

1982, chapter 42

AN ACT TO PROMOTE HOUSING CONSTRUCTION

Bill No. 82

Introduced by Mr Guy Tardif, Minister of Housing and Consumer Protection

First reading: 15 June 1982

Second reading: 17 June 1982

Third reading: 22 June 1982

Assented to: 23 June 1982

Coming into force: 23 June 1982

Act amended: None



CHAPTER 42

An Act to promote housing construction

[Assented to 23 June 1982]

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

CHAPTER I

EMPLOYEES AND EMPLOYERS OF THE CONSTRUCTION INDUSTRY

Contribu-
tion of em-
ployers
and em-
ployees.

1. On the application of the associations of employees of the construction industry whose representativeness is more than 50% in accordance with the Act respecting labour relations in the construction industry (R.S.Q., chapter R-20), and of the majority of the employers' associations, namely the Fédération de la construction du Québec, the Association de la construction de Montréal et du Québec, the Association provinciale des constructeurs d'habitation du Québec, the Corporation des maîtres électriciens du Québec, the Corporation des maîtres mécaniciens en tuyauterie du Québec and the Association des constructeurs de routes et grands travaux du Québec, the Government may, by regulation, prescribe, in such cases, on such conditions and according to such modalities as it may determine, a contribution by employers and employees within the meaning of the said Act with a view to financing a fund to promote housing construction.

Modalities.

The contribution is established on the basis of the work governed by the Act respecting labour relations in the construction industry and in accordance with the hours of work performed by the employees. In the case of the employees, the contribution may also be taken out of the contributions or assessments paid into their supplemental pension plan provided for in the Decree respecting the Construction Industry adopted under Chapter VI of the said Act.

Contributions re-mitted to the Office.

The employer shall thus withhold the contribution from the employee's wages and remit it to the Office de la construction du Québec together with his contribution at the same time as his monthly report.

Collection.

2. The Office has, for the collection of contributions from employers and employees, the same powers as those provided in the Act respecting labour relations in the construction industry for the collection of contributions or assessments imposed by decree.

Financing.

3. At the request of the contracting parties to a decree adopted pursuant to the Act respecting collective agreement decrees (R.S.Q., chapter D-2) governing activities relating to the manufacture or installation of materials or the assembling of construction materials, the Government may, by regulation, prescribe, in such cases, on such conditions and according to such modalities as it may determine, a contribution by the employers and employees governed by the decree with a view to financing the fund to promote housing construction.

Modalities.

The contribution is established on the basis of the work governed by the decree and in accordance with the number of hours of work performed by the employees.

Contributions re-mitted to the parity committee.

The employer shall thus withhold the contribution from the employee's wages and remit it to the parity committee together with his contribution at the same time as his monthly report.

Collection.

4. The parity committee has, for the collection of contributions from employees and employers, the same powers as those provided in the Act respecting collective agreement decrees for the collection of levies contemplated in section 22 of the said Act.

Management of the fund.

5. The Government shall appoint a non-profit organization to manage and apportion, in such cases, on such conditions and according to such modalities as it may determine, a fund to promote housing construction.

Composition.

The organization shall be composed in the majority of representatives of the organizations contributing to the stimulation of housing construction. The members of the board of directors of the organization shall not be remunerated.

Surplus.

If, at the end of a financial year, the estimates of contributions to the fund are greater than the financial commitments of the organization, the Government may, at the request of an employers' association or of an association of employees or of a contracting party to a decree, authorize the organization to use the sums contributed by such association or contracting party to promote construction in a field other than housing.

Contributions re-
mitted to
non-profit
organiza-
tion.

6. The Office or the parity committee shall remit the contributions paid to it to the organization appointed under section 5, in accordance with the modalities determined by agreement between the Office and the organization.

Guarantee.

7. The Government shall guarantee the needs for liquid assets of the organization appointed under section 5, to enable it to ensure the execution of its obligations towards hypothecary lenders.

Regula-
tions.

8. A regulation contemplated in this chapter comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein.

CHAPTER II

PROFESSIONAL CORPORATIONS

Lower pro-
fessional
fees.

9. On the application of the *Ordre des arpenteurs-géomètres du Québec*, the *Chambre des notaires du Québec* or the *Ordre des ingénieurs du Québec*, the Government may, by regulation, in such cases, on such conditions and according to such modalities as it may determine, allow the members of such professional corporation to agree to lower fees than are indicated in the tariff of professional fees for activities relating to housing construction or fix a lower tariff in place of the tariff in force for such activities.

Regula-
tions.

The regulations come into force on the date of their publication in the *Gazette officielle du Québec*.

CHAPTER III

MUNICIPALITIES

DIVISION I

SUBSIDY FUND

Municipal
subsidy
fund.

10. A municipality other than a county municipality or regional county municipality may by by-law set up a subsidy fund to promote the construction or restoration of housing.

Source of
funds.

The sums required for the fund may be derived from loans or taken out of the general fund of the municipality or the special fund contemplated in subparagraph 8 of the second paragraph of section 115 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1).

- Subsidy program. **11.** The municipality shall, by by-law, adopt a subsidy program in which the amount of the subsidies, the conditions for obtaining them and the modalities regarding the carrying out of the program are determined.
- By-law. **12.** A by-law passed for the purposes of section 10 or under section 11 requires no other approval than that of the Minister of Municipal Affairs and of the Commission municipale du Québec.
- Coming into force. The by-law comes into force in conformity with the Act that governs the municipality.

DIVISION II

REAL ESTATE RESERVE

- Real estate reserve. **13.** A municipality other than a county municipality or regional county municipality may establish a real estate reserve to promote housing construction.
- Acquisition. The municipality may, for the purposes of the reserve, use any immovable owned by it or acquire any immovable it considers appropriate.
- By-law. **14.** A loan by-law passed by the municipality to acquire an immovable for the purposes of section 13 requires no other approval than that of the Minister of Municipal Affairs and of the Commission municipale du Québec.
- Coming into force. The by-law comes into force in conformity with the Act that governs the municipality.
- Alienation. **15.** A municipality may, with the approval of the Commission municipale du Québec, alienate, for residential purposes, an immovable included in its real estate reserve.
- Gratuitous alienation. The alienation may be made gratuitously or for a smaller amount than the actual value of the immovable or its cost of acquisition if it is made in favour of the Government, one of its departments, bodies or agencies, a school corporation, a housing cooperative or a non-profit organization established for housing purposes.
- Public auction. The alienation may also be made for a smaller amount than the actual value of the immovable or its cost of acquisition if it is made by public auction or public tenders.
- Proceeds. **16.** All proceeds from the alienation of an immovable included in the real estate reserve must be deposited in a special fund for the establishment or the management of the reserve or be allocated to the subsidy fund, where such is the case.

DIVISION III

TRANSFER DUTIES

17. Every municipality may, by by-law, reduce the amount of any duty imposed pursuant to section 2 of the Act to authorize municipalities to collect duties on transfers of immoveables (R.S.Q., chapter M-39), or waive the right to collect such duties where the transfer within the meaning of the said Act pertains to new residential immoveables of a class established in the by-law.

Reduction
of transfer
duties.

CHAPTER IV

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

18. This Act applies notwithstanding any contrary general or special provision of law.

Applica-
bility.

19. This Act ceases to have effect on 1 September 1986, except sections 5 and 7, which cease to have effect on 1 September 1987.

Effect.

However, the Government may, by proclamation, fix an earlier date for the cessation of effect of one or several sections of this Act; the proclamation must be published in the *Gazette officielle du Québec* not later than 30 days before the date fixed therein.

Effect.

20. When Chapter III ceases to have effect, the amounts paid into the subsidy fund that are not appropriated and the amounts paid into the special fund contemplated in section 16 shall be paid into the general fund of the municipality.

Un-
appropri-
ated sur-
plus.

21. When Division II of Chapter III ceases to have effect, the immoveables included in the real estate reserve must be sold during the year following the cessation of effect, at public auction, after a call for public tenders or in any manner approved by the Commission municipale du Québec.

Liquida-
tion of the
reserve.

However, the Minister of Municipal Affairs may, on the application of a municipality, grant an extension for reasons that he considers satisfactory and for the period he determines, or permit the municipality to keep the immoveables included in the real estate reserve that it needs for its purposes.

Extension.

22. The Minister of Housing and Consumer Protection is entrusted with the carrying out of this Act.

Minister.

23. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of

Exception.

the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming
into force.

24. This Act comes into force on the day of its sanction.