge" includes any person lawfully presiding in a court; "Judge."

 - (d) "proceeding" means any civil case, prosecution under an ordinance or other matter to which the legislative authority of the Commissioner in Council extends, that is before a court; "Proceeding."

 - (e) "record" means a record made in accordance with section 3; "Record."

 - (f) "reporter" means an official court reporter duly appointed in accordance with law or a stenographer or typist; "Reporter."

"Sound recording apparatus."

(g) "sound recording apparatus" means any device, machine or system of a type approved by the Commissioner for the making of a record of voice or other sound; and

"Trial."

(h) "trial" includes all motions, applications, trials and other matters which may properly be taken before a judge.

Recording of evidence by sound recording apparatus.

3. (1) Notwithstanding any other ordinance, the evidence in any proceeding or any portion of such evidence may, if the judge so directs, be recorded by sound recording apparatus.

(2) All parties seeking to bring a matter before a judge shall file with the court consent in writing from all other parties evidencing consent to the use of sound recording apparatus at the trial.

(3) Before proceeding to the trial of the matter in issue a judge shall ascertain from the parties to the proceedings that they are satisfied with the competence of the operator supervising the sound recording apparatus and that the said parties have not withdrawn their consents to the use thereof.

(4) It shall be the duty of the operator having charge of the sound recording apparatus to make such notes as a judge may order to supplement the record.

Certification of record.

4. (1) A record shall be certified, by the judge or by the court official in charge of the sound recording apparatus during the proceeding, as being the record made of the evidence or part thereof, as the case may be, in the proceeding.

Certificate prima facie proof.

(2) A certificate made under this section is, without proof of the signature of the judge or person in charge of the sound recording apparatus or of this official character, admissible in evidence as *prima facie* proof that the record is the record of the evidence or part thereof, as the case may be, in the proceeding.

Typewritten copies.

5. A typewritten copy of the whole or any part of the contents of a record,

(a) reduced to writing by a reporter, and

(b) certified by the reporter to be a true and faithful transcript of the contents of the record, is admissible in evidence before any court to the same extent and with the same effect as a transcript of shorthand notes duly prepared by a reporter in accordance with law.

6. The sounds recorded upon a record may be reproduced in a court by any appropriate machine or device and the reproduction shall be received by the court to the same extent and with the same effect as a typewritten copy prepared pursuant to section 5.

Playing of records in court.

7. All records shall be filed in the office of the Clerk of the Territorial Court and shall not be removed except with authority of the Clerk for use in court or as required by an ordinance or rule of the Territorial Court or upon the order of a judge of the Territorial Court.

Filing of records.

8. (1) Any time after two years from the making of a record a judge of the Territorial Court may order the record destroyed or the recording thereon erased, cancelled, or otherwise destroyed.

Order for destruction of records.

(2) An order made pursuant to subsection (1) may be a general order to apply to all or any records made before a date set out in the order.

Order may be of general application.

9. The Commissioner may make regulations for carrying out the purposes of this Ordinance.

Regulations.

CHAPTER 2

ORDINANCES OF THE YUKON TERRITORY
1963 (Second Session)

AN ORDINANCE RESPECTING THE SUMMARY
RECOVERY OF WAGES BY EMPLOYEES

(Assented to November 22nd, 1963)

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

SHORT TITLE.

Short title.

1. This Ordinance may be cited as the *Wages Recovery Ordinance*.

INTERPRETATION.

Definitions.

2. In this Ordinance,

"Employee."

(a) "employee" means a person in receipt of or entitled to wages from an employer, whether the relationship of employee and employer has been terminated or not;

"Employer."

(b) "employer" includes every person responsible for the payment of wages to an employee under any ordinance or law in force in the Territory; and

"Wages."

(c) "wages" means wages, salary, pay, commission or other compensation for labour or personal service, whether measured by time, job, piece or otherwise.

APPLICATION OF ORDINANCE.

Application.

3. This Ordinance applies to every hiring of labour or contract of personal service wherever made, performed or intended to be performed within the Territory.

CONTRACTS OF SERVICE AND LABOUR.

Certain contracts to be in writing.

4. Every contract of personal service or hiring of labour for a period of more than one year shall be in writing and signed by the contracting parties.

RECOVERY OF WAGES.

5. Every employee who has a cause of complaint against his employer for Laying of information by employee.

- (a) the non-payment of wages earned by him in the course of his employment,
- (b) the non-payment of wages payable to him under a contract of personal service or hiring of labour, or
- (c) improper dismissal,

may lay an information in writing and under oath before a justice, stating the cause of the complaint and the amount of wages claimed, if any.

6. (1) Upon receiving the information referred to in section 5 the justice shall summon the employer to appear before him at a time and place to be stated in the summons to answer the complaint of the employee. Summons.

(2) The justice receiving the information shall arrange for service of the summons upon the employer, unless the complainant undertakes to serve him. Service by justice or complainant.

(3) The summons and every subsequent document pertaining to the proceedings may be served upon the person to whom it is directed either by delivering it to him personally, or if he cannot conveniently be found, by sending it to him by registered mail, or by leaving it with any person who appears to be at least sixteen years of age, at his last known place of residence or at the place where he carried or carries on business. Service on individual.

(4) Where an employer is a corporation, the summons shall be served by delivering it to the manager, secretary, or other executive officer of the corporation or of any branch thereof. Service on corporation.

(5) Where an employer is a municipality, the summons shall be served by delivering it to the mayor, clerk or treasurer of the municipality. Service on municipality.

(6) Service of a summons may be proved by oral evidence given under oath by the person who served it or by his affidavit made before a justice, a notary public or a commissioner for oaths. Proof of service.

Costs of adjournment.

7. (1) An adjournment of the hearing of any complaint may be allowed on payment to the employee of the amount, to be fixed by the justice, of the employee's costs in attending the hearing unless the justice is of the opinion that the adjournment has been made necessary by any act or omission of the employee.

Payment to be made forthwith.

(2) Unless immediate payment of the amount referred to in subsection (1) is dispensed with by the justice, payment thereof shall be made forthwith by the employer.

Order of justice after hearing on non-payment of wages.

8. (1) If upon examining into the matters alleged in any complaint made under paragraph (a) or (b) of section 5, the justice is satisfied that the cause of complaint has been established, he shall order the employer to pay to the employee the amount of wages found to be due to him and

- (a) may order the employer to pay to the employee the amount of wages that would have been due to him up to the time when his service could or would have been legally ended by notice from the employer or by passage of time, together with the costs of prosecution, and
- (b) may release the employee from his employment if the term of his employment has not expired, whether or not the employee is still in actual service with the employer.

Maximum award.

(2) The amount ordered to be paid pursuant to this section shall not exceed six months' wages or one thousand dollars, whichever is the lesser, exclusive of the costs of prosecution.

Order of justice after hearing improper dismissal.

9. (1) If, upon examining into the matters alleged in any complaint made under paragraph (c) of section 5, the justice is satisfied that the cause of complaint has been established, he may, in addition to making any order contemplated by section 8, order the employer to pay to the employee

- (a) such further amount as to him appears reasonable under the circumstances, not exceeding, however, one month's wages,
- (b) an amount equal to the wages the employee would have earned between the date of the improper dismissal and the determination of the complaint by the justice, or

(c) two hundred dollars, whichever is the least, together with the costs of prosecution.

(2) Any amount ordered to be paid pursuant to this section shall not exceed the amount, if any, by which one thousand dollars exceeds the amount ordered to be paid pursuant to section 8, exclusive of the costs of prosecution.

Maximum award.

(3) Where a justice in examining into a complaint for improper dismissal is satisfied that

Order where dismissal justified.

(a) the employee was dismissed from the employment of the employer for good and sufficient cause, and

(b) wages are due to the employee, he may order the employer to pay to the employee the amount of the wages found to be due, not exceeding six months' wages or one thousand dollars, whichever is the lesser, together with the costs of prosecution.

10. (1) The justice before whom any complaint is made under this Ordinance, upon being satisfied that the complainant is unable, by reason of lack of funds or otherwise, to pay the costs of the proceedings in connection with the complaint, may dispense with the payment of such costs or extend the time for their payment until after the determination of the proceedings.

Dispensing with costs on commencement of prosecution.

(2) Where the payment of costs has been dispensed with or postponed under this section and an order is made in favour of the complainant, such costs, including any other costs allowed to the complainant, shall be included in the amount ordered to be paid by the employer.

Adding of amount to judgment.

11. (1) If upon the hearing of a complaint under section 8 it is proven to the satisfaction of the justice that the employer would be entitled, in a civil action, to a claim by way of set-off or counterclaim, he shall deduct from any wages or other amount found to be due to the employee, the amount that in the opinion of the justice the employer would be entitled to by the set-off or counterclaim.

Set-off or counterclaim by employer.

(2) If the amount, as established pursuant to subsection (1), that the employer would be entitled to by the set-off or counterclaim is equal to or greater than the amount determined to be due to the employee, the justice shall dismiss the complaint.

Dismissal of complaint if set-off or counterclaim greater.

Time for payment of order.

12. (1) Unless the employer satisfies the justice under oath that he is unable to pay the full amount ordered to be paid forthwith and intends to pay the same within a specified time, the order of the justice shall direct payment of the amount ordered to be paid by the employer to be made forthwith.

Security on postponement of payments.

(2) Where a justice does not order payment by an employer to be made forthwith pursuant to subsection (1), he may order such security as he deems adequate to be given as a condition of the postponement of such payment.

Enforcement of order of justice.

13. (1) In case of non-payment of any amount ordered to be paid pursuant to this Ordinance the justice may, on application of the employee in whose favour an order has been made, issue a warrant for the distress and sale of any goods and chattels of the employer not exempted from seizure under the *Exemptions Ordinance*.

Where several claim.

(2) Where the justice determines in one day the complaints of more than one employee of the same employer and amounts are ordered to be paid by the employer to more than one such employee, the justice may issue one distress warrant covering all the amounts ordered to be paid to such employees and in the event of realization thereof the employees shall share in the proportion their claims ordered to be paid bear to the total of all such claims included therein.

No imprisonment for non-obedience.

(3) The provisions of the *Criminal Code* for enforcing an order requiring payment of a sum of money do not apply to proceedings under this Ordinance.

Filing of justice's order in Territorial Court.

14. (1) An employee in whose favour an order is made under this Ordinance for a sum in excess of twenty-five dollars may file a copy of the order, signed by the justice making it, in the office of the Clerk of the Territorial Court.

Effect of filing.

(2) Upon the filing in the Territorial Court of an order for payment referred to in subsection (1) it shall become an order of such Court and may be enforced in the same manner as a judgment or order of the Court for the recovery of a debt in the amount specified in the order.

Enforcement in one court at a time only.

(3) Until a justice's distress warrant issued under section 13 has been returned showing the amount realized

thereunder, no further proceedings shall be taken by an employee on the order for payment filed in the Territorial Court.

15. (1) In the case of the death, illness, absence or resignation of the justice who has heard and determined a complaint under this Ordinance and made an order in favour of an employee for the payment of any money, any other justice, if satisfied of the fact of the order, may issue a certified copy of the order making all necessary changes therein.

Copy of order where justice has died, etc.

(2) A certified copy of an order made under subsection (1) has the same force and effect as if made by the justice who heard and determined the information and made the order.

Effective copy.

APPEALS.

16. (1) Subject to subsection (2), no appeal lies from an order of a justice made this Ordinance.

Appeal.

(2) Where an order of a justice discharges an employee from his employment or orders the payment of an amount not less than one hundred dollars exclusive of costs, an appeal lies to a judge of the Territorial Court.

Cases where allowed.

(3) The procedure on an appeal shall be by way of a new trial.

Appeal to be new trial.

17. (1) Every person appealing from an order of a justice as described in subsection (2) of section 16 shall notify in writing the justice making the order, within fifteen days after the making of the order, of his intention to appeal.

Time of appeal.

(2) On receiving notification of intention to appeal, the justice shall advise the respondent in writing as soon as possible of the appellant's intention to appeal and shall forward to the Clerk of the Territorial Court a copy of the order being appealed.

Action of justice on appeal.

(3) Where in the opinion of the judge to whom the appeal is taken extenuating circumstances exist, the time for giving the notice of intention to appeal may, on *ex parte* application, be extended for such period as to the judge seems fair and just.

Extension of time for appeal.

Justice to notify appellant of service.

(4) The justice whose order is appealed from shall notify the appellant when service of the notice of intention to appeal has been made on the respondent.

Time for hearing appeal.

18. (1) An appeal from an order of a justice shall be heard at the first sitting of the Territorial Court held in the area wherein the cause of complaint arose, next following twenty days after service of the notice of intention to appeal upon the respondent.

When appeal to act as stay of proceedings.

(2) An appeal shall operate as a stay of proceedings only in respect of the amount by which the award exceeds two hundred dollars.

Power of appeal court.

(3) Upon hearing the appeal the judge may confirm, vary or reverse the decision of the justice or make such other order in the matter as he deems fit and just.

MISCELLANEOUS.

Civil remedy preserved.

19. Except in so far as a complaint made under this Ordinance has been determined by any order made hereunder, nothing in this Ordinance shall be held to affect any civil or other remedy for the recovery of wages or damages by an employee from his employer or for the recovery of damages by an employer from his employee.

Limitation of actions.

20. No proceedings shall be instituted under this Ordinance unless brought within one year after the period of service or employment has ceased or been terminated, or within six months after the last instalment of wages under the agreement of hiring or contracting of services has become due, whichever date may be the later.

Calculation of wages where not agreed upon.

21. Where no specific rate of wages has been expressly agreed upon by the parties, the justice may order payment of wages according to the rate that appears to him to be fair and reasonable, having regard to the current rate of wages being paid for similar work in the district.

Agreement to deprive employees of benefits of Ordinance void.

22. Every term of a contract or agreement, whether oral or written, expressed or implied, whereby it is agreed that this Ordinance shall not apply, or that the remedies hereby provided shall not be available for the benefit of any person entering into such contract or agreement, is void.

23. (1) Subject to subsection (2), the fees and allowance set forth in the *Criminal Code* in proceedings before summary conviction courts and justices and no others are the fees and allowances that may be allowed as costs in proceedings before a justice under this Ordinance. Fees and allowances.

(2) The costs of proceedings before a justice under this Ordinance shall include, where applicable, such amounts as the justice may allow for solicitor's fees but not exceeding Solicitor's fees.

- (a) twenty-five dollars, where the amount awarded is two hundred dollars or under;
- (b) fifty dollars, where the amount awarded is over two hundred dollars and under five hundred dollars; and
- (c) seventy-five dollars, where the amount awarded is five hundred dollars or over.

24. The *Masters and Servants Ordinance* is repealed. Repeal.

CHAPTER 3

ORDINANCES OF THE YUKON TERRITORY
1963 (Second Session)

AN ORDINANCE TO PREVENT DISCRIMINATION IN
REGARD TO ACCOMMODATION AND EMPLOYMENT
AND IN REGARD TO MEMBERSHIP IN TRADE
UNIONS BY REASON OF RACE, RELIGION,
RELIGIOUS CREED, COLOUR, ANCESTRY, OR
ETHNIC OR NATIONAL ORIGIN

(Assented to November 22nd, 1963)

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

- Short title.** 1. This Ordinance may be cited as the *Fair Practices Ordinance*.
- Definitions.** 2. In this Ordinance,
- "Employee."** (a) "employee" means any person who is in receipt of, or entitled to, compensation for labour or services performed for another, but does not include an independent contractor;
- "Employer."** (b) "employer" means a person, firm, corporation, agent, manager, representative, contractor, sub-contractor, or principal, having control or direction of, or responsible, directly or indirectly, for the employment of an employee;
- "Employers' organization."** (c) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- "Employment agency."** (d) "employment agency" includes a person who undertakes, with or without compensation, to procure employment for persons;
- "Trade union."** (e) "trade union" means any organization of employees formed for the purpose of regulating relations between employers and employees.

3. (1) No employer shall refuse to employ, or to continue to employ, a person or adversely discriminate in any term or condition of employment of such person, because of the race, religion, religious creed, colour, ancestry, or ethnic or national origin of such person.

Employers not to discriminate.

(2) No person shall require an applicant for employment to complete a form of application for employment that requires the applicant to give particulars as to his race, religion, religious creed, colour, ancestry, or ethnic or national origin.

Discriminatory application forms.

(3) No trade union shall exclude any person from full membership, or expel or suspend or otherwise discriminate against any of its members, or discriminate against any person in regard to his employment by any employer, because of the race, religion, religious creed, colour, ancestry, or ethnic or national origin of that person.

Membership in trade unions.

(4) No employer or trade union shall discharge, expel or otherwise discriminate against any person because he has made a complaint or given evidence or assisted in any way in respect of the initiation or prosecution of a complaint or other proceeding under this Ordinance.

Discharge, expulsion, etc.

4. (1) No person shall, because of the race, religion, religious creed, colour, ancestry, or ethnic or national origin of any person, deny to that person the accommodation, services or facilities available in any place to which the public is customarily admitted.

Discrimination prohibited.

(2) No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall

(a) deny to any person or class of persons occupancy of any apartment in any building that contains more than six self-contained dwelling units, or

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any apartment in any building that contains more than six self-contained dwelling units,

because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons.

Publication of discriminatory signs prohibited.

- 5. No person shall
 - (a) publish or display or cause to be published or displayed, or
 - (b) permit to be
 - (i) published in a newspaper that he controls, or
 - (ii) displayed on lands or premises that he controls,

any notice, sign, symbol, emblem or other representation indicating discrimination, or an intention to discriminate, against any person or any class of persons in respect of the accommodation, services or facilities to which section 4 applies, or in respect of employment or prospective employment, because of the race, religion, religious creed, colour, ancestry, or ethnic or national origin of that person or class of persons.

Complaint.

6. (1) Any person claiming to be aggrieved because of an alleged violation of any provision of this Ordinance may make a complaint in writing to the officer appointed by the Commissioner to inquire into complaints made under this Ordinance.

Officer appointed to hear complaint.

(2) The Commissioner may appoint an officer to inquire into any complaint made under subsection (1), and such officer shall give full opportunity to all parties to present evidence and make representations and shall endeavour to effect settlement of the matters complained of.

Recommendations of officer to Commissioner.

(3) In case a settlement of a complaint is not effected, if the officer finds that the complaint is supported by evidence, he shall recommend to the Commissioner the course that ought to be taken with respect to the complaint.

Clarifications of recommendations.

(4) After the officer has made his recommendations, the Commissioner may direct him to clarify or amplify his recommendations; and they shall be deemed not to have been received by the Commissioner until they have been so clarified or amplified.

Copy of recommendations to persons affected.

(5) Upon receipt of the recommendations of the officer, the Commissioner shall furnish a copy thereof to each of the persons affected and shall publish them, if he deems it advisable, in such manner as he sees fit.

(6) The Commissioner may issue whatever order he deems necessary to carry into effect the recommendations of the officer, including ordering reinstatement of an employee with or without compensation for loss of employment and such order shall be personally served upon the persons affected thereby.

Order of Commissioner.

7. (1) Any person affected by an order of the Commissioner may, at any time within ten days after personal service of the order upon him, appeal against the order to a judge of the Territorial Court by way of originating notice of motion to vary or set aside the order.

Appeal.

(2) The appellant shall, not less than ten days before the date for the hearing of the appeal stated in the originating notice of motion, serve on the complainant and on the Commissioner a copy of the originating notice of motion.

Service of notice.

(3) The judge of the Territorial Court may hear the appeal on the day and at the time stated in the originating notice of motion or may adjourn the hearing for such time as he deems fit, and may direct notice thereof to be served on such other persons as he deems advisable; and the hearing thereof shall be a trial *de novo* and the decision of the judge shall be conclusive and not subject to further appeal.

Hearing of appeal and effect of decision.

(4) Every person in respect of whom an order is made pursuant to subsection (6) of section 6 shall comply therewith, unless he appeals therefrom as herein provided; in which event, unless it is set aside, he shall comply with the order as affirmed or as varied on the appeal.

Compliance with order.

8. (1) Every person who violates a provision of this Ordinance is guilty of an offence and liable on summary conviction

Offences.

- (a) if an individual, to a fine of one hundred dollars and in default of payment, to imprisonment for a period not exceeding three months, and
- (b) if a corporation, trade union, employers' organization or employment agency, to a fine not exceeding five hundred dollars.

(2) Where a fine that is imposed upon a corporation under subsection (1) is not paid as directed, the prosecutor

Idem.

may, by filing the conviction, enter as a judgment the amount of the fine and costs, if any, in the Territorial Court and that judgment is enforceable against the corporation in the same manner as if it were a judgment rendered against the corporation in that Court in civil proceedings.

Payment to employee and reinstatement.

9. Where an employer is convicted for violation of section 3 by reason of his having suspended, transferred, laid off, or discharged an employee contrary to this Ordinance, the convicting judge or magistrate, in addition to any other penalty, may order the employer to pay to the employee compensation for loss of employment not exceeding such sum as, in the opinion of the judge or magistrate, as the case may be, is equivalent to the wages, salary or remuneration that would have accrued to the employee up to the date of conviction but for the suspension, transfer, lay-off or discharge; and may order the employer to reinstate the employee in his employ at such date as, in the opinion of the judge or magistrate, is just and proper in the circumstances, in the position the employee would have held but for the suspension, transfer, lay-off or discharge.

Prosecution of employers' organization or trade union.

10. A prosecution for an offence under this Ordinance may be brought against an employers' organization or trade union; and for the purpose of such a prosecution an employers' organization or trade union shall be deemed to be a person, and any act or thing done or omitted by an officer or agent of an employers' organization or trade union, within the scope of his authority to act on behalf of the organization or trade union, shall be deemed to be an act or thing done or omitted by the employers' organization or trade union.

Injunction proceedings.

11. (1) Where a person has been convicted of a violation of this Ordinance, the Commissioner may apply, by way of originating notice, to a judge of the Territorial Court for an order enjoining that person from continuing the violation and the judge, in his discretion, may make such an order.

Idem.

(2) Any order made by a judge of the Territorial Court pursuant to subsection (1) may be enforced in the same manner as any other order or judgment of that Court.

Consent to prosecution.

12. No prosecution for an offence under this Ordinance shall be instituted without the consent in writing of the Commissioner.

13. (1) This Ordinance does not apply to employment of persons

Where Ordinance not applicable.

- (a) in domestic service in a private home;
- (b) in any exclusively charitable, philanthropic, educational, fraternal, religious, or social organization or corporation that is not operated for private profit;
- (c) in any organization that is operated primarily to foster the welfare of a religious or racial group and that is not operated for private profit; or
- (d) where the employer employs fewer than five employees.

(2) Nothing in this Ordinance deprives any school or board of trustees thereof of the right to employ persons of any particular religion or religious creed where religious instruction forms or can form the whole or part of the instruction or training provided by such school or board of trustees pursuant to the provisions of the *School Ordinance*. ^{Idem.}

(3) Nothing in this Ordinance deprives any employer of the right to employ persons of any particular race, religion, religious creed, colour, ancestry, or ethnic or national origin in preference to other persons where such preference is based upon a *bona fide* occupational qualification. ^{Idem.}

CHAPTER 4

ORDINANCES OF THE YUKON TERRITORY
1963 (Second Session)

AN ORDINANCE TO AUTHORIZE THE COMMISSIONER OF THE YUKON TERRITORY TO ENTER INTO AND EXECUTE AN AGREEMENT WITH THE GOVERNMENT OF CANADA RESPECTING THE SEAPLANE BASE AT MAYO AIRPORT

(Assented to November 22nd, 1963)

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

Short title.

1. This Ordinance may be cited as the *Mayo Seaplane Base Agreement Ordinance*.

Commissioner may execute agreement.

2. The Commissioner may, on behalf of the Government of the Yukon Territory, enter into an agreement with the Government of Canada, under and for the purposes of the *Territorial Lands Act* to provide for the acceptance from the Government of Canada of the seaplane base at Mayo Airport at Mayo in the Yukon Territory and for the use and maintenance of the same upon such terms and conditions as may be contained in the agreement.

Amendment of agreement.

3. Any agreement made under this Ordinance may be amended

- (a) with respect to the provisions of the agreement in respect of which a method of amendment is set out in the agreement, by that method; or
- (b) with respect to any other provision of the agreement, by the mutual consent of the parties thereto.

Commissioner may implement agreement.

4. The Commissioner is authorized to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Yukon Territory under the agreement made under this Ordinance.

CHAPTER 5

ORDINANCES OF THE YUKON TERRITORY
1963 (Second Session)

AN ORDINANCE TO AMEND THE INSURANCE
ORDINANCE

(Assented to November 22nd, 1963)

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

R.O.Y.T.
1958, c.57;
1959(1st)c.4

1. The *Insurance Ordinance* is amended by adding thereto, immediately after section 131 thereof, the following section:

"131A. (1) A person insured under a policy of nuclear energy hazard liability insurance issued by a group of insurers against loss or damage resulting from bodily injury to, or the death of, any person or against loss of or damage to property arising directly or indirectly from a nuclear energy hazard may, with respect to any such loss or damage and whether named in that policy or not, recover under that policy (if it is in force at the time of the event giving rise to that loss or damage) in the same manner and to the same extent as the insured and for that purpose shall be deemed to be a party to the contract and to have given consideration therefor.

Nuclear
energy
hazard
liability
insurance.

(2) Subject to subsection (4), where a person is insured

Liability for
nuclear
energy
hazard.

(a) under a policy of automobile insurance against loss or damage resulting from bodily injury to, or the death of, any person or against loss of or damage to property arising directly or indirectly from a nuclear energy hazard, and

(b) under a policy of nuclear hazard liability insurance described in subsection (1),

the insurer under the policy of automobile insurance is liable to indemnify the insured, whether named in those

policies or not, only for such liability as is imposed by law on the insured and that is in excess of the limits of liability under the nuclear energy hazard liability policy but that does not exceed the minimum limits prescribed by section 132.

"Nuclear energy hazard" defined.

(3) For the purpose of this section,

(a) "nuclear energy hazard" means the radioactive, toxic, explosive or other hazardous properties of substances which are referred to in the *Atomic Energy Control Act* as "prescribed substances", and

When policy deemed in force.

(b) a policy of nuclear energy hazard liability insurance shall be deemed to be in force at the time of the event giving rise to the loss or damage, notwithstanding that the limits of liability thereunder have been exhausted.

Section not to apply.

(4) This section does not apply to a policy of insurance unless the policy contains a statement that liability for loss or damage resulting from a nuclear energy hazard is limited by this section if the insured is also covered by nuclear energy hazard liability insurance."



CHAPTER 6

ORDINANCES OF THE YUKON TERRITORY
1963 (Second Session)

AN ORDINANCE TO AMEND THE CORPORATION
SECURITIES REGISTRATION ORDINANCE

(Assented to November 22nd, 1963)

The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: c.3.
O.Y.T.
1963 (1st)

1. Section 13 of the *Corporation Securities Registration Ordinance* is repealed and the following substituted therefor:

“13. The Commissioner from time to time may, by order, appoint such person or persons as he thinks proper to act as Registrar of Corporation Securities or Deputy Registrar of Corporation Securities.”

CHAPTER 7

ORDINANCES OF THE YUKON TERRITORY
1963 (Second Session)

AN ORDINANCE TO AMEND THE MEDICAL
PROFESSION ORDINANCE

(Assented to November 22nd, 1963)

R.O.Y.T.
1968, c.73.

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

1. Paragraph (b) of subsection (1) of section 4 of the *Medical Profession Ordinance* is repealed and the following substituted therefor:

“(b) produces to the Commissioner a certificate under the hand of the Registrar of the Medical Council of Canada showing that his name is registered in the *Canadian Medical Register* under the provisions of the *Canada Medical Act*, and satisfies the Commissioner that he is the person named in the certificate and that he is a suitable person”.

2. The said Ordinance is further amended by adding thereto, immediately after section 7 thereof, the following section:

Temporary
permits.

“7A. (1) The Commissioner may after consultation with the Y.M.A. issue a permit to practise medicine in such parts of the Territory upon payment of such fees and upon such terms and conditions as the Commissioner may specify in the permit to any person who

(a) has completed at least a four years' course of study in medicine or surgery or both at a school of medicine or surgery of recognized standing and has received a diploma or certificate of qualification from such school, and

(b) satisfies the Commissioner that he is the person to whom the diploma or certificate was issued, is of good character, and is qualified from the standpoint of his professional proficiency to practise as a medical practitioner, physician or surgeon.

(2) A permit issued under this section may be for such period of time as the Commissioner may specify in the permit and may after consultation with the Y.M.A. be renewed by the Commissioner from time to time, but no person shall be permitted to practice medicine pursuant to this section for more than four years.

Duration of permit.

(3) A person who holds a permit issued under this section shall, when practising medicine pursuant to this section, be deemed to be the holder of a licence."

Holder of permit deemed holder of licence.

CHAPTER 8

ORDINANCES OF THE YUKON TERRITORY
1963 (Second Session)

AN ORDINANCE TO AMEND THE AREA
DEVELOPMENT ORDINANCE

(Assented to November 22nd, 1963)

R.O.Y.T.
1958, c.7.

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

1. Section 4 of the *Area Development Ordinance* is amended by striking out the word "and" at the end of paragraph (e) thereof, by adding the word "and" at the end of paragraph (f) thereof, and by adding the following paragraph thereto:

"(g) the regulation or the prohibition of the discharge of guns or other firearms within a development area."

CHAPTER 9

ORDINANCES OF THE YUKON TERRITORY
1963 (Second Session)

AN ORDINANCE TO AMEND THE MOTOR VEHICLES
ORDINANCE

(Assented to November 22nd, 1963)

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

R.O.Y.T.
1958 c.77
1960 (3rd)
c.3
1961 (1st)
c.5
1961 (2nd)
c.7
1962 (1st)
c.21
1962 (5th)
c.8

1. Section 8 of th *Motor Vehicles Ordinance* is amend by adding thereto the following subsection:

“(7) A certificate of the Commissioner stating that the person named therein has not taken out or maintained in force a policy of a motor vehicle liability insurance as required by subsection (1) is admissible in evidence in a prosecution of such person for a violation of that subsection, and is *prima facie* proof of the statement contained in the certificate.”

2. Subsections (2) and (3) of section 25 of the said Ordinance are repealed and the following substituted therefor:

“(2) Subsection (1) does not apply to a person who does not reside or carry on business in the Territory for more than ninety consecutive days in each year if he holds a chauffeur’s licence or operator’s licence issued to him by his province, state or country of residence.

Exemption for non-residents.

(3) Subsection (1) does not apply to a person who is fifteen years of age or over and is learning to operate a motor vehicle where he is accompanied by a person who holds a chauffeur’s licence or operator’s licence and who sits beside the person learning to operate the vehicle for the purpose of teaching him to operate it.”

Exemption for learners.

3. The said Ordinance is further amended by the following amendment to Schedule A thereto:

(a) Paragraphs (a) and (c) of section 1 are repealed and the following substituted therefor;

(a) Trucks or truck tractors, with a load or hauling capacity of

	Full Fee	Oct. 1 Sep. 31	Jan. 1 Mar. 31
(i) 2,000 lbs. or less	\$15.00	\$7.50	\$4.00
(ii) 2,001 lbs to 6,000 lbs. ..	30.00	15.00	7.50
(iii) 6,001 lbs. to 10,000 lbs.	50.00	25.00	12.00
(iv) Over 10,000 lbs.	100.00	50.00	25.00

(b) Subsection (d) (e) and (f) of section 1 are re-designated as (c) (d) and (e).

4. Paragraphs (a) and (b) of section 2 are repealed and the following substituted therefor:

(a) public service vehicle trucks or truck tractors, with a load or hauling capacity of

(i) 2,000 lbs. or less	\$15.00	\$7.50	\$4.00
(ii) 2,001 lbs to 6,000 lbs. ..	30.00	15.00	7.50
(iii) 6,001 lbs. to 10,000 lbs.	125.00	62.50	32.00
(iv) Over 10,000 lbs.			
Tractors with			
two axles	150.00	75.00	37.50
Tractors with			
more than two axles	250.00	125.00	65.00

(b) public service vehicle trucks or truck tractors restricted to hauling goods through the Territory only (these vehicles to be issued a licence plate showing the letters F.T. rather than P.S.V.) with a load or hauling capacity of

(i) 10,000 lbs. or less	\$100.00	\$50.00	\$25.00
(ii) Over 10,000 lbs.	200.00	100.00	50.00

5. Section 3 and 4 of this Ordinance shall come into force on the first day of April, 1964.

6. Subsections (2) and (3) of section 76 of the *Motor Vehicles Ordinance* be repealed and the following substituted therefor:

"(2) No person shall drive a motor vehicle upon a highway at a greater rate of speed than

(a) thirty miles an hour within a municipality or settlement; or

(b) the maximum speed designated by signs erected along the highway under sections 151 and 155.

(3) The maximum permitted speed for motor vehicles on highways in the Territory outside municipalities or settlements is sixty miles per hour unless otherwise posted."

7. The Ordinance is further amended by adding to section 76 the following subsection:

"4. Notwithstanding anything to the contrary in this section contained a municipality may establish by by-law a lower maximum speed than thirty miles an hour for any highway or portion of a highway in its jurisdiction."

CHAPTER 10

ORDINANCES OF THE YUKON TERRITORY
1963 (Second Session)

AN ORDINANCE TO AMEND AN ORDINANCE TO
PROHIBIT CHILDREN BEING ON THE STREETS
AFTER NIGHTFALL

(Assented to November 22nd, 1963)

R.O.Y.T.
1958, c.27.

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

1. Section 4 of the *Curfew Ordinance* is amended by deleting the "period" at the end of section 4 thereof, and by adding the following paragraph thereto:

"or by an adult duly authorized in writing by the parent or guardian."

CHAPTER 11

 ORDINANCES OF THE YUKON TERRITORY
 1963 (Second Session)

 AN ORDINANCE TO AMEND AN ORDINANCE
 EMPOWERING THE COMMISSIONER OF THE YUKON
 TERRITORY TO GRANT A FRANCHISE TO THE
 YUKON ELECTRICAL COMPANY LIMITED TO SELL
 AND DISTRIBUTE ELECTRICAL ENERGY IN THE
 TESLIN AREA, YUKON TERRITORY

(Assented to November 22nd, 1963)

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

1. Section 2 of *An Ordinance Empowering the Commissioner of the Yukon Territory to Grant a Franchise to the Yukon Electrical Company Limited to Sell and Distribute Electrical Energy in the Teslin Area, Yukon Territory*, is repealed and the following substituted therefor:

c.1
O.Y.T.
1963
(1st)

"2. The agreement made under this Ordinance may be varied or amended from time to time by agreement between the Commissioner and The Yukon Electrical Company Limited."

2. The said Ordinance is further amended by adding thereto the following section:

"3. The Commissioner shall cause any variations made to the agreement pursuant to section 2, to be tabled at the first session of the Territorial Council following such variations."

CHAPTER 12

ORDINANCES OF THE YUKON TERRITORY
1963 (Second Session)

AN ORDINANCE TO AMEND THE LABOUR
PROVISIONS ORDINANCE

(Assented to November 22nd, 1963)

R.O.Y.T.
1958 c.62
1961 (3rd)
c.3
1962 (1st)
c.15
1962 (5th)
c.9.

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

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

“7. An employer who holds a contract for the performance of a public work of the Territory shall pay his employees who are engaged on or in connection with such public work not less than the prevailing wage rate applicable to the work performed by his employees as said rate is set out in the Fair Wages Schedules published from time to time by the Federal Department of Labour.”

2. This amendment shall be in force on and take effect from the first day of April 1964.

CHAPTER 13

ORDINANCES OF THE YUKON TERRITORY
1963 (Second Session)

AN ORDINANCE TO REPEAL AN ORDINANCE TO
INCORPORATE THE NORTH STAR ATHLETIC
ASSOCIATION, LIMITED

(Assented to November 22nd, 1963)

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

c.13
O.Y.T.
1963.

1. *An Ordinance to Incorporate the North Star Athletic Association, Limited*, being Chapter 13 of the Ordinances of the Yukon Territory, 1903, is hereby repealed.

**TABLE OF PUBLIC ORDINANCES OF
THE YUKON TERRITORY
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