



Interpretation Bylaw, 2019

Bylaw No. 2929-2019

[Consolidated and printed by authority of the Corporate Officer under section 139 of the Community Charter. Includes amendment bylaw 3068-2024] Last amended October 22, 2024.

The Council of the City of Abbotsford, in open meeting assembled, enacts as follows:

Definitions (B/L 3068-2024)

- 1 In this bylaw, and, unless a contrary intention appears, in every enactment enacted on or after the commencement of this bylaw:
 - “**acquire**” means to obtain by any method and includes accept, receive, purchase, be vested with, lease, take possession, control or occupation of, and agree to do any of those things, but does not include expropriate;
 - “**applicant**” means the person on whose behalf an application is submitted for the City's review or approval;
 - “**Canada**”, “**federal government**” or “**government of Canada**” means Her Majesty in right of Canada, as the context requires;
 - “**City**” means the City of Abbotsford;
 - “**City enactment**” means a bylaw, resolution or policy of the City;
 - “**City Hall**” means the corporate place of business for the City in the civic facility located at 32315 South Fraser Way in Abbotsford, British Columbia;
 - “**City manager**” means the chief administrative officer for the City;
 - “**commencement**”, with reference to an enactment, means the date on which the enactment comes into force;
 - “**corporation**” means an incorporated association, company, society, municipality or other incorporated body, where and however incorporated;
 - “**council**” means the council of the City;
 - “**council member**” means a member of the Council
 - “**councillor**” means a member of the council other than the mayor;
 - “**deliver**”, with reference to a notice or other document, includes mail to or leave with a person, or deposit in a person's mailbox or receptacle at the person's residence or place of business;
 - “**dispose**” means to transfer by any method and includes assign, give, sell, grant, charge, convey, bequeath, devise, lease, divest, release and agree to do any of those things;
 - “**domestic enactment**” means an applicable
 - (a) City enactment,
 - (b) federal enactment, or
 - (c) provincial enactment;

“enact” means to adopt, issue, make, establish or prescribe;

“engineer” means the person in charge of the engineering and regional utilities department, or designate;

“federal enactment” means an Act or a regulation of Canada;

“herein” used in a section or part of an enactment must be construed as referring to the whole enactment and not to that section or part only;

“land” includes any interest in land, including any right, title or estate in it of any tenure, with all buildings and houses, unless there are words to exclude buildings and houses, or to restrict the meaning;

“mail” refers to the deposit of the matter to which the context applies in the Canada Post Office at any place in Canada, postage prepaid, for transmission by post, and includes deliver;

“may” is to be construed as permissive and empowering;

“minor” means a person under the age of majority;

“month” means a period calculated from a day in one month to a day numerically corresponding to that day in the following month, less one day;

“must” is to be construed as imperative;

“newspaper”, in a provision requiring publication in a newspaper, means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest;

“now” must be construed as referring to the time of commencement of the enactment containing the word;

“obligation” includes a duty and a liability;

“peace officer” includes

- (a) a mayor, sheriff and sheriff's officer,
- (b) a warden, correctional officer, and any other officer or permanent employee of a penitentiary, prison, correctional centre or youth custody centre, and
- (c) a police officer, police constable, constable or other person employed for the preservation and maintenance of the public peace;

“person” includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;

“personal representative” includes an executor of a will and an administrator with or without will annexed of an estate, and, if a personal representative is also a trustee of part or all of the estate, includes the personal representative and trustee;

“prescribed” means prescribed by an enactment;

“professional engineer” or words implying recognition of any person as a professional engineer or member of the engineering profession means a person registered or licensed under the *Engineers and Geoscientists Act*;

“property” includes any right, title, interest, estate or claim to or in property;

“Province” means the Province of British Columbia or Her Majesty in right of British Columbia as the context requires;

“provincial enactment” means an Act or a regulation of the Province;

“record” includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by any means whether graphic, electronic, mechanical or otherwise;

“reference aid” includes

- (a) a list of reviews, approvals, consultations, or notifications obtained, undertaken or provided before the adoption of an enactment,
- (b) a head note or marginal note to a provision,
- (c) an explanatory note,
- (d) a historical table,
- (e) a hyperlink,
- (f) a point in time version of an enactment,
- (g) a reference after the end of a section or other division,
- (h) a table of legislative changes,
- (i) a bylaw number,
- (j) highlighting or underlining of text,
- (k) italicized text in square brackets within or after a provision that is or purports to be descriptive of the subject matter of the provision, and
- (l) the placement of text in bold or italics.

“regional district” has the same meaning as in the *Local Government Act*;

“registered mail” includes any method of mail delivery provided by the Canada Post Office for which confirmation of delivery to a named person is provided;

“registered owner” means the person registered in the land title office as entitled to the fee simple;

“repeal” includes to revoke, cancel or rescind;

“right” includes a power, authority, privilege and licence;

“school district” has the same meaning as in the *School Act*;

“security” includes a security as defined in the *Securities Act*;

“shall” is to be construed as imperative;

“words” includes figures, punctuation marks, and typographical, monetary and mathematical symbols;

“writing”, **“written”**, or a term of similar import includes words printed, typewritten, painted, engraved, lithographed, photographed or represented or reproduced by any mode of representing or reproducing words in visible form;

“year” means any period of 12 consecutive months; but a reference to a **“calendar year”** means a period of 12 consecutive months beginning on January 1, and a reference by number to a dominical year means a period of 12 consecutive months beginning on January 1 of that dominical year.

Application

- 2 (1) Every provision of this bylaw applies to every City enactment enacted on or after the commencement of this bylaw, unless a contrary intention appears in this bylaw or in the enactment.
- (2) Nothing in this bylaw excludes the application to a City enactment of a rule of construction applicable to it and not inconsistent with this bylaw.

Definitions in *Community Charter and Local Government Act* apply to City enactments

- 3 (1) Subject to section 2 (1), and so far as the terms defined can be applied, the definitions established by or applicable under the following apply to all City enactments:

- (a) the Schedule to the Community Charter;
 - (b) section 29 [*expressions defined*] of the Interpretation Act;
 - (c) section 1 of the Schedule to the *Local Government Act*.
- (2) As an exception, subsection (1) does not apply in relation to the definition of "municipality" in the *Community Charter*.

Date of commencement

- 4 (1) The date of the commencement of a City enactment or of a portion of it for which no other date of commencement is provided in the enactment is the date on which the enactment is enacted.
- (2) The date of a City enactment is part of the enactment.

Time of commencement or repeal

- 5 (1) A City enactment must be construed as commencing at the beginning of the day on which it comes into force.
- (2) A City enactment that is repealed and replaced ceases to have effect at the time the new enactment commences.
- (3) Any other City enactment ceases to have effect at the end of the day on which it expires or otherwise ceases to have effect.
- (4) A City enactment that has expired or otherwise ceased to have effect is deemed to be repealed for the purposes of this bylaw.

Enactment always speaking

- 6 (1) Every City enactment must be construed as always speaking.
- (2) If a provision in a City enactment is expressed in the present tense, the provision applies to the circumstances as they arise.

Enactment remedial

- 7 Every City enactment must be construed as being remedial, and must be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.

Title and preamble

- 8 The title and preamble of a City enactment are part of it and are intended to assist in explaining its meaning and object.

Enacting clause

- 9 The enacting clause of a bylaw may be in the following form: "The Council of the City of Abbotsford, in open meeting assembled, enacts as follows".

Reference aids and clarifications

- 10 In a City enactment, a reference aid
- (a) is not part of the enactment, and
 - (b) must be considered to have been added editorially for convenience of reference only.

Definitions and interpretation provisions

- 11 Definitions or interpretation provisions in a City enactment, unless the contrary intention

appears in the enactment, apply to the whole enactment including the section containing a definition or interpretation provision.

Capitalization of words

- 12 Unless the contrary intention appears in a City enactment or the context requires otherwise, the use or lack of capitalization of a word, including a defined term, is not part of the enactment and does not affect the interpretation of the enactment.

Majority

- 13 If in a City enactment an act or thing is required or authorized to be done by more than 2 persons, a majority of them may do it.

Use of forms and words

- 14 (1) If a form is prescribed under a City enactment, deviations from it not affecting the substance or calculated to mislead, do not invalidate the form used.
- (2) Gender specific terms include both genders and include corporations.
- (3) In a City enactment words in the singular include the plural, and words in the plural include the singular.
- (4) If a word or expression is defined in a City enactment, other parts of speech and grammatical forms of the same word or expression have corresponding meanings.

Metric expressions

- 15 In a City enactment, metric expressions and symbols have the meaning given to them in the *Weights and Measures Act* (Canada) and if not mentioned there, have the meaning given to them in the International System of Units established by the General Conference of Weights and Measures.

Common names

- 16 In a City enactment, the name commonly applied to a country, place, body, corporation, society, officer, functionary, person, party or thing means the country, place, body, corporation, society, officer, functionary, person, party or thing to which the name is commonly applied, although the name is not the formal or extended designation of it.

References to City staff positions

- 17 If a position to which powers, functions and duties are delegated under a City enactment is altered, modified, renamed, split or consolidated after the commencement of the enactment, each of those powers, functions and duties are deemed to have transferred, with necessary changes, to the person holding the position most closely connected to that which existed upon the commencement of the enactment.

References to enactments (B/L 3068-2024)

- 18 (1) In this section:
- “**amended**”, in respect of a domestic enactment, includes
- (a) the repeal and replacement of the domestic enactment with a domestic enactment in relation to the same subject matter, and
 - (b) the revision or consolidation of the domestic enactment;
- “**foreign enactment**” means
- (a) an Act or a regulation, or a portion of an Act or regulation, of a jurisdiction outside British Columbia or Canada, and

- (b) an enactment of a municipality other than the City.
- (2) If a domestic enactment is amended, a reference in an unrepealed City enactment to the domestic enactment is to be construed, for a subsequent transaction, matter or thing, as a reference to the amended domestic enactment.
- (3) Subject to section 2 (1), subsection (2) applies whether the domestic enactment is amended before, at the same time as or after the coming into force of the enactment in which the reference to the domestic enactment appears.
- (4) If a domestic enactment is repealed and not replaced with a domestic enactment in relation to the same subject matter, a reference in an unrepealed City enactment to the domestic enactment is to be construed, for a subsequent transaction, matter or thing, as a reference to the repealed domestic enactment as it read immediately before its repeal.
- (5) A reference in a City enactment to a foreign enactment is to be construed as a reference to the foreign enactment as it read on the date the enactment containing the reference to that foreign enactment was enacted.

References in enactments

- 19** (1) A reference in a City enactment to a series of numbers or letters by the first and last numbers or letters of the series includes the number or letter first and last mentioned.
- (2) A reference in a City enactment to a Part, division, section, schedule, appendix, or form is a reference to a Part, division, section, schedule, appendix or form of the enactment in which the reference occurs.
- (3) A reference in a City enactment to a subsection, paragraph, subparagraph or clause is a reference to a subsection, paragraph, subparagraph or clause of the section, subsection, paragraph or subparagraph in which the reference occurs.
- (4) A reference in a City enactment by number or letter to a section, subsection, paragraph, subparagraph, clause or other division or line of another enactment must be construed as a reference to the division or line of the other enactment.

Amending enactment part of enactment amended

- 20** An amending City enactment must be construed as part of the enactment that it amends.

Repeal

- 21** (1) If all or part of a City enactment is repealed, the repeal does not
 - (a) revive an enactment or thing not in force or existing immediately before the time when the repeal takes effect,
 - (b) affect the previous operation of the enactment so repealed or anything done or suffered under it,
 - (c) affect a right or obligation acquired, accrued, accruing or incurred under the enactment so repealed,
 - (d) subject to section 22 (b), affect an offence committed against or a contravention of the repealed enactment, or a penalty, forfeiture or punishment incurred under it, or
 - (e) affect an investigation, proceeding or remedy for the right, obligation, penalty, forfeiture or punishment.
- (2) Subject to section 22, an investigation, proceeding or remedy described in subsection (1) (e) may be instituted, continued or enforced and the penalty, forfeiture or punishment imposed as if the enactment had not been repealed.

Repeal and replacement

- 22** If a City enactment (the "former enactment") is repealed and another City enactment (the "new enactment") is substituted for it,
- (a) the procedure established by the new enactment must be followed as far as it can be adapted in the recovery or enforcement of penalties and forfeitures incurred under the former enactment, in the enforcement of rights existing or accruing under the former enactment, and in a proceeding relating to matters that happened before the repeal, and
 - (b) when a penalty, forfeiture or punishment is reduced or mitigated by the new enactment, the penalty, forfeiture or punishment if imposed or adjusted after the repeal must be reduced or mitigated accordingly.

No implications from repeal, amendment, etc.

- 23** (1) The following must not be construed to be or to involve either a declaration that a City enactment was or was considered by the Council or other body or person who enacted it to have been previously in force, or a declaration about the previous state of the law:
- (a) the repeal of all or part of a City enactment;
 - (b) the repeal of a City enactment and the substitution for it of another City enactment;
 - (c) the amendment of a City enactment.
- (2) The amendment of a City enactment must not be construed to be or to involve a declaration that the law under the enactment prior to the amendment was or was considered by the Council or other body or person who enacted it to have been different from the law under the enactment as amended.
- (3) An amendment, consolidation, re-enactment or revision of a City enactment must not be construed to be or to involve an adoption of the construction that has by judicial decision or otherwise been placed on the language used in the enactment or on similar language.

Severability

- 24** If any part of a City enactment is held to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder remains valid.

Citation of bylaws

- 25** A bylaw may be cited
- (a) by reference to its title, with or without reference to its bylaw number or year of adoption or revision, or
 - (b) by reference to its bylaw number and year of adoption or revision, with or without reference to its title.

Mutatis mutandis

- 26** If a City enactment provides that another enactment applies, it applies with the necessary changes and so far as it is applicable.

READ A FIRST TIME on April 15, 2019
READ A SECOND TIME on April 15, 2019
READ A THIRD TIME on April 15, 2019
ADOPTED on May 6, 2019

Henry Braun, Mayor

Katie Karn, Deputy City Clerk

William Flitton, Corporate Officer