



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 200
(Private)

An Act to amend the charter of the city of Montréal

Introduction

**Introduced by
Mr Jacques Chagnon
Member for Saint-Louis**

**Québec Official Publisher
1992**

Bill 200

(Private)

An Act to amend the charter of the city of Montréal

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:

1. Article 2 of the charter of the city of Montréal (1959-60, chapter 102), amended by section 2 of chapter 71 of the statutes of 1964, by section 1 of chapter 76 of the statutes of 1972, by section 1 of chapter 77 of the statutes of 1977 and by section 843 of chapter 57 of the statutes of 1987, is again amended by replacing the words “, the levying of which is based on rental value” in paragraph z by the word “levied”.

2. The said charter is amended by inserting, after article 9, the following article:

“9a. The council may make agreements to entrust, in whole or in part, the administration, operation and management, in its name, of the property belonging to it or which it has the use of and the programs or services within its competence, with the exception of those concerning traffic, peace, public order, decency and good morals.

Article 107 does not apply to agreements made under the first paragraph where they relate to recreation and community matters, if they are made with non-profit corporations to which the city is authorized to pay subsidies.”

3. Article 10 of the said charter, amended by section 5 of chapter 71 of the statutes of 1964, section 1 of chapter 70 of the statutes of 1970, section 1 of chapter 77 of the statutes of 1973 and section 1089 of chapter 4 of the statutes of 1990, is amended by replacing the words “two hundred dollars” in the third paragraph by the figure “\$1 000”.

4. The said charter is amended by inserting, after article 10*k*, the following articles :

“10l. The city is authorized to enter into contracts for the purpose of conveying or leasing, either gratuitously or for a consideration,

(1) rights and licences in respect of processes devised by it as well as know-how in its fields of competence and any material allowing purchasers to use such know-how;

(2) geomatic data or other data concerning its territory.

The processes, know-how and data of bodies created by the city and of corporations incorporated at the request of the city are the processes, know-how and data of the city.

“10m. The city is authorized to participate, as director and shareholder,

(1) in non-profit agencies or corporations engaged in computer research and development;

(2) in agencies or corporations engaged in the distribution and marketing of data useful for the management of its operations and territory.”

5. Article 106 of the said charter, amended by section 15 of chapter 70 of the statutes of 1963 (1st session), section 10 of chapter 96 of the statutes of 1971, section 14 of chapter 77 of the statutes of 1977, section 2 of chapter 41 of the statutes of 1980, section 3 of chapter 71 of the statutes of 1982, section 211 of chapter 38 of the statutes of 1984, section 8 of chapter 111 of the statutes of 1987, section 8 of chapter 87 of the statutes of 1988 and section 7 of chapter 80 of the statutes of 1989, is amended

(1) by inserting the word “alteration,” after the word “building,” in the first line of the first paragraph of paragraph *o*;

(2) by replacing, in the French text, the word “bâtiments” in the second line of the first paragraph of paragraph *o* by the word “constructions”;

(3) by inserting the words “exercise, in return for a commission, the powers under this paragraph in respect of property belonging to the Crown, the Communauté urbaine de Montréal, another municipality or any public corporation or body;” after the word “value;” at the end of paragraph *q*;

(4) by replacing the first paragraph of paragraph *t* by the following paragraph:

“(t) establish and amend tariffs fixing rates for the leasing of property owned by the city and of services provided by its employees to third persons and relating to access to municipal activities and equipment; vary the tariffs according to the classes of property, services, activities, aliquot shares, contributions or beneficiaries it determines;”.

6. Article 107 of the said charter, enacted by section 15 of chapter 77 of the statutes of 1977, amended by section 7 of chapter 40 of the statutes of 1980, by section 849 of chapter 57 of the statutes of 1987, by section 9 of chapter 87 of the statutes of 1988 and by section 68 of chapter 27 of the statutes of 1992, is amended by adding, after subarticle 8, the following subarticle:

“(9) This article does not apply to a contract for the supply of electricity, steam or cold water where

(1) the supplier’s network is less than 500 metres from the city’s equipment for which the services are required; or

(2) the supplier is a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1).”

7. The said charter is amended by inserting, after article 136, the following articles:

“137. (1) For the purpose of the carrying out of the law, the regulations and the by-laws, every agent of the city may, in the performance of his duties and at any reasonable time according to circumstances,

(a) visit and inspect the interior and exterior of any movable or immovable property;

(b) demand that any book, register or other document or object or any information he considers necessary be produced;

(c) take samples of any nature, without charge, for purposes of analysis;

(d) confiscate any article offered for sale, sold or delivered in contravention of the law, the regulations or the by-laws;

(e) take photographs of the premises and of any evidence produced by virtue of paragraph b;

(f) prohibit, for a reasonable period of time, the removal or alteration of any thing or premises the preservation of which he considers necessary;

(g) be accompanied by one or more police officers.

(2) Every agent of the city may, for the same purposes and in the same manner, inquire into any matter within his competence.

“138. It is prohibited to hinder the work of an agent of the city making an inspection or inquiry under article 137, to deceive or attempt to deceive him by omission or by false or misleading statements, and to take measures so as to prevent access to premises, documents or samples.

“139. Every agent of the city making an inspection or inquiry shall, on request, identify himself and show a document as proof of his capacity, issued by the head of the competent department.

“140. Every agent of the city responsible for the carrying out of the law, the regulations and the by-laws may, in the performance of his duties, order the suspension of work, the closing of a building or other premises, or the termination of an activity where he ascertains a contravention that is likely to endanger public health or safety.”

8. Article 170 of the said charter is replaced by the following article:

“170. The clerk shall take an oath or solemnly affirm before a judge of the Superior Court that he will duly and faithfully discharge the duties of his office.

Every city employee shall take an oath or solemnly affirm before the clerk or any person authorized to administer oaths who is designated and sworn in by the clerk for that purpose, that he will duly and faithfully discharge the duties of his office.”

9. Article 462 of the said charter, replaced by section 7 of chapter 90 of the statutes of 1990, is replaced by the following article:

“462. Except where the sentence applicable is provided in an Act, the council may, by by-law,

(1) prescribe a fine for any offence under a by-law within its competence;

(2) prescribe, in respect of fines, a fixed amount or the minimum and maximum amounts or both a minimum amount of \$1 and a maximum amount.

For a first offence, the fixed or maximum amount prescribed may not exceed \$1 000 if the offender is a natural person or \$2 000 if the offender is a legal person. For a second or subsequent conviction, the fixed or maximum amount prescribed may not exceed \$2 000 if the offender is a natural person or \$4 000 if the offender is a legal person.”

10. Article 464a of the said charter, replaced by section 1093 of chapter 4 of the statutes of 1990 and amended by section 8 of chapter 90 of the statutes of 1990, is amended by replacing the figure “\$1 000” by the figure “\$2 000” and the figure “\$2 000” by the figure “\$4 000”.

11. Article 466 of the said charter, replaced by section 10 of chapter 90 of the statutes of 1990, is replaced by the following article:

“466. Where this Act imposes a fine for an offence under a provision of this Act, the amount applicable is twice the fixed or maximum amount of the fine where the offender is a legal person and in the case of a second or subsequent conviction.”

12. Article 470 of the said charter is repealed.

13. Article 520 of the said charter, amended by section 26 of chapter 97 of the statutes of 1960-61, section 8 of chapter 71 of the statutes of 1964, section 21 of chapter 84 of the statutes of 1965 (1st session), section 5 of chapter 90 of the statutes of 1968, section 4 of chapter 91 of the statutes of 1969, section 205 of chapter 19 of the statutes of 1971, section 20 of chapter 96 of the statutes of 1971, section 57 of chapter 77 of the statutes of 1973, sections 45 and 183 of chapter 77 of the statutes of 1977, section 23 of chapter 64 of the statutes of 1982, section 1 of chapter 59 of the statutes of 1983, section 145 of chapter 27 of the statutes of 1985, section 26 of chapter 111 of the statutes of 1987, section 11 of chapter 87 of the statutes of 1988, section 10 of chapter 80 of the statutes of 1989, section 1096 of chapter 4 of

the statutes of 1990, section 3 of chapter 89 of the statutes of 1990 and section 11 of chapter 90 of the statutes of 1990, is amended

(1) by striking out paragraph 1;

(2) by replacing the heading preceding paragraph 8 by the following heading:

“Public health, sanitation and safety”;

(3) by striking out the heading preceding paragraph 31;

(4) by inserting the following at the end of paragraph 36: “; in the exercise of its powers relating to noxious substances:

(a) prohibit the emission in the atmosphere of bromofluorocarbons (halons), chlorofluorocarbons (CFCs) and substitutes having the same harmful effects;

(b) order the recovery, recycling and destruction of such substances;

(c) prescribe standards applicable to the use of halons in fire extinction systems;

(d) prohibit or regulate the use of halons in pressurization tests;

(e) impose, as a precondition for the obtainment of an alteration or demolition permit, that CFCs, halons and substitutes be recovered beforehand in order to be reused, recycled or destroyed and that proof thereof be furnished to the city by the proprietor of the immovable, in the manner determined by the council; for the purposes of this paragraph, determine products or classes of products and uses or types of uses for which the council may prescribe different rules;”;

(5) by replacing paragraph 37 by the following paragraph:

“37. Prohibit, for the prevention of fire, any wooden construction within the zones of the city determined by the council; compel the proprietor of any construction partially destroyed or rendered dangerous by fire, decay or otherwise to demolish it in whole or in part; provide that such a construction will be demolished by the city at the expense of the proprietor if he neglects or refuses to comply with the orders of the head of the competent department; provide that the recovery of the cost of demolition will be guaranteed by privilege, as prescribed in paragraph 84;”;

(6) by replacing paragraph 41.1 by the following paragraph:

“41.1 Stipulate requirements relating to the installation and operation of fire detection systems and alarm systems; identify the qualifying manufacturing standards for all alarm apparatus or devices; authorize the connection of an alarm system to a municipal station; require, on the conditions prescribed by the council, any person who uses an alarm system to so notify the city; authorize, in the cases and manner it determines, the city employees designated by it to shut off the sound signal of an alarm device and, for that purpose, enter any private movable or immovable property; authorize the city to claim reimbursement of the costs incurred by it where an alarm system is needlessly set off; provide that the owner of an alarm system which is needlessly set off more than twice within a period of 12 months is guilty of an offence;”;

(7) by striking out paragraphs 42 and 43;

(8) by replacing paragraph 45 by the following paragraph:

“45. Authorize fire prevention officers to ascertain, in any movable or immovable property, whether explosive, combustible, toxic, noxious, radioactive or corrosive substances or materials or other objects, articles or goods are so kept or placed therein that they constitute, in the officers’ view, a fire hazard or other serious or imminent danger to public safety; require the proprietor, tenant, occupant, caretaker or watchman to place and keep them, by order of the officers and in the manner they deem appropriate, so as to eliminate such danger, or to remove them; empower fire prevention officers to give orders to that effect and provide that if the by-laws or orders are not complied with, such substances, materials, objects, articles or goods will be removed by the city at the expense of the offender; authorize the director of the fire prevention department to take the appropriate measures and to order the proprietor, tenant, occupant, caretaker or watchman to take any measure the director considers appropriate where, in his opinion, there is serious or imminent danger to public safety;”;

(9) by adding, after paragraph 46, the following paragraph:

“46.1 Require every proprietor of a building to lay out priority lanes restricted to fire department emergency vehicles, to keep such lanes free of obstructions, such as parked vehicles, and to equip them with signs prescribed by the council; for that purpose, determine classes of residential, commercial, industrial and institutional buildings and occupations and define them;”;

(10) by replacing paragraph 47 by the following paragraph:

“47. Prohibit the driving of vehicles over fire hoses spread on public or private land and provide that the officer in command on the premises may, at his discretion, allow a vehicle to pass in the manner he indicates;”;

(11) by replacing paragraph 48 by the following paragraph:

“48. Confer on every fireman the powers and immunity of peace officers to maintain public order and safety on the scene of a fire or other disaster; prohibit interference with a fireman in the performance of his duties; prohibit the removal or alteration of or inflicting of damage to any signal box or fire prevention wire or apparatus;”;

(12) by striking out paragraph 49.

14. Article 521 of the said charter, amended by section 148 of chapter 55 of the statutes of 1972, section 46 of chapter 77 of the statutes of 1977, section 9 of chapter 40 and section 8 of chapter 41 of the statutes of 1980, section 18 of chapter 71 of the statutes of 1982, section 24 of chapter 64 of the statutes of 1982 and section 12 of chapter 90 of the statutes of 1990, is amended

(1) by striking out paragraph 1;

(2) by inserting the words “and fix quotas for such licenses” after the word “freight” in paragraph 21.

15. Article 522 of the said charter, amended by section 27 of chapter 97 of the statutes of 1960-61, section 54 of chapter 59 of the statutes of 1962, section 19 of chapter 70 of the statutes of 1963 (1st session), section 9 of chapter 71 of the statutes of 1964, section 23 of chapter 86 of the statutes of 1966-67, section 47 of chapter 77 of the statutes of 1977, section 16 of chapter 22 of the statutes of 1979, section 20 of chapter 71 of the statutes of 1982, section 3 of chapter 59 of the statutes of 1983, section 1 of chapter 75 of the statutes of 1984, section 6 of chapter 117 of the statutes of 1986, section 11 of chapter 80 of the statutes of 1989 and section 13 of chapter 90 of the statutes of 1990, is amended,

(1) in paragraph 11,

(a) by inserting the words “regulate the reconstruction of sidewalks, curbs, pavements and median strips or other parts of the public domain which have been demolished or damaged as a result of an excavation and exempt certain classes of persons from the obligation to carry out all or part of such reconstruction;” after the word “domain” in the fourth line of the first paragraph;

(b) by replacing the second and third paragraphs by the following paragraphs:

“Prescribe that a permit must be obtained to excavate, determine the terms and conditions therefor and fix the fee for the excavation permit according to the age of the pavement and sidewalk in which excavation work is to be carried out; in cases of emergency which the council may determine, allow the excavation permit to be applied for after the commencement of the excavation work, within the period it determines.

In cases where the openings, backfilling, reconstruction and other works relating to an excavation are not made in accordance with the by-law, provide that the city may, at the expense of the offender, carry out the necessary corrective measures to make the works consistent and to restore the premises to their former condition.”;

(c) in the fourth paragraph,

i. by replacing the word “authorization” by the words “a permit”;

ii. by adding the words “fix the tariff according to the age of the pavement and sidewalk in which excavation work is to be carried out;” at the end after the words “as it may provide;”;

(2) by replacing paragraphs 13 and 14 by the following paragraphs:

“13. Authorize, for certain purposes, occupation of the public domain; fix, in each case or by general rules, as it sees fit, the conditions for such authorization; prescribe that a permit, renewable periodically or not, must be obtained to secure such authorization; determine, in each case or by general rules, the duration of occupation and the procedure for its termination; provide for the removal of all or part of any construction or installation erected on the public domain otherwise than in accordance with an authorization under this paragraph; subject to the right of the city to revoke any permit in the manner and on the conditions prescribed in the by-laws, prescribe that the city may, notwithstanding any authorization granted under this paragraph, remove temporarily or permanently, with or without compensation, all or part of any construction or installation so authorized on the public domain, in the circumstances it determines; permit the executive committee to grant such authorizations and, for that purpose, exercise, by resolution, the powers of the council under this paragraph; create a register of occupation of the public domain and determine the classes of occupation to be registered and the manner in which they are to be registered and provide for the issue of certified extracts from the register;

“13.1 Require, in consideration for any occupation of the public domain authorized under this charter, the payment, in a single payment or in instalments, of a price to be fixed by the council in each case or according to the criteria it determines;

“13.2 Hold the persons authorized to occupy the public domain responsible for any damage to property or injury to persons as a result of the occupation and require them to take up the defense of the city and hold the city harmless from any claim made against it by reason of such damage or injury;

“14 Provide that the rights and obligations arising out of any occupation of the public domain or of a class of occupation of the public domain determined by the council pass on to the subsequent owners of the immovable for the use of which the occupation is authorized;”;

(3) by replacing the words “compel any person to plant trees in front of his property” in paragraph 41 by the words “compel any owner to plant grass, shrubs, trees or other plants on his land and on that part of the right of way of the public thoroughfare running along the front of his property that is comprised between his land and the sidewalk or the edge of the roadway,”.

16. Article 523 of the said charter, amended by section 10 of chapter 71 of the statutes of 1964, section 23 of chapter 84 of the statutes of 1965 (1st session) and section 6 of chapter 90 of the statutes of 1968, is amended by striking out paragraph 3.

17. Article 524 of the said charter, amended by section 55 of chapter 59 of the statutes of 1962, section 20 of chapter 70 of the statutes of 1963 (1st session), section 24 of chapter 86 of the statutes of 1966-67, section 7 of chapter 90 of the statutes of 1968, section 1 of chapter 91 of the statutes of 1968, section 21 of chapter 96 of the statutes of 1971, section 4 of chapter 76 of the statutes of 1972, section 58 of chapter 77 of the statutes of 1973, section 48 of chapter 77 of the statutes of 1977, section 82 of chapter 7 of the statutes of 1978, section 10 of chapter 40 of the statutes of 1980, section 21 of chapter 71 of the statutes of 1982, section 670 of chapter 91 of the statutes of 1986, section 2 of chapter 86 of the statutes of 1988, section 12 of chapter 87 of the statutes of 1988, section 12 of chapter 80 of the statutes of 1989, section 4 of chapter 89 of the statutes of 1990 and section 14 of chapter 90 of the statutes of 1990, is amended

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

“The council may order in the building by-law that all or part of an existing code of building standards constitutes all or part of the by-law. It may also prescribe that amendments to that code or to a relevant part of it made after the coming into force of the by-law will also be part of the by-law without the council having to pass a by-law to prescribe the applicability of every amendment. Such an amendment comes into force on the date fixed by a resolution of the council; the clerk shall give public notice of the adoption of the resolution. The code or any applicable part of it is attached to the by-law and is part of it;”;

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

“1.1 Prescribe, according to classes of structures or parts of the territory, that the reconstruction or restoration of a non-conforming structure that has been destroyed, become unsafe or lost at least half of its value entered on the valuation roll as a result of a fire or otherwise, be carried out in accordance with the by-laws in force at the time of such reconstruction or restoration;”;

(3) by inserting the words “, including public uses and structures” after the words “which may be erected” in the first paragraph of subparagraph *b* of paragraph 2;

(4) by striking out the words “, except in such case the indemnity, if any, payable to the owners, lessees or occupants having vested rights” in the first paragraph of subparagraph *b* of paragraph 2;

(5) by striking out the second and third paragraphs of subparagraph *b* of paragraph 2;

(6) by inserting, after subparagraph *b* of paragraph 2, the following subparagraphs:

“(b.1) Prescribe the conditional uses and occupancy of lands and structures which are authorized conditional to prior approval of the executive committee, in accordance with articles 524*l* to 524*n*;

Prescribe that conditional occupancy or uses of lands and structures may differ where they replace, alter or extend a non-conforming use protected by acquired rights;

“(b.2) Specify, for certain zones, parts or sections of certain zones, for certain streets, parts or sections of certain streets or for any place whatever, the dimensions, volume, floor area and ground area of a structure; the total floor area of a building in relation to the

total area of the lot; the layout area of a structure in relation to the total area of a lot; the proportion of the landsite which may be occupied by a structure or use; the density of the occupancy of the soil; the length, width and area of the space to be left vacant between structures on the same landsite, between structures or between different uses or between the structures and different uses; the use and laying out of such vacant space; the space which must be left vacant between structures and the street and land boundaries; the layout of a building in relation to its height;

“(b.3) Cause the norms prescribed in the exercise of the powers set out in subparagraph b.2 to vary according to the microclimatic effects of a structure such as sunshine and wind factors, according to the clearing of visual corridors and to the uses and occupancy that are exercised and the structures that are erected on contiguous lands, and according to any other criterion of integration and insertion into a developed environment;

“(b.4) Prescribe for all or part of the territory of the city and according to such classes as it may determine, the maximum number of restaurants and establishments selling alcoholic beverages for consumption on the premises and the distance between such establishments or between such an establishment and an immovable, or part of an immovable, occupied for housing or public purposes or any class thereof;

“(b.5) Determine the level of any landsite in relation to thoroughfares;

“(b.6) Specify for certain zones, parts or sections of certain zones, for certain streets, parts or sections of certain streets, or for any place whatever, or for each use, occupancy, combination of uses or occupancy, the space to be reserved and laid out for the loading or unloading of vehicles and the disposition of such space;

“(b.7) Regulate or prohibit by zone, part or section of certain zones, by street, part or section of certain streets, or at any place whatever, any structure or certain works, according to the topography of the landsite, the proximity of a watercourse, or the danger of flooding, rock fall, landslide or other disaster; any prohibition under this subparagraph may apply to all or only certain classes of immovables determined by the council;

“(b.8) Regulate by zone, part or section of certain zones, by street, part or section of certain streets or at any place whatever, the specific conditions of siting or layout applicable to structures and uses on non-conforming lots protected by acquired rights;

“(b.9) Determine by zone, part or section of certain zones, by street, part or section of certain streets, or for any place whatever, the uses permitted in any part of a structure;”;

(7) by replacing subparagraph *c* of paragraph 2 by the following subparagraph:

“(c) Regulate non-conforming structures, uses or occupancy protected by acquired rights;

(1) by requiring the cessation of a non-conforming use or occupancy protected by acquired rights if such use or occupancy has been abandoned, has ceased or has been interrupted for a reasonable period determined by the council, which in no case may be less than six months, taking into account the nature of the use or occupancy or of the street, part or section of a street, or of the zone, part or section of a zone;

(2) by prohibiting the extension, replacement or alteration of a non-conforming use, occupancy or structure protected by acquired rights, or by determining conditions governing the extension, replacement or alteration, of right or according to the procedure governing conditional uses, of any non-conforming use, occupancy or structure protected by acquired rights, taking into account the nature of the use or occupancy, the type of structure and the street, part or section of a street, the zone, part or section of a zone where the use is exercised or the structure is erected;

(3) by requiring the cessation of a non-conforming use or occupancy protected by acquired rights, subject to an indemnity, where applicable, payable to the owner, lessee or occupant; any application for an indemnity must be submitted to the Superior Court, upon the filing of a motion for such purpose with a minimum six-days' notice; the court shall then decide whether or not there are acquired rights and, if so, it shall entrust the Expropriation Division of the Court of Québec with the fixing of the indemnity and determine, as in the case of an expropriation, the time within which the Division must act; the order and homologation of the order are carried out as in the case of an expropriation, with any necessary changes;”;

(8) by inserting, after paragraph 5.1, the following paragraph:

“5.2 (a) Specify for certain zones, parts or sections of certain zones or for certain streets, parts or sections of certain streets, or for any place whatever, the area and dimensions of the lots or lands and cause such norms to vary according to the classes of structures, uses or occupancy;

(b) Prescribe the minimum area and dimensions of lots that may be affected by a cadastral operation, and cause such norms to vary according to the nature of the soil or the proximity of public works;

(c) Regulate or prohibit, by zone, part or section of certain zones or by street, part or section of certain streets or at any other place whatever, a cadastral operation according to the topography of the landsite, the proximity of a watercourse, or the danger of flooding, rock fall, landslide or other disaster; any prohibition under this subparagraph may apply to all or only certain classes of immovables determined by by-law;”;

(9) by inserting the words “prescribe the distance between billboards;” after the word “cost;” in paragraph 12;

(10) by replacing the word “Define” in paragraph 15 by the words “Subject to articles 137 to 140, define”.

18. The said charter is amended by inserting, after article 524*k*, the following articles:

“524*l*. The council may pass a by-law respecting conditional uses, prescribing

(1) the procedure to be followed when applying to the executive committee for an authorization to exercise a conditional use;

(2) the criteria to be applied in assessing an application for conditional use, which may vary according to the nature of conditional uses and to parts of the territory.

“524*m*. A conditional use may be authorized provided it does not deprive neighbouring owners of enjoyment of their ownership rights.

“524*n*. A copy of the decision of the executive committee shall be sent to the person applying for an authorization to exercise a conditional use.”

19. Article 528 of the said charter, amended by section 56 of chapter 59 of the statutes of 1962, section 9 of chapter 90 and section 1 of chapter 92 of the statutes of 1968, section 22 of chapter 96 of the statutes of 1971, section 53 of chapter 77 of the statutes of 1977, section 12 of chapter 40 of the statutes of 1980, section 23 of chapter 71 and section 26 of chapter 64 of the statutes of 1982, section 5 of chapter 86 of the statutes of 1988 and section 14 of chapter 87 of the statutes of 1988, is amended by replacing the words “Under reserve of the fourth paragraph of” in paragraph 18 by the words “Subject to”.

20. Article 528*b* of the said charter, enacted by section 15 of chapter 87 of the statutes of 1988, is amended by inserting the words “in paragraph 1 of article 523,” after the figure “522,”.

21. Article 536 of the said charter, amended by section 1097 of chapter 4 of the statutes of 1990, is amended by replacing the figure “\$200” in the third paragraph by the figure “\$1 000”.

22. Article 543*b* of the said charter, enacted by section 11 of chapter 41 of the statutes of 1980 and amended by section 26 of chapter 71 of the statutes of 1982, is amended

(1) by replacing the words “places d'affaires” in paragraph 1 of the French text by the words “lieux d'affaires”;

(2) by replacing the words “une place d'affaires” in paragraphs 4, 5, 9, 11, 13, 16, 30, 31 and 34 of the French text by the words “un lieu d'affaires”;

(3) by replacing the words “place d'affaires” in paragraph 10 of the French text by the words “lieu d'affaires”;

(4) by replacing the words “la place d'affaires est située” in paragraph 22 of the French text by the words “le lieu d'affaires est situé”;

(5) in paragraph 24,

(a) by replacing the words “une place d'affaires” in the French text by the words “un lieu d'affaires”;

(b) by striking out the following sentence: “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.”;

(6) by replacing the words “une place d'affaires existante” in paragraph 25 of the French text by the words “un lieu d'affaires existant”;

(7) by replacing the words “cette place d'affaires” in paragraph 26 of the French text by the words “ce lieu d'affaires”;

(8) by replacing paragraph 38 by the following paragraph:

“(38) For the purposes of this article, the expression “place of business” means a unit of assessment or part thereof, where a person

in whose name the place of business is entered on the roll of rental values carries on, for profit, an economic or administrative activity in matters of finance, trade, industry or services, a calling, an art, a profession or other activity constituting a means of profit, gain or livelihood, except an employment or office."

23. Article 551 of the said charter, enacted by section 54 of chapter 77 of the statutes of 1977, is amended

(1) by replacing the words "rent fixed under paragraph 13 of" in the first line of the first paragraph by the words "price fixed for occupancy of the public domain under";

(2) by striking out the word "other" in the last line of the first paragraph;

(3) by replacing the word "rent" in the last line of the second paragraph and in the first line of the third paragraph by the word "price".

24. Article 560*b*, enacted by section 28 of chapter 111 of the statutes of 1987, article 560*c*, also enacted by section 28 of chapter 111 of the statutes of 1987 and amended by section 17 of chapter 87 of the statutes of 1988, article 560*d*, enacted by section 28 of chapter 111 of the statutes of 1987, article 560*e*, enacted by section 18 of chapter 87 of the statutes of 1988, and article 560*f*, enacted by section 28 of chapter 111 of the statutes of 1987 and amended by section 19 of chapter 87 of the statutes of 1988 of the said charter, are replaced by the following articles:

"560*b*. If the executive committee decides to grant the petition, it shall propose to the council that a by-law ordering the closing of the lane be passed.

The by-law shall include, where necessary, a designation of the land which, within the right of way of the lane, will be charged with a servitude for public utility purposes, including the laying, installation and maintenance of conduits, poles, wires and other accessories necessary for the operations of public utility companies. Such designation need not mention the dominant land.

A cadastral plan shall accompany the by-law, identifying for each riparian lot the part of the lane to be re-attached to it, and mentioning a separate lot number for each part of such lane. The servitude for public utility purposes shall be marked on the plan by means of hatchings.

“560c. Notice of the passing of the by-law shall be served on each riparian owner entered on the real estate assessment roll and be published in a daily newspaper distributed in the city.

“560d. Upon the coming into force of the by-law, the city shall register a copy, duly certified by the clerk, in the registry office and the registrar shall mention the by-law on each riparian lot.

“560e. Registration entails the transfer of ownership of each re-attached lot to each riparian lot owner, in accordance with the cadastral plan, and creates the servitude for public utility purposes described in the by-law.”

25. Article 561 of the said charter, amended by section 56 of chapter 77 of the statutes of 1977, is repealed.

26. Article 566 of the said charter, amended by section 1101 of chapter 4 of the statutes of 1990, is amended by replacing the figure “\$40” in the third paragraph by the figures and word “\$60 to \$100”.

27. Article 612.1 of the said charter, enacted by section 15 of chapter 90 of the statutes of 1990, is amended

(1) by replacing the words and figures “articles 612*a* and 612*c*” in the first paragraph by the word and figure “article 612*a*”;

(2) by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) establish the procedure with respect to the approval of the projects, determine the studies, documents or other items required to obtain approval and, if necessary, prescribe different terms and conditions for different classes of projects.”

28. Article 612*a* of the said charter, enacted by section 17 of chapter 76 of the statutes of 1972 and amended by section 62 of chapter 77 of the statutes of 1977, section 17 of chapter 40 of the statutes of 1980, section 32 of chapter 72 of the statutes of 1982, section 7 of chapter 117 of the statutes of 1986, section 29 of chapter 111 of the statutes of 1987 and section 16 of chapter 90 of the statutes of 1990, is amended

(1) by replacing the first paragraph by the following paragraph:

“612*a*. The council may, by by-law, authorize a construction, alteration or occupancy project that derogates from one or more city by-laws and make such authorization subject to the fulfillment of requirements other than those prescribed by any other city by-law.”;

(2) by striking out the second and fourth paragraphs.

29. Article 612c of the said charter, enacted by section 18 of chapter 90 of the statutes of 1990, is repealed.

30. Article 638 of the said charter, replaced by section 25 of chapter 40 of the statutes of 1980, is repealed.

31. Article 732a of the said charter, enacted by section 6 of chapter 89 of the statutes of 1990, is replaced by the following articles :

“732a. The city auditor shall audit the accounts and affairs of

(1) the pension fund committees and affiliates of such committees;

(2) any body, corporation, association or society constituted under this Act or any other Act the outstanding voting shares of which are held by the city or the directors of which are appointed by the council or the executive committee;

(3) any body, corporation, association or society constituted under this Act or any other Act more than 50 % of the outstanding voting shares of which are held by the city or more than 50 % of the directors of which are appointed by the council or the executive committee, provided that the partners of the city in such a body, corporation, association or society consent thereto;

(4) any body, corporation, association or society the audit of which is entrusted to him by the city.

Article 733, adapted as required, applies to the audit.

“732b. The auditor of any body, corporation, association or society constituted under this Act or any other Act the accounts and affairs of which are not audited by the city auditor in accordance with article 732a and 50 % of the operating expenditures of which are financed by the city, must transmit to the city auditor, a copy of

(1) the annual financial statements of the body, corporation, association or society;

(2) his report on these statements;

(3) any other report to the board of directors or senior officers of the body, corporation, association or society containing his findings and recommendations.

He must also make available to the city auditor, at the latter's request, the working papers and other reports and documents relating to his audit as well as the results thereof.

He must furthermore provide the city auditor with any additional information and explanations required in respect of his audit and the results thereof.

Where the information, explanations, documents and reports provided by the auditor of the body, corporation, association or society are insufficient and additional audit work is required, the city auditor may conduct or cause to be conducted such additional audit work as he considers necessary."

32. Article 733 of the said charter, replaced by section 90 of chapter 77 of the statutes of 1977 and amended by sections 32 and 82 of chapter 22 of the statutes of 1979, section 37 of chapter 40 of the statutes of 1980, section 4 of chapter 71 of the statutes of 1982, section 8 of chapter 112 of the statutes of 1987, section 7 of chapter 86 of the statutes of 1988 and section 7 of chapter 89 of the statutes of 1990, is amended by striking out paragraph 10.

33. Article 787*c* of the said charter, enacted by section 150 of chapter 27 of the statutes of 1985 and amended by section 21 of chapter 90 of the statutes of 1990, is amended by inserting the words "or business" after the words "real estate" in the first paragraph.

34. Article 787*g* of the said charter, enacted by section 42 of chapter 111 of the statutes of 1987, is amended by replacing the first paragraph by the following paragraph:

"787*g*. For the purposes of articles 787*a* to 787*d*, the council may, in each case, establish various classes of recipients and fix different subsidy rates for the different classes."

35. Article 808 of the said charter, replaced by section 60 of chapter 71 of the statutes of 1982 and amended by section 13 of chapter 59 of the statutes of 1983 and section 278 of chapter 32 of the statutes of 1991, is amended

(1) by inserting, in subarticle 2,

(a) the words "and vary the rate thereof" after the words "establish it" in the second line;

(b) the words "or real estate" after the word "rental" in paragraph c;

(2) by inserting the words “and, according to the classes it determines, the persons exempt from the business tax” after the word “immovables” in the first paragraph of subarticle 3.

36. Article 841 of the said charter, replaced by section 43 of chapter 96 of the statutes of 1971, is repealed.

37. Article 842 of the said charter, amended by sections 121 and 182 of chapter 77 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

“342. The director of finance may enter on the real estate tax collection roll the franchises, rights and privileges for occupation or use of the public domain that are established during a fiscal year, taking into account the unexpired portion of the fiscal year.”

38. Article 851 of the said charter, enacted by section 63 of chapter 71 of the statutes of 1982 and amended by section 23 of chapter 68 of the statutes of 1989, is repealed.

39. Article 889 of the said charter, enacted by section 74 of chapter 59 of the statutes of 1962 and amended by section 22 of chapter 41 of the statutes of 1980 and section 9 of chapter 89 of the statutes of 1990, is amended by striking out the words “of the Municipal Court” in the fifteenth line of the second paragraph.

40. Article 890 of the said charter is repealed.

41. Article 891 of the said charter, amended by section 69 of chapter 77 of the statutes of 1973, is replaced by the following article:

“391. Once the period set forth in the notice prescribed by articles 888 and 889 expires, the director of finance shall draw up, certify and send to the clerk a statement containing a summary description of all immovables which are to be sold for taxes.

The statement need only designate the immovables by their cadastral or subdivision numbers, adding thereto the letter P in cases of parts of lots. The name of the street where each immovable is situated and the street number of the buildings, if any, must be specified; the first and last numbers, joined by a dash, is sufficient where there are several. The number of the tax account relating to each immovable must also be specified.

The clerk shall, without the formality of minutes of seizure, proceed with the sale of all immovables described in the statement in the manner prescribed in articles 892 to 897.”

42. Article 892 of the said charter, amended by section 473 of chapter 72 of the statutes of 1979, section 16 of chapter 59 of the statutes of 1983 and section 43 of chapter 111 of the statutes of 1987, is amended

(1) by replacing the first paragraph by the following paragraph:

“892. The clerk shall give public notice, indicating

(a) the day, time and place of the sale;

(b) all immovables to be sold;

(c) the name of the proprietor of each such immovable, as entered on the real estate assessment roll;

(d) the tax account number relating to each of the immovables;

(e) the amount of tax due on each of the immovables, to which interest, penalties and costs shall be added at the time of the sale or of the settlement of the debt, where applicable;”;

(2) by striking out the words “, except in respect of the steps of the procedure for which the sheriff is responsible” in the second paragraph;

(3) by replacing the third paragraph by the following paragraph:

“The notice need only identify each immovable, indicating, in the case of an immovable upon which a building is erected, the tax account number relating to the building, the name of the street where the building is situated and the street number of the building, giving the first and last numbers joined by a dash where there are several. Where no building is erected thereon, the immovable shall be designated by its first cadastral number and first subdivision number as they appear in the statement provided by article 891, followed by the abbreviation “*etc*” where there is more than one; the tax account number relating to the immovable must also be stated.”;

(4) by replacing the words “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 fifth paragraph by the words “clerk shall cause such notice to be published, at least one month before the date fixed for the sale, in a newspaper distributed”;

(5) by replacing the words “what newspapers and on what dates the publications were made” in the fifth paragraph by the words “which newspaper and on what date the publication was made”.

43. Article 893 of the said charter is amended by replacing the words “the sheriff shall transmit” by the words “the clerk shall transmit”.

44. Article 894 of the said charter is amended

(1) by replacing the words “first juridical day of December of each year” in the first paragraph by the words “date fixed by the executive committee”;

(2) by replacing the word “sheriff” in the first paragraph by the word “clerk”.

45. Article 896 of the said charter, replaced by section 130 of chapter 77 of the statutes of 1977, is amended by replacing the first three paragraphs by the following paragraphs:

“896. The successful bidder, other than the city, shall pay the purchase price immediately, in cash or by certified cheque.

Failing immediate payment, the clerk shall cancel the sale to the defaulting bidder and offer the immovable for sale again immediately, or terminate the sale. In the latter case, the cost of the new notices shall be at the expense of the defaulting bidder. If the immovable is sold for a lower price than that offered by the defaulting bidder, he is required to pay the difference.”

46. Article 897 of the said charter is replaced by the following article:

“897. Subject to the provisions of this division, the rules of procedure and remedies relating to the sale of immovables by the sheriff under a writ of execution apply, adapted as required, to sales of immovables made under this division.

Notwithstanding the first paragraph, the clerk is not required to draw up minutes of the sale and the sale is not subject to any waiting periods.”

47. The said charter is amended by inserting, after article 897, the following article:

“897.1 On payment by the successful bidder of the amount of his purchase, the clerk shall set forth the particulars of the sale in a certificate made in duplicate and signed by him, and deliver a copy thereof to the successful bidder.”

48. Article 898 of the said charter is amended

(1) by replacing the words “Subject to article 899, such” in the first line of the first paragraph by the word “Such”;

(2) by replacing the word “sheriff” in the last line of the third paragraph by the word “clerk”.

49. Article 899 of the said charter is repealed.

50. Article 900 of the said charter is repealed.

51. Article 902 of the said charter is amended by replacing the words “sheriff into” by the words “clerk to the prothonotary of”.

52. Article 904 of the said charter, replaced by section 46 of chapter 96 of the statutes of 1971, is amended by replacing the words “sheriff’s costs” by the words “selling costs”.

53. The said charter is amended by inserting, after article 905, the following articles:

“905.1 If, within one year from the day of the sale for taxes, the immovable sold has not been bought back or redeemed according to articles 904 and 906, the purchaser shall remain the absolute proprietor thereof.

“905.2 The purchaser, on exhibiting the certificate of purchase and on proving the payment of all municipal taxes which in the interval have become due on the immovable, is entitled, after the expiry of one year’s time, to a deed of sale from the city.

He is also entitled to such a deed at any time before the expiry of that period, on proving the payment of all municipal taxes which in the interval have become due on the immovable and with the consent of the proprietor or his legal representatives and of the preferred or hypothecary creditors, which persons shall intervene in the deed to attest their consent.

“905.3 The deed of sale shall be conveyed in the name of the city by the clerk, by deed before a notary.”

54. The heading of the division preceding article 985 of the said charter and the said article 985, amended by section 95 of chapter 59 of the statutes of 1962, are replaced by the following:

“APPROPRIATION VOTE

“985. On ordering an expropriation, the council shall vote the appropriations required for the payment of contingent indemnities.”

55. Article 1012*a* of the said charter, enacted by section 138 of chapter 77 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

“1012*a*. Where part of an immovable is subject to an expropriation order and the indemnity paid by the city does not exceed \$5 000, all hypothecs, privileges and other charges encumbering that part of the immovable shall be cleared upon mere registration of the title of the city, and the registrar shall cancel them.”

56. Article 1018 of the said charter, enacted by section 29 of chapter 41 of the statutes of 1980 and amended by section 48 of chapter 111 of the statutes of 1987, is amended

(1) by inserting the following sentence at the end of the second paragraph: “The cost of lighting installations and traffic signs or signals may also be charged by means of a special assessment separate from the assessment relating to the paving cost.”;

(2) by adding the words “, lighting installations and traffic signs or signals” after the word “Paving” in the third paragraph.

57. The said charter is amended by adding, after article 1020, the following article:

“1020*a*. Notwithstanding any inconsistent legislative provision of this charter or any other Act, the council may impose a special tax for the payment of municipal works of any kind, including maintenance works, based on the municipal valuation, area, frontage or any other dimension of the taxable real estate subject to such tax. In the case of lots that are situated at an intersection or are not rectangular in shape, the council may fix the frontage for assessment purposes, in the manner it deems appropriate.

This article applies for the purpose of the payment of professional fees related to the works contemplated, whether they were carried out or not.”

58. Article 1052 of the said charter, enacted by section 60 of chapter 22 of the statutes of 1979, is amended by replacing the words “one hundred dollars” in the fourth line by the words “an amount fixed by by-law by the council”.

59. Article 1053 of the said charter, replaced by section 110 of chapter 59 of the statutes of 1962 and amended by section 14 of chapter 89 of the statutes of 1990, is amended by adding the following paragraphs:

“The city may prescribe, as prerequisite for the approval of a plan relating to a cadastral operation, the payment of any balance due and to become due on the capital of local improvement taxes in respect of the immovables included in the plan.

The city may also request such payment prior to the issue of a permit for the construction of a new building or the reconstruction of a demolished building.”

60. Article 1059 of the said charter, enacted by section 62 of chapter 96 of the statutes of 1971, is amended

(1) by replacing the words “the lots forming the corner of two streets, or of two lanes, public or private, or of a street and a lane, public or private” in the first paragraph by the words “lots that are situated at an intersection or are not rectangular in shape”;

(2) by inserting, after the second paragraph, the following paragraph:

“Any roll that is already in force may be amended for the purposes of this article.”

61. Articles 1156, 1157 and 1158 of the said charter are repealed.

62. The said charter is amended by inserting, after article 1170, the following article:

“1170a. No person who has complied with a notice or who, in any manner whatever, has sufficiently acquainted himself with the content or object thereof shall subsequently invoke any inadequacy or formal defect of the notice, or omission of its publication or service.”

63. Article 1179 of the said charter, enacted by section 83 of chapter 71 of the statutes of 1982, is amended by striking out the words “and that must in no case be more than ten dollars” in the fifth and sixth lines.

64. Form 3 of the said charter is repealed.

65. Form 32 of the said charter is replaced by the following form:

“32.— (*Article 883*)

Notice to ratepayers in default of paying taxes

City of Montréal

Mr or Ms Dr

to

the city of Montréal

(Statement of account)

(Date of notice)

Take notice that, having failed to pay the abovementioned taxes for the total amount specified, together with the costs of this notice, within the time prescribed by law or by public notice, as the case may be, you are hereby required to pay the amount due at the places and in the manner specified below within fifteen days from the date of this notice, in default whereof execution will issue on your goods and chattels.

(*Signature*)
Director of finance”.

66. Form 35 of the said charter is repealed.

67. For the purposes of Title Second of Book First of the Civil Code of Lower Canada entitled “Of acts of civil status”, the clerk is and has always been authorized to delegate to any officer designated and sworn in by him for that purpose his powers, duties and obligations relating to the registering of births and to the issue and certification of copies of and extracts from the registers of civil status.

68. Notwithstanding any by-law, resolution or decision of a delegated officer made before the effective date of a by-law enacted under this section for the purpose of allowing encroachment by toleration upon the public domain or any other occupancy thereof, whether permanent, temporary or periodic, or authorizing the making of a contract for such purposes, the council may, by by-law,

(a) order that the rent payable under such by-law, resolution, decision or contract be replaced by a single and final payment of a price

determined by the council, which may be equal to or lower than the amount of the rent;

(b) prescribe that the rights and obligations created by such by-law, resolution, decision or contract be, in future, established or replaced under the terms of a by-law passed under paragraphs 13 to 14 of article 522 of the charter of the city introduced by section 15 of this Act or under this section;

(c) declare that contracts approved by a by-law, resolution or decision of a delegated officer made before the effective date of the by-law enacted under this section for the purpose of allowing occupancy of the public domain and whose terms are amended under paragraph *a* or *b* of this section cease to have effect without any indication thereof in the index of immovables.

69. Paragraphs 2 and 3 of section 16 of this Act, subparagraphs *b.2* and *b.5* to *b.9* of paragraph 2 of article 524 of the charter of the city of Montréal introduced by paragraph 6 of section 16 and paragraph 5.2 of article 524 of the said charter introduced by paragraph 8 of section 16 are declaratory.

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