

NATIONAL ASSEMBLY

THIRD SESSION

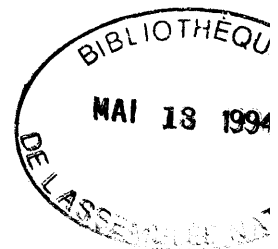
THIRTY-FOURTH LEGISLATURE

Bill 193

**An Act respecting Cité de
Côte-Saint-Luc and Ville de
Montréal**

Introduction

**Introduced by
Mr Yvan Bordeleau
Member for l'Acadie**



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EXPLANATORY NOTES

This bill provides for the annexation, to the territory of Cité de Côte-Saint-Luc, of one of a series of territories annexed to the territory of Ville de Montréal in 1982 under the Act to amend the Charter of the city of Montréal (1982, chapter 71).

The bill also provides for arbitration to be held between Ville de Montréal and Cité de Côte-Saint-Luc in order to apportion the obligations of each municipality in respect of the territories annexed to the territory of Ville de Montréal in 1982, and to establish the financial compensation resulting from the apportionment.

The bill also contains transitional provisions consequential to the annexation.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The territories described in Schedule I are detached from the territory of Ville de Montréal and annexed to the territory of Cité de Côte-Saint-Luc.

2. The apportionment of the assets and liabilities pertaining to the territories annexed under section 1 shall be effected by an arbitrator appointed for that purpose by the Minister of Municipal Affairs.

The arbitrator shall also establish an amount of compensation relating to the annexation of the territory referred to in section 1 to the territory of Ville de Montréal by section 85 of the Act to amend the Charter of the city of Montréal (1982, chapter 71). To establish the amount of compensation, the arbitrator shall take into account, in particular,

(1) the revenues collected and expenses incurred by Ville de Montréal in relation to the territory;

(2) the sums paid by Ville de Montréal to Cité de Côte-Saint-Luc pursuant to paragraph 1 of the abovementioned section 85.

3. Ville de Montréal shall pay to Cité de Côte-Saint-Luc a sum equal to five times total taxation revenues, computed in accordance with paragraph 1 of section 234 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), collected during the fiscal period 1993 in the territory described in Schedule II, less a sum equal to five times the expenses paid in respect of those territories during the same period. If total expenses exceed total revenues, no sum shall be owed.

The arbitrator, upon agreement by the parties, shall enter in his report the sum agreed upon under the first paragraph. Failing agreement, the arbitrator shall establish the amount of the sum.

4. From the fiscal period 1995, Cité de Côte-Saint-Luc shall reimburse each year to Ville de Montréal, within thirty days of receipt of the account, the amount of the annual payments in capital and interest made by Ville de Montréal as repayment of loans contracted under its by-laws number 6833, 7053, 7203, 7572, 7870, 8008, 8150, 8207, 8305 and 8353, in proportion to the part of those by-laws applying to the territories annexed under section 1. The proportion for each by-law shall be established during the arbitration carried out pursuant to this Act. Failing agreement between the parties, the proportion shall be fixed by the arbitrator.

From the same fiscal period, Cité de Côte-Saint-Luc shall collect the taxes imposed and the compensation payable under the by-laws in the territories annexed under section 1, with the same rights and powers as if it had adopted them.

5. Ville de Montréal shall pay to Cité de Côte-Saint-Luc a sum of \$250 000 to become payable as of (*insert here the date of the day occurring sixty days after the day on which this Act is assented to*).

No other compensation shall be owed to Cité de Côte-Saint-Luc by Ville de Montréal by reason of the latter's failure to fulfil the undertakings made under paragraph 2 of section 85 of the Act to amend the Charter of the city of Montréal (1982, chapter 71).

6. Articles 944.2 to 944.4, the first paragraph of article 944.5, articles 944.7, 946 to 946.4 and 946.6 of the Code of Civil Procedure (R.S.Q., chapter C-25), adapted as required, apply to the arbitration carried out pursuant to this Act.

The arbitrator shall have the standing of an amiable compositeur.

7. The arbitrator appointed under section 2 shall submit his report to the Minister of Municipal Affairs within the time limit granted by the latter. The report shall state the amount of compensation payable under sections 2 and 3. It shall also state the proportions established under section 4. The Minister shall immediately send copies of the report to Ville de Montréal and Cité de Côte-Saint-Luc.

The arbitrator's report shall, on the motion of either municipality, be homologated by a judge of the Superior Court. From the time of

homologation, the report shall be considered to be an agreement and shall bind both municipalities. No appeal lies from the judgment granting homologation.

Every sum owed under the report is payable from the sixtieth day following the day of homologation.

8. Every sum owed under this Act bears interest, from the day on which it becomes payable, at the rate fixed for tax arrears by the city to which it is owed.

9. For the purposes of the 1994 general election and of any by-election held thereafter but before the 1998 general election, the territory annexed under section 1 shall form part of electoral district No. 1 of Cité de Côte-Saint-Luc.

10. Sections 166 to 176 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9), adapted as required, apply to the annexation under section 1.

11. Section 85 of the Act to amend the Charter of the city of Montréal (1982, chapter 71) is amended by striking out paragraphs 2 to 6.

12. This Act comes into force on (*insert here the date of assent to this Act*).

SCHEDULE I

Starting from the point of intersection of the northwest line of lot 45-19 of the cadastre of the parish municipality of Montréal with the west line of lot 4712 of the same cadastre (right of way of the railway); thence, successively, the following lines: part of the dividing line between the cadastres of the village of Côte-des-Neiges and of the parish municipality of Montréal northeasterly to the extension of the first section of the northeast line of lot 45-28 of the latter cadastre; the said extension and the northeast line of the said lot; southwesterly, part of the broken line dividing original lots 45 and 4883 from original lots 51, 65, 68, 69, 72 and 73 to the east line of lot 4712 (right of way of the railway) of the cadastre of the parish municipality of Montréal; northerly, part of the east line of the said lot to the line across that lot and perpendicular to the point of intersection of the northwest line of lot 45-19 and the west line of the said lot 4712 of the said cadastre; finally, the said perpendicular line to the starting point.

SCHEDULE II

(a) Starting from the point of intersection of the dividing line between lots 75 and 76 of the cadastre of the parish municipality of Montréal and the dividing line between the cadastres of the parish municipality of Montréal and of the parish of Saint-Laurent; thence, successively, the following lines: the said dividing line between cadastres and the dividing line between the cadastres of the parish municipality of Montréal and the village of Côte-des-Neiges to the line dividing original lot 75 from original lots 73 and 74 of the cadastre of the parish municipality of Montréal; the said dividing line between lots and the dividing line between lots 75 and 76 of the said cadastre to the starting point.

(b) Starting from the north corner of lot 45-1 of the cadastre of the parish municipality of Montréal; thence, successively, the following lines: with reference to the said cadastre, the northeast line of lots 45-1 to 45-5; southwesterly, part of the broken line dividing original lot 45 from original lots 46, 50 and 51 to the northeast line of lot 45-28; the said northeast line and the extension of the last section of the said line to the dividing line between the cadastres of the parish municipality of Montréal and the village of Côte-des-Neiges; part of the said dividing line between cadastres northeasterly to the extension of the northeast line of lots 45-1 of the cadastre of the parish municipality of Montréal; finally, the said extension to the starting point.