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# NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

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Bill 45

## An Act to amend legislative provisions concerning municipalities

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First reading



Introduced by  
Mr Jacques Léonard  
Minister of Municipal Affairs

#### EXPLANATORY NOTES

*This bill amends various legislation concerning municipal bodies to reduce the cost of and simplify their operations, eliminate legal obstacles encountered in municipal management and generalize certain pertinent powers presently held by only a few municipal bodies.*

*More particularly, the bill enables municipalities which belong to the same regional county municipality to entrust the management of an intermunicipal agreement to the regional county municipality rather than entrusting it to a management board.*

*This bill also grants municipalities the power to make grants to property owners who wish to demolish an undesirable structure.*

*Moreover, the bill enables the municipalities to regulate the installation and maintenance of heating and cooking apparatus or appliances on their territory.*

*In addition, the bill updates the office of director general and provides that his duties may be performed by one person holding that office or by a person discharging several functions.*

*Finally, the bill simplifies the procedure for the allocation of the proceeds of the sale of an immovable for unpaid municipal taxes where the proceeds do not exceed \$1 000.*

#### ACTS AMENDED BY THIS BILL

- (1) the Municipal Code;
- (2) the Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- (3) the Cities and Towns Act (R.S.Q., chapter C-19);
- (4) the Act respecting the Commission municipale (R.S.Q., chapter C-35);

(5) the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37-1);

(6) the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

(7) the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

(8) the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7);

(9) the James Bay Region Development Act (R.S.Q., chapter D-8);

(10) the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(11) the Mining Act (R.S.Q., chapter M-13);

(12) the Act to promote the regrouping of municipalities (R.S.Q., chapter R-19);

(13) the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);

(14) the Charter of the City of Laval (1965, 1st session, chapter 89);

(15) the Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98).



# Bill 45

## An Act to amend legislative provisions concerning municipalities

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### DIVISION I

#### AMENDMENTS TO THE MUNICIPAL CODE

**1.** Article 77*c* of the Municipal Code, enacted by section 37 of chapter 16 of the statutes of 1980, is amended by replacing the second and third paragraphs by the following paragraphs:

“The amounts are adjusted on 1 January every year in accordance with the rate of increase of the Consumer Price Index for Canada established by Statistics Canada.

The rate of increase is established on the basis of the Consumer Price Index for Canada for the month preceding the adjustment, reduced by the Consumer Price Index for Canada for the same month of the preceding year, divided by this last Consumer Price Index.”

**2.** Article 77*k* of the said Code, enacted by section 37 of chapter 16 of the statutes of 1980, is amended by replacing the first paragraph by the following paragraph:

“**77*k*.** Notwithstanding any contrary provision of any general law, special Act, regulation, by-law or order, no member of the council of the local corporation may receive, as an indemnity for a portion of the expenses attaching to the office of mayor or councillor and an office in a mandatory body of the local corporation or in a supramunicipal body, a total annual sum greater than the amount of the annual expense allowance of a Member of the National Assembly established under

the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1).”

**3.** Article 144 of the said Code, amended by section 38 of chapter 67 of the statutes of 1979, is again amended by adding, at the end, the following paragraph:

“Every request of the council and every report or account contemplated in this article must be forwarded through the intermediary of the officer or employee performing the duties mentioned in articles 171*a* to 171*c*.”

**4.** Article 148 of the said Code, replaced by section 5 of chapter 103 of the statutes of 1930, amended by section 1 of chapter 118 of the statutes of 1933 and replaced by section 44 of chapter 16 of the statutes of 1980, is again replaced by the following article:

“**148.** The secretary-treasurer may be dismissed at all times, even before the expiry of the term of his appointment.

The vote of the absolute majority of the members of the council is required to dismiss the secretary-treasurer, suspend him without pay or reduce his salary.”

**5.** Article 148*a* of the said Code, enacted by section 1 of chapter 85 of the statutes of 1968 and amended by section 3 of chapter 82 of the statutes of 1969, is again amended

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

“**148*a*.** The resolution dismissing the secretary-treasurer, suspending him without pay or reducing his salary shall be served upon him by handing a copy thereof to him in person. A secretary-treasurer who has held office for at least twenty-four consecutive months may appeal from such a decision to the Commission municipale du Québec which shall decide finally, after inquiry.”;

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

“If the appeal is upheld, the Commission may also order the corporation to pay to the appellant a sum of money which it determines to indemnify him for the expenses that he has incurred for such appeal. The order to such effect shall be homologated, upon motion by the appellant, by the competent court of civil jurisdiction. The appellant may thereafter execute the judgment against the corporation.”

**6.** The said Code is amended by inserting, after article 171, the following articles:

**“171a.** The secretary-treasurer is the chief officer of the corporation.

The secretary-treasurer has authority over all the other officers and employees of the corporation.

The secretary-treasurer may suspend any officer or employee from his duties. He shall make a report of the suspension to the council, as soon as possible. The council shall decide the case of the suspended officer or employee, after inquiry.

**“171b.** Under the authority of the council or of the executive committee, the secretary-treasurer is responsible for the administration of the corporation and for that purpose he shall plan, organize, direct and supervise the activities of the corporation.

**“171c.** In application of articles 171a and 171b, the secretary-treasurer shall, in particular, perform the following duties:

(1) he shall ensure communication between the council, the executive committee and other committees on the one hand, and the other officers and employees of the corporation on the other hand; for that purpose, the secretary-treasurer shall have access to all the documents of the corporation and may require any document or information from any officer or employee except where, in the opinion of the head of the police department, it would disclose the content of a record concerning a police investigation;

(2) he shall prepare the budget and, where such is the case, the corporation's program of capital expenditures and the plans, programs and projects intended for the orderly functioning of the corporation with the collaboration of the heads of departments and the other officers and employees of the corporation;

(3) he shall examine the complaints and claims against the corporation;

(4) he shall examine the draft by-laws of the corporation;

(5) he shall submit to the council, the executive committee or another committee, as the case may be, the budgets, programs of capital expenditures, plans, programs and projects prepared by him together with his observations and recommendations concerning the complaints, claims and draft by-laws that he has examined;

(6) he shall make to the council, the executive committee or another committee, as the case may be, a report on any matter that he believes should be brought to it in view of the sound management of public funds, the progress of the corporation and the welfare of its citizens provided that the report does not, in the opinion of the head of the police

department, tend to disclose the content of a record concerning a police investigation; and, he shall, where he considers it expedient, add his own conclusions to the record of any matter submitted to the council, the executive committee or another committee;

(7) he shall attend the meetings of the council, of the executive committee and of other committees and, with the permission of the chairman of the meeting, give his advice and present recommendations on the matters debated, without having the right to vote;

(8) subject to the powers of the head of the council, he shall see to it that the by-laws of the corporation and the decisions of the council and of the executive committee are implemented and, particularly, see to it that the funds are used for the purposes for which they were voted.

“**171d.** The corporation may, by the vote of the absolute majority of the members of the council, appoint a director general.

The director general shall have the status and perform the duties contemplated in articles 171a to 171c, instead of the secretary-treasurer.

The director general shall perform no other function within the corporation.

“**171e.** The director general has no authority over the secretary-treasurer.

“**171f.** Articles 148 and 148a apply to the director general, *mutatis mutandis*.

“**171g.** If the director general is absent or if he is unable or refuses to act or if the office of director general is vacant, the secretary-treasurer shall perform the duties of the director general.

“**171h.** The corporation may delegate the exercise of any of the duties contemplated in article 171c to an officer or employee other than the secretary-treasurer or director general, for the period and according to the rules it determines.”

**7.** The said Code is amended by inserting, after article 250, the following article:

“**250a.** The presiding officer shall not vote at the election.”

**8.** Article 282 of the said Code is replaced by the following article:

“**282.** Where the addition of the votes gives the same number of votes to more than one candidate and one additional vote to any candidate would give him the right to be declared elected, the presiding officer shall immediately declare in writing that there is equality of

votes. A recount of the votes must then be made in accordance with article 313*b*.”

**9.** Article 313*b* of the said Code, enacted by section 10 of chapter 50 of the statutes of 1954-55, is amended by adding, at the end, the following paragraph:

“A recount must also be made when the presiding officer has declared, in accordance with article 282, that there is equality of votes. In such case, articles 313*d*, 313*e* and 313*p* to 313*r* do not apply.”

**10.** Article 313*o* of the said Code, enacted by section 10 of chapter 50 of the statutes of 1954-55, is amended by replacing the third paragraph by the following paragraph:

“In case of equality of votes, the presiding officer shall give a special notice of one clear day to each of the candidates concerned; the presiding officer shall, at the time mentioned in the notice, proceed in public with a drawing of lot and proclaim elected the candidate whom the drawing has favoured.”

**11.** Article 391 of the said Code is amended by replacing paragraph 3 by the following paragraph:

“3. To determine the duties of the officers and employees of the corporation not determined by this Code;”.

**12.** The heading of Section XV of Chapter II of Title XV of the said Code is replaced by the following heading:

“ANIMALS”.

**13.** The said Code is amended by inserting, after article 406, the following article:

“**406a.** Every local corporation may make, amend or repeal by-laws to

(1) regulate or prohibit the keeping of animals, or categories of animals, and limit the number of animals that a person may keep in or on any immovable;

(2) require the owner or keeper of an animal to hold a licence entitling him to keep the animal;

(3) prohibit owners or keepers of animals from letting their animals stray in the municipality and authorize their élimination in a summary manner or their impounding and sale for the benefit of the corporation;

(4) require the owner or keeper of any animal to remove its excrement from any property, public or private, determine the manner of disposing thereof and require the owner or keeper to have the necessary implements for that purpose;

(5) enable the corporation to enter into agreements with any person or body to authorize the person or body to collect the cost of animal licences and enforce any by-law of the corporation concerning animals.

The person or body with whom or which the corporation enters into an agreement and his or its employees are deemed to be officers or employees of the corporation for the purposes of collecting the cost of licences and enforcing the by-law of the corporation.

Any by-law made under the first paragraph applies only in a sector of the municipality determined by the corporation. Prescriptions of the by-law may differ according to the sectors of the municipality and the categories of animals determined by the corporation.

Every by-law made under the first paragraph prevails over any inconsistent provision of this Code or of the Agricultural Abuses Act (R.S.Q., chapter A-2)."

**14.** Article 407 of the said Code, amended by section 1 of chapter 85 of the statutes of 1923-24, section 90 of chapter 38 of the statutes of 1973, section 31 of chapter 36 of the statutes of 1979 and by section 33 of chapter 63 of the statutes of 1982, is again amended by adding, after paragraph 5, the following paragraphs:

"6. To prohibit the erection and installation of chimneys, hearths, fireplaces, stoves, stovepipes, ovens, boilers and any other appliance the use of which may be dangerous, and order the removal thereof;

"7. To prohibit the depositing of ashes or the accumulation of shavings, waste or other inflammable matter in places where the depositing or accumulation may be dangerous;

"8. (a) To impose minimum standards of quality for any domestic, commercial or industrial heating or cooking appliance or equipment, in particular, by reference to standards prescribed or approval given by a third person;

(b) To prescribe installation and maintenance standards for the appliance or equipment, in particular, by reference to standards prescribed by a third person;

(c) To establish classes of immovables, appliances or equipment and enact different rules for each of them."

**15.** The said Code is amended by inserting, after article 412*bd*, the following articles:

**“412*be*.** The local corporations, cities and towns whose territories are included in the territory of a regional county municipality and which enter into an agreement may provide in it, with the consent of the regional county municipality, that the latter will act as an intermunicipal committee or an intermunicipal management board, as the case may be.

The consent of the regional county municipality is given by by-law of its council. The by-law must be sent along with the by-laws of the local corporations, cities and towns that are transmitted to the Minister of Municipal Affairs with the agreement when the agreement is submitted for approval.

If the agreement is approved, the regional county municipality has the powers and obligations of an intermunicipal committee or of an intermunicipal management board.

**“412*bf*.** For the purposes of passing the by-law under which the regional county municipality agrees to act as an intermunicipal committee or an intermunicipal management board, all the members of its council are entitled to vote in accordance with the rules provided in its letters patent.

On any question relating to the carrying out of the agreement, only the representatives of the local corporations, and of the cities and towns that are parties to the agreement have the right to vote on the council of the regional county municipality.

The rules governing the division of the votes between the representatives and the other rules relating to the making of decisions by the council are provided in the agreement.”

**16.** Article 412*be* of the said Code, enacted by section 8 of chapter 81 of the statutes of 1974, renumbered by section 3 of chapter 83 of the statutes of 1979 and by section 40 of chapter 63 of the statutes of 1982, is again renumbered 412*bg*.

**17.** The said Code is amended by inserting, after article 412*be* renumbered 412*bg*, the following:

## "SECTION XIX C

## "TWINNING OF CORPORATIONS

**"412bh.** Every local corporation may make, amend or repeal by-laws to authorize the making of agreements, on the conditions that it determines, in view of twinning the corporation with another municipal corporation situated in Québec or elsewhere."

**18.** Article 423 of the said Code, amended by section 2 of chapter 84 of the statutes of 1922, section 1 of chapter 106 of the statutes of 1930, section 8 of chapter 83 of the statutes of 1934 and by section 278 of chapter 72 of the statutes of 1979, is again amended by replacing the second paragraph of subarticle 6 by the following paragraph:

"For the purposes of this article, the words "standardized assessment of taxable immovable property" mean the total of the following assessments:

- (1) the standardized taxable assessment of all the immovables;
- (2) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- (3) the percentage of the standardized nontaxable assessment of the immovables contemplated in the second, third or fourth paragraph of section 255 of the said Act corresponding to the percentage referred to in the said paragraph;
- (4) the standardized nontaxable assessment of all farmland and woodlots;
- (5) any part of the standardized nontaxable assessment of all the immovables contemplated in paragraph 1.1 of section 204 of the said Act in respect of which amounts in lieu of taxes must be paid; that part of the standardized assessment is that corresponding to the proportion represented by the amounts paid for the reference fiscal period in relation to the total amount of the municipal real estate taxes which could have been imposed for that fiscal period in respect of those immovables if they had not been tax-exempt; for the purposes of this article, the reference fiscal period, in respect of an immovable, is the last municipal fiscal period for which the amounts in lieu of taxes in respect of that immovable are paid-up;
- (6) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 208 of the said Act;
- (7) the assessment equivalent to the capitalization, based on the standardized aggregate taxation rate of the corporation for the fiscal

period preceding the fiscal period considered, of the revenues of the corporation derived from the application of section 222 of the said Act for the said preceding fiscal period and of its revenues derived from the application of the second paragraph of section 230 of the said Act for the fiscal period considered; for the purposes of this article, the standardized aggregate taxation rate is that which is computed in accordance with the regulation made under paragraph 7 of section 262 of the said Act.”

**19.** Article 523 of the said Code, amended by section 2 of chapter 62 of the statutes of 1951-52, is again amended by replacing the fourth and fifth paragraphs by the following paragraphs:

“No by-law under this article may come into force until 1 January following its publication.

The Government may, however, at the request of the council, order the coming into force of the by-law on an earlier date than that which is fixed in this article but subsequent to the one hundred and twentieth day following its publication.”

**20.** Article 527 of the said Code is replaced by the following article:

“**527.** No by-law passed under article 522 or 523, or otherwise, placing all or part of the works at the charge and expense of the corporation, may be repealed except by another by-law passed by the affirmative vote of two-thirds of the members of the council, nor may the by-law come into force until 1 January following its publication.”

**21.** Article 548 of the said Code, amended by section 27 of chapter 2 of the statutes of 1982, is again amended by replacing subarticle 2 by the following subarticle:

“2. Make arrangements with the local corporations with a population of less than 4 000 inhabitants and whose territory is included in that of the same regional county municipality for the purpose of allowing them the use of such machines for their roads, and fix the price for their use, or give them the gratuitous use thereof;”

**22.** Article 625 of the said Code, replaced by section 37 of chapter 53 of the statutes of 1977 and amended by section 45 of chapter 36 of the statutes of 1979, is again amended by replacing the second paragraph of subarticle 9 by the following paragraph:

“The liability mentioned in this subarticle is joint and several, and it also applies to an officer of the corporation and to any other person who knowingly becomes party to the illegal act.”

**23.** Article 699a of the said Code, enacted by section 11 of chapter 71 of the statutes of 1949, is replaced by the following article:

**“699a.** Every local corporation may make, amend and repeal by-laws to require every owner of a bicycle or non-motorized bicycle to obtain from the corporation an annual licence for a cost of not over five dollars; to require that the licence be attached permanently to the vehicle, and to enable the municipality to enter into agreement with a third person under which the third person issues the licence and collects its costs on behalf of the corporation. The third person and his employees are then deemed to be officers or employees of the corporation.”

**24.** The said Code is amended by inserting, after article 716a, the following article:

**“716b.** A local corporation may, by by-law, on the conditions and in the sectors of the municipality it determines, order that the corporation grant subsidies for the purposes of the demolition of buildings beyond repair, not suited to their destination or incompatible with their environment.

The maximum amount of a subsidy may, in no case, exceed the actual cost of the works.”

**25.** Article 732 of the said Code, amended by section 300 of chapter 72 of the statutes of 1979 and replaced by section 62 of chapter 63 of the statutes of 1982, is amended by inserting, after the second paragraph, the following paragraphs:

“The prothonotary shall obtain from the registrar the certificate provided for in articles 703 to 707 of the Code of Civil Procedure, the cost of which he shall pay out of the proceeds of the sale.

The proceeds of the sale shall be apportioned among the creditors according to the rules provided for in the case of a seizure of immovables in execution, without the formality of a scheme of collocation if the amount to be apportioned does not exceed \$1 000.”

**26.** Article 760 of the said Code, replaced by section 2 of chapter 104 of the statutes of 1930 and amended by section 36 of chapter 82 of the statutes of 1975, is again amended by replacing the second and third paragraphs by the following paragraphs:

“It must also bear the signature of the head of the council or of any person authorized to sign it, as well as that of the secretary-treasurer. However, if the secretary-treasurer and his assistant are absent or if they are unable or refuse to act or if the offices of secretary-treasurer and assistant secretary-treasurer are vacant, another officer or employee

of the corporation designated by the council may sign the bond in their place.

Every bond heretofore or hereafter issued shall be deemed to be validly signed if it bears the signature of each person who is required to sign it under this article on the date the bond bears or on the date it was signed. The signature of the head of the council may be printed, lithographed or engraved on the bond."

**27.** Section 762 of the said Code, amended by section 21 of chapter 60 of the statutes of 1918 and by section 18 of chapter 103 of the statutes of 1930, is again amended by replacing the first paragraph by the following paragraph:

**"762.** Coupons to the amount of the half-yearly interest, setting forth the place of payment, signed by the persons contemplated in article 760, and payable to the person entitled thereto under articles 778 and 779 when the interest specified therein falls due, may be annexed to each bond."

**28.** Articles 778 to 780 of the said Code are replaced by the following articles:

**"778.** A bond payable to bearer may be transferred by delivery.

A bond payable to a person designated thereon or to such person or to his order may be transferred by endorsement or delivery.

**"779.** If a bond is registered in the name of a person under the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7), it may be transferred only if the registration is corrected so that the name of the transferee is specified thereon or so that it is specified that the bond is payable to bearer.

That condition is added to the transfer procedure mentioned in article 778.

**"780.** A transfer carried out in accordance with article 778 and article 779, where such is the case, shall vest the property thereof in the transferee, and entitle him to bring action thereon in his own name.

In any such action, it is not necessary to set forth or to prove the mode by which a person became the holder of the bond, or to set forth or to prove the notices, by-laws, or other proceedings under or by virtue of which the bond was issued. It shall be sufficient to describe the plaintiff or applicant as the holder of the bond alleging the general endorsement or registration required by articles 778 and 779, if any, and shortly to state its legal effect and purport, and to make proof accordingly."

## DIVISION II

AMENDMENTS TO THE ACT RESPECTING LAND USE  
PLANNING AND DEVELOPMENT

**29.** Section 116 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by adding, at the end of the third paragraph, the following: “However, no residence situated on land under cultivation may be exempted from the obligation contemplated under subparagraph 3 of the first paragraph.”

**30.** Section 205 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**205.** The expenses of a regional county municipality for the purposes of the exercise of a power not provided for in the second paragraph of section 188 shall be apportioned among the municipalities whose territories form part of that of the regional county municipality, proportionately to the standardized assessment of the taxable immovables in each municipality. The expenses may, however, be apportioned according to any other criterion determined by the council of the regional county municipality, by by-law.”

**31.** The said Act is amended by inserting, after section 205, the following section:

“**205.1** For the purposes of section 205,

(1) “standardized assessment” means the product obtained by multiplying the values entered on the assessment roll of a municipality by the factor established for the roll pursuant to the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(2) “standardized assessment of taxable immovables” means the total of the following assessments:

(a) the standardized taxable assessment of all the immovables;

(b) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 255 of the Act respecting municipal taxation;

(c) the percentage of the standardized nontaxable assessment of the immovables contemplated in the second, third or fourth paragraph of section 255 of the said Act corresponding to the percentage referred to in the said paragraph;

(d) the standardized nontaxable assessment of all farmland and woodlots;

(e) any part of the standardized nontaxable assessment of all the immovables contemplated in paragraph 1.1 of section 204 of the said Act in respect of which amounts in lieu of taxes must be paid; that part of the standardized assessment is that corresponding to the proportion represented by the amounts paid for the reference fiscal period in relation to the total amount of the municipal real estate taxes which could have been imposed for that fiscal period in respect of those immovables, if they had not been tax-exempt; for the purposes of this section, the reference fiscal period, in respect of an immovable, is the last municipal fiscal period for which the amounts in lieu of taxes in respect of that immovable are paid-up;

(f) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 208 of the said Act;

(g) the assessment equivalent to the capitalization, based on the standardized aggregate taxation rate of the municipality for the fiscal period preceding the fiscal period considered, of the revenues of the municipality derived from the application of section 222 of the said Act for the said preceding fiscal period and of its revenues derived from the application of the second paragraph of section 230 of the said Act for the fiscal period considered; for the purposes of this section, the standardized aggregate taxation rate is that which is computed in accordance with the regulation made under paragraph 7 of section 262 of the said Act.”

### DIVISION III

#### AMENDMENTS TO THE CITIES AND TOWNS ACT

**32.** Section 65.4 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by replacing the second and third paragraphs by the following paragraphs:

“The amounts are adjusted on 1 January each year according to the rate of increase of the Consumer Price Index for Canada established by Statistics Canada.

The rate of increase is established on the basis of the Consumer Price Index for Canada for the month preceding the adjustment, reduced by the Consumer Price Index for Canada for the same month of the preceding year, divided by this last Consumer Price Index.”

**33.** Section 65.13 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**65.13** Notwithstanding any contrary provision of any general law, special Act, regulation, by-law or order, no member of the council of a municipality may receive, as an indemnity for a portion of the

expenses attaching to his office in the municipality, in a mandatory body of the municipality or in a supramunicipal body, a total annual sum greater than the annual expense allowance of a Member of the National Assembly established under the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1).”

**34.** Section 70.7 of the said Act is repealed.

**35.** Section 71 of the said Act is amended

(1) by replacing the beginning of the second paragraph by the following:

“The vote of the absolute majority of the members of the council shall be required for destituting, suspending without pay or reducing the salary:”;

(2) by replacing the word “manager” in the first line of subparagraph *a* of the second paragraph by the words “director general”.

**36.** Section 72 of the said Act is amended

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

“**72.** The resolution removing an officer or employee contemplated in the second paragraph of section 71, suspending him without pay or reducing his salary, shall be served upon him by handing a copy thereof to him in person. The person so removed or suspended or whose salary has been so reduced may, subject to section 79 of the Police Act (R.S.Q., chapter P-13), appeal from such a decision to the Commission municipale du Québec which shall decide finally, after inquiry.”;

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

“If the appeal is upheld, the Commission may also order the municipality to pay to the appellant a sum of money which it determines to indemnify him for the expenses that he has incurred for such appeal. The order to such effect shall be homologated, upon motion by the appellant, by the competent court of civil jurisdiction. The appellant may thereafter execute the judgment against the municipality.”

**37.** Section 77 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**77.** The council may, by by-law, determine the duties of the officers or employees of the municipality not defined by this Act or the charter.”

**38.** Division VII of subsection 6 of Division IV of the said Act, comprising sections 112 to 114, is replaced by the following:

“VII.— *Director general*

“**112.** The council may, by the vote of the absolute majority of its members, appoint a director general and fix his salary.

If the council does not appoint a director general, it shall designate an officer or employee of the municipality to perform the duties of a director general.

The council may also appoint an assistant director general who shall replace the director general if he is absent or if he is unable or refuses to act or if the office of director general is vacant. If no assistant director general is appointed, the council may designate an officer or employee of the municipality to perform the duties of an assistant director general.

“**113.** The director general is the chief officer of the municipality.

The director general has authority over all the other officers and employees of the municipality, except the clerk.

The director general may suspend any officer or employee from his duties. He shall make a report of the suspension to the council, as soon as possible. The council shall decide the case of the suspended officer or employee, after inquiry.

“**114.** Under the authority of the council or the executive committee, the director general is responsible for the administration of the municipality and, for that purpose, he shall plan, organize, direct and supervise the activities of the municipality.

“**114.1** In application of sections 113 and 114, the director general shall, in particular, perform the following duties:

(1) he shall ensure communication between the council, the executive committee and other committees, on the one hand, and the other officers and employees of the municipality on the other hand; for that purpose, the director general shall have access to every document of the municipality and may require any document or information from any officer or employee except where, in the opinion of the head of the police department, it would disclose the content of a record concerning a police investigation;

(2) he shall prepare the budget and, where such is the case, the municipality’s program of capital expenditures and the plans, programs and projects intended for the orderly functioning of the municipality

with the collaboration of the heads of departments and the other officers and employees of the municipality;

(3) he shall examine the complaints and claims against the municipality;

(4) he shall examine the draft by-laws of the municipality;

(5) he shall submit to the council, the executive committee or another committee, as the case may be, the budgets, programs of capital expenditures, plans, programs and projects prepared by him together with his observations and recommendations concerning the complaints, claims and draft by-laws that he has examined;

(6) he shall make to the council, the executive committee or another committee, as the case may be, a report on any matter that he believes should be brought to it in view of the sound management of public funds, the progress of the municipality and the welfare of its citizens provided that the report does not, in the opinion of the head of the police department, tend to disclose the content of a record concerning a police investigation; and, he shall, where he considers it expedient, add his own conclusions to the record of any matter submitted to the council, the executive committee or another committee;

(7) he shall attend the meetings of the council, of the executive committee and of other committees and, with the permission of the chairman of the meeting, give his advice and present recommendations on the matters debated, without having the right to vote;

(8) subject to the powers of the mayor, he shall see to it that the by-laws of the municipality and the decisions of the council and, particularly, see to it that the funds are used for the purposes for which they were voted.

**“114.2** The council may delegate the exercise of any of the duties contemplated in section 114.1 to an officer or employee other than the director general for the period and according to the rules it determines.”

**39.** Section 412 of the said Act is amended

(1) by inserting, after paragraph 19, the following paragraph:

*“XI.1 – Animals*

“(19.1) (a) To regulate or prohibit the keeping of animals or categories of animals, and limit the number of animals that a person may keep in or on any immovable;

(b) To require the owner or keeper of an animal to hold a licence entitling him to keep the animal;

(c) To prohibit owners or keepers of animals from letting their animals stray in the municipality and authorize their elimination in a summary manner or their impounding and sale for the benefit of the municipality;

(d) To require the owner or keeper of any animal to remove its excrement from any property, public or private, determine the manner of disposing thereof and require the owner or keeper to have the necessary implements for that purpose;

(e) To enable the municipality to enter into agreements with any person or body to authorize the person or body to collect the cost of animal licences and enforce any municipal by-law concerning animals.

The person or body with whom or which the municipality enters into an agreement and his or its employees are deemed to be municipal officers or employees for the purposes of collecting the cost of licences and enforcing the municipal by-law.

Any by-law made under this paragraph applies only in a sector of the municipality determined by the council. Prescriptions of the by-law may differ according to the sectors of the municipality and the categories of animals determined by the council.

Every by-law made under this paragraph prevails over any inconsistent provision of this Act or of the Agricultural Abuses Act (R.S.Q., chapter A-2).”;

(2) by inserting, after paragraph 23.1, the following paragraph:

“(23.2) (a) To impose minimum standards of quality for any domestic, commercial or industrial heating or cooking appliance or equipment, particularly, by reference to standards prescribed or approval given by a third person;

(b) To prescribe installation and maintenance standards for the appliance or equipment, particularly, by reference to standards prescribed by a third person;

(c) To establish classes of immovables, appliances or equipment and enact different rules for each of them.”;

(3) by replacing subparagraph *a* of paragraph 25 by the following subparagraph:

“(25) (a) To prescribe the manner of installing stoves, grates and stovepipes and of building any kind of chimney, furnace and oven, and regulate their use;”.

**40.** Section 415 of the said Act is amended

(1) by replacing the word “fifteen” in the eleventh line of paragraph 10 by the words “twenty-five”;

(2) by replacing paragraph 31 by the following paragraph:

“(31) To require every owner of a bicycle or non-motorized bicycle to obtain from the municipality an annual licence for a cost of not over five dollars; to require that the licence be attached permanently to the vehicle and to enable the municipality to enter into agreement with a third person under which the third person issues the licence and collects its costs on behalf of the municipality; the third person and his employees are then deemed to be officers or employees of the municipality;”.

**41.** The said Act is amended by inserting, after section 469.1, the following sections:

“**469.2** The municipal corporations whose territories are included in the territory of a regional county municipality and which enter into an agreement, may provide in it, with the consent of the regional county municipality, that the latter will act as an intermunicipal committee or an intermunicipal management board, as the case may be.

The consent of the regional county municipality is given by by-law of the council. The by-law is sent along with the by-laws of the municipal corporations that are transmitted to the Minister of Municipal Affairs with the agreement when the agreement is submitted for approval.

If the agreement is approved, the regional county municipality has the powers and obligations of an intermunicipal committee or of an intermunicipal management board, as the case may be.

“**469.3** For the purposes of passing the by-law under which the regional county municipality agrees to act as an intermunicipal committee or an intermunicipal management board, all the members of its council are entitled to vote in accordance with the rules provided in its letters patent.

In any question relating to the carrying out of the agreement, only the representatives of the municipal corporations that are parties to the agreement have the right to vote on the council of the regional county municipality.

The rules governing the division of the votes between the representatives and the other rules relating to the making of decisions by the council are provided in the agreement.”

**42.** Section 473 of the said Act is amended by replacing subsection 4 by the following subsection:

“(4) To the extent that they are consistent with this section, the provisions governing a municipality which has an executive committee and applicable to the procedure prior to the adoption of the budget of the municipality also apply, *mutatis mutandis*, to the procedure prior to the adoption of its program of capital expenditures.”

**43.** Section 523 of the said Act is amended by inserting, after the first paragraph, the following paragraphs:

“The prothonotary shall obtain from the registrar the certificate provided for in articles 703 to 707 of the Code of Civil Procedure, the cost of which he shall pay out of the proceeds of the sale.

The proceeds of the sale shall be apportioned among the creditors according to the rules provided for in the case of a seizure of immovables in execution, without the formality of a scheme of collocation if the amount to be apportioned does not exceed \$1 000.”

**44.** The said Act is amended by inserting, after section 542.1, the following section:

“**542.2** The council may, by by-law, on the conditions and in the sectors of the municipality it determines, order that the municipality grant subsidies for the purposes of the demolition of buildings beyond repair, unsuited to their destination or incompatible with their environment.

The maximum amount of a subsidy may, in no case, exceed the actual cost of the works.”

**45.** Section 549 of the said Act is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

“**549.** Except in the case of a temporary loan and in that of a loan contemplated in section 567, a loan may be contracted by a municipality only by means of an issue of bonds.

Every bond must bear the seal of the municipality and be signed by the mayor and the clerk. However, if the clerk and his assistant are absent or if they are unable or refuse to act, or if the offices of clerk and assistant clerk are vacant, another officer or employee of the municipality designated by the council may sign the bonds in their place. The signature of the mayor may be printed, lithographed or engraved on the bonds.

Every bond heretofore or hereafter issued shall be deemed to have been validly signed if it bears the signature of each person who is required

to sign it under this section on the date the bond bears or on the date it was signed.”;

(2) by replacing the sixth and seventh paragraphs by the following paragraphs:

“If a bond is registered in the name of a person under the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7), it may be transferred only if the registration is corrected so that the name of the transferee is specified thereon or so that it is indicated that the bond is payable to bearer. That condition is added to the pertinent transfer procedure mentioned in the fifth or sixth paragraph.

A transfer carried out in accordance with the fifth or sixth paragraph or the seventh paragraph, as the case may be, shall vest the property thereof in the transferee and entitle him to bring action thereon in his own name.”

**46.** Section 551 of the said Act is amended by replacing the first and second paragraphs by the following paragraphs:

“**551.** Coupons may be annexed to each bond, each of which shall constitute the title for one instalment of interest. Such coupons shall be payable to the person entitled thereto pursuant to the last four paragraphs of section 549 when the interest specified therein falls due, and shall bear an indicating number as well as the number of the bond to which they are attached.

They shall be signed by the persons contemplated in the second paragraph of section 549; but a facsimile of the signatures of those persons, printed, lithographed or engraved on the coupons, shall be sufficient.”

**47.** Section 573 of the said Act is amended by replacing the second paragraph of subsection 9 by the following subsection:

“The liability mentioned in this subsection is joint and several, and it also applies to every officer or employee of the municipality and to every person who knowingly becomes party to the illegal act.”

#### DIVISION IV

##### AMENDMENTS TO THE ACT RESPECTING THE COMMISSION MUNICIPALE

**48.** Section 5 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), replaced by section 82 of chapter 24 of the statutes of 1983, is again replaced by the following section:

**“5.** Every member of the Commission appointed under section 3 shall hold office during the period fixed by the Government which may in no case exceed five years from the date of his appointment. He may be removed at any time for cause by the Government.

Notwithstanding the expiration of his term, every member remains in office until he is reappointed, provisionally or permanently, or until he is replaced.”

**49.** Section 15 of the said Act is replaced by the following section:

**“15.** There shall be a secretary of the Commission who shall be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1).”

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

**“18.** The employees necessary for the proper performance of the duties of the Commission shall be appointed and remunerated in accordance with the Public Service Act.”

#### DIVISION V

##### AMENDMENTS TO THE ACT RESPECTING THE COMMUNAUTÉ RÉGIONALE DE L'OUTAOUAIS

**51.** Section 69 of the Act respecting the Communauté régionale de l'Outaouais (R.S.Q., chapter C-37.1), replaced by section 17 of chapter 29 of the statutes of 1983, is again replaced by the following section:

**“69.** A two-thirds majority of the votes cast is required in order that the Council may remove, suspend without pay, or reduce the salary of, a department head or any other officer or employee of the Community who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held office for at least six months.”

**52.** Section 71 of the said Act, amended by section 18 of chapter 29 of the statutes of 1983, is again amended by replacing the first two paragraphs by the following paragraphs:

**“71.** The resolution removing a department head or any other officer or employee of the Community contemplated in section 69, or suspending him without pay or reducing his salary, must be served on him by handing a copy thereof to him in person.

The person so removed or suspended, or whose salary has been so reduced, may appeal from such decision to the Commission municipale du Québec, which shall decide finally, after inquiry.”

**53.** Section 87 of the said Act, replaced by section 29 of chapter 29 of the statutes of 1983, is amended

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

“**87.** The municipalities which enter into an agreement may provide therein, with the consent of the Community, that the latter will act as an intermunicipal committee or an intermunicipal management board, as the case may be.”;

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

“If the agreement is approved, the Community has the powers and obligations of an intermunicipal committee or of an intermunicipal management board, as the case may be.”

**54.** Section 87.2 of the said Act, enacted by section 29 of chapter 29 of the statutes of 1983, is amended by replacing the first paragraph by the following paragraph:

“**87.2** Except for the passing of a by-law under which the Community agrees to act as an intermunicipal committee or an intermunicipal management board, as the case may be, or under a by-law authorizing the making of an agreement under section 87.1, only the representatives of the municipalities that are parties to the agreement are entitled to vote in the Council on any matter relating to the carrying out of the agreement.”

**55.** Section 169.9 of the said Act, enacted by section 52 of chapter 29 of the statutes of 1983, is amended by replacing the first paragraph by the following paragraph:

“**169.9** A majority of two-thirds of the votes cast is required for the Commission to dismiss, dismiss without pay or reduce the salary of the general manager, the secretary, the treasurer or any other officer or employee of the Commission who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held office for at least six months.”

**56.** Section 193 of the said Act, amended by section 60 of chapter 29 of the statutes of 1983, is again amended

(1) by replacing paragraph 1 of the second paragraph by the following paragraph:

“(1) the total of the following assessments:

(a) the standardized taxable assessment of all the immovables;

(b) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(c) the percentage of the standardized nontaxable assessment of the immovables contemplated in the second, third or fourth paragraph of section 255 of the said Act corresponding to the percentage referred to in the said paragraph;

(d) the standardized nontaxable assessment of all farmland and woodlots;

(e) any part of the standardized nontaxable assessment of all the immovables contemplated in paragraph 1.1 of section 204 of the said Act in respect of which amounts in lieu of taxes must be paid; that part of the standardized assessment is that corresponding to the proportion represented by the amounts paid for the reference fiscal period in relation to the total amount of the municipal real estate taxes which could have been imposed for that fiscal period in respect of those immovables if they had not been tax-exempt; for the purposes of this paragraph, the reference fiscal period, in respect of an immovable, is the last municipal fiscal period for which the amounts in lieu of taxes in respect of that immovable are paid-up;

(f) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 208 of the said Act;

(g) the assessment equivalent to the capitalization, based on the standardized aggregate taxation rate of the municipality for the fiscal period preceding the fiscal period considered, of the revenues of the municipality derived from the application of section 222 of the said Act for the said preceding fiscal period and of its revenues derived from the application of the second paragraph of section 230 of the said Act for the fiscal period considered; for the purposes of this section, the standardized aggregate taxation rate is that which is computed in accordance with the regulation made under paragraph 7 of section 262 of the said Act.”;

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

“For the purposes of this section, “standardized assessment” means the product obtained by multiplying the values entered on the assessment roll of a municipality by the factor established for that roll under the Act respecting municipal taxation.”

## DIVISION VI

AMENDMENTS TO THE ACT RESPECTING  
THE COMMUNAUTÉ URBAINE DE MONTRÉAL

**57.** Section 21 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is replaced by the following section:

“**21.** In no case may the chairman of the executive committee receive, as an allowance, a total annual sum greater than the amount of the annual expense allowance of a member of the National Assembly established under the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1).”

**58.** Section 106 of the said Act is replaced by the following section:

“**106.** Subject to section 192, the Council may dismiss the head of a department, suspend him without pay or reduce his salary by a vote of the absolute majority of all the votes of the members of the Council. Such majority must include both the absolute majority of all the votes of the representatives of the city of Montréal and that of all the votes of the representatives of the other municipalities.

Subject to section 198, the executive committee may dismiss any other officer or employee of the Community who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and has been in office for at least six months, or suspend him without pay or reduce his salary, by a vote of the absolute majority of all the votes of the members of the committee.”

**59.** Section 107 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**107.** The resolution removing an officer or employee contemplated in section 106 or suspending him without pay or reducing his salary shall be served by handing a copy thereof to him in person; the person so removed, suspended or whose salary has been so reduced may, subject to section 79 of the Police Act (R.S.Q., chapter P-13), appeal from such decision to the Commission municipale du Québec, which shall decide finally, after inquiry.”

**60.** Section 124 of the said Act is amended

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

“**124.** The municipalities which enter into an agreement may provide therein, with the consent of the Community, that the latter will act as an intermunicipal committee or an intermunicipal management board, as the case may be.”;

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

“If the agreement is approved, the Community has the powers and obligations of an intermunicipal committee or of an intermunicipal management board, as the case may be.”

**61.** Section 124.2 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**124.2** Except for the passing of a by-law under which the Community agrees to act as an intermunicipal committee or an intermunicipal management board, as the case may be, or of a by-law authorizing the making of an agreement under section 124.1, only the representatives of the municipalities that are parties to the agreement are entitled to vote on the Council on any matter relating to the carrying out of the agreement.”

**62.** Section 220 of the said Act is amended

(1) by replacing paragraph 1 of the third paragraph by the following paragraph:

“(1) the total of the following assessments:

(a) the standardized taxable assessment of all the immovables;

(b) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(c) the percentage of the standardized nontaxable assessment of the immovables contemplated in the second, third or fourth paragraph of section 255 of the said Act corresponding to the percentage referred to in the said paragraph;

(d) the standardized nontaxable assessment of all farmland and woodlots;

(e) any part of the standardized nontaxable assessment of all the immovables contemplated in paragraph 1.1 of section 204 of the said Act in respect of which amounts in lieu of taxes must be paid; that part of the standardized assessment is that corresponding to the proportion represented by the amounts paid for the reference fiscal period in relation to the total amount of the municipal real estate taxes which could have been imposed for that fiscal period in respect of those immovables if they had not been tax-exempt; for the purposes of this section, the reference fiscal period, in respect of an immovable, is the

last municipal fiscal period for which the amounts in lieu of taxes in respect of that immovable are paid-up;

(f) the standardized nontaxable assessment of all of the immovables contemplated in the first paragraph of section 208 of the said Act;

(g) the assessment equivalent to the capitalization, based on the standardized aggregate taxation rate of the municipality for the fiscal period preceding the fiscal period considered, of the revenues of the municipality derived from the application of section 222 of the said Act for the said preceding fiscal period and of its revenues derived from the application of the second paragraph of section 230 of the said Act for the fiscal period taken into account; for the purposes of this section, the standardized aggregate taxation rate is that which is computed in accordance with the regulation made under paragraph 7 of section 262 of the said Act;”;

(2) by adding, at the end, the following paragraph:

“For the purposes of this section, “standardized assessment” means the product obtained by multiplying the values entered on the assessment roll of a municipality by the factor established for that roll under the Act respecting municipal taxation.”

## DIVISION VII

### AMENDMENTS TO THE ACT RESPECTING THE COMMUNAUTÉ URBAINE DE QUÉBEC

**63.** Section 13 of the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3) is amended by replacing paragraph *i* by the following paragraph:

“(i) alienate, upon a report of the head of the assessment department in the case of an immovable or of the head of the department concerned in the case of a movable property, any property belonging to the Community the value of which does not exceed \$10 000;”.

**64.** Section 29 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

“For the purposes of Title II, only the representatives of the municipalities mentioned in Schedule B shall vote, for the purposes of sections 126 to 137, only the representatives of the municipalities mentioned in Schedule D shall vote and for the purposes of section 94.2, only the representatives of the municipalities governed by the Municipal Code shall vote. For all other purposes, only the representatives of the municipalities mentioned in Schedule A shall vote.”

**65.** Section 71 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**71.** The Council shall appoint a director general, a secretary and a treasurer. It shall also appoint, in accordance with the Act respecting municipal taxation (R.S.Q., chapter F-2.1), an assessor who is the head of the assessment department.”

**66.** Sections 74 and 75 of the said Act are replaced by the following sections:

“**74.** The vote of the absolute majority of the members of the Council shall be required in order to remove, suspend without pay or reduce the salary of the secretary, treasurer, director general or head of a department.

“**75.** The vote of the absolute majority of the members of the executive committee shall be required in order to remove, suspend without pay or reduce the salary of any other officer or employee of the Community who is not an employee within the meaning of the Labour Code (R.S.Q., chapter C-27) and who has held his office for at least six months.”

**67.** Section 76 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**76.** The resolution removing an officer or employee contemplated in section 74 or 75 or suspending him without pay or reducing his salary shall be served by handing a copy thereof to him in person; the person so removed or suspended or whose salary was so reduced may appeal from such decision to the Commission municipale du Québec which shall decide finally, after inquiry.”

**68.** Section 82 of the said Act is amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) as mandatary of the executive committee, to exercise authority over the heads of departments, with the exception of the secretary;”.

**69.** Section 91 of the said Act is replaced by the following section:

“**91.** The Community may in no case alienate any movable or immovable property the value of which exceeds \$10 000, except by auction, by public tenders or in any other manner approved by the Commission municipale du Québec.”

**70.** The said Act is amended by inserting, after section 94.1, the following section:

**“94.2** The Community has, in respect of those municipalities of its territories that are governed by the Municipal Code, the competence conferred by law on county corporations.

For the purposes of this section, the Community constitutes a municipal county corporation within the meaning of the Municipal Code and the territory of municipalities governed by the Code constitutes a county municipality within the meaning of the Code.

The expenditures incurred by the Community to exercise the competence provided in this section are apportioned according to the rules provided in the Municipal Code or, as the case may be, by or under the Act which assigns the competence to the county corporation.”

**71.** Section 96.2 of the said Act is amended

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

**“96.2** The municipalities which enter into an agreement may provide therein, with the consent of the Community, that the latter will act as an intermunicipal committee or an intermunicipal management board, as the case may be.”;

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

“If the agreement is approved, the Community has the powers and obligations of an intermunicipal committee or of an intermunicipal management board, as the case may be.”

**72.** Section 96.4 of the said Act is amended by replacing the first paragraph by the following paragraph:

**“96.4** Except for the passing of a by-law under which the Community agrees to act as an intermunicipal committee or an intermunicipal management board, as the case may be, or of a by-law authorizing the making of an agreement under section 96.3, only the representatives of the municipalities that are parties to the agreement are entitled to vote in the Council on any matter relating to the carrying out of the agreement.”

**73.** The heading of subsection 1 of Division VII of Title I and sections 97 and 98 of the said Act are repealed.

**74.** Section 118 of the said Act is amended by replacing the second paragraph by the following paragraph:

“It may, by by-law, establish an industrial promotion department and appoint, by resolution, the officers of that department. It must do so where it has not reached an agreement under the first paragraph.”

**75.** Section 129 of the said Act is amended

(1) by replacing paragraph 1 of the third paragraph by the following paragraph:

“(1) the total of the following assessments:

(a) the standardized taxable assessment of all the immovables;

(b) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(c) the percentage of the standardized nontaxable assessment of the immovables contemplated in the second, third or fourth paragraph of section 255 of the said Act corresponding to the percentage referred to in the said paragraph;

(d) the standardized nontaxable assessment of all farmland and woodlots;

(e) any part of the standardized nontaxable assessment of all the immovables contemplated in paragraph 1.1 of section 204 of the said Act in respect of which amounts in lieu of taxes must be paid; that part of the standardized assessment is that corresponding to the proportion represented by the amounts paid for the reference fiscal period in relation to the total amount of the municipal real estate taxes which could have been imposed for that fiscal period in respect of those immovables if they had not been tax-exempt; for the purposes of this section, the reference fiscal period, in respect of an immovable, is the last municipal fiscal period for which the amounts in lieu of taxes in respect of that immovable are paid-up;

(f) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 208 of the said Act;

(g) the assessment equivalent to the capitalization, based on the standardized aggregate taxation rate of the municipality for the fiscal period preceding the fiscal period considered, of the revenues of the municipality derived from the application of section 222 of the said Act for the said preceding fiscal period and of its revenues derived from the application of the second paragraph of section 230 of the said Act for the fiscal period taken into account; for the purposes of this section, the standardized aggregate taxation rate is that computed in accordance with the regulation made under paragraph 7 of section 262 of the said Act;”;

(2) by adding, at the end, the following paragraph:

“For the purposes of this section, “standardized assessment” means the product obtained by multiplying the values entered on the assessment roll of a municipality by the factor established for that roll under the Act respecting municipal taxation.”

**76.** Section 161 of the said Act is amended by replacing the third, fourth and fifth paragraphs by the following paragraphs:

“The Community, with the authorization of the Commission municipale du Québec, may issue and sell, in its own name, bonds, notes or other securities for its own account or for that of a municipality referred to in Schedule A.

Bonds, notes or other securities issued by the Community constitute, for their holders, direct and general obligations of the Community. Moreover, the bonds, notes or other securities issued by the Community for the account of a municipality constitute, for their holders, direct and general obligations of that municipality.”

**77.** Section 164 of the said Act is replaced by the following section:

“**164.** The municipalities of the territory of the Community are jointly and severally liable towards the holders of bonds, notes or other securities issued by the Community for the account of the Community, for the repayment of such bonds, notes and other securities, in principal, interest, costs and other accessories, and for all other obligations contracted by the Community towards such holders.

The municipality for the account of which the Community issued bonds, notes or other securities is alone liable towards the Community for the repayment of such bonds, notes and other securities, in principal, interest, costs and other accessories, and for all other obligations contracted by the Community towards such holders for the account of the municipality if the Community makes the repayment to the holders and executes its other obligations towards them. Any amount owing to the Community by the municipality under this paragraph is added to and forms part of its share of the expenses.”

## DIVISION VIII

### AMENDMENTS TO THE ACT RESPECTING MUNICIPAL AND SCHOOL DEBTS AND LOANS

**78.** Section 2 of the Act respecting municipal and school debts and loans (R.S.Q., chapter D-7) is amended

(1) by replacing the words “the balance due on” in the sixth and seventh lines of the first paragraph by the words “all or part of the balance of”;

(2) by inserting the words “all or part of” after the word “pay” in the second line of the second paragraph.

**79.** Sections 27 to 29 of the said Act are replaced by the following sections:

**“27.** Any debenture payable to bearer may be transferred by delivery.

Any debenture payable to any person designated therein, or to any person or order, may be transferred by endorsement or delivery.

**“28.** Where a debenture is registered in the name of a person under Division IX, it may be transferred only if the registration is corrected so that the name of the transferee is specified thereon or so that it is indicated that the debenture is payable to bearer.

The condition is added to the transfer procedure mentioned in section 27.

**“29.** Any transfer carried out in accordance with section 27, or section 28 where such is the case, shall vest the property of the debenture in the transferee and entitle him to take an action thereupon in his own name.

In any such action, it is not necessary to set forth or to prove the mode by which a person became the holder of the debenture, or to set forth or to prove the notices, by-laws, or other proceedings under or by virtue of which the debenture was issued. It shall be sufficient to describe the plaintiff or applicant as the holder of the debenture alleging the general endorsement, or the registration required by sections 27 and 28, if any, and shortly to state its legal effect and purport, and to make proof accordingly.”

## DIVISION IX

### AMENDMENT TO THE JAMES BAY REGION DEVELOPMENT ACT

**80.** Section 37 of the James Bay Region Development Act (R.S.Q., chapter D-8) is replaced by the following section:

**“37.** The board of directors shall exercise the powers of the municipal council by order. An order may apply to a part only of the municipality indicated therein.

Every order respecting a budget or a program of capital expenditures, the imposition of a tax or a compensation, or a land use planning and development by-law or any other by-law establishing standards of conduct for the citizens of the territory must be submitted to the Government for approval. It must be published in the *Gazette*

*officielle du Québec* after its approval. It comes into force on the date of the publication or the later date fixed therein.

Every order that is subject to the approval of the Government must be forwarded to the Minister responsible for the administration of this part.”

## DIVISION X

### AMENDMENTS TO THE ACT RESPECTING MUNICIPAL TAXATION

**81.** Section 18 of the Act respecting Municipal Taxation (R.S.Q., chapter F-2.1) is replaced by the following sections:

“**18.** Every owner or occupant of a property or his mandatary must produce or make available to the assessor or his representative, any information respecting the property that he requires for the performance of his duties, according as he requests him to produce it by means of a questionnaire or otherwise, or to make it available.

If the owner or occupant or his mandatary refuses, without legitimate reason, to produce the information or, as the case may be, to make it available, or if he produces or makes available false information, he is guilty of an offence and liable, on summary proceedings, in addition to costs, to the penalty provided in section 16.

“**18.1** The duties of the assessor or his representative that are provided under this chapter must be performed according to the rules prescribed by regulation under paragraph 1 of section 263.”

**82.** Section 42 of the said Act is amended by replacing the second paragraph by the following paragraphs:

“The values entered on the roll of a municipal corporation must, on the whole, tend to represent the same proportion of the actual value of the units of assessment.

No motion or action to quash or set aside the roll or any entries on the roll may be brought on the ground of a contravention of the second paragraph.”

**83.** The said Act is amended by inserting, after section 46, the following section:

“**46.1** The assessor, in applying this subdivision, particularly the second paragraph of section 42, shall perform his duties according to the rules prescribed by regulations under paragraph 1 of section 263.”

**84.** Section 71 of the said Act is amended by replacing the figure “15” in the second line by the figure “16”.

**85.** Section 78 of the said Act is amended by adding, at the end, the following paragraph:

“For the purposes of this chapter, the word “document” includes a track, a tape, a disk, a cassette or other data carrier and the data it contains. The ownership or the custody of such a document entitles the municipal corporation or the municipality to obtain without cost from the assessor and any other person who has entered data therein all the information necessary to have access to the data and to be able to transcribe it on a conventional document.”

**86.** The said Act is amended by inserting, after section 80, the following section:

“**80.1** In the case of a document contemplated in the third paragraph of section 78, the right of the Minister or his mandatary to obtain a copy of it without cost does not apply to the data carrier itself, but to the transcription onto a conventional document of the data it contains and that are the object of the request of the Minister or his mandatary. The right of the Minister or his mandatary to consult such a document applies, at his option, to the data carrier or to the transcription; in the first case, the Minister is entitled to obtain without cost all the information necessary to have access to the data contained on the data carrier.

The right of the owner or occupant of an immovable or a complainant to consult such a document applies only to the transcription of the data contained on the data carrier and that are contemplated in the second paragraph of section 79.”

**87.** Section 131 of the said Act is amended by striking out the words “or the municipal real estate tax account” in the second line.

**88.** Section 133 of the said Act is amended by striking out the words “or the municipal real estate tax account” in the fourth and fifth lines.

**89.** Section 223 of the said Act is amended by adding, at the end, the following paragraph:

“The Minister may, however, amend the rules for computing the tax in a case where the total taxation revenues are reduced or increased by the constitution of a new municipal corporation, regrouping, annexation or other change in the territory of the municipal corporation. The Minister shall then give a written notice of the new rules of computation to the municipal corporation.”

**90.** Section 228 of the said Act is amended by replacing item *i* of subparagraph *c* of paragraph 2 by the following item:

“*i.* the amount of gross revenue derived from the sale of electric power for consumption in Québec, less the amount of gross revenue derived from the sale of power contemplated in the second paragraph of section 222, and less the amount of purchases of electric power for resale, if that power is produced in Québec, and”.

**91.** Section 230 of the said Act is amended by replacing the third sentence of the second paragraph by the following: “Notwithstanding sections 99 and 101 of the Real Estate Assessment Act, the amounts shall be paid even if the immovables contemplated in the said sections cease to exist. However, the amount computed under section 101 of the said Act shall cease to be paid from the fiscal period 2003. The person contemplated in the first paragraph, instead of annually paying to a municipal corporation owing to it, may pay to it in a single payment an amount that, increased by the interest that it would yield at a rate fixed by the person who makes the payment, is equal to the sum of the annual amounts owing to the municipal corporation. The amounts paid by the person contemplated in the first paragraph are taken out of the revenues referred to in that paragraph.”

**92.** Section 237 of the said Act is amended by inserting, after the word “cent” in the first line of the first paragraph, the following: “the municipal corporation may order that”.

**93.** Sections 260 and 260.1 of the said Act are repealed.

**94.** Section 262 of the said Act is amended

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

“(f) prescribe the payment and mode of computation of interest in cases of late payment of the amount referred to in section 254, including the payment or refund contemplated in subparagraph *e*, or in cases where a decision of the board or a court judgment gives rise to a payment or a refund contemplated in the said subparagraph;”;

(2) by inserting, after paragraph 5, the following paragraph:

“(5.1) prescribe rules of payment or refunding applicable to the amount payable under section 259 in cases of changes made to the roll or when a new roll is prepared to replace a roll that has been quashed or declared null; prescribe the payment and the mode of computation of interest in cases where a decision of the board or a court judgment gives rise to such a payment or refund;”;

(3) by striking out paragraph 6.

**95.** Section 263 of the said Act is amended

(1) by adding, at the end of paragraph 1, the following: “require the assessor to transmit to him, free of charge, a copy of the summary of the roll in the cases and according to the rules determined by him; require the assessor to obtain a mandate from the municipality to carry out certain acts, prescribe the rules relating to obtaining the mandate and determine the cases where the municipality is bound to grant a mandate; require the assessor to obtain the approval of the Minister for any computer-drawn equivalent of a prescribed form and establish the conditions of the approval; prescribe the computer-drawn equivalent of any form or part thereof; refer to a manual containing matters contemplated by this Act, as it exists at the time that the assessor must apply it, provided that the Minister gives notice in the *Gazette officielle du Québec* of each updating of the manual made after the coming into force of the regulations under this paragraph;”;

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

“(5) prescribe rules to determine the median proportion of the actual real estate value of units of assessment that corresponds to the values entered on the roll of a municipal corporation; determine categories of municipal corporations and establish separate rules for each category; prescribe that the assessor must, for the purpose of determining the median proportion, use the list of sales furnished by the Minister; provide that the assessor may amend the list for reasons that conform to the rules enacted under this paragraph; prescribe that the operations for computing the median proportion, including, as the case may be, the amendments to the list of sales, must be entered on a form furnished by the Minister, which must, within the time limit he fixes, be returned to him once it is completed;”.

**96.** Section 264 of the said Act is amended

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

“**264.** Within the time limit prescribed in the regulations under paragraph 5 of section 263, the assessor shall indicate the median proportion of the actual real estate value of the units of assessment to which the values entered on the roll of the municipal corporation correspond. He shall also indicate the comparative factor of the roll, which is the inverse of the median proportion.”;

(2) by replacing the eighth paragraph by the following paragraphs:

“The median proportion and the factor of the roll of rental values of a municipal corporation are the same as those of its real estate

assessment roll applicable for the same fiscal period. Any act performed in respect of the real estate assessment roll in accordance with this Act and the regulations under paragraph 1 of section 263 must be entered on the roll of rental values, where such is the case.

The median proportion and the factor must be entered on the notice of assessment.”

**97.** The said Act is amended by inserting, after section 505, the following section:

**“505.1** In the case of a municipal corporation to which the general order referred to in section 503 applies but whose roll applicable for the fiscal period 1983 is not a new roll, the last fiscal period for which its first new roll must be made is 1986.

Sections 504 and 505 apply in the case contemplated in the first paragraph, *mutatis mutandis*.

“New roll” means a real estate assessment roll made in accordance with an order contemplated in section 503 and in the regulations made under paragraph 2 of section 7 of the Real Estate Assessment Act or paragraph 1 of section 263 of this Act.”

**98.** Section 506 of the said Act is amended

(1) by replacing the words “an annual roll must be prepared” in the second and third lines by the following words “a roll must be prepared in accordance with the regulations made under paragraph 1 of section 263”;

(2) by adding, at the end, the following paragraph:

“The roll is a new roll.”

**99.** Section 507 of the said Act is replaced by the following section:

**“507.** The provisions of this Act relating to the assessment roll apply to a roll preceding the first new roll of a municipal corporation, except for sections 33, 34 and 62. For the purposes of the application of this Act or a regulation to that preceding roll, the words “unit of assessment” mean the aggregate of the immovables grouped under the same entry on the roll.

The regulation made under paragraph 1 of section 263 do not apply to a roll preceding the first new roll of a municipal corporation, but the assessor must, in preparing that previous roll

(1) establish neighbouring units in conformity with the procedure prescribed in that regulation, for the purposes of the assessment of the immovables contemplated in sections 47 to 54, as the case may be, and

(2) comply with the rules prescribed in the regulation respecting acts requiring a mandate of the municipality.”

**100.** Section 584 of the said Act is amended by replacing the year “1984” in the fourth line of the first paragraph by the year “1986”.

## DIVISION XI

### AMENDMENTS TO THE MINING ACT

**101.** Section 125 of the Mining Act (R.S.Q., chapter M-13) is amended

(1) by replacing the beginning of subsection 1 by the following:

“**125.** (1) The holder of a mining lease or mining concession may obtain from the Minister, upon such conditions as he fixes, the authorization:”;

(2) by replacing subsection 3 by the following subsection:

“(3) Such authorization shall be given to him in the form of a certificate signed by an officer empowered for such purpose by the Minister.”

**102.** Section 130 of the said Act is replaced by the following section:

“**130.** When the Minister authorizes the holder of a mining lease or mining concession to dispose of lots, he may compel him to pay a portion of the price into the consolidated revenue fund and a portion into the municipal fund provided for in section 131.”

**103.** Section 131 of the said Act is amended by replacing the second paragraph by the following paragraph:

“The municipal fund shall be held in trust by the Minister of Finance and administered by the Minister of Energy and Resources, who may determine the use thereof.”

## DIVISION XII

AMENDMENT TO THE ACT TO PROMOTE  
THE REGROUPING OF MUNICIPALITIES

**104.** Section 10 of the Act to promote the regrouping of municipalities (R.S.Q., chapter R-19) is amended by replacing the third paragraph of subsection 1 by the following paragraphs:

“For the purposes of the second paragraph, “total taxable values” means the total of the following assessments:

- (1) the standardized taxable assessment of all the immovables;
- (2) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 255 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- (3) the percentage of the standardized nontaxable assessment of the immovables contemplated in the second, third or fourth paragraph of section 255 of the said Act corresponding to the percentage referred to in the said paragraph;
- (4) the standardized nontaxable assessment of all farmland and woodlots;
- (5) any part of the standardized nontaxable assessment of all the immovables contemplated in paragraph 1.1 of section 204 of the said Act in respect of which amounts in lieu of taxes must be paid; that part of the standardized assessment is that corresponding to the proportion represented by the amounts paid for the reference fiscal period in relation to the total amount of the municipal real estate taxes which could have been imposed for that fiscal period in respect of those immovables if they had not been tax-exempt; for the purposes of this section, the reference fiscal period, in respect of an immovable, is the last municipal fiscal period for which the amounts in lieu of taxes in respect of the immovable are paid-up;
- (6) the standardized nontaxable assessment of all the immovables contemplated in the first paragraph of section 208 of the said Act;
- (7) the assessment equivalent to the capitalization, based on the standardized aggregate taxation rate of the municipality for the fiscal period preceding the fiscal period considered, of the revenues of the municipality derived from the application of section 222 of the said Act for the said preceding fiscal period and its revenues derived from the application of the second paragraph of section 230 of the said Act for the period considered; for the purposes of this section, the standardized aggregate taxation rate is that which is computed in

accordance with the regulation made under paragraph 7 of section 262 of the said Act.

For the purposes of this section, “standardized assessment” means the product obtained by multiplying the values entered on the assessment roll of a municipality by the factor established for the roll under the Act respecting municipal taxation.”

### DIVISION XIII

#### AMENDMENTS TO THE ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

**105.** Section 16 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing the words “NUNALIT GAVAMAPINGA CORPORASANGA” in the second line of the second paragraph by the words “KUAPURISANGA TARQRAMI NUNALINGATA”.

**106.** The heading of Title IX of the said Act is replaced by the following heading:

“PUBLIC WORKS OF THE CORPORATION AND  
AWARDING OF ITS CONTRACTS”.

**107.** Section 204 of the said Act is amended

(1) by replacing subsection 1 by the following subsection:

“**204.** (1) Unless it involves an expenditure of less than \$25 000, no insurance contract and no contract for the execution of works or the supply of equipment or materials or for the supply of services other than professional services shall be awarded except after a call for public tenders by advertisement in a newspaper.

For the purposes of this subsection, a contract for the supply of equipment includes any contract for the leasing of equipment with an option to purchase.”;

(2) by replacing subsection 9 by the following subsections:

“(9) If, however, to comply with the conditions for the making of a government grant, it is necessary that the contract be awarded to any person except the one who made the lowest tender within the prescribed time, the municipal corporation may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the tenders meeting such conditions, if the tender was made within the prescribed time.

“(10) The contract shall be awarded by resolution.

“(11) A member of the council may be declared disqualified to hold any municipal office for two years and held personally liable to the municipal corporation for any loss or damage it may suffer, whenever, by his vote or otherwise, he knowingly authorizes or effects

(a) the awarding or the making, without public tender, of a contract which, according to subsection 1, is subject to such formality;

(b) the awarding or the making of a contract in contravention to the requirements of subsections 8 and 9.

The liability mentioned in this subsection is joint and several, and it applies also to every officer or employee of the municipal corporation and every person who knowingly becomes party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with articles 838 to 843 of the Code of Civil Procedure; an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.”

**108.** The said Act is amended by inserting, after section 204, the following sections:

**“204.1** No insurance contract or contract for the execution of municipal works or the supply of equipment or materials or for the supply of services other than professional services and involving an expenditure exceeding \$5 000 and less than \$25 000 may be awarded except after a call for tenders has been issued and is made by inviting in writing at least two contractors or, as the case may be, two suppliers to tender.

No municipal corporation may, without the previous authorization of the Minister, award the contract to a person other than the person who has submitted the lowest tender.

For the purposes of this section, a contract for the supply of equipment includes any contract for the leasing of equipment with an option to purchase.

**“204.2** In case of irresistible force of such a nature as to imperil the life or health of the population or seriously damage the equipment of the municipality, the mayor may order any expenditure deemed necessary and award any contract necessary to remedy the situation. In such a case, the mayor must make a report of such action and the reasons therefor to the council at its next sitting. However, in the case of the Regional Government acting under section 244 and if the executive committee sits before the council, the chairman of the committee shall make a report to the committee and table it before the council at its next sitting.

**“204.3** Sections 204 and 204.1 do not apply to any contract for the supply of equipment, materials or services for which a rate is fixed or approved by the Government of Canada or the Gouvernement du Québec, or any minister or agency thereof.”

**109.** Section 286 of the said Act is amended by replacing the figure “10,000” in the third line of the second paragraph by the figure “25 000”.

**110.** Section 358 of the said Act is amended

(1) by replacing subsection 1 by the following subsection:

**“358.** (1) Unless it involves an expenditure of less than \$25 000, no insurance contract and no contract for the execution of works or the supply of equipment or materials or for the supply of services other than professional services shall be awarded except after a call for public tenders by advertisement in a newspaper.

For the purposes of this subsection, a contract for the supply of equipment includes any contract for the leasing of equipment with an option to purchase.”;

(2) by replacing subsection 9 by the following subsections:

**“(9)** If, however, to comply with the conditions for the making of a government grant, it is necessary that the contract be awarded to any person except the one who made the lowest tender within the prescribed time, the Regional Government may, without the authorization of the Minister, award the contract to the person whose tender is the lowest among the tenders meeting such conditions, if the tender was made within the prescribed time.

**“(10)** The contract shall be awarded by resolution and made in the name of the Regional Government.

**“(11)** A member of the council may be declared disqualified to hold any municipal or regional office for two years and held personally liable to the Regional Government for any loss or damage it may suffer, whenever, by his vote or otherwise, he knowingly authorizes or effects

(a) the awarding or the making, without public tender, of a contract which, according to subsection 1, is subject to such formality;

(b) the awarding or the making of a contract in contravention to the requirements of subsections 8 and 9.

The liability mentioned in this subsection is joint and several, and it applies also to every officer or employee of the Regional Government and every other person who knowingly becomes party to the illegal act.

Proceedings in declaration of disqualification shall be taken in conformity with articles 838 to 843 of the Code of Civil Procedure; an ordinary action shall be taken to obtain compensation for loss or damage. Such recourses may be exercised by any ratepayer.”

**111.** The said Act is amended by inserting, after section 358, the following sections:

**“358.1** No insurance contract or contract for the execution of municipal works or the supply of equipment or materials or for the supply of services other than professional services and involving an expenditure exceeding \$5 000 and less than \$25 000 may be awarded except after a call for tenders has been issued and is made by inviting in writing at least two contractors or, as the case may be, two suppliers to tender.

The Regional Government shall not, without the previous authorization of the Minister, award the contract to a person other than the person who has submitted the lowest tender.

For the purposes of this section, a contract for the supply of equipment includes any contract for the leasing of equipment with an option to purchase.

**“358.2** In case of irresistible force of such a nature as to imperil the life or health of the population or seriously damage the equipment of the Regional Government, the chairman of the executive committee may order any expenditure deemed necessary and award any contract necessary to remedy the situation. In such a case, the chairman must make a report of such action and the reasons therefor to the council at its next sitting. However, if the committee sits before the council, the chairman shall make his report to the committee and table it before the council at its next sitting.

**“358.3** Sections 358 and 358.1 do not apply to any contract for the supply of equipment, materials or services for which a rate is fixed or approved by the Government of Canada or the Gouvernement du Québec, or any minister or agency thereof.”

**112.** Section 411 of the said Act is amended by adding, at the end, the following paragraphs:

“The grants paid for the repayment of any sum borrowed by a northern village or the Regional Government, and any interest they yield, are unseizable except in execution of a final judgment rendered by a court in favour of the lender or the holder of bonds, notes or any other security issued to finance the loan.

Any grant seized must be allocated proportionately among all the interested lenders or holders.”

#### DIVISION XIV

##### AMENDMENT TO THE CHARTER OF THE CITY OF LAVAL

**113.** Section 58 of the Charter of the City of Laval (1965, 1st session, chapter 89), enacted by section 25 of chapter 99 of the statutes of 1971, is replaced by the following section:

“**58.** The Council shall fix by by-law the remuneration and expense allowance of the commissioners. The remuneration and allowance shall be paid by the Commission out of its revenues.

The by-law may be retroactive to 1 January preceding its coming into force.

The Council shall fix by by-law the rules respecting the commissioners’ pension which shall be contributory. The pension shall be paid by the Commission out of its revenues.”

#### DIVISION XV

##### AMENDMENTS TO THE ACT TO INCORPORATE THE MONTREAL SOUTH SHORE TRANSIT COMMISSION

**114.** Section 14 of the Act to incorporate the Montreal South Shore Transit Commission (1971, chapter 98) is amended by replacing the first paragraph by the following paragraph:

“**14.** The Council shall fix by by-law the remuneration of its members. The by-law may be retroactive to 1 January preceding its coming into force.”

**115.** Section 30 of the said Act is replaced by the following section:

“**30.** The Council shall fix by by-law the remuneration and expense allowance of the commissioners. The remuneration and allowance shall be paid by the Commission out of its revenues.

The by-law may be retroactive to 1 January preceding its coming into force.

The Council shall fix by by-law the rules respecting the commissioners’ pension which shall be contributory. The pension shall be paid by the Commission out of its revenues. This paragraph does

not apply to a person who avails himself of Division VIII.1 of the Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16).”

## DIVISION XVI

### TRANSITIONAL AND FINAL PROVISIONS

**116.** Sections 18, 30, 31, 56, 62, 75 and 104 apply for the purposes of any municipal fiscal year from that of 1985.

**117.** Sections 49 and 50 have effect from 1 April 1979.

**118.** Section 85 applies in respect of every data carrier produced after (*insert here the date of the coming into force of this Act*).

**119.** Section 90 applies for the purposes of computing the tax contemplated in section 221 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) payable for every municipal fiscal year from that of 1980.

**120.** Sections 92 and 93 and paragraph 3 of section 94 apply for the purposes of every municipal fiscal year from that of 1985.

For the purposes of the 1984 municipal fiscal year, the first paragraph of section 237 of the Act respecting municipal taxation is deemed to read as follows:

“**237.** Where the rate of the business tax exceeds fifteen per cent, the amount of the tax payable for a place of business is reduced by an amount equal to one half of the difference computed in accordance with the second paragraph.”

**121.** Paragraph 1 of section 95 has effect from 12 October 1983.

**122.** Paragraph 2 of section 95 and section 96 apply as regard the real estate assessment roll or roll of rental values made for the purposes of every municipal taxation year from that of 1985.

**123.** For the purposes of sections 124 to 126,

(1) “Act” means the charter of the City of Laval or the Act to incorporate the Montreal South Shore Transit Commission, as the case may be, as amended by this Act;

(2) “existing Act” means the charter of the City of Laval or the Act to incorporate the Montreal South Shore Transit Commission, as the case may be, as it existed before (*insert here the date of the coming into force of this Act*);

(3) “Council” means the council of the City of Laval or the council of the representatives of the municipalities of the Montreal south shore referred to in section 3 of the Act to incorporate the Montreal South Shore Transit Commission, as the case may be;

(4) “Commission” means the City of Laval Transit Commission or the Montreal South Shore Transit Commission, as the case may be.

**124.** Until the Council fixes by by-law the remuneration of its members or the remuneration and expense allowance of the members of the Commission, under the Act, the remuneration and allowance fixed by the Government under the existing Act shall continue to be paid.

In the case of a member of the council of any municipality, account shall, however, be taken of article 77j of the Municipal Code or section 65.12 of the Cities and Towns Act and of sections 114 and 115 of chapter 16 of the statutes of 1980.

**125.** No member of the Commission in office on (*insert here the date of the coming into force of this Act*) may receive under the by-law made under the Act a remuneration and expense allowance lower than the remuneration and allowance he is entitled to receive in accordance with the order of the Government made under the existing Act.

**126.** Any person who was a member of the Commission before (*insert here the date of the coming into force of this Act*) continues to be entitled to the pension fixed in his respect by the Government under the existing Act.

The first paragraph applies also to any person who ceases to be a member of the Commission after the date mentioned in that paragraph and before the coming into force of the by-law of the Council fixing the pension under the Act.

The by-law referred to in the second paragraph must provide, in respect of any person who is a member of the Commission on the date mentioned in the first paragraph and to whom the by-law applies, for a pension the conditions of which are at least as advantageous as those fixed for him by the Government under the existing Act.

**127.** Every regulation, by-law, resolution or order in force on (*insert here the date of the coming into force of this Act*) made or passed under a provision replaced or repealed by this Act remains in force to the extent that the regulation, by-law, resolution or order is consistent with the Act contemplated in the replacing or repealing provision.

**128.** Every deed performed before (*insert here the date of the coming into force of this Act*) under a provision replaced or repealed by this

Act, retains its effects to the extent that it is consistent with the Act contemplated in the replacing or repealing provision.

In particular, any person in office on that date and appointed under a provision replaced by this Act remains in office until the expiry of the term for which he was appointed or until he is replaced or otherwise ceases to hold office in accordance with the law.

**129.** In any Act, regulation, by-law, order, resolution or other document of or concerning a municipality, the word “manager” is replaced by the words “director general”.

**130.** In any Act, regulation, by-law, order, resolution or other document of or concerning the Communauté urbaine de Québec, the expression “evaluation commissioner” is replaced by the expression “head of the assessment department”.

**131.** For the application of sections 132 to 136 of chapter 2 of the statutes of 1982, every urban or regional community having the jurisdiction of a county corporation in respect of a municipality of its territory governed by the Municipal Code is deemed a regional county municipality which succeeds to the county corporation of which the municipality is a part and the latter is deemed to become part of the regional county municipality.

**132.** Any amount payable by the Société d’aménagement de l’Outaouais to the Minister of Finance, on (*insert here the date of the coming into force of this Act*), under subparagraph *b* of the first paragraph of section 227 of the Act respecting the Communauté régionale de l’Outaouais (R.S.Q., chapter C-37.1), is cancelled by transfer of the net debt to the account of the Government. The amount so cancelled is equivalent to a contributed surplus to be entered in the books and accounts of the Corporation.

**133.** The retroactive effect of any provision of this Act does not affect a judgment rendered before (*insert here the date of tabling of this bill*) or a case pending on that date.

**134.** 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).

**135.** This Act comes into force on (*insert here the date of sanction of this Act*).