

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1992, chapter 27

**AN ACT TO AMEND THE CITIES AND TOWNS ACT,
THE MUNICIPAL CODE OF QUÉBEC AND
OTHER LEGISLATIVE PROVISIONS**

Bill 22

Introduced by Mr Claude Ryan, Minister of Municipal Affairs

Introduced 14 May 1992

Passage in principle 4 June 1992

Passage 22 June 1992

Assented to 23 June 1992

Coming into force: 23 June 1992

Acts amended:

Cities and Towns Act (R.S.Q., chapter C-19)

Municipal Code of Québec (R.S.Q., chapter C-27.1)

Act respecting municipal debts and loans (R.S.Q., chapter D-7)

Charter of the city of Montréal (1959-60, chapter 102)



CHAPTER 27

An Act to amend the Cities and Towns Act, the Municipal Code of Québec and other legislative provisions

[Assented to 23 June 1992]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-19,
s. 29.9.1,
added

1. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting, after section 29.9, the following section:

Agreement

“29.9.1 A municipality may enter into an agreement with the Union des municipalités du Québec or the Union des municipalités régionales de comté et des municipalités locales du Québec inc., or with both bodies, for the purchase of equipment or materials or for the awarding of an insurance contract or a contract for the supply of services other than professional services, by the body or bodies in the name of the municipality.

Applicable
rules

The rules governing the awarding of contracts by a municipality apply to contracts awarded under this section as if the body or bodies were a municipality having a population that corresponds to the combined population of the municipalities that are parties to the agreement.”

c. C-19,
s. 99, am.

2. Section 99 of the said Act is amended by adding the words “or securities issued by a municipality or by a mandatory body of a municipality or a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3)” at the end of the second paragraph.

c. C-19,
s. 369,
replaced

3. Section 369 of the said Act, amended by section 174 of chapter 4 of the statutes of 1990, is replaced by the following section:

Penalty

“369. Except where the applicable penalty is provided for by law, the council may, by by-law,

(1) prescribe that an offence under any regulatory provision coming under its jurisdiction shall be sanctioned by a fine;

(2) prescribe either a fine of a fixed amount, or the minimum and maximum fines or a minimum fine of \$1 and a maximum fine.

Maximum
amount

The fixed amount or maximum amount prescribed cannot exceed, for a first offence, \$1 000 if the offender is a natural person, or \$2 000 if the offender is a legal person. In the case of a second or subsequent conviction, the fixed amount or maximum amount prescribed cannot exceed \$2 000 if the offender is a natural person, or \$4 000 if the offender is a legal person."

c. C-19,
s. 412, am.

4. Section 412 of the said Act, amended by section 175 of chapter 4 of the statutes of 1990, is again amended

(1) by replacing the figure "10" in the fourth line of the fourth paragraph of paragraph 20 by the figure "30";

(2) by replacing the figure "25" in the fifth line of the fourth paragraph of paragraph 20 by the figure "75".

c. C-19,
s. 413, am.

5. Section 413 of the said Act is amended by adding the words "to acquire, for the purpose of renting or selling to persons to whom garbage removal service is provided in the territory of the municipality, containers or other implements used in the operation of the service;" at the end of subparagraph *a* of paragraph 10.

c. C-19,
s. 464, am.

6. Section 464 of the said Act is amended

(1) by adding, at the end of paragraph 10, the following paragraph:

Retroactive
effect

"Every by-law adopted under this paragraph may have effect retroactively to the effective date of the insurance policy or the amendment to it, as the case may be.";

(2) by adding, at the end, the following paragraph:

Resolution

"However, the council may exercise its powers under subparagraph 10 of the first paragraph by resolution."

c. C-19,
ss. 465.1
to 465.18,
added

7. The said Act is amended by inserting, after section 465, the following subdivision:

“§ 20.1.—*Damage insurance*”Joint
application

“465.1 Municipalities may file with the Minister of Municipal Affairs a joint application for the incorporation of a corporation the object of which is to transact damage insurance business exclusively for the municipalities that are members thereof and their mandatary bodies within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3).

“municipa-
lity”

For the purposes of this subdivision, the word “municipality” means any municipality, by whatever law governed, including the city of Montréal and the city of Québec.

By-law

“465.2 The council of each of the applicant municipalities must adopt a by-law whereby it approves the agreement referred to in section 465.3 and authorizes the filing of the application.

Agreement

“465.3 The application must be accompanied with an agreement applicable to the members indicating

- (1) the name of the corporation;
- (2) the name of the applicant municipalities;
- (3) the place in Québec where the head office of the corporation will be situated;
- (4) the proposed classes of damage insurance;
- (5) the name, address and occupation of each member of the first board of directors of the corporation;
- (6) the mode of determination and payment of the annual contribution and of any other contribution required of the municipalities, and the classes of municipalities established for that purpose, where that is the case;
- (7) any other measure necessary for the administration and operation of the corporation, in particular measures concerning the participation, withdrawal or expulsion of a member, that is not inconsistent with the legislative provisions applicable pursuant to section 465.10.

Documents

“465.4 The application must, in addition, be accompanied with the following documents:

- (1) a development plan supported by a budgeted statement of the balance sheet, operating account and surplus account over a period

of not less than three years, showing the calculation assumptions used;

(2) the résumé of each of the proposed directors.

Information and documents

“465.5 The Minister or the Inspector General of Financial Institutions may require any other information or document he considers necessary for the evaluation of the application or documents accompanying it.

Letters patent

“465.6 After receiving the advice of the Inspector General stating that the proposed incorporation is financially viable, the Minister may request the latter to issue letters patent to incorporate the corporation.

Publication

The Inspector General shall cause to be published in the *Gazette officielle du Québec*, at the expense of the corporation, the notice of the issuance of the letters patent indicating their effective date.

Incorporation

“465.7 Upon the issuance of the letters patent, the corporation is incorporated.

Supplementary letters patent

“465.8 The Inspector General shall, at the Minister's request, issue supplementary letters patent to amend the letters patent or supplementary letters patent of a corporation.

Applicable provisions

The second paragraph of section 465.6 applies in respect of supplementary letters patent.

Conditions

The supplementary letters patent may be issued only if the amendment embodied therein has been the subject of an application ratified by two-thirds of the members of the corporation.

Correction or cancellation

“465.9 Where letters patent contain a misnomer, a misdescription or a clerical error, the Inspector General may, if there is no adverse claim, direct that the letters patent be corrected or cancelled and that correct ones be issued.

Applicable provisions

“465.10 The provisions of the Act respecting insurance (R.S.Q., chapter A-32) apply, adapted as required, to a corporation as if it were a mutual damage insurance company and an insurer, with the exception of sections 33.1 to 33.3, 88.1, 93.1, 175 to 200, 210, 223 to 242, 245, 245.0.1, 246 to 247.1 and 406.2.

Applicable provisions

The second and third paragraphs of section 35 of the said Act apply to a corporation as if it were incorporated by a special Act.

Number of members

For the purposes of section 319 of the said Act, the number of members required shall not be fewer than 10 % of the membership.

Applicable
provisions

Section 404.1 of the said Act applies to a corporation.

Investment
rules

"465.11 A corporation may invest its moneys in accordance with the rules governing the investment of the property of others provided in the Civil Code of Lower Canada. It may also invest its moneys in accordance with the second paragraph of section 99 of this Act or paragraph *d* of section 245.0.1 of the Act respecting insurance.

Director

"465.12 A director of a corporation need not be a member of the council of a municipality that is a party to the agreement.

Increase
in contri-
butions

"465.13 If the Inspector General is of the opinion that the contributions which the municipalities are required to pay are no longer sufficient, in view of the obligations of the corporation, to maintain assets that exceed its liabilities for an amount equal to or greater than the minimum amount required under section 275 of the Act respecting insurance, he may order the corporation, after giving it the opportunity to be heard, to increase the contributions by the amount and for the period he determines, so as to cover the operating costs of the corporation.

Payment

The municipalities are thereupon bound to pay the required contributions.

Order

The order is deemed to be an order made under the Act respecting insurance.

Loan
by-law

"465.14 Any municipality may, by a by-law which requires only the approval of the Minister, order a loan for the payment of a contribution.

Withdrawal

"465.15 No member may withdraw from the corporation before the expiry of three years after the date on which it became a member.

Authoriza-
tion

After the three-year period, the withdrawal of a member is subject to the authorization of the Inspector General.

Authoriza-
tion

The Inspector General shall grant his authorization

(1) if he considers that the corporation remains financially viable despite the withdrawal;

(2) if the corporation agrees to comply with the conditions he considers necessary for the corporation to remain financially viable despite the withdrawal.

Winding-up

If the corporation cannot, in the opinion of the Inspector General, remain financially viable despite the withdrawal or if the corporation

refuses to comply with the conditions considered necessary by the Inspector General, the latter shall order the winding-up of the corporation and appoint a liquidator.

Observations The Inspector General shall, before ordering the winding-up of the corporation, give it an opportunity to present observations in writing within thirty days after the sending of a notice in which he informs the corporation of his intention to order its winding-up.

Effect The order has the same effect as an order rendered by a judge of the Superior Court under section 25 of the Winding-up Act (R.S.Q., chapter L-4).

Applicable provisions The provisions of Chapter XI of Title IV of the Act respecting insurance also apply, adapted as required, to the winding-up so ordered to the extent that they are not inconsistent with the provisions of the Act respecting insurance.

Applicable provisions This section also applies in cases of expulsion of a member of the corporation.

Authorization **"465.16** The voluntary winding-up of a corporation must be authorized by the Minister.

Insurer's licence **"465.17** Notwithstanding any provision to the contrary, a corporation is not required, to obtain an insurer's licence, to undertake to be party to a standard-form contract and to maintain the conditions stated therein with the Property and Casualty Insurance Compensation Corporation.

Report **"465.18** The Minister must, during the fifth year after the coming into force of this subdivision, report to the Government on the application of the provisions of this subdivision.

Tabling The report shall be tabled within the following fifteen days before the National Assembly if it is in session or, if it is not sitting, within fifteen days following resumption."

c. C-19, s. 468.37, am. **8.** Section 468.37 of the said Act is amended by replacing the words "or by bonds" in the third line by the words ", bonds or other securities".

c. C-19, s. 468.39, am. **9.** Section 468.39 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

Certified copy **"468.39** If all the corporations have approved the by-law, the secretary of the management board shall send a certified copy of it

to the Minister of Municipal Affairs, together with every other document he may require.”;

(2) by replacing the third paragraph by the following paragraph:

Information “The secretary must provide the Minister with any information requested by him with respect to the by-law.”

c. C-19,
s. 468.40,
am. **10.** Section 468.40 of the said Act is amended by replacing the words “or of notes issued by the board for the repayment of such securities” in the third and fourth lines by the words “, notes or other debt securities issued by the board for the repayment thereof”.

c. C-19,
s. 468.41,
am. **11.** Section 468.41 of the said Act is amended by replacing the words “or notes” in the first line by the words “, notes or other debt securities”.

c. C-19,
s. 468.42,
am. **12.** Section 468.42 of the said Act is amended by replacing the words “or a note” in the first line by the words “, note or other debt security”.

c. C-19,
s. 468.44,
am. **13.** Section 468.44 of the said Act is amended by inserting the words “, debt security” after the word “note” in the second line.

c. C-19,
s. 468.51,
am. **14.** Section 468.51 of the said Act is amended

(1) by inserting the figures “, 554, 555” after the figure “477.2” in the third line;

(2) by adding, at the end, the following paragraph:

Population “For the purposes of sections 573 and 573.1, the population of a management board shall consist of the combined population of all the municipalities that are party to the agreement.”

c. C-19,
s. 547, am. **15.** Section 547 of the said Act, amended by section 164 of chapter 32 of the statutes of 1991, is again amended by replacing the words “or notes” in the second and third lines of the fifth paragraph by the words “, notes or other securities”.

c. C-19,
s. 549, am. **16.** Section 549 of the said Act is amended by replacing the words “or by notes” in the second line of the first paragraph by the words “, notes or other securities”.

c. C-19,
s. 556, am. **17.** Section 556 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

Approval

"However, a loan by-law the sole purpose of which is the preparation of plans and specifications requires only the approval of the Minister."

c. C-19,
s. 561, am.

18. Section 561 of the said Act is amended by replacing the words "or notes" at the end of the second paragraph by the words ", notes or other securities".

c. C-19,
s. 562,
replaced

19. Section 562 of the said Act is replaced by the following section:

Certified
copy

"562. The clerk shall transmit a certified copy of the loan by-law to the Minister of Municipal Affairs, together with every other document he may require.

Information

The clerk must provide the Minister with any information requested by him with respect to the by-law."

c. C-19,
s. 563,
repealed

20. Section 563 of the said Act is repealed.

c. C-19,
s. 563.1,
am.

21. Section 563.1 of the said Act is amended by replacing the words "by means of notes" in the second and third lines by the words "otherwise than by an issue of bonds".

c. C-19,
s. 563.2,
repealed

22. Section 563.2 of the said Act is repealed.

c. C-19,
s. 565, am.

23. Section 565 of the said Act is amended by replacing the words "or bonds" in the third line of the first paragraph by the words ", bonds or other securities".

c. C-19,
s. 567, am.

24. Section 567 of the said Act is amended

(1) by inserting the words "or expenses for which payment of a subsidy by the Government or one of its ministers or agencies is assured" after the word "expenses" in the second line of the first paragraph of subsection 2;

(2) by replacing the words "and notes" in the third line of the second paragraph of subsection 2 by the words ", notes or other securities";

(3) by replacing the words "which causes works subsidized in whole or in part by the Government or one of its ministers or agencies to be carried out" in the first, second and third lines of subsection 3 by the words "which incurs expenses in respect of all or any part of which payment of a subsidy by the Government or one of its ministers or agencies is assured";

(4) by replacing the word “par” in the fifth line of subsection 3 of the French text by the word “pas”.

c. C-19,
s. 569, am. **25.** Section 569 of the said Act is amended by striking out the third paragraph of subsection 1.

c. C-19,
s. 573, am. **26.** Section 573 of the said Act is amended by replacing the figure “\$25 000” in the first line of the first paragraph of subsection 1 by the words and figures “\$50 000 in the case of a municipality having a population of less than 50 000, or \$100 000 in the case of a municipality having a population of 50 000 or over”.

c. C-19,
s. 573.1,
am. **27.** Section 573.1 of the said Act is amended by replacing the words and figures “\$5 000 and less than \$25 000” in the fourth line of the first paragraph by the words and figures “\$10 000 and less than \$50 000 in the case of a municipality having a population of less than 50 000, or exceeding \$20 000 and less than \$100 000 in the case of a municipality having a population of 50 000 or over”.

c. C-19,
ss. 573.1.1
and 573.1.2,
added **28.** The said Act is amended by inserting, after section 573.1, the following sections:

Leasing
contract **“573.1.1** A municipality may enter into a leasing contract in respect of movable property that must be acquired by tender in accordance with section 573 or 573.1, provided it discloses, in the call for tenders, that it will have the option to enter into a leasing contract in respect of the property.

Notice **A municipality which opts to enter into a leasing contract must give notice thereof in writing to the successful tenderer. Upon receipt of the notice, the latter must enter into a contract in respect of the movable property, in accordance with the conditions subject to which his tender was accepted, with the lessor which the municipality designates in the notice.**

Renewal **“573.1.2** An insurance contract awarded by tender for a period of less than three years may, upon termination, be renewed without calling for tenders for one or several terms which, added to the initial term, must in no case exceed three years. Premiums may, after the initial term, be modified for the duration of a new term.”

c. C-19,
s. 573.4,
am. **29.** Section 573.4 of the said Act is amended

(1) by replacing the figures and word “, 573.1, 573.2 and” in the first line by the word “to”;

(2) by striking out the words “, for the awarding of contracts involving an amount exceeding \$25 000” in the fourth and fifth lines of paragraph *a*.

c. C-19,
s. 576, am.

30. Section 576 of the said Act, replaced by section 181 of chapter 4 of the statutes of 1990, is amended by replacing the words “within six months” in the first line by the words “within one year from the date of commission of the offence.”

c. C-19,
Form 36,
repealed

31. Form 36 of the said Act is repealed.

c. C-27.1,
a. 14.7.1,
added

32. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting, after article 14.7, the following article:

“14.7.1 A municipality may enter into an agreement with the Union des municipalités du Québec or the Union des municipalités régionales de comté et des municipalités locales du Québec inc., or with both bodies, for the purchase of equipment or materials or for the awarding of an insurance contract or a contract for the supply of services other than professional services, by the body or bodies in the name of the municipality.

The rules governing the awarding of contracts by a municipality apply to contracts awarded under this article as if the body or bodies were a municipality having a population that corresponds to the combined population of the municipalities that are parties to the agreement.”

c. C-27.1,
a. 203, am.

33. Article 203 of the said Code is amended

(1) by adding the words “or securities issued by a municipality or by a mandatory body of a municipality or a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3)” at the end of the first paragraph;

(2) by inserting the words “or other securities” after the word “notes” in the first line of the third paragraph.

c. C-27.1,
a. 455,
replaced

34. Article 455 of the said Code, replaced by section 247 of chapter 4 of the statutes of 1990, is again replaced by the following article:

“455. Except where the applicable penalty is provided for by law, the council may, by by-law,

(1) prescribe that an offence under any regulatory provision coming under its jurisdiction shall be sanctioned by a fine;

(2) prescribe either a fine of a fixed amount, or the minimum and maximum fines or a minimum fine of \$1 and a maximum fine.

The fixed amount or maximum amount prescribed cannot exceed, for a first offence, \$1 000 if the offender is a natural person, or \$2 000 if the offender is a legal person. In the case of a second or subsequent conviction, the fixed amount or maximum amount prescribed cannot exceed \$2 000 if the offender is a natural person, or \$4 000 if the offender is a legal person."

c. C-27.1,
a. 486, am.

35. Article 486 of the said Code is amended

(1) by replacing the words "all documents tending to inform the person or body concerned of the fulfilment of the provisions of the law and of the advisability of passing the by-law" in the fifth, sixth and seventh lines of the first paragraph by the words "the by-law, together with every other document required by the person to whom it is to be forwarded,";

(2) by replacing the second paragraph by the following paragraph:

"The secretary-treasurer must provide the person to whom the certified copy is to be forwarded with any information requested by him with respect to the by-law."

c. C-27.1,
a. 487,
repealed

36. Article 487 of the said Code is repealed.

c. C-27.1,
a. 547, am.

37. Article 547 of the said Code is amended by adding the words "to acquire, for the purpose of renting or selling to persons to whom a garbage removal service is provided in the territory of the municipality, containers or other implements used in the operation of the service;" after the figure "548.2;" in paragraph *b*.

c. C-27.1,
a. 565, am.

38. Article 565 of the said Code, amended by section 250 of chapter 4 of the statutes of 1990, is again amended

(1) by replacing the figure "10" in the fourth line of the fourth paragraph by the figure "30";

(2) by replacing the figure "25" in the fifth line of the fourth paragraph by the figure "75".

c. C-27.1,
a. 606, am. **39.** Article 606 of the said Code is amended by replacing the words “or bonds” in the fourth line by the words “, bonds or other securities”.

c. C-27.1,
a. 608, am. **40.** Article 608 of the said Code is amended

(1) by replacing the first paragraph by the following paragraph:

“608. If all the municipalities have approved the by-law, the secretary of the management board shall send a certified copy of it to the Minister of Municipal Affairs, together with every other document he may require.”;

(2) by replacing the third paragraph by the following paragraph:

“The secretary must provide the Minister with any information requested by him with respect to the by-law.”

c. C-27.1,
a. 609, am. **41.** Article 609 of the said Code is amended by replacing the words “or of notes issued by the board for the repayment of such securities” in the third and fourth lines by the words “, notes or other debt securities issued by the board for the repayment thereof”.

c. C-27.1,
a. 610, am. **42.** Article 610 of the said Code is amended by replacing the words “or notes” in the first line by the words “, notes or other debt securities”.

c. C-27.1,
a. 611, am. **43.** Article 611 of the said Code is amended by replacing the words “or a note” in the first line by the words “, note or other debt security”.

c. C-27.1,
a. 613, am. **44.** Article 613 of the said Code is amended by inserting the words “, debt security” after the word “note” in the second line.

c. C-27.1,
a. 620, am. **45.** Article 620 of the said Code is amended

(1) by inserting the figures “, 554, 555” after the figure “477.2” in the third line;

(2) by adding, at the end, the following paragraph:

“For the purposes of sections 573 and 573.1 of the Cities and Towns Act, the population of a management board shall consist of the combined population of all the municipalities that are parties to the agreement.”

c. C-27.1,
a. 708, am. **46.** Article 708 of the said Code is amended by adding, at the end, the following paragraph:

“Every by-law adopted under this article may have effect retroactively to the effective date of the insurance policy or the amendment to it, as the case may be.”

c. C-27.1,
aa. 711.1
to 711.19,
added

47. The said Code is amended by inserting, after article 711, the following:

“711.1 However, the council of a municipality may exercise its powers under article 708 by resolution.

“TITLE XVIII.1

“DAMAGE INSURANCE

“711.2 Local municipalities may file with the Minister of Municipal Affairs a joint application for the incorporation of a corporation the object of which is to transact damage insurance business exclusively for the municipalities that are members thereof and their mandatary bodies within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3).

For the purposes of this Title, the word “municipality” means any municipality, by whatever law governed.

“711.3 The council of each of the applicant municipalities must adopt a by-law whereby it approves the agreement referred to in article 711.4 and authorizes the filing of the application.

“711.4 The application must be accompanied with an agreement applicable to the members indicating

- (1) the name of the corporation;
- (2) the name of the applicant municipalities;
- (3) the place in Québec where the head office of the corporation will be situated;
- (4) the proposed classes of damage insurance;
- (5) the name, address and occupation of each member of the first board of directors of the corporation;
- (6) the mode of determination and payment of the annual contribution and of any other contribution required of the municipalities, and the classes of municipalities established for that purpose, where that is the case;

(7) any other measure necessary for the administration and operation of the corporation, in particular measures concerning the participation, withdrawal or expulsion of a member, that is not inconsistent with the legislative provisions applicable pursuant to article 711.11.

“711.5 The application must, in addition, be accompanied with the following documents:

(1) a development plan supported by a budgeted statement of the balance sheet, operating account and surplus account over a period of not less than three years, showing the calculation assumptions used;

(2) the résumé of each of the proposed directors.

“711.6 The Minister or the Inspector General of Financial Institutions may require any other information or document he considers necessary for the evaluation of the application or documents accompanying it.

“711.7 After receiving the advice of the Inspector General stating that the proposed incorporation is financially viable, the Minister may request the latter to issue letters patent to incorporate the corporation.

The Inspector General shall cause to be published in the *Gazette officielle du Québec*, at the expense of the corporation, the notice of the issuance of the letters patent indicating their effective date.

“711.8 Upon the issuance of the letters patent, the corporation is incorporated.

“711.9 The Inspector General shall, at the Minister's request, issue supplementary letters patent to amend the letters patent or supplementary letters patent of a corporation.

The second paragraph of article 711.7 applies in respect of supplementary letters patent.

The supplementary letters patent may be issued only if the amendment embodied therein has been the subject of an application ratified by two-thirds of the members of the corporation.

“711.10 Where letters patent contain a misnomer, a misdescription or a clerical error, the Inspector General may, if there is no adverse claim, direct that the letters patent be corrected or cancelled and that correct ones be issued.

"711.11 The provisions of the Act respecting insurance (R.S.Q., chapter A-32) apply, adapted as required, to a corporation as if it were a mutual damage insurance company and an insurer, with the exception of sections 33.1 to 33.3, 88.1, 93.1, 175 to 200, 210, 223 to 242, 245, 245.0.1, 246 to 247.1 and 406.2.

The second and third paragraphs of section 35 of the said Act apply to a corporation as if it were incorporated by a special Act.

For the purposes of section 319 of the said Act, the number of members required shall not be fewer than 10 % of the membership.

Section 404.1 of the said Act applies to a corporation.

"711.12 A corporation may invest its moneys in accordance with the rules governing the investment of the property of others provided in the Civil Code of Lower Canada. It may also invest its moneys in accordance with the second paragraph of article 203 of this Code or paragraph *d* of section 245.0.1 of the Act respecting insurance.

"711.13 A director of a corporation need not be a member of the council of a municipality that is a party to the agreement.

"711.14 If the Inspector General is of the opinion that the contributions which the municipalities are required to pay are no longer sufficient, in view of the obligations of the corporation, to maintain assets that exceed its liabilities for an amount equal to or greater than the minimum amount required under section 275 of the Act respecting insurance, he may order the corporation, after giving it the opportunity to be heard, to increase the contributions by the amount and for the period he determines, so as to cover the operating costs of the corporation.

The municipalities are thereupon bound to pay the required contributions.

The order is deemed to be an order made under the Act respecting insurance.

"711.15 Any municipality may, by a by-law which requires only the approval of the Minister, order a loan to provide for the payment of a contribution.

"711.16 No member may withdraw from the corporation before the expiry of three years after the date on which it became a member.

After the three-year period, the withdrawal of a member is subject to the authorization of the Inspector General.

The Inspector General shall grant his authorization

(1) if he considers that the corporation remains financially viable despite the withdrawal;

(2) if the corporation agrees to comply with the conditions he considers necessary for the corporation to remain financially viable despite the withdrawal.

If the corporation cannot, in the opinion of the Inspector General, remain financially viable despite the withdrawal or if the corporation refuses to comply with the conditions considered necessary by the Inspector General, the latter shall order the winding-up of the corporation and appoint a liquidator.

The Inspector General shall, before ordering the winding-up of the corporation, give it an opportunity to present observations in writing within thirty days after the sending of a notice in which he informs the corporation of his intention to order its winding-up.

The order has the same effect as an order rendered by a judge of the Superior Court under section 25 of the Winding-up Act (R.S.Q., chapter L-4).

The provisions of Chapter XI of Title IV of the Act respecting insurance also apply, adapted as required, to the winding-up so ordered to the extent that they are not inconsistent with the provisions of the Act respecting insurance.

This article also applies in cases of expulsion of a member of the corporation.

“711.17 The voluntary winding-up of a corporation must be authorized by the Minister.

“711.18 Notwithstanding any provision to the contrary, a corporation is not required, to obtain an insurer’s licence, to undertake to be party to a standard-form contract and to maintain the conditions stated therein with the Property and Casualty Insurance Compensation Corporation.

“711.19 The Minister must, during the fifth year after the coming into force of this Title, report to the Government on the application of the provisions of this Title.

The report shall be tabled within the following fifteen days before the National Assembly if it is in session or, if it is not sitting, within fifteen days following resumption."

c. C-27.1,
a. 920, am. **48.** Article 920 of the said Code is amended by replacing the figure "\$1 500" in the second line by the figure "\$15 000".

c. C-27.1,
a. 935, am. **49.** Article 935 of the said Code is amended by replacing the figure "\$25 000" in the first line of the first paragraph of subsection 1 by the words and figures "\$50 000 in the case of a municipality having a population of less than 50 000, or \$100 000 in the case of a municipality having a population of 50 000 or over".

c. C-27.1,
a. 936, am. **50.** Article 936 of the said Code is amended by replacing the words and figures "\$5 000 and less than \$25 000" in the fourth line of the first paragraph by the words and figures "\$10 000 and less than \$50 000 in the case of a municipality having a population of less than 50 000, or exceeding \$20 000 and less than \$100 000 in the case of a municipality having a population of 50 000 or over".

c. C-27.1,
aa. 936.1
and 936.2,
added **51.** The said Code is amended by inserting, after article 936, the following articles:

"936.1 A municipality may enter into a leasing contract in respect of movable property that must be acquired by tender in accordance with article 935 or 936, provided it discloses, in the call for tenders, that it will have the option to enter into a leasing contract in respect of the property.

A municipality which opts to enter into a leasing contract must give notice thereof in writing to the successful tenderer. Upon receipt of the notice, the latter must enter into a contract in respect of the movable property, in accordance with the conditions subject to which his tender was accepted, with the lessor which the municipality designates in the notice.

"936.2 An insurance contract awarded by tender for a period of less than three years may, upon termination, be renewed without calling for tenders for one or several terms which, added to the initial term, must in no case exceed three years. Premiums may, after the initial term, be modified for the duration of the new term."

c. C-27.1,
a. 1060.1,
added **52.** The said Code is amended by inserting, after the heading of Chapter I of Title XXVI, the following article:

"1060.1 Any municipality may, for any purposes within its jurisdiction, borrow sums of money by issuing bonds, notes or any other securities."

c. C-27.1,
a. 1061, am. **53.** Article 1061 of the said Code is amended by inserting, after the second paragraph, the following paragraph:

"However, a loan by-law the sole purpose of which is the preparation of plans and specifications requires only the approval of the Minister."

c. C-27.1,
a. 1071.1, am. **54.** Article 1071.1 of the said Code is amended by replacing the words "by means of notes" in the second and third lines by the words "otherwise than by issuing bonds".

c. C-27.1,
a. 1072, am. **55.** Article 1072 of the said Code is amended by replacing the first paragraph by the following paragraphs:

"1072. Every by-law ordering a loan must also provide, in accordance with the following rules, for the payment of the interest and for the establishment of a sinking-fund.

The sinking-fund may be established either by means of a special tax imposed by the by-law and levied annually, until the extinction of the debt, on all taxable immovables in the territory of the municipality or only on those the owners of which are bound to contribute to the repayment of such a loan, or by setting aside each year for that purpose a portion of the general revenues of the municipality. In either case, the amount paid each year into the sinking-fund must be sufficient to yield, with compound interest at a rate of 3.5 % per annum, the capital to be paid at maturity.

The sum necessary for the payment of interest may likewise be taken from the general revenues or levied annually by means of a special tax imposed by the by-law on the immovables referred to in the second paragraph.

Nevertheless, no municipality may, to pay the interest and establish the sinking-fund, use more than one-half of the ordinary revenues from the general taxes it is empowered to impose under articles 989 and following and from the business tax or the surtax on non-residential immovables it is empowered to impose under the Act respecting municipal taxation, and the excess it may need for such purposes must be levied by means of a special tax on immovables."

c. C-27.1,
a. 1075,
replaced **56.** Article 1075 of the said Code is replaced by the following article:

“1075. The secretary-treasurer shall transmit a certified copy of the loan by-law to the Minister of Municipal Affairs, together with every other document he may require.

The secretary-treasurer must provide the Minister with any information requested by him with respect to the by-law.”

c. C-27.1,
a. 1075.1,
repealed

57. Article 1075.1 of the said Code is repealed.

c. C-27.1,
a. 1077, am.

58. Article 1077 of the said Code is amended by replacing the words “or bonds” in the third line of the first paragraph by the words “, bonds or other securities”.

c. C-27.1,
a. 1081,
repealed

59. Article 1081 of the said Code is repealed.

c. C-27.1,
a. 1084, am.

60. Article 1084 of the said Code is amended by replacing the words “or notes” at the end of the second paragraph by the words “, notes or other securities”.

c. C-27.1,
a. 1093, am.

61. Article 1093 of the said Code is amended

(1) by inserting the words “or expenses for which payment of a subsidy by the Government or one of its ministers or agencies is assured” after the word “expenses” in the second line of the first paragraph;

(2) by replacing the words “and notes” in the third and fourth lines of the second paragraph by the words “, notes or other securities”.

c. C-27.1,
a. 1093.1,
am.

62. Article 1093.1 of the said Code is amended by replacing the words “which causes works subsidized in whole or in part by the Government or one of its ministers or agencies to be carried out” in the first, second and third lines by the words “which incurs expenses in respect of all or any part of which payment of a subsidy by the Government or one of its ministers or agencies is assured”.

c. C-27.1,
a. 1094, am.

63. Article 1094 of the said Code is amended by striking out the third paragraph of subarticle 1.

c. C-27.1,
aa. 1097
to 1100,
replaced

64. Articles 1097 to 1100 of the said Code are replaced by the following article:

“1097. Every municipal corporation may, in conformity with the expropriation procedure established by law,

(1) expropriate any immovable, part of an immovable or servitude necessary for the carrying out of work ordered by it within its jurisdiction;

(2) expropriate, in whole or in part, any paved or gravel road in the municipality belonging to persons, companies or private corporations;

(3) expropriate any immovable, part of an immovable or servitude it needs for municipal purposes, including the parking of motor vehicles.

The foregoing provisions of this article shall not be regarded as restricting the right which the corporation may otherwise have to acquire, by mutual agreement, immovables for the same purposes."

c. C-27.1,
a. 1108, am. **65.** Article 1108 of the said Code, replaced by section 259 of chapter 4 of the statutes of 1990, is amended by replacing the words "within three months" in the first line by the words "within one year from the date of commission of the offence,".

c. D-7,
s. 8, am. **66.** Section 8 of the Act respecting municipal debts and loans (R.S.Q., chapter D-7) is amended by replacing the fourth paragraph by the following paragraph:

Approval "The resolution or by-law under which the corporation exercises a power under this section does not require any approval."

1959-60,
c. 102,
a. 98, am. **67.** Article 98 of the charter of the city of Montréal (1959-60, chapter 102), replaced by section 5 of chapter 40 of the statutes of 1980 and amended by section 5 of chapter 87 of the statutes of 1988, is again amended by replacing the words "fifty thousand dollars" by the figure "\$100 000".

1959-60,
c. 102,
a. 107, am. **68.** Article 107 of the said charter, replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980, by section 849 of chapter 57 of the statutes of 1987 and by section 9 of chapter 87 of the statutes of 1988, is again amended

(1) by replacing the figure "15 000" in paragraph *a* of subarticle 1 by the figure "20 000" and by replacing the figure "50 000" in the said paragraph by the figure "100 000";

(2) by replacing the figure "50 000" in paragraph *b* of subarticle 1 by the figure "100 000".

Time limits

69. Sections 30 and 65 do not extend the six-month and three-month time limits prescribed in section 576 of the Cities and Towns Act and in article 1108 of the Municipal Code of Québec, respectively, as they read before 23 June 1992, in respect of any penal proceedings relating to an offence committed before that date.

Contestation

70. A group insurance contract or a liability insurance contract entered into by a municipality, or a pension fund established by a municipality in respect of its officers and employees, before 23 June 1992 may not be contested on the ground that

(1) the decision of the municipality to take out insurance or to establish a pension fund was made by resolution;

(2) the insurance agreement covers a period prior to the date of the council's decision to take out the insurance; or

(3) the insurance agreement or the pension fund agreement entails a financial commitment for the municipality for a period of more than three years without the prior authorization of the Minister of Municipal Affairs or, if the agreement was entered into before 1 January 1985, for a period of more than 12 months without its being authorized beforehand by the Commission municipale du Québec.

Pending cases

The first paragraph does not apply to cases pending on 14 May 1992.

Coming into force

71. This Act comes into force on 23 June 1992.