

SECOND SESSION  
THIRTY-FIRST LEGISLATURE

# ASSEMBLÉE NATIONALE DU QUÉBEC

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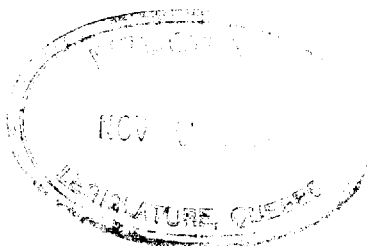
## **Bill 200** (PRIVATE)

**An Act to amend the Charter of the  
City of Montreal**

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First reading

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M. CHARLES-A. LEFEBVRE

## **Bill 200**

**(PRIVATE)**

### **An Act to amend the Charter of the City of Montreal**

WHEREAS it is in the interest of the City of Montreal and necessary for the proper administration of its affairs that its charter, chapter 102 of the statutes of 1959/1960, as amended to this day, be again amended;

Therefore, Her Majesty, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

**1.** Article 2 of the Charter of the City of Montreal (1959/1960, chapter 102), amended by section 2 of chapter 71 of the statutes of 1964 and by section 1 of chapter 76 of the statutes of 1972, is again amended:

(a) by inserting after paragraph *q* the following:

“(qq) “police” or “police department”: the Police Department of the Montreal Urban Community;”;

(b) by adding the following paragraph:

“(zz) “evidences of indebtedness”: the bonds, debentures, obligations, registered pensions, notes or other documents issued or subscribed by the city as acknowledgments of debt.”

**2.** Articles 13 to 20 and 25 to 30 of the said charter are repealed.

**3.** Article 62 of the said charter is replaced by the following:

“**62.** No person can act as mayor or councillor until he has taken before the city clerk the oath of allegiance to [the authority established according to law,] and the oath of office, as in Form 1.

The term of office of the councillors shall commence with the taking of such oath and terminate on the date of the election held to replace them.

That of the mayor shall also commence with the taking of such oath, but shall expire only upon the taking of the oath of office by his successor.

[Failure by the mayor or a councillor to take the oath of allegiance and the oath of office within fifteen days of his election in accordance with articles 68, 74 and 75, of the public notice provided for in article 273, of the declaration of election provided for in article 278, of the proclamation provided for in articles 349 and 359, or of the date of the judgment mentioned in the first paragraph of article 450, shall render his office vacant by the mere expiration of the delay. The clerk shall inform the council thereof at the first meeting following the expiration of the delay.]”

**4.** Article 67 of the said charter is amended by replacing the first paragraph by the following:

**“67.** Except in the case of article 72, if the mayor fails, within forty-eight hours after it has been presented to him, to sign any by-law, contract, resolution, [evidence of indebtedness] or other document which he is required to sign by this charter, by a general law or special act, or by a by-law or resolution, or if he is unable to sign it within the said delay, the chairman of the executive committee, on a certificate from the clerk attesting such fact, may sign it himself in his stead with the same effect.”

**5.** Article 76 of the said charter, amended by section 10 of chapter 97 of the statutes of 1960/1961, section 6 of chapter 59 of the statutes of 1962, section 12 of chapter 70 of the statutes of 1963 (1st session), section 4 of chapter 84 of the statutes of 1965 (1st session) and by section 4 of chapter 96 of the statutes of 1971, is again amended by striking out the third paragraph.

**6.** Article 79 of the said charter, amended by section 10 of chapter 1 of the statutes of 1960 (1st session) and by section 7 of chapter 59 of the statutes of 1962, is again amended by replacing the first paragraph by the following:

**“79.** At the meeting of the council [held in accordance with article 112,] the mayor may move, for approval by the council, a first motion concerning the appointment of the six members of the executive committee. Should the motion, which may not be amended, not be adopted, the council, on its own initiative, shall then proceed with the nomination and the election of the six members of the executive committee according to the procedure described hereunder.”

**7.** Article 90 of the said charter, replaced by section 3 of chapter 86 of the statutes of 1966/1967, is again replaced by the following:

**“90.** Every matter within the jurisdiction of the council, except where otherwise provided, must be submitted to the executive committee for report to the council; [ ] the executive committee must report at the meeting of the council immediately following the expiration of a delay of sixty days from the date of the meeting at which [the] resolution [submitting the matter to it] was adopted.”

**8.** Articles 91 to 95 of the said charter are repealed.

**9.** Article 99 of the said charter, replaced by section 9 of chapter 96 of the statutes of 1971, is again replaced by the following:

**“99.** The executive committee shall grant the contracts entailing an expenditure of not more than ten thousand dollars without the approval of the council.

[However, when the council has ordered the acquisition by agreement or by expropriation of an immoveable and appropriations are available for such purpose, the executive committee may acquire such immoveable by agreement for a sum not exceeding the appropriations voted for such purpose by the council, including damages, if any.]”

**10.** Article 106 of the said charter, amended by section 15 of chapter 70 of the statutes of 1963 (1st session) and by section 10 of chapter 96 of the statutes of 1971, is again amended:

(a) by replacing paragraph *j* by the following:

**“(j)** approve any deed to correct the description of an immoveable [the ownership or possession of which is acquired or alienated] by the city;”;

(b) by replacing the first paragraph of paragraph *o* by the following:

**“(o)** suspend the issue of permits for the building, repair, enlargement or occupancy of buildings [and permits for the occupancy of land,] located in a sector which is the object of a draft zoning by-law; [however, in the case of a draft amendment to a zoning or building by-law, the suspension described hereinabove may be limited to the permits the issue of which is prohibited by the effect of the amendment. The suspension shall continue until the draft by-law is passed, defeated or withdrawn, provided such draft has been submitted to the council within ninety days from the resolution of the executive committee ordering the suspension.]”;

(c) by replacing paragraph *q* by the following paragraphs:  
 “(q) sell, upon report of the director of the department concerned, as to their value, any corporeal moveables belonging to the city the value whereof does not exceed [ten] thousand dollars;  
 “(r) order the establishment of reserves for public purposes; after the adoption of such order, the executive committee must submit it to the council for approval at the first meeting following the sixtieth day from its adoption.”

**11.** Article 108 of the said charter, amended by section 5 of chapter 86 of the statutes of 1966/1967, is repealed.

**12.** Article 112 of the said charter, replaced by section 16 of chapter 97 of the statutes of 1960/1961, is again replaced by the following:

“**112.** After each general election, the clerk shall convene a special meeting of the council for a date within the thirty days following the election, [the exclusive object whereof shall be to proceed with the appointments and elections provided for in article 79 and the choice of the acting-mayor in accordance with article 59] and, if need be, to fill the vacancies contemplated by article 74.”

**13.** Article 113 of the said charter is replaced by the following:

“**113.** [Subject] to articles 68 [and] 114 [and] to paragraph *c* of article 69, no special meeting [other than that provided for in article 112] may be called except at the request of the executive committee.”

**14.** Article 118 of the said charter is repealed.

**15.** Article 119 of the said charter is amended by replacing the word and figures “112, 114 and 146” in the first and second lines of the first paragraph by the word and figures “112 and 114”.

**16.** Article 121 of the said charter, replaced by section 7 of chapter 86 of the statutes of 1966/1967, is again replaced by the following:

“**121.** At any council meeting, no business but that specified in the notice shall be considered or disposed of, unless with the sanction of the mayor and of all the members of the council who are present.

Nevertheless, a councillor may always file a notice of motion, [either on the table of the council in sitting or at the clerk’s office

out of sitting. The executive committee must enter on the agenda paper of the next meeting of the council every notice of motion so received more than eight days before the date of the convocation notice of such meeting.]"

**17.** Article 122 of the said charter is replaced by the following:

**"122.** The mayor shall preside at all meetings of the council, [except when he wishes to take part in the debate, in which case he shall be replaced by the acting-mayor or another councillor designated by the council.

The mayor or any councillor presiding a meeting of the council shall not vote when presiding, except in case of a tie-vote; he may otherwise vote when he is not presiding, subject to this charter.]"

**18.** Article 123 of the said charter is amended by striking out the second paragraph.

**19.** Article 125 of the said charter, amended by section 17 of chapter 1 of the statutes of 1960 (1st session), is replaced by the following:

**"125.** At meetings of the council, the majority of the members present shall decide on the questions and matters submitted thereto, [notwithstanding any general law or special act, the provisions of this charter, any rule or any by-law of the council, subject to this article.] The majority, [for the purposes] of this article, designates the greater number of concurrent votes.

This article shall not affect the matters contemplated in articles [72, 121,] 133 and 138 of [this] charter [ ]."

**20.** Article 132 of the said charter is replaced by the following:

**"132.** [The departments of the city are:  
the Department of the Executive Secretary,  
the Law Department,  
the Department of the City Clerk,  
the Finance Department,  
the Public Works Department,  
the Fire Department,  
the Housing and City Planning Department,  
the Social Affairs Department,  
the Department of Supply and Services,  
the Roads Department,

the Parks Department,  
 the Traffic Department,  
 the Permits and Inspections Department,  
 the Personnel Department,  
 the Real Estate Department,  
 the Public Relations Department,  
 the Sports and Recreation Department.

For administrative purposes, the auditor's office, the electrical commission and the civil service commission are considered departments, and the city auditor, the chairman of the electrical commission and the chairman of the civil service commission rank with the department heads of the city.

The council may, by by-law, upon report of the executive committee, order the amalgamation or abolition of such services and create new ones, except that it shall not amalgamate nor abolish the auditor's office.”]

**21.** Article 133 of the said charter, amended by section 18 of chapter 97 of the statutes of 1960/1961, is again amended by replacing the second paragraph by the following:

“The [Municipal Officers Dismissal Act (Revised Statutes, 1964, chapter 196)] shall not be applicable to [ ] the city auditor. [The latter shall not] be suspended or dismissed [except] by a resolution of the council adopted by the vote of two-thirds of its members, upon a report of the executive committee approved by the vote of two-thirds of its members.”

**22.** Articles 149 to 157 of the said charter are repealed.

**23.** Article 159 of the said charter is amended:

- (a) by striking out the second paragraph;
- (b) by replacing the word “funds” in the third line of the third paragraph by the word “appropriations”;
- (c) by replacing the words “Nevertheless, the” in the first line of the last paragraph by the word “The”.

**24.** Articles 162 to 169 of the said charter are repealed.

**25.** Section 173 of the said charter, replaced by section 12 of chapter 59 of the statutes of 1962, is again replaced by the following:

“**173.** Notwithstanding any provision inconsistent with [a general law or special act], the council may, on recommen-

dation by the executive committee, [ ] grant indemnities, annuities or gratuities to employees of the city who have become unable to fulfil their duties efficiently.

[Where the executive secretary, the auditor, the chairman of the civil service commission or the director of a department has been in the city's employ for at least twenty-five years, the city, instead of paying such indemnities, annuities or allowances, may pay into the pension fund in which he participates, his share of the capital sum necessary to allow him to immediately obtain the pension to which he would have been entitled on reaching the age limit or after the number of years provided in his case for retirement.]”

**26.** Article 195 of the said charter, replaced by section 22 of chapter 97 of the statutes of 1960/1961, is amended:

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

“The members of the council of arts must be Canadian citizens and residents of one of the municipalities under its jurisdiction. They shall serve gratuitously; they shall be appointed [by the council upon a report of the executive committee]. The latter may reject such report, but shall not amend it.”;

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

“The fiscal year of the council of arts shall coincide with that of the city. [The auditor of the city shall audit the financial statements of the said council and make a report thereof in writing within the delay prescribed in article 730] to the council of the city and to the councils of the municipalities which have joined the council of arts.”

**27.** Article 197 of the said charter, replaced by section 3 of chapter 70 of the statutes of 1970, is again replaced by the following:

“**197.** [Every elector who is a natural person and has been domiciled in the city for at least twenty-four months before the date of the nomination or of his appointment, as the case may be, may be nominated and elected or appointed mayor.]”

**28.** Article 263 of the said charter is replaced by the following:

“**263.** With every nomination paper there shall be filed a certificate from the director of finance of the city showing that the candidate [ ] has deposited the sum of two hundred dollars with the director of finance as required by the charter. The



nomination paper shall also be accompanied with a solemn declaration as in Form 16 or in Form 17, as the case may be."

**29.** Article 378 of the said charter, amended by section 54 of chapter 77 of the statutes of 1973, is repealed.

**30.** Article 451 of the said charter is replaced by the following:

**"451.** Subject to [article] 454, [a] by-law adopted under this charter shall be valid [on being passed by the council,] signed by the mayor, or [by the person authorized under] article 67, and by the clerk, sealed with the seal of the city and promulgated by public notice [ ]."

**31.** The said charter is amended by inserting after article 451 the following:

**"451a.** In the case of a zoning by-law, or of the amendment or repeal of such a by-law, the draft must be presented as follows:

(a) at the first meeting, the clerk reads the title of the draft, whereupon a motion is made for reading and consideration thereof; the council then proceeds with article by article consideration of the draft of which it is thus finally seized; the clerk must re-enter the item relating to such draft on the agenda for the first meeting of the council held after the expiry of thirty day's delay, in order that the council may consider the draft a second time before disposing thereof according to law;

(b) upon the council's being finally seized of the draft, the issue of permits is suspended automatically, except where the council decides to the contrary, and remains suspended until the date of the coming into force of the by-law or of its rejection by the council.

This article does not apply to meetings of the council held under article 68, paragraph c of article 69 or articles 112 and 114."

**32.** Article 453 of the said charter is repealed.

**33.** Article 456 of the said charter is replaced by the following:

**"456.** The clerk shall have the custody of the by-laws of the city; he shall carefully preserve them in a register kept for that purpose [ ]."

**34.** Article 464a of the said charter, enacted by section 19 of chapter 96 of the statutes of 1971, is replaced by the following:

**“464a.** In the case of a by-law [ ] respecting demolition, or the defacement or dilapidation of buildings, or against noise, the council may prescribe [ ] as a penalty, for a first offence during a calendar year, a minimum fine of not over one thousand dollars and a maximum fine of not over ten thousand dollars with or without costs, or imprisonment for a maximum of three months, or both such penalties together, and for any subsequent offence during the same calendar year, a minimum fine of not over two thousand dollars and a maximum fine of not over twenty thousand dollars, or imprisonment for a minimum of one month or a maximum of six months, or both such penalties together.

The council may also prescribe that imprisonment for a period at least equal to the minimum imprisonment provided for in the preceding paragraph may be imposed on failure to pay the fine provided for therein [ ].”

**35.** Article 520 of the said charter, amended by section 26 of chapter 97 of the statutes of 1960/1961, by section 8 of chapter 71 of the statutes of 1964, by section 21 of chapter 84 of the statutes of 1965 (1st session), by section 5 of chapter 90 of the statutes of 1968, by section 4 of chapter 91 of the statutes of 1969, by section 205 of chapter 19 of the statutes of 1971, by section 20 of chapter 96 of the statutes of 1971 and by section 57 of chapter 77 of the statutes of 1973, is again amended:

(a) by replacing the words “in the health office” in the ninth line of paragraph 4 by the words “with the director of the Social Affairs Department”;

(b) by replacing the words “Motor Vehicles Act” in the fourth line of paragraph 19 by the words “Highway Code (Revised Statutes, 1964, chapter 231)”;

(c) by replacing the words “private maternities and hospitals” in the first and second lines of paragraph 27 by the words “day-care centres and other care centres”;

(d) by replacing paragraphs 52 and 53 by the following paragraphs:

“52. Forbid the buying, from a non-trader, of workmen’s tools, bicycles or bicycle parts or accessories, metal pipes or other second-hand metal materials used in the construction of buildings, unless the seller gives the purchaser a certificate from the director of the police department [ ], establishing that such articles belong to him, [and prescribe the period during which such] certificate shall be kept by the purchaser [ ];

“53. Compel [ ] dealers in bicycles to keep [records] of their sales and purchases [and prescribe requirements regarding the keeping of such records, and their disclosure or the issue of extracts from them to the police department;]”;

(e) by replacing, in paragraph 60, the words and figures “sub-paragraph *b* of paragraph 1 of article 168, in article 176, in paragraphs 2, 3 and 4 of article 182 and in article 183” by the words and figures “articles 185 and 193”;

(f) by replacing the words “department of health” in the fourth line of paragraph 81 by the words “Roads Department”.

**36.** Article 521 of the said charter, amended by section 148 of chapter 55 of the statutes of 1972, is again amended:

(a) by replacing paragraph 8 by the following:

“8. License [ ] auctioneers, pawn-brokers, second-hand dealers and dealers in bric-a-brac [and impose requirements on them regarding in particular, the keeping of records relating to their transactions, the disclosure of such records, the issue, within certain delays and in accordance with certain forms, of extracts from such records, the content of such extracts, and the manner of preserving articles that are the object of the above-mentioned transactions];”;

(b) by replacing paragraph 11 by the following:

“11. Regulate or prohibit the [production, printing, distribution,] posting and sale of placards, bills, [handbills,] and photographs [ ]; [permit the seizure and confiscation thereof in the case of infringement; enact that such provisions apply also to any person having participated in the production or printing of such objects outside the territory of the city, when such objects are distributed, posted or sold within its territory];”;

(c) by replacing the word “hackmen” in the first line of paragraph 21 by the words “owners and drivers of horse-drawn vehicles”;

(d) by replacing paragraph 22 by the following:

“22. Authorize and regulate the granting of licences to carters, owners or drivers [of horse-drawn vehicles] and, irrespective of their place of residence, owners of vehicles used in the city for the delivery of produce or goods of any kind; regulate the good government and discipline of the drivers of [horse-drawn vehicles] and fix the price of their services; punish persons who use such vehicles and refuse to pay the fare exigible; [regulate the maintenance and use of horse-drawn vehicles];”;

(e) by replacing paragraph 35 by the following:

“35. Regulate [ ] the days and hours of opening and closing of the establishments or parts of establishments [used as a car-wash].”

**37.** Article 522 of the said charter, amended by section 27 of chapter 97 of the statutes of 1960/1961, section 54 of chapter 59

of the statutes of 1962, section 19 of chapter 70 of the statutes of 1963 (1st session), section 9 of chapter 71 of the statutes of 1964 and section 23 of chapter 86 of the statutes of 1966/1967, is again amended:

(a) by replacing paragraph 5 by the following:

“5. Upon the recommendation of the Housing and City Planning Department and of the executive committee, open, extend or enlarge streets of less than sixty-six feet in width, and ratify the existence thereof in special cases notwithstanding any legislative provisions to the contrary, subject to article [36];”;

(b) by replacing paragraphs 11 and 12 by the following paragraphs:

“11. [In order to ensure the conservation of the public domain and the protection of public utility works, as well as public safety, stipulate requirements relating to various types of excavations and openings made in the public domain; regulate the construction, use and maintenance of sewers, tunnels, drains and other underground works and the installation of manholes.

Prescribe, as a precondition to the right to excavate, the securing of an authorization from the department entrusted with applying the by-law, and the formalities to be filled upon the application for authorization; permit the requesting of such authorization after the commencement of the excavation works, within such delay as it may determine, in foreseeable cases of emergency.

In cases where openings are not made in accordance with the requirements of the by-law, enact that the city may, at the cost of the offenders, carry out the necessary corrective measures to make the openings conform, or fill up the openings and restore the premises to their original condition.

Require, upon the application for authorization and to guarantee all costs incurred by it relating to the works it carries out to fill up a non conforming opening, correct a situation or restore premises, or upon accessory works rendered necessary to repair damage caused to the public domain following an excavation, whether conforming or not, the deposit of an adequate sum in such form and at such tariff as it may provide;]

“12. [In the manner and within the limits provided for in paragraph 11 in respect of excavations in the public domain, establish rules respecting excavations in the private domain;]”;

(c) by replacing paragraph 26 by the following:

“26. Regulate the [gait, speed and parking of horses and horse-drawn vehicles, distinguish between various types of horse-drawn vehicles, designate, with respect to such vehicles, areas within

which they may be driven, prescribe the days, number of hours per day, the hours of the day and periods of the year during which they may operate, prescribe routes, halts, parking places, the requirement in certain cases to return to the starting point, and the places where they are to be put up or garaged, and establish mandatory standards of safety and hygiene in regard to such vehicles, their equipment and the horses;]”;

(*d*) by replacing paragraph 32 by the following:

“32. Regulate or prohibit the playing of games or [ ] amusements on sidewalks, streets, lanes or public places; regulate the use of bicycles and other vehicles; [prescribe the laying out of bicycle paths] upon any street, lane or public place and regulate the construction and use thereof; [for the purposes of traffic on the bicycle paths, prescribe special rules regarding cyclists and bicycles notwithstanding the provisions of the Highway Code (Revised Statutes, 1964, chapter 231) governing turns at intersections;]”.

**33.** Article 524 of the said charter, amended by section 55 of chapter 59 of the statutes of 1962, by section 20 of chapter 70 of the statutes of 1963 (1st session), by section 24 of chapter 86 of the statutes of 1966/1967, by section 7 of chapter 90 of the statutes of 1968, by section 1 of chapter 91 of the statutes of 1968, by section 21 of chapter 96 of the statutes of 1971, by section 4 of chapter 76 of the statutes of 1972 and by section 58 of chapter 77 of the statutes of 1973, is again amended:

(*a*) by adding after subparagraph *b* of paragraph 2, the following paragraph:

“Any occupancy not conformable to the zoning by-laws may continue so long as the acquired rights relating thereto are not abandoned; cessation of activities for a period of six months constitutes abandonment of the acquired rights regarding an occupancy.”;

(*b*) by adding after subparagraph *d* of paragraph 2 the following subparagraph:

“(dd) Notwithstanding any zoning by-law, and on such conditions as it may impose, authorize the issue of permits for the utilization of land or the construction, alteration and occupancy of buildings for the purposes of day-care centres;”;

(*c*) by repealing paragraph 3*a*;

(*d*) by adding the following paragraph:

“18. (*a*) Define “residential building” for the purposes of this paragraph; rule on the examination of any application for the demolition of a residential building in order to determine whether it should be preserved or if it may be demolished, in whole or in part,

having regard to its structural condition, what it would cost to renovate it, its location, its architectural characteristics or the fact that it forms part of a complex; where demolition is authorized, require the prior filing of a new land-use plan and, as it sees fit in each case, the erection on the same site or in any sector where housing is permitted, of dwelling-units in such number and of such area as it may determine; fix the terms and conditions of demolition and rebuilding and require that a guarantee be furnished to ensure compliance with the conditions attached to the authorization to demolish; compel every person who participates in an unlawful demolition to restore the building or the part of a building so demolished; delegate to the executive committee or to any person the exercise of such powers;

(b) Prescribe that such conditions apply to every residential building the demolition of which is imperative in accordance with the by-laws adopted under paragraph 37 of article 520 or paragraph 8 of article 524;

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

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

**39.** Article 524*a* of the said charter, enacted by section 8 of chapter 90 of the statutes of 1968, is repealed.

**40.** The title of Division 6 of Chapter II of Title IX of the said charter is replaced by the following:

"UNHYGIENIC, DANGEROUS OR DILAPIDATED ESTABLISHMENTS".

**41.** Article 525 of the said charter, amended by section 25 of chapter 86 of the statutes of 1966/1967, is again amended by replacing paragraph 7 by the following:

"7. Determine the conditions of occupancy, maintenance [and preservation] of buildings, [distinguish and define classes of buildings]; require, whenever such buildings are decrepit, dilapidated [or deteriorated, due to normal wear, lack of maintenance, abuse or acts of defacement,] the carrying out of restoration, repair

and maintenance works; establish the procedure by which the person whose immovable does not conform to the by-laws is notified of the works to be carried out; determine the time within which such person may lodge an appeal before an arbitration board; form [one or more of such boards and determine their jurisdiction]; authorize the executive committee to pay fees to their members; give such boards authority to confirm, amend or annul the decision of the director of the department which served notice of a failure to conform to the by-laws; provide that such works be the responsibility of the person designated in the notice, notwithstanding paragraph 2b of article 524; in cases where the owner of the immovable refuses to carry out the works, provide that the city may carry them out and recover the cost therefor and, if necessary, make use of the powers held under paragraph 8 of article 524 concerning the registration of a privileged charge on the immovable."

**42.** The said charter is amended by inserting after article 525 the following:

**"525a.** By virtue of a by-law enacted pursuant to paragraph 8 of article 524 or of paragraph 7 of article 525, the executive committee may, by resolution, order the vacating of the building to be demolished or restored, within the delay it fixes and for the period it determines, and order the owner of the said building to pay, within the same delay, to the occupants contemplated by the vacating order, a relocation indemnity not exceeding \$1,000, failing which, after notice to the owner, the city may pay the said indemnity and recover it from the owner, such recovery being secured, after registration, by a privileged charge on the immovable on which the building so vacated is located, of the same nature and rank as a municipal tax."

**43.** Article 527 of the said charter is amended by replacing paragraph 1 by the following:

"1. Organize the sewer system, with the right to use any natural or verbalized stream to discharge therein the purified waters from its purification fields and plants, except that the city shall be responsible for the damage caused; to determine in what manner and on what conditions [, including those relating to its responsibility,] private drains shall be connected with the public sewer, and to oblige proprietors of immovables so connected with the public sewer to pay the cost of repairs made necessary to the paving and to the sidewalk by the construction of private drains; to provide in a general way for the repair and the maintenance of sewers;"

**44.** Article 528 of the said charter, amended by section 56 of chapter 59 of the statutes of 1962, by section 9 of chapter 90 of the statutes of 1968, by section 1 of chapter 92 of the statutes of 1968 and by section 22 of chapter 96 of the statutes of 1971, is again amended by striking out, in the first and second lines of paragraph 6, the words "By the vote of the majority of all its members,".

**45.** Article 536 of the said charter is amended by replacing the first paragraph by the following:

**"536.** The closing of immoveables, houses or premises as provided by paragraph 60 of article 520 shall be ordered by the Municipal Court for a period to be determined by it [of not more than twelve months at a time, upon the report of the director of the police department or of the head of a city department charged with the application of a by-law contemplated in the aforesaid paragraph.]"

**46.** Article 551 of the said charter is replaced by the following:

**"551.** [The rent fixed] under paragraph 13 of article 522 shall be [ ] recoverable by privilege upon the immoveables for the use whereof the occupation of the public grounds has been permitted; such privilege shall be preserved without registration and shall have the same rank as other municipal taxes under the Civil Code.

[The provisions of this charter relating to the collection of taxes on immoveables apply to the collection of such rent.]

If such [rent] is exigible from the Government of Canada, it may be capitalized and commuted by agreement between the latter and the city. The agreements of such nature concluded before 5 March 1915 are ratified and validated."

**47.** Article 557 of the said charter is replaced by the following:

**"557.** Notwithstanding any legislative provision inconsistent herewith, the city, by resolution of the executive committee, may order one-way traffic on its streets [and lanes] and prohibit [ ] the parking of automobiles at certain places which it shall determine.

The council may, for each violation of such resolution, impose the penalty prescribed in article 462, which shall become applicable upon the installation of the traffic signs at the appropriate locations.

Notwithstanding any legislative provision inconsistent herewith, the city, by resolution [of the executive committee], may



prohibit motor-trucks from using the streets [or lanes] or any part of the streets [or lanes] of the city and [the council may] impose, for each violation of such resolution, the penalty provided by article 462.”

**48.** Article 561 of the said charter is amended by replacing the words “by-law, passed by the vote of two-thirds of the members of the council present” in the fifteenth, sixteenth and seventeenth lines by the words “by-law of the council”.

**49.** Article 563 of the said charter, replaced by section 28 of chapter 97 of the statutes of 1960/1961 and amended by section 57 of chapter 59 of the statutes of 1962, by section 11 of chapter 71 of the statutes of 1964, by section 10 of chapter 90 of the statutes of 1968, by section 5 of chapter 91 of the statutes of 1969 and by section 23 of chapter 96 of the statutes of 1971, is again amended by replacing the first paragraph by the following:

**“563.** The territory comprised within the limits hatched in red on the plan [M-355] St. Antoine, prepared by the city’s public works department and dated [2 June 1975], shall be reserved to constitute a public park under the name of Mount Royal Park.”

**50.** Article 573 of the said charter is amended by replacing the second paragraph by the following:

“The salaries of the members of the commission shall be fixed [by resolution of the executive committee.]”

**51.** Article 595 of the said charter, replaced by section 59 of chapter 77 of the statutes of 1973, is again replaced by the following:

**“595.** The annual rentals exigible from the users of such underground conduits shall also include a sum [ ] that may be applied to the superannuation fund which the commission is authorized to establish and for which it shall draw up by-laws, which shall come into force and be executory upon their approval, with or without amendment, by the Régie des services publics. The employees of the commission shall benefit from such superannuation fund and must contribute to it.”

**52.** Article 606 of the said charter is amended by replacing the first paragraph by the following:

**“606.** The city may authorize the issue of [any evidence of indebtedness] [ ] in the manner prescribed in article 750, [ ] to obtain the funds necessary for the expropriation compensation and

for the construction, organization, management and maintenance of its underground conduit system.”

**53.** Section 610*b* of the said charter, enacted by section 21 of chapter 70 of the statutes of 1963 (1st session), is replaced by the following:

“**610*b*.** The council, by by-law, may authorize the executive committee to require, as a precondition to the approval of a subdivision plan, [whether it provides for streets or not], that the owner cede to the [city], for park or playground purposes, an area of land not exceeding [ten] per cent of the land comprised in the plan and situated at a place which, in the opinion of the executive committee, is suitable for the establishment of parks or playgrounds; [ ] or that the owner, instead of ceding such [area] of land, pay a sum not exceeding [ten] per cent of the [actual] value of the land comprised in the plan [, notwithstanding the application of section 21 of the Real Estate Assessment Act (1971, chapter 50)]. The proceeds of such payment must be paid into a special fund which may be used only for the purchase of lands intended for the establishing or equipping of parks and playgrounds [and the lands ceded to the city under this article can only be used for parks and playgrounds. The city may however dispose, for a consideration, of lands it has acquired under this article if they are no longer required for the purposes of establishing parks or playgrounds, and the proceeds must be paid into the said special fund.]”

**54.** Article 611 of the said charter, replaced by section 60 of chapter 59 of the statutes of 1962 and amended by section 29 of chapter 86 of the statutes of 1966/1967, is again replaced by the following:

“**611.** [Notwithstanding any inconsistent provision of a general law or special act, no permit for building, alteration or addition, except for repairs, may be granted for an immoveable from the date of a resolution of the executive committee reserving such immoveable for municipal purposes or of a resolution of the council ordering it expropriated.

Such prohibition shall cease after one year from the date of the resolution, unless proceedings to establish the reserve or to expropriate are commenced before the expiry of such delay.]”

**55.** Article 611*a* of the said charter, enacted by section 26 of chapter 84 of the statutes of 1965 (1st session), is repealed.

**56.** Article 612*a* of the said charter, enacted by section 7 of chapter 76 of the statutes of 1972, is amended by replacing the first and second paragraphs by the following:

**“612a.** The council may, by by-law, approve a plan [or construction or occupancy of one or more buildings or other works under, above or on any area of land, in favour of any person whose title includes the right to construct or occupy buildings thereon, provided that such land has a continuous area of at least eight thousand square meters (8,000 m<sup>2</sup>); the latter condition does not apply] in the case of a project for the erection of educational establishments, hospitals or public administration or public service buildings, of residential buildings under a municipal [or governmental housing programme, or of immoveables classified as cultural property or situated wholly or partly in the protected area of such property.]

A by-law to approve [such] a [ ] plan may subject such approval to any [ ] condition [derogating from a municipal by-law.]

**57.** Article 619 of the said charter, replaced by section 31 of chapter 86 of the statutes of 1966/1967 and amended by section 29 of chapter 96 of the statutes of 1971, is again replaced by the following:

**“619.** The director of finance shall add to the tax collection roll the name which has been omitted of any occupant of premises before homologation of the roll and that of any new occupant after homologation. The amount of the tax is in both cases proportionate to the length of the occupancy during the fiscal year, as it appears on the [valuation commissioner’s] certificate. The same basis shall be used to determine the tax of the occupant of premises entered on the roll at the beginning of the fiscal year who leaves the premises before homologation, and the director of finance shall correct the collection roll according to the length of occupancy, as indicated on the [valuation commissioner’s] certificate.”

**58.** Article 621 of the said charter, amended by section 32 of chapter 86 of the statutes of 1966/1967, by section 12 of chapter 90 of the statutes of 1968, by section 30 of chapter 96 of the statutes of 1971 and by section 61 of chapter 77 of the statutes of 1973, is again amended by replacing the first and second paragraphs by the following:

**“621.** If, in the course of a fiscal year a person subject to the payment of a water or service tax in virtue of the tax roll, leaves premises to occupy others, such person shall not be held to pay a new water or service tax due to the occupancy of the latter, unless the rental value of the new premises be higher than that of the former; in that case, such person shall pay the difference between the assessed annual rental value of the two premises from the date of occupancy of the new premises to the end of the

fiscal year, in accordance with the certificate of the [valuation commissioner] which shall be deemed to be part of such roll.

However, if he leaves the premises after the homologation of the roll and has not ceded his rights according to article 620, or is not in the case provided in the first paragraph of this article, he shall be entitled to a refund or credit, as the case may be, from the date of leaving the premises assessed until the end of the current fiscal year. The director of finance shall determine[ ] the required changes [to the collection roll of personal taxes in accordance with the valuation commissioner's certificate.]”

**59.** Article 627 of the said charter is repealed.

**60.** Article 628 of the said charter, replaced by section 8 of chapter 76 of the statutes of 1972, amended by section 162 of chapter 49 of the statutes of 1972, by section 4 of chapter 76 of the statutes of 1973, and by section 62 of chapter 77 of the statutes of 1973, is replaced by the following articles:

**“628.** Notwithstanding any by-law, contract, resolution or act inconsistent with this article, the city may, before 1 March each year, reach an agreement with each of the [cities of] Westmount, Côte Saint-Luc and Outremont and [Ville Saint-Pierre] to determine the price for supplying water in the territory of such [cities and such town]; failing such an agreement, that price is determined by the Commission municipale du Québec before the next 1 April.

Each of [such cities and such town] may, by resolution of its council, opt to pay in future directly to the city, on 1 February of each fiscal year of the latter, the price of supplying water in its territory, including water measured by meter, to users. Such option must be made and notice thereof served on the city on or before 1 November preceding the beginning of such fiscal year in order to apply and cannot thereafter be changed without the express consent of the city.

Each of such cities and such town which opts, in accordance with the second paragraph, to pay directly to the city, in future, the price of supplying water in its territory, is authorized to charge the users of the waterworks service in its territory the price of the water furnished to them, measured by meter or not, at the rate fixed by its council at the adoption of its annual budget, and may base such price on the real estate value of the buildings, their rental value or, in the case of a building provided with a regulation meter, on the quantity of water used, and may fix a different price from that charged to it by the city, at the mere discretion of the council of each of such cities and such town.

Furthermore, the conditions governing the supplying of water by the city in its territory must be the same for the cities of Westmount and Outremont.

In any other respect, the contracts existing, as regards the cities of Outremont and Westmount, on 11 April 1935, continue in force except that the city is exempted from paying [such two cities] any amount under those contracts.

Subject to the first paragraph, the contract made between the city and the city of Côte Saint-Luc under chapter 103 of the statutes of 1952/1953 shall continue to be in force but the city must install, within a delay fixed by the Commission municipale du Québec, meters to measure the quantity of water supplied to the territory of the city of Côte Saint-Luc.

Following the installation of such meters, the price of water in the territory of the cities of Côte Saint-Luc may be based on the quantity of water supplied or on the criteria provided in section 3 of chapter 103 of the statutes of 1952/1953.

**“628a.** Subject to article 628, the city may impose and collect each year a tax for supplying water in Ville Saint-Pierre and all the by-laws of the city respecting waterworks and the imposition and collection of the water tax apply to the territory of Ville Saint-Pierre, from their passing.

The jurisdiction of the Municipal Court shall be, for such purpose, extended to the territory of Ville Saint-Pierre.”

**61.** Article 629 of the said charter is repealed.

**62.** The said charter is amended by inserting after article 638 the following:

**“638a.** The city shall be exempt from the application of any provision of the Public Health Protection Act (1972, chapter 42) relating to the fluoridation of drinking water.”

**63.** Article 639 of the said charter, replaced by section 63 of chapter 77 of the statutes of 1973, is again amended by replacing subsections 2 and 3 by the following subsections:

“(2) The city may, when it considers that public health so requires,

(a) order the construction of sewers in any private street [ ] and apportion the cost thereof on the [bordering] proprietors, as if it concerned a public street;

(b) order the construction of sewers in any projected street [ ] not yet open to public traffic and apportion the cost thereof

on the proprietors, in the same manner as a street [ ] open to the public.

“(3) For the purposes of this article and of articles 640, [ ] 641, [642 and 643,] the word “sewer” does not include collector and tributary sewers and the word “street” includes the streets, private or public lanes or lanes made public, public places, existing or projected.”

**64.** Article 640 of the said charter, replaced by section 64 of chapter 77 of the statutes of 1973, is again replaced by the following:

**“640.** [The city may apportion among the bordering proprietors the cost of construction of the sewers which it must build. Where] the construction cost of [sewers] is charged to bordering proprietors, [ ] it shall be [apportioned in proportion to the number of feet of frontage of their respective immoveables,] according to the uniform rate determined in the manner provided in article [642].

The city shall pay, in accordance with article 693, the [share] of the cost of construction of a sewer [not] charged to the bordering proprietors.”

**65.** Article 640a of the said charter, enacted by section 64 of chapter 77 of the statutes of 1973, is repealed.

**66.** Article 641 of the said charter, replaced by section 65 of chapter 77 of the statutes of 1973, is again replaced by the following articles:

**“641.** [In the case of a lot whose front and rear border on a sewer, the executive committee is authorized to impose on the frontage the full amount of the sewer tax; respecting the rear, if it is not connected with the sewer situated there, the cost of the latter shall be payable according to article 693.]

**“642.** By by-law adopted during the month of March of each year on report of the executive committee, and according to the average cost obtained in the manner indicated in article 643, the council shall determine the uniform rate per linear foot at which the cost of sewers is charged to the bordering proprietors pursuant to article 640.

Such cost is payable cash or in ten annual payments.

**“643.** The director of the public works department shall, before 1 March each year, furnish to the executive committee the following information:

(1) The total cost of the sewers the construction of which has been finally or provisionally approved during a period of three consecutive years ending on the preceding 30 October;

(2) The length in feet of all lots bordering on the streets or parts of streets where such sewers have been constructed and which they are meant to serve;

(3) The average cost per linear foot obtained by dividing the total cost mentioned in paragraph 1 by the measure of length established in paragraph 2."

**67.** Article 650 of the said charter is replaced by the following:

**"650.** The civic fiscal year shall begin on 1 May and terminate on the following 30 April; all taxes [ ] shall be imposed and levied for each fiscal year, [except the school tax, which shall be levied for the school year from 1 July to the following 30 June.] The city may, by by-law, fix the date when [such taxes] shall become due."

**68.** Article 664 of the said charter is amended by replacing paragraph *d* by the following:

"*d.* unforeseen expenses of administration which the executive committee may authorize according to circumstances, the aggregate amount of which shall not exceed [twenty-five per cent of the said "Appropriation for Contingent Expenditures"] without the approval of the council."

**69.** Article 673 of the said charter is amended:

(*a*) by striking out the words "by the vote of two-thirds of the members present" in the third and fourth lines;

(*b*) by striking out the words "by the same vote" in the sixth line.

**70.** Article 674*a* of the said charter, enacted by section 7 of chapter 91 of the statutes of 1969, is amended by adding the following paragraph:

"Subject to any provisions of law, or of any by-law, ordinance, contract or agreement that may fix at another date the exigibility of the sums due to the city, all sums due to the city are payable and exigible thirty days after the sending of the account of the city."

**71.** Article 691 of the said charter is repealed.

**72.** Article 692 of the said charter, replaced by section 40 of chapter 97 of the statutes of 1960/1961, is again replaced by the following:

**“692.** The share of the proprietors in the cost of expropriations and of the construction of permanent pavings, permanent sidewalks, sewers and other improvements shall be financed [ ] out of the loans contracted for the purposes of article 690, [which shall be] repaid by means of assessments [paid] to such fund.”

**73.** Article 693 of the said charter, replaced by section 41 of chapter 97 of the statutes of 1960/1961, is again replaced by the following:

**“693.** The share of the city in the cost of expropriations and of the construction of permanent pavings, permanent sidewalks, sewers and other improvements, shall be financed

(a) out of [appropriations] voted in the budget for the fiscal year in which the improvement is authorized; or

(b) out of loans contracted for the purposes of article 690.

In [such] latter case, such share shall be reimbursed within the term fixed by the council on the report of the executive committee. Such term however shall not exceed twenty years and shall begin to run from 1 October following the calendar year of the homologation of the roll.

In all cases where the term of reimbursement of the share of the city, as a result of the provisions of the charter then in force, has been established over a period of five years or less, the non-amortized balance shall be reimbursed as from 1 October 1961 over the period remaining to complete twenty years.”

**74.** Article 696 of the said charter is replaced by the following:

**“696.** Interest on the cost of any local improvement or on the unrepaid portion of such cost shall be charged each year to the account of such improvement, at the rate [fixed annually by the council for each fiscal year at the adoption of the budget.]”

**75.** Articles 701 and 703 to 707 of the said charter are repealed.

**76.** Article 710 of the said charter is replaced by the following:

**“710.** The executive committee shall not transfer the appropriations voted under one chapter of the budget to another chapter



except with the approval of the council, after having obtained the written opinions of the heads of the departments concerned; however, the executive committee may transfer, in whole or in part, to any other chapter of the budget, the appropriation for “unforeseen expenses of administration” [under the chapter “Appropriations for Contingent Expenditures” and the appropriations under “Appropriations for General Expenses of Administration Placed at the Disposal of the Executive Committee”.]

**77.** Article 718 of the said charter is amended by replacing the word “funds” in the seventh line by the word “appropriations”.

**78.** Article 719 of the said charter is amended by replacing the word “funds” in the first line by the word “appropriations”.

**79.** Article 721 of the said charter is amended by replacing the first paragraph by the following:

**“721.** The city, within the limits of its jurisdiction, may make contracts or agreements extending over more than one year and entailing an expenditure chargeable against revenue of a subsequent fiscal year, provided that they are authorized by [ ] the council [ ], on a recommendation of the executive committee, and approved by the Commission municipale du Québec.”

**80.** Article 723 of the said charter is amended by replacing the word “funds” in the tenth line of the first paragraph by the words “appropriations available and voted”.

**81.** Article 727 of the said charter is replaced by the following:

**“727.** The director of finance shall see that no indebtedness incurred during a fiscal year is charged to the appropriations made for a subsequent fiscal year or paid out of such appropriations, unless the council [ ] decides that such indebtedness may be so charged and paid.”

**82.** Article 731 of the said charter is repealed.

**83.** Article 732 of the said charter is replaced by the following:

**“732.** The auditor of the city shall make the audit [required] and shall discharge all the other duties imposed on him, [in accordance with the law and the] by-laws.”

**84.** Article 733 of the said charter is replaced by the following:

**“733.** [Where, in the performance of his duties, the auditor establishes that] the executive committee or the council makes a decision contrary to [law, he] shall make a report thereof [in accordance with the mode prescribed by the law and the regulations which govern him.

No civil proceeding shall be instituted by reason or as a consequence of the publication of the report of the city auditor under the law, or the publication in good faith of an extract or summary of such a report.

The city shall protect and hold harmless the auditor against any claim or conviction exercised or executed against him, in capital, interest and costs, and against any lawyer’s or expert’s fees incumbent on him, in all cases where such claim, conviction or costs or fees result from the exercise of his office or the performance of his duties, in accordance with the law and the regulations.]”

**85.** Article 744 of the said charter is repealed.

**86.** Article 745 of the said charter is replaced by the following:

**“745.** Subject to the provisions of by-law 1735, the city [ ] may authorize the issuance of new [evidences of indebtedness] to pay off any existing loan at maturity.”

**87.** Article 746 of the said charter is replaced by the following:

**“746.** The city may, by resolution of the council [ ], borrow temporarily the sums it requires in anticipation of the collection

(a) of the revenue for the current fiscal year;

(b) of arrears of taxes and other dues, including the water rate.

Such loans shall be redeemed out of the proceeds of such collection.”

**88.** Article 746a of the said charter, enacted by section 26 of chapter 70 of the statutes of 1970, is replaced by the following:

**“746a.** The city may, by resolution of the council [ ], borrow, for a term not exceeding four years, the sums required to defray the cost of the expenses involved in holding a general election.”

**89.** Article 747 of the said charter is repealed.

**90.** Article 750 of the said charter is replaced by the following:

**“750.** The city may effect its loans by means of an issue of [evidences of indebtedness] and dispose of them at the best price offered. Such [securities] may be issued in currency of any country [ ].

[These evidences of indebtedness may be reimbursed in a single payment, in series or out of a sinking-fund.

The city may also create a general sinking-fund for purposes of total or partial redemption of the evidences of indebtedness issued by it.]”

**91.** Article 752 of the said charter, amended by section 15 of chapter 90 of the statutes of 1968, is replaced by the following:

**“752.** Notwithstanding the terms of the by-laws authorizing the same, the city may effect loans and issue [any evidence of indebtedness] payable in Canada or outside of Canada.

It may agree to refund the capital and to pay the interest on such loans [and securities therefor] in one or more countries and in the currency of any country and for such purpose it may establish the basis of the rate of exchange.

Whenever the city contracts a loan repayable in legal currency of a foreign country, and a tax is imposed by the law in Canada, the executive committee may, upon a report of the director of finance, order that the city shall pay, in respect of such loan for the account of the bearer or holder of all [securities] issued by the city and so repayable, the amount of any tax deducted at the source in connection with the payment to non-residents of the principal, interest or premium, and solely because of the holding of the said [securities] in order that the amount paid by the city to the said bearer or holder be equal to the full amount of the principal, interest or premium stipulated in such [securities].”

**92.** Article 753 of the said charter is replaced by the following:

**“753.** When the city is authorized, by by-law, to borrow a certain amount by the issue of [evidences of indebtedness] either in legal currency of Canada, or of one or more foreign countries, the total amount of the loan thus authorized shall be that expressed in legal currency of Canada.

The amount of each loan made under such by-law by an issue of [evidences of indebtedness] in legal currency of a foreign country

shall be determined in relation to the total amount authorized by the by-law by multiplying the principal amount of the issue, expressed in the currency of such foreign country, by the market value in Canadian dollars of the unit of such country on the day of the delivery against payment of such [evidences of indebtedness].

The provisions of this article shall also be applicable to the loans to be contracted under by-laws in force at the date of 5 March 1959."

**93.** Article 754 of the said charter is replaced by the following:

**"754.** The amount of the discount on the sale of any issue provided for in article 750 shall be added to the cost of the expropriations, or municipal works, or other expenses to be paid out of the proceeds from the sale of such issue.

The word "discount" shall designate the difference between the sale price by the city of [its evidences of indebtedness and their nominal value.] The provisions of this article take effect as from the first of February, 1959."

**94.** Article 755 of the said charter is replaced by the following:

**"755.** The [evidences of indebtedness] issued [by the city] for short or long term loans shall be signed by the mayor [or by a person authorized in accordance with section 67,] and by the director of finance [ ].

The signature of the mayor [or of the person authorized under section 67], as the case may be, may, upon authorization by the council on a report from the executive committee, be lithographed, [printed or otherwise reproduced on such evidences of indebtedness.

Where the evidences of indebtedness of the city must bear the seal of the Ministère des affaires municipales and the certificate of the Ministre des affaires municipales or of a person specially authorized by him, in accordance with the Municipal and School Debt and Loan Act, such seal and the signature on the certificate may be lithographed, printed or otherwise reproduced.]"

**95.** Article 756 of the said charter, amended by section 16 of chapter 90 and section 7 of chapter 92 of the statutes of 1968, is replaced by the following:

**"756.** Notwithstanding any other legislative provision, the city shall at its discretion [determine] the rates of interest, [fixed or variable], on its loans.

The council has and has always had the power to delegate to the executive committee, by by-law, the right to fix rates of interest on the loans authorized by the council, and the dates of maturity of such loans, the right to determine the other conditions of the [evidences of indebtedness] issued or to be issued, the right to designate any place inside or outside the country where a register may be kept for the registration or transfer of the securities above-mentioned and the persons authorized to keep the same, and the right to determine the conditions of issue and sale thereof, and the right to dispose of such securities.”

**96.** Article 758 of the said charter is amended by replacing the word “obligatoire” in the sixth line of the first paragraph of the French text by the word “obligataire”.

**97.** Article 759 of the said charter is replaced by the following:

“**759.** [Article 750 applies to a loan effected in order to] replace or renew a long term loan; [however, the total term of such loans must not exceed fifty years.]”

**98.** Article 760 of the said charter is replaced by the following:

“**760.** When the city purchases its own [evidences of indebtedness] bearing interest coupons to invest them in its sinking fund, it may [ ] cancel such [securities] and replace them by the issue of a single [security], without coupons, registered in the name of the director of finance in trust for [the purposes of] the sinking fund.”

**99.** Article 761 of the said charter is replaced by the following:

“**761.** The director of finance, with the [approval of the executive committee], may destroy in the presence of the auditor [any evidence of indebtedness] redeemed [or replaced] by the city.

Such officers shall draw up an official report of their proceedings in which they shall describe such securities; they shall sign such report and deposit it in the office of the city notary who shall keep it in his minutes.

[For these purposes, the director of finance and the auditor may, in writing, authorize persons to represent them.]”

**100.** Article 764 of the said charter is replaced by the following:

**“764.** The city, with the consent of the [ ] holders [of evidences of indebtedness, or without that consent if the loan agreement contains a clause to that effect], may redeem before maturity or convert the whole or any portion of such [evidences of indebtedness]. For that purpose it may issue new [evidences of indebtedness] for a term not exceeding forty years from the date of issue. Such new [evidences of indebtedness] may be [repayable] in a single payment, in series or out of a sinking-fund.]”

**101.** Article 765 of the said charter is replaced by the following:

**“765.** The city may effect temporary loans at such rate of interest as it may fix to redeem the [evidences of indebtedness] then outstanding. [Such temporary loans] shall be subject to all the provisions of the charter [related thereto and the proceeds of these loans must be used to redeem the evidences of indebtedness then outstanding.]”

**102.** Article 766 of the said charter is replaced by the following:

**“766.** The new [evidences of indebtedness] issued in virtue of articles 764 and 765 shall be deemed to be issued in replacement or reimbursement of the [evidences of indebtedness] redeemed or converted and to form part of the original loan or indebtedness.”

**103.** Article 767 of the said charter is repealed.

**104.** Article 773 of the said charter is amended by replacing the word “assessor” in the second line by the words “city clerk”.

**105.** Article 776 of the said charter, replaced by section 34 of chapter 86 of the statutes of 1966/1967 and amended by section 16 of chapter 52 of the statutes of 1976, is again replaced by the following:

**“776.** [Subject to the Real Estate Assessment Act (1971, chapter 50),] the city, by by-law, may impose, levy and collect annually on the taxable immoveables situated within the limits of its territory real estate taxes [based on the value of those immoveables entered on the valuation roll in force on 1 May at rates or graduated scales of rates fixed by the council for various categories of immoveables and various levels of valuation.]

Such taxes [ ] shall be secured by privilege upon such immoveables and the owners shall be personally liable therefor.”

**106.** Article 779 of the said charter, amended by section 32 of chapter 84 of the statutes of 1965 (1st session), is again amended by striking out the third paragraph.

**107.** Articles 780 to 787 of the said charter are repealed.

**108.** Article 787*a* of the said charter, replaced by section 33 of chapter 84 of the statutes of 1965 (1st session) and amended by section 15 of chapter 76 of the statutes of 1972, is again replaced by the following:

**“787*a*.** The council may, by by-law, on such conditions and in such sectors of the city as it shall determine, order that the city grant a subsidy for the restoration of any residential building deemed not in conformity with the standards of habitability prescribed by the municipal by-laws in force.

The amount of the said subsidy shall not [ ] exceed [fifty] per cent of the actual cost of the restoration work [ ].”

**109.** Article 787*d* of the said charter, enacted by section 33 of chapter 84 of the statutes of 1965 (1st session), is replaced by the following:

**“787*d*.** The council may, by by-law, on such conditions and in such sectors of the city as it shall determine, order that the city grant a subsidy [ ] for [the] demolition [and] clearing of main residential buildings or accessory buildings deemed unfit for their intended purpose.

The amount of such subsidy shall not, in any case, exceed the actual cost of the [demolition and clearing] work.”

**110.** Article 796 of the said charter, replaced by section 36 of chapter 86 of the statutes of 1966/1967 and amended by section 38 of chapter 96 of the statutes of 1971, is again amended by replacing the first paragraph by the following:

**“796.** The director of finance shall add to the tax collection roll the name which had been omitted of any occupant of a place of business before homologation of the roll and that of any new occupant after homologation. The amount of the tax in both cases is proportionate to the period of occupancy during the fiscal year, as it appears on the certificate [of the valuation commissioner]. The same basis shall be used to determine the tax of the occupant of premises entered on the roll at the beginning of the fiscal year who leaves the premises before homologation, and the director of finance shall correct the tax collection roll according to the period of the occupancy, as indicated on the certificate [of the valuation commissioner.]”

**111.** Article 797 of the said charter, amended by section 37 of chapter 86 of the statutes of 1966/1967 and by section 39 of chapter 96 of the statutes of 1971, is again amended by replacing the second paragraph by the following:

“However, if he leaves premises after the homologation of the roll and has not ceded his rights according to article 796, or is not in the case provided for in the first paragraph, he shall be entitled to a refund or credit from the date of leaving the premises assessed until the end of the current fiscal year. The director of finance shall determine [ ] the required changes [in the collection roll of personal taxes in accordance with the certificate of the valuation commissioner.]”

**112.** Article 801 of the said charter, amended by section 36 of chapter 84 of the statutes of 1965 (1st session) and by section 8 of chapter 91 of the statutes of 1969, is again amended:

(a) by striking out the words “by a vote of two-thirds of the members present” in the second and third lines;

(b) by replacing paragraph 2 by the following:

“2. [The owners of horses and horse-drawn vehicles, for each horse and each vehicle, and the drivers of such vehicles;]”.

**113.** Article 803 of the said charter, amended by section 9 of chapter 91 of the statutes of 1969, is again amended:

(a) by striking out the words “by the vote of two-thirds of the members present” in the second and third lines;

(b) by striking out paragraph *a*;

(c) by replacing paragraph *w* by the following:

“(w) the operation of [parking grounds] for [ ] motor vehicles.”

**114.** Article 816 of the said charter is replaced by the following:

“**816.** When a municipal by-law imposing a licence or permit provides for a fine or other penalty for infringement, the city may [ ] take penal proceedings [and, in recovery of the tax being the object of the licence or permit], civil proceedings, even when the name of the [defendant] does not appear on any roll.”

**115.** Articles 818, 819, 824, 825, 827 to 829, 831, 832 and 835 to 839 of the said charter are repealed.

**116.** Article 842 of the said charter is amended by replacing the words “any tax imposed” in the first and second lines of the second paragraph by the words “the rent fixed”.



**117.** Articles 843, 844, 845 and 848 of the said charter are repealed.

**118.** Article 849 of the said charter, replaced by section 40 of chapter 86 of the statutes of 1966/1967, is again replaced by the following:

**“849.** [Immediately upon the completion of the personal tax collection roll for the current fiscal year, the director of finance shall give public notice thereof according to Form 31; such roll shall then come into force without further formality and become binding on all the persons entered thereon.]”

**119.** Article 849*a* of the said charter is repealed.

**120.** Article 850 of the said charter, amended by section 34 of chapter 70 of the statutes of 1963 (1st session), by section 41 of chapter 86 of the statutes of 1966/1967 and by section 44 of chapter 96 of the statutes of 1971, is again amended by striking out the second, third, fourth and fifth paragraphs.

**121.** Articles 851, 854, 854*a* and 856 to 876 of the said charter are repealed.

**122.** Article 881 of the said charter, replaced by section 72 of chapter 59 of the statutes of 1962, is again replaced by the following:

**“881.** The city shall have until the end of the current fiscal year and during the following six months a privilege for the personal taxes for such fiscal year on the moveable property, goods and effects found in [any] business establishment [entered on the roll], so long as they [are used for furnishing] the premises assessed, even if they change owners [during that period].”

**123.** Article 882 of the said charter is amended by replacing the words “s’étendent” in the ninth line of the French text by the words “s’étend”.

**124.** Article 883 of the said charter is replaced by the following:

**“883.** Failing payment when due of taxes payable by a ratepayer, the director of finance, after delivering or sending by registered mail a notice in accordance with Form 32, may, at the expiration of the delay mentioned in such notice, recover the amount thereof with interest and costs by means of a writ obtained from the Municipal Court and in accordance with Form 33, au-

thorizing the seizure and sale of the moveable goods and effects [ ] subject to the privilege securing such taxes [ ], with the exception of property declared unseizable by the Code of Civil Procedure.”

**125.** Article 896 of the said charter is replaced by the following:

**“896.** [At the adjudication of immoveables sold separately or in a block, the highest bidder shall pay to the officer conducting the sale, either in money or by certified cheque, an amount fixed by the sheriff, which must be equal to at least twenty-five per cent of the value entered on the assessment roll; if the amount of the adjudication represents less than twenty-five percent of such value, the payment required must be equal to the amount of the adjudication.

Failing the payment provided for in the first paragraph of this article, the officer shall cancel the adjudication and shall immediately re-offer the immoveable for sale, on the same conditions; if the immoveable is adjudged at a price less than that offered by the bidder in default, the latter shall be liable to payment of the difference.

The officer, after cancelling the adjudication, may terminate the sale and, in such case, the costs for new notices shall be at the expense of the bidder in default. Furthermore, the latter bidder shall remain accountable for the difference if the new adjudication is made at a price less than that offered by him at the preceding bidding.

It shall not be an effect of this article to deprive the city of any other recourse to which it may be entitled under the law.]”

**126.** Article 910 of the said act is replaced by the following:

**“910.** Notwithstanding any inconsistent legislative provision [of any general law or special act], the director of finance may take before the court of primary jurisdiction, [without any authorization], all proceedings he may deem expedient to collect the taxes and dues [ ] owed to the city.

[For that purpose, he may sign any procedural document required and act before the Municipal Court in the name of the city except where the proceedings are contested.]”

**127.** Article 913 of the said charter is repealed.

**128.** The said charter is amended by adding, after article 913, the following article:

**"913a.** The valuation roll and the roll of rental values prepared by the valuation commissioner in conformity with the Real Estate Assessment Act and the regulations thereunder may, for all legal purposes, be retranscribed and kept in any manner prescribed by resolution of the executive committee. The valuation rolls and the local improvement rolls may be prepared and kept in the same manner.

Before coming into force, the resolution must be approved by the Ministre des affaires municipales."

**129.** Article 955 of the said charter is amended by replacing the first, second, third, fourth, fifth and sixth lines by the following:

**"955.** The city may, even without previous application from the proprietors or other interested parties,".

**130.** Article 958a of the said charter, enacted by section 48 of chapter 84 of the statutes of 1965 (1st session), is replaced by the following:

**"958a.** The city, [under the terms of a by-law respecting signs, billboards and similar objects, may: (1) require that any such object not in conformity with the by-law be removed or made to conform therewith within such delay as it may fix, which must be of at least five years; (2) enact that, on failure to comply with such requirement, it will itself remove the object at the end of the prescribed delay, without prejudice to its right to do so immediately at any time in such cases of urgency as it may determine in the interests of public safety.]"

**131.** Article 964b of the said charter, enacted by section 70 of chapter 77 of the statutes of 1973, is amended by replacing the second paragraph by the following paragraphs:

"The city may [ ] lease, administer [and restore the buildings erected on the] immoveables acquired under the first paragraph [and erect new buildings for housing thereon]. It may [ ] alienate them on the conditions it determines with the approval of the Commission municipale du Québec, provided the price of alienation is sufficient to cover all expenses for the immoveable concerned.

[The city may borrow the sums necessary and request the grants provided for by law for the purpose of exercising the powers mentioned in the first and second paragraphs.

Upon petition by the city, the Lieutenant-Governor may issue, on such conditions as are therein set out, letters patent under the Great Seal of the Province incorporating any person as a non-profit corporation for the purposes of acquiring buildings for the housing

of persons or families other than those of low or moderate income as contemplated in section 55 of the Québec Housing Corporation Act (1966/1967, chapter 55), and of exercising the other powers granted to the city by this article.

The petition shall mention the name of the new corporation, the location of its head office, its powers, rights and privileges, the rules of exercise of its powers and the appointment of its members or sole member and of its directors. The name of such corporation shall indicate that it is a municipal housing corporation.

Notice of the issuing of such letters patent shall be published in the *Gazette officielle du Québec*.

A corporation so constituted shall have, among other powers, those of a corporation constituted by letters patent under the Great Seal of the Province and shall be an agent of the city.]”

**132.** Article 966 of the said charter, amended by section 55 of chapter 97 of the statutes of 1960/1961 and by section 78 of chapter 59 of the statutes of 1962, is amended by adding the following paragraphs:

“[Notwithstanding the Expropriation Act (1973, chapter 38), the city becomes the sole holder of the servitudes mentioned in this article upon deposit in the registration office:

(a) of the expropriation notice;

(b) of a plan and technical description, both signed by a land-surveyor, describing the servitude;

(c) of a certificate of the director of finance certifying that he has paid to the expropriated party, has offered him or has deposited for him in conformity with the law, an amount representing the value of the servitude as fixed by the director of the real estate department.

This article shall not prevent the expropriated party from claiming before the Expropriation Tribunal an indemnity higher than that amount.]”

**133.** Article 968 of the said charter, replaced by section 47 of chapter 96 of the statutes of 1971, is again replaced by the following:

“**968.** [Every] immoveable owned by the city [shall be] considered to belong to an individual for the purposes of [drawing up an] apportionment [roll following expropriation, and the value of such immoveable shall be determined in a certificate of the director of the real estate department.]”

**134.** Article 973 of the said charter, replaced by section 49 of chapter 96 of the statutes of 1971, is again replaced by the following:

**“973.** [The council, on the basis of such scale as it may determine and on such terms and conditions as it may fix by resolution, may authorize the payment of indemnities to residential tenants evicted upon the acquisition of an immoveable by the city.

This article shall not prevent tenants from exercising their rights under any other act to obtain indemnities higher than those on the scale.]”

**135.** Article 999 of the said charter, amended by section 53 of chapter 84 of the statutes of 1965 (1st session), is replaced by the following:

**“999.** No indemnity or damages shall be allowed for buildings erected or improvements made upon an immoveable [after the adoption by the executive committee of the resolution reserving such immoveable for municipal purposes or] after the adoption by the council of the resolution ordering the expropriation thereof [except for repairs] made under the permit provided for in article [611].”

**136.** The said charter is amended by inserting, after article 1012, the following article:

**“1012a.** Where the city carries out a transaction with a person whose immoveable is, in part, subject to a decree of acquisition and the amount paid to that person does not exceed five hundred dollars, every hypothec, privilege and other charge encumbering that part of the immoveable shall be cleared upon mere registration of the title of the city, and the registrar must cancel every hypothec, privilege and other charge on that immoveable.

This article applies where a servitude is acquired.”

**137.** Article 1015 of the said charter, replaced by section 71 of chapter 77 of the statutes of 1973, is again replaced by the following:

**“1015.** [The city may apportion among the bordering proprietors the cost of construction or maintenance of the sidewalks it must construct or maintain.

Where the cost of construction or maintenance of sidewalks in any street, square or public place is charged to the bordering proprietors, it shall be apportioned proportionately to the number of

feet of frontage of their respective immoveables, in accordance with the rate determined according to article 1015c.

The city shall pay, according to article 693, that portion of the cost of construction of any sidewalk that cannot be charged to a bordering proprietor.]”

**138.** Article 1015a of the said charter, enacted by section 28 of chapter 90 of the statutes of 1968, is replaced by the following:

“**1015a.** When a report of the director of the public works department establishes that a proprietor is already assessed for a sidewalk [ ] in proportion to the frontage of his immoveable, the executive committee may order that the cost of the sidewalk [ ] at the rear of the same immoveable be payable by the city in whole or in such proportion as the committee may determine, in accordance with article 693.”

**139.** Articles 1015b and 1015c of the said charter, enacted by section 72 of chapter 77 of the statutes of 1973, are replaced by the following articles:

“**1015b.** The cost of construction and [maintenance] of a curb may be charged by a special assessment [ ].

“**1015c.** By a by-law adopted during the month of March each year on a report of the executive committee, and proportionately to the average cost computed in the manner indicated in article 1016, the council shall determine the uniform rate per square yard at which the cost of sidewalks [ ] is charged to bordering proprietors pursuant to article 1015.

The proportional cost charged to each bordering proprietor shall be the amount obtained by multiplying the uniform rate per square yard determined under this article by the area of the sidewalk, the latter being obtained by multiplying the number of feet of frontage of the land of each of the bordering proprietors, less the [exemptions provided for in this charter], by the mean width of the sidewalk or section of sidewalk built [ ].

[That cost is payable cash or in ten annual instalments.]”

**140.** Article 1016 of the said charter, replaced by section 73 of chapter 77 of the statutes of 1973, is again replaced by the following:

“**1016.** Before 1 March each year the director of the public works department shall submit the following information to the executive committee:

(1) the total cost of the sidewalks whose construction [ ] was temporarily [ ] approved within [a period of three consecutive] years [ending on the preceding 31 December]; that cost shall not include accessory expenses not directly related to sidewalks, such as the change of a water or gas main or any similar works;

(2) the area in square yards of the sidewalks [ ];

(3) the average cost per square yard obtained by dividing the total cost mentioned in paragraph 1 by the area established under paragraph 2.”

**141.** Article 1017 of the said charter is repealed.

**142.** Article 1018 of the said charter, replaced by section 74 of chapter 77 of the statutes of 1973, is again replaced by the following:

**“1018.** The cost [of laying] paving [ ] on streets, [private or public] lanes and public places [must] be charged to the bordering proprietors proportionately to the number of frontage feet of their respective immoveables, [at a uniform rate per square yard determined in the manner provided for in articles 1018*a* and following], and includes all expenses relating to [ ] paving, especially levelling, [drains], man holes, curbs, [relocation] of poles, hydrants and other works, expenses for technical surveys and expenses for inspection and supervision [; it also includes all] general management expenses not exceeding ten per cent of the total of the expenses listed in this article.

[In the case of the paving of a lane, the cost includes lighting and underground electrical conduits and all related works.

Paving may be assessed only once among the bordering proprietors; the] cost is payable cash or in twenty annual instalments.

[The city shall pay, in accordance with article 693, the balance of the cost charged to bordering proprietors under this article.]”

**143.** Article 1018*a* of the said charter, enacted by section 74 of chapter 77 of the statutes of 1973, is amended by replacing the second paragraph by the following:

“The proportional cost charged to each bordering proprietor shall be the amount obtained by multiplying the uniform rate per square yard, [determined under this article,] by the area of the [paving, being the product of the number of frontage feet of the land of each of the bordering proprietors, less the exemptions provided for in this charter, by one-half of] the average width of the street, lane or public place or portion of a street, lane or public place on which the paving is done [ ].”

**144.** Article 1018*b* of the said charter, enacted by section 74 of chapter 77 of the statutes of 1973, is replaced by the following:

**“1018*b*.** Before 1 March each year the director of the public works department shall submit the following information to the executive committee:

(1) the total cost of the paving whose laying [ ] has been provisionally [ ] approved [during a period of] three [consecutive] years [ending on the preceding 31 December];

(2) the area in square yards of that paving;

(3) the average cost per square yard obtained by dividing the total cost by the number of square yards.”

**145.** Article 1019 of the said charter, amended by section 31 of chapter 90 of the statutes of 1968, by section 15 of chapter 91 of the statutes of 1969 and by section 75 of chapter 77 of the statutes of 1973, is again amended by striking out paragraphs *c* and *d*.

**146.** Article 1020 of the said charter, enacted by section 76 of chapter 77 of the statutes of 1973, is replaced by the following articles:

**“1020.** [Where a report of the director of the public works department establishes that a proprietor is assessed for paving proportionately to the frontage of his immoveable, the executive committee may order that the cost of the paving at the rear of the same lot shall be payable by the city in whole or in such proportion as the committee may determine, in accordance with article 693.]

**“1021.** [If the director of the public works department recommends the paving of a public or private lane and finds that such paving will be useful for the bordering proprietors of only one side of the lane, the council may exempt the bordering proprietors of the other side from the whole or part of the apportionment of the cost.

It shall then fix the portion of the total cost of the work which is payable by the city and the portion to be assumed by the bordering proprietors subject thereto.]”

**147.** Article 1025 of the said charter, replaced by section 79 of chapter 77 of the statutes of 1973, is repealed.

**148.** Article 1026 of the said charter is replaced by the following:



**“1026.** [If the laying of paving calls for the total or partial reconstruction of a sidewalk, the cost of that reconstruction may be added to that of the paving provided that the sidewalk to be so reconstructed is in good condition and that the cost thereof has already been paid, by assessment or deposit, by the bordering proprietors, or that they are currently being assessed for it.]”

**149.** Article 1029 of the said charter, replaced by section 81 of chapter 77 of the statutes of 1973, is repealed.

**150.** Article 1031 of the said charter, amended by section 52 of chapter 86 of the statutes of 1966/1967, is replaced by the following:

**“1031.** [Every person wishing a private lane or part of a private lane opened, widened, extended, diverted or paved, or lighting installed therein, must petition the executive committee through the director of the public works department.

The petition must be signed] by at least one-half in number of the [bordering] proprietors, representing at least one-half of the frontage of the lots bordering on the lane or part of a lane in question [    ].

[When a petition is presented in conformity with this article,] the council, [on referral from the executive committee,] may by resolution order the execution of the works requested and, if required, order the acquisition, [by agreement or] expropriation, of the immoveables required for such purposes and apportion the cost thereof among the bordering proprietors.

Every resolution for such purpose adopted by the council shall specify that the cost of the works, and of the acquisition of immoveables, if any, shall be borne by the bordering proprietors.”

**151.** Article 1032 of the said charter is replaced by the following:

**“1032.** If the number of signatures specified by article 1031 cannot be obtained, the petition may nevertheless be presented to the council and the latter, if it considers it necessary and in the public interest, may [    ] order the carrying out of the works and the requested acquisition of immoveables, if any.”

**152.** Article 1034 of the said charter is amended by striking out the second and third paragraphs.

**153.** Article 1037 of the said charter is replaced by the following:

**“1037.** Every proprietor whose land borders upon a private lane or part of a private lane and upon whom a tax is imposed for [ ] paving [ ] works on such lane, or for the opening, widening, extension or diversion of such lane, shall have *ipso facto* a right of way in common with the other proprietors and a right of view on such lane.”

**154.** Article 1042 of the said charter is amended by replacing the first paragraph by the following:

**“1042.** The cost of an expropriation and of sidewalks, sewers or of other municipal works payable by the proprietors by means of a special real estate tax shall comprise the amounts spent by the city for such purposes and, subject to article 1043, the interest on such sums at the rate [fixed annually by the council for each fiscal year, at the adoption of the budget], from the date on which they were paid to the date of the coming into force of the apportionment roll.”

**155.** Article 1045 of the said charter, replaced by section 59 of chapter 96 of the statutes of 1971, is again replaced by the following:

**“1045.** The sums exigible from the proprietors to pay the cost of an expropriation or any paving, sewer, sidewalk or other local improvement shall be apportioned in the form of taxes by means of a roll prepared by the director of the [ ] department appointed by the executive committee.

[ ] Such apportionment shall be made among the [bordering] proprietors, in proportion to either the frontage or the depth, as the case may be, of their properties as shown on the assessment roll, or according to the value of the land in the case of expropriation, when the city has so decided under article 969.

In the case of an immoveable held under joint ownership, the apportionment shall be made by calculating the overall amount to be paid as if the immoveable belonged to one proprietor only, and then apportioning such amount between each of the co-proprietors on the basis of the interest of each as it appears on the real estate tax roll.”

**156.** Article 1047 of the said charter, amended by section 59 of chapter 97 of the statutes 1960/1961, by section 109 of chapter 59 of the statutes of 1962, by section 55 of chapter 84 of the statutes of 1965 (1st session), by section 40 of chapter 90 of the statutes of 1968 and by section 60 of chapter 96 of the statutes of 1971, is again amended:

(a) by replacing paragraph 1 by the following:

**“1047.** 1. Notwithstanding any legislative provision inconsistent with this article, when the council has decided to take prior possession of immoveables, parts of immoveables or servitudes the expropriation of which it has ordered, the apportionment roll provided for in article 1045 of the charter shall be prepared by the [director of the department designated by the executive committee, as soon as the city has deposited in the Montreal registry office the documents provided for in article 985 of the charter.”;

(b) by replacing paragraph 6 by the following:

“6. Every alteration to the roll shall be made by the [director of the department designated] by the executive committee, in the margin of the original roll. Each change must be initialled and a certificate bearing the signature of the competent official certifying such change must be affixed to each roll so altered.”;

(c) by replacing paragraph 8 by the following:

“8. The alterations made in a roll shall come into force on the first of October following the date on which such alterations were made by the [director of the department designated] by the executive committee, after having complied with all the provisions of articles 1045 and 1048 relating to the preparation and coming into force of the roll.”

**157.** Article 1048 of the said charter is amended:

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

**“1048.** The director of the [ ] department [designated] by the executive committee shall fix the day when the ratepayers liable for the payment of such taxes may submit their objections, before the roll is completed and put in force.”;

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

“The director of the [ ] department [designated] by the executive committee shall hear and determine summarily and without appeal the objections made by the ratepayers and then sign the roll which shall thereupon be deemed to be homologated and in force. The taxes appearing thereon shall be payable on the first of October following the date of such signature.”

**158.** Article 1049 of the said charter is replaced by the following:

**“1049.** The executive committee may, by resolution, enact that a real estate tax, even already imposed, to pay the cost of an expropriation, may be paid by annual instalments covering a period not exceeding forty years, with interest equally apportioned on each instalment, on the whole unpaid balance at the rate fixed

by the [council for each fiscal year, at the adoption of the budget]; and, in such case, the privileges and hypothecary rights of the city shall continue to exist on every immoveable liable for the payment of such tax, until the latter is paid in full."

**159.** Article 1051 of the said charter is replaced by the following:

**"1051.** The executive committee may likewise, by resolution, enact that any real estate tax levied to pay the cost of construction of sidewalks, pavings [ ] or sewers may be paid by annual instalments covering a period not exceeding twenty years, with interest, equally apportioned on each instalment, on any unpaid balance, at the rate fixed [annually by the council for each fiscal year, at the adoption of the budget]; and in such case the privileges and hypothecary rights of the city shall continue to exist on every immoveable liable for the payment of such tax until the latter is paid in full."

**160.** Article 1057 of the said charter is replaced by the following:

**"1057.** When the cost of [permanent works] is charged partly to the bordering proprietors and partly to the city, the latter part shall be paid in accordance with article 693."

**161.** Article 1058 of the said charter is amended by replacing the first paragraph by the following:

**"1058.** Notwithstanding any provision inconsistent herewith, the city is authorized to enact, on a report from the executive committee adopted by the [ ] council [ ], that any apportionment roll of the cost of permanent works performed on a street or part of a street bordering on unsubdivided lots shall not be in force until ten years after the date of its homologation and that in the interval the interest shall be assumed by the city."

**162.** Article 1060 of the said charter is replaced by the following:

**"1060.** In the event of the annulment by competent authority of a special apportionment roll, the director of [the department] who prepared it must draw up a new roll for the same purposes, in the manner prescribed by articles 1045 and 1048; such new roll shall come into force and be binding as soon as the revision thereof is terminated and it is signed in conformity with article 1048."

**163.** Article 1066 of the said charter, replaced by section 41 of chapter 90 of the statutes of 1968, is repealed.

**164.** Article 1075 of the said charter is amended by replacing the word “repairing” in the third line of the first paragraph by the word “maintenance”.

**165.** Article 1115 of the said charter is amended by replacing the first paragraph by the following:

**“1115.** [The bailiffs of the Municipal Court shall be appointed in accordance with section 134, but the head of the department concerned must first obtain the municipal judge’s recommendation therefor. The said bailiffs shall be dismissed in the same manner.]”

**166.** Article 1126 of the said charter, replaced by section 72 of chapter 96 of the statutes of 1971, is again replaced by the following:

**“1126.** The summonses, orders to appear [, warrants for imprisonment] and writs of execution issued in the name of Her Majesty, her heirs or her successors shall bear the signature of the judge or of the clerk. Such signature may be affixed by any method approved by a by-law of the council.

Warrants of arrest [ ] shall bear the signature of the judge. [ ]”

**167.** Article 1130 of the said charter is replaced by the following:

**“1130.** [Any peace officer arresting a person without a warrant for an infringement of a law of the province or any by-law or any officer in charge of the police station to which that person has been brought shall, as soon as it is physically possible, free that person on his mere promise or undertaking to appear before the Municipal Court, with or without surety or deposit, according to the gravity of the offence.]

If [that person] does not keep his undertaking, the surety shall be forfeited and the deposit confiscated for the benefit of the city, and the judge may order his arrest.”

**168.** Article 1131 of the said charter is replaced by the following:

**“1131.** The service of any document issued by the court or by a judge shall be made by delivering a copy or duplicate thereof to the defendant or accused personally, or at his domicile

to a reasonable person of his family, or at his place of business to any of his employees in charge thereof.

[In any proceeding for an infringement of a by-law or order respecting the parking or stopping of vehicles, the judge may, on report of a peace officer establishing that the owner of the involved vehicle is unknown, prescribe service by public notice as in Form 36.]

When service cannot be made in any such manner, the judge, upon a report from the officer entrusted therewith, may prescribe any other mode of service that he deems suitable."

**169.** Article 1139 of the said charter, replaced by section 88 of chapter 77 of the statutes of 1973, is amended by replacing the first three lines of paragraph 1 by the following:

**"139.** (1) In the case of violation of [any act or] by-law relating to traffic, [ ] public safety [or the use of a motor vehicle or of any accessory to such a vehicle]:".

**170.** Article 1140 of the said charter, replaced by section 75 of chapter 96 of the statutes of 1971 and amended by section 20 of chapter 76 of the statutes of 1972, is again replaced by the following:

**"1140.** Any person to whom an infraction notice or ticket, a notice of summons or a summons has been sent or served for a violation [of any act or by-law relating to traffic, public safety or the use of a motor vehicle or of any accessory to such a vehicle], may free himself of any penalty relating to such violation by paying as a fine and as costs, at the place and within the delay determined by the executive committee, the amount fixed by the council and shown on the document delivered to him. However, such payment shall cover only a first violation within a period of twelve months, except in cases relating to parking.  
[ ]

If the amount indicated on the infraction ticket is not paid within the prescribed delay, the city may send by mail to the address given by the offender when the violation was committed, or to the address given by him to the Bureau des véhicules automobiles, a preliminary notice of proceedings which shall enable him to free himself through payment, within the prescribed delay, of the amount of the fine and a sum of two dollars, or of such other amount as the council may determine, for costs.

[After the payment referred to in the first or second paragraph, the offender shall be regarded as having been convicted of the violation.]

With respect to the issue of a writ of summons for a violation [of any act or by-law relating to traffic, public safety or the use of a motor vehicle or of any accessory to such a vehicle], the filing of a complaint is not required and the writ may be issued on information supplied in the manner determined by the chief attorney and approved by the executive committee.

If the offender who has received a notice of summons or a summons does not avail himself of the provisions governing full payment, proceedings shall be continued and he shall appear in court on the date mentioned. If he does not appear, the judge or the clerk under the authority of the chief judge may condemn him for the violation described in the summons or in the notice of summons and it shall not be necessary to prove the violation or the officer's signature or his appointment.

In the case of a second violation, the payment of a notice of summons or a summons bearing the name of the same offender and the same vehicle licence number shall constitute *prima facie* evidence of the previous condemnation of the offender without its being necessary to prove his identity.

The offender being prosecuted by way of summons cannot in any case allege that he did not receive an infraction ticket or a preliminary notice of proceedings.

[When a summons is made by public notice as in Form 36 and the defendant fails to appear, the court may render judgment, and the use, in any proceeding, of the mode of identification used in the notice shall constitute a sufficient designation of the defendant.]”

**171.** Article 1140*b* of the said charter, enacted by section 76 of chapter 96 of the statutes of 1971 and replaced by section 89 of chapter 77 of the statutes of 1973, is amended:

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

**“1140*b*.** Notwithstanding any general law or special act to the contrary, when a peace officer observes a violation of the Highway Code, he may fill out on the spot a ticket or a notice of summons and give a copy thereof to the driver of the vehicle; [the ticket may be placed in a conspicuous place on the vehicle.]”;

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

“Such ticket or notice of summons otherwise has the same force and effect and must be treated in the same manner as the ticket or notice of summons provided for in the case of [a violation of any act or a by-law relating to traffic, public safety or the use of a motor vehicle or of any accessory to such a vehicle.]”

**172.** Article 1150 of the said charter, replaced by section 21 of chapter 76 of the statutes of 1972, is again replaced by the following:

**“1150.** Any sole or joint owner, [lessee or] occupant [ ] of an immovable may be sued before the Municipal Court for a violation of a city by-law applicable to such immovable, as may those who have the administration of such immovable as manager, trustee or otherwise as well as the agent of one or more of them.

[The allegation, in a complaint or summons, that a person is the owner, lessee or occupant of an immovable does not require proof unless formally denied, with supporting proof, by the defendant on appearance. The absence of such denial, on the appearance of the defendant, shall not however prevent him from using that defence on the main charge, provided he proves that he was prevented therefrom, when first appearing, by major force or any other similar cause deemed sufficient by the judge or court. If the defendant is found guilty, the court may condemn him to pay additional costs if it deems the denial was frivolous.]

Each of such persons may be sued alone or jointly with another and it is sufficient to mention the name of one of such persons with the addition of the words “and others”.

Proof may be made by testimony to establish the relation of such persons to each other or the relation of one or each of them to such property.”

**173.** The said charter is amended by inserting after article 1150 the following articles:

**“1150a.** The holder of a licence or permit granted under the charter or a by-law of the city is responsible before the Municipal Court for any offence committed, on the premises where he operates under his licence or permit, against a city by-law applicable to the trade he is authorized to carry on under his licence or permit, even if the offence was committed by another person and it cannot be proved that the latter was acting under the direction of the holder.

Proof that the offence was committed by a person in the employ of the holder of the licence or permit or by a person present on the premises, shall be sufficient evidence that the offence was committed under the direction of the holder.

**“1150b.** When a placard or notice is posted up or a circular is distributed, the person for whose benefit the placard or notice appears to have been made or issued is deemed responsible for any offence relating thereto.”



**174.** Article 1159 of the said charter is replaced by the following:

**“1159.** In penal matters, the recovery of the fine, of the costs including costs subsequent to judgment, and of the damages imposed by the Municipal Court, shall be enforced in accordance with the act or by-law authorizing the imposition thereof.

If the condemned party fails to pay the fine, costs or damages imposed by the court and if such act or by-law does not specify any mode of execution in respect thereof, the condemned party may be imprisoned for a term not exceeding two months. [ ]

[When the unknown owner of a vehicle is condemned in the manner provided in article 1140, the court may order the fine and costs collected by seizure and sale of the vehicle.]

Article 1138 applies to the issue of writs for the purposes of this article.”

**175.** Article 1162 of the said charter, replaced by section 22 of chapter 76 of the statutes of 1972 and amended by section 91 of chapter 77 of the statutes of 1973, is again amended:

(a) by striking out the words “vote of two-thirds of the members of the” in the second and third lines of the second paragraph and the word “present” in the fourth line of the same paragraph;

(b) by striking out the words “Montreal Urban Community” in the eighth and ninth lines of the third paragraph.

**176.** The said charter is amended by inserting, after article 1162, the following article:

**“1162a.** In addition to his powers under article 1162, the Chief Judge of the Municipal Court may, on the motion of the director of the police department,

(1) cancel the uncollected portion of the fine and costs incurred for its recovery and annul the warrant for imprisonment issued therefor when it proves impossible or useless to proceed;

(2) annul any warrant for imprisonment issued by the clerk or a municipal judge, in connection with a violation of a municipal by-law or a law of the province of Québec, when it has been impossible to execute the warrant within five years after the date on which it was issued.”

**177.** Article 1172 of the said charter, amended by section 19 of chapter 71 of the statutes of 1964, is replaced by the following:

**“1172.** The clerk, the director of finance and the director of the public works department [ ] may [ ] sign, by means of a stamp bearing a facsimile of their signature previously approved by the executive committee and used exclusively for that purpose, the certificates, notices and [other documents, issued or signed pursuant to any provision of this charter or a by-law.]

The signature so stamped shall be as valid as a hand-written signature.”

**178.** Article 1175 of the said charter is replaced by the following:

**“1175.** [The executive committee may, by resolution, delegate a functionary of the city to make the declaration of the city before the court, when summoned before it as garnishee, and to deposit there the moneys the city owes the debtor under an order of the court.]”

**179.** Article 1176 of the said charter, replaced by section 78 of chapter 96 of the statutes of 1971, is again replaced by the following:

**“1176.** The executive committee may, after the publication of a notice to that effect, sell by auction or public tender:

(a) effects confiscated by the court;

(b) effects left by a deceased person when the city has assumed the costs of the burial;

(c) effects entrusted to the city’s care, abandoned or found, and remaining unclaimed after a delay of [sixty days], except that in the case of motor vehicles manufactured more than seven years before, such delay shall be only thirty days; such thirty-day delay shall be reduced to twenty-four hours in the case of a vehicle which is motorless or in such a state that it can only be scrapped.

In such cases the city shall be responsible to the owner only for the proceeds of the sale, after deducting the costs of storage and sale.”

**180.** Form 33 of the said charter is replaced by the following:

“33.— (*Article 883*)

*Warrant of seizure for taxes*

Province of Québec,     } In the Municipal Court of  
City of Montreal.        } the City of Montreal.

ELIZABETH II, By the grace of God, of the United Kingdom,  
Canada and her other Realms and Territories, Queen, Head  
of the Commonwealth, Defender of the Faith.

Debt .....		
Interest .....		
Costs .....		
Warrant .....		
\$		

To any bailiff of the  
municipal court of  
the City of Montreal.

Whereas.....(*name and designation of debtor*)  
has been required by the director of finance of the city to pay  
into his hands, for and on behalf of the city, the sum of.....,  
being the amount due by him to the city, as appears by the collection  
roll of real estate taxes for the year one thousand nine hundred  
.....(*in the case of another roll the form shall be varied  
accordingly*), and whereas the said.....has neglected and  
refused to pay to the director of finance of the city, within the period  
prescribed by law, the said sum of.....; you are, therefore,  
hereby commanded to make distress forthwith of the [moveable]  
goods and [effects subject to the privilege securing such taxes]  
of the said.....; and if the aforesaid sum is not paid, with the  
legal costs of the seizure, within eight days after the making of such  
distress, you shall, on such day as shall be indicated to you by the  
said director of finance, sell the goods and chattels so detained  
by you, and pay to him the money arising from such sale, that he  
may apply it as directed by law, and may render the surplus, if  
any, on demand, to the said.....or to his representatives; and if  
no such distress can be found, you shall certify that fact to me,  
so that appropriate legal proceedings may be taken.”

**181.** The said charter is amended by adding, after Form 35,  
the following form:

“36.— (*Article 1131*)

*Notice to appear*

The owner(s) of the motor vehicle(s) the marker(s) of which  
is (are) given hereinafter is (are) ordered to appear at the Office  
of the Municipal Court .....  
(*address*)

on .....to answer  
(*day, time*)

a complaint for a traffic violation, and, in default thereof, the court  
may render judgment by default and order seizure and sale of such  
vehicle(s).

(Marker(s))

.....  
.....  
.....  
.....  
.....

Montréal..... 19...

By Order

Clerk of the Court.”

**182.** (1) Each of the cities of Westmount, Côte Saint-Luc  
and Outremont is authorized to transact with the city the suits  
between each of them and the city respecting the price of the water  
supply in its territory since the fiscal year 1971/1972 of the city and,  
consequently, to receive the payment, into its general fund, of the  
sums appropriated by the city by reason of the transaction provided  
for in this subsection, to keep such amounts or to dispose thereof  
in accordance with the law notwithstanding the source of the sums  
so appropriated and paid, and give good and valid discharge there-  
for or, if necessary, to use the whole of such amounts to pay the  
price of the water supply in its territory since the said fiscal year.

(2) Every deed made under subsection 1 may be authorized,  
for the city, by resolution of its executive committee, and for each  
of the cities of Westmount, Côte-Saint-Luc and Outremont, by a  
resolution of its council. Every such resolution requires no further  
approval to come into force.

(3) Notwithstanding article 725 of the charter and by-laws  
Nos 4591, 4761, 4875 and 4964, the city is dispensed from collecting  
the water rate in the cities of Westmount and Côte-Saint-Luc for  
the fiscal years 1973/1974 to 1976/1977 inclusive and, in the city  
of Outremont, for the fiscal year 1973/1974.

The water rate in the city of Outremont is fixed at 1.823%  
for the fiscal year 1974/1975 and at 1.842% for the fiscal year  
1975/1976.

**183.** Notwithstanding its by-laws Nos 4761 and 4875, the city is authorized to collect the water rate in the municipality of Ville Saint-Pierre at 2.2338% for the fiscal year 1974/1975 and at 2.424% for the fiscal year 1975/1976.

**184.** Notwithstanding any inconsistent provision of any general law or special act, if the council decides not to impose the water rate and service tax for a fiscal year, any owner of an immovable situated within the limits of the town is authorized to increase, from 1 July of that fiscal year, the monthly rent of that immovable by an amount equal to one-twelfth of the margin between the real estate taxes imposed for such fiscal year and those imposed for the preceding fiscal year, by apportioning that amount proportionately to the rental value of each unit for the preceding fiscal year, including the rental value of any unit occupied by the proprietor.

The taxes imposed for school or local improvement purposes, the surtax imposed for the purposes of the Montreal Urban Community for the fiscal year during which the water rate is not imposed and the preceding fiscal year, or any increase of tax on account of an improvement or new construction, for the fiscal year during which the water rate is not imposed, shall not be considered in computing real estate taxes for the purposes of this section.

The amount of increase in the monthly rent of a unit under this article shall in no case exceed one-twelfth of the amount of the water rate and service tax that could be imposed for that unit during the preceding fiscal year. That amount cannot be charged except where the proprietor fills out, signs and gives the tenant a form as in Schedule A, thereby amending the lease.

This article shall in no way prevent a tenant from appealing under any act to contest the correctness of the amount of the increase in his rent.

**185.** The said charter is amended by replacing the word "cité" in the French version, wherever it means the City of Montreal, by the word "ville".

**186.** The said charter is amended by replacing the word "assessor", wherever it appears, by the words "valuation commissioner".

**187.** The said charter is amended by replacing the words "health department", wherever it appears, by the words "social affairs department".

**188.** This act shall come into force on the day of its sanction.

# SCHEDULE A

## FORM PRESCRIBED BY ARTICLE 184 OF CHAPTER (insert here chapter number of Bill 200) OF THE STATUTES OF 1977

Site: \_\_\_\_\_

Account number: \_\_\_\_\_

Real estate tax — Municipal purposes (1) (2) \$ \_\_\_\_\_

Real estate tax — Municipal purposes (1) (3) \$ \_\_\_\_\_

Less: Real estate tax (1) on account of improvement or new construction. \$ .....  
\$ \_\_\_\_\_

Increase of real estate tax \$ \_\_\_\_\_

$\frac{1}{2}$  of that increase \$ \_\_\_\_\_ (A)

(3)

Address of each unit	Rental value (B)	Percentage of the rental values of the immovable (C)	Monthly increase of real estate taxes by the unit (A) × (C) (D)	Water and service tax applicable (B) × 0.007083 (E)	Monthly increase: the lesser of (D) and (E)
1- .....	\$ .....	...%	.....	.....	.....
2- .....	\$ .....	...%	.....	.....	.....
3- .....	\$ .....	...%	.....	.....	.....
4- .....	\$ .....	...%	.....	.....	.....
	\$ .....	100%	.....	.....	.....

33

(1) See the text of section 184 of Bill 200 (1977) overleaf.

(2) Enter here the fiscal years when water rate and service tax are not imposed.

(3) Enter here the fiscal year preceding that when water rate and service tax are not imposed.

Date: \_\_\_\_\_

\_\_\_\_\_  
(signature)