

1986, chapter 117

# AN ACT TO AMEND THE CHARTER OF THE CITY OF MONTREAL

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**Bill 200**

Introduced by Madam Violette Trépanier, Member for Dorion

Introduced 11 December 1986

Passage in principle 19 December 1986

Passage 19 December 1986

**Assented to 19 December 1986**

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**Coming into force: 19 December 1986**

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**Act amended:**

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



## CHAPTER 117

### An Act to amend the charter of the city of Montréal

*[Assented to 19 December 1986]*

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. 101,  
am. **1.** Article 101 of the charter of the city of Montréal (1959-60, chapter 102) is repealed.

1959-60, c.  
102, aa.  
131b-131j,  
added **2.** Title II of the said charter is amended by adding, after article 131a, the following chapter:

#### "CHAPTER VII

##### "SECRETARY GENERAL

Appoint-  
ment **"131b.** The council may, by resolution, on the recommendation of the executive committee, appoint a secretary general.

Administra-  
tion of the  
city **"131c.** The secretary general is responsible, under the authority of the executive committee, for the general administration of the city and, for that purpose, he shall plan, organize, direct and supervise the activities of the city.

Authority He is the administrator of the human, material and financial resources of the city and he has authority over all the departments and services considered to be administrative departments under the charter.

**Restriction**      However, the authority of the secretary general may in no case hinder the performance of the duties of a commission or of an officer to whom the charter, another Act or a by-law expressly grants a power.

**Duties**            “**131d.** In application of articles 131*b* and 131*c*, the secretary general shall, in particular, perform the following duties:

(1) he shall ensure communications between the executive committee and the administrative departments of the city. He shall have access to every document of the city and may require any officer or employee to supply any document or information which he may need in the performance of his duties;

(2) with the collaboration of the heads of departments, he shall coordinate the preparation of the budget and of the triennial programme of capital expenditures and of any other plan, project or programme for the orderly management of the city;

(3) he shall report to the executive committee on any subject or matter prepared by the departments and he may submit his own recommendation;

(4) he shall attend the meetings of the executive committee and, with the permission of the chairman of the meeting, give his advice on the matters debated, without having the right to vote;

(5) subject to the powers conferred by law upon the mayor and the executive committee, he shall see to it that the by-laws, resolutions and contracts are implemented and that the funds are used for the purposes for which they were voted.

**Assistants**        “**131e.** The secretary general may appoint, with the approval of the executive committee, deputies and other officers to assist him.

**Appointment**      He may also, without any approval, appoint an officer or employee to an authorized position on his staff and fix his salary.

**Approval of staffing**    “**131f.** With the exception of the positions of heads of departments, the secretary general shall approve appointments, promotions, transfers, suspensions, demotions and removals and fix the salary of officers and employees after the staffing procedure has been complied with.

**Authorization of expenses**    “**131g.** The secretary general shall authorize the travelling and training expenses of the officers and employees.

Authoriza-  
tion of  
payments      “**131h.** The secretary general shall authorize the payment of all sums due by the city, observing the formalities and conditions provided by law.

Delegation      “**131i.** The powers provided for in articles 131f to 131h may be delegated by the secretary general to the head of a department or another officer.

Approval      The delegation must be approved by the executive committee.

Delegation      “**131j.** The executive committee may, without restriction or subject to the conditions it determines, delegate to the secretary general or to another officer the exercise of a power granted to him by the charter, another Act or a by-law.

Expenditure      In the case where the exercise of the delegated power entails an expenditure, the appropriations are made after a certificate of the head of the competent department has been produced establishing that appropriations are available for that purpose.

Report      The secretary general or the officer shall, when exercising a power delegated under the first paragraph, make a report thereof in the form determined by the executive committee; that report shall be transmitted to the executive committee every three months.”

1959-60, c.  
102, a. 133,  
replaced      **3.** Article 133 of the said charter, amended by section 18 of chapter 97 of the statutes of 1960-61 and by section 29 of chapter 77 of the statutes of 1977, is replaced by the following article:

Appoint-  
ment,  
suspension,  
dismissal of  
department  
heads      “**133.** All heads of departments are appointed, suspended or dismissed by the council on a recommendation of the secretary general to the executive committee and on a report of the executive committee to the council. Such report cannot be amended; it can be rejected only by an absolute majority of the members of the council.

City auditor      The city auditor shall not be suspended or dismissed except by a resolution of the council adopted by the vote of two-thirds of its members, upon a report of the executive committee approved by the vote of two-thirds of its members.

Replace-  
ment      Whenever the charter or a city by-law does not provide for the temporary replacement of the secretary general or of a head of department who is absent, or whose position becomes vacant, or when the persons designated by the by-laws to replace them in such circumstances are physically unable to act, the executive committee has the power to authorize someone temporarily to replace them during such absence, vacancy or physical incapacity, but in no case for a period exceeding ninety days, which may be renewed for another period of ninety days at the most.”

1959-60, c.  
102, a. 134,  
replaced

Heads of  
departments

**4.** Article 134 of the said charter is replaced by the following article:

**“134.** The heads of departments, unless otherwise provided by the charter, shall be directly responsible to the secretary general for the administration of their respective departments.

Staff

They shall choose, appoint and replace their deputies and assistants, with the approval of the executive committee, on the recommendation of the secretary general, and the other members of their staff with the approval of the secretary general or his delegate.

Reports

They must furnish to the executive committee or to the secretary general, at their request, all reports as well as their oral or written advice on any question concerning their departments.”

1959-60, c.  
102, aa.  
137-142,  
repealed

Offices  
maintained

**5.** Chapter II and articles 137 to 142 of the said charter are repealed.

Such repeal does not affect persons holding office at the time of the coming into force of this Act.

1959-60, c.  
102, a. 522,  
am.

**6.** Article 522 of the said charter, amended by section 27 of chapter 97 of the statutes of 1960-61, by section 54 of chapter 59 of the statutes of 1962, by section 19 of chapter 70 of the statutes of 1963 (1<sup>st</sup> session), by section 9 of chapter 71 of the statutes of 1964, by section 23 of chapter 86 of the statutes of 1966-67, by section 47 of chapter 77 of the statutes of 1977, by section 16 of chapter 22 of the statutes of 1979 and by section 20 of chapter 71 of the statutes of 1982, is again amended by replacing paragraph 44 by the following paragraph:

Parking on  
private  
property

**“(44)** Prohibit the parking or the leaving of a vehicle on any land without the authorization of the owner or of the occupant of the said land; determine the conditions and methods of towing and impounding, by the city or any person, of the vehicles, at the expense of their owners, and determine a maximum amount for these costs.”

1959-60, c.  
102, a.  
612a, am.

**7.** Article 612a of the said charter, enacted by section 7 of chapter 76 of the statutes of 1972, amended by section 62 of chapter 77 of the statutes of 1977, by section 17 of chapter 40 of the statutes of 1980 and by section 32 of chapter 71 of the statutes of 1982, is amended by replacing the first paragraph by the following paragraph:

Plan of  
construction  
or alteration

**“612a.** The council may, by by-law, approve a plan of construction or alteration or allow the occupancy of one or more buildings or other works under, above or on any land of an area of at least 8000 m<sup>2</sup> for an industrial project, 4000 m<sup>2</sup> for a commercial or a commercial and housing project and 2000 m<sup>2</sup> for a housing project; these area requirements do not apply in the case of contiguous parcels of land bounded on all sides by streets, of a project for the erection of an

educational institution, of any establishment contemplated in the Act respecting health services and social services (R.S.Q., chapter S-5), of public administration or public service buildings, of residential buildings under a municipal or governmental housing program, of abandoned public buildings and of buildings classified or recognized as cultural property or situated wholly or in part in the protected area of a classified cultural property, in a historic or natural district or on a classified historic site.”

1959-60, c.  
102, a. 708,  
replaced

**8.** Article 708 of the said charter, amended by section 47 of chapter 71 of the statutes of 1982, is replaced by the following article:

Management of  
appropriations

**“708.** The secretary general and the head of each department are responsible for the management of the appropriations put at their disposal, as prescribed by this charter, under the authority of the executive committee or the council.”

1959-60, c.  
102, a.  
722.1,  
repealed

**9.** Article 722.1 of the said charter, enacted by section 149 of chapter 27 of the statutes of 1985, is repealed.

1959-60, c.  
102, a.  
956c,  
replaced

**10.** Article 956c of the said charter, enacted by section 48 of chapter 86 of the statutes of 1966-67 and amended by section 43 of chapter 40 of the statutes of 1980 and by section 227 of chapter 38 of the statutes of 1984, is replaced by the following article:

Urban  
renewal programme

**“956c.** The city may, by by-law, adopt an urban renewal programme for part of its territory and acquire, by agreement or expropriation, any immovable affected by the said programme.

Administration of  
immovables

It may hold and administer the immovable and may carry out thereon any development, construction, restoration, demolition or clearing work. It may also, on such conditions as it may determine, dispose of it in accordance with article 1079.”

Surtax

**11.** For its fiscal year 1987, the city may, by by-law, impose and levy a surtax at a rate not exceeding \$ 0.10 per hundred dollars of assessment on immovables having a taxable value entered on the assessment roll in excess of \$ 200 000 and classified under categories I and II as determined and defined pursuant to regulation 1976-1 of the Commission municipale du Québec made on 29 December 1976 and amended by regulation 1977-1 of the Commission made on 21 January 1977 pursuant to the Act respecting the Olympic deficit of the City of Montréal and amending the Charter of the City of Montréal (1976, chapter 52). The surtax shall apply only to the amount of the taxable value which exceeds \$ 200 000.

Areas	The city may designate the areas where it intends to levy the said tax in the case of immoveables of category I.
Privilege on immoveables	The surtax is guaranteed by privilege on the said immoveables and the owners are personally liable therefor.
Acquisition of immovable	<p><b>12.</b> The city may acquire, by agreement or expropriation, any immovable included in a plan approved under article 612<i>a</i> of the charter of the city of Montréal subject to the following conditions:</p> <p>(1) the recipient of the approval must be the owner or the holder of a promise of sale of immoveables having an area representing two-thirds of the land shown on the plan;</p> <p>(2) the immovable must be situated within the territory delimited as follows: the limits of the city of Verdun, Atwater avenue, the limits of the city of Westmount, the limits of the parc du Mont-Royal, Mont-Royal avenue, de Lorimier avenue and the St Lawrence River.</p>
Alienation	Any immovable so acquired by the city may be alienated in accordance with article 1079 of the charter of the city of Montréal or leased to the said recipient.
Effect	This section ceases to have effect on 1 January 1989.
Tax exemption	<p><b>13.</b> The city of Montréal may, by by-law, exempt the occupants of residential immoveables from the payment of the water rate and service tax for the fiscal year 1987. In such case, the water rate and the rate of the service tax shall not be greater, in respect of other categories of occupants, than the rate applicable to them for the fiscal year 1986.</p>
Adjustment of rent	<p><b>14.</b> The tenant of a dwelling situated in an immovable comprising ten dwellings or more the water rate and service tax of which were, before the fiscal year 1987, included in his rent shall be entitled, on an application made to the lessor within twelve months after the passing of a city by-law exempting that category of occupants from the payment of the water rate and service tax, to an adjustment of his rent, from 1 January 1987, according to the tax exemption granted under section 13.</p>
Jurisdiction	The Régie du logement shall have jurisdiction, to the exclusion of any tribunal, to hear any application for the adjustment of the rent of a dwelling contemplated in the first paragraph. Sections 56 to 90 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) apply, adapted as required, to such applications.

Adjustment  
of rent

The signing of a lease after the coming into force of the by-law contemplated in the first paragraph shall not prevent the tenant from obtaining an adjustment of his rent unless the lessor proves that the exemption from the water rate and service tax was taken into consideration in establishing the rent.

Coming into  
force

**15.** This Act comes into force on 19 December 1986.