

NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

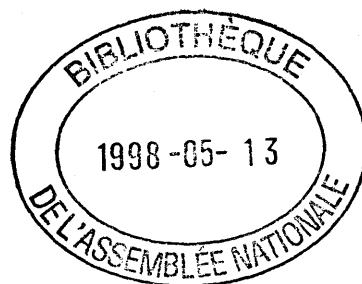
Bill 272

(Private)

An Act respecting Municipalité de Saint-Jean-des-Piles

Introduction

**Introduced by
Mr Yves Beaumier
Member for Champlain**



**Québec Official Publisher
1998**

Bill 272

(Private)

AN ACT RESPECTING MUNICIPALITÉ DE SAINT-JEAN- DES-PILES

WHEREAS it is expedient to validate certain compensation payable to and levied by Municipalité de Saint-Jean-des-Piles in respect of immovables situated in its territory;

Whereas it is in the public interest that the carrying out of certain work near Lac des Piles and the loans and expenses incurred for that purpose by the municipality be validated;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Loan By-laws 285-11-92 and 325-11-95 of Municipalité de Saint-Jean-des-Piles as well as the work carried out, the expenses incurred and the contracts awarded under those by-laws may not be invalidated on any of the following grounds:

(1) work was carried out on lands that did not belong to the municipality;

(2) a contract was not awarded in accordance with articles 934 to 936 of the Municipal Code of Québec (R.S.Q., chapter C-27.1);

(3) a contract was not approved by the council before being concluded, contrary to article 142 of the Municipal Code of Québec.

No judicial recourse may be exercised on any of the grounds mentioned in the first paragraph.

2. No compensation payable and levied under the by-laws referred to in section 1 and no payment in a single instalment made under article 1072.1 of the Municipal Code of Québec may be invalidated on any of the grounds mentioned in section 1 or because the amount of the compensation payable and levied or of the payment made is not the amount that it should have been.

3. A loan by-law passed by the council to complete the work carried out under the by-laws referred to in section 1 may provide for the municipality to acquire, by agreement or by expropriation, the real rights necessary for the carrying out of that work, notwithstanding any contractual stipulation precluding the alienation of an immovable to be acquired.

In addition, the by-law may provide, notwithstanding article 1072.1 of the Municipal Code of Québec, that a ratepayer in respect of whose immovable compensation is payable may exempt the immovable therefrom by paying in one instalment that portion of the capital which, upon maturity of the loan, would have been provided by the compensation payable in respect of the immovable.

The by-law may also amend the provisions of By-laws 285-11-92 and 325-11-95 that establish a compensation; the new compensation and the new tax so ordered shall have effect retroactively to the date of coming into force of those by-laws.

4. The municipality shall, before (*insert here the date that is the sixtieth day after the day of assent to this Act*), establish a reapportionment of the tax burden imposed by loan By-laws 285-11-92 and 325-11-95 as amended by the by-law referred to in section 3.

The municipality shall establish, in particular, for each ratepayer concerned by compensation that is amended by the by-law,

(1) the total amount of the taxes and compensation that should have been paid, each year, pursuant to the amended provisions or, as the case may be, the amount that should have been paid pursuant to article 1072.1 of the Municipal Code of Québec;

(2) the total amount of compensation paid each year or, as the case may be, the amount paid pursuant to article 1072.1 of the Municipal Code of Québec.

A copy of the reapportionment shall be sent to the Minister of Municipal Affairs.

5. Where the amount established under subparagraph 1 of the second paragraph of section 4 exceeds the amount established under subparagraph 2 of that paragraph, the municipality shall send to the ratepayer, before (*insert here the date that is the ninetieth day after the day of assent to this Act*), a tax account in an amount equal to that difference.

Where a ratepayer has, under article 1072.1 of the Municipal Code of Québec, paid the ratepayer's portion of the loan ordered by By-law 285-11-92 in one instalment, the municipality shall send to the ratepayer, within the same time, a claim for the difference between the two amounts.

The ratepayer is exempted from the payment of the compensation ordered by the by-law, pursuant to article 1072.3 of the Municipal Code of Québec, only if the ratepayer pays the amount claimed within 30 days of the claim. Where no such payment is made, the ratepayer is exempted only in the proportion that the amount paid by the ratepayer is of the amount that the ratepayer should have paid.

6. Where the amount established under subparagraph 2 of the second paragraph of section 4 exceeds the amount established under subparagraph 1 of that paragraph, the amount of that difference shall be paid by the municipality to the person concerned or be set off against any sum payable to the municipality by that person.

7. The secretary-treasurer of the municipality shall enter a reference to this Act in the book of the by-laws of the municipality at the end of each by-law referred to in this Act.

8. This Act does not affect any case pending on 1 December 1997.

9. Section 3 has effect from 20 April 1998.

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