

NATIONAL ASSEMBLY
Thirty-third Legislature, second session

1988, chapter 86

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONTRÉAL

Bill 200

Introduced by Madam Violette Trépanier, Member for Dorion

Introduced 26 May 1988

Passage in principle 17 June 1988

Passage 17 June 1988

Assented to 17 June 1988

Coming into force: 17 June 1988, except paragraph 1 of section 2 which will come into force on the date fixed by the Government

Act amended:

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



CHAPTER 86

An Act to amend the charter of the city of Montréal

[Assented to 17 June 1988]

Preamble WHEREAS it is in the interest of the city of Montréal that its charter, chapter 102 of the statutes of 1959-60, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1959-60,
c. 102,
a. 464a, am. **1.** Article 464a of the charter of the city of Montréal (1959-60, chapter 102), replaced by article 44 of chapter 77 of the statutes of 1977 and amended by article 8 of chapter 40 of the statutes of 1980, is again amended by inserting, in the first paragraph, after the word “building”, the following “or the alteration of residential buildings involving a reduction of the number or area of dwelling-units,”.

1959-60,
c. 102,
a. 524, am. **2.** Article 524 of the said charter, amended by section 55 of chapter 59 of the statutes of 1962, by section 20 of chapter 70 of the statutes of 1963 (1st session), by section 24 of chapter 86 of the statutes of 1966-67, by section 7 of chapter 90 and by section 1 of chapter 91 of the statutes of 1968, by section 21 of chapter 96 of the statutes of 1971, by section 4 of chapter 76 of the statutes of 1972, by section 58 of chapter 77 of the statutes of 1973, by section 48 of chapter 77 of the statutes of 1977, by section 82 of chapter 7 of the statutes of 1978, by section 10 of chapter 40 of the statutes of 1980, by section 21 of chapter 71 of the statutes of 1982 and by section 670 of chapter 91 of the statutes of 1986, is again amended

(1) by replacing subparagraph *f* of paragraph 2 by the following subparagraph:

“(f) regulate the parking of vehicles bearing one of the following identification stickers:

(1) an identification sticker issued under section 11 of the Highway Safety Code (R.S.Q., chapter C-24.2);

(2) a removable identification sticker issued by the Office des personnes handicapées du Québec in accordance with article 30.1 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);”;

(2) by replacing paragraph 18 by the following paragraph:

Demolition
and altera-
tion

“18. Control the demolition and alteration of buildings and for that purpose,

(a) Define “residential building” and categorize other classes of buildings and define them;

(b) Rule on the examination of any application for the demolition of a residential building in order to determine whether it should be preserved or if it may be demolished, in whole or in part, having regard to its condition, its architectural characteristics, its location, the fact that it forms part of a complex, the deterioration of the architectural appearance or esthetic character of the neighbourhood or of the quality of life in the neighbourhood, the cost of restoration, the intended use of vacated land and any other pertinent criterion, particularly in the case of a residential building, the prejudice caused to lessees, the housing needs in the area and the possibilities of relocation of the lessees, and in the case of another category of building, its potential for fostering job creation, the occupational balance and the maintenance of services; require the prior filing of a new land-use plan and, as it sees fit in each case of residential building, the erection on the same site or in any sector where housing is permitted, of dwelling-units in such number and of such area as it may determine; fix the terms and conditions of demolition and rebuilding and require that a guarantee be furnished to ensure compliance with the conditions attached to the authorization to demolish, including a guarantee on the parcel of land which is to constitute, after registration, a privileged charge of the same nature and rank as a municipal tax; compel every person who participates in an unlawful demolition to restore the building or the part of a building so demolished; delegate the exercise of such powers to the executive committee;

(c) Rule on the examination of any application for the alteration of a residential building involving a reduction in the number of dwelling-units or in their area in order to determine if the current number of dwelling-units or their area should be maintained or if they may be reduced to the extent indicated, having regard to the location of the building, the fact that it forms part of a complex, the deterioration of the quality of life of the neighbourhood, the projected occupancy of the building, the prejudice caused to lessees, the housing needs in the area, the possibilities of relocation of the lessees and any other pertinent criterion; and as it sees fit in each case, require the erection in any sector where housing is permitted, of dwelling-units in such number and of such area as it may determine; fix the terms and conditions of alteration and require that a guarantee be furnished to ensure compliance with the conditions attached to the authorization to make alterations, including a guarantee on the building which is to constitute, after registration, a privileged charge of the same nature and rank as a municipal tax; compel every person who participates in an unlawful alteration to restore the building or the part of a building so altered; delegate the exercise of such powers to the executive committee;

(d) Prescribe that the conditions provided in paragraph *b* apply to every building the demolition of which is imperative pursuant to the by-laws adopted under paragraph 37 of article 520 or paragraph 8 of article 524;

(e) Provide for an appeal to an arbitration board formed in the manner provided in paragraph 7 of article 525, from any decision rendered under subparagraphs *b*, *c* and *d*;

(f) Impose, as a sanction, whether or not a guarantee furnished under subparagraphs *b* and *c* has been realized, an additional tax not exceeding 25% of the value of any land the owner of which fails to meet the requirements for the construction of new dwelling-units; authorize the director of finance, from and after the default and for every year that it lasts, to alter the collection roll of real estate taxes to indicate the amount corresponding to such additional tax which becomes exigible thirty days after the sending of the account, this tax being recoverable in the same manner as real estate taxes;

(g) No by-law adopted pursuant to subparagraph *c* shall deprive any lessee of any right or remedy that he possesses under another Act.”

3. Article 524*b* of the said charter, enacted by section 11 of chapter 40 of the statutes of 1980, is replaced by the following article:

“**524b.** On being seized of an application for the demolition or the alteration of a residential building under a by-law enacted in

1959-60,
c. 102,
a. 524*b*,
replaced
Posting of
notice

accordance with paragraph 18 of article 524, the executive committee must cause a notice of the application, easily visible to passers-by, to be posted on the immovable contemplated in the application.

Content It must be mentioned in the notice that a person who wishes to oppose the demolition or alteration must, within ten days following the posting of the notice on the immovable concerned, make his objections known in writing to the clerk, giving the reasons for his objections.

Objections The clerk shall submit the objections received to the executive committee, which must consider them before rendering its decision.

Appeal A person who so opposed an application granted by the executive committee may appeal from that decision by following the procedure established by the said by-law.”

1959-60,
c. 102, Sec-
tion 8B,
added

4. The said charter is amended by adding, after Section 8A, the following section:

“SECTION 8B

Floating
hotel or
restaurant

“**527b.** Subject to articles 516, 517, 518 and 519, the council, by by-law, may authorize, on a case by case basis, within the limits and subject to the terms and conditions it determines, the moorings or construction or the occupation and operation of a floating structure for purposes of hotel and restaurant accommodation. By such a by-law, the council may, in particular,

(1) prescribe requirements concerning construction, development, occupation, zoning, nuisances, noise, safety, public health and hygiene, parking, posting of commercial or other signs, connections to the municipal waterworks, including the costs exigible in respect of such connections, inspections by municipal services and required permits;

(2) provide exemptions from any municipal by-law, and subject such authorization to any condition which may derogate from a municipal by-law.

Special
by-law

The council shall have 180 days, starting from the date on which the directors of the services concerned have received all the plans and information they may require from the applicant for a permit pertaining to a floating structure, to adopt a special by-law under the first paragraph. Such a by-law shall take effect, retroactively, from the date of the application and no acquired right may be invoked against a by-law adopted under the first paragraph in the case of the initial by-law concerning a given floating structure.

Procedure A special by-law adopted under the first paragraph is not subject to the procedure prescribed in article 451*a*, and the same applies to by-laws amending such a by-law.”

1959-60,
c. 102,
a. 528, am. **5.** Article 528 of the said charter, amended by section 56 of chapter 59 of the statutes of 1962, by section 9 of chapter 90 and by section 1 of chapter 92 of the statutes of 1968, by section 22 of chapter 96 of the statutes of 1971, by section 53 of chapter 77 of the statutes of 1977, by section 12 of chapter 40 of the statutes of 1980, by section 23 of chapter 71 and by section 26 of chapter 64 of the statutes of 1982, is again amended:

(1) by inserting paragraph 13.1:

Gas, gas
by-products,
thermal
energy “13.1 Sell gas or gas by-products as well as thermal energy generated at its waste disposal sites;”;

(2) by replacing paragraph 14 by the following paragraph:

Issue of
bonds “14. In order to obtain the funds required for the establishment of the aforesaid industry, issue bonds or other securities or raise special loans with sinking-fund for the amount which the council may deem necessary;”.

1959-60,
c. 102,
a. 528*d*,
added **6.** The said charter is amended by adding, after article 528*c*, the following article:

Powers of
city “**528*d*.** In the exercise of the powers provided for in paragraphs 2, 10 to 14 and 26 of article 528, the city is authorized to

(1) associate with any person, partnership or undertaking representing public or private interests;

(2) acquire share capital in corporations whose operations consist solely in the realization of a project relating to the exploitation of gas or gas by-products as well as thermal energy generated at the waste disposal sites of the city;

(3) apply for the incorporation of non-profit corporations whose purpose is to exercise the powers provided for in paragraphs 2, 10 to 14 and 26 of article 528.

Applicable
provisions The fourth, fifth, sixth and seventh paragraphs of article 964*b* and article 964*f*, adapted as required, apply to a corporation referred to in subparagraph 3 of the first paragraph.”

1959-60,
c. 102,
a. 733, am. **7.** Article 733 of the said charter, replaced by section 90 of chapter 77 of the statutes of 1977, amended by sections 32 and 82 of chapter

22 of the statutes of 1979, by section 37 of chapter 40 of the statutes of 1980, by section 54 of chapter 71 of the statutes of 1982 and by section 8 of chapter 112 of the statutes of 1987, is again amended by inserting the number "528*d*," after the word "articles" in paragraph 10.

1959-60,
c. 102,
a. 753, am.

8. Article 753 of the said charter, replaced by section 39 of chapter 111 of the statutes of 1987, is amended by adding the following paragraph:

Currency
exchange
agreements

"Where the city enters into currency exchange agreements in respect of a loan it has contracted, the loan is deemed to have been made in the currency in which the city is, under the terms of the last exchange agreement entered into, required to make its payment in capital."

Effect of
a. 527*b*

9. Article 527*b* of the charter of the city of Montréal, enacted by section 4, shall take effect on 1 January 1988.

Coming into
force

10. This Act comes into force on 17 June 1988, except paragraph 1 of section 2 which will come into force upon proclamation of the Government.