



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 155

An Act to amend the Act respecting municipal industrial immovables

Introduction

**Introduced by
Mr Pierre Paradis
Minister of Municipal Affairs**

**Québec Official Publisher
1989**

EXPLANATORY NOTES

This bill amends the Act respecting municipal industrial immovables in order to increase the powers of municipalities as regards their participation in industrial development within their territories.

To that end, the bill grants municipalities the power to build, convert and operate a building as an industrial rental building.

The bill enables municipalities to award grants to a non-profit organization that operates an industrial rental building.

It allows municipalities to alienate, grant an emphyteutic lease on or lease an industrial immovable for industrial, para-industrial and research purposes.

Finally, the bill declares valid certain by-laws made and grants awarded by municipalities.

Bill 155

An Act to amend the Act respecting municipal industrial immovables

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), amended by section 6 of chapter 33 of the statutes of 1988, is again amended

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

“1. A municipality may incur expenditures for the purposes of this Act up to an amount not exceeding that which it fixes by by-law.

The by-law may allocate the amount according to categories that it determines among the activities provided for in this Act.”;

(2) by replacing the words “municipal corporation” in the first line of the third paragraph by the word “municipality”.

2. Section 2 of the said Act is amended by replacing the first paragraph by the following paragraph:

“2. A municipality may, by by-law, order the acquisition of immovables for industrial purposes, by agreement or expropriation, or the construction, conversion or operation of a building as an industrial rental building.”

3. Section 3 of the said Act is amended

(1) by replacing paragraph 1 and the two lines preceding it by the following:

“3. If an immovable acquired pursuant to an order made under section 2 includes a building other than an industrial rental building, approval may be granted only in the following cases:

(1) where the municipality undertakes to remove the building before alienating or leasing the land on which it is erected or to convert the building into an industrial rental building;”;

(2) by replacing the words “municipal corporation” in the second line of paragraph 2 by the word “municipality”.

4. Section 4 of the said Act is amended by replacing the first paragraph by the following paragraph:

“4. In order to provide for expenditures incurred as a result of a by-law adopted under section 2, the municipality may, in the by-law, order a loan, allocate sums of money from its general fund or impose a special tax to be levied in the year following the date on which the by-law comes into force.”

5. Sections 5 to 8 of the said Act are replaced by the following sections:

“5. Every by-law adopted under section 2 may be amended in the manner provided in the Act governing the municipality. Any amendment to the by-law must be approved by the Minister of Industry, Trade and Technology and by the Minister of Municipal Affairs.

“6. With the prior authorization of the Minister of Industry, Trade and Technology and of the Minister of Municipal Affairs and subject to the conditions determined by them, where such is the case, a municipality may alienate for industrial, para-industrial or research purposes, or grant an emphyteutic lease on, an immovable acquired, built or converted by it under this Act.

“6.1 A municipality may, by a by-law approved by the Minister of Industry, Trade and Technology, award a grant to a non-profit organization accredited by the Minister of Municipal Affairs which operates an industrial rental building.

The Government may, by regulation, fix the maximum amount of the grant according to categories determined by it.

Section 4, adapted as required, applies to provide for expenditures incurred as a result of a by-law adopted under the first paragraph.

“7. A municipality may lease, for industrial, para-industrial or research purposes, an immovable acquired, built or converted by it under this Act.

The Government may, by regulation, require, in such cases as it may determine, that the leasing of an immovable pursuant to the first paragraph be approved by the Minister of Industry, Trade and Technology, or by that Minister and the Minister of Municipal Affairs.

“8. The alienation or leasing of an immovable which includes a building other than an industrial rental building may be authorized only if the immovable was acquired under paragraph 2 of section 3.”

6. Section 9 of the said Act is repealed.

7. Section 10 of the said Act is amended

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

“10. The sums of money derived by a municipality from the operation of an industrial rental building, or from the alienation or leasing of an immovable must, after deduction of the administration and maintenance costs relating to the operation of the industrial rental building or the leasing of the immovable, be used to discharge the engagements made by the municipality under this Act.”;

(2) by replacing the word “corporation” in the second line of the second paragraph by the word “municipality”.

8. Section 11 of the said Act is amended

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

“11. The alienation or leasing of an immovable taken back by a municipality following an alienation contemplated by this Act is subject to this Act.”;

(2) by replacing the words “municipal corporation” in the first line of the second paragraph by the word “municipality”;

(3) by replacing the words “or commercial” in the sixth line of the second paragraph by the words “, para-industrial or research”.

9. Sections 12 and 13 of the said Act are replaced by the following sections:

“12. Upon proof that an immovable acquired, built or converted under this Act is unsuitable for industrial, para-industrial or research purposes, the Minister of Industry, Trade and Technology and the Minister of Municipal Affairs may authorize the municipality to alienate the immovable for other purposes.

“13. The Minister of Industry, Trade and Technology and the Minister of Municipal Affairs may authorize a municipality to use for municipal purposes an immovable acquired, built or converted under this Act if such a use is compatible with the use for industrial, para-industrial or research purposes of neighbouring immovables acquired, built or converted under this Act.

Notwithstanding the first paragraph, the municipality may, without authorization, use for local improvement purposes an immovable acquired, built or converted under this Act.

No contract may be made for the alienation or leasing of an immovable contemplated by this section except in accordance with this Act.”

10. Section 17 of the said Act is amended by replacing the second paragraph by the following paragraph:

“No contract may be made for the alienation or leasing of an immovable which includes a building acquired for industrial purposes before 12 June 1984 except in accordance with this Act.”

11. Section 18 of the said Act is replaced by the following section:

“18. Every regulation or by-law in force or other act performed before 12 June 1984 under a provision replaced by this Act shall retain its effect, to the extent that it is not inconsistent with this Act, until its purpose is achieved.

Such a regulation or by-law shall be regarded as a regulation or by-law adopted under this Act and may be amended, replaced or repealed in accordance with this Act.”

12. Every grant awarded by a municipality between 12 June 1984 and *(insert here the date of introduction of this bill in the National Assembly)* to a non-profit organization which operates an industrial rental building is valid and is deemed to be awarded in accordance with this Act.

13. Section 11 has effect from 12 June 1984.

14. Sections 12 and 13 shall not affect a case pending on (*insert here the date of introduction of this bill in the National Assembly*).

15. The Minister of Industry, Trade and Technology and the Minister of Municipal Affairs shall, not later than on (*insert here the date occurring three years after the date of coming into force of this Act*) submit a report to the Government on the carrying out of the Act respecting municipal industrial immovables and on the advisability of maintaining it into force and, if necessary, of amending it.

Within the next 15 days, the report shall be tabled before the National Assembly if the Assembly is in session or, if not, it shall be deposited with the President of the National Assembly.

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