

NATIONAL ASSEMBLY
Thirty-third Legislature, first session

1987, chapter 10
**AN ACT TO AMEND THE ACT RESPECTING
THE SOCIÉTÉ D'HABITATION DU QUÉBEC**

Bill 137

Introduced by Mr André Bourbeau, Minister of Municipal Affairs

Introduced 13 November 1986

Passage in principle 11 December 1986

Passage 25 March 1987

Assented to 26 March 1987

Coming into force: on the date fixed by the Government

— 1 April 1987: ss. 1 to 43
G.O., 1987, Part 2, p. 1213

Acts amended:

Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8)

Civil Code of Lower Canada





CHAPTER 10

An Act to amend the Act respecting the Société d'habitation du Québec

[Assented to 26 March 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. S-8, s. 1,
am.

1. Section 1 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) is amended by replacing paragraph *e* by the following paragraph:

"Minister"

"(e) "Minister": the Minister of Municipal Affairs."

c. S-8,
ss. 1.1-1.3,
added

2. The said Act is amended by inserting, after section 1, the following division:

"DIVISION I.1

"POWERS OF THE MINISTER

Housing
policies

"1.1 The Minister shall devise and propose to the Government policies respecting housing and supervise and co-ordinate their application.

Priorities
and objec-
tives

"1.2 The Minister may, in particular, in co-operation with the departments, governmental or municipal bodies and the groups or individuals concerned, determine requirements, priorities and objectives for all housing sectors in Québec.

Administra-
tion of Acts

"1.3 The Minister shall also be responsible for the administration of the Acts respecting housing."

c. S-8, s. 3,
replaced;
ss. 3.1-3.5,
added

3. Section 3 of the said Act is replaced by the following sections:

“3. The objects of the Corporation shall be

Objects

(1) to inform the Minister on the requirements, priorities and objectives of all housing sectors in Québec;

(2) to stimulate the development of public and private initiatives in the field of housing and cooperation among their proposers;

(3) to make low-rental housing available to the citizens of Québec;

(4) to promote the development and implementation of programs of housing construction, acquisition, development, restoration and management;

(5) to facilitate the acquisition of real property by the citizens of Québec;

(6) to promote housing improvement.

Programs

The Corporation shall prepare and implement, with the authorization of the Government, programs to enable it to meet its objects.

Financial assistance

“3.1 Programs implemented by the Corporation may provide, where necessary, for financial assistance in the form of a subsidy, loan or remission granted by the Corporation; they may also allow the Corporation to grant loan guarantees.

Dwellings for handicapped persons

The programs may provide for the preparation of dwellings accessible to handicapped persons within the meaning of the Act to secure the handicapped in the exercise of their rights (chapter E-20.1).

Exclusions

Programs may provide for exclusions or preferences based on age.

Research and studies

“3.2 For the pursuit of its objects, the Corporation may carry out or cause to be carried out research, studies, inquiries or surveys on the housing requirements and housing conditions of the population.

Expropriation

“3.3 The Corporation may, with the authorization of the Government, expropriate any immovable property indicated in a program if it is expedient for the pursuit of the Corporation's objects and mandates.

Directives

“3.4 The Minister may, within the scope of his responsibilities and powers, issue directives to the Corporation respecting its aims and objectives in the performance of the functions vested in it by law; the directives must receive prior approval from the Government.

Binding effect	Directives issued under this section are binding on the Corporation.
Tabling	They must be tabled before the National Assembly, if it is in session, within fifteen days of their approval by the Government or, if it is not sitting, within fifteen days of resumption.
Third persons	Third persons are not bound to see to the application of this section, and it cannot be invoked by or against them.
Applicable provisions	“3.5 The second and third paragraphs of section 22, sections 24, 25, 33 and 34 and the first paragraph of section 49 of the Financial Administration Act (R.S.Q., chapter A-6) apply to the Corporation. However, the Conseil du trésor may, by regulation, make exceptions to the rules contained in sections 24, 25, 33 and 34, indicating precisely which provisions exception is made to and what provisions are substituted for them.
Applicable regulations	Regulations made under the second paragraph of section 49 of the Financial Administration Act apply to the Corporation, except where the grant or the promise of a subsidy is made in accordance with norms approved by the Conseil du trésor.”
c. S-8, s. 4, replaced	4. Section 4 of the said Act is replaced by the following sections:
Status	“4. The Société d'habitation du Québec is a corporation.
Public domain	“4.1 The Corporation is an agent of the Government. Its property forms part of the public domain.
Immunity from seizure	Notwithstanding the first paragraph, the Corporation may, with the authorization of the Government, waive immunity from seizure of its property to the extent and on the conditions determined by the Government. The performance of its obligations may be pursued against property regarding which it has waived immunity.
Liability	“4.2 The Corporation binds only itself when it acts in its own name.”
c. S-8, ss. 6, 7, replaced	5. Sections 6 and 7 of the said Act are replaced by the following sections:
Board of directors	“6. The business of the Corporation shall be managed by a board of directors consisting of not more than nine members appointed by the Government for a term not to exceed five years.
Continuance in office	“6.1 Each member of the board of directors shall remain in office after the expiration of his term until he is replaced or reappointed.

Chairman
and vice-
chairman

“6.2 The Government shall appoint a chairman and a vice-chairman of the board of directors from among the members of the board of directors.

Duties of
chairman

The chairman of the board of directors shall preside over the meetings of the board and direct its operations.

Reimburse-
ment of ex-
penses

“7. The members of the board of directors shall not be remunerated except in the cases, on the conditions and to the extent the Government may determine. They may be entitled to the reimbursement of the expenses incurred in the performance of their duties on the conditions and to the extent determined by the Government.”

c. S-8, s. 8,
am.

6. Section 8 of the said Act is amended by replacing the words “No member of the Corporation”, in the first line of the first paragraph, by the words “Neither any member of the board of directors nor any vice-president”.

c. S-8,
ss. 9,10,
replaced

7. Sections 9 and 10 of the said Act are replaced by the following sections:

Quorum

“9. A majority of the members of the board of directors, including the chairman or the vice-chairman and the president and chief executive officer shall constitute a quorum.

Replace-
ment

“10. The vice-chairman of the board of directors shall replace the chairman in his absence or inability to act; subject to section 13.1, when another member of the board of directors is absent or unable to act, he may be replaced by a person appointed by the Government to perform his duties for the duration of his absence or inability to act. The person so appointed to replace him shall be entitled to an expense allowance fixed under section 7.”

c. S-8, s. 11,
repealed

8. Section 11 of the said Act is repealed.

c. S-8, s. 12,
am.

9. Section 12 of the said Act is amended by replacing the word “Corporation”, in the second line, by the words “board of directors”.

c. S-8, s. 13,
replaced

10. Section 13 of the said Act is replaced by the following sections:

President
and chief
executive
officer

“13. The Government shall appoint a president and chief executive officer from among the members of the board of directors, and he shall hold that office on a full-time basis.

Responsi-
bility

The president and chief executive officer shall be responsible for the administration and direction of the Corporation within the scope of its by-laws.

Vice-
presidents

“13.1 The Government shall also appoint vice-presidents to the Corporation, in such number as it may determine, and they shall hold office on a full-time basis. The vice-president designated by the Government shall replace the president and chief executive officer when the latter is absent or unable to act.

Remunera-
tion

“13.2 The Government shall determine the salary and other conditions of employment of the president and chief executive officer and of each vice-president of the Corporation.”

c. S-8, s. 14,
am.

11. Section 14 of the said Act is amended by adding, at the end, the following paragraph:

Social
benefits

“The remuneration and expenditures relating to the social benefits and other conditions of employment of the officers of the Corporation shall be paid by the Corporation out of its funds.”

c. S-8, s. 15,
am.

12. Section 15 of the said Act is amended

(1) by replacing the words “Corporation, approved by it and certified by the president”, in the first and second lines, by the words “board of directors, approved by it and certified by the chairman of the board of directors”;

(2) by replacing the word “president”, in the last line, by the words “chairman of the board of directors”.

c. S-8,
s. 15.1,
added

13. The said Act is amended by inserting, after section 15, the following section:

Signature

“15.1 No deed, document or writing binds the Corporation or may be attributed to it unless it is signed by the president and chief executive officer, by the secretary or by a member of the personnel of the Corporation and, in the case of such a member, only to the extent determined by by-law of the Corporation.

Facsimile

The Corporation may, by by-law and on the conditions it determines, allow a signature to be affixed by means of an automatic device to the documents it determines. The facsimile shall be authenticated by the countersignature of a person authorized by the president and chief executive officer.”

c. S-8, s. 16,
am.

14. Section 16 of the said Act is amended by inserting the words “of the board of directors and the” and striking out the comma after the word “members”, in the first line.

c. S-8, s. 17,
am. **15.** Section 17 of the said Act is amended by replacing the words “its members”, in the third line, by the words “the members of its board of directors”.

c. S-8, s. 20,
am. **16.** Section 20 of the said Act, replaced by section 309 of chapter 95 of the statutes of 1986, is amended by replacing the word “Corporation”, in the first line and in the second line of the first paragraph, and in the first line and in the second line of the second paragraph, by the words “board of directors”.

c. S-8, s. 21,
am. **17.** Section 21 of the said Act is amended by replacing the words “president or the vice-president”, in the fifth and sixth lines by the words “president and chief executive officer or any vice-president of the Corporation”.

c. S-8,
Div. III,
repealed **18.** Division III of the said Act is repealed.

c. S-8, s. 57,
am. **19.** Section 57 of the said Act is amended

(1) by striking out the words “and by the Government” in the sixth and seventh lines of the first paragraph of subsection 3;

(2) by striking out the second paragraph of subsection 3;

(3) by replacing the words “by the Corporation and by the Government”, in the fifth line of subsection 4, by the words “and by the Corporation”.

c. S-8, s. 60,
am. **20.** Section 60 of the said Act is amended by adding, at the end, the following paragraph:

Loans “The Corporation may grant loans to any municipal housing bureau to pay for any expenditures necessary for the protection of the Corporation’s investments.”

c. S-8, s. 64,
repealed **21.** Section 64 of the said Act is repealed.

c. S-8, s. 73,
am. **22.** Section 73 of the said Act is amended

(1) by striking out the words “and that of the Conseil du trésor” in the third line of the second paragraph;

(2) by adding, after the third paragraph, the following paragraph:

Alienation “Any immovable acquired under a program may, from the end of the program, be alienated without the Corporation’s authorization.”

c. S-8, s. 75,
repealed **23.** Section 75 of the said Act is repealed.

c. S-8, s. 76,
am. **24.** Section 76 of the said Act is amended by replacing the figure “75”, in the first line, by the figure “74”.

c. S-8, s. 81,
am. **25.** Section 81 of the said Act is amended

(1) by striking out the words “and that of the Conseil du trésor”, in the third line of the second paragraph;

(2) by adding, after the third paragraph, the following paragraph:

Alienation “Any immovable acquired under a program may, from the end of the program, be alienated without the Corporation’s authorization.”

c. S-8, s. 83,
repealed **26.** Section 83 of the said Act is repealed.

c. S-8, s. 85,
repealed **27.** Section 85 of the said Act is repealed.

c. S-8, s. 86,
am. **28.** Section 86 of the said Act is amended

(1) by striking out paragraphs *a*, *c*, *e*, *f* and *i*;

(2) by striking out the words “and “suitable housing”; “public services” for the purposes of paragraph *g* of section 32”, in the second, third and fourth lines of paragraph *k*;

(3) by striking out the comma in the first line of paragraph *o* after the word “applications”.

c. S-8, s. 90,
am. **29.** Section 90 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

Negotiation “If the agreement could affect the economic, financial or fiscal policies of the Gouvernement du Québec, it shall be negotiated after consultation and with the authorization of the Minister of Finance and be entered into on the basis of a proposal which has received his prior approval.”

c. S-8, s. 91,
repealed **30.** Section 91 of the said Act is repealed.

c. S-8, s. 92,
am. **31.** Section 92 of the said Act is amended

(1) by inserting the words “revenues and contributions paid to the Corporation and the” in the first line before the word “amounts”;

(2) by replacing the word “affectées” in the second line of the French text by the word “affectés”.

c. S-8, s. 93,
am. **32.** Section 93 of the said Act is amended by striking out the words
“; the Corporation itself may also, on the same conditions, carry out
such projects or programs” in the fourth and fifth lines of paragraph *b*.

c. S-8,
ss. 94, 94.1,
repealed **33.** Sections 94 and 94.1 of the said Act are repealed.

34. Sections 94.3 and 94.4 of the said Act are repealed.

c. S-8,
ss. 94.3,
94.4,
repealed **35.** Section 95 of the said Act is amended by replacing the words
“Housing and Consumer Protection”, in the first line, by the words
c. S-8, s. 95, am. “Municipal Affairs”.

C. C. L. C.,
a. 1662,
replaced **36.** Article 1662 of the Civil Code of Lower Canada is replaced
by the following article:

“**1662.** For the application of this subsection, the expression
“dwelling in low rental housing” designates

(1) a dwelling situated in low rental housing owned or administered
by the Société d'habitation du Québec or by a corporation constituted
in accordance with section 57 of the Act respecting the Société
d'habitation du Québec (R.S.Q., chapter S-8) in respect of which the
Société d'habitation du Québec pays a subsidy to meet operating
expenses under paragraph *c* of section 60 of the Act respecting the
Société d'habitation du Québec;

(2) a dwelling, situated in any other immovable, owned by a non-
profit organization, the rent for which is determined in accordance with
a regulation under paragraph *g* of section 86 of the Act respecting the
Société d'habitation du Québec;

(3) a dwelling situated in any immovable for which the Société
d'habitation du Québec agrees to pay an amount toward the rent.

Articles 1662.1 to 1662.7 do not apply in the case of a dwelling
in low rental housing within the meaning of subparagraph 3 where the
lessee is selected by a corporation constituted in accordance with section
57 of the Act respecting the Société d'habitation du Québec.”

President
and chief
executive
officer **37.** The president and the vice-president of the Corporation in
office on 31 December 1986 become the president and chief executive
officer and the vice-president of the Corporation, respectively.

Conditions They continue to be governed by the conditions determined in their
deeds of appointment.

Member of
board of
directors

38. Except where otherwise agreed between the Government and a member of the Corporation, other than the president, appointed under the second paragraph of section 6 of the Act respecting the Société d'habitation du Québec and in office on 31 December 1986, the member becomes a member of the board of directors of the Corporation on the conditions of his deed of appointment.

Appoint-
ment to
other office

The member may be appointed to another office by the Government and shall continue to be governed by the conditions of his deed of appointment until the date of expiry of his original term of office.

Member of
board of
directors

39. Any member of the Corporation appointed for an unspecified term under the third paragraph of section 6 of the Act respecting the Société d'habitation du Québec, in office on 31 December 1986, becomes a member of the board of directors of the Corporation until he is replaced or for such term as may be fixed by the Government.

Alienation

40. Every immovable acquired under a program for the renewal of the territory of a municipality may, from the order determining the end of the program, be alienated without the authorization of the Corporation or that of the Conseil du trésor.

By-laws

41. Every by-law passed by the Corporation under any of paragraphs *e*, *f* or *i* of section 86 of the Act respecting the Société d'habitation du Québec remains in force until it is repealed.

Orders

42. Every order made by the Government under either of sections 94.1 or section 94.3 of the Act respecting the Société d'habitation du Québec remains in force until it is repealed.

Coming into
force

43. This Act will come into force on the date fixed by the Government.