



ATIONAL ASSEMBLY

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THIRTY-THIRD LEGISLATURE

Bill 200
(Private)

An Act to amend the charter of the city of Montréal

Introduction

**Introduced by
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Member for Dorion**

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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 464*a* of the charter of the city of Montréal (1959-60, chapter 102), replaced by article 44 of chapter 77 of the statutes of 1977 and amended by article 8 of chapter 40 of the statutes of 1980, is again amended by inserting, in the first paragraph, after the word “building”, the following “or the alteration of residential buildings involving a reduction of the number or area of dwelling-units,”.

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

(1) by replacing subparagraph *f* of paragraph 2 by the following subparagraph:

“(f) regulate the parking of vehicles bearing one of the following identification stickers:

(1) an identification sticker issued under section 11 of the Highway Safety Code (R.S.Q., chapter C-24.2);

(2) a removable identification sticker issued by the Office des personnes handicapées du Québec in accordance with article 30.1 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);”;

(2) by replacing paragraph 18 by the following paragraph:

“18. Control the demolition and alteration of buildings and for that purpose,

(a) Define “residential building” and categorize other classes of buildings and define them;

(b) Rule on the examination of any application for the demolition of a residential building in order to determine whether it should be preserved or if it may be demolished, in whole or in part, having regard to its condition, its architectural characteristics, its location, the fact that it forms part of a complex, the deterioration of the architectural appearance or esthetic character of the neighbourhood or of the quality of life in the neighbourhood, the cost of restoration, the intended use of vacated land and any other pertinent criterion, particularly in the case of a residential building, the prejudice caused to lessees, the housing needs in the area and the possibilities of relocation of the lessees, and in the case of another category of building, its potential for fostering job creation, the occupational balance and the maintenance of services; require the prior filing of a new land-use plan and, as it sees fit in each case of residential building, the erection on the same site or in any sector where housing is permitted, of dwelling-units in such number and of such area as it may determine; fix the terms and conditions of demolition and rebuilding and require that a guarantee be furnished to ensure compliance with the conditions attached to the authorization to demolish, including a guarantee on the parcel of land which is to constitute, after registration, a privileged charge of the same nature and rank as a municipal tax; compel every person who participates in an unlawful demolition to restore the building or the part of a building so demolished; delegate the exercise of such powers to the executive committee;

(c) Rule on the examination of any application for the alteration of a residential building involving a reduction in the number of dwelling-units or in their area in order to determine if the current number of dwelling-units or their area should be maintained or if they may be reduced to the extent indicated, having regard to the location of the building, the fact that it forms part of a complex, the deterioration of the quality of life of the neighbourhood, the projected occupancy of the building, the prejudice caused to lessees, the housing needs in the area, the possibilities of relocation of the lessees and any other pertinent criterion; and as it sees fit in each case, require the erection in any sector where housing is permitted, of dwelling-units in such number and of such area as it may determine; fix the terms and conditions of alteration and require that a guarantee be furnished to ensure compliance with the conditions attached to the authorization to make alterations, including a guarantee on the building which is to constitute, after registration, a privileged charge of the same nature and rank as a municipal tax; compel every person who participates in an unlawful alteration to restore the building or the part of a building so altered; delegate the exercise of such powers to the executive committee;

(d) Prescribe that the conditions provided in paragraph *b* apply to every building the demolition of which is imperative pursuant to the by-laws adopted under paragraph 37 of article 520 or paragraph 8 of article 524;

(e) Provide for an appeal to an arbitration board formed in the manner provided in paragraph 7 of article 525, from any decision rendered under subparagraphs *b*, *c* and *d*;

(f) Impose, as a sanction, whether or not a guarantee furnished under subparagraphs *b* and *c* has been realized, an additional tax not exceeding 25 % of the value of any land the owner of which fails to meet the requirements for the construction of new dwelling-units; authorize the director of finance, from and after the default and for every year that it lasts, to alter the collection roll of real estate taxes to indicate the amount corresponding to such additional tax which becomes exigible thirty days after the sending of the account, this tax being recoverable in the same manner as real estate taxes."

3. Article 524*b* of the said charter, enacted by section 11 of chapter 40 of the statutes of 1980, is replaced by the following article:

"524*b*. On being seized of an application for the demolition or the alteration of a residential building under a by-law enacted in

accordance with paragraph 18 of article 524, the executive committee must cause a notice of the application, easily visible to passers-by, to be posted on the immovable contemplated in the application.

It must be mentioned in the notice that a person who wishes to oppose the demolition or alteration must, within ten days following the posting of the notice on the immovable concerned, make his objections known in writing to the clerk, giving the reasons for his objections.

The clerk shall submit the objections received to the executive committee, which must consider them before rendering its decision.

A person who so opposed an application granted by the executive committee may appeal from that decision by following the procedure established by the said by-law.”

4. The said charter is amended by adding, after Section 8A, the following section:

“SECTION 8B

“**527b.** Subject to articles 516, 517, 518 and 519, the council, by by-law, may authorize, on a case by case basis, within the limits and subject to the terms and conditions it determines, the moovings or construction or the occupation and operation of a floating structure for purposes of hotel and restaurant accomodation. By such a by-law, the council may, in particular,

(1) prescribe requirements concerning construction, development, occupation, zoning, nuisances, noise, safety, public health and hygiene, parking, posting of commercial or other signs, connections to the municipal waterworks, including the costs exigible in respect of such connections, inspections by municipal services and required permits;

(2) provide exemptions from any municipal by-law, and subject such authorization to any condition which may derogate from a municipal by-law.

A floating structure authorized by a by-law enacted pursuant to the first paragraph is deemed to be a building contemplated by the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and must, notwithstanding any inconsistent provision of that Act, be entered on the real estate assessment roll under the name of its owner, and the places of business which are located thereon must be entered on the roll of rental values.

The provisions of Title XI of this charter entitled "Taxation", adapted as required, apply to these establishments.

The council shall have 180 days, starting from the date on which the directors of the services concerned have received all the plans and information they may require from the applicant for a permit pertaining to a floating structure, to adopt a special by-law under the first paragraph. Such a by-law shall take effect, retroactively, from the date of the application and no acquired right may be invoked against a by-law adopted under the first paragraph in the case of the initial by-law concerning a given floating structure.

A special by-law adopted under the first paragraph is not subject to the procedure prescribed in article 451*a* of this charter, and the same applies to by-laws amending such a by-law."

5. Article 528 of the said charter, amended by section 56 of chapter 59 of the statutes of 1962, by section 9 of chapter 90 and by section 1 of chapter 92 of the statutes of 1968, by section 22 of chapter 96 of the statutes of 1971, by section 53 of chapter 77 of the statutes of 1977, by section 12 of chapter 40 of the statutes of 1980, by section 23 of chapter 71 and by section 26 of chapter 64 of the statutes of 1982, is again amended by replacing paragraphs 13 and 14 by the following paragraphs:

"13. Sell gas or gas by-products, as well as thermal energy;

"14. In order to obtain the funds required for the establishment of the aforesaid industry, issue bonds or other securities or raise special loans with sinking-fund for the amount which the council may deem necessary;"

6. The said charter is amended by adding, after article 528*c*, the following articles:

"528*d*. In the exercise of the powers provided for in paragraphs 2, 10 to 14 and 26 of article 528, the city is authorized to

(1) associate with any person, partnership or undertaking representing public or private interests;

(2) acquire share capital in corporations whose operations include the sale or purchase of gas and, as the case may be, steam, or waste management;

(3) apply for the incorporation of non-profit corporations acting in the name of the city, or for amendments to the letters patent of such corporations as may already exist.

Any application by the city for the incorporation of a corporation under subparagraph 3 of the first paragraph must indicate the name of the corporation, the location of its head office, its powers, rights and privileges, the rules relating to the exercise thereof and to the mode of appointment of its members and directors. Notice of the issue of letters patent must be published in the *Gazette officielle du Québec*.

Article 964*f* applies to such a corporation.

“528*e*. The city is authorized to transfer to a corporation incorporated under subparagraph 3 of the first paragraph of article 528*d*, all or part of the rights and powers conferred on it pursuant to paragraphs 2, 10 to 14 and 26 of article 528 and article 528*d*.”

7. Article 733 of the said charter, replaced by section 90 of chapter 77 of the statutes of 1977, amended by sections 32 and 82 of chapter 22 of the statutes of 1979, by section 37 of chapter 40 of the statutes of 1980, by section 54 of chapter 71 of the statutes of 1982 and by section 8 of chapter 112 of the statutes of 1987, is again amended by inserting the number “528*d*,” after the word “articles” in paragraph 10.

8. Article 753 of the said charter, replaced by section 39 of chapter 111 of the statutes of 1987, is amended by adding the following paragraph:

“Where the city enters into currency exchange agreements in respect of a loan it has contracted, the loan is deemed to have been made in the currency in which the city is, under the terms of the last exchange agreement entered into, required to make its payment in capital.”

9. The said charter is amended by inserting, after article 807*a*, the following article:

“807*b*. Notwithstanding the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the special tax provided for in paragraph *w* of article 803 is applicable with respect to the operation of parking lots on immovables referred to in the second paragraph of section 257 of the said Act when the said operation is undertaken by a person acting in the name of the owner of the immovable.”

10. The said charter is amended by inserting, after article 846, the following article:

“846*a*. Notwithstanding paragraph 2 of section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), any immovable

or part of an immovable belonging to the Régie des installations olympiques and used for purposes other than the operations of the stadium, the velodrome, the swimming pools or their accessory services, is subject to taxation.”

11. Article 964*c* of the said charter, enacted by section 45 of chapter 40 of the statutes of 1980, amended by section 23 of chapter 41 of the statutes of 1980 and by section 17 of chapter 59 of the statutes of 1983, is replaced by the following article:

“**964*c*.** The city is authorized to apply for the incorporation of non-profit corporations whose objects are

(a) to acquire, renovate, restore, construct, sell, lease or manage immovables;

(b) to grant subsidies for the construction, renovation, restoration, demolition and relocation of such immovables;

(c) to administer subsidy programs for the purposes set out in paragraph *b*;

(d) to hold shares, as a stockholder or in another capacity, in any venture capital investment fund whose principal object is to promote the economic development of the city’s wards or neighbourhoods.”

12. Article 527*b* of the charter of the city of Montréal, enacted by section 4, shall take effect on 1 January 1988.

13. No corporation incorporated pursuant to article 964*c* of the charter of the city of Montréal before the coming into force of this Act is abolished by reason of the replacement of the said article by section 11.

14. This Act comes into force on (*insert here the date of assent to this Act*), except paragraph 1 of section 2 which will come into force upon proclamation of the Government.