

1982, chapter 112

AN ACT RESPECTING THE TOWN OF BROMONT

Bill No. 270

Introduced by Mr Roger Paré

First reading: 13 December 1982

Second reading: 17 December 1982

Third reading: 17 December 1982

Assented to: 18 December 1982

Coming into force: 18 December 1982

Act amended: None



CHAPTER 112

An Act respecting the town of Bromont

[Assented to 18 December 1982]

Preamble. WHEREAS it is in the interest of the town of Bromont and necessary for the proper administration of its affairs that certain powers be granted to it;

Whereas following certain annexations, certain immoveables have benefited by fiscal privileges that it is now expedient to eliminate progressively in the course of the coming years;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

Real estate
tax.

1. Notwithstanding any provision of any general law or special Act, regulation, by-law, resolution, roll, or of any decision of the council or the Commission municipale du Québec, a general real estate tax of one dollar and sixty-seven cents per one hundred dollars of assessment is imposed for the fiscal period 1982, on all taxable real estate situated in the territory contemplated in the by-laws listed in the schedule, provided that the real estate would still benefit by the commutation of taxes under those by-laws if the Real Estate Assessment Act (1971, chapter 50) had not abolished those commutations.

Rate.

2. Notwithstanding any provision of any general law or special Act, but subject to the Act respecting municipal taxation (R.S.Q., chapter F-2.1), for the fiscal period 1983, the rate of the general real estate tax that must be imposed and levied on the taxable real estate situated in the territory contemplated in the by-laws listed in the schedule and that would still benefit by the commutations of taxes under those by-laws if the Real Estate Assessment Act had not abolished those commutations, shall be fixed at an amount equal to three-quarters of the rate established for the general real estate tax imposed on the other taxable real estate of the municipality, every fraction of a cent counting as one cent.

- Immunity. **3.** In no case may nullity or illegality be invoked against
- (a) resolution 82-20 of the council or any part of it passed at the sitting of the council held on 28 January 1982 and adopting the budget of the town of Bromont for the fiscal period 1982;
- (b) resolution 184104 of the Commission municipale du Québec adopted at a sitting of the Commission held on 5 February 1982, imposing and levying in the municipality the rate and amount of taxes, licences or permits, by the effect of the budget contemplated in paragraph a.
- Immunity. **4.** The town has and always has had the right to impose a general real estate tax as it did for the years 1967 to 1981 and no right of action whatsoever exists or has ever existed against it by reason of such imposition.
- Tax credit. **5.** The town shall grant to every taxpayer who has paid his real estate taxes under resolution 184104 passed by the Commission municipale du Québec on 5 February 1982 a tax credit equivalent to the difference obtained by deducting the amount of the real estate taxes imposed under section 1 of this Act from the amount thus paid. However, if the person no longer is a taxpayer of the town for the fiscal period 1983, the town shall then refund to him an amount equivalent to the difference.
- Reduction. The tax credit mentioned in the first paragraph reduces the amount of the taxes due to the town by the taxpayer for the fiscal period 1983.
- Tax arrears. The amount of tax arrears for the fiscal period 1982 shall appear in the tax account for the fiscal period 1983 and be reduced in regard of the taxpayers contemplated in section 1, by taking into account the application of the said section.
- Land bank or housing purposes. **6.** The town is authorized to acquire by agreement or expropriation any immovable the acquisition of which is considered appropriate for land bank or housing purposes and for works related to such purposes, and any immovable that is obsolete or the occupancy of which is harmful.
- Territory. The town may exercise the powers provided for in the first paragraph, within its territory.
- Zoning restrictions. The application of this section is subject to the Act to preserve agricultural land (R.S.Q., chapter P-41.1).
- Industrial purposes excluded. This section does not apply to the acquisition of immovables for industrial purposes.

Powers. The town is authorized to hold, lease and administer the immoveables acquired under the first paragraph. It may equip such immoveables and instal the necessary public services there; it may also demolish or restore the buildings and other structures erected thereon or construct thereon new buildings for purposes of housing, leisure activities, recreation and other related purposes.

Powers. The town is authorized to exercise the powers provided for in the fifth paragraph, on the immoveables it already owns.

Approval. It may alienate them on the conditions it determines with the approval of the Commission municipale du Québec, provided the price of alienation is sufficient to cover all the expenses for the immoveable concerned, including the expenses incurred for restoration, demolition or construction, as the case may be.

Alienation. The town may alienate, gratuitously or for a price less than the price contemplated in this section, such an immoveable or building in favour of the Government, any of its agencies, a school corporation or the municipal housing bureau or any other non-profit agency; in the last case, the authorization of the Commission municipale du Québec is required.

Sale at price approved by Q.M.C. The town may, by resolution, sell at a price approved by the Commission municipale du Québec, to a corporation created under the eleventh paragraph, any immoveable that it has acquired under this section or that it already owns.

Loan by-law. The town may borrow, by a by-law approved in the same manner as a loan by-law pursuant to the Act that governs the municipality, the necessary sums and apply for the subsidies provided for by law for the exercise of those powers and for the purposes of making a loan to the corporation formed under the eleventh paragraph.

Letters patent. On an application by the town, the Government may issue, on such conditions as it may determine, letters patent under the Great Seal of Québec incorporating a person as a non-profit corporation having as its object the acquisition of housing for persons or families of other than low or moderate income contemplated in section 57 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) and the exercise of the other powers that this Act confers on the town.

Content. The letters patent must mention the name of the corporation, the location of its head office, its powers, rights and privileges, the rules respecting the exercise of its powers and the appointment of its members and directors.

Notice. Notice of the issuance of the letters patent must be published in the *Gazette officielle du Québec*.

Supple-
mentary
letters
patent.

On an application by the corporation established under this section, the Government may issue supplementary letters patent for the purpose of amending the content of the letters patent contemplated in the twelfth paragraph. Notice of the issuance of the supplementary letters patent must be published in the *Gazette officielle du Québec*.

Mandatory.

A corporation so constituted has, among other powers, those of a corporation constituted by letters patent under the Great Seal of Québec, is a mandatory of the town and is deemed a municipal corporation for the purposes of the Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21).

Cases
pending.

7. This Act does not affect any judgment rendered before 13 December 1982 or a case pending on that date.

Effect.

8. Section 1 takes effect from 1 January 1982.

Exception.

9. 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.

10. This Act comes into force on the day of its sanction.

SCHEDULE

(a) By-law 34 passed on 24 January 1967 and its amendment of 8 May 1967;

(b) By-law 36 passed on 10 May 1967 and its amendment of 5 September 1967;

(c) By-law 52 passed on 6 February 1969 and its amendments of 8 September 1970, 23 November 1970 and 1 December 1970;

(d) By-law 85 passed on 5 May 1970;

(e) By-law 95 passed on 18 August 1970 and its amendment of 20 July 1971;

(f) By-law 96 passed on 18 August 1970 and its amendment of 13 July 1971;

(g) By-law 104 passed on 16 February 1971.