

NATIONAL ASSEMBLY
Thirty-fourth Legislature, third session

1994, chapter 34

AN ACT TO AMEND THE ACT RESPECTING MUNICIPAL INDUSTRIAL IMMOVABLES

Bill 30

Introduced by Mr Claude Ryan, Minister of Municipal Affairs

Introduced 12 May 1994

Passage in principle 26 May 1994

Passage 15 June 1994

Assented to 17 June 1994

Coming into force: 17 June 1994

Act amended:

Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1)





CHAPTER 34

An Act to amend the Act respecting municipal industrial immovables

[Assented to 17 June 1994]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. I-0.1, s. 1,
am.

1. Section 1 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1) is amended

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

Maximum
expenditures

“**1.** Expenditures incurred for the purposes of this Act and financed otherwise than under a loan by-law of a local municipality shall not exceed, during a fiscal year, an amount which the municipality fixes each year by by-law.”;

(2) by replacing the third and fourth paragraphs by the following paragraphs:

Approval

“Except in the case of the city of Québec, the by-law shall be submitted for approval to the qualified voters if the amount fixed therein accounts for more than 1 % of the expenditures provided for in the budget of the municipality for the fiscal year concerned.

Approval

Such approval must be sought for every by-law which causes the amount fixed in accordance with this section to exceed the limit that applies under the third paragraph or which increases an amount fixed under a by-law having received such approval.”

c. I-0.1, s. 2,
am.

2. Section 2 of the said Act is amended

(1) by inserting the word “local” before the word “municipality” in the first line of the first paragraph;

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

Use of
immovables “A local municipality may also use in accordance with this Act an immovable acquired by the local municipality otherwise than under a by-law adopted under the first paragraph. The amount of the market value of the immovable on the date on which such use begins shall be considered to be an expenditure incurred on that date by the municipality and financed otherwise than under a loan by-law.”

c. I-0.1, s. 3,
repealed **3.** Section 3 of the said Act is repealed.

c. I-0.1, s. 4,
am. **4.** Section 4 of the said Act is amended by striking out the second paragraph.

c. I-0.1, s. 5,
repealed **5.** Section 5 of the said Act is repealed.

c. I-0.1, s. 6,
replaced **6.** Section 6 of the said Act is replaced by the following sections:

Alienation **“6.** A local municipality may alienate for industrial, para-industrial or research purposes an immovable acquired, built or converted by the local municipality under this Act.

Price The price for which an immovable is alienated must cover the cost of acquisition of the immovable and the expenses incurred in respect of the immovable for professional services. The cost of acquisition includes incidental expenses, if any, incurred for the financing of expenditures.

Authoriza-
tion The Minister of Municipal Affairs may authorize the alienation of an immovable for a lower price than the price provided for in the second paragraph.

Certificate The resolution under which an immovable is alienated by a local municipality has effect only if it is accompanied with a certificate from the treasurer or secretary-treasurer, as the case may be, indicating the amount of the costs and expenses which must be covered by the price for which the immovable is alienated.

Construction **“6.0.1** Any person having acquired land in accordance with section 6 shall, before the expiry of three years from the date of such acquisition, build on the land a building intended to be used for the purposes set out in that section.

Taking back
of land If the acquirer has not fulfilled his obligation to build, the local municipality may, within one year after the expiry of the period mentioned in the first paragraph, take back the land, in which case it shall pay to the acquirer the price it received from the acquirer upon the alienation of the land.

Offer of land

“6.0.2 Where a person has acquired land in accordance with section 6 and there is no building thereon intended to be used for the purposes set out in that section, the person shall, before alienating all or part of the land prior to the expiry of the time within which the land may be taken back by the local municipality under the second paragraph of section 6.0.1, offer the land to the municipality for a price not exceeding the price paid to the municipality for its acquisition.”

c. I-0.1,
s. 6.1, am.

7. Section 6.1 of the said Act is amended

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

Subsidy

“6.1 A local municipality may grant a subsidy to a non-profit organization which operates an industrial rental building or become surety for such an organization.

Surety

The amount for which the municipality becomes surety shall be considered, from the adoption of the resolution whereby it becomes surety, to be an expenditure incurred by the municipality and financed otherwise than under a loan by-law.”;

(2) by replacing the word “by-law” in the second line of the third paragraph by the word “resolution”.

c. I-0.1, s. 7,
am.

8. Section 7 of the said Act is amended

(1) by inserting the word “local” before the word “municipality” in the first line of the first paragraph;

(2) by replacing the second and third paragraphs by the following paragraph:

*Maximum
term*

“The term of a lease relating to premises in an industrial rental building shall not exceed three years. The municipality may, at the expiry of the first lease, grant a further lease to the same person for a term not exceeding three years.”

c. I-0.1, s. 8,
repealed

9. Section 8 of the said Act is repealed.

c. I-0.1,
s. 10, am.

10. Section 10 of the said Act is amended by inserting the word “local” before the word “municipality” in the first line of the first paragraph.

c. I-0.1,
s. 11, am.

11. Section 11 of the said Act is amended

(1) by inserting the word “local” before the word “municipality” in the second line of the first paragraph;

(2) by striking out the second sentence of the first paragraph.

c. I-0.1,
s. 12,
replaced

12. Section 12 of the said Act is replaced by the following section:

Alienation

“12. Where an immovable acquired, built or converted under this Act is unsuitable for industrial, para-industrial or research purposes, the local municipality may alienate the immovable for other purposes.

Applicabil-
ity of provi-
sions

The second, third and fourth paragraphs of section 6 apply to such an alienation.”

c. I-0.1,
s. 13, am.

13. Section 13 of the said Act is amended by replacing the first and second paragraphs by the following paragraph:

Use of
immovable

“13. A local municipality may use for municipal purposes an immovable acquired, built or converted under this Act.”

Authoriza-
tion

14. Any alienation effected on the territory of a local municipality under section 6 or 12 of the Act respecting municipal industrial immovables as enacted by sections 6 and 12 of this Act, must be authorized by the Minister of Industry, Trade, Science and Technology until either of the following dates, as the case may be:

(1) the date of coming into force of the concordance by-law, within the meaning of section 59 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), that amends the zoning by-law of the municipality to reflect the first revised development plan applicable to the territory of the municipality that comes into force after 16 June 1994 in accordance with section 56.17 of that Act;

(2) the date on which the zoning by-law of the municipality is deemed, under section 59.2 or 59.4 of the Act respecting land use planning and development, to be in conformity with the objectives of the plan referred to in subparagraph 1.

Coming into
force

15. This Act comes into force on 17 June 1994.