
NATIONAL ASSEMBLY

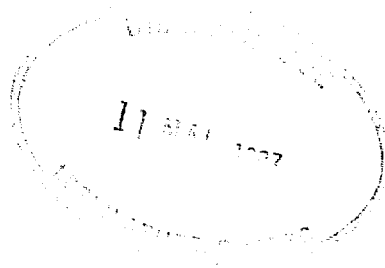
THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 12

An Act to amend the Act respecting land use planning and development

First reading



Introduced by
Mr Jacques Léonard
Minister of Municipal Affairs

Québec Official Publisher

1983

EXPLANATORY NOTES

The particular object of this bill is to allow cadastral operations and parcellings of lots required for highway construction by the Government or government departments or agencies during the interim control period provided for in the Act respecting land use planning and development.

In addition, this bill clarifies the procedure to be followed where the Government or a government department or agency wishes to intervene in a territory where a development plan or an interim control by-law is in force.

Lastly, this bill shortens the process by which amendments to interim control by-laws come into force.

Bill 12

An Act to amend the Act respecting
land use planning and development

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is replaced by the following section:

“2. A development plan and an interim control by-law adopted by a regional county municipality and put into force in accordance with this Act are binding on the Government, or a government department or agency, where it wishes to intervene by the installation of public services or infrastructure, the carrying out of works or the use of an immovable, but only to such extent as provided in Chapter VI of Title I.

In particular, the Government and government departments and agencies are not required to obtain a permit or certificate required under an interim control by-law.”

2. Section 61 of the said Act, replaced by section 78 of chapter 63 of the statutes of 1982, is amended by replacing paragraph 2 by the following paragraph:

“(2) any new cadastral operation or the parcelling out of a lot by alienation, except a cadastral operation required by a declaration of co-ownership made pursuant to article 441*b* of the Civil Code or the alienation of part of a building requiring the partitioning of the land on which it is situated, and except a cadastral operation or a parcelling out carried out to allow the Government or a government department or agency to construct a traffic lane.”

3. Section 72 of the said Act, replaced by section 83 of chapter 63 of the statutes of 1982, is amended by adding, at the end, the following paragraph:

“The Minister may, however, on receiving a copy of the amending by-law, send the notice contemplated in section 68 by which he indicates that he does not intend to disallow the by-law. The by-law may then

come into force, in accordance with that section, before the expiry of the forty-five days mentioned therein.”

4. Section 151 of the said Act is amended by adding, at the end, the following paragraph:

“The Minister may, within the time mentioned in the first paragraph, give notice to the regional county municipality that he does not intend to address the Commission pursuant to this section. A copy of the notice requires to be registered with the Commission.”

5. Section 152 of the said Act is replaced by the following section:

“**152.** If the Minister has not requested the assessment of the Commission following a negative opinion given under section 150, if he has given notice that he does not intend to address the Commission, or if the assessment of the Commission is that the intended intervention is not in conformity with the objectives of the development plan or with the interim control by-law, the intervention cannot be made unless the plan or by-law is first amended.”

6. The said Act is amended by inserting, after section 154, the following section:

“**154.1** If the council of the regional county municipality amends its development plan or its interim control by-law to bring the intended intervention into conformity with the objectives of the plan or with the by-law, the Minister is not required to address another notice of intention to the council, in accordance with section 149, in respect of the intervention.”

7. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

8. This Act has effect from (*insert here the date of the tabling of Bill 12*).

9. This Act comes into force on the day of its sanction.