

NATIONAL ASSEMBLY
Thirty-fifth Legislature, first session

1995, chapter 74

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONTRÉAL

Bill 210

Introduced by Mr André Boulerice, Member for Sainte-Marie—Saint-Jacques

Introduced 11 May 1995

Passage in principle 22 June 1995

Passage 22 June 1995

Assented to 22 June 1995

Coming into force: 22 June 1995

Legislation amended:

Charter of the city of Montréal (1959-60, chapter 102)





CHAPTER 74

An Act to amend the charter of the city of Montréal

[Assented to 22 June 1995]

Preamble WHEREAS it is in the interest of the city of Montréal that its charter, chapter 102 of the statutes of 1959-60, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1959-60,
c. 102, a. 9,
am. **1.** Article 9 of the charter of the city of Montréal (1959-60, chapter 102), amended by section 3 of chapter 71 of the statutes of 1964, section 210 of chapter 38 of the statutes of 1984 and section 143 of chapter 27 of the statutes of 1985, is again amended

(1) by striking out the words “when it no longer needs it,” in paragraph c.1;

(2) by inserting the words “having a value greater than \$10 000 that was” after the words “mentioning any property” in paragraph c.1;

(3) by striking out the words “, and he shall send a copy of the notice to the Minister of Municipal Affairs” in paragraph c.1.

1959-60,
c. 102, a. 9c,
added **2.** The said charter is amended by inserting, after article 9b, the following article:

Powers **“9c.** The city may:

(1) assist in the undertaking and furtherance, on the territory of the city and elsewhere, of works of charity, education, scientific, artistic or literary culture, youth training, and generally of any social welfare enterprise of the population;

(2) assist in the organization of recreational guidance centres and public places for sports and amusements on the territory of the city or elsewhere;

(3) establish and maintain on the territory of the city agencies devoted to the protection of the environment and the conservation of resources, assist in the creation and maintenance of such agencies and entrust them with the organization and management of activities relating to the purposes pursued by them;

(4) found and maintain bodies for industrial, commercial or tourist promotion or whose object is to promote physical and cultural activities among the residents of the city, or assist in their foundation and maintenance;

(5) grant subsidies to institutions, partnerships or legal persons devoted to the pursuit of the purposes mentioned in subparagraphs 1 to 4.

Suretyship

The city may also become surety for an institution, partnership or legal person devoted to the pursuit of the purposes mentioned in the first paragraph. However, where the obligation that is the object of the surety is in the amount of \$100 000 or more, the authorization of the Minister of Municipal Affairs is required.”

1959-60,
c. 102,
a. 10l, am.

3. Article 10l of the said charter, introduced by section 3 of chapter 82 of the statutes of 1993, is amended

(1) by replacing the words “leasing where such conveyance or leasing” in the second paragraph by the words “a loan for use where such conveyance or loan”;

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

Contract

“Any contract with a person or body other than a person or body referred to in the second paragraph must be awarded for a consideration, on pain of nullity.”

1959-60,
c. 102,
aa. 10o, 10p,
added

4. The said charter is amended by inserting, after article 10n, the following articles:

Agreement

“**10o.** Subject to the Act respecting the Ministère des Affaires internationales, de l’Immigration et des Communautés culturelles (R.S.Q., chapter M-21.1) and the Act respecting the Ministère du Conseil exécutif (R.S.Q., chapter M-30), the city may enter into an

agreement with any person or any government other than the government of Québec, or with any department or body of such a government, the object of which is the supply of services, expertise, supplies, materials or equipment relating to any matter within its jurisdiction.

Agreement The city may implement the agreement and exercise the rights and perform the obligations arising from the agreement, even outside its territory.

Powers “**10p.** Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15), the city may, to foster the economic development of the city,

(1) create, alone or in association with any legal person, a legal person entrusted with

(a) promoting the economic development of the city,

(b) fostering the establishment and maintenance of enterprises on its territory, or

(c) promoting the development of the city as an international centre;

(2) participate in or associate itself with any legal person pursuing an object described in subparagraph 1.

Powers The city may, in respect of a legal person referred to in the first paragraph, avail itself of the provisions of the second and third paragraphs of article 964ff, adapted as required.”

1959-60,
c. 102,
aa. 33, 34,
repealed

5. Articles 33 and 34 of the said charter are repealed.

1959-60,
c. 102,
chap. IV.1,
IV.2,
Title II,
replaced

6. Chapters IV.1 and IV.2 of Title II of the said charter are replaced by the following chapters:

“CHAPTER IV.1

“WARD COUNCILS

Wards

“110.1 The council, by by-law, shall divide the territory of the city into as many wards as it determines. The territory of an electoral district shall be entirely within the territorial limits of one ward only.

Ward council	“110.2 A ward council shall be established for each of the wards. The ward council shall be composed of the city councillors whose electoral districts are within the territorial limits of the ward.
Composition	Where, for the purposes of the first paragraph, fewer than 3 municipal councillors sit on the ward council, the council of the city may designate another municipal councillor whose electoral district is adjacent to the ward as a member of the ward council in order for it to be composed of 3 members.
Chairman	“110.3 The council shall appoint a chairman for each of the ward councils, on the recommendation of the mayor.
Meeting	“110.4 The meetings of a ward council shall be called at the request of the executive committee. A meeting shall be held at least 4 times a year.
Public notice	“110.5 Every meeting of a ward council is public and shall be preceded by a public notice specifying the place, date, time and purpose of the meeting. The notice must be given at least 7 days before the meeting.
Quorum	“110.6 A majority of the members of a ward council constitutes a quorum of the ward council.
Question period	“110.7 Every meeting of a ward council shall include a period during which the persons present may address oral questions to the members of the ward council.
Petitions	Every meeting of a ward council shall also include a period during which petitions made by citizens concerning the administration of the city are examined. After examining the petitions, the ward council may make any recommendation it considers appropriate to the executive committee.
Consultation	“110.8 Before preparation of the budget estimates of municipal departments, the executive committee shall consult each ward council on its priorities. For that purpose, the ward council shall receive proposals and comments from interested persons.
Recommendations	“110.9 Every ward council shall, at the request of the executive committee and within the time it prescribes, publicly examine and make recommendations on the following matters:

- (1) a program of the city’s activities or interventions;

(2) any draft by-law referred to in subparagraphs 1 to 3 of the first paragraph of article 110.19 concerning the ward directly;

(3) any other matter on which the executive committee seeks to obtain the opinion of a ward council.

Disposal of
matter

Where the ward council, at the expiry of the prescribed time, has not undertaken the public examination or has not made recommendations, the executive committee may nonetheless dispose of the matter for which the opinion of the ward council had been sought.

Recommen-
dations

“110.10 Every ward council shall also make recommendations to the executive committee on any matter concerning the ward.

Joint sitting

“110.11 At the request of the executive committee, the ward councils shall meet in a joint sitting. In such case, a majority of the members of all the ward councils in the joint sitting shall constitute the quorum, and decisions shall be made by a majority of the members of all the ward councils present at the joint sitting.

Decisions

“110.12 Decisions shall be made by a majority of the members present at a meeting.

By-laws

“110.13 The council of the city, by by-law, shall determine

(1) the name and territorial limits of each of the wards;

(2) the internal management rules applicable to the ward councils;

(3) the length of the question period referred to in article 110.7, the stage of the meeting at which it is to be held and the procedure to be followed to ask a question;

(4) the length of the period for petitions referred to in article 110.7, the stage of the meeting at which it is to be held and the procedure to be followed by citizens to make a petition;

(5) the procedure to be followed by persons interested to make proposals and comments under article 110.8;

(6) the rules enabling the holding of a joint sitting of several ward councils under article 110.11.

Written
questions

In addition to the period for oral questions referred to in article 110.7, the by-law may also provide for a period during which written questions may be considered and for the procedure to be followed to submit a written question.

“CHAPTER IV.2

“PERMANENT COMMITTEES OF THE COUNCIL

Permanent
committees

“110.14 The council, by by-law, may create permanent committees to examine any matter within the field of their competence and to make any recommendations they consider appropriate to the council. The by-law shall determine the field of competence of each committee.

Composition

The council shall, on the recommendation of the mayor, appoint the members of each of the committees from among its members and designate a chairman and a vice-chairman for each committee.

Vice-
chairman

The vice-chairman shall not be a member of the authorized party whose members form the majority of municipal councillors. However, where all the members of the council are members of the same authorized party, the council may designate any member as vice-chairman of a committee. Moreover, where all the municipal councillors who are not members of the authorized party whose members form the majority of municipal councillors have been designated as vice-chairmen of permanent committees, the council may also designate any member as vice-chairman of a permanent committee.

Council

The council may replace, as it sees fit, any committee member.

Mayor

The mayor, by virtue of his office, is a member of each committee and is entitled to vote.

Public
notice

The meetings of the committees are public and shall be preceded by a public notice specifying the place, date, time and purpose of the meeting. The notice must be given at least 7 days before the meeting.

Report

Each committee shall render an account of its work and of its decisions in a report signed by the chairman or by the majority of the committee members.

“CHAPTER IV.3

“URBAN DEVELOPMENT COMMISSION

Commission “**110.15** An urban development commission is hereby established under the name of “Commission du développement urbain de Montréal”.

Composition The commission shall be composed of not fewer than 5 members including a chairman and a vice-chairman. The council shall, on the recommendation of the mayor, appoint the members of the commission from among its members and designate the chairman and vice-chairman.

Vice-chairman The vice-chairman shall not be a member of the authorized party whose members form the majority of councillors. However, where all the members of the council are members of the same authorized party, the council may designate any member as vice-chairman.

Council The council may replace, as it sees fit, any member of the commission.

Quorum “**110.16** A majority of the members of the commission, including the chairman or vice-chairman, constitutes a quorum of the commission.

Members “**110.17** With the authorization of the commission, members of the council who are not members of the commission may take part in its deliberations but without being entitled to vote.

Quorum The presence of a council member who is not a member of the commission is not taken into account for quorum purposes.

Meeting “**110.18** Every meeting of the commission shall be called at the request of the executive committee. The meeting is public and shall be preceded by a public notice specifying the place, date and time it is to be held and the purpose of the meeting. The notice must be given at least 7 days before the meeting.

Recommendations “**110.19** The commission shall publicly examine and make recommendations to the executive committee on the following matters within the time prescribed by the executive committee:

- (1) all draft zoning by-laws;

(2) all draft by-laws under article 612*a*;

(3) all draft by-laws under subparagraphs *d*, *dd* and *e* of paragraph 2 of article 524;

(4) any other matter on which the executive committee seeks to obtain the opinion of the commission.

Public
consultation

In the case of a matter referred to in subparagraph 1 or 2 of the first paragraph, the commission may also recommend the holding of a public consultation on the matter.

Comments

“110.20 The commission shall receive comments from interested persons at any meeting.

Decisions

“110.21 The decisions of the commission shall be made by a majority of the members present at a meeting.

By-laws

“110.22 The council, by by-law, shall determine

(1) the rules of internal management applicable to the commission;

(2) the procedure to be followed by persons interested to make comments under article 110.20;

(3) the manner in which the commission must render an account of its work to the executive committee.”

1959-60,
c. 102,
a. 173,
repealed

7. Article 173 of the said charter, replaced by section 33 of chapter 77 of the statutes of 1977 and amended by section 1 of chapter 89 of the statutes of 1990, is repealed.

1959-60,
c. 102,
a. 451*a*,
repealed

8. Article 451*a* of the said charter, introduced by section 41 of chapter 77 of the statutes of 1977, is repealed.

1959-60,
c. 102,
a. 527*b*, am.

9. Article 527*b* of the said charter, introduced by section 4 of chapter 86 of the statutes of 1988, is amended by striking out the third paragraph.

1959-60,
c. 102,
a. 612*d*, am.

10. Article 612*d* of the said charter, introduced by section 18 of chapter 90 of the statutes of 1990, is amended by replacing the third paragraph by the following paragraph:

Consulta-
tion

“The council or, as the case may be, the executive committee shall consult the committee on any project referred to

(1) in article 612*a*, where the project derogates from the provisions of a town planning by-law respecting the height or density of constructions and, to the extent provided for by by-law, from the classification of authorized uses or occupations, or where the project is located in a significant sector identified by by-law;

(2) in paragraph 15.1 of article 524.”

1959-60,
c. 102,
a. 681*a*, am.

11. Article 681*a* of the said charter, introduced by section 13 of chapter 52 of the statutes of 1976, amended by section 29 of chapter 22 of the statutes of 1979 and section 26 of chapter 87 of the statutes of 1988, is again amended by striking out the fourth paragraph.

1959-60,
c. 102,
a. 721, am.

12. Article 721 of the said charter, amended by section 85 of chapter 77 of the statutes of 1977, section 52 of chapter 71 of the statutes of 1982, section 214 of chapter 38 of the statutes of 1984 and section 32 of chapter 87 of the statutes of 1988, is again amended

(1) by striking out the words “three years or, in the case of a lease,” in the first paragraph;

(2) in the French text, by inserting the words “, d’un contrat de travail” after the word “professionnels” in the first paragraph.

1959-60,
c. 102,
a. 734, am.

13. Article 734 of the said charter, replaced by section 55 of chapter 71 of the statutes of 1982 and amended by section 216 of chapter 71 of the statutes of 1982, is again amended by replacing the first paragraph by the following paragraphs:

Outside
auditor

“734. On the report of the executive committee, the council shall appoint an outside auditor to make a report to it each year on the accounts of the city and on the balance sheet and statement of revenue and expenditure prepared by the director of finance under article 730.

Term of
office

On appointment of the outside auditor, the council shall establish his term of office which, subject to the fifth paragraph, may not exceed three years.”

1959-60,
c. 102,
a. 892, am.

14. Article 892 of the said charter, amended by section 473 of chapter 72 of the statutes of 1979, section 16 of chapter 59 of the statutes of 1983, section 43 of chapter 111 of the statutes of 1987, section 41 of chapter 82 of the statutes of 1993 and section 6 of chapter 53 of the statutes of 1994, is again amended by striking out the last sentence of the fifth paragraph.

1959-60,
c. 102,
a. 964^{ee},
added

15. The said charter is amended by inserting, after article 964^e, the following article:

Letters
patent

“964^{ee}. 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 authorizing the amalgamation of non-profit corporations incorporated under this charter.

Memoran-
dum of
agreement

The petition shall be accompanied with a memorandum of agreement from the corporations to be amalgamated stipulating the terms and conditions of the amalgamation, the manner in which the amalgamation is to be effected, the name of the corporation resulting from the proposed amalgamation, the location of its head office, its powers, rights and privileges, the rules governing the exercise of its powers and the designation of its members or sole member and of its directors.

Property

Subject to the second paragraph, the corporation resulting from the amalgamation shall possess all the property and have all the rights and privileges of each of the amalgamated corporations, and shall assume all the debts and obligations as if it had contracted them itself.

Applica-
bility

Articles 964^f, 964^{ff} and 964^g apply to the corporation.”

General
real estate
tax

16. The city of Montréal, by by-law, may provide for an increase in the amount of the general real estate tax imposed on a unit of evaluation for the fiscal year 1996 that is due on the coming into force of the city’s real estate assessment roll on 1 January 1995, in order to limit to 5 % the percentage of the decrease in relation to the amount of the tax imposed on the unit for the fiscal year 1995.

By-law

The by-law passed under the first paragraph may provide for

(1) rules allowing for the establishment, for the purposes of this section, of the amount of the tax imposed on the unit for the fiscal year 1995 and of the amount of the tax, prior to the increase, imposed on the unit for the fiscal year 1996;

(2) rules allowing, for the purposes of this section, for the taking into account only of the decrease in the amount of the tax resulting from a decrease in the taxable value of the unit owing to a change in the real estate market reflected at the time of the coming into force of the roll on 1 January 1995;

(3) rules allowing for the increase to be applied to a unit formed from the combining of whole units;

(4) rules applicable where the taxable value of the unit is altered, on the basis of the date on which the alteration has effect;

(5) any other rules and terms and conditions necessary for the increase to be applied.

By-law

17. The council of the city of Montréal shall pass the by-law referred to in article 110.1 of the charter of the city of Montréal (1959-60, chapter 102) not later than 31 December 1995. Articles 110.2 to 110.12 of the charter remain without effect until passage of the by-law.

Appoint-
ments

The council shall also make the appointments under article 110.15 of the charter not later than 31 December 1995. Articles 110.16 to 110.21 of the charter and sections 8 to 10 of this Act remain without effect until the appointments have been made.

Île Notre-
Dame

18. The city is authorized to sell part of Île Notre-Dame to Casiloc inc., a subsidiary of the Société des loteries du Québec.

Coming into
force

19. This Act comes into force on 22 June 1995.