



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 255
(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 255

(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 Article 49 of the charter of the city of Montréal (1959-60, chapter 102) is repealed.

2. Article 50 of the said charter, amended by section 182 of chapter 77 of the statutes of 1977, is repealed.

3. Article 52 of the said charter, amended by section 6 of chapter 97 of the statutes of 1960-61, is repealed.

4. Article 53 of the said charter is repealed.

5. Article 98 of the said charter, replaced by section 5 of chapter 40 of the statutes of 1980, is amended by replacing the word “twenty-five” by the word “fifty”.

6. Article 99 of the said charter, replaced by section 6 of chapter 40 of the statutes of 1980, is amended

(1) by striking out the first paragraph;

(2) by replacing the word “However” in the second paragraph by the words “Notwithstanding article 98”.

7. Article 103 of the said charter is repealed.

8. Article 106 of the said charter, amended by section 15 of chapter 70 of the statutes of 1963 (1st session), by section 10 of chapter 96 of the statutes of 1971, by section 14 of chapter 77 of the statutes of 1977, by section 2 of chapter 41 of the statutes of 1980, by section 3 of chapter 71 of the statutes of 1982, by section 211 of chapter 38 of the statutes of 1984 and by section 8 of chapter 111 of the statutes of 1987, is again amended by adding the following paragraph:

“(u) alienate gratuitously movable property in favour of non-profit organizations.”

9. Article 107 of the said charter, replaced by section 15 of chapter 77 of the statutes of 1977 and amended by section 7 of chapter 40 of the statutes of 1980 and by section 849 of chapter 57 of the statutes of 1987, is again amended by replacing subsections 1 and 2 by the following subsections:

“**107.** (1) Contracts for the execution of works, the supply of equipment or materials or the supply of services other than professional services shall be awarded

(a) by way of an invitation to tender made to at least two contractors or suppliers, as the case may be, if the contract involves an expenditure of more than \$15 000 but not more than \$50 000;

(b) by way of a call for public tenders if the contract involves an expenditure of more than \$50 000.

(2) The invitations to tender and calls for public tenders shall be prepared and the contracts resulting therefrom shall be awarded on the basis of

(a) fixed prices; or

(b) unit prices.”

10. Article 107a of the said charter, enacted by section 16 of chapter 77 of the statutes of 1977, is repealed.

11. Article 520 of the said charter, amended by section 26 of chapter 97 of the statutes of 1960-61, by section 8 of chapter 71 of the statutes of 1964, by section 21 of chapter 84 of the statutes of 1965 (1st session), by section 5 of chapter 90 of the statutes of 1968, by section 4 of chapter 91 of the statutes of 1969, by section 205 of chapter 19 of the statutes of 1971, by section 20 of chapter 96 of the statutes of 1971, by section 57 of chapter 77 of the statutes of 1973, by sections 45 and 183 of chapter 77 of the statutes of 1977, by section 23 of chapter

64 of the statutes of 1982, by section 1 of chapter 59 of the statutes of 1983, by section 145 of chapter 27 of the statutes of 1986 and by section 26 of chapter 111 of the statutes of 1987, is again amended by inserting the following paragraph:

“66a. Regulate public solicitations within the territory of the city and, for that purpose,

(a) determine what constitutes a public solicitation and define various types of public solicitations;

(b) prescribe the terms and conditions attached to the permits required and, in particular, require of the applicant that he declare the percentage of the proceeds which he intends to allocate for philanthropic purposes and require of the holder of a public solicitation permit that he demonstrate in the prescribed manner that the declared percentage of the proceeds collected is allocated for philanthropic purposes.”

12. 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 of the statutes of 1968, 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, by section 670 of chapter 91 of the statutes of 1986 and by section 2 of chapter (*insert here the chapter number of Bill 200 of 1988*) of the statutes of 1988, is again amended

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

“6. Subject to article 610a, determine the conditions required for the approval of any modification to cadastral plans and define the nature of the works that may be required and the servitudes necessary for the installation of the public utility services which must be granted prior to such approval; provide for the refusal of such approval in cases where public utility services are not installed at the place specified in the modification;”;

(2) by striking out the word “residential” before the words “building in order to determine” in subparagraph *b* of paragraph 18.

13. Article 524*b* of the said charter, replaced by section 3 of chapter (*insert here the chapter number of Bill 200 of 1988*) of the statutes of 1988, is amended by striking out the word “residential” before the words “building under a by-law enacted” in the first paragraph.

14. 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 and by section 5 of chapter (*insert here the chapter number of Bill 200 of 1988*) of the statutes of 1988, is again amended

(1) by striking out

(a) the words “borrow the necessary money for such purpose for a term not exceeding forty years with sinking-funds sufficient to repay the same at maturity;” in paragraph 8;

(b) the words “and contract loans to pay the price or indemnity thereof including the cost of any expropriation” in paragraph 15;

(2) by replacing paragraphs 13.1 and 14 by the following paragraphs:

“13.1. Exploit gas or gas by-products as well as thermal energy generated at its waste disposal sites;

“14. For the purposes of paragraph 13.1, issue bonds or other securities or raise special loans with sinking-funds for the amounts which the council deems necessary;”.

15. Article 528*b* of the said charter, enacted by section 24 of chapter 84 of the statutes of 1965 (1st session), amended by section 24 of chapter 71 of the statutes of 1982 and replaced by section 4 of chapter 59 of the statutes of 1983, is again replaced by the following article:

“**528*b*.** The council may exercise by resolution the powers provided for 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, 11 and 13.1 of article 528.”

16. Article 528*d* of the said charter, enacted by section 6 of chapter (*insert here the chapter number of Bill 200 of 1988*) of the

statutes of 1988, is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) acquire share capital in corporations whose operations consist solely in the realization of a project relating to the exploitation of gas or gas by-products as well as thermal energy generated at the waste disposal sites of the city or lend money to such corporations for interest and upon security;”.

17. Article 560*c* of the said charter, enacted by section 28 of chapter 111 of the statutes of 1987, is amended by inserting, after the first paragraph, the following paragraph:

“The by-law must describe the parcel of land, within the right-of-way of the lane, which will be used for public utility purposes.”

18. Article 560*e* of the said charter, enacted by section 28 of chapter 111 of the statutes of 1987, is replaced by the following article:

“**560e.** The registration of the notice effects the transfer of ownership of each lot; from the date of registration, a servitude is created on the parcel of land described in the by-law passed pursuant to article 560*c* in respect of all public utilities including the laying, installation and maintenance of conduits, poles, wires and other accessories necessary for the operations of public utility companies.”

19. Article 560*f* of the said charter, enacted by section 28 of chapter 111 of the statutes of 1987, is amended by striking out the first paragraph.

20. The said charter is amended by inserting, after article 612*b*, the following article:

“**612c.** The council may, by by-law, fix a tariff of fees exigible for the examination of applications for the approval of a plan of construction, alteration or occupancy under article 612*a*.”

21. Article 652 of the said charter, amended by sections 24 and 77 of chapter 22 of the statutes of 1979 and by section 8 of chapter 59 of the statutes of 1983, is replaced by the following article:

“**652.** For the purposes of article 651, the probable revenue for the following fiscal year shall be estimated by adding up the following:

a. the probable revenue from the real estate tax, water-rate, service tax and business tax for the following fiscal year, based on

assessments deposited according to law, including revenue resulting from alterations to the roll due to the addition of new immovables or improvements to immovables, as estimated by the assessor of the Communauté urbaine de Montréal; plus

b. the probable revenue from interest, rentals and other sources which increases from day to day; plus

c. the probable revenue from new taxes; plus

d. the revenue which will actually be collected during the following fiscal year from all other taxes or sources; plus

e. the payment by real-estate owners of the assessments for local improvements to become due during the fiscal year; less

f. the necessary provision for losses resulting from the contestation of real-estate and rental assessments.”

22. Article 653 of the said charter, replaced by section 39 of chapter 71 of the statutes of 1982, is repealed.

23. Article 654 of the said charter, amended by section 67 of chapter 77 of the statutes of 1973 and by section 25 of chapter 22 of the statutes of 1979, is again amended

(1) by adding, after the word “debt” in paragraph *d*, the words “, including contributions to the sinking-fund”;

(2) by striking out paragraph *e*.

24. Article 663 of the said charter is amended

(1) by replacing the words “of at least four million dollars” in the first paragraph by the words “equal to or greater than the average cost of such work for the three fiscal years preceding the year in which the budget is voted”;

(2) by replacing the words “and/or” in the first sentence of the third paragraph by the word “or” and by replacing the word “and” in the same sentence by the word “or”.

25. Article 664 of the said charter, amended by section 74 of chapter 77 of the statutes of 1977, is again amended by replacing the second paragraph by the following paragraph:

“A sum equal to 1 1/2% of the probable revenue, exclusive of any surplus added thereto, shall be voted for those purposes.”

26. Article 666 of the French text of the said charter, replaced by section 40 of chapter 71 of the statutes of 1982, is amended by replacing the figure "677" in the first paragraph by the figure "667".

27. Article 675*a* of the said charter, enacted by section 212 of chapter 38 of the statutes of 1984, is amended by replacing the first paragraph by the following paragraph:

"675*a*. The budget shall be transmitted to the Minister of Municipal Affairs in the month following its adoption or, if it is not adopted, in the month following the deadline fixed for its adoption."

28. Article 681*a* of the said charter, enacted by section 13 of chapter 52 of the statutes of 1976 and amended by section 29 of chapter 22 of the statutes of 1979, is again amended

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

"681*a*. The executive committee shall prepare a three-year programme of capital expenditures and state therein the object, amount and mode of financing of the capital expenditures.

The city shall, not later than 30 September, adopt the programme for the next three fiscal years. Such adoption requires a majority vote of the members of the council present.";

(2) by adding, after the fourth paragraph, the following paragraph:

"In an election year, the three-year programme of capital expenditures may be adopted within three months following the date of the election."

29. Article 707*a* of the said charter, enacted by section 64 of chapter 59 of the statutes of 1962 and amended by section 34 of chapter 96 of the statutes of 1971, by section 14 of chapter 76 of the statutes of 1972, by section 68 of chapter 77 of the statutes of 1973, by section 1 of chapter 85 of the statutes of 1975, by section 14 of chapter 52 of the statutes of 1976 and by section 213 of chapter 38 of the statutes of 1984, is again amended by replacing paragraph 4 by the following paragraph:

"4. No loan may be made out of the working capital fund for a term exceeding one year;".

30. Article 709 of the said charter, replaced by section 32 of chapter 111 of the statutes of 1987, is again replaced by the following article:

“709. The council may, by by-law, establish rules governing the transfer of appropriations within the items of the budget and provide that the chairman of the executive committee, the secretary general or any officer designated for that purpose may authorize transfers of appropriations within budget items.”

31. The said charter is amended by inserting, after article 709, the following article:

“710. No voted appropriations may be transferred by the executive committee from one item of the budget to another except with the approval of the council.

Notwithstanding the foregoing, the executive committee may transfer, in whole or in part, to any other head of the budget, the appropriations for “unforeseen administration expenses” under the head “Appropriations for contingent expenditures” and the appropriations under the head “Appropriations for general administration expenses at the disposal of the executive committee”.

Where the executive committee exercises its powers under the preceding paragraph with respect to the transfer of appropriations under the head “Appropriations for general administration expenses at the disposal of the executive committee”, it shall report thereon to the council at the next ensuing meeting.”

32. Article 716 of the said charter is replaced by the following article:

“716. The city may, by resolution of the council, create any fund for the purposes of any of its activities.

At the end of the fiscal year of the city, any deficit in such a fund shall be made up by the general fund.”

33. Article 719 of the said charter, amended by section 84 of chapter 77 of the statutes of 1977, is repealed.

34. Article 721 of the said charter, amended by section 85 of chapter 77 of the statutes of 1977, by section 52 of chapter 71 of the statutes of 1982 and by section 214 of chapter 38 of the statutes of 1984, is again amended by replacing the words “three years” in the first paragraph by the words “five years and if it is not a lease”.

35. Article 741 of the said charter, amended by section 36 of chapter 96 of the statutes of 1971 and by section 222 of chapter 38 of the statutes of 1984, is replaced by the following article:

“741. Besides the special borrowing powers mentioned elsewhere in this charter and in other Acts, the city shall have a general borrowing power.

Such general power applies to loans for the following purposes:

a. the payment of the debts charged to municipal corporations whose territory has been or is to be annexed wholly or in part to that of the city;

b. the issue of new evidences of indebtedness to pay off any existing loan at maturity or to redeem before maturity or convert any portion or the whole of any outstanding evidences of indebtedness with the consent of the holders or without their consent if the loan agreement contains a clause to that effect.

Notwithstanding article 749, the executive committee may authorize the head of the competent department to effect loans of a maximum one-year term, on such conditions as he shall determine.”

36. Article 742 of the said charter is repealed.

37. Article 743 of the said charter is repealed.

38. Article 745 of the said charter, replaced by section 92 of chapter 77 of the statutes of 1977, is repealed.

39. Article 746 of the said charter, amended by section 93 of chapter 77 of the statutes of 1977, is repealed.

40. Article 748 of the said charter, replaced by section 223 of chapter 38 of the statutes of 1984, is repealed.

41. Article 749 of the said charter, amended by section 14 of chapter 90 and by section 6 of chapter 92 of the statutes of 1968, by section 15 of chapter 52 of the statutes of 1976 and by section 224 of chapter 38 of the statutes of 1984, is again amended

(1) by replacing the words “executive secretary” in the second paragraph by the words “secretary general”;

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

“Except in the case of loans of less than one year or loans for the purpose of financing of budgetary operations in anticipation of the collection of revenue, all loans require the approval of the Minister of Municipal Affairs.”

42. Article 759 of the said charter, replaced by section 103 of chapter 77 of the statutes of 1977, is repealed.

43. Article 764 of the said charter, replaced by section 106 of chapter 77 of the statutes of 1977, is repealed.

44. The said charter is amended by inserting, after article 787*h*, the following article:

“787*i*. In cases where a subsidy under article 787*a* is granted taking into consideration the destination or mode of occupancy of an immovable, the council may, by by-law,

(*a*) stipulate that any change in the destination or mode of occupancy of the immovable shall entail repayment to the city of all or part of the subsidy paid in respect of the immovable, within such time, not exceeding nine years, as the council shall determine, or that any permit which may be required for a change of destination or occupancy may be refused until such repayment is made;

(*b*) stipulate that repayment of the subsidy shall be exigible from any person who is the owner of the immovable at the time of the change of destination or occupancy;

(*c*) prescribe the formalities necessary to ensure conformity with the requirements stipulated under subparagraphs *a* and *b*, in particular the signing by the owner who received the subsidy of any document establishing the restrictions so stipulated to the right of ownership of the immovable, which document may be required for registration; require, where applicable, that the owner who received the subsidy see to it that the registration is effected.

The registration of any document referred to in subparagraph *c* of the first paragraph is effected by deposit and the registrar is required to receive it and to make mention of it in the index of immovables.”

45. Article 801 of the said charter, amended by section 36 of chapter 84 of the statutes of 1965 (1st session), by section 8 of chapter 91 of the statutes of 1969 and by section 117 of chapter 77 of the statutes of 1977, is again amended by replacing the words “tax provided for by articles 794 and 795” by the words “business tax”.

46. Article 803 of the said charter, amended by section 12 of chapter 65 of the statutes of 1966-67, by section 9 of chapter 91 of the statutes of 1969, by section 118 of chapter 77 of the statutes of 1977, by section 41 of chapter 40 of the statutes of 1980, by section 12 of

chapter 59 of the statutes of 1982 and by section 9 of chapter 112 of the statutes of 1987, is again amended by replacing the introductory paragraph by the following introductory paragraph:

“803. Subject to article 804, the council may impose on certain persons, establishments, occupations and means of profit or livelihood, in addition to the business tax, special taxes, for one year or for shorter periods, of such amounts as it may determine, as hereinafter stated:”.

47. Article 805 of the said charter, replaced by section 40 of chapter 96 of the statutes of 1971, is again replaced by the following article:

“805. The city may impose and collect, in addition to the business tax, certain annual dues or special taxes on all businesses, manufactures, financial or commercial establishments, occupations, arts, professions, trades, means of profit or livelihood or activities practised or carried on in the city and respecting which no special tax is provided for by articles 801, 802 and 803.”

48. The said charter is amended by inserting, after article 806, the following article:

“806a. The annual dues and special taxes which may be imposed under articles 801, 802, 803 and 805 may vary in each case or within a category according to the criteria or conditions determined by the council.”

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

“807b. Notwithstanding the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the special tax provided for by paragraph *w* of article 803 may be imposed in respect of the operation of a parking lot situated on an immovable referred to in the second paragraph of section 257 of the said Act where the parking lot is operated by a contractor acting on behalf of the owner of the immovable.”

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

“846a. 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 operation of the

stadium, the velodrome, the swimming pools or their accessory services, is subject to taxation.”

51. Article 964c 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:

“964c. 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 immovables;

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

(d) to hold an interest, 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.”

52. Article 964ff of the said charter, enacted by section 18 of chapter 59 of the statutes of 1983, is amended by replacing the second paragraph by the following paragraph:

“The council may

(a) authorize the payment of contributions in order to make up the deficit or to finance the activities of the corporation;

(b) guarantee the debt contracted by the corporation;

(c) borrow sums which may be paid into the working capital referred to in the first paragraph or which are necessary for the purposes of subparagraph a.”

53. Article 968 of the said charter, replaced by section 137 of chapter 77 of the statutes of 1977, is amended by replacing the words “real estate” by the word “competent”.

54. Article 1047 of the said charter, amended by section 59 of chapter 97 of the statutes of 1960-61, by section 109 of chapter 59 of the statutes of 1962, by section 55 of chapter 84 of the statutes of 1965 (1st session), by section 40 of chapter 90 of the statutes of 1968, by

section 60 of chapter 96 of the statutes of 1971, and by section 158 of chapter 77 of the statutes of 1977, is again amended by replacing subarticle 6 by the following subarticle:

“6. Every alteration to the roll shall be made by the director of the competent department or by the officer designated by the director for that purpose. The roll so altered shall be signed, and a certificate attesting the changes shall be issued.”

55. Article 1048 of the said charter, amended by section 159 of chapter 77 of the statutes of 1977, by section 59 of chapter 22 of the statutes of 1979 and by section 33 of chapter 41 of the statutes of 1980, is again amended by replacing the words “department designated by the executive committee” in the first and fourth paragraphs by the words “competent department or the officer designated by the director for that purpose”.

56. No corporation incorporated, pursuant to article 964c of the charter of the city of Montréal, before this Act comes into force shall be dissolved by reason of the replacement of the said article by section 51.

57. Section 12 of the Act to amend the charter of the city of Montréal (1986, chapter 117) is amended by replacing the date “1 January 1989” by the date “31 December 1990”.

58. Section 15 of the Act to amend the charter of the city of Montréal (1987, chapter 112) is repealed.

59. The minimum area requirements provided in article 612a do not apply in the case of a project to be carried out within the territory bounded on the north, by Côte-des-Neiges road to des Pins avenue, and thence, by des Pins avenue to St-Laurent boulevard; on the east, by St-Laurent boulevard to Sherbrooke street; on the north, by Sherbrooke street to St-Hubert street; on the east, by St-Hubert street to Viger avenue; on the north, by Viger avenue to Panet street; on the east, by Panet street and the south extension of Panet street to the east extension of de la Commune street; on the south by the east extension of de la Commune street and by de la Commune street to Mill street; thence, by Mill street to the Lachine canal; on the southwest, by the Lachine canal to the south extension of Guy street; on the west, by the south extension of Guy street and by Guy street to the Ville-Marie autoroute; on the south, by the Ville-Marie autoroute to the east limit of the city of Westmount; on the west, by the east limit of the city of Westmount to Côte-des-Neiges road.

This section ceases to have effect on 31 December 1990.

60. (1) The city may, for the commemoration of the 350th anniversary of the foundation of Montréal, authorize, organize or coordinate various activities and, to that end, delegate all or part of those tasks to a non-profit corporation and subsidize the corporation for that purpose.

Article 964f applies to such corporation.

(2) Article 10 of the said charter applies to every graphic symbol adopted by the city, by resolution of the council, relating to the commemoration or celebration of the 350th anniversary of the foundation of Montréal and also applies to the following expressions and to any analogous expression: "Vivre Montréal 1992"; "Montréal 1992"; "350^e anniversaire de Montréal"; "350^e anniversaire de la fondation de Montréal"; "Montréal, les fêtes de 1992"; "Les Fêtes du 350^e anniversaire de Montréal". It applies further to the words and expressions "sponsor", "official sponsor", "supplier" and "official supplier", where such words or expressions are used in connection with the graphic symbol or with any other word or expression contemplated by this subsection. In addition, no product, property or service may, except with the authorization of the city, be designated as "official", where such designation is used in connection with the commemoration or celebration of the 350th anniversary of the foundation of Montréal.

This subsection is declaratory.

(3) Any registration by a person other than a person authorized to do so by the city of a company name including a word or expression reserved for the city under the preceding subsection, regardless of the date of such registration, even if prior to the coming into force of this section, is absolutely null.

(4) This section has effect from 1 September 1988.

61. The city of Montréal may, for its fiscal years 1989, 1990 and 1991, grant a reduction in the amount of business taxes payable for a place of business.

For that purpose, section 237 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) shall apply to the city with the following changes:

(1) "Where the rate of the business tax exceeds 15%, the" in the first line of the first paragraph is replaced by "The";

(2) "twice the" in the third and fourth lines of the first paragraph is replaced by

(a) "one and a half times the", for the fiscal year 1989;

(b) "the", for the fiscal year 1990;

(c) "50 % of the", for the fiscal year 1991;

(3) "5 %" in the first line of subparagraph 1 of the second paragraph is replaced by "3 %";

(4) "\$1500" in the first line of subparagraph *a* of subparagraph 2 of the second paragraph is replaced by "\$900";

(5) subparagraph *b* of subparagraph 2 of the second paragraph is replaced by the following subparagraph:

"(b) the rental value of the place of business multiplied by a rate of 5 %".

62. The city of Montréal may, by by-law, exempt the occupants of residential immovables from the payment of the water-rate and service tax for the fiscal years 1990 and 1991. In such case, the water-rate and the rate of the service tax shall not be greater, in respect of other categories of occupants, than the rate applicable to them for the fiscal years 1988 and 1989.

The tenant of a dwelling situated in an immovable comprising ten dwellings or more the water-rate and service tax of which were, before the fiscal years 1990 and 1991, included in his rent shall be entitled, on an application made to the lessor within twelve months after the passing of a city by-law exempting that category of occupants from the payment of the water-rate and service tax, to an adjustment of his rent, from 1 January 1990 or 1 January 1991, as the case may be, commensurate with the tax exemption granted under the first paragraph.

The Régie du logement shall have jurisdiction, to the exclusion of any tribunal, to hear any application for the adjustment of the rent of a dwelling contemplated in the second paragraph. Sections 56 to 90 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1), adapted as required, apply to such applications.

63. For its fiscal years 1990 and 1991, the city of Montréal may, by by-law, impose and levy a surtax at a rate of not over \$0.10 per one hundred dollars of assessment on the immovables the taxable value of which entered on the assessment roll exceeds \$200 000 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 \$200 000.

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

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

64. The budget of the city for the fiscal year 1989, adopted by way of resolution number of the council, by-laws, the taxation by-laws for the fiscal year 1989, the resolutions of the executive committee approving the budget and the draft by-laws required to impose taxes for the fiscal year 1989, as well as the certificate of the director of finance dated 28 November 1988, are hereby declared valid.

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