

STATUTORY BASIS OF LOCAL GOVERNMENT

SECTION 1

Constitutional Basis

Powers and responsibilities are divided between the federal and provincial governments under the Canadian Constitution. Provinces are responsible for “municipal institutions” or local governments. The Province, in turn, assigns its powers in this sphere to local governments through provincial legislation.

Provincial Statutes

The general rule is that local governments have only those powers for which the legislation provides the authority. Letters Patent or Supplementary Letters Patent create a local government and may modify or limit those statutory powers. Powers given by a statute may also be limited by other provincial or federal statutes. Where there is a conflict between a provincial or federal statute and a local bylaw, the statute prevails. Local bylaws cannot regulate the use of provincial or federal lands (or Indian Reserves).

The following statutes set out the *primary* legislative framework for local government operations in British Columbia:

Community Charter

The *Community Charter (Charter)* provides the statutory framework for all municipalities in British Columbia (other than the City of Vancouver). The *Charter* sets out municipalities’ core areas of authority, including: broad powers (e.g. municipal services); property taxation; financial management; bylaw procedures; and bylaw enforcement. The *Charter* provides the principal source of municipal corporate (“natural person”) powers, including broad spheres of service and regulatory powers, and specific powers (e.g. expropriation). While the *Charter* is focussed on municipalities it should be noted that many provisions, such as public accountability and procedural matters apply to regional districts. The *Charter* also sets out principles of municipal-provincial relations, including consultation requirements and dispute resolution processes.

Local Government Act

The *Local Government Act* is the primary legislation governing regional districts and improvement districts service provision and approval processes. The Act also applies broadly to all local governments including municipalities in relation to matters such as incorporation, boundary changes, statutory requirements for elections, and planning and land use powers. The Act also includes key provincial powers such as the authority for the office of the Inspector of Municipalities

Local Elections Campaign Financing Act

The *Local Elections Campaign Financing Act* establishes rules for local government candidates, elector organizations and third party advertising sponsors, including disclosure requirements for campaign financing and election advertising. The campaign financing rules create accountability and transparency by requiring the recording and disclosing of detailed information about financial and non-financial activities. Under the Act, Elections BC is responsible for administering campaign financing and third-party advertising rules for all local government elections in British Columbia.

Vancouver Charter

The *Vancouver Charter* is the principal statute setting out the powers of the City of Vancouver, and the Vancouver Park Board. The *Vancouver Charter* contains the rules that govern how the City of Vancouver operates, what bylaws City Council can create, and how budgets are set. Although many of the powers established under the *Vancouver Charter* parallel those of other municipalities, some are quite different.

In addition to the core local government legislation described above, there are other key statutes relevant to local governments in British Columbia. Some of these statutes include:

- *Assessment Act*
- *Auditor General for Local Government Act*
- *Building Act*
- *Cannabis Control and Licensing Act*
- *Emergency Program Act*
- *Environmental Management Act*
- *Freedom of Information and Protection of Privacy Act*
- *Greater Vancouver Water District Act*
- *Islands Trust Act*
- *Interpretation Act*
- *Water Sustainability Act*

The BC Laws website provides free public access to these statutes and other current consolidation of British Columbia statutes and regulations as new and amended laws come into force. Electronic versions of these statutes are available at bclaws.ca.

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