

1985, chapter 32

# AN ACT RESPECTING THE SOCIÉTÉ DE TRANSPORT DE LA RIVE SUD DE MONTRÉAL

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**Bill 50**

Introduced by Mr Guy Tardif, Minister of Transport

Introduced 15 May 1985

Passage in principle 11 June 1985

Passage 19 June 1985

**Assented to 20 June 1985**

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**Coming into force: 20 June 1985**

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**Act amended:**

Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1)

**Act replaced:**

Act to incorporate the Montréal South Shore Transit Commission (1971, chapter 98)

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## CHAPTER 32

### An Act respecting the Société de transport de la rive sud de Montréal

[Assented to 20 June 1985]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### DIVISION I

##### INCORPORATION AND ORGANIZATION

#### § 1.—*Incorporation*

Establish-  
ment

**1.** A public corporation is hereby established under the name of “Société de transport de la rive sud de Montréal”.

Acronym

The corporation may use an acronym as its designation; copy of the resolution adopting or changing the acronym shall be published in the *Gazette officielle du Québec*.

Object

**2.** The object of the corporation is to operate a public transport undertaking to provide passenger transportation by any means of public transportation in the territory of the following municipalities: the cities or towns of Boucherville, Brossard, Greenfield-Park, Lemoyne, Longueuil, Saint-Hubert and Saint-Lambert; the territory of these cities or towns is the territory of the corporation.

Head office

**3.** The corporation shall have its head office in its territory, at the place it determines; it shall publish a notice of the location or of any change in the location of its head office in the *Gazette officielle du Québec*.

§ 2.—*Organization*

Administration      **4.** The affairs of the corporation are administered by its board of directors.

Board of directors      **5.** The board of directors shall consist of

(1) the mayors of the municipalities included in the territory of the corporation;

(2) for each municipality, one representative for every 40 000 inhabitants.

Representatives      **6.** The representatives of the municipalities shall be appointed by resolution of the council of the municipality and chosen from among its members.

Attendance      No representative may attend a meeting of the board of directors unless the secretary has received copy of the resolution before the meeting is held.

Mayor substitute      **7.** A substitute for the mayor shall be appointed, in the manner prescribed in section 6, whenever the mayor is absent or unable to act or if he refuses to become a member of the board of directors or if a vacancy occurs in the office of mayor.

Terms of office      **8.** The term of office of a member of the board of directors other than a mayor is two years and may be renewed.

Chairman and vice-chairman      **9.** The board of directors shall appoint the chairman from among the mayors and the vice-chairman from among the members of the board.

Terms of office      The term of office of the chairman and of the vice-chairman is one year and may be renewed.

Continuance in office      **10.** Every member of the board of directors shall remain in office at the expiry of his term as a member of the board until he is replaced or reappointed.

Vacancy      **11.** A member of the board of directors shall cease to be a member when he ceases to be a member of the council of his municipality. A vacancy occurs in the office of a member when he ceases to be a member of the board of directors.

Absence from meetings      A member of the board of directors shall also cease to be a member if he fails to attend the meetings of the board for ninety consecutive

days from the last meeting he attended; if a member attends no meeting whatever from the time he becomes a member of the board of directors, the ninety-day period shall run from the first meeting he could have legally attended; his term of office shall terminate at the close of the next meeting held after the ninety-day period unless, at that meeting, the other members of the board of directors are of opinion that it was impossible in fact for him to attend the meeting of the council.

Vacancy      If the member attends no meeting of the board of directors called within thirty days after the meeting contemplated in the second paragraph, a vacancy occurs on the thirtieth day; the secretary of the corporation shall notify the council of the municipality immediately.

Vacancy      **12.** A representative of a municipality or a mayor's substitute shall cease to be a member of the board of directors where the council of his municipality revokes his appointment. A vacancy occurs in the office of the representative or substitute upon the revocation of his appointment.

Continuance  
in office      **13.** Notwithstanding the expiry of his term, the chairman of the board of directors shall remain in office until his successor is designated.

Resignation      **14.** The resignation of a member of the board of directors entails a vacancy in the office of that member.

Resignation      The resignation becomes effective from the day on which the secretary of the corporation receives a notice to that effect signed by the resigning member.

Notice to  
the council      The secretary of the corporation shall, without delay, notify the council of the municipality concerned.

Resignation      The chairman and vice-chairman of the board of directors may resign as chairman or vice-chairman in the manner prescribed in the second paragraph. The secretary of the corporation shall, without delay, notify the board of directors thereof.

Continuance  
in office      **15.** Except in the case of resignation, every member of the board of directors shall remain in office until his successor is appointed, notwithstanding the expiry of his term.

Filling of  
vacancies      **16.** Any vacancy in the office of a member of the board of directors or the office of chairman or vice-chairman shall be filled within sixty days from the day on which the vacancy became effective.

Replace-  
ment

**17.** The vice-chairman of the board of directors shall replace the chairman if the latter is absent or if he is unable or refuses to act or if a vacancy occurs in his office because he is unable or unwilling to continue to perform his duties until his successor is appointed.

Replace-  
ment

If the vice-chairman is absent or if he is unable or refuses to act when replacing the chairman, or in the case of a vacancy in the office of vice-chairman, the members present at a meeting of the board of directors shall designate from among themselves a member to preside at the meeting. The secretary of the corporation shall preside at the meeting for the purposes of the designation.

Meetings

**18.** The chairman of the board of directors shall preside at the meetings of the board and see that good order is maintained.

Quorum

**19.** The majority of the members of the board of directors constitutes a quorum.

Vote

**20.** Each member of the board of directors is entitled to one vote.

Decisions

Subject to section 55 and to subparagraph 5 of the first paragraph of section 99, the decisions of the board of directors are made by a majority of the votes cast.

Conflict of  
interest

**21.** Each member of the board of directors present at a meeting has an obligation to vote. However, if a member has any direct or indirect interest in any undertaking putting his personal interest in conflict with that of the corporation, he shall disclose it to the board of directors and abstain from participating in the deliberations and voting on any question relating to the undertaking in which he has an interest, and the secretary shall record that fact in the minutes.

Meetings

**22.** The board of directors may hold its meetings anywhere in the territory of the corporation. The meetings are public.

Number of  
meetings

**23.** The board of directors shall hold a regular meeting at least ten times a year.

Yearly  
schedule

The board shall, at its first meeting of the year, adopt the schedule of the meetings for the whole year.

Notice

Within fifteen days after the first meeting of the year, the secretary of the corporation shall publish in a newspaper circulating in the territory of the corporation a notice of the date, time and place of the regular meetings of the board of directors.

**Special meetings** The board of directors shall also hold special meetings at the written request of the chairman, of the managing director, of the executive committee or of not less than one-quarter of its members representing at least two of the municipalities of the territory of the corporation. The request shall be addressed to the secretary of the corporation.

**Agenda** **24.** The board of directors shall enter on the agenda of the regular meeting which follows the receipt by the secretary of the corporation of a written request signed by not less than 50 residents of the territory of the corporation, the subject of the request. The request shall be delivered to the secretary not later than ten days before the meeting is held.

**Questions** The residents who have signed the request may, during the meeting, address, orally, the members of the board of directors on that subject in accordance with the procedure and during the period determined under the by-law passed in that respect by the board of directors.

**Calling** **25.** The meetings of the board of directors shall be called by the secretary of the corporation.

**Sending of agenda** In the case of a regular meeting, a copy of the agenda shall be sent by the secretary of the corporation to each member of the board of directors not later than three days before the holding of the meeting.

**Special meeting** In the case of a special meeting, a copy of the notice setting out the matters to be debated shall be sent by the secretary of the corporation to each member of the board of directors not later than twenty-four hours before the time fixed for the holding of the meeting.

**Calling notice** Every member present at a regular or special meeting of the board of directors may waive the calling notice.

**Question period** **26.** The board of directors shall schedule a question period at the beginning of each meeting; the persons present may put oral questions to the members of the board.

**Question period** The question period must not exceed one hour unless the board of directors decides otherwise.

**Internal management** **27.** The board of directors may make by-laws for its internal management and that of the corporation.

**Minutes** **28.** The minutes of the meetings of the board of directors shall be kept in a register by the secretary of the corporation. They shall be signed by the chairman of the board of directors and by the secretary. The minutes are authentic.

Reading of minutes

The minutes of a meeting shall be read at the next regular meeting unless a copy thereof was given to each member of the board of directors at the latest when the latter meeting was called. The minutes shall be ratified at the latter meeting by the board of directors.

Remuneration and expense

**29.** The board of directors shall, by by-law, fix the remuneration and expense allowance of the members of the board of directors. It may also, in the by-law, fix an additional remuneration and expense allowance for the chairman and the vice-chairman. The remuneration and allowance are paid out of the revenues of the corporation.

Retroactive effect

The by-law may be retroactive to 1 January preceding its coming into force.

Authorized expenses

**30.** The board of directors shall previously authorize any expense incurred by a member of the board for the account of the corporation.

Reimbursement

On the presentation of a statement of account accompanied with the vouchers required by the board of directors, the board shall authorize the reimbursement of the expenses.

### § 3.—*Executive committee*

Executive committee

**31.** The board of directors shall appoint from among its members five persons, including a chairman, who shall form the executive committee. At least one member of the executive committee shall be from the city of Longueuil.

Term of office

The term of office of the members of the executive committee is two years. Their term of office may be renewed.

Vacancy

**32.** Every member of the executive committee shall cease to be a member when he ceases to be a member of the board of directors or when the board of directors revokes his appointment. A vacancy occurs in the office of a member when he ceases to be a member of the executive committee.

Continuance in office

The member shall, however, remain in office until his successor is appointed.

Chairman

**33.** The chairman of the executive committee shall preside at the meetings of the committee and see that good order is maintained.

Replacement

If the chairman is absent or if he is unable or refuses to act, the members present at a meeting of the executive committee shall designate from among themselves a member to preside at the meeting. The

secretary of the corporation shall preside at the meeting for the purposes of the designation.

**Vote**                   **34.** Each member of the executive committee is entitled to one vote.

**Decisions**           The decisions of the executive committee are made by a majority of the votes cast.

**Meetings**           **35.** The executive committee may hold its meetings anywhere in the territory of the corporation. The meetings may be public.

**Calling**             **36.** The meetings of the executive committee shall be called, at the request of the chairman or of two members, by the secretary of the corporation.

**Sending of agenda**     A copy of the agenda shall be sent by the secretary of the corporation to each member of the executive committee not later than three days before the holding of the meeting. Every member present at a meeting of the executive committee may waive the calling notice.

**Internal management**   **37.** The executive committee may make by-laws for its internal management.

**Remuneration and expense allowance**   **38.** The board of directors shall, by by-law, fix the remuneration and expense allowance of the members of the executive committee. It may also, in the by-law, fix an additional remuneration and expense allowance for the chairman of the executive committee. The remuneration and allowance are paid out of the revenues of the corporation.

**Retroactive effect**     The by-law may be retroactive to 1 January preceding its coming into force.

**Authorization of expense**   **39.** The board of directors shall authorize any expense incurred by a member of the executive committee for the account of the corporation.

**Reimbursement**       On the presentation of a statement of account accompanied with the vouchers required by the board of directors, the board shall authorize the reimbursement of the expenses.

**Provisions applicable**   **40.** Sections 13 to 16, 19, 21, 26, 28 and 43, adapted as required, apply to the executive committee.



§ 4.—*Committees of the board of directors*

**Committees**      **41.** The board of directors may set up committees to study specific questions and require them to report their findings and recommendations to it at the time it indicates.

**Composition**      Each committee shall consist of not less than three nor more than seven members. It may consist wholly or in part of members of the board of directors.

**Chairman**      The chairman of each committee shall be chosen from among the members of the board of directors.

**Sittings**      **42.** Any sitting of a committee may be public.

**Notice**      **43.** The secretary of the corporation shall publish a notice of the holding of each public sitting of a committee in a newspaper circulating in the territory of the corporation not later than two days before the meeting is held.

**Question period**      The first paragraph of section 26, adapted as required, applies to the sittings of a committee.

**Internal management**      **44.** The board of directors may pass a by-law respecting the internal management of a committee.

**Question period**      The board may, in the by-law, prescribe, in particular, the length of the question period at a sitting of a committee and the procedure to be followed to put a question at that sitting.

**Attendance allowance**      The board of directors may also fix, by by-law, the attendance allowance of the members of a committee who are not members of the council. Section 30 applies, adapted as required.

§ 5.—*Managing director and other officers*

**Managing director**      **45.** The board of directors shall appoint a managing director for a term of not over five years. His term may be renewed.

**Remuneration and conditions of employment**      **46.** The board of directors shall determine the remuneration, social benefits and other conditions of employment of the managing director, which shall be assumed by the corporation.

**Exclusive employment**      **47.** Unless expressly authorized by the board of directors, the managing director shall discharge the duties of his office on a full-time basis and have no other remunerated employment or occupation.

Incompati-  
bilities

**48.** The office of managing director is incompatible with that of member of the board of directors or of the council of a municipality contemplated in section 2 and with that of officer or employee of any of those municipalities.

## Duties

**49.** The managing director, under the authority of the board of directors and of the executive committee, is responsible for the current administration of the corporation and has, in particular, the following duties:

(1) to direct the work of the assistant managing-directors and hire and direct the work of the other members of the administrative staff, the heads of departments and the employees of the corporation, and exercise in their respect a right of supervision and control;

(2) to ensure liaison, on the one hand, between the board of directors, the executive committee and the committees of the board of directors and, on the other hand, between the assistant managing-directors, the other members of the administrative staff, the heads of departments and the employees of the corporation;

(3) to see that the decisions of the board of directors and of the executive committee are complied with and carried out;

(4) to perform any other function entrusted to him by the board of directors or the executive committee.

Meetings of  
the board

**50.** The managing director shall attend the meetings of the board of directors and of the executive committee; at such meetings he has the right to speak but he is not entitled to vote.

Replace-  
ment

**51.** If the managing director is absent or if he is unable or refuses to act, or if a vacancy occurs in the office of the managing director, the board of directors shall appoint a person to perform the duties of the managing director.

## Vacancy

**52.** Any vacancy in the office of the managing director shall be filled without delay by the board of directors.

## Secretary

**53.** The board of directors shall appoint the secretary of the corporation and determine his conditions of employment.

Incompati-  
bility

In no case may the secretary of the corporation be a member of the board of directors of the corporation.

Custody of books and records	The secretary shall have custody of the books, registers, plans, maps, records and other documents of the corporation or filed or kept by the corporation. Every document of the corporation and every copy certified by the secretary is authentic.
Minutes	He shall attend all the meetings of the board of directors and of the executive committee of the corporation and draw up the minutes of the meetings.
Duties	He shall perform the other duties that are entrusted to him by the board of directors or the executive committee under this Act or the internal management by-laws.
Treasurer and assistant-treasurer	<b>54.</b> The board of directors shall appoint a treasurer and, where necessary, an assistant-treasurer and determine his or their conditions of employment.
Dismissal or suspension	<b>55.</b> Two-thirds of the votes cast at a meeting of the board of directors are required to enable the board to dismiss or suspend without salary the managing director, the secretary, the treasurer or the assistant treasurer of the corporation or the assistant managing-director, if he has been in office for six months or more. The same rule applies in the case of a reduction of salary. In the case of an assistant managing-director, no dismissal, suspension without salary or reduction of salary may be decided except upon the recommendation of the managing director.
Decision	The decision of the board of directors shall be served or sent by registered or certified mail to the person contemplated in the first paragraph.
Appeal	Every person dismissed or suspended without salary or whose salary has been reduced under this section may appeal from the decision before the Commission municipale du Québec, which, after an inquiry, shall decide in last instance. The appeal must be brought within fifteen days after the decision of the board of directors is served.
Compensation	If the appeal is maintained, the Commission municipale du Québec may also order the corporation to pay the appellant the amount it determines as compensation for expenses incurred by him for the appeal; the order for that purpose shall be homologated by the Provincial Court or the Superior Court, according to their respective jurisdictions, on a motion of the appellant; the appellant may then enforce the judgment against the corporation.

§ 6.—*Immunity*

## Immunity

**56.** In no case may the members of the board of directors or of the executive committee, the managing director, the secretary, the treasurer or the assistant treasurer of the corporation be sued by reason of official acts done in good faith in the performance of their duties.

## Recourses

**57.** Except on a matter of jurisdiction, none of the extraordinary recourses provided in articles 834 to 850 of the Code of Civil Procedure (R.S.Q., chapter C-25) shall be exercised and no injunction shall be granted against the corporation, the members of the board of directors or of the executive committee, the managing director, the secretary, the treasurer or the assistant treasurer of the corporation acting in their official capacity.

## Recourses

The first paragraph does not prevent any municipality situated in the territory of the corporation from exercising any of the recourses contemplated therein from obtaining an injunction against the corporation or any of the persons contemplated therein acting in their official capacity.

Annulment  
of injunc-  
tion

**58.** A judge of the Court of Appeal, upon motion, may annul summarily any writ, order or injunction issued or granted contrary to section 57.

## DIVISION II

## DUTIES AND POWERS

§ 1.—*Board of directors*Duties and  
powers

**59.** The board of directors shall exercise generally the duties and powers of the corporation except where this Act provides otherwise.

Public  
transport  
undertaking

**60.** The corporation shall organize, possess, develop and administer a public transport undertaking in its territory.

Outside  
links

The corporation may also provide links to points outside its territory.

Contracts  
with munic-  
ipalities

**61.** The corporation may make a contract with a municipality not included in its territory or an intermunicipal board of transport contemplated in the Act respecting intermunicipal boards of transport in the area of Montréal (R.S.Q., chapter C-60.1) to supply that municipality or board with a public transport service.

Pupil transportation

**62.** The corporation may make a contract for pupil transportation within the scope of the Education Act (R.S.Q., chapter I-14), the Act respecting private education (R.S.Q., chapter E-9) or the General and Vocational Colleges Act (R.S.Q., chapter C-29).

Competence outside its territory

The corporation is empowered to carry out, outside its territory, a contract entered into with a regional school board, a school board or a school corporation, provided that the territory of the regional school board, school board or school corporation coincides with the territory of the corporation, of a municipality or of an intermunicipal board of transport served by the corporation pursuant to a contract.

Transportation for the handicapped

**63.** The corporation may provide a special transportation service for handicapped persons who are unable to use its public transport service. The special service may provide links to points outside the territory of the corporation.

Powers of the corporation

For that purpose the corporation may

(1) directly possess, organize, develop and administer such a service;

(2) make, with any public transport undertaking or any non-profit organization, a contract to provide for the operation of the whole or part of the service;

(3) make any contract it considers necessary to provide for the operation of the whole or part of such a transportation service by taxi.

Contracts with municipalities

The corporation may also make, with a municipality from outside its territory, an intermunicipal management board or an intermunicipal board of transport, a contract to provide a special transportation service for handicapped persons in the territory of that municipality or board.

Contracts with carriers

**64.** The corporation may make a contract with a public transit permit holder or a school bus carrier for the supply of certain public transport services.

Agreements with public bodies

**65.** The corporation may make an agreement with another public body providing public transport to extend its public transport service to the territory of that public body.

Railway transportation

**66.** The corporation may make a contract with the Government to provide for the operation of a railway transportation service for passengers in accordance with conditions established between the Government and a railway company.

Transporta-  
tion by taxi

**67.** The corporation may, in view of organizing shared transportation by taxi as contemplated in the Act respecting transportation by taxi (R.S.Q., chapter T-11.1), make a contract for the supply of certain public transportation services.

Charter  
trips

**68.** The corporation may provide special or charter trips in its territory and from its territory to an outside point.

Sightseeing  
service

**69.** The corporation may operate, inside its territory and from its territory to outside points, any sightseeing service or seasonal transport service.

Tariffs

**70.** Before operating a sightseeing service, the corporation shall submit its tariffs to the Commission des transports du Québec for approval.

Service out-  
side its ter-  
ritory

**71.** The corporation may operate, outside its territory, any sightseeing service or seasonal transport service for which it has come to hold a permit through the acquisition of a public transport undertaking.

Accessory  
activities

**72.** The corporation may perform any other activity accessory or related to a public transport undertaking and may, in particular,

- (1) acquire, possess and operate businesses in or on its immovables;
- (2) lease space in or on its immovables for the businesses it determines;
- (3) lease advertising space in or on its immovables and vehicles;
- (4) alienate for valuable consideration, without any permission or special formality, any movable or immovable property the value of which is not over \$5 000;
- (5) alienate for valuable consideration, in accordance with section 73, any movable or immovable property the value of which is over \$5 000;
- (6) perform such work as it considers necessary for the better operation of its services, and build, possess and operate grounds or garages for parking, boarding platforms and bus-stop shelters, and, with the approval of the municipalities concerned, perform works for the widening or straightening of streets and any other works it considers necessary or useful for the efficient operation of its services;

(7) take the measures it considers appropriate to promote the setting up and operation of public transport services not operated by it and provide support services to the users of such transport services and to those who organize them.

Notice of  
alienation

**73.** If the alienation contemplated in subparagraph 5 of section 72 is not made by auction or by a call for public tenders, the corporation shall publish every month in a newspaper circulating in the territory of the corporation, a notice mentioning any property otherwise alienated by the corporation during the preceding month, the person to whom it was alienated and the price of alienation, and it shall send a copy of the notice to the Minister of Transport and to the Minister of Municipal Affairs.

Authoriza-  
tion to  
alienate

**74.** Notwithstanding subparagraph 5 of section 72, in no case may the corporation alienate, except with the authorization of the Minister of Transport, any property of a value of \$25 000 or over and for which it was granted a specific subsidy.

Notice

Subject to section 73, the corporation shall notify the Minister of Transport of the alienation of any other property for which it was granted a specific subsidy, within fifteen days of the alienation.

Acquisition  
of equip-  
ment

**75.** The corporation may entrust any other public body providing public transport with the mandate to acquire equipment for the corporation.

Joint pur-  
chase

The corporation, where it intends to acquire equipment for itself, may accept such a mandate from another public body providing public transport. The Minister of Transport may authorize the corporation to make the joint purchase of equipment without a call for tenders.

Duties of  
the corpora-  
tion

**76.** The corporation shall also

- (1) adopt its budget and any supplementary budget;
- (2) adopt a master plan for the middle term and the long term;
- (3) establish, on the recommendation of the executive committee, a tariff of passenger fares according to the classes it determines;
- (4) establish and maintain or assist in the establishment or maintenance of a relief, retirement or pension fund for the benefit of the assistant managing-directors and other members of the administrative staff, the heads of departments and the employees, and their spouses and dependents and, for that purpose, effect, in their

respect, payment of the premiums, subject to the Act respecting supplemental pension plans (R.S.Q., chapter R-17);

(5) establish its staffing requirements;

(6) hire, on the recommendation of the managing director, the assistant managing-directors required for its operation;

(7) determine the remuneration policy, social benefits and other conditions of employment applicable to the assistant managing-directors, heads of departments and employees.

Tariffs

**77.** The tariff established in accordance with paragraph 3 of section 76 shall be published by the secretary of the corporation in a newspaper circulating in the territory of the corporation and posted up in the vehicles of the corporation circulating in its territory.

Coming into force

The tariff comes into force on the thirtieth day after its publication in the newspaper or on any later date fixed therein.

Exception

Where, however, the corporation is of opinion that exceptional circumstances justify it, the tariff comes into force on the tenth day after its publication in the newspaper.

Lines established, changed or cancelled

**78.** The corporation may, on the recommendation of the executive committee, establish, change or cancel lines, replace a bus line by another means of public transport or change the route of a public transport line and, for any of these purposes, use any public street of its territory that it considers expedient.

Decision notified and published

The secretary of the corporation shall transmit to the municipalities situated in the territory of the corporation a notice of the decision of the corporation rendered pursuant to the first paragraph and cause the notice to be published in a newspaper circulating in the territory of the corporation.

Effect

**79.** The decision of the corporation rendered under the first paragraph of section 78 shall take effect fifteen days after the date of publication of the notice contemplated in the second paragraph of the said section or on any later date fixed in the notice or where the corporation is of opinion that it is justified by exceptional circumstances, on the tenth day following the date of publication of the notice.

By-laws

**80.** The corporation may make by-laws respecting

(1) the conduct of persons in or on its immovables and vehicles;



(2) the tickets, transfers and passes used in respect of a public transport service organized by the corporation;

(3) the use of shop windows and show cases by establishments which have leased commercial space from the corporation;

(4) the alienation of any article lost and found in or on its immovables or vehicles.

Publication      The by-laws shall be published by the secretary of the corporation in a newspaper circulated in the territory of the corporation.

Coming into force      The by-laws shall come into force fifteen days after their publication in the newspaper or on any later date fixed therein.

Studies      **81.** The corporation may cause the studies it considers necessary for the exercise of its powers to be made in respect of its territory or another territory.

Acquisition by agreement      **82.** The corporation may acquire, by agreement, within or outside the limits of its territory, any immovable, part of an immovable or real right it may require for the carrying out of its objects.

Acquisition by expropriation      The corporation may also acquire all or part of the immovable or real right contemplated in the first paragraph by expropriation in accordance with the Expropriation Act (R.S.Q., chapter E-24).

Acquisition of transport undertaking      **83.** After obtaining the authorizations of the Minister of Transport and of the Minister of Municipal Affairs, the corporation may acquire by agreement all or part of the property or capital stock of any public transport undertaking operating in whole or in part within its territory.

Expropriation      The corporation may also acquire all or part of the property or capital stock by expropriation. The expropriation shall be made in the manner provided in the Expropriation Act, adapted as required. However, the notice of expropriation shall not indicate any lot number and the amount of the provisional indemnity must be at least 70% of the offer by the expropriating party.

Recourses      Should the expropriated party refuse to hand over to the expropriating party the share certificates and the expropriated property, the expropriating party may institute proceedings pursuant to article 565 of the Code of Civil Procedure.

Effect      This section has effect notwithstanding section 38 of the Expropriation Act.

Powers of  
directors to  
end

**84.** Notwithstanding any inconsistent provision of any law, articles of incorporation, by-law or convention, once the corporation acquires the capital stock of a public transport undertaking, the powers of the directors of the undertaking then in office shall cease and the members of the board of directors of the corporation shall become the sole directors of the undertaking, without remuneration, and without personally being shareholders of the undertaking.

Issue of  
shares void

**85.** Every issue of shares or bonds made by a public transport undertaking after the date of the resolution of the corporation ordering the expropriation of the capital stock of the undertaking shall be null and void.

Restriction

**86.** Notwithstanding any law, convention, trust deed or other provision, none of the provisions of this Act nor the exercise of any of the powers it confers on the corporation, nor any of the acts it authorizes shall have the effect of putting a public transport undertaking in default under the terms of the convention and trust deeds relating to bonds, or of making the payment exigible before maturity, or of enabling the creditors, their representatives or the trustees to exercise the powers and recourses provided for in the event of default of the public transport undertaking as regards such bonds, except where payment of the debt has not been assumed by the corporation.

Transfer of  
obligations

**87.** In the case of acquisition, by agreement or expropriation, by the corporation of the capital stock of a public transport undertaking, the corporation shall assume the obligations of the undertaking and all hypothecs and guarantees encumbering the property of the undertaking shall be extinguished.

Cancellation  
of registra-  
tion

The cancellation of the registration of the hypothecs and guarantees shall be effected by the presentation and deposit, for purposes of cancellation, in the registry office of the registration division concerned, of a requisition therefor, signed by the chairman of the board of directors and the secretary of the corporation.

Requisition

The requisition shall

(1) attest that the corporation has assumed the obligations of the public transport undertaking at the time of the acquisition, by agreement or expropriation, as the case may be, of its capital stock;

(2) designate the immovable property affected by the registration;

(3) specify the registration numbers of the hypothecs and guarantees to be cancelled.

Proof The requisition shall make *prima facie* proof of its contents without having to prove the authority of the signatories.

Rights and obligations **88.** In the case of acquisition by agreement or expropriation of the capital stock of a public transport undertaking, all the property, rights and obligations of the undertaking shall devolve upon the corporation.

Cancellation of articles of incorporation The Government may, by order, whenever the total amount of the price or indemnity payable for the shares has been paid to those entitled thereto or deposited according to law, cancel the articles of incorporation of the public transport undertaking. The cancellation shall take effect from the date fixed in the order.

Subrogation If there then remains any claims or judicial proceedings pending between the undertaking and third persons, the corporation, from the cancellation of the articles of incorporation of the undertaking, shall be in the rights and obligations of the undertaking. Upon the cancellation, the corporation, in all cases pending, shall be substituted for the undertaking, of right, and without proceedings in continuance of suit, and the judgments obtained shall be executory by or against the corporation, as the case may be.

### § 2.—Executive committee

Executive committee **89.** The executive committee shall, in particular,  
(1) implement the decisions made by the board of directors;  
(2) prepare and administer the budget of the corporation;  
(3) perform the duties and exercise the powers of the corporation provided for in this subdivision;  
(4) transmit to the board of directors its recommendations concerning the tariff of user's fare, the lines or the routes of a line of public transport.

Contracts for professional services **90.** The corporation may award, without special formality, any contract for professional services of whatever amount and any other contract involving an expenditure of less than \$50 000.

Tenders Notwithstanding the foregoing, no insurance contract and no contract for the execution of work or the supply of vehicles, equipment or materials or for the supply of services other than professional services and involving an expenditure of more than \$5 000 and less than \$50 000

may be awarded by the corporation unless a call for tenders has been issued and is made by inviting in writing at least two contractors, two suppliers or two insurers, as the case may be, to tender.

Interpreta-  
tion

For the purposes of the second paragraph, a contract for the supply of vehicles or equipment includes a leasing contract with an option to purchase.

Awarding  
of contracts

**91.** The corporation may, after a call for public tenders published in a newspaper circulating in its territory, award a contract contemplated in the second and third paragraphs of section 90 that involves an expenditure of not less than \$50 000.

Time limit

The time limit for the receipt of tenders shall not be less than eight days.

Contract  
bases

Tenders shall not be called for nor shall the contracts resulting therefrom be awarded except on one or the other of the following bases:

(1) for a fixed price;

(2) at unit prices.

Opening of  
tenders

**92.** All tenders contemplated in section 91 shall be opened publicly in the presence of at least two witnesses, on the day and at the time and place mentioned in the call for tenders.

Presence of  
tenderers

The tenderers may be present at the opening of the tenders.

Names and  
prices

The names of the tenderers and their respective prices shall be mentioned aloud at the opening of the tenders.

Lowest  
tender

**93.** The corporation shall not, except with the prior authorization of the Minister of Municipal Affairs who shall obtain the advice of the Minister of Transport, award the contract to any person other than the person who submitted the lowest tender within the prescribed time.

Government  
subsidy

If, however, to comply with the conditions governing the granting of a government subsidy, it is necessary that the contract be awarded to a person other than the person who made the lowest tender within the prescribed time, the corporation may, without the authorization of the Minister of Municipal Affairs, award the contract to the person whose tender is the lowest among the persons fulfilling those conditions, if that tender was made within the prescribed time.

Single ten-  
derer

If there is only one tenderer, the corporation shall not, except with the prior approval of the board of directors, award the contract.

Irresistible  
force

**94.** The chairman of the board of directors or, in his absence, the managing director may, in case of irresistible force of such a nature as to imperil the life or health of the population or seriously damage the equipment of the corporation, order any expenditure and award any contract he considers necessary to remedy the situation. In that case, he is not required to obtain the treasurer's certificate contemplated in section 117.

Report

**95.** In the cases contemplated in section 94, the chairman of the board of directors or, as the case may be, the managing director shall make a substantiated report to the board of directors at the next meeting.

### DIVISION III

#### FINANCIAL PROVISIONS

Fiscal year

**96.** The fiscal year of the corporation ends on 31 December each year.

Revenues

**97.** All revenues of the corporation, including subsidies, shall be used to fulfil the obligations of the corporation and to organize, possess, develop and administer its public transport undertaking.

Operating  
deficits

**98.** The payment of the corporation's operating deficits for the fiscal year covered by the budget, including those resulting from payment of interest on and amortization of its loans, shall be charged to the municipalities situated in its territory.

Apportion-  
ment

**99.** The deficits contemplated in section 98 shall be apportioned by the corporation among the municipalities situated in its territory in relation to one or more of the following criteria:

(1) the number of kilometres covered in the territory of each municipality by the vehicles of the corporation;

(2) the number of hours during which each vehicle of the corporation circulated in the territory of each municipality;

(3) the population of each municipality;

(4) the standardized real estate value of each municipality;

(5) any other criteria agreed to by two-thirds of the members of the board of directors at a meeting called especially for that purpose and representing at least four municipalities of the territory of the corporation, and approved by the Minister of Transport.

## Criteria

The corporation is not required to apportion the operating deficits pertaining to various means of public transportation or the operating deficits pertaining to various lines of one means of public transportation, among the same municipalities or according to the same criteria.

“stan-  
dardized  
real estate  
value”

**100.** For the purposes of subparagraph 4 of the first paragraph of section 99, the expression “standardized real estate value” refers to the aggregate of the following assessments:

- (1) the standardized taxable assessment of all the immovables;
- (2) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- (3) the standardized nontaxable assessment of the immovables contemplated in the second, third or fourth paragraph of section 255 of the said Act corresponding to the percentage referred to in the said paragraph;
- (4) the standardized nontaxable assessment of all farmland and woodlots;
- (5) any part of the standardized nontaxable assessment of all the immovables contemplated in paragraph 1.1 of section 204 of the said Act in respect of which amounts in lieu of taxes must be paid; that part of the standardized assessment is that corresponding to the proportion represented by the amounts paid for the reference fiscal year in relation to the total amount of the municipal real estate taxes which could have been imposed for that fiscal year in respect of those immovables if they had not been tax-exempt; for the purposes of this paragraph, the reference fiscal year, in respect of an immovable, is the last municipal fiscal year for which the amounts in lieu of taxes in respect of that immovable are paid-up;
- (6) the standardized nontaxable assessment of all of the immovables contemplated in the first paragraph of section 208 of the said Act;
- (7) the assessment equivalent to the capitalization, based on the standardized aggregate taxation rate of the municipality for the fiscal year preceding the fiscal year considered, of the revenues of the municipality derived from the application of section 222 of the said Act for the said preceding fiscal year and of its revenues derived from the application of the second paragraph of section 230 of the said Act for the fiscal year considered; for the purposes of this paragraph, the standardized aggregate taxation rate is that which is computed in

accordance with the regulation made under paragraph 7 of section 262 of the said Act on the basis of the data provided in the budget of the preceding fiscal year.

Standardized assessment For the purposes of the first paragraph, the standardized assessment is the product obtained by multiplying the values entered on the assessment roll of a municipality by the factor established for that roll under the Act respecting municipal taxation.

Number of kilometres and hours **101.** The number of kilometres covered and the number of hours during which each vehicle of the corporation has travelled in the territory of each municipality may be established by sample.

Accounting **102.** Subject to section 112, the sum representing the difference between the revenues and expenditures of the corporation for a fiscal year and certified in the auditor's report contemplated in section 139 shall be entered with the revenues or with the expenditures in the budget of the fiscal year following the report.

Budget **103.** Each year the executive committee shall prepare its budget for the ensuing fiscal year and send it to the secretary of the corporation before 15 October.

Amount payable by each municipality The executive committee shall indicate, on transmitting its budget, the amount that each municipality in the territory of the corporation is required to pay following the apportionment provided for in section 99.

Estimates **104.** Not later than 15 October, the treasurer of the corporation shall establish in a certificate the appropriations he considers necessary, during the next fiscal year, for the payment of interest on the bonds issued or to be issued by the corporation, the repayment or redemption of the bonds and the requirements of the sinking funds of the securities, and for any charge relating to the debt of the corporation.

Exception The amounts required in principal, interest and incidental cost in respect of loans made in anticipation of revenue and renewable loans the maturity date of which occurs during the fiscal year covered by the budget, however, are not computed.

Collective agreements **105.** The treasurer shall also include in the certificate an estimate of the appropriations required during the next fiscal year in respect of any payment to be made by the corporation pursuant to the collective agreements then in force or pursuant to legislative or regulatory provisions.

Amounts included in the budget

**106.** The amounts contemplated in the treasurer's certificate must be included in the budget of the corporation.

Unforeseen expenses

The budget must include a separate appropriation of not more than 1.5% of the expenditures as a reserve for unforeseen administrative and operating expenses.

Amendment

**107.** The treasurer may amend the certificate until 31 December preceding the fiscal year to which it applies, if the appropriations mentioned therein have not been adopted. He shall transmit the amendment to the secretary of the corporation who shall notify the board of directors thereof at the next meeting.

Adoption of the budget

**108.** The budget shall be submitted for adoption to the board of directors not later than 15 November at a special meeting called for that purpose. The board of directors may amend the budget.

Adjournment

The meeting shall be adjourned as often as necessary and shall not be closed until the budget is adopted by the board of directors.

Separate appropriation

**109.** The board of directors is under no obligation to adopt all the appropriations of the budget simultaneously. It may adopt one appropriation separately.

Fractions of the budget

**110.** The board of directors may, before 1 January, adopt provisionally, for a period of three months, one-quarter of an appropriation provided for in the budget. It may adopt, in the same manner, one-quarter of any particular appropriation before each period beginning on 1 April, 1 July and 1 October.

Fractions of the budget

The board of directors may thus adopt at one and the same time

- (1) three-quarters of an appropriation, if it does so before 1 April;
- (2) two-quarters of an appropriation, if it does so before 1 July.

Presumption

**111.** If, on 1 January, the budget of the corporation is not adopted, the appropriations mentioned in the treasurer's certificate and included in the budget being studied are deemed to be adopted and come into force on that date.

Retroactive effect

The adoption, after 1 January, of the budget or of any appropriation in accordance with section 110 has effect retroactively to that date.

Supplementary budget

**112.** The executive committee may prepare, during the fiscal year, a supplementary budget when it considers it necessary. The budget



is prepared in accordance with the rules applicable to the annual budget, adapted as required.

**Sending of copies** A copy of the supplementary budget shall be transmitted by the secretary of the corporation to each member of the board of directors fifteen days before being submitted to the board of directors.

**Adoption** **113.** The supplementary budget shall be submitted for adoption to the board of directors at a special meeting called for that purpose. The board of directors may amend the budget.

**Presumption** The meeting contemplated in the first paragraph may end although the supplementary budget is not adopted. If the budget is not adopted within the following fifteen days, the appropriations mentioned in the treasurer's certificate and included in the budget are deemed to be adopted and come into force at the expiry of that period.

**Transmission to the Minister** **114.** The secretary of the corporation shall transmit the budget of the corporation and any supplementary budget to the Minister of Municipal Affairs and to the Minister of Transport within thirty days of their adoption.

**Transfer of appropriations** **115.** The executive committee may transfer appropriations from one item of the budget to another up to the amount determined by the board of directors.

**Report** The executive committee shall report the transfer of appropriations to the board of directors at the next regular meeting of the board of directors.

**Funds to remain available** **116.** The funds appropriated by a budget for specified financial engagements in a fiscal year shall remain available in the ensuing fiscal year for the execution of the engagements, whether or not they have begun.

**Treasurer's certificate** **117.** Any by-law or resolution of the board of directors authorizing an expenditure has effect only if it is accompanied with a certificate of the treasurer indicating that the corporation disposes of appropriations that are sufficient for the intended purposes of the expenditure.

**Yearly certificate** Where a convention made pursuant to a by-law or resolution to which the first paragraph applies has effect over more than one fiscal year, a certificate shall be produced in accordance with the first paragraph for the portion of expenditures that will be made during the first year and thereafter at the beginning of each year during which the convention has effect.

Payment of  
share of  
deficit

**118.** The corporation shall determine, by by-law, the modalities of payment, by the municipalities situated in its territory, of their aliquot share of the estimated operating deficit to be apportioned for the fiscal year contemplated in the budget.

Conditions

The by-law may prescribe, in particular, for each situation,

(1) the time limit for establishing the aliquot share and for transmitting it to the municipalities;

(2) the time limit for paying the aliquot share or the dates granted for its payment by instalments;

(3) the rate of interest payable on an overdue aliquot share or instalment;

(4) the adjustments that may result from the deferred adoption of all or part of the budget or from the successive use of provisional and final data in computing the apportionment base provided for in section 99;

(5) the date on which the data used to establish the criteria contemplated in the first paragraph of section 99.

Rate of in-  
terest

The by-law may, instead of fixing the rate of interest on an overdue aliquot share or instalment, prescribe that the rate be fixed by the corporation upon the adoption of its budget.

Default

The corporation may require the Commission municipale du Québec to file a petition to have a municipality declared in default under the Act respecting the Commission municipale (R.S.Q., chapter C-35).

Special tax

**119.** A municipality may, for the purposes of paying its aliquot share of the operating deficits of the corporation, levy a special tax in accordance with section 487 of the Cities and Towns Act (R.S.Q., chapter C-19) or require from any owner or tenant of an immovable in the municipality a compensation pursuant to a tariff it considers appropriate.

Tax

The compensation levied on owners is assimilated to a real estate tax and the compensation levied on tenants is assimilated to a personal tax.

Loan by-law

**120.** The corporation may, by by-law, order loans for any purpose within its competence. In no case may the term of the loans contracted under this section exceed thirty years.

Content	The by-law need only mention the total amount in capital of the loan it orders, the purposes for which the proceeds of the loan are intended and the maximum term for which it may be contracted.
Approval	The by-law requires the approval of the Minister of Municipal Affairs.
Temporary loans	<b>121.</b> The executive committee may, by resolution, order temporary loans for the payment of current administrative expenses of the corporation and contract them on the conditions and for the term it determines.
Temporary loans	The executive committee may also contract temporary loans for the payment of expenses incurred under a loan by-law.
Approval	Every resolution of the executive committee passed pursuant to the first paragraph requires the approval of the Minister of Municipal Affairs.
Conditions	<b>122.</b> The executive committee, with the approval of the board of directors, shall determine, by resolution,  (1) the rate of interest on the loan or bonds or the manner of establishing that rate;  (2) the period when the loan is made;  (3) the content of the bonds and contracts;  (4) the condition of issue of the bonds.
Approval	Every resolution passed by the executive committee in accordance with the first paragraph requires the approval of the Minister of Municipal Affairs.
Register	The executive committee may also, in the same manner, designate a place outside Québec where a register is kept for the registration of bonds and designate a person authorized to keep the register.
Provisions applicable	<b>123.</b> Sections 7 and 8 and Divisions V to X and XII of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7), adapted as required, apply to the corporation.
Authorized investments	<b>124.</b> The bonds, notes and other securities issued by the corporation shall be authorized investments as if they were mentioned in paragraph <i>a</i> of the first paragraph of article 981 <sup>o</sup> of the Civil Code of Lower Canada.

Joint and  
several lia-  
bility

**125.** The municipalities situated in the territory of the corporation shall be jointly and severally liable toward the holders of bonds, notes and other securities issued by the corporation for the repayment of such bonds, notes and other securities, in principal, interest and other incidental cost, and for all other obligations contracted by the corporation.

Signatures  
on bonds

**126.** The bonds, coupons, notes and other securities issued by the corporation shall be signed by the chairman of the executive committee and the treasurer of the corporation or, if the latter is absent or unable to act, by any person designated for that purpose by the executive committee to replace him.

Validity

The signature of the chairman of the executive committee or of the treasurer of the corporation affixed on any bond, coupon, note or other securities of the corporation not issued or delivered before these persons cease to act is nevertheless valid and binds the corporation.

Signatures  
on negotia-  
ble instru-  
ments

**127.** The cheques or orders of payment issued by the corporation shall be signed by the treasurer and by one or more persons appointed by the board of directors.

Facsimile

**128.** The facsimile of the signature of the chairman of the executive committee of the corporation may be engraved, lithographed or printed on the documents contemplated in section 126, and that of the treasurer and of the person or persons contemplated in section 127 may be engraved, lithographed or printed on the documents contemplated in section 127.

Effect

The facsimile has the same effect as if the signature itself had been affixed to the documents.

#### DIVISION IV

##### PROGRAM OF CAPITAL EXPENDITURES

Program of  
capital ex-  
penditures

**129.** Each year, the corporation shall adopt, by resolution, a program of capital expenditures for the next three fiscal years.

Content

**130.** The program shall be divided into annual phases. It shall describe, for the period coincident therewith, the object, the cost and the mode of financing of the capital expenditures or expenses that the corporation plans to make or to incur, and for which the financing period exceeds twelve months.

Long term  
expendi-  
tures

The program shall also mention the capital expenditures that the corporation plans to make beyond the period contemplated in it if they result from commitments made during that period.

Transmis-  
sion to the  
Minister

**131.** The program shall be transmitted to the Minister of Municipal Affairs and to the Minister of Transport not later than 30 September preceding the beginning of the first fiscal year contemplated in the program.

Extension

On sufficient proof that the corporation is in fact unable to transmit its program within the prescribed time, the Minister of Municipal Affairs may grant to it any additional time fixed by him.

Approval

The Government shall approve the program on the recommendation of the Minister of Municipal Affairs and the Minister of Transport. The approval may be total or partial.

Form

The Minister of Municipal Affairs may, by order, require that the program be transmitted by means of the form provided by him for that purpose.

Information

The Minister may also require the board of directors to furnish him with any information on the program that is not provided for in section 130.

Compliance  
with the  
program

**132.** No loan and no financial commitment made in view of the financing of capital expenditures may validly be ordered except in accordance with the program of capital expenditures in force.

Amendment

The corporation may, however, amend the program in accordance with this division. The amendment shall be transmitted within thirty days of its adoption.

Provisions  
applicable

To the extent that they are consistent with the first and second paragraphs, the provisions of the procedure preceding the adoption of the budget of the corporation also apply, adapted as required, to the procedure preceding the adoption of the program of capital expenditures of the corporation.

## DIVISION V

### AUDIT AND REPORT

Appoint-  
ment of au-  
ditor

**133.** During the period extending from 1 December to 15 April, the corporation shall appoint an auditor for the fiscal year beginning during that period. If no appointment has been made on 15 April, the auditor appointed for the preceding fiscal year shall remain in office.

Vacancy

**134.** Where a vacancy occurs in the office of auditor before the expiry of his term, the corporation shall fill the vacancy at the next meeting of the board of directors.

Transmission to the Minister

**135.** The corporation shall inform the Minister of Municipal Affairs of the name of the auditor appointed for the current fiscal year, as soon as it is known.

Disqualification

**136.** In no case may the following persons act as an auditor for the corporation:

(1) a member of the board of directors or his associate;

(2) the managing director, an assistant managing-director, another member of the administrative staff, the head of a department or an employee of the corporation, or his associate;

(3) a person who, during the fiscal year for which the audit is carried out, has directly or indirectly, personally or through his associate, any interest in a contract with the corporation, receives a commission pursuant to the contract or derives any benefit from the contract, unless his connection with the contract arises from the practice of his profession.

Appointment by the Minister

**137.** The Minister of Municipal Affairs may, if he considers it necessary, appoint an auditor other than the auditor appointed under section 133 or 134 and require a report from him.

Duties of the auditor

**138.** The auditor shall, during the fiscal year for which he is appointed, audit the financial statements and any other document the Minister of Municipal Affairs determines by regulation published in the *Gazette officielle du Québec*.

Coming into force

Every regulation under the first paragraph comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

Auditor's report

**139.** The auditor shall send his report to the treasurer of the corporation not later than 31 March following the expiry of the fiscal year for which he was appointed or for which he remained in office.

Content

The auditor shall state in his report, in particular, whether the financial statements of the corporation faithfully represent the financial position of the corporation on 31 December and indicate the results of the operations of the corporation for the fiscal year ending on that date.

- Other audit**      **140.** The corporation may require any other audit it considers necessary and require a report from the auditor.
- Financial report**      **141.** At the end of the fiscal year, the treasurer of the corporation shall draw up the financial report for the past fiscal year and shall certify it.
- Content**      The report shall include the financial statements of the corporation and any other information required by the Minister of Municipal Affairs.
- Form**      The report shall be drawn up on the form furnished by the Minister of Municipal Affairs, where such is the case.
- Filing**      **142.** The financial report shall be filed at a meeting of the board of directors, at the same time as the auditor's report.
- Transmission to the Minister**      The secretary of the corporation shall send the reports to the Minister of Municipal Affairs not later than 1 May.
- Transmission to the Minister**      **143.** The corporation shall, not later than 1 May each year, transmit to the Minister of Transport a certified copy of the report produced by the auditor for the preceding fiscal year, accompanied with a report of the activities of the corporation during that fiscal year.
- Information**      The corporation shall transmit to the Minister of Transport any other information required by him.
- Use of subsidies**      **144.** The Minister of Transport may designate a person to examine the use of subsidies paid to the corporation and the nature of the expenses related to the subsidies.

## DIVISION VI

## PENAL PROVISIONS

- Use of name**      **145.** Except with the authorization of the executive committee, no person shall in any manner use the name of the "Société de transport de la rive sud de Montréal" or of any of its departments, or its emblem, acronym or graphic symbol.
- Offence**      **146.** Every person who contravenes section 145 is guilty of an offence and liable for each offence, in addition to costs, to a fine of not more than \$500.
- Offences and penalties**      **147.** The corporation may, in the by-laws contemplated in paragraphs 1, 2 and 3 of section 80, define contraventions and prescribe, for each offence, in addition to costs, a fine of not more than \$500.

**Subsequent offence** In the case of a subsequent offence within two years of the conviction, the fine is not less than \$200 nor more than \$1 000.

**Proceedings** **148.** Proceedings for an offence contemplated in section 145 or for an offence against a by-law are instituted by the corporation or by a person generally or specially authorized in writing for that purpose by the corporation.

**Municipal Court** **149.** Proceedings for an offence contemplated in section 145 or for an offence against a by-law are instituted before the Municipal Court having jurisdiction in the territory of the corporation, or, where the offence has been committed outside its territory, before the Municipal Court having jurisdiction in the territory where the offence was committed.

**Fines** The fines contemplated in sections 146 and 147 belong to the corporation and the costs belong to the municipality under the jurisdiction of the Municipal Court that has heard the case.

**Proceedings** **150.** Proceedings for an offence contemplated in section 146 or for an offence against a by-law are governed by the Summary Convictions Act (R.S.Q., chapter P-15).

## DIVISION VII

### GENERAL PROVISIONS

**Sufficient interest** **151.** The corporation has sufficient interest to appear before a judicial, quasi-judicial or administrative court to make or have made any representations it considers necessary respecting any application for a permit made by a carrier of passengers and covering all or part of that territory of the corporation or the territory of the municipalities served by it, respecting routes, stops or any other condition which may affect the permit.

**Notice** Notice of the hearing of such application for a permit shall be sent to the corporation.

**Extension** **152.** Any period of time granted to the corporation by this Act to perform an act or to make a decision may be extended by the Minister of Transport, at the request of the corporation.

**Decision by the Government** **153.** If the corporation fails to perform an act or to make a decision within the time prescribed under this Act, the Government may perform the act or make the decision.



- Effect**      Every act performed or every decision made by the Government is binding on the corporation as if the act had been performed or the decision had been made by the corporation.
- Approval**      No act performed and no decision made by the Government may be cancelled, repealed or changed by the corporation except with the approval of the Government.
- Decision or act after prescribed time**      Subject to section 152, the corporation may perform an act or make a decision even after the time prescribed under this Act has expired, provided that it does so before an act is performed or a decision is made by the Government.
- Lost articles**      **154.** The corporation is exempt from responsibility towards owners of articles lost on its property or in its vehicles.
- Jurisdiction of the C.T.Q.**      **155.** The corporation is not subject to the jurisdiction of the Commission des transports du Québec otherwise than under a provision of this Act.
- Jurisdiction of the C.T.Q.**      The Commission des transports du Québec has no jurisdiction in respect of transportation supplied for the corporation pursuant to a contract contemplated in subparagraphs 2 and 3 of the second paragraph of section 63 and in sections 64 and 67.

## DIVISION VIII

## TRANSITIONAL AND FINAL PROVISIONS

- 1971, c. 98, replaced**      **156.** The Act to incorporate the Montréal South Shore Transit Commission (1971, chapter 98), amended by chapter 55 of the statutes of 1972, chapters 39 and 91 of the statutes of 1973, chapters 7 and 104 of the statutes of 1978, chapter 72 of the statutes of 1979, chapters 8 and 26 of the statutes of 1981, chapters 2 and 63 of the statutes of 1982, chapters 45, 46 and 57 of the statutes of 1983 and chapters 38, 39 and 47 of the statutes of 1984, is replaced by this Act.
- Succession**      **157.** The Société de transport de la rive sud de Montréal incorporated under this Act shall replace the Montréal South Shore Transit Commission incorporated under the Act to incorporate the Montréal South Shore Transit Commission and, for such purposes, it shall acquire every right and assume every obligation thereof.
- Guarantee of payment**      The municipalities that were served by the Montréal South Shore Transit Commission through a subsidiary dissolved in accordance with section 75 of the Act respecting intermunicipal boards of transport in

the area of Montréal shall continue to guarantee, by way of their general fund, the payment, in capital and interest, of the bonds issued by the Commission upon contracting loans on behalf of its subsidiary.

Decisions in  
force

**158.** Every decision, by-law, resolution, contract, agreement or convention made or entered into pursuant to the Act to incorporate the Montréal South Shore Transit Commission remains in force until it is amended, repealed or replaced by a decision, by-law, resolution, contract, agreement or convention made or entered into pursuant to this Act.

Name  
replaced

**159.** In any Act, regulation, by-law, order, order in council, proclamation, contract or document, the designation "Montréal South Shore Transit Commission" and the word "Commission" where it refers to such commission are replaced by "Société de transport de la rive sud de Montréal" or "corporation", unless otherwise required by the context.

Use of  
documents

**160.** The Société de transport de la rive sud de Montréal is authorized to use all documents or means of identification already prepared in the name of the Montréal South Shore Transit Commission, until it replaces them by documents or means of identification prepared in its name.

Presump-  
tion

**161.** The Société de transport de la rive sud de Montréal is deemed to be a transit commission for the purposes of sections 1, 18 and 89 of the Act respecting intermunicipal boards of transport in the area of Montréal, paragraph *g* of section 1 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70), paragraph 5 of section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and subparagraph *b* of paragraph 2 of section 41 of the Securities Act (R.S.Q., chapter V-1.1).

Members of  
the Council

**162.** The members of the Council contemplated in section 3 of the Act to incorporate the Montréal South Shore Transit Commission in office on 19 June 1985 become without any other formality the members of the board of directors of the corporation.

Commis-  
sioners in  
office

**163.** Subject to section 166, the commissioners of the Commission contemplated in section 23 of the Act to incorporate the Montréal South Shore Transit Commission, including the chairman and general manager, in office on 19 June 1985 become without any other formality the members of the executive committee of the corporation until the board of directors of the corporation forms a new executive committee.

Secretary  
and  
treasurer  
in office

**164.** The person holding the office of secretary of the Council and of secretary of the Commission and the treasurer of the Commission in office on 19 June 1985 become without any other formality the secretary and the treasurer of the Société de transport de la rive sud de Montréal.

Officers and  
employees  
in office

**165.** The assistant managing-directors, the other members of the administrative staff, the heads of departments and the employees of the Montréal South Shore Transit Commission in office on 19 June 1985 become without any other formality the assistant managing-directors, the other members of the administrative staff, the heads of departments and the employees of the Société de transport de la rive sud de Montréal.

Chairman  
and general  
manager

**166.** The chairman and general manager of the Montréal South Shore Transit Commission in office on 19 June 1985 shall remain in office, on the same conditions, until 4 July 1987, as president and managing director.

Appoint-  
ment as  
president  
and manag-  
ing director

Notwithstanding any inconsistent provision of this Act, from 4 July 1987, the board of directors may appoint the chairman and general manager, under the same conditions, as president and managing director for a period of not over five years.

Chairman of  
the execu-  
tive com-  
mittee

From the coming into force of section 31 and of this section, and notwithstanding section 31, so long as the chairman and general manager is acting as president and managing director, he shall be the chairman of the executive committee which shall in that case be composed of six members.

Applicabili-  
ty of  
replaced  
provision

**167.** Section 61 of the Act to incorporate the Montréal South Shore Transit Commission continues to apply, as if it had not been replaced, in respect of the operating deficit of the corporation to be apportioned for the fiscal year 1985.

Loan by-law

The municipalities which, following the application of the first paragraph and of section 99, are required to pay two aliquot shares in 1986 may order a loan by-law to spread over a period of not over ten years the payment of either of the two aliquot shares.

Approval

The loan by-law contemplated in the preceding paragraph requires only the approval of the Minister of Municipal Affairs and comes into force in accordance with the Act governing the municipality.

Population

**168.** For the purposes of section 5 and paragraph 3 of the first paragraph of section 99, the population of a municipality shall be that

shown in the last census made for the whole of Québec or the municipality concerned in accordance with section 7 of the Cities and Towns Act (R.S.Q., chapter C-19).

Interpreta-  
tion

**169.** Section 62 of this Act shall, from 1 July 1986, read as follows:

Pupil trans-  
portation

**“62.** The corporation may make a contract for pupil transportation within the scope of the Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1), the Act respecting private education (R.S.Q., chapter E-9) or the General and Vocational Colleges Act (R.S.Q., chapter C-29).

Competence  
outside its  
territory

The corporation is empowered to carry out, outside its territory, a contract entered into with a school board provided that the territory of the school board coincides with the territory of the corporation, of a municipality or of an intermunicipal board of transport served by the corporation pursuant to a contract.”

Effect

**170.** Section 117 of this Act has effect from 1 January 1987.

1984, c. 39,  
s. 623,  
repealed

**171.** Section 623 of the Act respecting public elementary and secondary education (1984, chapter 39) is repealed.

Minister  
responsible

**172.** The Minister of Transport is responsible for the application of sections 1 to 92, 94, 95, 143 to 166, 169 and 171 and the Minister of Municipal Affairs is responsible for the application of sections 93, 96 to 142, 167 and 168.

Exception

**173.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into  
force

**174.** This Act comes into force on 20 June 1985.