



CHAPTER 50

An Act to amend the Quebec Municipal Commission Act

[Assented to, the 29th of March, 1933]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 24 of the Quebec Municipal Commission Act (Revised Statutes, 1925, chapter 111A), as enacted by the act 22 George V, chapter 56, section 1, is amended by adding thereto, after the word: "municipality", in the second line of the first paragraph thereof, the words: "or every renewal of a loan contracted by a municipality".

R. S., c.
111A, s. 24,
am.

2. The said act is amended by adding thereto, after section 24 thereof, the following section:

Id., s. 24a,
added.

"**24a.** No promissory note given by a municipality, in payment of an account or other debt exceeding one hundred dollars, shall bind the municipality unless the issuing thereof shall have been approved by the Commission."

Approval
for certain
promissory
note.

3. The said act is amended by adding thereto, after section 31 thereof, the following section:

R. S., c.
111A, s. 31a,
added.

"**31a.** The Commission may authorize a municipality, upon application made to it by a mere resolution of the council, to contract one or more temporary loans upon the conditions and for the period which the Commission determines."

Authoriza-
tion for
temporary
loans.

The conditions so determined by the Commission shall govern such loans notwithstanding any contrary or incompatible provision of a general or special act limiting the amount of temporary loans and determining the period for their reimbursement.

Governing
conditions.

Application. The provisions of this section shall apply to every temporary loan contracted by a municipality since the 18th of May, 1932, and approved by the Commission."

R. S., c. 111A, s. 38, am. **4.** Section 38 of the said act is amended by adding thereto, after the second paragraph thereof, the following paragraph:

Application. "The provisions of this section shall apply and are deemed to have applied since the 18th of May, 1932, to every person who has become surety, by endorsement or otherwise, for a loan contracted by a municipality. However, in the event of proceedings having been instituted against such person before the 29th of March, 1933, without authorization having been obtained from the Commission for such purpose, the proceedings shall not be null for want of authorization, but they cannot be continued nor can the judgment be executed, without the authorization of the Commission."

R. S., c. 111A, s. 39, am. **5.** Section 39 of the said act is amended by adding thereto, after the second paragraph of paragraph *j* thereof, the following paragraph:

Coming into force of decisions. "*k.* No decision of the council of the municipality, whether by resolution, by-law or otherwise, shall come into force and be executory until the Commission has given its approval to the minutes of the sitting of the council at which such decision was made."

R. S., c. 111A, s. 44, am. **6.** Section 44 of the said act is amended by replacing the words: "its creditors", in the second line of paragraph *b* thereof, by the words: "the creditors of such municipality who hold claims representing at least sixty per cent of the total debt of such municipality".

Id., ss. 46a-46z, added. **7.** The said act is amended by inserting therein, after section 46 thereof, the following division and sections:

"DIVISION VIA

"SALE OF IMMOVEABLES FOR TAXES

Sale of immoveables of municipality in default. "**46a.** In the case of a municipality in default, after the expiration of the six months next after the date of the notice of deposit of the collection roll, the Commission may order the clerk or the secretary-treasurer or any person whom it designates, to sell such immoveables as it determines on which the taxes imposed have not been paid in whole or in part.

“**46b.** Such sale shall be by public auction, at the office of the council of the municipality or at any other place mentioned in the order, in the manner hereinafter prescribed. How sale made.

“**46c.** Within fifteen days of the order of the Commission, the person designated by the latter shall give public notice of the day, hour and place where the sale by auction will be held. Such notice shall contain a description, according to the provisions of article 2168 of the Civil Code, of the immoveables the sale whereof is so ordered, and it shall be posted up at the places where municipal notices are posted up. Public notice of sale.

“**46d.** Such notice shall also be published twice in French and English in the *Quebec Official Gazette*. The sale cannot be held before the expiration of the fifteen days following the date of the last insertion of such notice in the *Quebec Official Gazette*. Publication of notice.

Such publication shall be free. Free.

At the time of the first publication of the notice, the person designated by the Commission must immediately transmit a copy thereof by registered letter to the registrar of the registration division in which is situated the immovable advertised for sale, and it shall be the duty of the registrar to notify interested parties in the manner indicated by the Civil Code. Notifying of interested parties.

Failure to notify the registrar shall not render the proceedings null. Registrar.

When the sale of an immovable mentioned in the notice above mentioned is not proceeded with, the person in charge of such sale must inform the registrar thereof by registered letter. When sale not proceeded with.

“**46e.** Within the delay prescribed by section 46c, the person in charge of the sale shall give notice of such sale to the corporation of school commissioners or school trustees of the municipality in which the immovable advertised for sale is situated if the municipality in default is the municipal corporation, and to the municipal corporation if the municipality in default is the corporation of school commissioners or of school trustees. Notice by person in charge of sale.

Upon receipt of such notice the corporation receiving it may file its claim for the taxes due to it with the person in charge of the sale and the latter is authorized to add such amount to that owing, for taxes, to the municipality in default. Following receipt of notice.

“**46f.** If the sale has been stopped by any proceeding which has been decided only after the day fixed for the Publication of further notice.

sale, the notice of sale which must be published in the *Quebec Official Gazette* shall be sufficient if drawn up in the form M mentioned in Article 733 of the Code of Civil Procedure and published once, fifteen days at least before the day fixed for the sale.

Selling to highest bidder.

“**46g.** At the time fixed for the sale, the person designated by the Commission shall sell to the highest bidder the immoveables described in the notices upon which taxes are still due, after making known the amount to be raised on each of such immoveables, including therein the part of the costs incurred for the sale proportionate to the amount of the debt. The immoveables shall be put up and sold separately, in the order in which they are given in the notice.

Immediate payment.

“**46h.** The purchaser shall pay the amount of his purchase price immediately.

In default thereof.

In default of immediate payment, the person making the sale shall, either at once put up the immoveable again for sale, or adjourn the sale to the following or any other day within eight days, by giving all persons present notice of such adjournment in an audible and intelligible voice.

Certificate of particulars of sale.

“**46i.** On payment by the purchaser of the amount of his purchase price, the person in charge of the sale shall set forth, in a certificate made in duplicate and signed by himself, the particulars of the sale, and deliver a duplicate of such certificate to the purchaser.

Possession, and right of redemption.

“**46j.** The purchaser shall thereupon be seized of the immoveable adjudged, and may enter into possession thereof, subject to the same being redeemed within the year following if an immoveable situated in a city or town be concerned, or within two years if an immoveable situated in a municipality governed by the Municipal Code be concerned, but shall not remove timber nor the buildings therefrom during the said period.

Transmission of list to registrar.

“**46k.** Within the eight days following the adjudication, the person in charge of the sale shall transmit to the registrar a list of the immoveables so sold for taxes, with the name of the purchaser of each of such immoveables.

Transmission and distribution of proceeds of sale.

“**46l.** The proceeds of the sale of each immoveable shall be transmitted to the Commission by the person in charge of the sale, for distribution by the Commission as follows:

a. If the immoveable sold be not charged with an assessment for the construction or repair of churches, vestries, parsonages or burial grounds, and, if the proceeds of the sale do not exceed a sum comprising the costs of sale and

the amount of municipal and school taxes claimed, the Commission shall itself make the distribution of the proceeds of the sale to the persons entitled thereto;

b. In the cases not provided for in paragraph *a* of this section, the Commission must transmit the proceeds of the sale to the prothonotary of the Superior Court for the district, for distribution according to law.

“**46m.** If the Commission becomes purchaser of any ^{When im-}immovable, under the authority conferred upon it by ^{moveable}section 40, the registration of any document giving effect ^{purchased}to such adjudication as well as any cancellation resulting ^{by Commis-}therefrom shall be free of charge. ^{sion.}

“**46n.** If, within the year or the two years, as the case ^{Purchaser as}may be, from the day of the adjudication, the immovable ^{absolute}adjudged has not been bought back or redeemed, the pur- ^{owner.}chaser shall become the absolute owner thereof.

“**46o.** Such purchaser, upon exhibiting the certificate ^{Purchaser}of his purchase and upon proving the payment of the mu- ^{and deed of}nicipal and school taxes which in the meantime have be- ^{sale.}come due thereon, shall be entitled, at the expiration of one year’s delay, or two year’s delay, as the case may be, to a deed of sale from the council.

“**46p.** The deed of sale shall be executed in the name of ^{Executing}the municipality, by the mayor or by the clerk, by deed ^{of deed.}before a notary or by private writing before two witnesses.

“**46q.** All the rights acquired by the purchaser shall ^{Rights}pass to his heirs or legal representatives. ^{transmitted.}

“**46r.** The sale made under the above provisions shall ^{Ownership}convey the ownership of the immovable adjudged. ^{conveyed.}

“**46s.** It shall vest in the purchaser all the rights of the ^{Rights of}original owner, and purge the immovable from all priv- ^{purchaser of}ileges and hypothecs to which it may be subject, except ^{immove-}the claim for special taxes imposed on the immovable ^{able.}and not yet due, claims to constituted ground rents, to seigniorial rights and rents substituted therefor, to school taxes or assessments, and except also trustees’s claims for assessments imposed upon the said immovable to defray the expenses of construction or repair of churches, vestries, parsonages or burial grounds; but the arrears of the rents, taxes and assessments above mentioned, due before the sale, shall be extinguished by the sale, unless there has been lodged in the hands of the person in charge of the sale, at least eight days before the sale, a certified statement of such arrears, taxes or assessments.

Registration of deed of sale. The registration of the deed of sale shall effect the cancellation of the registration of the privileges and hypothecs registered against the immoveable which are discharged by the sale.

Redemption of immoveable. "46t. An immoveable sold for taxes may be redeemed by the owner or his legal representatives, at any time within the year, or two years, as the case may be, following the day of adjudication, by paying to the purchaser the price of sale, including the cost of the certificate of adjudication, with interest at the rate of ten per cent per annum, a fraction of a year being counted as whole year.

When price paid does not cover certain amounts. "46u. Whenever the price paid by the Commission in becoming purchaser does not entirely cover the amount of the costs and of the municipal and school taxes claimed, the right of redemption shall be for an amount equal to the costs and to the municipal and school taxes claimed, including the cost of the certificate of adjudication, with, in addition, interest on the whole amount at the rate of ten per cent per annum, a fraction of a year being counted as a whole year.

Obtaining of deed by owner. "46v. The owner shall be then entitled to obtain from the purchaser, but at his own cost, a deed before a notary establishing the reimbursement of the monies and the redemption of the immoveable.

Registration of authentic copy of deed. The registration of an authentic copy of such deed restores to him the right of ownership of the immoveable possessed by him at the time of sale, subject to the privileged and hypothecary debts, which encumbered it at that date, less what was paid on them by the distribution of the proceeds of the sale.

Redemption, etc., of immoveable. "46w. Any person whether authorized or not may redeem or recover such immoveable in the same manner, but in the name and for the benefit only of the person who was the owner thereof at the time of the adjudication.

Reimbursement and interest rate. "46x. The person so redeeming shall be entitled to be reimbursed, by the owner, the amount he has paid, with interest at eight per cent per annum. The redemption deed, after registration, shall give him a privilege on the immoveable for the reimbursement of his money, ranking after municipal taxes, notwithstanding the provisions of Article 2009 of the Civil Code."

Privilege.

Coming into force. **8.** This act shall come into force on the day of its sanction.