

1982, chapter 71

## AN ACT TO AMEND THE CHARTER OF THE CITY OF MONTRÉAL

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### **Bill No. 200**

Introduced by Mr Patrice Laplante

First reading: 30 November 1981

Second reading: 22 June 1982

Third reading: 22 June 1982

**Assented to: 23 June 1982**

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**Coming into force: 23 June 1982**

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### **Act amended:**

Charter of the city of Montréal (1959-1960, chapter 102)



## CHAPTER 71

### An Act to amend the Charter of the city of Montréal

[Assented to 23 June 1982]

Preamble. WHEREAS it is in the interest of the city of Montréal that its charter, chapter 102 of the statutes of 1959-1960, be amended;

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

1959-1960,  
c. 102,  
a. 35,  
added. **1.** The Charter of the city of Montréal (1959-1960, chapter 102) is amended by inserting, after article 34, the following heading and article:

#### “DIVISION 2

#### “ELECTORAL DISTRICTS

Names. **“35.** The council may give names to the electoral districts of the city.”

1959-1960,  
c. 102,  
a. 36, re-  
placed,  
aa. 36a,  
36b,  
added. **2.** Article 36 of the said charter, amended by section 1 of chapter 90 of the statutes of 1968, is replaced by the following articles:

Street reg-  
ister. **“36.** The head of the competent department shall cause the streets, lanes, highways and public squares acquired in whole or in part by the city or open for public use for five years or more to be described and recorded in a register to be kept exclusively for such purpose. Such of these streets, lanes, highways or public squares as are public in part only shall be registered and described for such part alone.

Public thorough-  
fare. Upon such registration, such streets, lanes, highways and squares shall be deemed to be public.

**Formalities.** “**36 a.** The city becomes the owner of the streets, lanes, highways and squares deemed public under article 36, and of the lots or parts of lots shown on the official plan of the cadastre as streets or lanes, upon complying with the following formalities:

(a) the adoption of a resolution of the executive committee approving the description of the immovable;

(b) the publication of a notice to that effect, once a week for three consecutive weeks, in a French daily newspaper and in an English daily newspaper published in Montréal;

(c) the registration, at the registry office of the registration division of Montréal, of a notice to the same effect, signed by the clerk and stating that the formalities referred to in subparagraphs *a* and *b* have been complied with. Registration is made by deposit and the registrar is bound to receive the notice and enter a reference thereto in the index of immovables.

**Indemnity.** The right to an indemnity in respect of such acquisition must be exercised by a motion in the Expropriation Tribunal within the year following the last publication of the notice in the newspapers.

**Free titles.** “**36 b.** The city is freed from the restrictions affecting its titles on the future use of a street, lane, highway or public square as soon as, on resolution of the executive committee, the following formalities are complied with:

(a) the publication of a notice to that effect in the newspapers with a sketch of the parcels of land contemplated;

(b) the payment of the indemnity fixed by the Tribunal where, within twelve months from the publication of the notice, the donor or his assigns or successors have exercised their recourses, except that the city is automatically freed if the recourse is not exercised within the prescribed time; and

(c) the registration in the registry office of the registration division of Montréal of a notice signed by the clerk and stating that the formalities have been complied with.

**Registration.** The registration mentioned in subarticle *c* of the first paragraph is made by deposit and the registrar is bound to receive the notice and enter a reference thereto in the index of immovables.”

1959-1960,  
c. 102,  
a. 106, am. **3.** Article 106 of the said charter, amended by section 15 of chapter 70 of the statutes of 1963 (1st session), by section 10 of chapter 96 of the statutes of 1971, by section 14 of chapter 77 of the statutes of 1977 and by section 2 of chapter 41 of the statutes of 1980, is amended by replacing paragraph *q* by the following paragraph:

“(q) sell any corporeal moveable belonging to the city the value whereof does not exceed \$10 000; authorize the head of the competent department to sell, at public auction or by calling for public tenders, any corporeal moveable, whatever may be its value;”.

1959-1960,  
c. 102,  
a. 132, re-  
placed.

**4.** Article 132 of the said charter, replaced by section 28 of chapter 77 of the statutes of 1977, is replaced by the following article:

Depart-  
ments and  
services.

“**132.** The council may establish, by by-law, the city departments and services entrusted by it to apply this Act; it may amalgamate, abolish or replace any such department or service, except that it shall not amalgamate, replace or abolish the auditor’s office.

Reference.

Any specific reference to a department head, department or service, in this Act, in any by-law or resolution made under this Act and in any agreement, contract, form or document made under this Act, includes, where such is the case, any other department head, department or service the council may, under the first paragraph, have entrusted with the application of the provision to which such reference is made.

Auditor’s  
office, elec-  
trical com-  
mission  
and civil  
service  
commis-  
sion.

For administrative purposes, the auditor’s office, the electrical commission and the civil service commission are considered departments, and the city auditor, the chairman of the electrical commission and the chairman of the civil service commission rank with the department heads of the city.”

1959-1960,  
c. 102,  
a. 172, re-  
placed.

**5.** Article 172 of the said charter, replaced by section 14 of chapter 96 of the statutes of 1971, is replaced by the following article:

Sup-  
plemental  
pension  
plans.

“**172.** The council may establish, by by-law, supplemental pension plans for the permanent officers and employees of the city, to which they must contribute. The plans shall be administered by committees composed of representatives of the employer and representatives of the employees.

Age and  
service.

The by-law must determine the required age and number of years of service a person must have to be authorized to receive a pension.

Amend-  
ment of  
plans.

Every by-law to amend a by-law establishing a plan must have previously been the object of a recommendation by the majority of each of the two groups of representatives present at the committee meeting when the proposed amendment is voted on. However, unless the representatives of the employees have unanimously approved the amendment, the by-law may be passed only after being approved by the majority of the employees by a referendum held for that purpose.”

1959-1960,  
c. 102,  
aa. 174,  
178, re-  
pealed. **6.** Articles 174 and 178 of the said charter are repealed. However, the by-laws and resolutions made under those provisions remain in force until the pensions, annuities, indemnities or allowances provided for therein cease to be exigible.

1959-1960,  
c. 102,  
a. 243, re-  
placed. **7.** Article 243 of the said charter is replaced by the following article:

Ballot-box. **“243.** The returning officer shall deliver to each deputy returning-officer, within forty-eight hours before the voting, a ballot-box to receive the ballot-papers of the electors.”

1959-1960,  
c. 102,  
a. 288, am. **8.** Article 288 of the said charter is amended by adding the following paragraph:

Polls. **“A** school board and any establishment constituted under the Act respecting health services and social services (R.S.Q., chapter S-5) must grant free use of their premises for the setting up of polls.”

1959-1960,  
c. 102,  
a. 304, re-  
placed. **9.** Article 304 of the said charter, replaced by section 19 of chapter 86 of the statutes of 1966-1967, is replaced by the following article:

Oath or  
affirma-  
tion. **“304.** When a deputy returning-officer knows or has reason to believe that a person presenting himself to vote may, in doing so, infringe a provision of articles 385, 399, 401 and 406, or when he is required to do so for the same reasons by a person present, he shall require an answer, under oath or affirmation, to the question in Form 22.

Answers. In order to obtain his ballot-paper, such person must have answered in the affirmative to the first two questions in such form and in the negative to the other three.”

1959-1960,  
c. 102,  
a. 450a,  
added. **10.** The said charter is amended by inserting, after article 450, the following:

**“TITLE VIIa**

**“CO-CANDIDATES**

Co-  
candidates. **“450a.** Notwithstanding the repeal of the provisions of the Act respecting the 1978 elections in certain municipalities and amending the Cities and Town Act (1978, chapter 63) regarding co-candidates, those provisions apply to a general election, *mutatis mutandis*.”

1959-1960,  
c. 102,  
a. 460, re-  
placed. **11.** Article 460 of the said charter is replaced by the following article:

Consolidation of by-laws.      **“460.** The city may, when it deems it expedient, revise or consolidate the whole or any part of its by-laws so as to unite them in one or more volumes, and to that end repeal, amend or modify them.

Methodology.      For the purposes of the first paragraph the council may determine the terminology and set forth rules respecting the drafting, reference to and publication of the revised by-laws; it may also set forth all the rules necessary in respect of the coming into force of the revised by-laws and provide for an annual up-dating method that will allow for continuous consolidation.

Interpretation.      Nothing in this article may be construed as affecting any matter or thing done or required to be done, or any resolutions, decisions, orders or other proceedings of the council, or any debentures, bonds, notes or other titles of indebtedness issued, or any collection rolls of special taxes, or the rights and duties of municipal officials, which shall continue to be regulated by the previous by-laws until the expiry of the term fixed.”

1959-1960, c. 102, a. 462, replaced.      **12.** Article 462 of the said charter, amended by section 25 of chapter 97 of the statutes of 1960-1961, by section 51 of chapter 59 of the statutes of 1962, by section 2 of chapter 91 of the statutes of 1969, by section 18 of chapter 96 of the statutes of 1971 and by section 56 of chapter 77 of the statutes of 1973, is replaced by the following article:

Penalties.      **“462.** The council may impose, for each infringement of a by-law within its competence, a fine, with or without judicial costs, or imprisonment.

Imprisonment.      If the penalty is a fine, the by-law may prescribe imprisonment for failure to pay the amount of the condemnation within the period fixed by the court.

Prescribed period.      The prescribed period may in no case exceed ninety days but the court may, before or after the end of the prescribed period, on request of the defendant and with the consent of the plaintiff, grant an additional period of not more than ninety days.

Fines.      Subject to any contrary provision of this charter, the fine shall not exceed three hundred dollars; however, the council, in cases of several infringements of the same provision of one of the hereinafter mentioned by-laws, committed by the same person within a period of twelve months, may impose a fine not exceeding, in addition to judicial costs, the following limits:

(a) for a second infringement, not less than one hundred dollars and not more than five hundred dollars;

(b) for any additional infringement, not less than five hundred dollars and not more than one thousand dollars.

Imprisonment. Subject to any contrary provision of this charter, imprisonment may in no case exceed sixty days."

1959-1960, c. 102, a. 463, repealed. **13.** Article 463 of the said charter, replaced by section 3 of chapter 91 of the statutes of 1969, is repealed.

1959-1960, c. 102, a. 465, replaced. **14.** Article 465 of the said charter, replaced by section 4 of chapter 90 of the statutes of 1968, is replaced by the following article:

Penalties. **"465.** Notwithstanding article 462, the council may impose, for failure to hold a permit or licence required under a by-law, the following penalties, in addition to judicial costs:

(a) for a first offence, a fine equal to not less than the amount of the special tax imposed for the object of the permit or licence or, failing that, to the cost of the permit or licence; in no case, however, may the fine exceed five hundred dollars;

(b) for a second offence against the same provision of a by-law committed within twelve months from the first offence, a fine equal to not less than twice the minimum fine provided for a first offence; in no case, however, may the fine be less than one hundred nor more than five hundred dollars;

(c) for every subsequent offence against the same provision of a by-law committed within the same period, a fine equal to not less than twice the minimum fine provided for a second offence; in no case, however, may the fine be less than two hundred dollars nor more than one thousand dollars.

Obligation maintained. The execution of the judgment against the offender does not exempt him from the obligation to pay the special tax or to obtain the permit or licence required, if he is entitled thereto."

1959-1960, c. 102, a. 466, added. **15.** The said charter is amended by adding, after article 465, the following article:

Fines doubled for corporations. **"466.** The council may provide, by by-law, that if an offender who contravenes a by-law it specifies is a corporation, the fine that may be imposed by a judge as a penalty for the offence, in the case of a minimum fine, must be twice the amount of that fine and, in the case of a maximum fine, twice the amount of that fine."

1959-1960, c. 102, a. 468, replaced. **16.** Article 468 of the said Charter is replaced by the following article:

Infringement by corporation. **"468.** Whenever an infringement of a provision of this charter or of a city by-law is committed by a corporation, an associa-

tion, a society or a club, even if its name is not registered, its president, manager or agent, as well as any other person who, at the time of the infringement, had the charge, management or supervision of the immovable, premises or vehicle respecting which such infringement took place, shall be personally liable to the penalty enacted as regards natural persons and may be prosecuted accordingly.”

1959-1960,  
c. 102,  
a. 520, am. **17.** Article 520 of the said charter, amended by section 26 of chapter 97 of the statutes of 1960-1961, by section 8 of chapter 71 of the statutes of 1964, by section 21 of chapter 84 of the statutes of 1965 (1st session), by section 5 of chapter 90 of the statutes of 1968, by section 4 of chapter 91 of the statutes of 1969, by section 205 of chapter 19 of the statutes of 1971, by section 20 of chapter 96 of the statutes of 1971, by section 57 of chapter 77 of the statutes of 1973 and by section 45 of chapter 77 of the statutes of 1977, is amended:

(1) by replacing paragraph 81 by the following paragraph:

Removal of  
harmful  
substances: “(81) Compel the owners, lessees or occupants of lands or buildings to remove therefrom all harmful substances and provide for their removal by the city at the expense of the owner, lessee or occupant if he fails to comply with the orders received or is untraceable;” and

(2) by adding the following paragraph:

Vermin. “(85) Require, whenever the city ascertains the presence of rats, mice or noxious insects in a building, that the owner or occupant has, upon the order and as directed by the competent department, someone proceed with the fumigation of the premises or with any other operation to exterminate the vermin and disinfect the premises within the time prescribed, and report thereon to the department; authorize the head of the department to satisfy himself that the operations comply with the directives; and prescribe that, where the operations do not comply with the directives or if the owner refuses or fails to comply, the city shall itself have someone proceed with the operations at the expense of the owner of the building, with the guarantees provided for in paragraph 84.”

1959-1960,  
c. 102,  
a. 521, am. **18.** Article 521 of the said charter, amended by section 148 of chapter 55 of the statutes of 1972, by section 46 of chapter 77 of the statutes of 1977 and by sections 9 of chapter 40 and 8 of chapter 41 of the statutes of 1980, is amended by replacing paragraph 11 by the following paragraphs:

Posting; “11. (a) Authorize or regulate the posting and sale of bills, placards or advertisements;

(b) Provide requirements on where it is allowed or prohibited to post or have them posted or maintained;

(c) Require that the persons who made them or for whom they are posted, maintained, sold or made be specifically mentioned thereon;

(d) Order, where a by-law has not been complied with, that they be removed and that the premises be restored to their original condition within the time prescribed;

(e) Require the persons responsible for the distribution or posting of the bills, placards or advertisements to use reasonable diligence to ascertain that the requirements of the by-law are observed;

Graffiti; “(11a) Regulate or prohibit graffiti, drawings, paintings, engravings or photographs on trees, walls, fences, posts, sidewalks, pavements or any other similar structure and apply the measures provided for in subparagraph *d* of paragraph 11, in case of infringement;”.

1959-1960,  
c. 102,  
a. 521a,  
added.

**19.** The said charter is amended by adding, after article 521, the following article:

Posting during election period.

“**521a.** No by-law respecting bills, placards or signs made under this charter, a general law or a special Act shall apply to prohibit or limit the use of bills, placards or signs in connection with an election or a referendum held under an Act of the Legislature.”

1959-1960,  
c. 102,  
a. 522, am.

**20.** Article 522 of the said charter, amended by section 27 of chapter 97 of the statutes of 1960-1961, by section 54 of chapter 59 of the statutes of 1962, by section 19 of chapter 70 of the statutes of 1963 (1st session), by section 9 of chapter 71 of the statute of 1964, by section 23 of chapter 86 of the statutes of 1966-1967, by section 47 of chapter 77 of the statutes of 1977 and by section 16 of chapter 22 of the statutes of 1979, is amended

(1) by replacing paragraph 4 by the following paragraph:

Fences and hedges; “4. (a) Specify the requirements respecting fences and hedges, namely:

- (1) their distance from public highways;
- (2) their maximum and minimum height;
- (3) the places where they may or must be located;

(4) the material of which they must be made and the manner in which they must be erected and maintained according to requirements of preservation and architecture;

(b) Provide for the bringing into conformity of fences and hedges, for their removal and, if necessary, the restoration of the

premises, or for the installation of fences or hedges within a prescribed time;

(c) Provide, in case of failure to comply with any requirement of the by-law respecting public safety, whether the offender refuses or fails to comply or cannot be found, that such fences or hedges be corrected, removed or installed by the city at the expense of the offender; the costs of such correction, removal or installation, in addition to any recourse provided by law to recover such costs, may, after registration of a notice of the clerk received in authentic form before a notary and bearing the number of his minutes, constitute a charge against the immovable where the offence takes place, assimilated to a municipal tax and privileged at the same rank;”;

(2) by striking out paragraph 5;

(3) by replacing paragraph 33 by the following paragraph:

Registra-  
tion of  
bicycles;

“33. Compel the owner of a bicycle or any other cycle to carry on his vehicle a registration plate in conformity with the by-law; specify the classes of registration subject to that requirement; provide for the payment of registration duties; authorize the seizure by a peace officer or any employee of the city designated for that purpose, of any bicycle or other cycle used on public property without the required registration plate, except if the owner of the vehicle resides in another municipality; prescribe the impounding, at the expense of the owner, of any vehicle so seized, for a period determined and until proof of ownership is given and the vehicles are registered;” and

(4) by adding the following paragraphs:

Parking  
lots;

“43. Prescribe the requirements respecting traffic and parking, the stopping of vehicles in parking lots with a view to ensuring public safety and facilitate access to persons who must use a wheelchair or orthopedic devices;

Parking on  
private  
property.

“44. Prohibit the drivers of vehicles from parking or leaving their vehicles on private property without the authorization of the owner or occupant of the land, or on a lot owned by the city or any of its agencies wherever public parking is not authorized; provide for the towing and impounding of the vehicles at the expense of their owners; require the prior lodging of an information on the offence by the owner or occupant of the lot or his representative.”.

1959-1960,  
c. 102,  
a. 524, am.

**21.** Article 524 of the said charter, amended by section 55 of chapter 59 of the statutes of 1962, by section 20 of chapter 70 of the statutes of 1963 (1st session), by section 24 of chapter 86 of the statutes of 1966-1967, by section 7 of chapter 90 and by section 1 of chapter 91 of the statutes of 1968, by section 21 of chapter 96 of the stat-

utes of 1971, by section 4 of chapter 76 of the statutes of 1972, by section 58 of chapter 77 of the statutes of 1973, by section 48 of chapter 77 of the statutes of 1977 and by section 10 of chapter 40 of the statutes of 1980, is amended by replacing

(1) paragraph 1 by the following paragraph:

Regulation  
of con-  
struction.

“1. Regulate and determine differently according to the location, in certain streets, parts or sections of certain streets or at any place, the architecture and the number of stories of buildings as well as the dimensions, situation, layout, salubrity, the method of construction and the materials of buildings or any part thereof and especially of buildings, cellars, basements, drains, sewer pipes, chimneys, heating systems and walls whether they be party walls, interior walls or outside walls; require, to such extent and according to such modalities and criteria as it may determine, that the builders or owners of buildings provide and maintain inside or outside parking places; provide for exemptions, as regards certain territories or kinds of buildings or certain uses, from the obligation to provide and maintain parking units; compel every owner to have an opening made in the main outer door of any house, even already built, to enable the postman to insert the mail; compel anyone who wishes to execute a construction, reconstruction, repair, alteration or enlargement to submit the plan thereof to the head of the competent department and to previously obtain from him a written certificate of approval; prohibit any construction, reconstruction, repair, alteration or enlargement not conforming thereto, order it halted and even provide for its demolition; require any person who wishes to alter, restore or enlarge a building or part of a building of such category as the council may determine, to carry out work that facilitates access to the building to persons restricted in their movements, such requirement to be limited to a cost of not over 10% of the value of the alteration, restoration or enlargement work, and enable the head of the competent department to determine that the work required to facilitate access is carried out in conformity with the building by-laws;”;

(2) paragraph 6 by the following paragraph:

Cadastral  
modifica-  
tion.

“6. Subject to article 610*a*, determine the conditions which the executive committee shall set for its approval or refusal of any modification to cadastral plans and define the nature of the works which the executive committee may require and the servitudes necessary for the installation of the public services which must be granted before a plan is approved; authorize the executive committee to refuse to approve the modification whenever public utility services are not installed at the place contemplated in the modification;”.

1959-1960,  
c. 102,  
a. 526, am.

**22.** Article 526 of the said charter, amended by section 26 of chapter 86 of the statutes of 1966-1967, by section 5 of chapter 76 of

the statutes of 1972 and by section 466 of chapter 72 of the statutes of 1979, is amended by replacing paragraph 5 by the following paragraph:

Water  
rate.

“5. Provide hydrometers and place them in the buildings of consumers to measure the quantity of water used, fix the price of such water, the rent of the hydrometers and the manner in which the same shall be paid;”.

1959-1960,  
c. 102,  
a. 528, am.

**23.** Article 528 of the said charter, amended by section 56 of chapter 59 of the statutes of 1962, section 9 of chapter 90 of the statutes of 1968, section 1 of chapter 92 of the statutes of 1968, section 22 of chapter 96 of the statutes of 1971, section 53 of chapter 77 of the statutes of 1977 and section 12 of chapter 40 of the statutes of 1980, is again amended by replacing subparagraphs 3, 3a and 4 by the following subparagraphs:

Libraries  
and  
museums;

“3. Authorize the construction of libraries, arts centres and museums or take part in their establishment, maintenance, fitting-up and interior or exterior maintenance; give subsidies to agricultural, industrial or international exhibitions;

“*Activities on Ste-Hélène and Notre-Dame islands*

Cultural  
activities.

“4. Organize cultural, recreational and touristic activities on Ste-Hélène and Notre-Dame islands; erect immoveables thereon for that purpose or allow immoveables to be erected thereon by third persons, and assign to them for that purpose all or part of the site by emphyteutic lease or surface rights; assign all or part of the rights of the city on those premises to a non-profit association established on an application by the city.

Applica-  
tion.

The application must indicate the name of the association, the location of its head office, its powers, rights and privileges, the rules relating to the exercise thereof, and to the mode of appointment of its members and directors. Notice of the issue of letters patent must be published in the *Gazette officielle du Québec*.

Applica-  
bility.

Article 964f applies to that association.”

1959-1960,  
c. 102,  
a. 528b, re-  
placed.

**24.** Article 528b of the said charter, amended by section 24 of chapter 84 of the statutes of 1965, is replaced by the following article:

Powers of  
the  
council.

“**528b.** The council may also exercise by resolution the powers provided in paragraph 5 of article 520, in paragraphs 34 and 35 of article 522, in paragraph 10 of article 526, in paragraph 9 of article 527 and in paragraphs 3, 4, 6 and 11 of article 528.”

1959-1960,  
c. 102,  
a. 541, re-  
placed.

**25.** Article 541 of the said charter is replaced by the following article:

Signs and placards. **“541.** The signs, placards and other similar objects existing on 1 July 1977 and not in conformity with the by-law passed under No. 5128 must, before 1 July 1983, be removed or brought into conformity with the by-laws then in force.

Signs and placards. The signs, placards and other similar objects installed before 1 January 1982 and in conformity with by-law No. 5128 or installed after 1 January 1982 and in conformity with the by-laws in force when they were installed, must, not later than ten years after the coming into force of any by-law which they infringe, be removed or brought into conformity with the by-laws in force at the end of that period.

Removal. Whenever the signs, placards and other similar objects are not brought into conformity within the period prescribed in this article, the city may remove them after a six month notice has been sent to the owner, subject to its right to remove them at any time when required for public safety.”

1959-1960, c. 102, a. 543b, replaced. **26.** Article 543b of the said charter, enacted by section 11 of chapter 41 of the statutes of 1980, is replaced by the following article:

Commercial zone. **“543b.** (1) The council may, by by-law, define the limits of a commercial zone within which a single commercial district comprising at least 50 places of business and more than 50% of the places of business in that zone may be formed, and provide for the establishment of an initiatives and development association having jurisdiction in that district.

Status of association. (2) In the pursuit of the objects for which it is established, the association has the rights, privileges and obligations of a corporation within the meaning of the Civil Code and of Part III of the Companies Act (R.S.Q., chapter C-38).

Powers. (3) It may, in particular, promote the economic development of the district, establish joint services for its members and their customers, operate a business in the district, erect and manage a parking garage or parking lot and carry out work on public property or private property with the consent of the owner.

Formation. (4) The association may be formed on the application of five ratepayers having a place of business in the district. The application shall be submitted to the executive committee of the city.

Opposition. (5) On receiving the application, the executive committee shall order the clerk to send a notice by registered mail to every ratepayer having a place of business in the district, or cause it to be served on him, informing him that a register will be open, at the place indicated, to receive the signatures of the ratepayers who oppose the formation of the association.

- Register.** (6) The place where the register is to be open must be situated in the district or at a distance of not over two kilometres from the perimeter of the district.
- Information.** (7) The clerk shall accompany the notice with an indication of the limits of the district, the name and address of each ratepayer to whom the notice is being sent or on whom it is being served, and the text of this section and of any by-law relating thereto.
- Hours.** (8) The register is to be open from 9 o'clock in the morning to 7 o'clock in the evening on the first Tuesday following the expiry of fifteen days from the sending or service of the notice or, if that day is a holiday, on the next working day.
- Notice.** (9) A ratepayer who has not received the notice from the clerk may sign the register if he proves that he has a place of business in the district.
- Signature.** (10) Not more than one signature may be registered for each place of business.
- Denial of application.** (11) If more than 50% of the ratepayers having places of business in the district sign the register, the application is denied and no new application may be filed before a period of six months has expired.
- Authorization.** (12) If fewer than 33% of the ratepayers sign the register, the council may by resolution authorize the establishment of the association.
- Poll.** (13) If not fewer than 33% nor more than 50% of such persons sign the register, the clerk shall send a notice by registered mail to every ratepayer having a place of business in the district, or cause it to be served on him, informing him that a poll is to be held within ninety days of the filing of the application; the rules provided for the keeping of the register apply to the holding of the poll.
- Authorization.** (14) If more than 50% of the ratepayers who voted indicated that they are in favour, the council may, by resolution, authorize the establishment of the association; otherwise the application is denied and no new application may be filed before a period of six months has expired.
- Resolution.** (15) The resolution establishing the association shall indicate the name of the association and the limits of the district in which it is to have jurisdiction. Notice of the resolution shall be published in the *Gazette officielle du Québec* and sent to the Minister of Financial Institutions and Cooperatives.
- Members.** (16) All the ratepayers having a place of business in the district are members of the association and, subject to subarticle 17, have the right to vote at its meetings; they are entitled to one vote for each place of business.

- Eligibility.** (17) Where all or part of an assessment becomes exigible, only the members who have paid their assessment may be elected to the board of directors and exercise their right to vote.
- Board of directors.** (18) The board of directors is composed of nine persons, of whom seven are elected from among the members by the general meeting of the members and two are appointed from among the members by the executive committee.
- Auditor.** (19) The general assembly of the members shall appoint an auditor.
- Operating budget.** (20) At a general meeting specially convened for that purpose, the association shall adopt its operating budget, as well as any project involving capital expenditures that may be financed by a loan with the authorization of the city.
- Guarantee.** (21) The city may, by a by-law subject to all the formalities of a loan by-law, guarantee the repayment of loans contracted for by the association.
- Approval of the budget.** (22) On receiving the operating budget, the council may approve it after ascertaining that all the formalities for its adoption have been complied with and may order by by-law an assessment for which it shall determine the number of payments and the mode of computation, specifying whether the place of business is situated in different parts of the district or on different stories of an immovable.
- Assessment.** (23) The rules governing the computation of the assessments of the members and the payments are the same for every association. The rules may provide a maximum limit to the amount or share of the assessments that the members may be required to pay.
- Assessment.** (24) The assessments are ordered on the ratepayers having a place of business on the first day of the fiscal period for which the budget is deposited.
- Subrogation.** (25) A ratepayer who acquires a place of business in the district of an association during a fiscal period becomes a member and, in the case of an existing place of business, succeeds to the rights and obligations of the preceding ratepayer, who then ceases to be a member.
- Notice.** (26) The new member must notify the board of directors of the association in writing that from that time forward he represents that place of business.
- Special business tax.** (27) An assessment ordered under this section is deemed a special business tax for the purposes of its collection and the head of the competent department has all the powers vested in him in that respect by this Act. The assessments collected are remitted to the association.

- Change of limits. (28) On the application of the board of directors of an association, the council may, by resolution, change the limits of the district of the association.
- Application. (29) The application is filed with the executive committee, which shall order a consultation of members who have paid the exigible part of their assessment, if any, in accordance with the modalities that the council may establish by by-law.
- Expansion. (30) Furthermore, where an expansion of the district is planned, the ratepayers having a place of business in the territory to be included in the district must also be consulted.
- Approval. (31) Before the application is granted, it must be approved by a majority of the persons so consulted. In the case of an expansion, the application must be approved by a majority of the members and a majority of the ratepayers having a place of business in the territory to be added to the district.
- Restriction. (32) No application to change the limits of a district is receivable if the change results in reducing the number of members of the association to less than fifty.
- Jurisdiction. (33) The council resolution granting the application of an association extends or limits the jurisdiction of the association to the district thus changed.
- Voluntary membership. (34) Subarticle 28 does not prevent an association from providing, according to the modalities and on the conditions established in its by-laws, for the voluntary membership of persons having a place of business in the zone.
- Grants. (35) The council may, by by-law, on the conditions it determines, make grants to the associations that, in each case, may be in an amount equivalent to that part of the revenues of the association estimated in its budget as derived from members' assessments or an amount not greater than the maximum amount established by the by-law.
- Special general meeting. (36) If a special general meeting is called at the request of the members to deal with a particular subject, no second meeting may be held to deal with the same subject within the same fiscal period, except with the consent of the board of directors.
- By-law. (37) Subject to this article, the by-law determines the formalities to be followed for the formation of an association, its composition, the respective responsibilities of the general meeting of the members and of the board of directors, the modalities of establishing, collecting and repaying the assessment and, generally, any matter relating to the operation and winding-up of the association.
- Approval. Every by-law passed under the preceding paragraph must be submitted for approval to the Minister of Financial Institutions and Cooperatives and it comes into force on the date of that approval.

“place of business”.

(38) For the purposes of this article, the expression “place of business” includes any premises or establishment where an economic or administrative activity in matters of finance, trade, industry or services, a calling, an art, a profession or any other activity constituting a means of profit, gain or livelihood, is carried on, except an employment or charge.”

1959-1960, c. 102, aa. 608, 609, 610, repealed.

**27.** Articles 608, 609 and 610 of the said charter are repealed.

1959-1960, c. 102, a. 610d, added.

**28.** The said charter is amended by inserting, after article 610c, the following article:

Parking units exemption.

“**610d.** (1) The council may, by by-law, exempt any person proposing to erect a building for which parking units must under another by-law be provided and maintained, from the obligation to provide and maintain parking units, to such extent as the council may determine in each case.

Compensation.

(2) The by-law must provide that the exemption is granted upon compensatory payment of a sum established in accordance with a computing formula prescribed under paragraph 4.

Use of sums collected.

(3) The sums collected in application of paragraph 2 are accounted for in view of using them to establish or erect public parking garages or parking lots.

Modalities.

(4) The council shall determine, by by-law, the terms and conditions of applications for exemption and prescribe the formulas for computing the compensation; the formulas may differ according to the categories of units.

Registration.

(5) In the case of a compensation not effected in cash, the clerk shall deposit in the registry office of the registration division of Montréal a certified copy of the by-law granting exemption for the immoveable referred to in such by-law; the registration shall be made by deposit and the registrar is bound to accept it and make mention of it in the index of immoveables.

Charge.

The registration constitutes, up to the amount of compensation fixed in the by-law, a charge against the immoveable, assimilated to a municipal tax and privileged at the same rank.”

1959-1960, c. 102, a. 611, replaced.

**29.** Article 611 of the said charter, replaced by article 60 of chapter 59 of the statutes of 1962 and amended by section 29 of chapter 86 of the statutes of 1966-1967, is replaced by the following article:

Immoveables reserved for municipal purposes.

“**611.** No building, improvement or enlargement permit, except for repairs, shall be granted for an immoveable from the date of the resolution of the executive committee reserving the

immoveable for municipal purposes, or of a resolution of the council ordering its expropriation.

Prohibition  
lifted.

Such prohibition shall cease after one year from the date of the resolution, except if proceedings for the imposition of a reserve or for expropriation are commenced before the expiry of the prescribed period.”

1959-1960,  
c. 102,  
a. 611*a*,  
repealed.

**30.** Article 611*a* of the said charter, enacted by section 26 of chapter 84 of the statutes of 1965 (1st session), is repealed.

1959-1960,  
c. 102,  
a. 612, am.

**31.** Article 612 of the said charter, amended by section 27 of chapter 84 of the statutes of 1965 (1st session), section 30 of chapter 86 of the statutes of 1966-1967, section 11 of chapter 90 of the statutes of 1968, section 28 of chapter 96 of the statutes of 1971 and section 6 of chapter 76 of the statutes of 1972, and replaced by section 17 of chapter 22 of the statutes of 1979, is again amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) unless the public waterworks and sewer services have been installed in the street bordering which it is intended to erect the proposed construction, or unless the executive committee has decided to recommend to the council that appropriations be voted for that purpose;”.

1959-1960,  
c. 102,  
a. 612*a*,  
am.

**32.** Article 612*a* of the said charter, replaced by section 17 of chapter 40 of the statutes of 1980, is amended

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

Minimum  
surface  
area.

“**612*a*.** The council may, by by-law, approve a plan of construction or alteration or allow the occupancy of one or more buildings or other works under, above or on any area of land, in favour of any person whose title includes the right to construct or occupy buildings thereon, provided that such land has a continuous area of at least 8000 m<sup>2</sup> for an industrial project, 4000 m<sup>2</sup> for a commercial or a commercial and housing project and 2000 m<sup>2</sup> for a housing project; these area requirements do not apply in the case of projects for the erection of educational establishments, of any establishment contemplated in the Act respecting health services and social services (R.S.Q., chapter S-5), of public administration or public service buildings, of residential buildings under a municipal or governmental housing program, of abandoned public buildings and of buildings classified or recognized as cultural property or situated wholly or in part in the protected area of a classified cultural property, in a historic or natural district or on a classified historic site.”; and

(2) by adding, after the third paragraph, the following paragraph:

Joint sur-  
faces.

“This article does not prevent the council from approving projects proposed by owners who joined together to form the area required by this article, if the proposed project is intended to form an architectural complex constituting a better urban development than that allowed by the by-law, and if each owner gives the city a written document stating that he was informed that from the coming into force of the by-law approving the project, any alteration to the construction or destination of the building contemplated in the by-law and derogating from the by-law will be subject to the approval of the council.”

1959-1960,  
c. 102,  
a. 619, re-  
placed.

**33.** Article 619 of the said charter, replaced by section 18 of chapter 40 of the statutes of 1980, is replaced by the following article:

Levy of  
water tax.

“**619.** The roll of rental values or the collection roll of the water and service tax shall not be altered and no water and service tax shall be levied, for residential premises, on any person who, during the same fiscal period, occupied other residential premises in the city in respect of which he has paid that tax in full to the city.

Levy of  
water tax.

Notwithstanding the first paragraph, the roll of rental values or the collection roll of the water and service tax shall be altered and the water and service tax shall be levied on any person who, during the same year, leaves residential premises in respect of which the owner is bound to pay such tax, and occupies another immoveable in respect of which he is bound to make such payment.

Prop-  
ortional  
payment.

Such person is bound to pay the tax proportionately to the unexpired portion of the fiscal period at the time the occupation begins.”

1959-1960,  
c. 102,  
a. 620, re-  
placed.

**34.** Article 620 of the said charter, replaced by section 19 of chapter 40 of the statutes of 1980, is replaced by the following article:

No refund.

“**620.** The roll of rental values or the collection roll of the water and service tax shall not be altered in the course of a fiscal period and no water and service tax shall be refunded to a person who leaves residential premises to occupy others in the city.

Reim-  
bursement.

Notwithstanding the first paragraph, the water and service tax may be reimbursed to any person who, during the same year, leaves residential premises where he is bound to pay such tax and occupies another immoveable in respect of which the owner is bound to pay such tax.

Reim-  
bursement. The reimbursement is proportionate to the unexpired portion of the fiscal period at the time when the occupancy of the residential premises in respect of which the person has paid tax to the city ceases. The reimbursement shall be made upon request of the person entitled thereto, upon presentation of vouchers, namely the receipt from the city and a copy of the new lease.”

1959-1960,  
c. 102,  
a. 621, re-  
placed. **35.** Article 621 of the said charter, replaced by section 20 of chapter 40 of the statutes of 1980, is again replaced by the following article:

Parking  
space. **“621.** Premises used as parking space on which a water and service tax is imposed may be entered on the roll of rental values or on the collection roll of the water and service tax in the name of the occupant or of the owner.

Water and  
service  
tax. The roll of rental values or the collection roll of the water and service tax shall not be altered in the course of a fiscal period and no water and service tax shall be imposed or any refund made, with respect to such premises, in any building entered on the roll.”

1959-1960,  
c. 102,  
a. 634, re-  
placed. **36.** Article 634 of the said charter, replaced by section 9 of chapter 76 of the statutes of 1972, is replaced by the following article:

Separate  
installa-  
tions. **“634.** The owner of any building occupied by more than one tenant, subtenant or family shall be liable for payment of the water and service tax and his name shall be entered on the roll of rental values or on the collection roll of the water and service tax, as an occupant, except in the case of a tenant under a written lease for one year or longer when the owner has installed a separate supply pipe for each apartment so occupied, so that the city may, at any time, establish the supply of water to each occupant.”

1959-1960,  
c. 102,  
a. 635, re-  
placed. **37.** Article 635 of the said charter, replaced by section 24 of chapter 40 of the statutes of 1980, is replaced by the following article:

Proprietor  
liable. **“635.** (1) The city, by by-law, may hold the proprietor of an immovable containing a total of ten or more dwellings or representing a total rental value of dwellings that exceeds the value determined annually under the by-law, liable for the payment of the water and service tax for all the dwellings. The proprietor’s name shall be entered on the roll of rental values or on the collection roll of the water and service tax as the occupant of all the dwellings.

Criteria. (2) For the purposes of the by-law, the council may use any combination of the two criteria, namely, the total number of dwellings and the total of rental values of the dwellings.

- Rental value.** (3) The roll of rental values shall indicate the rental value of each dwelling and, opposite the name of the proprietor, the total rental value of all the dwellings.
- Collection roll.** The collection roll of the water and service tax shall indicate the name of the proprietor and the number of dwellings.
- Vacant dwelling.** (4) Only a fixed reduction equivalent to 10% of the total amount of the water and service tax imposed for the dwellings of the immovable shall be granted to the proprietor to take account of losses resulting from vacancies or other causes.
- Assignment of immovable.** (5) No refund of the water and service tax is granted to a proprietor being the presumed occupant of all the dwellings who assigns his immovable, and the assignee becomes liable for payment of the tax in the same manner as the assignor.
- Immovable destroyed.** (6) However, if the immovable is demolished or burnt down, the proprietor is liable for payment of the water and service tax of the destroyed dwellings only in proportion to that part of the year that has elapsed, subject to article 638.
- New immovable.** (7) In the case of a new immovable or an immovable newly divided into several dwellings, the liability of the proprietor for payment of the water and service tax applies only in respect of the dwellings actually occupied and only from the date of occupancy of each dwelling to the end of the fiscal period during which 90% of the dwellings of the immovable are leased or occupied.
- Real estate tax.** (8) The head of the competent department shall mention on the collection roll of real estate taxes any amount of the water and service tax due by the proprietor for the current fiscal period under this article. That amount is then regarded as a real estate tax encumbering the immovable for which it is entered.
- Tax payable by the tenant.** (9) Where the lease of a dwelling situated in a building contemplated in this article does not include any provision regarding the obligation to pay the water and service tax, or where it prescribes that the tax must be paid by the tenant, the latter must pay to the proprietor the amount of the tax for his dwelling before deduction of the reduction contemplated in subarticle 4 for the period commencing on 1 January to the expiry date of the lease or to 31 December, whichever comes first, within fifteen days of receipt of a notice from the proprietor to which a copy of the city's account is attached. This subarticle does not apply when the amount of the rent already includes the repayment of the tax.
- Responsibility of the proprietor.** (10) Where an immovable is, as regards any fiscal period, contemplated in a by-law enacted under this article, the payment of the water and service tax continues, for subsequent fiscal periods, to be the responsibility of the proprietor of the immovable even though it no longer meets the criteria established by the annual taxation by-law imposing that tax.”

1959-1960,  
c. 102,  
a. 649*a*,  
replaced.

**38.** Article 649*a* of the said charter, enacted by section 31 of the chapter 40 of the statutes of 1980, is replaced by the following article:

Parking lot  
authoriza-  
tion.

**“649*a*.** Notwithstanding any zoning by-law, the executive committee, on the conditions it imposes in each case, may grant, after consulting the competent departments, a personal and untransferable authorization to lay out and operate a parking lot. The executive committee may revoke that authorization at any time, after a thirty day notice has been given in writing to the owner by the clerk.”

1959-1960,  
c. 102,  
a. 653, re-  
placed.

**39.** Article 653 of the said charter, amended by section 22 of chapter 70 of the statutes of 1963, by section 66 of chapter 77 of the statutes of 1973 and by section 33 of chapter 40 of the statutes of 1980, is replaced by the following article:

Calcula-  
tion.

**“653.** For the purposes of paragraph *a* of article 652, the head of the competent department shall calculate the probable revenue of the municipal real estate tax on the basis of the rate for the current fiscal period and the valuation fixed for the next fiscal period; he shall add thereto the probable amount of the water-rates and the service and business taxes computed by using, as the case may be, the fixed rate for the current fiscal period or the rate for the current fiscal period based on the probable rental value for the next fiscal period, such value to be provided by the valuation commissioner. In the case of a change of rates at or before adoption of the budget, the head of the competent department shall increase or decrease accordingly the amount obtained by such calculations. He shall provisionally estimate the probable revenue of the school tax, subject to correction when the rates of such tax are known for the next fiscal period.”

1959-1960,  
c. 102,  
a. 666, re-  
placed.

**40.** Article 666 of the said charter is replaced by the following article:

Surplus.

**“666.** The executive committee may add to the probable revenue of the next fiscal period the whole or part of any surplus of the general fund established by the head of the competent department in his last annual report and still unappropriated for the current fiscal period under article 667.

Amend-  
ment of  
the  
budget.

However, upon the recommendation of the executive committee, the council may add the whole or part of the declared surplus still unappropriated under article 667, to the revenue of the current fiscal period, and amend the budget of the current period accordingly.”

1959-1960,  
c. 102,  
a. 667, re-  
placed.

**41.** Article 667 of the said charter is replaced by the following article:

Surplus. **“667.** The executive committee may add to the probable revenue of the next fiscal period the whole or part of any surplus of the current fiscal period, as estimated by the head of the competent department.”

1959-1960,  
c. 102,  
a. 668, re-  
pealed. **42.** Article 668 of the said charter is repealed.

1959-1960,  
c. 102,  
a. 669, re-  
placed. **43.** Article 669 of the said charter, replaced by section 14 of chapter 41 of the statutes of 1980, is replaced by the following article:

Approval  
of the  
budget. **“669.** Not later than 1 December each year, the executive committee shall approve the budget and the draft by-laws required for the imposition of the taxes for the next fiscal period.”

1959-1960,  
c. 102,  
a. 670, am. **44.** Article 670 of the said charter, amended by section 37 of chapter 97 of the statutes of 1960-1961, by section 11 of chapter 76 of the statutes of 1972, by section 27 of chapter 22 of the statutes of 1979 and by section 15 of chapter 41 of the statutes of 1980, is amended by replacing paragraph *a* by the following paragraph:

“*a*) the draft by-laws made in application of article 669;”.

1959-1960,  
c. 102,  
aa. 670a,  
670b,  
added. **45.** The said charter is amended by inserting, after article 670, the following articles:

Approval  
of the  
budget. **“670a.** In the year of a general election, the approval of the budget and of the draft by-laws for the imposition of taxes by the executive committee, and their deposit in the clerk’s office in conformity with article 670, may be made after 1 December but not later than three months after the date of the elections.

Certifi-  
cates of  
available  
funds. **“670b.** Where delays are incurred under article 670a, the head of the competent department, until 31 March of the year following that of the general election, may deliver certificates of available funds as if, on 1 January of the year following that of the elections, three-quarters of the budget of the fiscal period in which the election is held had been adopted.”

1959-1960,  
c. 102,  
a. 675, am. **46.** Article 675 of the said charter, replaced by section 35 of chapter 40 of the statutes of 1980, is amended by adding the following paragraph:

Automatic  
coming  
into force. **“Notwithstanding the first paragraph, in the case of article 670a, the budget, by-laws and resolutions referred to in article 670, which have not been adopted within fifteen days after their deposit in the clerk’s office, become automatically in force on the first day of the month following the month during which the fifteenth day falls after the deposit.”**

1959-1960,  
c. 102,  
a. 708, re-  
placed.

**47.** Article 708 of the said charter is replaced by the following article:

Management of departments.

**“708.** The head of each department is responsible for the management of the appropriations put at the disposal of his department, as prescribed by this charter, under the authority of the executive committee and the council.”

1959-1960,  
c. 102,  
a. 709, re-  
placed.

**48.** Article 709 of the said charter is replaced by the following article:

Authorized transfers.

**“709.** The executive committee shall establish the rules governing the transfer of appropriations within a program of the budget; those rules may provide that the chairman of the executive committee may authorize transfers of appropriations within a subprogram.”

1959-1960,  
c. 102,  
a. 710, am.

**49.** Article 710 of the said charter, replaced by section 82 of chapter 77 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

Approval required.

**“710.** The executive committee shall not transfer the appropriations voted under one item of the budget to another item or those voted under one program of the budget to another program, except with the approval of the council.”

1959-1960,  
c. 102,  
a. 711, re-  
pealed.

**50.** Article 711 of the said charter is repealed.

1959-1960,  
c. 112,  
a. 717a,  
replaced.

**51.** Article 717a of the said charter, enacted by section 35 of chapter 96 of the statutes of 1971, is replaced by the following article:

Use of revenue to meet expenses.

**“717a.** Notwithstanding any inconsistent legislative or regulatory provision, the city is authorized to use, by resolution of the executive committee, the actual revenue from any fiscal period as estimated or established by the head of the competent department, for the purposes of meeting any expenses it is authorized to incur.”

1959-1960,  
c. 102,  
a. 721, am.

**52.** Article 721 of the said chapter, amended by section 85 of chapter 77 of the statutes of 1977, is amended by adding, at the end of the first paragraph, the following sentence:

Professional fees.

**“However, such approval is not necessary in the case of an agreement compelling the city to pay fees for professional services.”**

1959-1960,  
c. 102,  
a. 730, am. **53.** Article 730 of the said charter, amended by section 31 of chapter 22 of the statutes of 1979, is amended by replacing the third paragraph by the following paragraphs:

Financial report. “Before 30 April, he shall further forward to the Minister of Municipal Affairs a financial report for the last completed fiscal period. The report must include:

(a) the financial statements;

(b) the report of the city auditor, on such financial statements;

(c) the report prepared in conformity with article 734 by the auditor appointed under that article; and

(d) any other information required by the Minister.

Extension. Upon request of the city, the Minister may extend the period provided for in the third paragraph.

Report prepared by civil servant. However, if the director does not forward the report within the prescribed period, the Minister may have a report prepared for any period, at the expense of the city, by an officer of the Ministère des Affaires municipales or any other person authorized to do so by law.

Payment of fees. Where the report contemplated in the fifth paragraph is prepared by a person who is not an officer of the Ministère des Affaires municipales, his fees must be paid by the city unless the Minister decides to make the payment, in which case he may be reimbursed by the city.

Balance sheet. The director also shall prepare for general distribution a balance sheet and a summary statement of revenue and expenditure showing the financial situation of the city, and the revenue and expenditure for the fiscal period.”

1959-1960,  
c. 102,  
a. 733, am. **54.** 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 and section 37 of chapter 40 of the statutes of 1980, is 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* and 964*d*.”

1959-1960,  
c. 102,  
aa. 734-740, re-  
placed. **55.** Articles 734 to 740 of the said charter are replaced by the following articles:

Outside auditor. “**734.** Every three years the council, on the report of the executive committee, shall appoint an outside auditor who is neither a

member of the council nor an employee of the city, to make each year a report on the accounts of the city and on the balance sheet and statement of revenue and expenditure prepared by the head of the competent department according to the provisions of article 730 for each of the fiscal periods comprised in the three years commencing on 1 January following his appointment.

**Qualifications.** Only an accountant who has practised his profession in the Province of Québec for at least five years before the date of his appointment and who is a member in good standing of an institute, association or corporation of accountants incorporated by a statute of Quebec may be appointed outside auditor.

**Vacancy.** If such office becomes vacant, the council, upon the report of the executive committee, shall fill it at its next regular meeting or before.

**Reappointment.** Any outside auditor may be reappointed as such on the expiration of his term of office.

**Remuneration.** The council, upon the report of the executive committee, shall fix the remuneration of the outside auditor at the time of his appointment, but if a vacancy occurs during the term of office of an outside auditor and he is replaced, such remuneration shall be divided between him and his successor in the proportion determined by the executive committee.

**Report.** “**735.** The outside auditor must state in the report mentioned in article 734,

*a.* whether or not he has obtained the information and explanations he has required;

*b.* whether, in his opinion, the balance sheet and statements mentioned in the report prepared by the head of the competent department are drawn up so as to exhibit a true and correct view of the city's affairs according to the best of his information and as shown by the books of the city and the information and explanations given to him.

**Deposit.** “**736.** The report of the outside auditor shall be deposited in the office of the clerk within thirty days after the deposit under article 730 of the report of the head of the competent department. Such report shall be a public document.

**Access to books.** “**737.** The outside auditor shall have access to the books, accounts, cash, securities, documents and vouchers, and shall be entitled to require from the officials and employees of the city the information and explanations necessary for the performance of his duties.

Access to books. The auditor of the city shall put at the disposal of the outside auditor all the books, statements and other documents he has prepared or used in making his audit under article 732.

Report on budget irregularities. **“738.** If the budget of any fiscal period has not been prepared and adopted in conformity with the provisions of articles 661, 663, 664, 665, 666, 667, 669, 670, 673 and 674, the outside auditor, within four months of its adoption, shall inform the executive secretary of the city, who shall report to the executive committee.

Report to municipal commission. If, during a fiscal period, the executive committee and the council, authorized for such purposes by this provision, have not, as the case may be, amended the budget to bring it into conformity with the said articles, or if they have not made, for the next fiscal period, the estimates that should have been included therein for the current fiscal period, the outside auditor must report that fact to the Commission municipale du Québec.

Duties of auditor. **“739.** He shall also inform the executive secretary of the city who shall report to the executive committee, if, during any fiscal period,

a. without the approval of the Commission municipale du Québec and contrary to articles 721 to 749, the city contracts any loan, or makes any contract or deal for a term exceeding one year entailing an expenditure chargeable against the revenue of a subsequent fiscal period; or

b. the surplus of the general fund, or the surplus of the current fiscal period, as estimated by the head of the competent department, is used otherwise than in accordance with the provisions of articles 666 and 667; or

c. an appropriation voted for capital expenditure, or for the redemption of securities in addition to those which the city must redeem, is used otherwise than in accordance with the provisions of articles 712, 714 and 715.

Report to municipal commission. If, within ninety days following the receipt of such report by the executive secretary of the city, the executive committee and the council, who are authorized for such purpose, have not corrected such situation, the outside auditor shall report the fact to the Commission municipale du Québec.

Measures to be imposed. **“740.** If the outside auditor makes a report to the Commission municipale du Québec pursuant to the provisions of articles 738 and 739, the commission may require the city in writing to take within ninety days such action as the commission may specify to remedy the situation.”

1959-1960,  
c. 102,  
a. 746a,  
replaced.

**56.** Article 746a of the said charter, enacted by section 26 of chapter 70 of the statutes of 1970, replaced by section 94 of chapter 77 of the statutes of 1977, is replaced by the following article:

Cost of  
general  
election.

**“746a.** The city may, by resolution of the council,

(a) borrow, for a term not exceeding four years, the sums required to defray the cost of the expenses involved in holding the general election;

(b) defray the cost out of the general fund and defer part of those expenses by charging it to the budgetary appropriations of the three fiscal periods following the year of the election.”

1959-1960,  
c. 102,  
a. 755, am.

**57.** Article 755 of the said charter, replaced by section 100 of chapter 77 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

Signing of  
evidences  
of indebt-  
edness.

**“755.** The evidences of indebtedness issued by the city for short or long term loans shall be signed by the mayor or by a person authorized in accordance with article 67, and by the head of the competent department.”

1959-1960,  
c. 102,  
aa. 787a-  
787h, re-  
placed.

**58.** Articles 787a to 787h of the said charter are replaced by the following articles:

Subsidies  
for res-  
toration.

**“787a.** The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant subsidies for the following purposes:

(a) the demolition of buildings beyond repair, unfit for their intended purposes or incompatible with their surroundings;

(b) the renovation, restoration and enlargement of buildings and the construction and reconstruction of residential buildings as well as the conversion of buildings into residential buildings;

(c) landscaping; and

(d) alterations in the connection of electric power lines and accessories on burying electric cables or moving them off the street.

Amount.

The maximum amount of any subsidy may in no case exceed the actual cost of the work.

Subsidies  
for res-  
toration.

**“787b.** The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant, for the buildings or parts of buildings reconstructed, renovated, restored, enlarged or converted in conformity with any by-law made under article 787a, subsidies to compensate for the increase of the real estate taxes that might result from the reassessment of such buildings after the end of the work.

Amount. The amount of such subsidies may in no case exceed the following sums:

(a) for the fiscal period during which the works were completed and the following fiscal period, the amount of the subsidy shall be equal to not more than the difference between the amount of the real estate taxes that would be due if the assessment of the building had not been changed, and the amount of the taxes actually due; and

(b) for the second fiscal period following the fiscal period during which the works were completed, the amount of the subsidy shall be equal to not more than fifty per cent of the difference between the amount of the real estate taxes that would be due if the value of the building had not been reassessed, and the amount of the taxes actually due.

Contested assessment. If the assessment of a building that may be subsidized under this article is contested, the subsidy is paid only when the final decision on the contestation has been rendered.

Residential buildings. In the case of residential buildings, the subsidies shall be paid only if the proprietor shows, in the manner prescribed by by-law, that the rent paid by his tenants was not increased by reason of an increase of the real estate taxes."

1959-1960, c. 102, Title XI, Chap. I, Div. 4, title, replaced. **59.** The title of Division 4 of Chapter I of Title XI is replaced by the following title:

"WATER-RATE AND SERVICE TAXES".

1959-1960, c. 102, a. 808, replaced. **60.** Article 808 of the said charter, replaced by section 17 of chapter 76 of the statutes of 1972, is replaced by the following article:

Water and service taxes. **"808.** (1) To compensate for the cost of water service and the other services identified by by-law, the council may, by by-law, impose a water-rate and service tax or any of those taxes separately, decide the method of payment, when the tax is payable and the manner in which it may be imposed or collected. The by-law must specify the portion of the receipts of that tax to be allotted to each of the services it finances.

Criteria. (2) Where the council imposes a tax provided for in paragraph 1, it may, according to the various categories of occupation, based on any of the following criteria or on a combination of the latter:

- (a) a fixed rate;
- (b) a rate established according to consumption;
- (c) the rental value of a place of business or premises.

“pre-  
mises”.

For the purposes of this article, the word “premises” means only an immovable or part of an immovable subject to a tax provided for in paragraph 1 but not subject to the business tax imposed under section 232 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and not contemplated in section 236 of the said Act.”

1959-1960,  
c. 102,  
a. 818,  
added.

**61.** The said charter is amended by inserting, after the title of Division 1 of Chapter II of Title XI, the following article:

Entry on  
the roll.

**818.** Notwithstanding section 32 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), a building must be entered on the roll when three years have elapsed from the beginning of the work, if the sums spent or committed in the first two years amount to at least fifty million dollars.

Entry on  
the roll.

However, if such a building is substantially completed or occupied before the three years have elapsed, the building is entered on the roll.”

1959-1960,  
c. 102,  
a. 850, re-  
placed.

**62.** Article 850 of the said charter, amended by section 34 of chapter 70 of the statutes of 1963 (1st session), by section 41 of chapter 86 of the statutes of 1966/1967, by section 44 of chapter 96 of the statutes of 1971 and by section 125 of chapter 77 of the statutes of 1977, is replaced by the following article:

Collection  
roll.

**850.** (1) The collection roll of personal taxes may be divided into two parts: one part for taxes based on rental value and the remaining part for taxes imposed at a fixed rate.

Rules.

(2) The part of the collection roll based on rental value is kept up to date according to the rules governing the roll of rental value in that respect. The part of the collection roll dealing with premises where a personal tax is imposed at a fixed rate is kept up to date in accordance with the rules that follow.

Prepara-  
tion.

(3) The head of the competent department shall prepare the collection roll of all the premises on which a personal tax at a fixed rate may be imposed.

Provisions  
applicable.

(4) Subject to the provisions of this charter, the provisions of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) respecting the preparation and the keeping up to date of the roll of rental value apply, *mutatis mutandis*, to the preparation and keeping up to date of the collection roll of personal taxes at a fixed rate.

Contesta-  
tion.

(5) Within 60 days of the sending of a bill for a personal tax at a fixed rate, any person having an interest in contesting the accuracy, presence or absence of an entry on the roll may formulate a complaint in that respect and address it to the clerk. The bill or the notice accompanying it must include an indication to that effect.

Complaint. The clerk shall send the complaint to the head of the competent department, and he shall make the required corrections and notify the plaintiff thereof.”

1959-1960,  
c. 102,  
a. 851,  
added.

**63.** The said charter is amended by inserting, after article 850, the following article:

Payment  
by instal-  
ments.

“**851.** The city may, by by-law, provide that the payment of a personal tax may be made by instalments and determine the minimum amount that the account relating to that tax must attain to entitle the debtor to pay by instalments; prescribe that the interest and the time limits applicable to that tax apply to each instalment, that the balance of the account becomes payable whenever an instalment has not been made when due, and establish any other terms and conditions of application.”

1959-1960,  
c. 102,  
a. 903, re-  
placed.

**64.** Article 903 of the said charter, amended by section 19 of chapter 90 of the statutes of 1968, is replaced by the following article:

City em-  
ployee.

“**903.** Except on behalf of the city, no employee of the city shall directly or indirectly bid at a sale of any immovable for taxes, or become the purchaser of such an immovable, on pain of the nullity of such bid or adjudication.”

1959-1960,  
c. 102,  
a. 958a,  
repealed.

**65.** Article 958a of the said charter is repealed.

1959-1960,  
c. 102,  
a. 964g, re-  
placed.

**66.** Article 964g of the said charter, enacted by section 26 of chapter 41 of the statutes of 1980, is replaced by the following article:

Taxes.

“**964g.** Any corporation constituted pursuant to article 964b, 964c or 964d which owns an immovable must pay in respect thereof any tax that may be exigible from a real estate owner in the city, to the exclusion of any surtax that may be imposed by reason of the amount of the assessment.”

1959-1960,  
c. 102,  
a. 964h,  
added.

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

Industrial  
purposes.

“**964h.** The city may, with the authorization of the Minister of Industry, Commerce and Tourism and the Minister of Municipal Affairs,

(a) acquire by agreement or expropriation any immovable for industrial purposes;

(b) sell, lease or otherwise alienate for industrial or commercial purposes any immovable acquired under subparagraph a;

(c) on proof that an immovable acquired under one of its powers, including an immovable acquired under article 964*b*, may be more adequately used for industrial purposes, sell, lease or otherwise alienate it for industrial purposes, on such conditions as it may determine;

(d) on proof that an immovable acquired under subparagraph *a* cannot be adequately used for industrial or commercial purposes, use it or dispose of it for other purposes.

Repossession of immovables.

If the city takes back an immovable that has been sold, leased or otherwise alienated under subparagraphs *b* and *c* of the first paragraph to protect its claim or to exercise certain privileges contained in the contract, the city may then dispose thereof with the same authorizations and for the same purposes as those provided for in this article.

Provisions not applicable.

The city is not subject to the Industrial Funds Act (R.S.Q., chapter F-4).

Presumption.

The land acquired by the city under the Industrial Funds Act is deemed to have been acquired pursuant to subparagraph *a* of the first paragraph and any money from sales or rentals under the said Act is paid into the general fund of the city."

1959-1960, c. 102, a. 1038*a*, added.

**68.** The said charter is amended by adding, after article 1038, the following article:

Improvement programs.

**"1038*a*.** The executive committee may adopt improvement programs and, with the consent of the owner, make improvements on private property. The cost of such improvements may be assumed in full by the city or charged to the owner, according to the terms and conditions fixed for the program by the executive committee."

1959-1960, c. 102, a. 1051, replaced.

**69.** Article 1051 of the said charter, replaced by section 34 of chapter 41 of the statutes of 1980, is replaced by the following article:

Local improvement taxes.

**"1051.** Local improvement taxes are payable in a lump sum or by yearly instalments over a period not exceeding twenty years.

Payment.

The executive committee may order that the balances due on local improvement taxes shall be apportioned in the future in the form of yearly instalments covering any period not exceeding twenty years from the first date of their exigibility.

Readjustment of interest.

The executive committee may order the readjustment of the interest on the instalments every five years from the date of the imposition of the taxes or of their conversion into instalments."

1959-1960,  
c. 102,  
a. 1126, re-  
placed. **70.** Article 1126 of the said charter, replaced by section 167 of chapter 77 of the statutes of 1977, is replaced by the following article:

Signature  
on sum-  
monses.

**“1126.** The summonses, warrants for imprisonment and writs of seizure in execution and every notice emanating from the Municipal Court that are required to be sent under an Act, regulation or by-law shall bear the signature of the judge or of the clerk. Such signature may be affixed by any method approved by a by-law of the council.

Warrants.

Warrants of arrest and search warrants shall bear the handwritten signature of the judge.”

1959-1960,  
c. 102,  
a. 1129a,  
am.

**71.** Article 1129a of the said charter, enacted by section 55 of chapter 40 of the statutes of 1980, is amended by adding the following subarticle:

Copy to  
the  
offender.

**“(4)** A copy of the infraction ticket may be served either to the offender or any reasonable person living at his residence or in charge of his place of business, or by depositing the ticket in any place intended for his mail.”

1959-1960,  
c. 102,  
a. 1129b,  
am.

**72.** Article 1129b of the said charter, enacted by section 55 of chapter 40 of the statutes of 1980, is amended by replacing:

(1) subarticle 1 by the following subarticle:

Discharge.

**“1129b.** (1) Any person to whom a notice of summons, an infraction ticket or a summons has been issued may free himself of any penalty relating to such violation by paying as fine and costs, at the place and within the period determined by the executive committee, the amount fixed by the council and shown on the document delivered or sent to him.”;

(2) subarticle 8 by the following subarticle:

Failure to  
appear.

**“(8)** Each time an offender fails to appear, after he has been assigned or summoned to do so, the judge or the clerk acting under the authority of the chief judge may condemn him for the offence described on the infraction ticket or the summons and it shall not be necessary to prove the violation or the officer’s signature or his appointment.”

1959-1960,  
c. 102,  
a. 1131, re-  
placed.

**73.** Article 1131 of the said charter is replaced by the following article:

Service by  
bailiff.

**“1131.** (1) The service of any document of procedure issued by the court, a judge or the clerk of the court shall be made by delivering a copy of the document, by bailiff, to its recipient, at the last known address of his residence or place of business, or to a

reasonable person living at his residence or in charge of his place of business.

**Service by mail.** (2) Such service may also be made by sending a copy of the document by registered or certified mail together with a reception or delivery notice.

**Date of service.** (3) The service is deemed to have been made on the date on which the reception or delivery notice has been signed by the recipient or a reasonable person living at his residence or in charge of his place of business.

**Service.** (4) Whenever service cannot be made in any such manner, the judge, upon report of the bailiff charged with the delivery or of the clerk of the court, may prescribe any other means of service he deems expedient.”

1959-1960, c. 102, aa. 1138a, 1138b, added.  
**74.** The said charter is amended by inserting, after article 1138, the following articles:

**Electronic transmission of information.** “**1138 a.** In any prosecution relating to a proceeding brought before the Municipal Court or any of its judges, for an offence against a city by-law respecting traffic or the use of a motor vehicle or its accessories, or for any offence against the Highway Code (R.S.Q., chapter C-24), the Highway Safety Code (1981, chapter 7) or the Transport Act (R.S.Q., chapter T-12) or any regulation made under such Acts, the filing of a document containing any information transmitted electronically by the Régie de l'assurance automobile du Québec and stating that the prosecuted person is the owner of a vehicle the number of the registration plate of which is given in the denunciation, the notice of summons or the summons, is proof of the fact in the absence of proof to the contrary.

**Admissibility.** To be admissible as proof, an employee of the city or a member of the police department of the Communauté urbaine de Montréal need only attest that the document emanates from the Régie de l'assurance automobile du Québec.

**Proof.** “**1138 b.** In any complaint or summons relating to an offence against a city by-law or a by-law of the Communauté urbaine de Montréal, the allegation that the defendant is the owner, tenant or occupant of an immovable or is a corporation or the president of a corporation is proof of that capacity in the absence of proof to the contrary.”

1959-1960, c. 102, a. 1139, am.  
**75.** Article 1139 of the said charter, replaced by section 88 of chapter 77 of the statutes of 1973 and amended by section 169 of chapter 77 of the statutes of 1977, is amended by replacing subarticle 1 by the following subarticle:

Traffic  
violations.

**“1139.** (1) In the case of a violation of any Act or by-law of the city relating to traffic or the use of a vehicle or of any accessory to such a vehicle

(a) the peace officer who notices the offence may fill out on the spot an infraction ticket stating the nature of the offence; he shall issue a copy thereof to the offender or deposit it in a conspicuous place on the vehicle and bring the original thereof to the police department;

(b) the peace officer may also, when it is not a parking violation, fill out, on the spot, a notice of summons; he shall issue a copy to the offender, which issue shall constitute legal service of such notice.

Copy.

Another copy must be sent to the clerk of the Municipal Court within the ensuing forty-eight hours.

File.

On the day set for appearance, unless payment in full has been made, the clerk shall open a file and deposit in it such document which shall constitute a summons duly authorized and served, within the meaning of the Summary Convictions Act (R.S.Q., chapter P-15), and returnable on the date fixed.”

1959-1960,  
c. 102,  
a. 1140,  
am.

**76.** Article 1140 of the said charter, replaced by article 177 of chapter 77 of the statutes of 1977, is amended by replacing

(1) the first paragraph by the following paragraph:

Payment  
to avoid  
penalty.

**“1140.** Any person to whom an infraction notice or ticket, a notice of summons or a summons has been sent or served for a violation of any Act or by-law relating to traffic, or the use of a motor vehicle or of any accessory to such a vehicle, may free himself of any penalty relating to such violation by paying as a fine and as costs, at the place and within the time limit determined by the executive committee, the amount fixed by the council and shown on the document delivered to him. However, such payment shall cover only a first violation within a period of twelve months, except in cases relating to parking.”; and

(2) the fourth paragraph by the following paragraph:

Filing of  
complaint  
not re-  
quired.

“With respect to the issue of a writ of summons for a violation of any Act or by-law relating to traffic or the use of a motor vehicle or of any accessory to such a vehicle, the filing of a complaint is not required and the writ may be issued on information supplied in the manner determined by the chief attorney and approved by the executive committee.”

1959-1960,  
c. 102,  
a. 1140b,  
replaced,  
1140c,  
1140d,  
1140e,  
added.

**77.** Article 1140b of the said charter, replaced by section 89 of chapter 77 of the statutes of 1973 and amended by section 171 of chapter 77 of the statutes of 1977, is replaced by the following articles:

**Summary notice.** “**1140b.** (1) Notwithstanding any general law or special Act, when a peace officer observes a violation of any law or by-law relating to traffic or the use of a vehicle or of any accessory to such a vehicle and has reasonable ground to believe that the offender will elude justice, the officer may remit a summary notice to the driver. The notice may also be remitted to the person assisting a learner driver.

**Content.** (2) The summary notice orders the offender to appear before the competent court at the time and place indicated. This notice is made in the form prescribed by by-law and states, in particular,

1. the surname, given name, address and number of the driver's licence or learner driver's licence of the offender;
2. the make, model and identification number of the vehicle;
3. the nature, date, time and place of the infraction;
4. the amount of the minimum fine and, if necessary, the number of demerit points entailed by a condemnation; and
5. if need be, the amount of the security furnished by the offender.

**Security.** (3) On remitting a summary notice, the peace officer must require security for an amount fixed by by-law of the council.

**Impounding.** (4) If the offender refuses or is unable to furnish the security, the peace officer may have the vehicle impounded until a judge or the court, on a motion of the offender or of the peace officer, authorizes it to be returned with or without security. The motion is heard and decided by preference.

**Resumption of possession.** However, as soon as the amount of the minimum fine provided for the infraction alleged and that of the costs incurred, including the costs for towing and impounding the vehicle, are paid, the offender is authorized to resume possession of his vehicle.

**Summons.** (5) The summary notice constitutes a summons duly authorized and served, returnable on the date fixed therein.

**Copy.** (6) A copy of the summary notice and, where such is the case, the security, must be sent to the clerk of the court within forty-eight hours of the issue of the notice.

**Repeated parking violations.** (7) Any peace officer or any employee designated by the head of the competent department may immobilize and have towed and impounded any vehicle for which more than three parking infractions have been reported and remain unpaid.

**Applicability.** (8) The provisions of subarticle 4 respecting the conditions for resuming possession of a vehicle apply, *mutatis mutandis*, to any case of application of a measure provided for in subarticle 7.

- Demerit points.** “**1140c.** The clerk of the Municipal Court must comply with the requirements of the Highway Safety Code (1981, chapter 7) as regards the notice to be sent to the Régie de l’assurance automobile du Québec in the application of a system of demerit points, of the suspension or revocation of a driver’s licence, and he may affix his signature thereto according to the same means.
- Required documents.** “**1140d.** (1) Whenever a person commits an offence against section 32, 87 or 89 of the Highway Safety Code (1981, chapter 7), the peace officer may deliver a notice to him requiring him to furnish, within forty-eight hours, proof that he was the holder of the required documents at the time of the arrest. Should the offender fail to furnish such proof to a peace officer within that period, the notice constitutes an infraction ticket under any of such sections.
- Forty-eight hours’ notice.** (2) Whenever a person commits an offence against section 28, 29, 31, 195, 196, 197, 200 to 203, 208, 209, 211, 213 to 217, 222, 231, 241 to 247, 250 or 251 of that Code, the peace officer may deliver to him a notice requiring him to make or have made the necessary repairs or alterations within forty-eight hours. Should the offender fail to have such repairs or alterations made, and furnish proof thereof to a peace officer within that period, the notice constitutes an infraction ticket under any of such sections.
- Immobilization of a vehicle.** “**1140e.** (1) Whenever a peace officer or an employee designated by the head of the competent department immobilizes a vehicle referred to in paragraph 7 of article 1140*b*, he shall deposit a notice in a conspicuous place on the vehicle to warn the driver that the vehicle has been immobilized, that any attempt to move it might damage it; the notice indicates the measures to be taken to remove the immobilizing device.
- Additional amount.** (2) Whenever a person resumes possession of a vehicle that was so immobilized, the city may require the payment of an additional sum to be fixed by by-law but not exceeding twenty-five dollars.
- Unclaimed vehicles.** (3) Any vehicle immobilized may be towed and impounded at any time; if the owner of the vehicle or his authorized representative has not claimed the vehicle or complied with the obligations provided for in article 1140*b*, within sixty days of the towing, the city may dispose of the vehicle in conformity with article 1176.”
- 1959-1960, c. 102, a. 1149a, replaced.** **78.** Article 1149*a* of the said charter, replaced by section 90 of chapter 77 of the statutes of 1973, is replaced by the following article:
- Destruction of files.** “**1149a.** On recommendation of the chief attorney, the executive committee may authorize the destruction of files closed for

more than three years relating to violations of the statutes of Québec or municipal by-laws.

Destruction of files.

The executive committee may also authorize the destruction of files closed for more than five years, whenever they relate to the prosecution of criminal offences by summary conviction.”

1959-1960, c. 102, a. 1160, replaced.

**79.** Article 1160 of the said charter is replaced by the following article:

Recovery against corporation.

“**1160.** Whenever a corporation is condemned to a fine, such fine may be levied, with costs, by the seizure and sale of the moveable and immoveable property of the party condemned, by means of a writ of execution issued by the court. The execution of such writ shall be subject to the rules of the Code of Civil Procedure.”

1959-1960, c. 102, a. 1162, am.

**80.** Article 1162 of the said charter, replaced by section 22 of chapter 76 of the statutes of 1972 and amended by section 91 of chapter 77 of the statutes of 1973, by section 173 of chapter 77 of the statutes of 1977 and by section 56 of chapter 40 of the statutes of 1980, is amended by replacing the third and fourth paragraphs by the following paragraphs:

Proceedings cancelled.

“However, in the case of a parking or traffic violation, when, by error, a person has received a ticket, has been sued, has been convicted or has paid an amount, or proceedings have been taken subsequent to the payment of the amount due, on an affidavit to that effect signed personally by the head of the police department or the head of the competent department, or by an officer or assistant authorized by one of them, respectively, in writing to that effect, and filed in the Municipal Court, the proceedings, judgments and debts shall be cancelled from the date of such filing and, as the case may be, such court or one of its judges shall certify the cancellation and the head of the competent department shall write off the account and remit any amount paid. The affidavit issued by a department head or his representative is valid only in the case of a ticket or of the proceeding arising from a violation ascertained by a member of such department.

Revision of condemnation by default.

When a person has been condemned by default for a parking or traffic violation, the filing in the office of the court, or the delivery to any peace officer detaining him of a mere written declaration by such person, supported by an affidavit, that he requests that the judgment be reviewed either because he had a good defense on the merits which he had no opportunity to present or because he was not aware, without any negligence on his part, that proceedings against him had been instituted, shall stay the order or suspend any execution of the judgment and constitute a motion for revision. If the person is detained, he must be released immediately and the person detaining him and receiving such declaration must file it in the office

of the court within seventy-two hours. At the diligence of the person so condemned, such motion for revision must be presented within three days to a judge of the court, failing which it shall become null and void.

Judgment  
quashed or  
confirmed.

The judge to whom the motion for revision of the judgment is presented shall hear the proof submitted under oath by the applicant in support of the allegations contained in his motion. If the judge is satisfied that the applicant had a good defense on the merits which he had no opportunity to present, the judge shall quash the condemnation and order a trial to be held on the date he determines. If the judge is of opinion that the applicant does not have a good defense to present, he shall maintain the declaration of guilt but he may change the condemnation as regards the costs, by reducing them to what they should have been, whenever the applicant proves to his satisfaction that the costs are too high without its being his fault.”

1959-1960,  
c. 102,  
a. 1162a,  
replaced.

**81.** Article 1162a of the said charter, enacted by section 174 of chapter 77 of the statutes of 1977, is replaced by the following article:

Additional  
powers.

“**1162a.** In addition to his powers under article 1162, the Chief Judge of the Municipal Court may, on the substantiated motion of the head of the police department, of the head of the competent department or the clerk of the Municipal Court,

(1) cancel the uncollected portion of the fine and costs incurred for its recovery and annul the warrant for imprisonment issued therefor when it proves impossible or useless to proceed;

(2) annul any warrant for imprisonment or writ of seizure in execution issued by the clerk or a municipal judge, in connection with a violation of a municipal by-law or a law of the province of Québec, when it has been impossible to execute the warrant within five years after the date on which it was issued.”

1959-1960,  
c. 102,  
a. 1172, re-  
placed.

**82.** Article 1172 of the said charter, replaced by section 175 of chapter 77 of the statutes of 1977, is replaced by the following article:

Facsimile.

“**1172.** Subject to article 1126 respecting the documents emanating from the Municipal Court, the executive committee may authorize any officer he designates to sign, by means of a stamp bearing a facsimile of his signature the certificates, notices and other documents issued or signed pursuant to any provision of this charter or a by-law. The stamp must be previously approved by the executive committee and used only for that purpose.

Validity.

The signature so stamped shall be as valid as a handwritten signature.”

1959-1960,  
c. 102,  
a. 1179,  
added.

**83.** The said charter is amended by replacing the heading “Clubs” following article 1178 by the following heading and article:

*“Bad cheques*

Bad che-  
ques.

**“1179.** Whenever a cheque or another order for payment is remitted to the city as a payment and is refused by a financial institution on which the instrument is drawn, administration costs may be charged by the city to the debtor, at a rate the executive committee shall fix and that must in no case be more than ten dollars.”

1959-1960,  
c. 102,  
form 22,  
replaced.

**84.** Form 22 of the said charter, amended by section 68 of chapter 86 of the statutes of 1966-1967 and by section 30 of chapter 70 of the statutes of 1970, is replaced by the following:

*“22. — (Article 304)*

*Oath of an elector*

You swear (*or solemnly affirm, as the case may be*) to answer the truth and nothing but the truth to the questions which will be put to you.

So help you God.

1. Are you a Canadian citizen?
2. Are you of the full age of eighteen years?
3. Have you already voted to-day at this election for mayor (*or councillor, as the case may be*), at this or any other poll?
4. Has any promise been made to you, or, to your knowledge, to your spouse or to any of your relations or friends or to other persons, to induce you to vote or not to vote at this election?
5. Have you received anything, either personally or through your spouse or through any member of your family, or in any other manner, to induce you to vote or not to vote at this election?”

Territories  
attached to  
Montréal.

**85.** The territories described in Schedule I are detached from the city of Côte Saint-Luc and attached to the city of Montréal on the following conditions:

- (1) The city of Montréal shall pay to the city of Côte Saint-Luc the sum of ten million dollars, seven million of which is to be paid on 31 December 1982 and the remainder, in annual payments of one million dollars on 1 June of each of the years from 1983 to 1985;

(2) The city of Montréal shall undertake to extend Jean-Talon street in its territory up to Kildare road extended by the city of Côte Saint-Luc to its boundaries, and to construct the tunnels or viaducts required to cross the Canadian Pacific Railway tracks in its territory;

(3) If the works mentioned in paragraph 2 have not begun within four years from the date of the annexation, the Commission municipale may, on the application of the city of Côte Saint-Luc, order the carrying out of the works, and if the city of Montréal fails to comply within the time fixed by the Commission, the Commission may carry out the works with the same result for the city as if it had carried out the works itself;

(4) From the fiscal period 1983, the city of Montréal shall reimburse to the city of Côte Saint-Luc, within thirty days of receipt of the account, the amount of the annual payments in capital and interest made by the city of Côte Saint-Luc on loans contracted for purposes of local improvements under its by-laws 632, 882 and 1516. The city of Montréal shall levy, from the fiscal period 1983, the local improvement taxes imposed by those by-laws on the immoveables included in the territories described in Schedule I with the same rights as if those by-laws had been prepared under its charter;

(5) The rate of the general real estate tax in those territories for the fiscal periods 1983 to 1986 will be based on that of the city of Côte Saint-Luc for the fiscal period 1982, including the portion identified as the tax of the Communauté urbaine de Montréal, increased each year starting with 1983 to be brought into line with the rate of the general real estate tax of the city of Montréal in 1987.

Each annual increase in the rate of that tax is computed by deducting from the rate of the general real estate tax for the city of Montréal for the current fiscal period the rate of the general real estate tax that applies in that territory for the preceding fiscal period and by dividing it by the factor 5 for the year 1983 and by reducing the factor by one unit each subsequent year;

(6) Any other tax or surtax based on the real estate value is imposed in those territories for the fiscal periods 1983 to 1986 only to the extent that such tax or surtax is imposed by the city of Côte Saint-Luc in its territory for each of its fiscal periods.

**86.** The territory described in Schedule II is detached from the city of Hampstead and attached to the city of Montréal.

The city of Montréal shall pay to the city of Hampstead the sum of six hundred and twenty-five thousand dollars on 31 December 1982.

**87.** The following transitional provisions apply to the territories annexed by this Act:

(a) The taxes for the 1982 fiscal period or a part of that year in those territories belong to the municipality whose territory is annexed and that municipality shall possess, notwithstanding the annexation, all the powers necessary to collect those taxes;

(b) Section 44 of the Cities and Towns Act (R.S.Q., chapter C-19) applies, *mutatis mutandis*, to those territories;

(c) In view of the general elections in 1982, the city of Montréal must, by by-law, change the boundaries of its electoral divisions in order to incorporate those territories.

**88.** Any sum owing by the city of Montréal to one of the municipalities mentioned in sections 85 and 86 and not paid when due bears interest from the due date at the rate fixed by the municipality concerned for tax arrears.

**89.** The by-law exempting certain immoveables from the special olympics tax imposed under section 553 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted under number 5765 of the by-laws of the city of Montréal, adopted on 26 October 1981, is ratified.

This section has effect from 1 January 1980.

**90.** The clerk, within the meaning of section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is the person on whom the council confers the power to act in that capacity.

**91.** The city is authorized to purchase from the Commission des écoles catholiques de Montréal lot 10-2212 in the official cadastre of the Village de la Côte Saint-Louis with the buildings erected thereon and to free itself from the restrictions in the titles of the Commission des écoles catholiques de Montréal in respect of the use of those immoveables by following the procedure described in article 36*b* of the Charter of the City of Montréal.

**92.** For the fiscal periods 1983 and 1984, the city of Montréal may, by by-law, impose and levy annually a surtax of \$0.435 per one hundred dollars of assessment on the immoveables the taxable value of which entered on the assessment roll exceeds \$100 000,

which immoveables 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 \$100 000.

- Sectors.** The city may determine the sectors where it intends to levy such tax in the case of immoveables of category I.
- Liability.** This surtax is secured by privilege upon those immoveables and the owners are personally liable therefor.
- Effect.** **93.** Section 34 becomes effective from 1 January 1981.
- Effect.** **94.** Sections 26, 37 and 61 becomes effective on 1 January 1982.
- Commercial streets initiatives and development associations.** **95.** The Minister of Financial Institutions and Cooperatives shall, upon receipt of three certified copies of a resolution constituting a commercial streets initiatives and development association before the coming into force of section 26, register a certified copy of the resolution in accordance with the Companies Act (R.S.Q., chapter C-38) and forward a copy of the resolution and an attestation of its registration to the association or its authorized representative.
- Registration.** The registration is deemed to have been made on the date of adoption of the resolution and the attestation of the Minister may bear that date.
- Approval.** By-law 5641 of the city of Montréal on commercial streets initiatives and development associations is deemed to have been approved by the Minister of Financial Institutions and Cooperatives in accordance with paragraph 37 of article 543*b* of the Charter of the city of Montréal, enacted by section 26, on the date of its adoption.
- Amendment.** However, any amendment concerning the matters contemplated in paragraph 37 of the said article 543*b* must be approved by the Minister of Financial Institutions and Cooperatives in accordance with this paragraph.
- Coming into force.** **96.** This Act comes into force on the day of its sanction.

## SCHEDULE I

(1) Starting from the point of intersection of the dividing line between lots 75 and 76 of the cadastre of the parish municipality of Montréal with the dividing line between the cadastres of the parish

municipality of Montréal and of the parish of Saint-Laurent; thence, successively, the following lines: the said dividing line between cadastres and the dividing line between the cadastres of the parish municipality of Montréal and the village of Côte-des-Neiges to the line dividing lot 75 from lots 73 and 74 of the cadastre of the parish municipality of Montréal; the said dividing line between lots and the dividing line between lots 75 and 76 of the said cadastre to the starting point.

(2) Starting from the point of intersection of the northwest line of lot 45-19 of the cadastre of the parish municipality of Montréal with the west line of lot 4712 (right of way of the Canadian Pacific Railway) of the said cadastre; thence, successively, the following lines: the dividing line between the cadastres of the village of Côte-des-Neiges and of the parish municipality of Montréal, to the northeast line of lot 45-1 of the cadastre of the parish municipality of Montréal; with reference to that cadastre, the northeast line of lots 45-1, 45-2, 45-3, 45-4 and 45-5; a broken line dividing original lots 45 and 4883 from original lots 46, 50, 51, 65, 68, 69, 72 and 73 to the east line of lot 4712 (right of way of the Canadian Pacific Railway); the east line of the said lot to the line across that lot and perpendicular to the point of intersection between the northwest line of lot 45-19 and the west line of the said lot 4712; finally, the said perpendicular line to the starting point.

## SCHEDULE II

Starting from the apex of the west angle of lot 76 of the cadastre of the parish municipality of Montréal; thence, successively, the following lines and limits: with reference to the cadastre of the said parish municipality, the northeast line of the said lot 76; part of the northwest line of lot 74 and the northwest line of lot 73; part of the northeast line of lot 73 and its extension to the east line of lot 4712 (railway right of way); the said east line, southerly, to the extension of the southwest line of lot 81; the said extension and part of the said southwest line to the northwest line of the said lot 81; the said northwest line and part of the northwest line of lot 80 to the southwest line of lot 77; the said southwest line; finally, the northwest line of lots 77 and 76 to the starting point.