

NATIONAL ASSEMBLY
Thirty-second Legislature, fourth session

1983, chapter 59
**AN ACT TO AMEND THE CHARTER
OF THE CITY OF MONTRÉAL**

Bill 200

Introduced by Mr Patrice Laplante

First reading: 30 November 1983

Second reading: 21 December 1983

Third reading: 21 December 1983

Assented to: 22 December 1983

Coming into force: 22 December 1983

Acts amended:

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

Act to amend the Charter of the City of Montréal (1982, chapter 71)



CHAPTER 59

An Act to amend the Charter of the
city of Montréal

[Assented to 22 December 1983]

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. 520,
am. **1.** Article 520 of the Charter of the city of Montréal (1959-60, chapter 102) is amended

(1) by inserting, after paragraph 6, the following paragraph:

Erotic
objects “6.1 Regulate the display of erotic objects and printed matter, more particularly for the purpose of protecting the youth;”;

(2) by replacing the word “obscene”, in paragraph 58, by the word “erotic”.

1959-60, c.
102, a. 521,
am. **2.** Article 521 of the said charter, amended by section 148 of chapter 55 of the statutes of 1972, by section 46 of chapter 77 of the statutes of 1977 and by sections 9 of chapter 40 and 8 of chapter 41 of the statutes of 1980, is amended by replacing paragraph 3 by the following paragraph:

Permits and
licences “3. Fix the amount, conditions and mode of issue of the permits and licences which the city is authorized to grant and provide for the revocation thereof;”.

1959-60, c.
102, a. 522,
am. **3.** 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 (1st 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 and by section 16 of chapter 22 of the statutes of 1979, is amended

(1) by inserting, after paragraph 1, the following paragraph:

Streets or
lanes

“1*a*. Transfer lands acquired for the purposes of streets or lanes from the public domain to the private domain of the city where it appears from a report of the head of the competent department that the streets or lanes are neither laid out nor used by the public for those purposes;”;

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

Alignments
of streets or
lanes

“2. Cause the alignment and level of any street, lane, or public place to be established by its officers, compel every person erecting a building on any street, lane or public place to obtain from the city the alignment and level thereof and to sign a minute to that effect, a copy of which may be obtained by him at his request on payment of an amount fixed by resolution of the executive committee;”.

1959-60, c.
102, a.
528*b*, re-
placed

4. Article 528*b* of the said charter, enacted by section 24 of chapter 84 of the statutes of 1965 (1st session) and amended by section 24 of chapter 71 of the statutes of 1982, is replaced by the following article:

Powers exer-
cised by
resolution

“**528*b***. The council may also exercise by resolution the powers provided in paragraph 5 of article 520, in paragraph 1*a* of article 522, in paragraph 10 of article 526, in paragraph 9 of article 527 and in paragraphs 3, 4, 6 and 11 of article 528.”

1959-60, c.
102, a. 543*b*,
am.

5. Article 543*b* of the said charter, enacted by section 26 of chapter 71 of the statutes of 1982, is amended by replacing subarticle 24 by the following subarticle:

Assments

“(24) The assessments are ordered on the ratepayers having a place of business during the fiscal period for which the budget is deposited. A ratepayer who begins or ceases to occupy a place of business during the year shall pay the assessment pro rata to his occupancy only. Any occupancy occurring or ceasing after the first day of a month is deemed to be an occupancy occurring or ceasing on the first day of the following month.”

1959-60, c.
102, a. 594,
am.

6. Article 594 of the said charter is amended

(1) by replacing the word “forty” in the second paragraph by the word “twenty”;

(2) by striking out the last sentence of the third paragraph.

1959-60, c.
102, a. 610*d*,
am. **7.** Article 610*d* of the said charter, enacted by section 28 of chapter 71 of the statutes of 1982, is amended by replacing subarticle 1 by the following subarticle:

Exemption **“610*d*.** (1) The council may, by by-law, exempt the owner of a building already erected or a person proposing to erect a building for which parking units must under another by-law be provided and maintained, from the obligation to provide and maintain parking units, to such extent as the council may determine in each case.”

1959-60, c.
102, a. 652,
am. **8.** Article 652 of the said charter, amended by sections 24 and 77 of the statutes of 1979, is amended by replacing paragraph *a* by the following paragraph:

“(a) of the probable receipts from the real estate tax, water-rate, service tax and business tax for the following fiscal period, calculated as indicated in article 653, and of the payment, by real estate owners other than the city, of the assessments for local improvements, to become due during the fiscal period;”

1959-60, c.
102, a.
661.1, added **9.** The said charter is amended by inserting, after article 661, the following article:

Expenditures
for services
to
councillors **“661.1** Notwithstanding any provision of a general law or a special Act, the council shall provide in its budget for an annual appropriation allocated to the reimbursement of expenditures incurred to assist the members of the council in the performance of their duties. The council shall, by by-law, determine the expenditures for services to councillors that may be charged to that appropriation and stipulate that the appropriation is allocated to the reimbursement of the expenditures of the councillors in office according to the adherence of the councillors to an official municipal political party within the meaning of the Act respecting elections in certain municipalities (R.S.Q., chapter E-2.1). The council may, by by-law, entrust the clerk with the duty of managing the appropriation and prescribing the forms and means of control.”

1959-60, c.
102, a. 725,
am. **10.** Article 725 of the said charter is amended by adding the following paragraph:

Applicability **“Subject to article 661, this article does not apply when the by-law or resolution is adopted under an Act that came into force after the date of filing, in the office of the clerk, of the budget, by-laws and resolutions mentioned in article 669.”**

1959-60, c.
102, a. 787*a*,
am. **11.** Article 787*a* of the said charter, enacted by section 66 of chapter 59 of the statutes of 1962 and amended by section 33 of chapter 84 of the statutes of 1965 (1st session), by section 15 of chapter 76 of the statutes of 1972, by section 113 of chapter 77 of the statutes of 1977, by sections 38 and 68 of chapter 40 of the statutes of 1980 and by section 58 of chapter 71 of the statutes of 1982, is again amended

(1) by inserting, after subparagraph *b*, the following subparagraph:

“(bb) to make alterations to any land, building or dwelling to make it accessible to handicapped persons or to adapt it to their use;”;

(2) by striking out the words “on burying electric cables or moving them off the street” in subparagraph *d* of the first paragraph.

1959-60, c.
102, a. 803,
am.

12. Paragraph *s* of article 803 of the said charter is repealed.

1959-60, c.
102, a. 808,
am.

13. Article 808 of the said charter, replaced by section 60 of chapter 71 of the statutes of 1982, is amended by replacing the first and second paragraphs of subarticle 2 by the following subarticle:

Criteria

“(2) Where the council imposes a tax provided for in subarticle 1, it may establish it according to the various categories of occupation based on any or on a combination of the following criteria:

(a) a fixed rate;

(b) a rate established according to consumption;

(c) a rate based on the rental value.”

1959-60, c.
102, a. 813,
replaced

14. Article 813 of the said charter is replaced by the following article:

Refusal or
cancellation

“**813.** The executive committee may, in the interest of good morals or public order, refuse to issue, or cancel any permit or licence.”

1959-60, c.
102, a. 814,
replaced

15. Article 814 of the said charter, amended by sections 35, 72 and 82 of chapter 22 of the statutes of 1979, is replaced by the following article:

Special taxes

“**814.** The city, at the discretion of the council, on such conditions and according to such modalities as the council may determine, may impose and levy in the form of a permit or licence the special taxes provided for in Division 3 of this chapter.”

1959-60, c.
102, a. 892,
am.

16. Article 892 of the said charter, amended by section 473 of chapter 72 of the statutes of 1979, is again amended by replacing the fourth paragraph by the following paragraph:

Publications

“The sheriff shall cause such notice to be published, at least one month before the date fixed for the sale, in two daily newspapers published in the city. He shall also cause to be published in the *Gazette officielle du Québec*, at least fifteen days before the sale, a notice indicating in what newspapers and on what dates the publications were made.”

1959-60, c.
102, a. 964c,
am. **17.** Article 964c of the said charter, enacted by section 45 of chapter 40 of the statutes of 1980 and amended by section 23 of chapter 41 of the statutes of 1980, is again amended by striking out the words “residential, industrial or commercial”.

1959-60, c.
102, a.
964ff, added **18.** The said charter is amended by inserting, after article 964f, the following article:

Corporation
established
on petition
by the city **“964ff.** The executive committee is authorized to pay to a corporation established on a petition filed by the city the sums provided for as working capital in the letters patent establishing the corporation.

Powers The council may

(a) authorize the payment of contributions to make up the deficit of the corporation;

(b) guarantee the debt contracted by the corporation.”

1959-60, c.
102, a. 984a,
am. **19.** Article 984a of the said charter, enacted by section 18 of chapter 76 of the statutes of 1972 and amended by section 136 of chapter 38 of the statutes of 1973, is again amended by replacing the expression “more than 75 feet” by the expression “not less than 15 metres” and the expression “five feet” by the expression “two metres”.

1959-60, c.
102, a. 1019,
added **20.** The said charter is amended by inserting, after article 1018, the following article:

Apportion-
ment of cost **“1019.** The city may apportion among the bordering proprietors all or part of the cost of the construction of malls, covered or not, or of shelters.

Rules of
apportion-
ment The apportionment is made in proportion to the number of metres of frontage of the immovables and is subject to the other rules of this title concerning municipal works and local improvement taxes.”

1959-60, c.
102, a. 1140,
am. **21.** Article 1140 of the said charter, replaced by section 170 of chapter 77 of the statutes of 1977 and amended by section 76 of chapter 71 of the statutes of 1982, is again amended by replacing the words “Bureau des véhicules automobiles”, in the second paragraph, by the words “Régie de l’assurance automobile du Québec”.

1959-60, c.
102, a.
1140a, am. **22.** Article 1140a of the said charter, enacted by section 64 of chapter 86 of the statutes of 1966-67, is amended by adding, at the end, the following paragraph:

Cost of
impounding
motor
vehicle **“The same applies to a by-law determining the costs of immobilizing, towing or impounding a motor vehicle, incurred by an offender or a defendant in application of article 1159.5.”**

1959-60, c.
102, a.
1140b, am. **23.** Article 1140*b* of the said charter, replaced by section 77 of chapter 71 of the statutes of 1982, is amended by striking out subarticles 7 and 8.

1959-60, c.
102, a.
1140*e*,
repealed **24.** Article 1140*e* of the said charter, enacted by section 77 of chapter 71 of the statutes of 1982, is repealed.

1959-60, c.
102, aa.
1159.1-1159
.5, added **25.** The said charter is amended by inserting, after article 1159, the following articles:

Time limit
for payment **“1159.1** Notwithstanding any other provision of this charter, if in his judgment the judge or the clerk orders the payment of a sum of money for the infringement of a provision of any Act, regulation or by-law respecting traffic or the use of a motor vehicle or an accessory of such a vehicle, he shall fix a time limit for the payment which, unless the defendant waives it, must not be less than 30 days from the date of the decision. He shall not at that time make any order for the recovery of the sum.

Imprison-
ment If the judge has reasonable cause to believe the defendant will abscond, he may order that, failing immediate payment, the defendant be imprisoned for such time as he may fix in accordance with the Summary Convictions Act.

Provisions
applicable **“1159.2** Subdivision 1 of Division IX of the Summary Convictions Act applies, *mutatis mutandis*, to the judgment, subject to articles 1159.3 to 1159.5 and to the fact that no compensatory work may be offered except in accordance with section 64.2 of the Summary Convictions Act.

Seizure of
motor
vehicle **“1159.3** The collector responsible for the execution of the judgment may also, through the intermediary of a peace officer, a bailiff or an employee designated by the city, cause a motor vehicle registered in the name of the defendant to be seized by immobilizing, towing or impounding it, without the formalities of seizure provided for in the Code of Civil Procedure, to have it sold by judicial sale; the seized party or a third person may oppose the seizure in accordance with the Code.

Restriction **“1159.4** In no case may a motor vehicle be immobilized or towed unless it is parked on a public road of the city or on land owned by the city.

Notice on
immobilized
vehicle Where a motor vehicle is immobilized, a notice shall be placed in a conspicuous place on the vehicle, notifying the driver that his vehicle is immobilized and that any attempt to move it may damage it. The notice also indicates the place he may call to have the device which immobilized the vehicle removed.

Return of
seized
vehicle **“1159.5** In no case may the defendant resume possession of the motor vehicle unless he pays the fine and costs, including the costs of immobilizing, towing or impounding the motor vehicle determined

by by-law of the council, except if the defendant enters into a written agreement with the collector.”

1982, c. 71,
s. 92,
replaced

26. Section 92 of chapter 71 of the statutes of 1982 is replaced by the following section:

Surtax

“**92.** For the fiscal period 1984, the city of Montréal may, by by-law, impose and levy a surtax at a rate of not over \$0.30 per one hundred dollars of assessment on the immovables the taxable value of which entered on the assessment roll exceeds \$100 000 and that are classified in categories I and II determined and defined by regulation 1976-I of the Commission municipale du Québec adopted on 29 December 1976 and amended by regulation 1977-I of the Commission adopted on 21 January 1977 under the Act respecting the Olympics deficit of the City of Montréal and amending the Charter of the City of Montréal (1976, chapter 52). This surtax applies only to the amount of the taxable value that exceeds \$100 000.

Sectors

The city may determine the sectors where it intends to levy the tax in the case of immovables of category I.

Privilege

This surtax is secured by privilege upon those immovables and the proprietors are personally liable therefor.

Fiscal
periods
1985 and
1986

The first three paragraphs also apply for the fiscal periods 1985 and 1986, except that the maximum rate of the surtax is \$0.20 and \$0.10, respectively, per one hundred dollars of assessment.”

Applicability

27. Paragraph *a* of section 5 applies to a debt contracted by the city for expenses incurred from 1 January 1983.

1959-60, c.
102, form
33, replaced

28. Form 33 of the said charter, amended by section 178 of chapter 77 of the statutes of 1977, is replaced by the following form:

“33.—(*Article 883*)

Writ of seizure for taxes

Province of Québec,
City of Montréal.

In the Municipal Court of
the City of Montréal.

ELIZABETH II, By the grace of God, Queen of the United Kingdom, Canada and her other Realms and Territories, Head of the Commonwealth, Defender of the Faith.

Debt			To any bailiff of the Municipal Court of the city of Montreal
Interest			
Costs			
Writ			
\$			

Whereas..... (*name and designation of debtor*) has been required by the director of finance of the city to pay into his hands, for and on behalf of the city, the sum of....., being the amount due by him to the city, as appears by the collection roll of real estate taxes for the year one thousand nine hundred(*in the case of another roll the form shall be varied accordingly*), and whereas the said..... has neglected and refused to pay to the director of finance of the city, within the period prescribed by law, the said sum of.....; you are, therefore, hereby commanded to make distress forthwith of the movable goods and effects subject to the privilege securing such taxes; and if the aforesaid sum is not paid, with the legal costs of the seizure, within eight days after the making of such distress; you shall, on such day as shall be indicated to you by the said director of finance, sell the goods and chattels so detained by you and pay to him the money arising from such sale, that he may apply it as directed by law, and may render the surplus, if any, on demand, to the said or to his representatives; and if no such distress can be found, you shall certify that fact to me, so that appropriate legal proceedings may be taken.”
 Given under the hand of the clerk of the Municipal Court, at Montréal, this day of 19.....

(*Signature of Clerk of the Court*)
 Clerk of the Municipal Court.”

1959-60, c.
 102, a. 172,
 am.

29. Article 172 of the said charter, amended by section 19 of chapter 97 of the statutes of 1960-61, by section 14 of chapter 96 of the statutes of 1971 and by section 5 of chapter 71 of the statutes of 1982, is amended by adding the following paragraph:

Common
 fund

“The council may also establish by by-law a common fund in which elements of the assets of several supplemental pension plans of its employees are deposited and where they are commingled. The fund

constitutes a pension fund for the purposes of the Act respecting supplemental pension plans (R.S.Q., chapter R-17), and Division VII of that Act applies to the fund as if it were a supplemental plan.”

Acquisition
of
immovables

30. In view of the development of McGill College street and Mansfield street and the construction of a cultural and commercial centre, the city of Montréal is authorized to acquire by agreement or expropriation the immovables described hereinafter:

lots 1385 to 1387, 1388-1, 1388-2, 1389 to 1404, 1404*a*, 1405 and 1406,

the north-south lane without cadastral number, bounded on the northwest by the lot without cadastral number (street) forming part of de Maisonneuve boulevard, on the northeast by lots 1391 to 1402, inclusively, on the southeast by the east-west lane without cadastral number hereinafter described and on the southwest by lots 1403 to 1406, inclusively,

the east-west lane without cadastral number, bounded on the northwest by lot 1403, the north-south lane without cadastral number described hereinabove and lot 1391, on the northeast by the lot without cadastral number (street) forming part of McGill College avenue, on the southeast by lots 1387, 1899, 1388-1, 1388-2, 1389 and 1390 and on the southwest by the lot without cadastral number (street) (Mansfield street),

in the official plan and book of reference of the cadastre of the Municipality of Montréal (Saint-Antoine ward).

Servitudes

All the servitudes respecting the lanes contemplated in the second paragraph are extinguished from the time the city becomes the sole owner of all the immovables bordering on the lanes.

Alienation

The city is authorized to alienate by emphyteutic lease or otherwise, for the purpose of commercial operation, the immovables so acquired, subject to all the rights necessary for the construction and operation of a concert hall on the site redeveloped.

Concert hall

The city is authorized to convey, in whole or in part, the rights not alienated under the third paragraph, to a non-profit corporation constituted for the purposes of the construction and operation of a concert hall.

Provisional
indemnity

The city becomes the owner of any property expropriated under this section from the date of registration of the notice of expropriation if the notice is accompanied with a receipt of the expropriated party or a certificate of the protonothary attesting the prior deposit in the office of the Superior Court of a provisional indemnity equal to the greater of 90% of the offer of the city or 90% of the municipal assessment

of the immovable. The provisional indemnity for a residential or commercial lessee or occupant in good faith is a lump sum equivalent to three months' rent.

Commercial operation In the case of a commercial operation of an expropriated party, the provisional indemnity shall include, in addition, a lump sum equivalent to 25% of the annual rental value entered on the roll.

Period of possession The period during which an expropriated party, his lessee, or occupant in good faith is entitled to remain in possession of the expropriated immovable may in no case exceed three months from the date of registration of the notice of expropriation.

Effect This section has effect notwithstanding any inconsistent provision of Chapter I of Title II of the Expropriation Act (R.S.Q., chapter E-24).

Declaratory provision **31.** Paragraph *b* of section 5 is declaratory.

Effect Section 29 has effect from 1 December 1983.

Applicability **32.** Section 25 applies even in respect of an offence committed before its coming into force.

Order of seizure or imprisonment If a judgment has been rendered, the immobilization, towing or impounding of a motor vehicle in application of the said section may take place even if the judgment orders the seizure of the property of the defendant or his imprisonment. If a warrant of commitment or a writ of seizure has already been issued but not executed, the carrying out of a measure provided in the said section has the effect of suspending its execution until the immobilized, towed or impounded motor vehicle is definitively disposed of, or of cancelling it if the fine and costs, including the costs of immobilizing, towing and impounding the motor vehicle, have been paid in full.

By-laws in force **33.** Notwithstanding the repeal of subarticles 7 and 8 of article 1140*b* and of article 1140*e* of the said charter, by-laws made under articles 1140*b* and 1140*e* remain in force until they are repealed or replaced by a by-law contemplated in the second paragraph of article 1140*a* or in article 1140*b* of the said charter.

Exception **34.** 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 **35.** This Act comes into force on the day of its sanction.