

NATIONAL ASSEMBLY
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1987, chapter 112

AN ACT TO AMEND THE CHARTER OF THE CITY OF MONTRÉAL

Bill 230

Introduced by Madam Violette Trépanier, Member for Dorion

Introduced 9 December 1987

Passage in principle 18 December 1987

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Assented to 18 December 1987

Coming into force: 18 December 1987

Act amended:

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



Éditeur officiel
Québec



CHAPTER 112

An Act to amend the charter of the city of Montréal

[Assented to 18 December 1987]

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. 79b,
added
Additional
remuneration
1. The charter of the city of Montréal (1959-60, chapter 102) is amended by inserting, after article 79a, the following article:

"79b. Notwithstanding sections 65.11 and 65.12 of the Cities and Towns Act (R.S.Q., chapter C-19), the associate councillors shall receive, as such, additional annual remuneration in the amount of \$10 000."

1959-60,
c. 102,
a. 176, am.
Insurance
plans
2. Article 176 of the said charter is amended by adding, at the end, the following paragraph:

"The members of the council may, so long as they remain in office, be members of the liability insurance and group insurance plans contracted by the city."

1959-60,
c. 102,
a. 179b,
added
Additional
remuneration
3. The said charter is amended by inserting, after article 179a, the following article:

"179b. Notwithstanding sections 65.11 and 65.12 of the Cities and Towns Act (R.S.Q., chapter C-19), the chairman and vice-chairman

of a standing committee shall each receive, as such, additional annual remuneration in the amount of \$10 000."

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

4. Article 612a of the said charter, enacted by section 7 of chapter 76 of the statutes of 1972, amended by section 62 of chapter 77 of the statutes of 1977, by section 17 of chapter 40 of the statutes of 1980, by section 32 of chapter 71 of the statutes of 1982, by section 7 of chapter 117 of the statutes of 1986 and by section 29 of Bill 200 (1987) is again amended by replacing the first paragraph by the following paragraph:

Construction
or alteration
plan

"612a. The council may, by by-law, approve a construction or alteration plan or allow the occupancy of one or more buildings or other works under, above or on any land having an area of at least 8000 m² for an industrial project, 4000 m² for a commercial project, a commercial and housing project, an industrial and housing project, an industrial and commercial project or a commercial, housing and industrial project, and 2000 m² for a housing project or a commercial and housing project where 80% of the floor area above the ground is to be used for housing purposes."

1959-60,
c. 102,
a. 628, am.

5. Article 628 of the said charter, replaced by section 22 of chapter 40 of the statutes of 1980, is amended

(1) by replacing the words "or within their territory" in subarticle 1 by the words ", within their territory or within its own territory";

(2) by replacing subarticle 3 by the following subarticle:

Water supply

"3. The municipalities whose supply of water from the city is measured by means of meters shall pay to the city the price of the water within thirty days of receiving an invoice showing the consumption measured by means of meters for the period that has elapsed.";

(3) by adding, after subarticle 7, the following subarticle:

Agreement

"8. Any municipality whose water is not supplied by the city may make an agreement with the city in view of connecting its waterworks system with that of the city; such an agreement shall not be subject to the requirements of sections 468 to 469.1 of the Cities and Towns Act (R.S.Q., chapter C-19) and shall stipulate that the price for supplying water to the municipality shall be, at all times, the same as the price paid by the other municipalities supplied by the city whose consumption is measured by means of a meter, the whole being subject to the following conditions:

(a) that the entire cost of such work, equipment and facilities as are required to enable the city water system to supply water to the

municipality be assumed by it and be entered in the financial statements of the city at a total nominal value of one dollar;

(b) that the entire cost of such work, equipment and facilities as are required to increase the maximum daily capacity of the power plants of the city, which capacity is established at 600 million imperial gallons as of 1 November 1987, and the maintenance and other costs resulting from the work, equipment and facilities be assumed by and apportioned among all municipalities to which water is supplied by the city pursuant to this subarticle."

1959-60,
c. 102,
a. 661.1, am.

6. Article 661.1 of the said charter is amended by replacing the third paragraph by the following paragraph:

"authorized
parties"

"For the purposes of this article and of articles 661.2 to 661.6, the words "authorized parties" have the same meaning as in the Act respecting elections and referendums in municipalities (1987, chapter 57)."

1959-60,
c. 102,
a. 661.6,
added

7. The said charter is amended by inserting, after article 661.5, the following article:

Allowance

"661.6 Notwithstanding any general law or special Act, the director of finance shall, every year, determine an allowance for each authorized political party.

Expenses

The allowance shall be used to reimburse the expenses actually incurred and paid by the authorized parties and defined in the Election Act (R.S.Q., chapter E-3.2) in the division on public financing of political parties, except the expenses referred to in articles 661.1 to 661.5 of this charter.

Computation

The allowance shall be computed by dividing between the parties, proportionately to the percentage of the valid votes obtained by them at the last regular election, a sum equal to the product obtained by multiplying the amount of 25 cents by the number of electors entered on the list of electors prepared for the election.

Payment

The allowance shall be paid to the official representative of the authorized party by the director general of finance at the rate of one-twelfth each month upon production by him of the relevant vouchers and of a statement in the form prescribed by the director of finance.

Budget

The budget of the city shall include appropriations that are sufficient for the purposes of the allowance."

1959-60,
c. 102,
a. 733, am.

8. Article 733 of the said charter, replaced by section 90 of chapter 77 of the statutes of 1977, amended by sections 32 and 82 of chapter 22 of the statutes of 1979, by section 37 of chapter 40 of the statutes of 1980 and by section 54 of chapter 71 of the statutes of 1982, is again amended by replacing subarticle 10 by the following subarticle:

Other city
bodies

“(10) The auditor has the same duties and exercises the same powers in respect of the bodies, corporations or persons whose affairs he is charged by the charter or by the city with auditing, in respect of any corporation or association established under paragraph 4 of article 528, and under articles 964*b*, 964*c*, 964*d* and 964*dd*.”

1959-60,
c. 102,
a. 803, am.

9. Article 803 of the said charter, amended by section 12 of chapter 65 of the statutes of 1966-67, by section 9 of chapter 91 of the statutes of 1969, by section 118 of chapter 77 of the statutes of 1977, by section 41 of chapter 40 of the statutes of 1980 and by section 12 of chapter 59 of the statutes of 1983, is again amended by replacing paragraph *d* by the following paragraph:

Amusement
machine

“*d.* Every amusement machine: a tax that may vary according to the type of machine; an amusement machine includes any amusement device or game of skill;”

1959-60,
c. 102,
a. 964*dd*,
added

Tourist infor-
mation
centres

10. The said charter is amended by inserting, after article 964*d*, the following article:

“**964*dd*.** The city may apply for the incorporation of a non-profit corporation to manage and operate one or more tourist information centres and to carry on therein or permit the carrying on therein of commercial activities related to the operation of such centres so as to ensure their financing.”

1959-60,
c. 102,
a. 964*e*, am.

11. Article 964*e* of the said charter, enacted by section 45 of chapter 40 of the statutes of 1980, is amended by replacing the first paragraph by the following paragraph:

Establishment

“**964*e*.** The corporations referred to in articles 964*c*, 964*d* and 964*dd* shall be established in accordance with the procedure described in article 964*b*.”

1959-60,
c. 102,
a. 964*f*, am.

12. Article 964*f* of the said charter, enacted by section 45 of chapter 40 of the statutes of 1980, is amended by replacing the first paragraph by the following paragraph:

Report of
activities

“**964*f*.** The corporations referred to in articles 964*c*, 964*d* and 964*dd* must, not later than 31 March each year, submit to the executive

committee a report of their activities for their preceding fiscal period; the report must also include all such information as may be prescribed by the executive committee. The report shall be deposited before the council at the first meeting following the thirtieth day after it has been received by the executive committee."

1959-60,
c. 102,
a. 1079, am.

13. Article 1079 of the said charter, replaced by section 64 of chapter 96 of the statutes of 1971, is amended by replacing subarticle 3 by the following subarticle:

Sale

"3. When the sale is made by agreement, the executive committee is empowered to sell any immovable the price of which does not exceed \$25 000; when such price exceeds \$25 000, the sale shall, in addition, be approved by the council."

Surtax

14. For the fiscal years 1988 and 1989, the city of Montréal may, by by-law, impose and levy a surtax at a rate of not over \$0.10 per one hundred dollars of assessment on the immovables the taxable value of which entered on the assessment roll exceeds \$200 000 and that are classified in categories I and II determined and defined by regulation 1976-I of the Commission municipale du Québec adopted on 29 December 1976 and amended by regulation 1977-I of the Commission adopted on 21 January 1977 under the Act respecting the Olympics deficit of the city of Montréal and amending the Charter of the city of Montréal (1976, chapter 52). This surtax applies only to the amount of the taxable value that exceeds \$200 000.

Sectors

The city may determine the sectors where it intends to levy the surtax in the case of immovables of category I.

Security

The surtax is secured by privilege upon those immovables and the owners are personally liable therefor.

Area require-
ments

15. The area requirements prescribed under article 612a of the said charter do not apply in the case of a project to be realized in the following territories:

(a) the territory bounded on the north by a line along Sherbrooke street, on the east by a line along de Bleury street to de Maisonneuve boulevard, a line along de Maisonneuve boulevard to Jeanne-Mance street, a line along Jeanne-Mance street to Dorchester boulevard, a line along Dorchester boulevard to de Bleury street and by a line along de Bleury street to Saint-Antoine street, on the south by a line along Saint-Antoine street, on the west by the centre line of Stanley street to a line situated 45.72 m from Dorchester boulevard, the said line to Peel street, a line along Peel street to Dorchester boulevard, a line along

Dorchester boulevard to Mansfield street, a line along Mansfield street to Cathcart street, a line along Cathcart street to University street and a line along University street to Sherbrooke street;

(b) the territory bounded on the north by a line along Remembrance road, the limit of the city of Outremont and a line along the said limit to du Parc avenue, on the east by a line along du Parc avenue to des Pins avenue and a line along des Pins avenue to University street, on the south by a line along Sherbrooke street and on the west by the limit of the city of Westmount;

(c) the territory bounded on the north by a line situated 45.72 m from the north side of Dorchester boulevard to Stanley street, a line along Stanley street to Saint-Antoine street, a line along Saint-Antoine street to de Bleury street, a line along de Bleury street to Viger avenue, a line along Viger avenue to Saint-André street and a line along Saint-Antoine street, on the east by a line along de la Visitation street to Notre-Dame street, a line along Notre-Dame street and by the extension of the centre line of Panet street to the St. Lawrence river, on the south by a line along de la Commune street to Berri street and by the St. Lawrence river, on the west by the Lachine canal and the centre line of Guy street.

Effect This section ceases to have effect on 1 January 1989.

Exemption **16.** The city of Montréal may, by by-law, exempt the occupants of residential immovables from the payment of the water and service tax for the fiscal years 1988 and 1989. In that case, the rate of the water and service tax must not exceed, in respect of other classes of occupants, the rates that were applicable to them for the fiscal years 1987 and 1988.

Rent adjust-
ment The lessee of a dwelling in an immovable containing ten dwellings or more and whose water and service tax was, before the fiscal years 1988 and 1989, included in his rent is entitled, if he makes an application to that effect to the lessor within 12 months after the adoption of a city by-law exempting his class of occupants from the water and service tax, to an adjustment of his rent from 1 January 1988 or from 1 January 1989, according to the tax exemption granted under the first paragraph.

Jurisdiction The Régie du logement has jurisdiction, to the exclusion of any court, to hear any application for the adjustment of the rent of a dwelling in an immovable referred to in the first paragraph. Sections 56 to 90 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1), adapted as required, apply to any such application.

**Subsequent
lease**

The fact that a lease is made subsequently to the coming into force of a by-law under the first paragraph does not prevent the lessee from obtaining an adjustment of the rent unless the lessor proves that the water and service tax exemption was taken into account in determining the rent.

**Town of
Charles-
magne**

17. Paragraph *b* of subarticle 8 of article 628 of the charter of the city of Montréal does not apply to the town of Charlemagne in respect of its territory as it exists on 18 December 1987.

**Validity of
by-laws**

18. The budget of the city for the fiscal year 1988 adopted by way of resolution number 87 07287 of the council, as well as by-laws numbers 7581 and 7582, the by-laws for the imposition of taxes for the fiscal year 1988, the resolutions of the executive committee approving the budget, the draft by-laws required for the imposition of taxes for the fiscal year 1988 and the certificate of the director of finance dated 23 November 1987 are hereby declared valid.

Effect

19. Sections 1, 3, 6 and 7 have effect from 1 January 1987.

**Coming into
force**

20. This Act comes into force on 18 December 1987.