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Summary

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Gouvernement du Québec

O.C. 1297-2001, 31 October 2001

Professional Code
(R.S.Q., c. C-26)

Respiratory therapists
— Code of ethics
— Amendments

Regulation to amend the Code of ethics of respiratory therapists of Québec

WHEREAS under section 87 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity;

WHEREAS under the same section, the Code must contain, *inter alia*, provisions determining which acts are derogatory to the dignity of the profession;

WHEREAS the Bureau of the Ordre des inhalothérapeutes du Québec made the Regulation to amend the Code of ethics of respiratory therapists of Québec;

WHEREAS under section 95.3 of the Professional Code, a draft Regulation was sent to every member of the Order at least 30 days before its adoption by the Bureau;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) a draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 30 August 2000 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with section 95 of the Professional Code, the Office des professions du Québec made its recommendations;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Code of ethics of respiratory therapists of Québec, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of respiratory therapists of Québec*

Professional Code
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of respiratory therapists of Québec is amended by the addition of the following paragraphs subsections after paragraph 10 of section 38:

"(11) communicating with a claimant upon learning of an investigation into his professional conduct or competence or upon receiving notice of a complaint against him, without the prior written permission of the syndic or an assistant syndic;

(12) intimidating any person or carrying out or threatening to carry out reprisals against any person on the grounds that:

i. such person has denounced or intends to denounce derogatory conduct or behaviour;

ii. such person has participated or collaborated in or intends to participate or collaborate in an investigation relating to derogatory conduct or behaviour.".

2. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

4654

* The Code of ethics of respiratory therapists of Québec was approved by Order in Council 451-99 dated April 21, 1999 (1999, *G.O.* 2, 1105). This regulation has not been amended since that date.

Gouvernement du Québec

O.C. 1342-2001, 31 October 2001

Building Act
(R.S.Q., c. B-1.1)

Agreement to amend the Agreement related to the mandate entrusted to the Corporation des maîtres électriciens du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them

WHEREAS, under section 129.3 of the Building Act (R.S.Q., c. B-1.1) the Government has entrusted to the Corporation des maîtres électriciens du Québec, to the extent indicated in an Agreement made by Order in Council 887-2001 dated 4 July 2001, the mandate to supervise the administration of the Act or to see to its application with respect to the vocational qualification of its members as well as the financial guarantees that may be required from them;

WHEREAS the Agreement comes into force on 19 November 2001;

WHEREAS it is expedient to clarify and amend certain sections of the Agreement so that the Corporation des maîtres électriciens may correctly carry out the mandate entrusted to it under the Agreement;

WHEREAS it is expedient to amend section 2.3 of the Agreement in order to update the list of the office holders who may exercise the powers and duties entrusted to the Corporation;

WHEREAS it is expedient to amend section 6.6 of the Agreement in order to update and complete the list of the office holders who may have access to information related to the solvency of a contractor;

WHEREAS it is expedient to amend section 6.11 of the Agreement in order to appoint a new person responsible for the access for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1);

WHEREAS it is expedient to amend section 8 of the Agreement in order to clarify the activities of the Corporation which have to be temporarily carried out in the offices of the Régie du bâtiment du Québec as well as the matters that may become the object of an administrative agreement between those bodies;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour:

THAT the Agreement to amend the Agreement related to the mandate entrusted to the Corporation des maîtres électriciens du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them, attached to this Order in Council, be approved and that the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour be authorized, for and on behalf of the Government, to sign the said Agreement with the Corporation des maîtres électriciens du Québec.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

AGREEMENT TO AMEND THE AGREEMENT RELATED TO THE MANDATE ENTRUSTED TO THE CORPORATION DES MAÎTRES ÉLECTRICIENS DU QUÉBEC IN RESPECT OF THE ADMINISTRATION AND APPLICATION OF THE BUILDING ACT PERTAINING TO THE VOCATIONAL QUALIFICATION OF ITS MEMBERS AND THE FINANCIAL GUARANTEES REQUIRED FROM THEM

BETWEEN

THE MINISTER OF STATE FOR LABOUR, EMPLOYMENT AND SOCIAL SOLIDARITY AND MINISTER OF LABOUR, acting for and on behalf of the Gouvernement du Québec,

hereinafter called the "Minister"

AND

THE CORPORATION DES MAÎTRES ÉLECTRICIENS DU QUÉBEC, a corporation legally constituted under the Master Electricians Act (R.S.Q., c. M-3), that has its head office at 5925, boulevard Décarie, Montréal (Québec), acting by Jacques Plante, chairman, duly authorized under Resolution 209-10

hereinafter called the "Corporation"

THE PARTIES AGREE TO THE FOLLOWING:

1. The following is substituted for section 2.3:

"2.3 Subdelegation of the powers and duties entrusted to the Corporation

In accordance with the third paragraph of section 129.3 of the Building Act, the Corporation shall designate, for the carrying out of the powers and duties entrusted to it under this agreement, the persons holding the following positions:

(1) for applications for the issue of a licence: the director general of legal affairs and vocational qualification, the vocational qualification coordinator, the members of the qualification committee and the analysts;

(2) for applications for the renewal of a licence: the director general of legal affairs and vocational qualification, the vocational qualification coordinator and the analysts;

(3) for applications for the alteration of a licence: the director general of legal affairs and vocational qualification, the vocational qualification coordinator, the members of the qualification committee and the analysts;

(4) for the purposes of Division III of Chapter IV and of section 297.3 of the Building Act (suspension, cancellation, refusal to renew a licence): the vocational qualification coordinator, the members of the qualification committee and the analysts;

(5) for applications for the review of a ruling: the members of the review committee, the vocational qualification coordinator and the analysts;

(6) for applications for the evaluation of the vocational qualification by examinations or by any other means that the Corporation deems suitable: the vocational qualification coordinator, the technical counsel with the executive vice-chairman office and the analysts; and

(7) for the carrying out of the duties referred to in sections 112 and 129 of the Building Act: the director general of legal affairs and vocational qualification, the vocational qualification coordinator, the vocational qualification investigator and the analysts.".

2. The following is substituted for section 6.6:

"6.6. Only the holders of the positions designated hereafter may have access to information related to the solvency of an electrical contractor: the director general of legal affairs and vocational qualification, the vocational qualification coordinator, the solvency auditor, the vocational qualification investigator, the members of the qualification committee and the analysts.".

3. The following is substituted for section 6.11:

"6.11. The vocational qualification coordinator is the person responsible for the access designated by the Corporation in accordance with the Act respecting Access to documents held by public bodies and the Protection of personal information.".

4. The following is substituted for section 8:

"8. TRANSITIONAL PERIOD

The Corporation shall exercise its powers and duties under this Agreement in its own premises. Notwithstanding the foregoing, during the transitional period necessary to set up a transaction office based on an information exchange network between the Régie and the Corporation, all data acquisition prescribed by this Agreement shall be done on the premises of the Régie and by using its computer systems by one of the holders of the positions referred to in section 6.6 of this Agreement.

During the transitional period, the holders of the positions referred to in section 6.6 of this Agreement may have access to all information necessary to the exercise of the powers and duties entrusted to the Corporation under this Agreement. To this effect, the Régie will allow them access to its offices and computer systems.

The administrative Agreement entered into between the Régie and the Corporation establishes the terms and conditions relating to access to information held by the Régie, to the use of the offices and computer systems of the Régie as well as the processing of applications relating to a permit, in particular those comprising many subcategories. The Agreement fixes the term of the application of the terms and conditions agreed upon.".

5. These Amendments form part of the Agreement made by Order in Council 887-2001 dated 4 July 2001 and are consequently an integral part of it binding the parties as if they were reproduced in it in full.

Notwithstanding the foregoing, if certain provisions of the said Agreement are inconsistent with the provisions of these Amendments, the latter shall prevail.

6. This Agreement comes into force on 19 November 2001.

IN WITNESS WHEREOF THE PARTIES HAVE SIGNED THIS AGREEMENT IN DUPLICATE, AS FOLLOWS:

THE MINISTER OF STATE FOR LABOUR, EMPLOYMENT AND SOCIAL SOLIDARITY AND MINISTER OF LABOUR

_____

_____ _____
date place

THE CORPORATION DES MAÎTRES ÉLECTRICIENS DU QUÉBEC

_____

_____ _____
date place

4662

Gouvernement du Québec

O.C. 1343-2001, 31 October 2001

Building Act
(R.S.Q., c. B-1.1)

Agreement to amend the Agreement related to the mandate entrusted to the Corporation des maîtres mécaniciens en tuyauterie du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them

WHEREAS, under section 129.3 of the Building Act (R.S.Q., c. B-1.1) the Government has entrusted to the Corporation des maîtres mécaniciens en tuyauterie du Québec, to the extent indicated in an agreement made by Order in Council 888-2001 dated 4 July 2001, the mandate to supervise the administration of the Act or to see to its application with respect to the vocational qualification of its members as well as the financial guarantees that may be required from them;

WHEREAS the Agreement comes into force on 19 November 2001;

WHEREAS it is expedient to clarify and amend certain sections of the Agreement so that the Corporation des maîtres mécaniciens en tuyauterie du Québec may correctly carry out the mandate entrusted to it under the Agreement;

WHEREAS it is expedient to amend section 2.3 of the Agreement in order to update the list of the office holders who may exercise the powers and duties entrusted to the Corporation;

WHEREAS it is expedient to amend section 6.6 of the Agreement in order to update the list of the office holders who may have access to information relative to the solvability of a contractor;

WHEREAS it is expedient to amend section 8 of the Agreement in order to clarify the activities of the Corporation which have to be temporarily carried out in the offices of the Régie du bâtiment du Québec as well as the matters that may become the object of an administrative agreement between those bodies;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour:

THAT the Agreement to amend the Agreement related to the mandate entrusted to the Corporation des maîtres mécaniciens en tuyauterie du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them, attached to this Order in Council, be approved and that the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour be authorized, for and on behalf of the Government, to sign the said Agreement with the Corporation des maîtres mécaniciens en tuyauterie du Québec.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

AGREEMENT TO AMEND THE AGREEMENT RELATED TO THE MANDATE ENTRUSTED TO THE CORPORATION DES MAÎTRES MÉCANICIENS EN TUYAUTERIE DU QUÉBEC IN RESPECT OF THE ADMINISTRATION AND APPLICATION OF THE BUILDING ACT PERTAINING TO THE VOCATIONAL QUALIFICATION OF ITS MEMBERS AND THE FINANCIAL GUARANTEES REQUIRED FROM THEM

BETWEEN

THE MINISTER OF STATE FOR LABOUR, EMPLOYMENT AND SOCIAL SOLIDARITY AND MINISTER OF LABOUR, acting for and on behalf of the Gouvernement du Québec,

hereinafter called the "Minister"

AND

THE CORPORATION DES MAÎTRES MÉCANICIENS EN TUYAUTERIE DU QUÉBEC, a corporation legally constituted under the Master Pipe-Mechanics Act (R.S.Q., c. M-4), that has its head office at 8175, boulevard Saint-Laurent, Montréal (Québec), acting through Jean Charbonneau, chairman, duly authorized under Resolution CPA-00-12-90 and CPA-01-04-24

hereinafter called the "Corporation"

THE PARTIES AGREE TO THE FOLLOWING:

1. The following is substituted for section 2.3:

"2.3 Subdelegation of the powers and duties entrusted to the Corporation

In accordance with the third paragraph of section 129.3 of the Building Act, the Corporation shall designate, for the carrying out of the powers and duties entrusted to it under this Agreement, the persons holding the following positions:

(1) for applications for the issue of a licence: the qualification coordinator, the director general and the admission officers;

(2) for applications for the renewal of a licence: the qualification coordinator, the director general and the admission officers;

(3) for applications for the alteration of a licence: the qualification coordinator, the director general and the admission officers;

(4) for the purposes of Division III of Chapter IV and of section 297.3 of the Building Act (suspension, cancellation, refusal to renew a licence): the qualification coordinator, the members of the qualification committee and the admission officers;

(5) for applications for the review of a ruling: the members of the qualification committee;

(6) for applications for the evaluation of the vocational qualification by examinations or by any other means that the Corporation deems suitable: the qualification coordinator, the director of technical services and the admission officers; and

(7) for the carrying out of the duties referred to in sections 112 and 129 of the Building Act: the qualification coordinator, the director general and the admission officers.".

2. The following is substituted for section 6.6:

"6.6. Only the holders of the positions designated hereafter may have access to information related to the solvency of a plumbing and heating contractor: the director general, the director of legal services, the coordinator of qualification, the administrative director, the members of the qualification committee and the admission officers.".

3. The following is substituted for section 8:

"8. TRANSITIONAL PERIOD

The Corporation shall exercise its powers and duties under this Agreement in its own premises. Notwithstanding the foregoing, during the transitional period necessary to set up a transaction office based on an information exchange network between the Régie and the Corporation, all data acquisition prescribed by this Agreement shall be made on the premises of the Régie and by using its computer systems by one of the holders of the positions referred to in section 6.6 of this Agreement.

During the transitional period, the holders of the positions referred to in section 6.6 of this Agreement may have access to all information necessary to the exercise of the powers and duties entrusted to the Corporation under this Agreement. To this effect, the Régie will allow them access to its offices and computer systems.

The administrative agreement entered into between the Régie and the Corporation establishes the terms and conditions relating to access to information held by the Régie, to the use of the offices and computer systems of the Régie as well as the processing of applications relating to a permit, in particular those comprising many subcategories. The Agreement fixes the duration of the application of the terms and conditions agreed upon.".

4. These Amendments form part of the Agreement made by Order in Council 888-2001 dated 4 July 2001 and are consequently an integral part of it binding the parties as if they were reproduced in it in full.

Notwithstanding the foregoing, if certain provisions of the said Agreement are inconsistent with the provisions of these Amendments, the latter shall prevail.

5. This Agreement comes into force on 19 November 2001.

IN WITNESS WHEREOF THE PARTIES HAVE SIGNED THIS AGREEMENT IN DUPLICATE, AS FOLLOWS:

THE MINISTER OF STATE FOR LABOUR, EMPLOYMENT AND SOCIAL SOLIDARITY AND MINISTER OF LABOUR

_____

_____ _____
date place

THE CORPORATION DES MAÎTRES MÉCANICIENS EN TUYAUTERIE DU QUÉBEC

_____

_____ _____
date place

4661

Notice

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Chart of the wildlife habitats

Notice is hereby given, in accordance with section 128.3 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) that the chart of each of the wildlife habitats identified in Schedule 1, which is attached hereto, pertaining to each animal species mentioned therein, has been replaced.

Any interested person may consult the charts of wildlife habitats at the Société de la faune et des parcs du Québec, Documentation Center, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, rez-de-chaussée, Québec (Québec) G1R 5V7, or at the wildlife management branch for the administrative region concerned.

The charts come into force on the fifteenth day following the date of the publication of this notice in the *Gazette officielle du Québec*.

GUY CHEVRETTE,
Minister for Wildlife and Parks

Chart of the wildlife habitats

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

SCHEDULE 1

Habitat	Family or animal concerned	Habitat number	Québec administrative Region (nº and name)	Regional county municipality	Municipality	Habitat chart number
Threatened or vulnerable specie habitat	Gaspesie herd	13-11-0001-1992	01-Bas-Saint-Laurent 11-Gaspésie–Îles-de-la-Madeleine	Matane La Haute-Gaspésie	Non-organized territory Marsoui Rivière-à-Claude	22A13-200-0101[1] 22A13-200-0201[2] 22B15-200-0202[3] 22B16-200-0101[4] 22B16-200-0102[5] 22B16-200-0201[6] 22B16-200-0202[7] 22G01-200-0102[8] 22H04-200-0101[9]
Waterfowl gathering area	Geese, ducks	02-17-0033-1987	17-Centre-du-Québec	Bécancour	Bécancour	31I08-200-0101[1]
White-tailed deer yard	White-tailed deer	06-17-9003-1998	17-Centre-du-Québec	Bécancour	Bécancour	31I08-200-0101[10]

[1] The minuted map 8806 of Henri Morneau is replaced by minute 43 of Suzanne Cloutier, Land Surveyor
[2] The minuted map 8807 of Henri Morneau is replaced by minute 44 of Suzanne Cloutier, Land Surveyor
[3] The minuted map 8834 of Henri Morneau is replaced by minute 45 of Suzanne Cloutier, Land Surveyor
[4] The minuted map 8835 of Henri Morneau is replaced by minute 46 of Suzanne Cloutier, Land Surveyor
[5] The minuted map 8836 of Henri Morneau is replaced by minute 47 of Suzanne Cloutier, Land Surveyor
[6] The minuted map 8837 of Henri Morneau is replaced by minute 48 of Suzanne Cloutier, Land Surveyor
[7] The minuted map 8838 of Henri Morneau is replaced by minute 49 of Suzanne Cloutier, Land Surveyor
[8] The minuted map 8839 of Henri Morneau is replaced by minute 50 of Suzanne Cloutier, Land Surveyor
[9] The minuted map 8846 of Henri Morneau is replaced by minute 51 of Suzanne Cloutier, Land Surveyor
[10] The minuted map 74 of Suzanne Cloutier is replaced by minute 3137 of Pierre Thibault, Land Surveyor

4647

Draft Regulations

Draft Regulation

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Services Automobile – Québec
— Levy Regulation of the Comité conjoint
— Amendments

Notice is hereby given in accordance with the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour has received a petition from the Comité conjoint sur les services automobiles de la région de Québec, following its meeting of 25 April 2000, to recommend to the Government that it make the "Regulation to amend the Levy Regulation of the Comité conjoint sur les services automobiles de la région de Québec". In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. r-18.1), this Regulation, a copy of which is attached hereto, may be made by the Government at the expiry of the 45 days following this publication.

The purpose of this Regulation is to amend the current levy rate for employers and employees governed by the Decree respecting the automotive services industry in the Québec region (R.R.Q., 1981, c. D-2, r. 48). To that end, it proposes to increase the levy rate from 0,25% to 0,35% for the employers and employees governed by that decree.

According to the 2000 annual report of the Comité conjoint sur les services automobiles de la région de Québec, that decree governs 876 employers, 184 artisans and 5,575 employees. A study of this matter indicates that this increase will allow the Comité conjoint to receive additional revenues of about $275,000 for one year in order to meet all of its obligations.

Further information may be obtained by contacting Mr. Michel Roberge, Direction des politiques, de la construction et des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6e étage, Québec (Québec) G1R 5S1 Telephone: (418) 528-9701, Fax: (418) 528-0559, E-mail: denis.laberge@travail.gouv.qc.ca.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6e étage, Québec (Québec) G1R S51.

ROGER LECOURT,
Deputy Minister

Regulation to amend the Levy Regulation of the Comité conjoint sur les services automobiles de la région de Québec *

An Act respecting collective agreement decrees
(R.S.Q., D-2, s. 22, par. *i*)

1. Section 1 of the Levy Regulation of the Comité conjoint sur les services automobiles de la région de Québec is amended by substituting the words "the automotive services industry" for the words "garage employees".

2. Section 2 of the Regulation is amended by substituting "0,35%" for "0,25%".

3. Section 3 of the Regulation is amended by substituting "0,35%"for "0,25%".

4. This Regulation comes into force on the fifteenth day following its date of publication in the *Gazette officielle du Québec.*

4648

Draft Regulation

Financial Administration Act
(R.S.Q., c. A-6)

Savings products
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act, that the Regulation to amend the Regulation respecting savings products, the text of which appears below, may be made by the Government upon the expiry of 45 days from this publication.

* The Levy regulation of the Comité conjoint sur les services automobiles de la région de Québec, approved by Order in Council No. 51-96 of 16 January 1996 (1996, *G.O.* 2, 1170), was not amended since that date.

The purpose of this draft Regulation is to facilitate and improve the application of the Regulation respecting savings products, in particular to allow the use of new technologies as a part of the operations of Placement Québec. The purpose of the draft Regulation is also to allow for a hypothec on securities to be granted to the Government for purposes of tender securities or performance of contracts.

Study of this draft Regulation has shown no impact on citizens and businesses.

Further information may be obtained by contacting Odette Brassard, Placements Québec, 333, Grande Allée Est, Québec (Québec) G1R 5W3, telephone: (418) 521-6421, fax: (418) 521-6432.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Finance, 12, rue Saint-Louis, 1er étage, Québec (Québec) G1R 5L3.

PAULINE MAROIS,
Minister of Finance

Regulation to amend the Regulation respecting savings products*

Financial Administration Act
(R.S.Q., c. A-6, s. 69.0.4, par. 1, 2, 3 and 5)

1. Section 2 is amended by deleting "on a computer-based medium".

2. Section 3 is amended by deleting the second paragraph.

3. Section 10 is amended:

(1) by inserting, in the second paragraph and after the word "mandatary", ", except if that person is duly authorized to exercise the function of financial security advisor or financial planner by a certificate issued by the Bureau des services financiers"; and

(2) by adding the following paragraph after the second paragraph:

"The information provided shall be used by Placements Québec for the administration of the book based system as well as for the sale of savings products".

4. Section 11 is amended by deleting ", together with a specimen of their signatures." in the second paragraph.

5. Section 12 is amended by substituting "Any" for the words "Where a single representative is authorized to act in the name of the participant,".

6. Section 15 is amended by deleting "and a specimen of their signatures." at the end of the first paragraph.

7. Section 16 is amended by substituting "Any" for the words "Where a single attorney is authorized to act in the name of the participant, that".

8. Section 17 is amended by deleting ", together with a speciment of their signatures" in the second paragraph.

9. Section 18 is amended by substituting "Any" for the words "Where a single liquidator is authorized to act in the name of the participant, that".

10. Section 19 is amended by deleting ", together with a specimen of their signatures." in the second paragraph.

11. Section 20 is amended by substituting "Any" for "Where a single trustee is authorized to act in the name of the participant, that".

12. Section 21 is amended by adding the following at the end:

"or where more than a year has passed without having any savings product registered to a participant's securities portfolio".

13. Section 22 is substituted by the following:

"**22.** The participant or the person who is authorized to act in his name may submit to Placements Québec an application for an operation, either to modify a participant's data sheet or to carry out an operation or a transfer modifying the participant's securities portfolio.".

14. Section 23 is amended by inserting ", except if that person is duly authorized to exercise the function of financial security advisor or financial planner by a certificate issued by the Bureau des services financiers".

15. Section 25 is amended by deleting the words "in the system".

* The Regulation respecting savings products, made by Order in Council 1038-96 dated 21 August 1996 (1996, *G.O.* 2, 3930), was amended by Order in Council 1068-98 dated 21 August 1998 (1998, *G.O.* 2, 3711).

16. Sub-division 2 of Division III is amended by deleting the headings it includes.

17. The following is substituted for section 27:

"**27.** An application for an operation may be made by any means of transmission that can support it. The application is then processed by Placements Québec after confirmation of the applicant's identity.

Notwithstanding the foregoing, an application relating to the transfer of ownership of a security shall be made in writing by filling out the form provided for in Schedule 1.

An application for an operation respecting a participant's bank account information requires the transmission of a void cheque.

Where many persons are authorized to act in the name of the participant, the application for an operation shall be made in writing and shall include all the required signatures.".

18. The following is substituted for section 28:

"**28.** In all cases where a form or written matter is required under this Regulation, the latter shall be signed, and, where a form is used, it shall be approved by the Minister of Finance. The signature may then be affixed by the means of any process which meets the requirements of article 2827 of the Civil Code.

Where a person is unable to read the form or document, as applicable, shall be countersigned by an impartial witness whose identity may be confirmed.

In the case of an application for transfering a security, the signature of the participant or the person authorized to act in his name shall be certified in accordance with the provisions of sections 42 and 43.".

19. The following is substituted for section 29:

"**29.** Any application for an operation, whatever the support used for the document in question, shall be kept by Placements Québec for a maximum period of six months.".

20. The following is substituted for section 30:

"**30.** Any application to modify a participant's bank account information shall, in order to be effective in respect of a transfer of funds, be received by Placements Québec at least 15 days before the date of the transfer. Failing that, Placements Québec shall grant the application for subsequent transfers only.".

21. The following is substituted for section 31:

"**31.** Subject to the automatic reinvestment provided for in sections 65.1 to 65.4 and in all cases where Placements Québec is unable to process an application for a security approaching its term, in particular because the application is not accompanied by the required documents, the maturity value shall be automatically reinvested in Flexi-Plus Savings units until Placements Québec is able to process the application.

For the purposes of this Regulation, "maturity value" means the amount payable for a security on its maturity date, less the simple interest payable on the security, if applicable.

22. Sections 32 to 39 are revoked.

23. Section 40 is amended by inserting the following after paragraph 2:

"The participant may also obtain the information appearing on the statements by telephone or on the Internet.".

24. Section 43 is amended by substituting " in a readable manner" for the words "in block letters".

25. Section 45 is amended by adding ", except if it is the unique shareholder of a legal person participating to Placements Québec".

26. The following is substituted for section 49:

"**49.** In case of the death of a participant, the transfer for the benefit of the succession or an heir or a legatee by particular title shall only be made where the proof of death of the participant and the document or act establishing the right of ownership of the security have been transmitted to Placements Québec.".

27. The following is substituted for section 50:

"**50.** Where the participant is a partnership that is dissolved, the transfer is only made where the document or act attesting to the partition of the property of the partnership and the right of ownership of that security has been transmitted to Placements Québec.".

28. The following is substituted for section 51:

"**51.** Where the participant is a legal person that has been dissolved, amalgamated, liquidated or otherwise ceased to exist, the transfer is only made where the document or act attesting to the fact and the right of ownership of that security has been transmitted to Placements Québec.".

29. The following is substituted for section 52:

"**52.** Where the participant is a foundation or a trust that has been terminated, the transfer is only made where the document or act attesting to the fact and to the right of ownership of that security has been transmitted to Placements Québec.".

30. Division IV is amended by deleting the headings it includes.

31. Section 53 is amended:

(1) by deleting the words "entered in the book based system" in the first paragraph; and

(2) by adding ", which may also be made in legal currency, by postal or bank money order, by the means of deduction from the salary, by the deposit of Québec or Canada Savings Bonds, and when Placements Québec will be able to accept those means of payment, by credit and electronic cash cards." At the end of the second paragraph.

32. Sections 54 to 56 are revoked.

33. The following is substituted for section 57:

"**57.** The participant or the person authorized to act in his name may, at any time, terminate the periodic withdrawals by transfer of funds or by deduction from the salary by applying therefor to Placements Québec.".

34. Section 58 is amended:

(1) by deleting the first paragraph; and

(2) by substituting the following for the second and third paragraphs:

"Where payment of a security cannot be made, or when the amount payable has not been received and credited to the Government's account or if payment is not made within the required period, Placements Québec may cancel the purchase of the security.

Where payment of a security must be made by means of periodic withdrawals and where the transfer of funds may no longer be made repetitively, Placements Québec may terminate the periodic withdrawals and, where applicable, may cancel the application for the purchase of the security and reimburse the amounts received or may limit that purchase to the payments actually made.".

35. Sections 59 and 60 are revoked.

36. Section 61 is amended by substituting "of the participant in accordance with his instructions" for the words " in accordance with the instructions given by the participant".

37. Section 62 is amended by inserting "to the designated account of the participant" after the word "funds".

38. Section 65.1 is amended:

(1) by substituting "Flexi-Plus Savings units" for the words "Québec interim investment units" in the first paragraph; and

(2) by substituting "which used to be on paper and that are" for the words "that have been registered" as well as "Flexi-Plus savings units" for the words "Québec interim investment units" in the second paragraph.

39. Section 70 is amended by adding "or to the Gouvernement du Québec for the purpose of tender or performance security in respect to the contracts it awards." At the end of paragraph 2.

40. Section 73 is amended by substituting "requires the" for the words "be accompanied by".

41. Section 75 is amended:

(1) by substituting "with the participant's consent or an" for the words "upon submitting the participant's written consent or an" in the first paragraph;

(2) by substituting "with the consent of the participant or an" for the words "upon submitting the participant's written consent or an" in the second paragraph.

42. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec.*

4652

Draft Regulation

Forest Act
(R.S.Q., c. F-4.1)

Standards of forest management for forests in the domain of the State
— Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting standards of forest management for forests in the domain of the State, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to introduce new rules applicable to block cutting with regeneration and soil protection. As of 1 April 2004, at least 75% of all cuttings with regeneration and soil protection will have to be planned and carried out according to the standards applicable to block cutting. In order to achieve that purpose, the draft Regulation prescribes a timetable, starting on 1 April 2002, that establishes the progressive percentage of block cutting that the holder of a management permit will have to carry out annually in relation to all the cuttings with regeneration and soil protection that he will carry out during the year.

The draft Regulation also intends to set a time limit for forest harvesting in a territorial reference unit. As of 2002, the harvest will be restricted to a maximum of 40% of the productive forest area per 20-year period, taking cuts and fires of the preceding years into account.

Lastly, the purpose of the draft Regulation is to establish new standards regarding the area that felling and hauling trails may occupy in a forest management sector.

The measures related to the scattering of cutting areas will generate additional costs for a certain period, giving time to accelerate the development of the road network in order to give access to the territory that is still isolated due to the absence of such a network. However, some savings may be obtained on a medium and long-term basis.

The provisions related to the high regeneration protection will not really generate any impact on the operations of forest companies.

Further information may be obtained by contacting Serge Pinard, forest engineer, head of the Service de l'aménagement forestier, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, Québec (Québec) G1S 4X4, by telephone at (418) 627-8650 or by fax at (418) 646-9245.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to Marc Ledoux, Associate Deputy Minister for Forests, Ministère des Ressources naturelles, 880, chemin Sainte-Foy, 10e étage, Québec (Québec) G1S 4X4.

JACQUES BRASSARD,
Minister of Natural Resources

Regulation to amend the Regulation respecting standards of forest management for forests in the domain of the State*

Forest Act
(R.S.Q., c. F-4.1, s. 171, subpars. 1, 2 and 7 to 9 of the 1st par.)

1. Section 1 of the Regulation respecting standards of forest management for forests in the domain of the State is amended

(1) by inserting the following after the expression "bed of a watercourse":

""block cutting with regeneration and soil protection" means cutting with regeneration and soil protection carried out on a given territory so as to preserve, between two harvest areas, a residual forest having the characteristics provided for in section 79.2; (*coupe en mosaïque avec protection de la régénération et des sols*)"; and

(2) by inserting the following after the expression "parcel":

"priority production" means production intended for a forest area in which are to be carried out sylvicultural treatments, including harvesting; (*production prioritaire*)".

2. Section 4 is amended by substituting the following for the second sentence of the second paragraph: "Cutting with regeneration and soil protection, strip cutting with regeneration and soil protection and block cutting with regeneration and soil protection are nevertheless prohibited in the buffer strip.".

* The Regulation respecting standards of forest management for forests in the domain of the State, made by Order in Council 498-96 dated 24 April 1996 (*G.O.* 2, 2164) was amended by the Regulation made by Order in Council 1406-98 dated 28 October 1998 (1998, *G.O.* 2, 4429).

3. Section 59 is amended

(1) by inserting the words "or block cutting with regeneration and soil protection" after the words "cutting with regeneration and soil protection"; and

(2) by adding the following at the end:

"Strip cutting with regeneration and soil protection is prohibited in a visual setting referred to in section 58.".

4. The following is substituted for the second paragraph of section 60:

"The size of a single-block area of cutting with regeneration and soil protection, of the total area of the cut and residual strips of an area of strip cutting with regeneration and soil protection or a harvest area of block cutting with regeneration and soil protection that a holder of a management permit may carry out in such centres or network, may not exceed 10 hectares. In any case, the holder of the management permit shall preserve a buffer strip at least 30 metres wide on both sides of the hiking trails.".

5. The following paragraph is added at the end of section 67:

"Paragraph 2 of section 47 does not apply either to a holder of a management permit who carries out on the territory block cutting with regeneration and soil protection.".

6. Section 69 is amended

"(1) by striking out the words "a maximum of" in the second paragraph; and

(2) by adding the following paragraph at the end:

"The size of a single-block harvest area of block cutting with regeneration and soil protection that a holder of a management permit may carry out in such an area frequented by caribou may not exceed 50 hectares.".

7. Section 70 is amended by inserting the following after the first paragraph:

"Where he carries out strip cutting with regeneration and soil protection, the total area of the cut and residual strips may not exceed 25 hectares forming a single block in hardwood and hardwood-dominant mixed stands nor exceed 10 hectares forming a single block in softwood and softwood-dominant mixed stands.

The size of a single-block harvest area of block cutting with regeneration and soil protection that a holder of a management permit may carry out in a white-tailed deer yard may not exceed 25 hectares in hardwood and hardwood-dominant mixed stands nor exceed 10 hectares in softwood and softwood-dominant mixed stands.".

8. Section 71 is amended

(1) by inserting the words "or between 2 areas of strip cutting with regeneration and soil protection," after the words "clear cutting with regeneration and soil protection" in the first paragraph; and

(2) by deleting the second paragraph.

9. The following is inserted after section 79:

"**79.1.** A single-block cutting harvest area of block cutting with regeneration and soil protection shall, in each of the 3 forest zones described in Schedule 1, comply with the standards provided for in subparagraph 1, 2 or 3 of the first paragraph of section 74, as the case may be.

Block cutting harvest areas shall vary in size and shape. In addition, the size of a single-block harvest area larger than 100 hectares shall be shaped so that its length is equal to or greater than 4 times its average width.

The distribution of the areas referred to in the first paragraph applies annually for all the harvest areas indicated in the approved annual management plan.

79.2. A residual forest of block cutting with regeneration and soil protection shall have the following characteristics:

(1) have an area at least equal to the size of the harvest area;

(2) be at least 200 metres wide;

(3) be constituted of forest stands that have an average height greater than 7 metres;

(4) be constituted of forest stands that are able to produce, as commercial species, a volume of mature rough timber of at least 50 m^3/ha; and

(5) be constituted of forest stands belonging in a proportion of at least 20% to the same priority production as those harvested.

79.3. Where the holder of a management permit carries out block cutting with regeneration and soil protection, on the periphery of a salt lick, the residual forest shall be in contact with a part of the salt lick.

Deforestation between two harvest areas of block cutting with regeneration and soil protection for the purposes of the construction or improvement of a road may not exceed a width of 35 metres.

79.4. The holder of a management permit may only carry out the harvesting of a residual forest at the expiry of a 10-year period from the date where block cutting with regeneration and soil protection was carried out or, if the regeneration of the harvest area has not yet reached after that period the average height of 3 metres, as long as the regeneration of the harvest area has not reached such a height.

79.5. The areas of cutting with regeneration and soil protection, including therein all the cut and residual strips by strip cutting with regeneration and soil protection and the harvest areas of block cutting with regeneration and soil protection, shall be, during the year following the reference date indicated in the following table, planned and carried out according to the standards provided for in this Regulation that apply to block cutting with regeneration and soil protection in a proportion at least equal to the percentage indicated therein:

Reference date	**Percentage of block cutting**
1 April 2002	25%
1 April 2003	40%
As of 1 April 2004	75%

10. Section 80 is amended

(1) by inserting the following after the first paragraph:

"As of 1 April 2002, the sum of the areas described in the following subparagraphs may not exceed, in a year, 40% of the productive forest area of a territorial reference unit:

(1) areas that were subject to a fire;

(2) areas that were subject to clear cutting;

(3) areas of cutting with regeneration and soil protection;

(4) all the cut and residual strips of areas of strip cutting with regeneration and soil protection; and

(5) harvest areas of block cutting with regeneration and soil protection.

The sum of the areas described in subparagraphs 1 to 5 of the second paragraph shall be calculated by taking the nineteenth year preceding the current year as the starting point.";

(2) by substituting the words "the provisions of the first, second and third paragraphs" for the words "the provisions of the first paragraph" in the second paragraph; and

(3) by substituting the following for the last paragraph:

"The provisions of the first, second and third paragraphs do not apply where, had it not been for this paragraph, they would have had the effect of preventing deforestation for the purposes of construction or improvement of a road providing access to another territorial reference unit.".

11. Section 84 is amended by substituting the following for the first sentence of the second paragraph: "In the stands, the size of a single-block area of cutting with regeneration and soil protection, of the total area of the cut and residual strips of an area of strip cutting with regeneration and soil protection or a harvest area of block cutting with regeneration and soil protection that the holder of a management permit may carry out may not exceed 30 hectares.".

12. Section 88 is amended by substituting the words ", of an area of strip cutting with regeneration and soil protection or a harvest area of block cutting with regeneration and soil protection" for the words "or strip cutting with regeneration and soil protection" in the first paragraph.

13. Section 89 is amended by substituting the following for the second paragraph:

"Where the holder of a management permit carries out, in a forest management sector, cutting with regeneration and soil protection, strip cutting with regeneration and soil protection or block cutting with regeneration and soil protection, the area occupied by the felling and hauling trails shall be less than 25% of the area of the forest management sector.

Notwithstanding the second paragraph, the area occupied by the felling and hauling trails may be greater than 25% without exceeding 33% provided that the holder of the management permit protects, between the hauling trails, the pre-established regeneration with species of priority production, identical to those harvested, so that

(1) the distribution coefficient of unmerchantable trees that are 5 cm high and taller, after cutting, be greater than 80% of the distribution coefficient of unmerchantable trees before cutting;

(2) the distribution coefficient of saplings, after cutting, whose diameter at stump height is equal to or greater than 3 cm, be greater than 60% of the distribution coefficient of those saplings before cutting; and

(3) the distribution coefficient of saplings, after cutting, whose diameter at stump height is equal to or greater than 5 cm, be greater than 40% of the distribution coefficient of those saplings before cutting.

The diameter at stump height of the saplings is measured 15 cm above ground level.

For the purposes of the third and fourth paragraphs, the holder of the management permit shall submit the sampling plan of each management sector to the Minister for approval and send monthly, per management sector, the inventory results of regeneration so as to express

(1) each of the distribution coefficients, before and after cutting, referred to in subparagraphs 1 to 3 of the third paragraph; and

(2) the occupation rate of the felling and hauling trails.".

14. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4653

Draft Regulation

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1)

Arbitration relating to the surplus assets — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to

— review the rate of arbitration costs and adapt the provisions related to the provision for costs; and

— adapt the provisions to the amendments made in the Supplemental Pension Plans Act by chapter 41 of the Statutes of 2000, regarding in particular the method for selecting the arbitration body and arbitrators, and the new applications referred to in section 243.15 of the Act (correction or interpretation of a decision or supplementary decision on a part of the application omitted in the decision).

Further information may be obtained by contacting Luce Gobeil, Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, Sainte-Foy (Québec) G1V 4T3, by telephone at (418) 657-8702.

Any person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Guy Morneau, president and general manager of the Régie des rentes du Québec, Place de la Cité, 2600, boulevard Laurier, 5e étage, Sainte-Foy (Québec) G1V 4T3. Those comments will be sent by the Régie to the Minister of State for Labour, Employment and Social Solidarity and Minister of Employment and Social Solidarity.

JEAN ROCHON,
Minister of State for Labour, Employment and Social Solidarity and Minister of Employment and Social Solidarity

Regulation to amend the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans*

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, ss. 243.7, 243.8, 243.18 and 243.19; 2000, c. 41, ss. 156 and 157)

1. Sections 2 to 4 of the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans are revoked.

2. Section 5 is amended

(1) by substituting the following for the first and second paragraphs:

"Within 30 days following the selection of the arbitration body, the pension committee shall send the arbitration body a notice indicating

(1) the object of the application for arbitration;

(2) the names and addresses of the designated arbitrator or arbitrators or, where applicable, the absence of agreement on the selection of the arbitrator or arbitrators;

(3) the surplus assets determined on termination of the plan as well as, in the case of a plan referred to in section 230.0.1 of the Act, the surplus assets determined in respect of each employer; and

(4) the amount in dispute.";

(2) by substituting the words "last actuarial valuation of the entire plan, if any" for the words "latest actuarial valuation of the plan," in subparagraph 3 of the third paragraph;

(3) by deleting the fourth paragraph; and

(4) by substituting the words "As soon as it has been informed of the selection of the arbitrator or arbitrators or as soon as it has completed their designation, the arbitration body shall publish in a daily newspaper" for the words "As soon as it has been informed of that selection or, where the representatives failed to reach an agreement, within 10 days after having designated the arbitrator or arbitrators itself, the arbitration body shall publish, in a newspaper", in the fifth paragraph.

3. The following is inserted after section 5:

"**5.1.** The amount in dispute is the portion of the surplus assets, determined on termination of the plan, to which the arbitration application refers. In the case of an application intended to obtain a decision on any difficulty in interpreting or implementing an agreement or declaration referred to in section 230.1 of the Act, the amount in dispute is the portion of that surplus to which the agreement or declaration refers.".

4. Division I of Schedule I is amended

(1) by substituting the following for the first table:

"Services	Rate
(1) opening a file	$2000;
(2) the pre-trial conference	0.3% of the amount in dispute, up to $8000;
(3) hearings	0.3% of the amount in dispute, up to $10 000;
(4) services related to an application for correction or interpretation or an additional application referred to in section 243.15 of the Act	$1000";

(2) by striking out the second table and the text preceding it; and

(3) by adding the following after the paragraph respecting the services related to hearings:

"The services related to an application for correction or interpretation or a supplementary application referred to in section 243.15 of the Act mean all the related services, from the reopening of the file to the preparation of the account of fees; the costs related to those services are owing upon receipt of the application for arbitration by the arbitration body.".

5. Division III of Schedule I is amended

(1) by substituting the following for the text preceding the table:

* The Regulation respecting arbitration relating to the surplus assets of supplemental pension plans was made by Order in Council 1894-93 dated 15 December 1993 (1993, *G.O.* 2, 7147) and has not been amended since.

"The provision for costs consists in

(1) a provision of $1000 for the costs incurred by the arbitration body;

(2) a provision of $2000 for the remuneration of services of the arbitration body related to the opening of a file;

(3) a provision equal to 55% of the amount of the remuneration of the arbitration body established in accordance with this rate for the services related to the pretrial conference and hearings; and

(4) a provision for the arbitrators' fees that is established as follows:"; and

(2) by substituting the words "Amount in Dispute" for the words "Surplus Assets" in the table.

6. Sections 2 to 5 of the Regulation respecting arbitration relating to the surplus assets of supplemental pension plans, as they read before the coming into force of this Regulation, shall apply in the place and stead of section 5 of the Regulation as amended by section 2 of this Regulation to any arbitration relating to a plan to which, in accordance with section 311.5 of the Supplemental Pension Plans Act enacted by section 199 of chapter 41 of the Statutes of 2000, the provisions of sections 243.3, 243.6 and 243.7 of the Supplemental Pension Plans Act in their version prior to 1 January 2001 continue to apply.

The following provisions shall be read by making the following amendments thereto:

(1) section 2:

— by substituting thereto the words "as it read before 1 January 2001" for the words "enacted by section 37 of Chapter 60 of the Statutes of 1992", wherever they appear in the first paragraph;

— by substituting the word "termination" for the words "total termination" in the first paragraph;

— by substituting the words "daily newspaper" for the word "newspaper";

(2) section 5:

— by substituting the following subparagraphs for subparagraph 3 of the second paragraph:

"(3) the surplus assets determined on termination of the plan as well as, in the case of a plan referred to in the second paragraph of section 230.0.1 of the Act, the surplus assets determined in respect of each employer; and

(4) the amount in dispute.";

— by substituting the following subparagraph for subparagraph 3 of the third paragraph:

"(3) a true copy of the report on the last actuarial valuation of the entire plan, if any;";

— by substituting the words "after having designated the arbitrator or arbitrators itself, the arbitration body shall publish, in a daily newspaper" for the words "within 10 days after having designated the arbitrator or arbitrators itself, the arbitration body shall publish, in a newspaper" in the fifth paragraph.

7. The rate of arbitration costs established in Division I of Schedule I, as it read before the date of coming into force of this Regulation, shall continue to apply to arbitration applications forwarded to the arbitration body before that date. Notwithstanding the foregoing, the costs payable from that date may not, considering the costs whose due date is prior to the date of coming into force of this Regulation, exceed $20 000.

8. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4651

Treasury Board

Gouvernement du Québec

T.B. 197198, 30 October 2001

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

Pension credits obtained pursuant to sections 101 and 158

CONCERNING the Regulation respecting pension credits obtained pursuant to sections 101 and 158 of the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under subparagraph 13.1 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by section 28 of chapter 32 of the Statutes of 2000, the Government may determine, by regulation, for the purposes of sections 107.1 and 158.0.1, the increase in pension credits, fix the limits and the rules applicable to the increase, prescribe, for the purposes of those sections, special provisions that may vary from those provided for in sections 91, 92 and 107, in order to take into account, for those purposes, the nature of the pension credits and the retirement plan under which they have been credited;

WHEREAS, under section 134, the Government makes the regulation after the Commission administrative des régimes de retraite et d'assurances has consulted the Comité de retraite referred to in section 164 of the Act;

WHEREAS the Comité de retraite has been consulted;

WHEREAS it is expedient to make the Regulation;

WHEREAS, under section 40 of the Public Administration Act (2000, c. 8; 2001, c. 31, s. 394) the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a retirement plan applicable to personnel of the public and parapublic sectors, except some powers;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation respecting pension credits obtained pursuant to sections 101 and 158 of the Act respecting the Government and Public Employees Retirement Plan, attached to this Decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Regulation respecting pension credits obtained pursuant to sections 101 and 158 of the Act respecting the Government and Public Employees Retirement Plan

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 107.1 and 158.0.1; 2000, c. 32, s. 22 and 29)

DIVISION I
APPLICATION

1. This Regulation applies to the persons who have obtained, before 1 January 1997, under section 101 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), a pension credit attributable to a supplemental retirement plan referred to in Schedule I or II.

It also applies to the persons to whom a pension credit has been granted, before 1 January 1997, after a transfer agreement entered into under section 158 of the Act and referred to in Schedule I.

DIVISION II
PENSION CREDITS ATTRIBUTABLE TO A SUPPLEMENTAL PENSION PLAN OR A TRANSFER AGREEMENT REFERRED TO IN SCHEDULE I

2. This Division applies to the persons who have obtained a pension credit attributable to a supplemental pension plan referred to in Schedule I and to those to whom a pension credit has been granted following a transfer agreement referred to in Schedule I.

3. The employee who, on 31 December 1999 or after that date, participated in this plan, has the right to be paid his pension credit when, at the moment he ceases to participate, he:

(1) has reached the age of 60;

(2) has carried out at least 35 years of service; and

(3) is eligible to a pension under this plan, under the restrictions of the third paragraph.

Notwithstanding the foregoing, the employee may request that his pension credit be granted at a date subsequent to the one on which retires, but without exceeding the date on which his pension credit would have been granted without the reduction provided for in paragraph 3.

The pension credit paid to the employee under paragraph 3 of the first paragraph is reduced during its term, of 1/3 of 1% per month comprised between the date on which it is payable and the closest date on which his pension credit would have been paid under subparagraph 1 or 2 of this paragraph.

4. The pension credit is increased, under restrictions of sections 6 to 8, of an amount not exceeding 45% of the annual payable amount.

The pension credit resulting from the application of sections 6 to 8 is divided in two parts, one of which is a temporary annuity, payable up to the last day of the month that the person reaches 65 and the other, a life annuity.

5. The increase provided for in section 4 shall be applied to the amount of the pension credit payable on the date that the person, who did not participate in the plan on 31 December 1999, retires and:

(1) of which the pension credit had begun to be paid; and

(2) of which the payment of the pension credit had been postponed under section 91 of the Act.

6. With regards to the employee referred to in section 3, the increase provided for in section 4 may not have the effect of increasing the pension credit, on the date he retires, to a greater amount:

(1) for the life annuity part of the pension credit, the amount "MO" resulting from the following formula:

MO = maximum [F1 x N x 2% x TM – (0,7% x N x minimum (MGA; TM)); CR]; and

(1) for the temporary annuity part of the pension credit, the amount resulting from the formula "M – MO" where:

M = maximum [F1 x N x 2% x TM; CR];

Where applicable, the amount of the increase is reduced in order for the life and temporary annuity parts of the pension credit to be equal to the amounts established in subparagraph 1 or 2 of the first paragraph.

7. With regards to the employee referred to in section 5, the increase provided for in section 5 may not have the effect of increasing the pension credit, on the date he retires, to a greater amount:

(1) for the life annuity part of the pension credit, the amount "MO" resulting from the following formula

MO = maximum [F x N x 2% x TM – (0,7% x N x minimum (MGA; TM)) – A1.1; CR]; and

(1) for the temporary annuity part of the pension credit, the amount resulting from the formula "M – MO" where:

M = maximum [F x N x 2% x TM – A1.1 – B230; CR].

Where applicable, the amount of the increase is reduced in order for the life and temporary annuity parts of the pension credit to be equal to the amounts established in subparagraph 1 or 2 of the first paragraph.

8. The increase provided for in section 4 may not have the effect of increasing the pension credit to an amount greater than the one resulting from the application of subparagraph 1 of the first paragraph of section 6, with regards to the person who, on 31 December 1999:

(1) participated in the plan and ceases to participate before being eligible to a pension under this plan; and

(2) did not participate in the plan and whose pension credit has not started to be paid without it having been postponed in application of section 91 of the Act.

9. For the application of sections 6 to 8:

A1.1 represents, where the person has benefited from the application of section 85.27 or 215.11.8 of the Act, the amount provided for in section 85.27, attributable to the pension credit referred to in this Division, multiplied by 77%;

B230 represents, where the person has benefited from the application of section 85.27 or 215.11.8 of the Act, the amount provided for in section 85.28 of the Act, attributable to the pension credit referred to in this Division, multiplied by 93%;

CR represents the amount of the pension credit payable under section 3 or, in the case of a person who was not an employee on 31 December 1999, payable on the date of retirement and takes into account, where applicable, the applicable actuarial reduction or the increase provided for in section 93 of the Act;

F represents the percentage of actuarial reduction applicable to the retirement subtracted from 1;

F1 represents the percentage of actuarial reduction applicable to the pension credit payable under section 3 subtracted from 1;

N represents the number of years of service attributable to the pension credit referred to in this section;

MGA represents the average of the maximum admissible earnings within the meaning of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) applicable to the date of retirement; and

TM represents the average admissible salary established in accordance with section 36 of the Act.

10. The pension credit for which the payment begins after 31 December 1999 is, after the start of payments, annually indexed, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan to the ratio that the Pension Index bears.

Where the pension credit is indexed under section 107 of the Act, the index rate which is retained is, for the purpose of the first paragraph, the one that is higher.

11. The pension credit of the person who, on 31 December 1999, did not participate in this plan and which had started to be paid on that date is, in order to establish the annual payable amount at 1 January 2000, indexed from 1 January 1990 or from the date on which the pension credit started being paid if that date is subsequent, of the Pension Index ratio or, where applicable, of the rate retained for the purposes of section 107 of the act if it is higher.

Where the person referred to in the first paragraph retired after 31 December 1989 but before the date on which the pension credit started being paid, it is also indexed, according to the rate referred to in the first paragraph, from the date where the person retired up to the one when the pension credit started to be paid.

From 1 January 2000, the pension credit is indexed according to section 10.

12. Where, for the purposes of the second paragraph of section 3, the employee has requested that the pension credit be paid to him on a date subsequent to the one when his pension is granted, the pension credit is indexed between the two dates, in accordance with section 10.

13. Where the second paragraph of section 92 of the act applies to an employee referred to in section 3, the increase rate is of 1/3 of 1% per month calculated for each month comprised in the period during which the pension credit is not paid to the employee before he reaches 60 or 35 years of service. Subsequently and until he reaches the age of 65, the pension credit is not increased.

14. From the date on which the payment of the pension credit of the employee referred to in section 3 is terminated for cause of death or from the death of the employee eligible to the payment of a pension credit for the purposes of that section, the spouse is entitled to half of the life annuity of the pension credit paid or, if applicable, that the employee would have been entitled to.

The first paragraph also applies, by making the necessary changes, to the spouse of the deceased pensioner.

15. The spouse of the person who, on 31 December 1999, did not participate in this plan and dies when a pension credit referred to in this Division is being paid to him under section 91 of the Act, or when that said person is eligible to the payment of the pension credit under that section, is entitled to half of the life annuity of the pension credit or, if applicable, that the person would have been entitled to.

DIVISION III
PENSION CREDITS ATTRIBUTABLE TO A SUPPLEMENTAL PENSION PLAN REFERRED TO IN SCHEDULE II

16. This section applies to the persons who have obtained a pension credit attributable to a supplemental pension plan referred to in Schedule II.

17. The pension credit is increased by an amount of 3% of the annual payable amount.

18. After the start of payments, the pension credit is indexed annually, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan, according to the most profitable of the following formulas:

(1) the surplus of the increase rate of the Pension Index over 3%; and

(2) half of the increase rate of the Pension Index.

19. From the date on which the payment of the pension credit is terminated for cause of death or from the death of the employee eligible to the payment of a pension credit under section 91, the spouse is entitled to half of the pension credit paid or, if applicable, that the person would have been entitled to.

DIVISION IV
MISCELLANEOUS

20. The pension credit granted to the spouse is indexed in the manner provided for in sections 10 to 18, as applicable. It is a life annuity and is payable up to the first day following the death of the spouse.

21. Where a person has obtained a pension credit referred to in Division II as well as a pension credit referred to in Division III, each of the divisions apply with regards to the pension credit which is respectively referred to.

22. Where a pension credit referred to in Division II of this Regulation is also referred to in Division VII.1 of the Regulation under the Government and Public Employees Retirement Plan made by Order in Council 1845-88 dated 14 December 1988 (1988, *G.O.* 2, 4154), the abbreviation CRRR provided for in section 12.5 of the Regulation represents:

(1) for the purposes of section 12.3 of the Regulation, the total of the life and temporary annuity parts of the pension credit are established in accordance with sections 6 or 7 of this Regulation, as applicable; and

(2) for the purposes of section 12.4 of the Regulation, the life annuity part of the pension credit is established in accordance with sections 6 or 7 of this Regulation, as applicable.

23. This Regulation comes into force on the date it is made, but has had effect since 1 January 2000.

SCHEDULE I

SUPPLEMENTAL PENSION PLANS AND TRANSFER AGREEMENTS REFERRED TO IN DIVISION II

1. SUPPLEMENTAL PENSION PLANS

• Concordia University, Loyola Campus Pension Plan (nº 21638)

• Jewish General Hospital Pension Plan (nº 21579)

• Mackey Center's Pension Plan (nº 24320)

• Montreal Convalescent Hospital Employees Pension Plan (nº 21296)

• Pension Plan for the non-teaching employees of the Protestant School Board of Greater Montréal (nº 21909)

• Pension Plan Service de réadaptation sociale Inc. (nº 23708)

• Pension Plan of Centre hospitalier Notre-Dame du Chemin Inc. (nº 24179)

• Pension Plan of Commission scolaire d'Alma (nº 24434)

• Pension Plan of Commissaire scolaire Delisle (nº 25091)

• Pension Plan of Le Centre de consultation sociale (Rimouski) Inc. (nº 22348)

• Pension Plan of Séminaire Marie-Reine-du-Clergé (nº 25344)

• Pension Plan of the Commission des écoles catholiques de Montréal (nº 22406)

• Pension Plan of the Commission scolaire Baie des Ha ! Ha ! (ex.: de Port Alfred) (nº 23963)

• Pension Plan of the Commission scolaire Baie des Ha ! Ha ! (ex.: de Port Alfred, de Bagotville) (nº 23966)

• Pension Plan of the Commission scolaire catholique de Sherbrooke (nº 21738)

• Pension Plan of the Commission scolaire de la Ville de Charlesbourg (nº 24327)

• Pension Plan of the Commission scolaire Outaouais-Hull (nº 22490)

• Pension Plan of the Commission scolaire régionale des Vieilles-Forges (nº 23857)

• Pension Plan of the Commission scolaire régionale Dollard-des-Ormeaux (nº 24473)

• Pension Plan of the Commission scolaire Sainte-Croix (ex.: Commission des écoles catholiques de St-Laurent) (nº 21169)

• Pension Plan of the Commission scolaire Sault Saint-Louis (nº 23413)

• Pension Plan of the Corporation du Centre d'accueil de Cap-Chat (nº 24804)

• Pension Plan of the Régie de la Place des Arts (nº 22510)

• Pension Plan of the employees of the Externat classique Saint-Jean-Eudes (nº 24767)

• Pension Plan of the employees of the Commission scolaire de Grand-Mère (nº 23849)

• Pension Plan of the employees of the Commission scolaire régionale Saint-François (nº 24668)

• Pension Plan of the employees of the Société de service social aux familles (nº 21541)

• Pension Plan of the graduate nurses members of a union affiliated to the Fédération des syndicats professionnels d'infirmières du Québec (nº 24211)

• Pension Plan of the graduate nurses members of a union affiliated to the Fédération nationale des services Inc. (nº 23587)

• Pension Plan of Cégep Lionel Groulx (nº 25107)

• Pension Plan of Collège des Eudistes (nº 23466)

• Pension Plan of Collège des Jésuites (nº 23476)

• Pension Plan of Collège Laval (nº 24914)

• Pension Plan of Collège Notre-Dame-de-Bellevue (nº 23477)

• Pension Plan of Collège Sainte-Anne de Lachine (nº 24703)

• Pension Plan of Conseil des oeuvres et du bien-être de Québec et de ses œuvres affiliées (COBEQ) (nº 22385)

• Pension Plan of non-teaching personnel of Collège d'enseignement général et professionnel de Limoilou (nº 24260)

• Pension Plan of Séminaire Sainte-Marie (nº 23489)

• Pension Plan of Service social de l'enfance et de la famille (nº 21520)

• Pension Plan for the personnel of the Collège Stanislas (nº 25283)

• Pension Plan for the non-unionized personnel of l'Hôpital Rivière-des-Prairies (nº 24740)

• Pension Plan for the regular employees of the Commission scolaire régionale de l'Estrie (nº 24595)

• Supplemental pension plan for the former employees of Montréal-Nord (nº 50002)

• Supplemental pension plan for the former employees of Ville Mont-Royal (nº 50001)

• Supplemental pension plan of "Traverse Matane Godbout Ltée" (nº 24631)

• Supplemental pension plan of the Commission du Haut Saint-Maurice (nº 22722)

• Supplemental pension plan of the Commission scolaire Jérôme-Le-Royer (ex.: Pointe-aux-Trembles) (nº 23700)

• Supplemental pension plan of Le Centre Psycho-Social de Rimouski (nº 23228)

• Supplemental pension plan of Service social de Portneuf (nº 23300)

• Supplemental pension plan of the Commission scolaire régionale de Péninsule (nº 24066)

• Supplemental pension plan of employés de la Commission scolaire du Sault-Saint-Louis (nº 23702)

• Supplemental pension plan of Séminaire de Chicoutimi (nº 23649)

• Supplemental pension plan of non-teaching employees of the Commission scolaire régionale de la Baie-des-Chaleurs (nº 25053)

• Supplemental pension plan of non-teaching employees of the Commission scolaire régionale de Tilly et de la Commission scolaire de Sainte-Foy (nº 23322)

• Supplemental pension plan (CSN-A.H.P.Q. – ministère des Affaires sociales) (nº 24718)

• Supplemental pension plan of the employees of the Commission scolaire régionale de l'Outaouais (nº 23919)

2. TRANSFER AGREEMENTS

• Transfer agreement with Chambre de commerce du district de Montréal (nº 92101)

• Transfer agreement with Consolidated Bathurst Limited (nº 91301)

• Transfer agreement with the Government of Canada (nº 90101)

• Transfer agreement with the Société de développement de la Baie James (nº 91201)

• Transfer agreement with the Fiduciaires de l'Alcan (nº 92201)

SCHEDULE II

SUPPLEMENTAL PENSION PLANS REFERRED TO IN DIVISION III

• Pension Plan of the Société d'adoption et de protection de l'enfance (C.S.S.M.M.) (nº 21141)

• Supplemental pension plan for the management personnel and the unionizable but non-unionized employees of the hospital sector (nº 24783)

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Decisions

Decision, 26 October 2001

An Act respecting elections and referendums in municipalities
(R.S.Q., c. E-2.2)

Chief electoral officer
— Exercise of the right to vote in mobile polling stations

Decision of the chief electoral officer by virtue of the powers invested in him under section 90.5 of the Act respecting elections and referendums in municipalities concerning exercise of the right to vote in mobile polling stations

WHEREAS municipal elections are scheduled to take place in Montréal on 4 November 2001;

WHEREAS, in a decision handed down on 19 October 2001, the chief electoral officer authorized returning officers to set up mobile boards of revisors and mobile polling stations in facilities maintained by an establishment operating a residential and long-term care centre or rehabilitation centre within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2);

WHEREAS pursuant to this decision, a large number of electors in these establishments made use of the mobile board of revisors and asked to be able to vote in mobile polling stations;

WHEREAS possibly, many of these electors will need assistance to exercise their right to vote;

WHEREAS the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) states that electors who are unable to mark their ballot paper themselves may be assisted either by their spouse or a relative, in the presence of the deputy returning officer and the poll clerk;

WHEREAS this provision does not allow someone, who is not the elector's relative or spouse, to assist more than one elector;

WHEREAS this situation threatens to prevent some of the electors in these establishments from exercising their right to vote;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities allows the chief electoral officer to adapt a provision of the Act when warranted by an exceptional circumstance;

WHEREAS the provisions of the Act respecting elections and referendums in municipalities applicable to assisting electors are not adapted to the situation described herein;

WHEREAS the chief electoral officer previously informed the Minister of Municipal Affairs and Greater Montréal of the decision he intends to make;

By virtue of the powers invested in him under section 90.5 of the Act respecting elections and referendums in municipalities, the chief electoral officer has decided to adapt the provisions of section 226 of the Act as follows:

1. The preamble is an integral part of this decision.

2. For the purposes of mobile polling to be held in the establishments contemplated by the chief electoral officer's 19 October 2001 decision, section 226 of the Act respecting elections and referendums in municipalities shall read as follows:

"**226.** An elector who declares under oath that he is unable to mark his ballot paper himself by reason of an infirmity or because he cannot read, may be assisted either

(1) by a person who is the elector's spouse or a relative within the meaning of section 131;

(2) by another person, in the presence of the deputy returning officer and the poll clerk;

(3) by the poll clerk and the deputy returning officer.

The person referred to in subparagraph 2 of the first paragraph shall declare under oath that he has not assisted another elector during the poll.

A deaf or mute elector may be assisted, for the purposes of communicating with the election officers and representatives, by a person capable of interpreting the sign language of the deaf.

An indication that an elector has availed himself of this section shall be entered in the poll book.".

3. This decision shall come into effect on 26 October 2001.

MARCEL BLANCHET,
Chief Electoral Officer and Chairman
of the Commission de la représentation électorale

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Decision, 31 October 2001

An Act respecting elections and referendums in municipalities
(R.S.Q., c. E-2.2)

Chief electoral officer
— Issuing of an authorization to vote for electors of electoral district no. 1

Decision of the chief electoral officer by virtue of the powers invested in him under section 90.5 of the Act respecting elections and referendums in municipalities concerning the issuing of an authorization to vote for electors of electoral district no. 1, located in administrative district no. 1 of Québec City

WHEREAS municipal elections are scheduled to take place in Québec City on 4 November 2001;

WHEREAS, subsequent to a technical error that occurred during the revision of the list of electors, twenty-two electors residing at 980, rue Richelieu, in electoral district no. 1, located in administrative district no. 1, were struck off and entered on the list of electors for electoral district no. 4 of this same administrative district;

WHEREAS the business hours of the boards of revisors had ended at the date of this decision;

WHEREAS, subsequent to this error, the above-mentioned twenty-two electors will be unable to exercise their right to vote in the electoral district in which they are domiciled;

WHEREAS section 219 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) allows certain electors to obtain an authorization to vote, under certain conditions;

WHEREAS this section does not allow an elector to be authorized to vote if his name was mistakenly struck off and entered on the electoral list other than that of his domicile;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities states that, when a provision of the Act does not meet the demands of the situation subsequent to an error, the Chief Electoral officer may adapt this provision for this purpose;

WHEREAS the chief electoral officer previously informed the Minister of Municipal Affairs and Greater Montréal of the decision he intends to make;

By virtue of the powers invested in him under section 90.5 of the Act respecting elections and referendums in municipalities, the chief electoral officer has decided to adapt the provisions of section 219 of the Act as follows:

1. The preamble is an integral part of this decision.

2. The returning officer for the City of Québec is authorized to issue an authorization to vote to the twenty-two electors mentioned in the preamble in order to enable them to exercise their right to vote in electoral district no. 1 of administrative district no. 1.

3. The authorization to vote may be issued as of this decision.

4. An elector with such authorization shall be admitted to vote after making a declaration under oath by virtue of section 219 of the Act.

5. The returning officer shall take the necessary measures to inform the polling station of electoral district no. 4, where the twenty-two electors are entered, that they have been authorized to vote by virtue of this decision in electoral district no. 1.

6. As soon as possible, the returning officer shall inform all parties authorized under Chapter XIII, teams recognized under Division III of this chapter and independent candidates concerned by this decision.

7. This decision shall come into effect on 31 October 2001.

MARCEL BLANCHET,
Chief Electoral Officer and Chairman of the
Commission de la représentation électorale

4659

Municipal Affairs

Gouvernement du Québec

O.C. 1308-2001, 1 November 2001

An Act to reform the territorial municipal organization of the metropolitan regions of Montréal, Québec and the Outaouais
(2000, c. 56)

Charter of Ville de Montréal

WHEREAS the Charter of Ville de Montréal (2000, c. 56, Schedule I) was enacted by the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS several municipalities referred to in section 5 of the Charter and the Communauté urbaine de Montréal are presently governed by special legislative provisions that will be repealed on 1 January 2002 pursuant to section 228 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais and section 200 of that Charter;

WHEREAS, under section 9 of that Charter, the Government may, by order, from among the special legislative provisions that govern the municipalities referred to in section 5 of that Charter or the Communauté urbaine de Montréal, determine the provisions that are to apply to all or any part of the territory of Ville de Montréal;

WHEREAS that order may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which such a special legislative provision is to apply;

(2) providing for any omission for the purpose of ensuring the application of the Act; or

(3) derogating from any provision of the charter of the city, of a special Act governing a municipality referred to in section 5 of that Charter, of an Act for which the Minister of Municipal Affairs and Greater Montréal is responsible or of an instrument made under any of those Acts;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Charter of Ville de Montréal (2000, c. 56, Schedule I), amended by chapter 25 and chapter 26 of the Statutes of 2001, be further amended as follows:

1. Section 8 of that Charter, amended by section 238 of chapter 25 of the Statutes of 2001, is further amended

(1) by substituting the following for the first paragraph:

"**8.** The expenditures related to any debt of a municipality referred to in section 5 shall continue to be financed by revenues derived exclusively from the territory of the municipality or a part thereof. Any surplus of such municipality shall remain for the exclusive benefit of the inhabitants and ratepayers in its territory or a part thereof. To determine if the financing or surplus should burden or be credited to just a part of the territory, the rules applicable on 31 December 2001 respecting the financing of expenditures related to the debt or the source of the revenues that have generated the surplus shall be considered.

Where expenditures related to a debt of a municipality referred to in section 5, for the 2001 fiscal year, were not financed by the use of a specific source of revenue, the city may continue to finance them by using revenues not reserved for other purposes that come from the territory of the municipality. Notwithstanding section 6, the foregoing also applies where those expenditures were financed, for that fiscal year, by the use of revenues from a tax levied for that purpose on all taxable immovables situated in that territory.

If it avails itself of the power provided for in the second paragraph in respect of a debt, the city may not, to establish the tax burden provided for in section 150.1, charge to the revenues derived from the taxation specific to the non-residential sector that come from the territory a percentage of the financing of the expenditures related to that debt greater than the percentage corresponding to the quotient obtained by dividing the total of those revenues by the total revenues provided for in section 8.6 and coming from that territory. If the tax burden is established for the 2002 fiscal year or a subsequent fiscal year, the revenues of the preceding fiscal year shall be considered for that division.

For the purposes of the third paragraph, the revenues of a fiscal year are those provided for in the budget adopted for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several statements are filed successively, the last one shall be considered.

For the purposes of the third paragraph, "revenues derived from the taxation specific to the non-residential sector" means the aggregate of the following:

(1) revenues from the business tax;

(2) revenues from the surtax or the tax on non-residential immovables;

(3) revenues from the general property tax that are not considered in establishing the aggregate taxation rate when, under section 244.29 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), several rates for that tax are fixed;

(4) revenues from the tax provided for in article 808 of the Charter of the City of Montréal (1959-1960, c. 102), where the occupants of residential immovables are, under paragraph 3 of that article, exempt from the payment of that tax or where that tax is levied in accordance with paragraph 4 of that article; and

(5) revenues from the amount in lieu of a tax referred to in any of subparagraphs 1 to 4 that must be paid either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries, except, if the amount stands in lieu of the general property tax, revenues that would be considered in establishing the aggregate taxation rate if it was the tax itself.";

(2) by substituting the words "Are deemed to constitute expenditures related to a debt of a municipality referred to in section 5 and financed by revenues derived from its entire territory the" for the word "The" in the first line of the second paragraph;

(3) by substituting the words "that municipality" for the words "a municipality referred to in the first paragraph" in the fourth line of the second paragraph;

(4) by substituting the words ". The foregoing also applies to the" for the words", shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality. The" in the sixth, seventh and eighth lines of the second paragraph;

(5) by substituting "referred to in section 5" for "referred to in the first paragraph" in the tenth line of the second paragraph;

(6) by striking out the words "shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality" in the eleventh, twelfth and thirteenth lines of the second paragraph;

(7) by substituting the word "sixth" for the word "second" in the third and ninth lines of the third paragraph;

(8) by substituting the words "Are deemed to constitute a surplus or expenditures related to a debt of a municipality referred to in section 5, respectively, the" for the word "The" in the first line of the fourth paragraph; and

(9) by striking out the words "shall continue to be credited to or to burden the taxable immovables of the sector formed by the territory of that municipality" in the third, fourth and fifth lines of the fourth paragraph.

2. Section 8.5, enacted by section 239 of chapter 25 of the Statutes of 2001, is amended by striking out the words "the taxable immovables situated in" in the sixth and seventh lines of the second paragraph.

3. Section 8.6, enacted by section 239 of chapter 25 of the Statutes of 2001, is amended

(1) by deleting the first four paragraphs;

(2) by inserting "of section 8" after the word "paragraph" in the second line of the fifth paragraph;

(3) by inserting the words "and considered in establishing the aggregate taxation rate of the municipality" after the word "taxation" in the second line of subparagraph 4 of the fifth paragraph;

(4) by deleting subparagraph 8 of the fifth paragraph; and

(5) by adding the following paragraph after the fifth paragraph:

"For the purposes of the first paragraph, the word "municipality" means the city, except where the revenues in question are those of the 2001 fiscal year, in which case it means any municipality referred to in section 5.".

4. Section 34, amended by section 248 of chapter 25 of the Statutes of 2001, is further amended

(1) by substituting the following for subparagraph 3 of the second paragraph:

"(3) the power to appoint, dismiss, suspend without pay or reduce the salary of the director general, the clerk, the treasurer, the deputy clerk, the deputy treasurer or any person the appointment of whom is provided by the law by the council at a majority that is not the simple majority;"; and

(2) by deleting subparagraph 5 of the second paragraph.

5. The following is amended by inserting the following after section 34:

"**34.1.** In addition to the powers that the city council may delegate to the executive committee under section 34, the following powers of the city council may be exercised by the executive committee:

(1) granting contracts for the acquisition of goods, carrying out of work or supply of services, except for a contract the value of which exceeds $500 000, where only one tenderer presented a conforming tender;

(2) granting a subsidy referred to in section 28 of the Cities and Towns Act (R.S.Q., c. C-19) and the amount or value of which does not exceed $50 000;

(3) acquisition and alienation of immovables the value of which is $25 000 or less;

(4) in matters of expropriation,

(a) the payment of the provisional indemnity;

(b) the payment of the final indemnity or the acquisition by mutual agreement to the extent that the amount of the payment does not exceed the appropriations voted by the city council;

(c) the making, following the expropriation order, of an act recognizing a servitude for the benefit of a public utility;

(5) in matters of human resources management,

(a) the negotiation of collective agreements;

(b) the other powers except those provided for in the second paragraph of section 34;

(6) the power to sue and be sued;

(7) in matters of financial management,

(a) expenditure authorizations; and

(b) transfers of credits, with the exception of transfer of credits from the allotment of a borough council to another borough council or between the allotment of a borough council and the budget of an administrative unit under the authority of the city council.".

6. Section 35, amended by section 249 of chapter 25 of the Statutes of 2001, is further amended by substituting the following for the second sentence:

"The by-law may, with respect to a power provided for in section 34.1 and, to the extent permitted by the internal management by-laws of the city, with respect to a power of the city council delegated to the executive committee under the first paragraph of section 34, provide for the delegation of those powers to any officer or employee of the city and determine the conditions and procedures for the exercise of the delegated power.".

7. Section 36 is revoked.

8. Section 46 is amended by striking out the second sentence.

9. The following Division is added after section 83.10, enacted by section 261 of chapter 25 of the Statutes of 2001:

"DIVISION XI
HERITAGE BOARD

83.11. A heritage board is hereby established under the name "Conseil du patrimoine de Montréal".

83.12. The city council shall determine by by-law the number of members constituting the heritage board, the duties that the board must perform, as well as the powers it may exercise.

83.13. The city council shall appoint the members of the heritage board and designate from among them a chair and one or two vice-chairs.

The members shall be chosen according to their interest and their experience with respect to the heritage and so as to reflect Québec's society and, in particular, Montréal's society.

The term of a member may not be renewed consecutively more than once.

83.14. Every decision of the council referred to in sections 83.12 and 83.13 shall be made by two-thirds of the votes cast.".

10. The following is inserted after section 85.1 enacted by section 263 of chapter 25 of the Statutes of 2001:

"85.2. The borough council shall obtain the authorization of the city council before paying a subsidy to a non-profit body that instituted proceedings against the city.

The city may ask a non-profit body for all or part of a subsidy used for another purpose than that for which it was granted by the city council or a borough council.".

11. Section 89.1, enacted by section 265 of chapter 25 of the Statutes of 2001, is amended by striking out "referred to in subparagraph 3 of the first paragraph of section 89 that relates to a residential, commercial or industrial establishment situated outside the business district and having a floor area greater than 25,000 m^2 or a project" in the fourth, fifth, sixth and seventh lines of the first paragraph.

12. Section 113 is amended by deleting paragraph 4.

13. Section 116 is amended by striking out the words ", prepared by the chief of police" in the first and second lines of the second paragraph and by also striking out the words "before including it in the budget of the city, with or without amendment" in the third line of the second paragraph.

14. Section 130, amended by section 274 of chapter 25 of the Statutes of 2001, is further amended by substituting the following for the second paragraph:

"Subject to the provisions of this Act or of the order of the Government made under section 9, the borough council exercises on behalf of the city, with respect to its jurisdictions and with the necessary modifications, all the powers and is subject to all the obligations assigned to or imposed on the council of a local municipality by the Cities and Towns Act (R.S.Q., c. C-19) or any other act, other than the power to borrow, the power to levy taxes and the power to sue and be sued.".

15. Section 149.1, enacted by section 286 of chapter 25 of the Statutes of 2001, is amended by substituting the number "8" for the number "8.6" in the third line of the second paragraph.

16. The following is inserted after section 149.1, enacted by section 286 of chapter 25 of the Statutes of 2001:

"149.2. Where, under any provision of this Division, revenues of the city or a municipality referred to in section 5 for a given fiscal year must be compared with revenues of the city for the following fiscal year, the revenues provided for in each budget adopted for those two fiscal years shall be considered.

Notwithstanding the foregoing, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several statements are filed successively, the last one shall be considered.".

17. Section 150.1, enacted by section 286 of chapter 25 of the Statutes of 2001, is amended

(1) by inserting the following after subparagraph 2 of the second paragraph:

"(2.1) the revenues considered in establishing the aggregate taxation rate and derived from compensations and modes of tariffing not referred to in subparagraph 2;"; and

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

"For the purposes of subparagraphs 2 and 3 of the second paragraph, the word "immovables" means business establishments when the business tax or the amount standing in lieu thereof is involved.".

18. Section 150.7, enacted by section 286 of chapter 25 of the Statutes of 2001, is amended by substituting the words "last three" for the words "second and third" in the first line of the second paragraph.

19. Section 151, enacted by section 286 of chapter 25 of the Statutes of 2001, is amended by substituting the words "last three" for the words "second and third" in the first line of the second paragraph.

20. Section 151.2, enacted by section 286 of chapter 25 of the Statutes of 2001, is amended by substituting the words "last three" for the words "second and third" in the first line of the second paragraph.

21. Section 151.5, enacted by section 286 of chapter 25 of the Statutes of 2001, is amended by substituting the words "of the municipality concerned" for the words "that the municipality concerned estimated" in the sixth line of the first paragraph.

22. Section 196, amended by section 301 of chapter 25 of the Statutes of 2001, is further amended by adding the following paragraph at the end:

"The mayor shall determine the place, date and time of the first meeting of any borough council. If that meeting is not held, the mayor shall fix another meeting.".

23. The following is inserted after section 196:

"196.1. Any person, appointed by the transition committee or reassigned as a member of the personnel of the city to an office comprising the performance of the duties necessary to the holding of a meeting of the city council or borough council, to the making of a decision by such a council or to the performance of an act that such a council may perform before the date of constitution of the city, is deemed, with regard to the necessary duties performed before the date of constitution of the city, to act in the performance of his or her duties.".

24. Section 197, amended by section 302 of chapter 25 of the Statutes of 2001, is further amended

(1) by substituting the words "The council shall adopt," for the words "At the first meeting, the council shall adopt,"; and

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

"The treasurer or director of finance of a municipality referred to in section 5 who is not already bound to apply section 105.4 of the Cities and Towns Act (R.S.Q., c. C-19) or a similar provision in the charter of the municipality is bound to produce, before the budget of the city is adopted for the 2002 fiscal year, at least the comparative statement on revenues provided for in section 105.4.".

25. Section 205, enacted by section 307 of chapter 25 of the Statutes of 2001, is amended by adding the following after the third paragraph:

"In this section,

(1) mention that debts or costs burden the taxable immovables of a territory means that the expenditures related to those debts or costs must be financed by revenues exclusively from that territory; and

(2) mention that surpluses or revenues are credited to the taxable immovables of a territory means that the credit of those surpluses or revenues is reserved exclusively for the inhabitants and ratepayers of that territory.".

26. That Charter is amended by adding the following after Schedule I-B:

"SCHEDULE I-C
(provisions enacted under section 9)

CHAPTER I
ORGANIZATION OF THE CITY

DIVISION I
GENERAL POWERS OF THE CITY

1. The city may make any agreement to entrust, in whole or in part, the administration, operation or management, in its name, of the property which it owns or uses and the programs or services within its jurisdiction, with the exception of those concerning traffic, peace, public order, decency and good morals.

Sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., c. C-19) do not apply to agreements made under the first paragraph where they relate to recreation or community matters, if they are made with non-profit bodies to which the city is authorized to pay subsidies.

2. The city may enter into an agreement with the Board of Trade of Metropolitan Montréal, or with a legal person in which the Board of Trade holds a majority interest, for the purpose of

(1) transferring to it the exclusive right to operate, subject or not to conditions, the streetside parking spaces belonging to the city which are used for a fee;

(2) selling to it or leasing to it, as sole lessee, subject or not to conditions, offstreet parking spaces belonging to the city which are used for a fee; or

(3) transferring to it the exclusive right to collect the fees charged for the use of the parking spaces so sold or leased.

Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., c. I-15), the city may also

(1) with the authorization of the Minister of Municipal Affairs and Greater Montréal, guarantee the loan obtained from a third party by the body referred to in the first paragraph for the purpose of paying for the rights transferred to it by the city, up to a maximum amount of

$40 000 000; however, in the event that the third party exercises its guarantee, the body shall transfer the rights back to the city; the maximum amount is reduced annually according to the repayment of the loan; or

(2) give or lend money to that body out of the amounts collected pursuant to subparagraph 10.1 of the second paragraph of section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) and for the purposes provided for therein.

The rights conferred to that body under the first paragraph in respect of parking spaces in the public domain are unseizable, except by the city, and inalienable, except in favour of the city.

Subject to the rights transferred by the agreement, the city retains in respect of the parking spaces referred to in the first paragraph, every power conferred on it by the Charter or any other act, including the power to enforce the by-laws thereunder. Without limiting the generality of the foregoing, the city retains the power to

(1) fix a tariff of fees for the use of the parking spaces that are the subject of the agreement;

(2) impose a fine on any person who parks or stops his or her vehicle in such a parking space without paying the fixed fee or contrary to any other regulatory standard, and collect the fine; and

(3) authorize any person to build, establish or operate garages or parkings lots.

Section 107.9 of the Cities and Towns Act (R.S.Q., c. C-19) and section 217 applies to the body with which the city enters into an agreement under the first paragraph.

3. No person shall, without the city's authorization, use in any way

(1) the name of the city, of a borough, of a municipal service or of a mandatary body of the city or a name likely to be confused with that name, its crest, seal, flag, coat of arms or graphic symbol; or

(2) the name of the Communauté urbaine de Montréal or of a municipality referred to in section 5 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), of any of its departments or any of its mandatary bodies, or a name likely to be confused with that name, its crest, seal, flag, coat of arms or graphic symbol.

Any person violating the provisions of this section shall be liable to a fine not exceeding $1000 if the offender is a natural person and $2000 if the offender is a legal person. For a subsequent offence, those maximum fines may be doubled.

4. The city may, for all purposes within its jurisdiction and, in particular, for the purpose of promoting the cultural, economic and social development of the city and its citizens, negotiate or enter into an agreement with an agency representing or administering local or regional Canadian or foreign communities.

5. The city may join any association or group of persons or agencies representing or administering local or regional Canadian or foreign communities and participate in its activities.

6. The city is authorized to refuse to deal with any person or enterprise holding an interest of a type defined by resolution of the council in the manufacture, storage or transportation of nuclear weaponry or specific nuclear weapon components or in research in that field, and to exclude such a person or enterprise from public tenders.

Prior to the application of the first paragraph, the resolution of the council must be published once in a newspaper distributed in the city.

For the purposes of this section, the expressions "nuclear weaponry" and "nuclear weapons" mean atomic or thermonuclear bombs as well as missiles or other devices specifically intended to carry such bombs.

7. The city may, in order to promote the reception, establishment or maintenance of international governmental or non-governmental agencies on its territory, create or participate in any international development fund intended for the promotion of the city as an international centre.

8. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., c. I-15), the city may

(1) participate in, as a member, or provide aid to the Centre d'expertise et de recherche en infrastructures urbaines for the implementation of research, development or experimental projects relating to the rehabilitation and renewal of the infrastructures of its territory;

(2) participate, as a member, shareholder or sponsor, as the case may be, in bodies or partnerships engaged in the distribution and marketing of technological processes or innovations designed or developed by the Centre d'expertise et de recherche en infrastructures urbaines.

9. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., c. I-15), the city may, to foster the economic development of the city,

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

(a) promoting the city's economic development; or

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

(2) participate in or collaborate with any legal person pursuing an objective referred to in subparagraph 1 of the first paragraph.

The city may, in respect of a legal person referred to in the first paragraph, avail itself of the provisions of section 218, adapted as required.

10. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., c. I-15), the city may

(1) participate in, as a member, or provide aid to a body or legal person devoted to the implementation of research, development or experimental projects relating to soil decontamination or site rehabilitation; or

(2) participate, as a member, shareholder or sponsor, as the case may be, in bodies or legal persons engaged in the distribution and marketing of technological processes or innovations designed or developed by a body or legal person referred to in paragraph 1.

11. The city may constitute, in accordance with Part IA of the Companies Act (R.S.Q., c. C-38), a company whose principal activity is providing a third party with any service, advice, substance, material and equipment relating to any matter within its jurisdiction.

12. The city or a company referred to in section 11 may, in accordance with the law, enter into an agreement in respect of the exercise of its jurisdiction with a person, a government, one of its departments, an international organization, any agency of the said government or organization or any other public agency. The city or the company may carry out the agreement and exercise the rights and privileges and fulfil the obligations arising therefrom, even outside the territory of the city.

DIVISION II
COUNCIL, MAYOR, COUNCILLORS AND COMMITTEES OF THE COUNCIL

13. The mayor shall represent the city on all ceremonial occasions.

14. The mayor shall submit observations and suggestions to the council and to the executive committee when he or she deems it advisable.

15. The powers referred to in sections 52, 53 and 323 of the Cities and Towns Act (R.S.Q., c. C-19) as well as in sections 22 and 23 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) appertain exclusively to the office of mayor and cannot be exercised by the deputy mayor.

16. In addition to the basic remuneration provided for by the law, the city may, by by-law, fix additional remuneration for the duties of opposition leader and for the duties of majority leader that are performed by council members within the city.

The provisions of the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001) applies in respect of the additional remuneration so fixed as if the duties of the opposition leader and majority leader were special duties within the meaning of that Act.

The majority leader is the councillor designated by the political party with the greatest number of councillors on the city council.

The opposition leader is the councillor designated by the political party with the second largest number of councillors on the city council; if several political parties are in that position, the opposition leader is the councillor designated by the party that obtained the greatest number of votes.

For each of the designations provided for in the third and fourth paragraphs, a notice shall be submitted to the council by a councillor of the political party having made the designation. The designation may be amended at any time.

17. The council, a borough council or the executive committee, within the scope of its jurisdiction, may authorize a member of the council, of a borough council, of the executive committee or an officer to sign, on behalf of the city, contracts, deeds or documents of such nature as it determines by resolution.

18. The city may, by by-law, prescribe the conditions under which the failure of a member of the council, of a borough council, of the executive committee or of a committee to attend a meeting or to fulfill his or her obligation to vote at a meeting entails a reduction in his or her remuneration or allowance, and prescribe the rules for computing the reduction.

19. The city may make a by-law respecting the administration and the internal management of a committee.

It may, in particular, by that by-law,

(1) prescribe the length and time of the question period at public sittings of a committee, and the procedure to be followed to put a question ; and

(2) require that a committee forward to the city every year, at the time determined by the city, a report of its operations during the last fiscal year.

20. Until the coming into force of a by-law establishing internal management rules for meetings of the city council, the By-law concerning rules of procedure for council meetings and internal rules for council management (R.B.C.M., c. P-8.1) applies to meetings of the city council, adapted as required.

DIVISION III
PUBLIC SAFETY COMMITTEE

21. The public safety committee may, by resolution, decide to make recommendations it considers confidential that are directly related to the prevention, detection and repression of crime or breaches of the law to the executive committee instead of the council.

22. The executive committee may make any confidential recommendation made to it by the public safety committee, and the opinion and examination accompanying it, available to the public.

23. Notwithstanding section 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), no person has the right to be informed of the existence of or to be provided with information concerning him or her and contained in a book, register or document, or part thereof, relating to a subject discussed or to be discussed at a meeting *in camera* of the public safety committee and directly related to the prevention, detection and repression of crime or breaches of the law.

DIVISION IV
EXECUTIVE COMMITTEE

24. The mayor may appoint no more than eight councillors to assist the members of the executive committee as associate councillors.

The mayor may replace an associate councillor at any time.

Associate councillors shall not sit on the executive committee.

DIVISION V
OFFICERS AND EMPLOYEES OF THE CITY

§1. *General*

25. The official titles by which the department heads or the persons responsible for administrative units for the city are designated also designate their assistants when acting in their stead or any persons duly authorized to replace them.

26. The city may establish, by by-law, the city departments and bodies entrusted by it to apply this Act ; it may amalgamate, abolish or replace any such department or body but it shall not amalgamate, replace or abolish the auditor general's office.

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

For administrative purposes, the auditor general's office and the electrical services commission are considered departments, and the city auditor general and the chair of the electrical services commission rank with the department heads of the city.

27. The city council shall appoint a secretary for each borough.

Under the authority of the city clerk, the secretary of the borough council shall exercise the powers of the clerk and perform the clerk's duties with regard to watching over the borough office and the city archives proceeding from the borough council. Sections 86 to 93 of the Cities and Towns Act (R.S.Q., c. C-19), adapted as required, applies to the secretary of the borough council.

28. The city may appoint an officer of the city to make the declaration of the city before the court, when summoned before it as garnishee, and to deposit therein the moneys the city owes the debtor under an order of the court.

§2. *Pension plans*

29. Subject to the provisions of this subdivision, the supplemental pension plans for the employees of the city shall be administered by committees governed by the provisions of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1) relating to pension committees.

Notwithstanding paragraph 8 of section 464 of the Cities and Towns Act (R.S.Q., c. C-19), a council member is not required to be a member of such committee. The council may replace a council member who was a member of a pension committee of a municipality referred to in section 5 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) by another person, who may or may not be a council member. The replacement of that council member shall not be subject to the formalities applicable to an amendment to a by-law respecting pension plans.

30. The city may, by by-law,

(1) establish a common fund in which the pension plan committees of the former Ville de Montréal may deposit all or part of the assets of the plans and where these assets are commingled;

(2) entrust the administration of the fund to a committee that it establishes for such purpose and that is composed of representatives of each of the participating committees.

The committee established under subparagraph 2 of the first paragraph shall have the powers and responsibilities of a pension committee delegatee according to the Supplemental Pension Plans Act (R.S.Q., c. R-15.1).

31. The city may enter into general agreements with other employers to provide for conditions of transfer of benefits or assets between pension plans. These agreements shall be approved for employees of the city by the executive committee and by the committee acting as a pension committee for the plan concerned.

32. The city may, by by-law, provide for the payment to an employee of the city who became a city employee following the annexation of Cité de Saint-Michel to the former Ville de Montréal, for which the employee was then working, or to a member of the employee's family or a beneficiary whom the employee was entitled to designate, of a retirement or disability pension granted in each case by the executive committee that is equal to the difference between the pension or the total of the pensions to which the employee is entitled and those to which the employee would have been entitled without such annexation if the employee were still in the employ of such former city, on condition that he or she pays Ville de Montréal the amount of any refunds the employee received for contributions to a pension plan of the city and of the former municipality.

33. The city may, by by-law, authorize council members, who immediately after the end of their term receive a retirement pension under a plan in which they are members, to participate in the group insurance taken out by the city. The member shall pay the entire amount of the premium.

34. The city may contribute, out of its revenues, to the funds of the Montréal Police Benevolent and Pension Society, the amounts required every year to meet its obligations under the terms of the deed concluded on 22 June 1977 between the city and the society, before Mtre. Jean-Paul Langlois, notary at Montréal, under number 9053 of his minutes.

35. The city may maintain the following supplemental pension plans:

(1) the plan provided for in the memorandum of agreement of 27 August 1982 between the negotiating committee of the former Ville de Montréal and the Communauté urbaine de Montréal and that of the Canadian Union of Public Employees, local section 301;

(2) the plan provided for in the memorandum of agreement of 11 March 1983 between the negotiating committee of the former Ville de Montréal and the Communauté urbaine de Montréal and that of the Syndicat des fonctionnaires municipaux de Montréal;

(3) the plan provided for in the agreement of 27 June 1984 ratified by the Syndicat des architectes of the former Ville de Montréal and the Communauté urbaine de Montréal;

(4) the plan provided for in the agreement of 11 July 1984 ratified by the Syndicat des professionnels of the former Ville de Montréal and the Communauté urbaine de Montréal;

(5) the plan provided for in the agreement of 10 August 1984 ratified by the Syndicat professionnel des ingénieurs of the former Ville de Montréal and the Communauté urbaine de Montréal;

(6) the plan provided for in the agreement of 21 August 1984 ratified by the Association des chimistes professionnels of the former Ville de Montréal and the Communauté urbaine de Montréal; and

(7) the pension plan of officers of the Communauté urbaine de Montréal bearing number 75 and adopted by the council of the Communauté urbaine de Montréal on 19 December 1984.

Each supplemental pension plan referred to in the first paragraph is in force from the date referred to in the memorandum of agreement or in the agreement providing therefor.

The Supplemental Pension Plans Act (R.S.Q., c. R-15.1) and the regulations thereunder shall continue to apply to the pension plans referred to in this section, to the extent that they are not inconsistent with those pension plans.

36. An agreement entered into under the first paragraph of section 330.2 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., c. C-37.2) is deemed to comply with the Supplemental Pension Plans Act (R.S.Q., c. R-15.1).

37. Every by-law establishing a pension plan for the employees of the former Ville de Montréal is deemed to contain the provisions of the second and third paragraphs of article 172 of the Charter of the City of Montréal (1959-1960, c. 102).

The fourth paragraph of subparagraph 8 of the first paragraph of section 464 of the Cities and Towns Act (R.S.Q., c. C-19) does not apply to those by-laws and to any by-law establishing a pension plan intended for employees of the Communauté urbaine de Montréal.

CHAPTER II
COUNCIL MEETINGS

38. One third of all the council members shall constitute the quorum for the proper dispatch of the business of the council.

39. Not less than ten regular council meetings shall be held every year and be convened by the executive committee.

40. If the executive committee refuses to call a special council meeting when at least twenty council members deem it necessary, the latter may order the calling of such meeting by sending a written request to the clerk that is signed by them and specifies the business for which they request the calling of such meeting.

On receipt of such request, the clerk shall prepare a notice of meeting indicating briefly the business to be submitted to such meeting and have a true copy thereof issued by one of his or her employees or sent by registered mail to every council member, at his or her domicile or business establishment, at least two clear juridical days before the meeting.

The certificate from the post office is evidence the notice was mailed on the date it shows, and the delivery of the notice by the employee of the clerk is established by a written return attesting the same and signed by him.

41. Subject to section 40 and section 323 of the Cities and Towns Act (R.S.Q., c. C-19), the agenda paper for each council meeting must be drawn up by the executive committee, be deposited in the clerk's office at least three days before the date of the meeting and a copy thereof sent by mail to each member of the council at the same time as a notice calling the meeting prepared and sent or issued in accordance with the requirements of section 40.

The agenda paper must contain a detailed list of the business that will be submitted to the council.

42. No business other than that specified in the notice of meeting shall be considered at a council meeting, unless agreed to by the mayor and all the council members who are present.

Nevertheless, a councillor may file a notice of motion, either at the meeting or at any other time with the office of the clerk. The executive committee must enter on the agenda paper of the next council meeting any such notice of motion received more than eight days before the date of the notice calling the meeting.

43. The council shall designate one of its members to preside at the council meetings. When that member is absent, the council shall designate a substitute.

The person presiding at the council meetings may vote only in the case of a tie vote.

The councillor presiding at a meeting may vote where the councillors are required, under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), to elect a mayor from among them.

44. The agenda paper of any regular council meeting shall also include any matter required by law to be discussed at such meeting.

CHAPTER III
POWERS OF THE COUNCIL

DIVISION I
GENERAL POWERS RESPECTING BY-LAWS

§1. *Passing, coming into force and promulgation of by-laws*

45. 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, replace or amend them.

For the purposes of the first paragraph, the city 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 necessary rules in respect of the coming into force of the revised by-laws and provide for an annual updating method that will allow for continuous revision.

Nothing in this section may be interpreted as affecting any matter or thing done or required to be done, any resolutions, decisions, orders or other proceedings of the city, any debentures, bonds, notes or other securities issued, any collection rolls for special taxes, or the rights and duties of municipal officers, which shall continue to be governed by the previous by-laws until the expiry of the term fixed.

46. The scope of application of any by-law may be limited to a part only of the territory of the city.

47. The city may, by by-law, authorize the executive committee or a borough council to make orders related to any by-law; such authorization shall specify the object of each order.

Such orders shall be part of the relevant by-laws and shall become compulsory upon publication, in a newspaper distributed in the city, of a notice specifying the object thereof and indicating the date they were made.

§2. *Penalties enacted by by-law*

48. For by-laws respecting fire prevention, noise control, residual material management, deterioration of buildings due to lack of maintenance, abuse or defacement, or the alteration of residential buildings involving a reduction in the number of housing units or in the housing surface, the city may prescribe a minimum fine not exceeding $2000 and a maximum fine not exceeding $10 000.

For a subsequent offence, the city may prescribe a minimum fine not exceeding $4000 and a maximum fine not exceeding $20 000.

49. For the demolition of an immovable carried out without authorization or contrary to the conditions of authorization, the offender shall be liable to a fine of not less than $5000 and no more than $50 000.

This section shall not prevent the city from requiring the total or partial reconstruction of the building so demolished or deprive it of any other remedy provided for by the law.

For the purposes of this section, a building is completely demolished if at least 50% of the building has been destroyed by demolition, not including the foundations.

50. Notwithstanding section 369 of the Cities and Towns Act (R.S.Q., c. C-19), the city may, by by-law, impose, for failure to hold a permit or licence required under a by-law, a fine equal to the amount of the special tax levied for the object of the permit or licence or to the cost of the permit or licence, as the case may be.

For any subsequent offence, the city may prescribe that the amount of the fine be equal to twice the amount of the fines provided for in the first paragraph.

The execution of the judgment against the offender does not exempt him or her from the obligation to pay the special tax or from obtaining the permit or licence required or if he or she is entitled thereto.

DIVISION II
SPECIFIC POWERS

§1. *Construction and inspection of buildings, chimneys, etc.*

51. The city may, by by-law

(1) enact measures, after giving notice to the interested parties according to the law or the bylaws of the city, to close and demolish any building no longer fit for habitation or occupation and any structures which are dangerous by reason of their lack of solidity;

(2) sell or otherwise dispose of the materials resulting from such demolition;

(3) recover from the owner the cost of closing and demolishing the building, when the work has been done by the city or by any other person on its behalf;

The cost of closing and demolishing constitutes a prior claim on the immovable on which the building was situated, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec.

The expense is secured by a legal hypothec on the immovable.

52. Where public safety is endangered, the executive committee may order the owner of an unoccupied building to have the building kept under watch in accordance with the terms and conditions determined by the executive committee.

Should the owner fail to comply with the order within 24 hours after it has been served or after a notice has been published in a newspaper, if the owner is unknown, untraceable or unidentifiable, the city may have the building kept under watch at the expense of the owner, and all the expenses and costs thus incurred by the city are considered to be property taxes encumbering the immovable for which they are incurred. The treasurer shall alter the collection roll accordingly.

53. No building, improvement or enlargement permit, except for repairs, may be granted for an immovable from the date of the resolution reserving the immovable for municipal purposes or ordering its expropriation.

Such prohibition shall cease after one year from the date of the resolution, except if proceedings for imposing its reservation or for expropriation are commenced before the expiry of the prescribed period.

§2. *Public health*

54. In this subdivision,

"food" means anything that may be used to feed humans or animals, including beverages other than alcoholic beverages within the meaning of the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13); and

"inspector" means a person entrusted with the application of a by-law or order made under section 55.

55. The city may, by by-law,

(1) prescribe hygiene and sanitation measures relating to food service or food retailing activities, the providing of services to consumers for remuneration or donations for philanthropic or promotional purposes, in particular, the activities related to the preparation, processing, preservation, handling or transport of food;

(2) prescribe, for sanitation purposes, rules governing the construction, layout and equipment of establishments, vehicles or apparatus in which an activity referred to in paragraph 1 is carried on or which are used for such activity;

(3) prohibit the use or possession of food or the sale of food in an establishment, vehicle or apparatus referred to in paragraph 2 if the food does not comply with the Food Products Act (R.S.Q., c. P-29);

(4) require that a person carrying on an activity referred to in paragraph 1 pass an examination prescribed by by-law to establish whether or not his or her knowledge of hygiene and sanitation is sufficient;

(5) authorize an inspector or a person referred to in section 32 of the Food Products Act (R.S.Q., c. P-29) to have an activity referred to in paragraph 1 stopped, to order the closing down of an establishment or apparatus, or the stopping of a vehicle, to affix seals, to seize, to confiscate, destroy or add colouring to food or to move or cause to be moved any food, vehicle, object or apparatus, at the owner's expense, where the authorized person considers the operation of the establishment or the use of the object, food, apparatus or vehicle to represent an immediate danger to the life or health of consumers.

56. A by-law passed under section 55 requires the approval of the Minister of Agriculture, Fisheries and Food.

57. In the performance of his or her duties, an inspector or a person referred to in paragraph 5 of section 55 may

(1) at any reasonable time, enter an establishment and have access to any vehicle or apparatus referred to in paragraph 2 of section 55;

(2) inspect the establishment, vehicle or apparatus and its equipment;

(3) inspect any food found in the establishment, vehicle or apparatus and take samples thereof free of charge.

The inspector or person may require the production of books, registers and documents relating to matters referred to in a by-law made under section 55; the inspector or person may also ask for any other information in that regard that he or she considers necessary or expedient. A person must comply with such requests and facilitate the access and inspection referred to in the first paragraph.

An inspector or a person referred to in paragraph 5 of section 55 shall exercise the inspection powers provided for in the first paragraph in accordance with the terms and conditions provided for in the agreement entered into under section 60 where such agreement contains provisions respecting the methods of carrying out such powers.

58. No person may hinder an inspector or a person referred to in section 57 in the performance of his or her duties. In particular, no person may deceive him or her or attempt to deceive him or her by concealment or false declarations.

If required, the inspector or person shall identify himself or herself and produce a certificate attesting his or her authority, signed, as the case may be, by the head of the city department concerned or by the Minister of Agriculture, Fisheries and Food.

59. The city may, by by-law, prescribe, as a penalty for an offence against a by-law made under section 55 or an offence against section 57 or 58

(1) in the case of a natural person, a fine of not less than $100 and of no more than $2000 for a first offence, and a fine of not less than $300 and of no more than $4000 for a subsequent offence;

(2) in the case of a legal person, a fine of not less than $200 and of no more than $3000 for a first offence, and a fine of not less than $600 and of no more than $8000 for a subsequent offence.

60. The Minister of Agriculture, Fisheries and Food may enter into an agreement with the city, or with the city and any municipality designated by the Government, respecting the application within the territory of the city and that of any municipality that is a party to the agreement, of the provisions of acts, regulations or orders respecting the food inspection that are under the administration of the Minister.

If one of the parties to the agreement is charged with the application of provisions in all or part of the territory of another party, that jurisdiction does not extend to the institution of penal proceedings for an offence under such a provision that is committed in the territory of that other party.

The city may also enter into an agreement with the Minister of Agriculture, Fisheries and Food dealing with food inspection programs in connection with the application of the by-laws of the city.

61. The city or any municipality that is a party to an agreement under section 60 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision whose application is covered by the agreement.

The fine shall belong to the city or to the municipality that instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 366 of the Code of Penal Procedure (R.S.Q., c. C-25.1) and the costs remitted to the defendant under article 223 of that Code.

62. The city may, by by-law, impose, according to the category of immovables, use or materials referred to in subparagraph a of paragraph 10 of the first paragraph of section 413 of the Cities and Towns Act (R.S.Q., c. C-19), standards respecting the keeping, storage and maintenance of such materials at a temperature not exceeding a maximum temperature, including, if necessary, refrigeration.

63. Sections 54 to 62 will cease to have effect on 31 December 2002.

§3. *Decency and morality*

64. The city may, by by-law,

(1) govern the establishment, layout and use of erotic viewing halls, stores offering erotic articles and establishments where erotic shows are performed or that exploit eroticism;

(2) prescribe that the operation of such an establishment or the carrying on of such an activity in an establishment may not be continued by reason of vested rights beyond a period of two years after the coming into force of a by-law with which such an establishment or activity is inconsistent, without compensation for the loss of vested rights;

(3) particularly in the interest of morality, public order or the protection of youth, define amusement halls, determine the classes of amusement halls and govern them differently; and

(4) for the purposes of the protection of youth, require that the owner or operator of an establishment referred to in paragraphs 1 and 3

(a) refuse admission of minors or a class of minors to such an establishment;

(b) authorize the admission of such persons, on the conditions and within the limits that the council imposes, with respect, particularly, to places, hours and days or to whether they are accompanied by an adult.

65. In the interest of morality, public order or the protection of youth, in particular, the city may, by by-law,

(1) prescribe, for all or part of the territory of the city, the maximum number of establishments referred to in paragraphs 1 and 3 of section 64, the minimum distance between these establishments and the maximum floor area that may be used by such establishments;

(2) prohibit the use for such purposes of any floor area or of any premises greater than the maximum area or number permitted or short of the minimum distance prescribed.

§4. *Thoroughfares and public places*

66. The city may, by by-law, in the manner and within the limits provided for in paragraph 14 of section 415 of the Cities and Towns Act (R.S.Q., c. C-19) in respect of excavation work in the public domain, govern excavation work in the private domain.

67. The city may, by by-law,

(1) authorize occupation of the public domain for certain purposes;

(2) establish the conditions for such authorizations for each case or by general rules, as it sees fit;

(3) prescribe that a permit, which may or may not be renewable periodically, must be obtained to secure such authorization;

(4) determine the duration of occupation and the procedure for its termination for each case or by general rules;

(5) provide for the removal of all or part of any construction or installation built on the public domain otherwise than in compliance with an authorization under this section;

(6) subject to the right of the city to revoke any permit in the manner and on the conditions prescribed in the by-laws, prescribe that the city may, notwithstanding any authorization granted under this section, remove temporarily or permanently all or part of any such authorized construction or installation on the public domain, in the circumstances it determines;

(7) create a register of occupation of the public domain and determine the classes of occupation to be registered and the manner in which they are to be registered and provide for the issue of certified extracts from the register;

(8) require, in consideration for any occupation of the public domain, the payment, in a single payment or in instalments, of a price to be fixed by the city in each case or according to the criteria it determines; and

(9) hold the persons authorized to occupy the public domain responsible for any damage to property or injury to persons as a result of the occupation and require that they take up the defense of the city and not hold it liable in any claim made against it by reason of such damage or injury.

The price payable under subparagraph 8 of the first paragraph for the occupation of the public domain is secured by a legal hypothec on the immovable for the use of which the occupation of the public domain was allowed.

The provisions related to the collection of property taxes shall apply to the collection of that price.

68. The city may, by by-law,

(1) govern the speed and parking of horse-drawn vehicles;

(2) distinguish between various types of horse-drawn vehicles;

(3) designate areas within which such vehicles may be driven;

(4) prescribe the days, number of hours per day, hours of the day and periods of the year during which they may operate;

(5) prescribe routes, halts, parking places, the requirement in certain cases to return to the starting point, and the places where they are to be put up or to be garaged;

(6) establish mandatory standards of safety and hygiene in regard to such vehicles, their equipment and the horses;

(7) grant licenses to owners and drivers of horse-drawn vehicles and fix quotas for such licences;

(8) govern their services and fix the price thereof;

(9) designate the places where they may park and circulate;

(10) impose behaviour rules on drivers of horse-drawn vehicles and fix the price of their services;

(11) impose a fine on passengers in such vehicles who refuse to pay the fare payable; and

(12) govern the maintenance and use of horse-drawn vehicles.

69. The city may, by by-law, notwithstanding any inconsistent legislative provision, consent, with the previous approval of the Minister of Municipal Affairs and Greater Montréal, perpetual servitudes for the construction, reconstruction and maintenance of buildings, structures or tunnels over or under Ruelle des Fortifications, on the terms and conditions that the city shall determine.

§5. *Gas and underground conduits*

70. The city may

(1) build, administer and maintain a network of underground conduits for the wiring used for the transmission and distribution of electricity and links by telecommunications; and

(2) govern the use of such network of conduits.

71. The city may, by by-law,

(1) manufacture or acquire gas for light, heat or motive power, as well as all kinds of apparatus and articles connected with the gas industry; manufacture and dispose of gas by-products;

(2) lease, build or acquire, by agreement or expropriation, all buildings and immovables, apparatus, machinery and material that it may deem necessary or useful for such industry; sell, lease or otherwise dispose thereof, in whole or in part, as it sees fit;

(3) lease or acquire, by agreement or expropriation, and operate in whole or in part, for the purposes of light, heat or motive power in the city, the plants, businesses, franchises and rights of any person operating or authorized to operate a gas business;

(4) supply gas for light, heat or motive power to any consumer in the city and fix the price thereof;

(5) exploit gas or gas by-products, as well as thermal energy generated at its residual material disposal sites; and

(6) for the purposes of paragraph 5, issue bonds or other securities or make special loans with sinking funds for the amounts that the city deems necessary.

§6. *Antennas*

72. The city may, by by-law, stipulate requirements respecting the mode and place of installation, the maintenance and the number and height of antennas and other similar apparatus outside buildings.

§7. *Commerce and industry*

73. The city may, by by-law,

(1) grant licenses to pawn-brokers and dealers in second-hand articles, except for clothes, and impose requirements on them regarding, in particular, the keeping of records relating to their transactions, the disclosure of such records, the issue, within certain periods and in accordance with certain forms, of extracts from such records, the content of such extracts, and the manner of preserving articles that are subject to the above-mentioned transactions; and

(2) impose the requirements provided for in paragraph 1 on every merchant or trader who acquires by any title office machines or supplies of any kind from a person other than a trader in similar articles.

74. Every merchant who buys precious metals, precious stones or jewellery of any kind from a person other than a trader in similar articles, shall be deemed to be a second-hand dealer for the purposes of section 73 and shall be subject to the provisions of any by-law passed under that section.

Jewellers, however, shall not be required to pay the special taxes or licences levied on second-hand dealers.

75. The city may, by by-law,

(1) impose behaviour rules on tour guides and conductors;

(2) fix the maximum remuneration that they will be entitled to demand for their services; and

(3) grant them permits or licenses and fix the cost, conditions and methods for issuing or cancelling such permits.

76. The city may, by by-law, govern amusement devices, and for such purposes:

(1) define them;

(2) require a permit for their operation and limit their number by class or otherwise;

(3) establish different standards according to zones, streets or places;

(4) prohibit certain amusement devices which may be detrimental to consumers;

(5) prescribe that an amusement device operated without a permit or for which the amusement fees are unpaid may be confiscated by order of the court;

(6) authorize the destruction of property so confiscated or, under the circumstances and on such terms as determined in the by-law, authorize the disposal thereof; and

(7) prohibit or limit the replacement of amusement devices in establishments where they are operated by vested rights.

77. The city may, by by-law,

(1) define and distinguish between the various kinds of parking lots;

(2) prohibit or regulate them; and

(3) prescribe the manner in which they must be laid out; prescribe the architecture, dimensions, material and colour of any structure to be built thereon, including fences, and the place where that structure must be situated.

Subject to the third, fourth and fifth paragraphs, a by-law passed under this section is mandatory in respect of all the parking lots covered by it, including parking lots existing at the coming into force of the by-law.

The owner and the occupant of an existing parking lot have one year from the coming into force of the by-law, or any other additional time limit determined by the council, to comply with a new standard.

Furthermore, any parking lot layout standard imposing backup space that is not already prescribed by a zoning by-law applies to parking lots existing at the coming into force of the standard only up to the lesser of one metre in depth and 5% of the area of the parking lot.

No vested right lies with respect to any structure existing on a parking lot if the value of that structure is less than 10% of the value of the land entered on the assessment roll at the coming into force of a by-law passed under this section.

78. The city may, by by-law, govern the exhibition and sale of artistic works or handicrafts in the public domain, and particularly

(1) require that artists, artisans or their agents obtain a permit or licence, on the terms and conditions it determines, and limit the number thereof;

(2) determine the places where artists, artisans or their agents may engage in their activities;

(3) determine the types or classes of work that may be put on sale or exhibited and the production processes, which may vary according to the types or classes;

(4) require, for reproducible, limited-edition work, that the work put on sale or exhibited specify the total number of copies produced of that work and the number of the copy in question; and

(5) create and determine the composition of an examination committee, responsible for determining whether the work that an artist, an artisan or their agent intends to exhibit or put on sale in the public domain meet the requirements of a by-law under this paragraph.

79. The city may, by by-law, govern the activities of mimes, jugglers, acrobats, singers, musicians and other street entertainers or showmen in the public domain, and particularly

(1) require that they obtain a permit or licence, according to the terms and conditions it determines, and limit the number thereof; and

(2) determine the places where they may engage in their activities.

§8. Nuisances

80. The city may, by by-law, in addition to any other recourse provided for in the law, require that the owner of an immovable carry out or have carried out at his or her expense, upon his or her failure to do so, anything that the owner is required under the law or by-law to carry out with respect to such immovable.

The expense constitutes a prior claim on the immovable, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec.

The expense is secured by a legal hypothec on the immovable.

§9. Financial assistance

81. The city may, by by-law, establish a program under which the city grants, in accordance with this paragraph, subsidies or tax credits to operators of bed and breakfast establishments within the meaning of the Tourist Establishments Act (R.S.Q., c. E-15.1).

The by-law shall provide rules for establishing the amount of the subsidy or of the tax credit, the conditions to be met for the subsidy or tax credit to be granted and the terms under which the subsidy is paid or the tax credit is granted.

82. The city may, by by-law, adopt a revitalization program or a plan of action providing, in particular, that the city grants subsidies for the construction, reconstruction, renovation, conversion, restoration, extension, relocation, removal, development, re-development or demolition of any immovable or for alterations in the connection of electric power lines and accessories.

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

83. Within the scope of a plan of action or revitalization program, the city may, by by-law, grant, on the conditions and in the sectors of its territory as it determines, a subsidy to compensate for any increase in property taxes that may result from reassessment of the immovables after completion of the work.

The amount of the subsidies referred to in the first paragraph may in no case exceed the following amounts:

(1) for the fiscal year during which the work was completed and the following fiscal year, the amount of the subsidy shall represent no more than the difference between the amount of the property taxes that would have been owing if the assessment of the immovable had not been changed and the amount of the taxes actually owing; and

(2) for the second fiscal year following the fiscal year during which the work was completed, half of the amount provided for in subparagraph 1 of the first paragraph.

Where any entry on the roll relating to an immovable eligible for a subsidy under this section is contested, the subsidy is not paid until a final decision has been rendered on the contestation.

For a residential immovable, no subsidy is payable unless the owner proves, in the manner prescribed in the by-law, that the price charged to lessees for rent has not been increased as a result of the increase in the property taxes.

84. Within the scope of a revitalization program, the city may, by by-law, grant, on the conditions and in the sectors of its territory as it determines, a property tax credit in consideration for admissible work carried out on the immovables.

The tax credit granted may in no case exceed the actual cost of the work. It may be divided over more than one fiscal year.

85. Within the scope of a plan of action to promote home ownership, the city may, by by-law, on the conditions and in the sectors of its territory as it determines, grant subsidies or tax credits to individuals or housing cooperatives purchasing residential immovables.

86. The city may, for the purposes referred to in sections 82 to 85 of this Schedule, establish categories of immovables and classes of work. It may also, for the purposes referred to in section 84, establish classes of property taxes.

The city may combine the classes and categories provided for in the first paragraph. It may establish different conditions in keeping with the classes and categories or combinations of classes and categories and order that a subsidy or tax credit be granted only in respect of one or several of the classes and categories or combinations of classes and categories.

The city may avail itself of the first and second paragraphs differently according to the sectors of the city that it determines.

87. For the purposes of sections 82 to 85 of this Schedule and section 542.5 of the Cities and Towns Act (R.S.Q., c. C-19), the city may, in each case, establish various classes of recipients and fix different subsidy rates for the different classes.

It may also limit the eligibility of individuals for subsidies on the basis of the maximum allowable household income and, for that purpose, define the concept of household income and prescribe the modes of evaluation and control of such limitation.

88. The city may, by by-law, require that applicants for a subsidy referred to in sections 82 to 85 of this Schedule and section 542.5 of the Cities and Towns Act (R.S.Q., c. C-19)

(1) obtain the subsidies or grants that are available under provincial or federal programs for the same purposes; and

(2) produce an owner/lessee agreement, signed by a majority of the lessees, concerning the nature of the work to be carried out and possible rent increase.

Similarly, the city may require that the recipient of a subsidy prove, in the manner prescribed by by-law, that the amounts received as subsidies are deducted from the work costs taken into account in establishing the rents after completion of the work.

89. The city may, by by-law, in respect of a subsidy paid within the scope of a by-law passed under sections 82 to 85 of this Schedule and section 542.5 of the Cities and Towns Act (R.S.Q., c. C-19),

(1) stipulate, in the circumstances as provided for in the by-law, that any change in the destination or mode of occupancy of the immovable and that the alienation of all or any part thereof or the transfer of control by the legal person that owns the immovable, within a period of no more than ten years, fixed by the city, shall entail repayment to the city, in such proportion as the city shall determine according to how much time has elapsed, of the subsidy paid by the city in respect of the immovable, or that any permit required for a change of destination or occupancy may be refused until such repayment is made;

(2) provide that repayment of the subsidy shall be payable by any person who was the owner of the immovable at the time of the change in its destination or mode of occupancy, its alienation or the transfer of control by the legal person that owns the immovable, or by any subsequent purchaser; and

(3) prescribe the formalities necessary to ensure compliance with the requirements set out pursuant to subparagraphs 1 and 2 of the first paragraph.

If the by-law contains provisions adopted under subparagraph 2 or 3 of the first paragraph, the owner who receives the subsidy must have a document registered establishing the restrictions so stipulated to the right of ownership of the immovable. Registration of such document in the land register shall be made by deposit and the registrar is required to receive it and to make mention of it in that register.

90. Sections 82 to 86 of this Schedule and section 542.5 of the Cities and Towns Act (R.S.Q., c. C-19) applies notwithstanding the Municipal Aid Prohibition Act (R.S.Q., c. I-15).

§10. *Municipal finances*

91. At the end of each fiscal year, the treasurer shall prepare the financial statements and reports for such fiscal year with respect to the city's revenues and expenditures and its financial status. Such reports and statements shall specify separately the balance sheet and revenue and expenditure account and contain all other necessary information.

The treasurer shall file such statements and reports with the office of the clerk no later than 31 March unless, on the report of the executive committee, the council grants the treasurer an additional period not exceeding one month.

92. The executive committee shall draw up the city's budget. It shall file the budget with the office of the clerk, with its recommendations on that budget and the budget of the Société de transport. The clerk shall send a copy of each document so filed and of the budget of the Société de transport to each member of the council, no later than 1 December.

93. No later than 30 September each year, the treasurer shall determine, in a certificate, the appropriations considered necessary for the next fiscal year for payment of the interest on securities issued or to be issued by the city, for repayment or redemption of such securities and for their sinking funds and any other charge related to the city's debt, with the exception, however, of the amounts required in principal, interest and accessories in relation to the issue of treasury bills, loans made in anticipation of revenue and renewable loans falling due during the fiscal year covered by the budget. The treasurer shall also determine in such certificate the

appropriations necessary, during the following fiscal year, to assume the obligations contracted by the city during previous fiscal years. The treasurer may amend the certificate until 31 December preceding the fiscal year to which it applies if the appropriations referred to therein have not been adopted by the council. The treasurer shall file the certificate and any amendments thereto with the office of the clerk. The clerk shall notify the council at the first meeting held after the filing.

The treasurer shall also include in the certificate referred to in the first paragraph the appropriations needed, during the next fiscal year, to assume the obligations of the city arising from collective agreements or from its by-laws, or arising under legislative or regulatory provisions adopted by the Gouvernement du Québec, the Government of Canada or any of their ministers or agencies.

The amounts shown in the certificate shall be included in the city's budget for the fiscal year covered by the budget.

94. The budget shall also appropriate an amount of at least 1% of the city's expenses to cover expenditures not provided for in the budget, claim settlements and the payment entailed by court sentences.

95. A percentage of 0.11% shall be substituted, for the city, for the percentage of 0.17% provided for in section 107.5 of the Cities and Towns Act (R.S.Q., c. C-19).

96. The presumption of adoption and the coming into force of the budget provided for in section 148.1 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) do not apply to the appropriations provided for in the treasurer's certificate referred to in section 93, where those appropriations are deemed to have been adopted on 1 January and to have come into force on that date.

97. After 1 January, the adoption, of the budget or any of its appropriations is retroactive to that date. The same rule applies to the by-laws and resolutions arising therefrom.

§11. *Taxes and permits*

I. General

98. Taxes and any account or amount owing to the city shall bear interest from the day they become owing without its being necessary to make a special request therefor. The city shall, as often as it deems it expedient, fix the rate of interest that applies. The tax account shall specify clearly the rate of interest in force at the time of its sending.

That rate shall also apply to all debts outstanding before that fiscal year until another rate is fixed under the first paragraph.

Subject to the Act respecting municipal taxation (R.S.Q., c. F-2.1), the Cities and Towns Act (R.S.Q., c. C-19) and this Schedule and to any by-law, order, contract or agreement that may fix another date for the payment of the amounts owing to the city, all amounts owing to the city are payable 30 days after sending the account of the city.

99. Notwithstanding section 32 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), a building shall be entered on the roll when three years have elapsed from the beginning of the work if the amounts spent or committed in the first two years represent at least $50 000 000.

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

100. The city may accept the transfer of immovables on which taxes are owing, in payment of such taxes.

101. To compensate for the cost of water service and the other services identified by by-law, the city may, by by-law, levy a water-rate and service tax or any of those taxes separately and determine the method of payment, when the tax is payable and the manner in which it may be levied 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.

Where the city levies a tax provided for in the first paragraph, the by-law may vary the rate thereof according to the various classes of occupation based on any or on a combination of the following criteria:

(1) a fixed rate;

(2) a rate established according to consumption;

(3) a rate based on the rental value.

The city may exempt occupants of residential immovables from the water-rate and service tax and, according to the classes it determines, persons exempt from the business tax.

The lessee of a dwelling in respect of which the tax has been incorporated into the rent for any fiscal year during which the exemption applies is entitled, on application to the lessor within 12 months after the coming into force of the by-law imposing the water-rate and service tax for that fiscal year, to an adjustment in rent for that fiscal year.

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

In addition to the powers provided for in the first, second and third paragraphs, the city may, by by-law, levy the water-rate and service tax on the units of assessment subject to the surtax on non-residential immovables provided for in section 244.11 of the Act respecting municipal taxation (R.S.Q., c. F-2.1) or, as the case may be, on the units of assessment subject to the tax on residential immovables provided for in section 244.23 of that Act or on the units of assessment that are constituted of one or more non-residential immovables and that are subject to various general property tax rates provided for in section 244.29 of that Act.

Sections 244.12, 244.13, 244.15 to 244.22, 244.24 to 244.28 and 244.30 to 244.64 of that Act apply, as the case may be and adapted as required, with respect to the water-rate and service tax thus levied.

In addition to being a prior claim within the meaning of paragraph 5 of article 2651 of the Civil Code of Québec, the tax is secured by a legal hypothec on the immovable.

A water-rate and service tax levied under the sixth paragraph does not apply to outdoor parking lots subject to the surtax on vacant land or to the land which forms the road bed of the railway of a railway company, within the meaning of section 47 of the Act respecting municipal taxation.

Where, at the beginning of a fiscal year for which the city levies a water-rate and service tax in accordance with the sixth paragraph, a taxable immovable subject to that tax has a lease that does not allow the owner to increase the stipulated rent to take account of the new taxes he or she becomes liable for or to otherwise make the lessee assume the payment of such a tax, the owner may nevertheless increase the stipulated rent to take into account all or part of the amount of the tax which he or she must pay for the duration of the lease.

However, the tenth paragraph does not apply to the rent stipulated in a lease concerning any part of the immovable that does not constitute separate premises required to be registered in the comprehensive schedule to the property assessment roll under the first three paragraphs of section 69 of the Act respecting municipal taxation.

If the lease does pertain to such separate premises, the increase in the rent shall take account of that part of the amount of the water-rate and service tax that is attributable to the taxable value of the separate premises.

Sections 244.22 and 491 of the Act respecting municipal taxation apply for the purposes of the tenth paragraph.

102. Section 151.3 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) applies, adapted as required, to the water-rate and service tax levied under section 101.

II. Collection roll and collection of taxes

103. The treasurer may enter on the property tax collection roll the franchises, rights and privileges for occupation or use of the public domain that are established during a fiscal year, taking into account the unexpired portion of the fiscal year.

The treasurer may cancel the rent fixed for any such privilege, or reduce it in proportion to the period expired, when it comes to an end during a fiscal year; such cancellation or reduction shall be effective from the day when, as ascertained by him, such privilege ceased to exist.

104. The treasurer may make credit entries of payments in the margin of the property tax collection roll and the collection roll for personal and business taxes and water-rates, and enter all necessary figures to establish the unpaid balance outstanding at the end of the fiscal year. The treasurer may also correct calculation and clerical errors in the collection roll and make the entries required therein.

Where the treasurer has corrected a roll for the purposes provided for in the first paragraph, the treasurer shall inform the ratepayers affected by means of a notice sent by registered or certified mail.

III. Seizure and sale of movables for non-payment of taxes

105. The personal taxes levied for a fiscal year shall constitute, until the expiry of a period of six months following the end of the fiscal year, a prior claim of the same nature and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code of Québec on movable property, goods and effects found in the business establishment of any ratepayer liable for the payment of such taxes, as long as they remain in the premises assessed, even if they change owners under a mutually agreed transfer. The city may, until the expiry of that period, register a legal hypothec on the movable property, goods and effects. The business establishment of the ratepayer bound to pay such taxes is that specified in the roll.

106. The prior claim and the legal hypothec granted to the city by the law for all personal taxes owing to it and for interest thereon and collection costs shall extend to all movable goods, property and effects that may be found upon the premises occupied by the debtor on the day of the seizure referred to in section 107 and shall also extend to any other movable goods and effects that may belong to the debtor, wherever they may be at the time of their seizure.

107. When a ratepayer fails to pay taxes that are owing, the treasurer, after issuing or sending a default notice by registered or certified mail, may, as of the sixteenth day following the date the notice was sent, recover the amount with interest and costs by means of a writ obtained from the municipal court, authorizing the seizure and sale of the movable goods and effects subject to the prior claim securing such taxes, with the exception of property declared unseizable by the Code of Civil Procedure.

108. Before proceeding with the sale of the movable property, the bailiff charged with such writ shall give public notice thereof. The bailiff shall specify in such notice the name of the debtor in default, the amount owing and the day and place of the sale, and shall post it in a conspicuous place at the entrance of the city hall.

109. At least eight days before the sale, the bailiff shall serve a copy of such notice on the debtor at his or her domicile, if known, and failing such domicile, at the debtor's ordinary residence, business office or commercial establishment.

Upon a return attesting that the debtor has no known domicile, business office, commercial establishment or ordinary residence, a judge of the municipal court shall prescribe the mode of service of such notice.

IV. Suits for recovery of taxes

110. Notwithstanding any inconsistent legislative provision of any general law or special act, the treasurer may take before the court of primary jurisdiction, without any authorization, all proceedings the treasurer may deem expedient to collect the taxes and dues owed to the city.

For that purpose, the treasurer may sign any procedural document required and act before the municipal court on behalf of the city, except where the proceedings are contested.

V. Sale of immovables for non-payment of taxes

111. Before 1 September each year, the treasurer shall prepare a notice addressed to the last owner entered on the collection roll of each immovable on which property taxes that were owing in a previous fiscal year remain unpaid.

Subject to the second paragraph of section 515 of the Cities and Towns Act (R.S.Q., c. C-19), such notice shall contain

(a) the name of the owner on the collection roll on the date when such notice is made out;

(b) the designation of the immovable as it appears on the said roll;

(c) the total amount of taxes owing without it being necessary to specify whether it refers to general or special municipal or school taxes, apportionments for sewers, pavings, sidewalks or expropriations or costs of notices and service;

(d) a demand for payment of the taxes plus the costs of the notice and its service, within ten days of the date of service or mailing of the notice, stating that if not paid within the period prescribed, the immovable will be sold by authority of justice.

112. Once the time limit stipulated in the notice prescribed in section 111 expires, the treasurer shall draw up, certify and send to the clerk a statement containing a summary description of all immovables to be sold for taxes.

The statement need only designate the immovables by their cadastral or subdivision numbers, adding thereto the letter P for parts of lots. The name of the street where each immovable is situated and the civic number of any buildings must be specified; the first and last numbers, joined by a dash, is sufficient where there are several.

The number of the tax account relating to each immovable must also be specified.

The clerk shall, without the formality of minutes of seizure, proceed with the sale of all immovables described in the statement in the manner prescribed in section 113 of this Schedule and in sections 517 to 535 of the Cities and Towns Act (R.S.Q., c. C-19).

113. The clerk shall give public notice, specifying

(1) the day, time and place of the sale;

(2) the immovables to be sold;

(3) the name of the owner of each of the immovables, as entered on the property assessment roll;

(4) the tax account number relating to each of the immovables;

(5) the amount of tax owing on each of the immovables, to which interest, penalties and costs shall be added at the time of the sale or of the settlement of the debt, where applicable.

The executive committee shall determine a tariff of costs applicable to sales. The tariff may provide for a uniform rate for all immovables, rates that vary according to categories of immovables determined by by-law, rates that are fixed or variable according to categories of immovables determined by by-law, or any combination thereof. However, the rate established by the tariff may not, for any one immovable, exceed 5% of the capital amount of the unpaid debt. The costs have the same order of preference as municipal taxes.

The notice need only identify each immovable, specifying, for an immovable upon which a building is built, the tax account number relating to the immovable, the name of the street where it is situated and the civic number or numbers of the building or buildings, giving the first and last number joined by a dash where there are several. Where no building is constructed thereon, the immovable shall be designated by its first cadastral number and first subdivision number as they appear in the statement provided by section 112, followed by the abbreviation "etc." where there are more than one; the tax account number relating to the immovable must also be stated.

Furthermore, when an immovable is in the name of more than one owner, it shall be sufficient to name one of the owners in the notice and add "*et al.*". Such notice shall refer to the statement prepared by the treasurer under section 112.

At least one month before the date set for the sale, the clerk shall have the notice published in a newspaper distributed in the city.

For the purposes of this Division, the description of an immovable that is a unit of assessment entered on the assessment roll separately from the land on which it is situated consists of the description of that land and a summary description of the immovable referred to, along with, if possible, the name of its owner, its civic address and any other information that may help to identify it.

VI. Purchase by the municipality of immovables sold for taxes

114. Where the city purchases an immovable under section 536 of the Cities and Towns Act (R.S.Q., c. C-19), it shall have the immovable entered in the city's name on the assessment and collection rolls for property, general and special taxes, and on the apportionment rolls for local improvement taxes, and shall tax it like any other immovable subject to taxation; nevertheless, the city shall not be subject to pay school taxes.

If such immovable is redeemed, the repurchase price shall include, in addition to the amounts referred to in the second paragraph of section 537 of the Cities and Towns Act (R.S.Q., c. C-19), the general or special property taxes owing and the instalments of local improvement taxes encumbering such immovable owing since the sale, the excess over revenue of the expenses incurred by the city to ensure the preservation of the immovable, as well as all taxes not paid out of the proceeds of the sale. After redemption, the local improvement tax instalments not yet owing shall continue to encumber the immovable and the owner shall be personally responsible therefor. The provisions of section 532 of the Cities and Towns Act shall also apply to the redemption of such immovable.

After the expiry of the period for repurchase, the school tax and any other municipal tax levied during such period shall be struck from the collection roll if there has been no repurchase.

§12. *Loans*

115. Subdivision 30 of Division XI of the Cities and Towns Act (R.S.Q., c. C-19) does not apply to the city, except section 544.1 and the third paragraph of section 549, section 568 and, subject to section 148 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), sections 556 to 563.1.

116. The term of a loan made by the city may not exceed 40 years. The loan shall be made in accordance with section 121.

117. The city may

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

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

118. The city may, with the authorization of the Minister of Municipal Affairs and Greater Montréal, increase the amount of any loan to be made or renewed by the estimated cost of the discount on the bonds and the expenses incidental to their issue.

119. The amount of the discount on the sale of any issue provided for in section 121 shall be added to the cost of the expropriations, or municipal work, or other expenses to be paid for out of the proceeds from the sale of such issue.

The word "discount" means the difference between the price of sale by the city of its evidences of indebtedness and their nominal value.

120. The executive committee may, by resolution, order temporary loans for the payment of current administration expenses and contract them on the conditions and for the term it determines.

The executive committee may also make loans for the payment of the expenses incurred under a loan by-law.

121. Where a loan has been ordered by by-law, the executive committee may make it by issuing securities or by contract, up to the total amount of principal referred to in the by-law.

The executive committee shall determine

(1) the rate of interest on the loan or securities, or the manner of fixing such rate;

(2) the time the loan is made;

(3) the contents of the securities or of the contracts; and

(4) the conditions of issue of the securities.

The executive committee may also conclude contracts for the exchange of rates of interest or of currencies related to current loans or loans to be made, as well as term or option contracts involving the rates of interest or currencies for the purposes of repayment of the principal or payment of the interest on its loans.

The executive committee may make the loan for a term shorter than that authorized by by-law and determine the part of the loan that shall be renewable at maturity and the maximum term of the renewal.

Any loan for the purpose of such renewal may be made within the 12 months preceding the date of maturity of the loan to be renewed, provided that the term prescribed by the executive committee for the renewal does not exceed the maximum term determined pursuant to this section.

The executive committee may designate a place outside Québec where a register shall be kept for the registration of securities and designate a person authorized to keep the register.

It may repay in advance a loan that may be so repaid.

122. The Act respecting municipal debts and loans (R.S.Q., c. D-7) does not apply to the city, except sections 7 and 8 and Divisions V, VI, VIII to X and XII. The treasurer or any other officer designated for that purpose by the executive committee shall fulfil the obligations referred to in section 24 of that Act.

The Minister of Municipal Affairs and Greater Montréal may cause the certificate referred to in section 12 of that Act to be affixed to a security issued by the city under a by-law in force. The validity of a security bearing such certificate is not contestable.

Notwithstanding any inconsistent provision, the certificate referred to in section 12 of the Act respecting municipal debts and loans does not apply to a security issued to constitute the working fund of the city or issued to effect a temporary loan.

Division IX of that Act does not apply to a security that is not subject to registration according to the conditions of its issue.

A loan obtained by the city or a security issued by it may be repaid or repurchased in advance, as it sees fit, according to the terms of the contract or security. The date of advance repayment or repurchase may be other than a date of payment of interest if the prior notice stipulated in the contract or security is given.

123. Where a by-law authorizes the city to borrow a given amount either in the legal tender of Canada or in the currency of one or more other countries, the total amount of the loan thus authorized shall be that expressed in the legal tender of Canada.

The amount in Canadian dollars of a loan made in another currency is calculated by multiplying the amount of the principal of the loan by the value of the unit of the other currency in relation to the Canadian dollar.

For the purposes of the calculation referred to in the second paragraph, the value of the unit of the other currency in relation to the Canadian dollar is as it stands

(1) at the time of the conversion into Canadian dollars of all or part of the proceeds of the loan paid to the city; or,

(2) at noon on the day on which all or part of the proceeds of the loan are paid to the city, if it is not converted into Canadian dollars.

Where all or part of the proceeds of a loan are used to renew a loan already made by the city, for all or part of its unexpired term, the amount used for the renewal is not deducted from the balance of the amount of the loan authorized by by-law, whatever the value of the currency in which the loan is made.

124. Notwithstanding any inconsistent legislative provision, the securities of the city may be issued in the following forms or a combination thereof:

(1) fully registered securities;

(2) securities that may be registered only for the principal; or

(3) securities payable to the bearer.

The executive committee may prescribe the mode of transfer or negotiation of the city's securities and the formalities to be fulfilled for that purpose. Notwithstanding the foregoing, a bearer security is negotiable by mere delivery and is not subject to registration unless otherwise stipulated.

125. Where the city makes a loan in another country, it may elect domicile in that country or elsewhere, for the purposes of receiving a notice or proceeding respecting that loan.

In the same circumstances, the city may order that the securities issued by it or the contracts concluded by it in another country for the purposes of the loan be governed by the law of that country, provided that the provisions of this subdivision are complied with.

126. The bonds, notes and other securities of the city shall be signed by the mayor and the treasurer or, if the latter is absent or unable to act, by the person designated for such purpose by the executive committee.

127. A facsimile of the signature of the mayor and the treasurer may be engraved, lithographed or printed on the bonds and shall have the same effect as the signature itself.

128. The loans made by the city shall be secured by its general fund.

129. The city may create a general sinking fund for the purposes of total or partial repurchase of the evidences of indebtedness issued by it.

130. Where the city purchases its own evidences of indebtedness bearing interest coupons to invest them in its sinking fund, it may cancel those securities and replace them by the issue of a single security, without coupons, registered in the name of the treasurer in trust for the purposes of the sinking fund.

131. If at any time the treasurer finds that the moneys in hand for the payment of the interest or principal of any loan for which the city is liable will not be sufficient to pay the interest or principal at maturity, the treasurer shall calculate the property tax required to meet the deficit, on the basis of the value of the taxable immovables according to the assessment roll then in effect; in such calculation, the treasurer shall take into account a fair allowance for possible expenses and losses in the collection of that tax.

The treasurer shall then issue under his or her signature a certificate imposing that tax and deliver it to the clerk for the information of the council.

That certificate shall have the same effect as a city by-law imposing that tax.

That tax shall be levied and collected immediately, in addition to any other tax legally levied by the city.

132. The Décret concernant une exemption accordée à la Communauté urbaine de Montréal de l'obligation d'obtenir certaines autorisations relativement à certains instruments et contrats de nature financière (Décret 166-94 dated 26 January 1994) applies, adapted as required, to the city.

§13. *Working fund*

133. The city may, by by-law subject to the approval of the Minister of Municipal Affairs and Greater Montréal, constitute a working fund the purpose, constitution and administration of which must comply with the following rules:

(1) To constitute that working fund, the executive committee may authorize the treasurer to borrow the amounts that it deems necessary through the issue and sale of treasury bills, notes or other securities, provided the current nominal value of such treasury bills, notes or other securities does not at any time exceed 10% of the appropriations provided for in its budget.

(2) The treasury bills, notes or other securities may bear no nominal rate of interest, shall be payable to the bearer or to the holder registered according to their conditions, and shall mature no more than 365 days after the date of their issue. They may bear the mention that they are redeemable in advance, without any other formalities or conditions than those stipulated in them, and must specify that they are issued for the purposes of the working fund of the city.

(3) The sale of the treasury bills, notes or other securities shall be carried out by agreement or by tender. Sale by agreement shall be made on behalf of the city by the treasurer with the approval of the executive committee.

For sale by tender, the tenders shall not be subject to sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., c. C-19), but they shall be addressed to the treasurer. The treasurer, on behalf of the city, shall make the sale to the tenderer who submitted the tender which the treasurer deems to be the most advantageous to the city. The treasurer shall not be bound to accept any tender.

(4) A loan may be granted from the working fund

(a) for a purpose for which the city is authorized to borrow temporarily;

(b) for the purposes of capital expenditures;

(c) in anticipation of the collection of revenue of the city or of an amount owing to it; or

(d) for the purchase of pending securities of the city that are likely to meet the requirements of a sinking fund.

The term of the loan may not exceed five years.

However, for loans granted pending the payment of advances on loans to be granted by the Canada Mortgage and Housing Corporation, the loans granted out of such fund may be for a term of more than five years and apply until any such loan is granted to the city by the Canada Mortgage and Housing Corporation.

(5) Moneys out of the working fund may be invested in treasury bills or in short-term bonds or other securities provided for in paragraphs 2, 3 and 4 of article 1339 of the Civil Code of Québec. Such moneys may also be placed on a short-term basis in a chartered bank or other financial institution authorized to receive deposits.

(6) The executive committee may authorize the treasurer to invest in such fund, for periods not to exceed 90 days, the available balance of the general fund or the temporarily unused balance of the proceeds from long-term loans.

(7) At the end of a fiscal year, any operating surplus in the working fund shall be transferred to the general fund, and any deficit shall be made good out of that fund.

§14. *Financial reserves*

134. A by-law creating a financial reserve need not be subject to the approval of qualified voters where the reserve is created for the benefit of the entire territory of the city.

§15. *Acquisition and expropriation of immovable rights*

135. The city, for the purposes of its waterworks, may take possession of any land that is vacant or has been built upon whenever it shall consider it advisable, even before having acquired it, by giving the owner eight days' prior notice in writing; it shall proceed with all possible diligence to acquire such land, however. If it does not commence the expropriation within 60 days following the expiry of the eight-day period stipulated in the notice, it may be compelled thereto by court order.

In all cases, it shall pay the owner interest on the expropriation indemnity from the date of taking possession.

136. The city may acquire an immovable to improve the area around streets or public places. The previous approval of the Minister of Municipal Affairs and Greater Montréal shall be required to exercise such power within a radius of more than 38 metres.

137. The city may accept the gratuitous transfer of any land required for the opening or widening of a street or lane and agree with the owner that, if an expropriation tax is levied later for such improvement, an allowance equal to the value of the land transferred at the time of the expropriation will be granted to him or her against his or her aliquot share of the said tax, subject to his or her obligation to pay any excess.

The amount so credited shall be payable by the other owners who have not transferred their land gratuitously. The value of the land so transferred shall be determined at the time of the expropriation in accordance with the Expropriation Act (R.S.Q., c. E-24).

138. The city may acquire any immovable by agreement or expropriation for the purposes of transferring it by means of exchange, sale or lease with a view to the implementation of a plan for the expansion of the Port de Montréal.

139. The city may, with the authorization of the Minister of Industry and Commerce,

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

(2) sell, lease or otherwise alienate for industrial or commercial purposes any immovable acquired under subparagraph 1;

(3) on proof that an immovable acquired under one of its powers, including an immovable acquired under section 144, be more adequately used for industrial purposes, sell, lease or otherwise alienate it for industrial purposes, on the conditions it determines; and

(4) on proof that an immovable acquired under subparagraph 1 cannot be adequately used for industrial or commercial purposes, use it or dispose of it for other purposes.

If the city takes back an immovable that has been sold, leased or otherwise alienated under subparagraphs 2 and 3 of the first paragraph to protect its claim or to exercise certain rights provided for in the contract, the city may then dispose thereof with the same authorization and for the same purposes provided for in this section.

The city is not subject to the Act respecting municipal industrial immovables (R.S.Q., c. I-0.1).

The land acquired by the city under the Industrial Funds Act (R.S.Q., c. F-4) is deemed to have been acquired under subparagraph 1 of the first paragraph and any money from a sale or rental under the said Act is paid into the general fund of the city.

For the purposes of subparagraph 1 of the first paragraph, the authorization of the Minister of Municipal Affairs and Greater Montréal is required.

140. The city may, by resolution of its executive committee, provided it alone assumes the cost, acquire by agreement or expropriation, with or without prior possession, all servitudes which it shall deem appropriate

(1) to permit their use or to transfer them, on the conditions it determines, to public utility companies, for the laying or installation of conduits, poles, wiring and other accessories necessary for their operations;

(2) for the installation of permanent land and surveying benchmarks, temporary observation towers for the establishment of the said benchmarks or of the poles, anchorages, wiring, traffic lights, lamp-posts, traffic or parking signals, parking meters, fire-alarm boxes, telephones for the use of the police, hydrants, and generally all accessories required for the above-mentioned installations.

The servitudes referred to in this section may be established without a description of the dominant land.

141. No indemnity or damages shall be granted for buildings constructed or improvements made on an immovable after the city adopts the resolution ordering expropriation, provided that such resolution is followed by proceedings in expropriation within the ensuing 12 months.

Notwithstanding the first paragraph, the expropriated party shall be entitled to an indemnity for repairs made by him or her under a permit issued by the city.

142. The executive committee may order the imposition of a reserve for public purposes. Once the order is made, the executive committee shall submit it to the city council for approval at the first sitting that follows the sixtieth day after it is made.

143. Notwithstanding any provision inconsistent with the Expropriation Act (R.S.Q., c. E-24) or any other act, the city may dig a tunnel at a depth of not less than 15 metres under any land for its water conduits, its sewer conduits or for any other municipal purpose. As soon as work begins, the city becomes, without formality or indemnity, but subject to recourse in damages, the owner of the space occupied by the tunnel and of the two metres beyond the interior concrete wall of the tunnel.

As soon as work begins, the city shall notify the owner of the land of the work being done and of the provisions of this section. In the year following the completion of work, the city shall file in its archives a copy of a plan certified by the head of the department involved, showing the horizontal projection of that tunnel. It shall register that plan by filing two copies with the registry office of the registration division of the immovable affected and the registrar shall mention each lot or part of a lot affected in the land register.

144. Notwithstanding any inconsistent provision, the city may acquire by agreement or expropriation any immovable whose acquisition is deemed appropriate for land reserve or housing purposes and for the work related to such purposes, and any immovable considered obsolete or harmful for occupation.

The city may hold, lease and administer immovables acquired under the first paragraph. It may develop those immovables and install the

necessary public services therein; it may also demolish or restore the buildings and other structures and build or construct thereon new buildings for housing, leisure activities, recreation and other related purposes.

The city may exercise the powers provided for in the second paragraph on the immovables it already owns.

It may alienate those immovables on the conditions it determines in accordance with section 28 of the Cities and Towns Act (R.S.Q., c. C-19). It may also alienate, gratuitously or on the conditions it determines, such an immovable in favour of the Government, any of its ministers or agencies, or any person or agency referred to in the third paragraph of section 29.4 of the Cities and Towns Act.

The city may borrow the necessary amounts and request the subsidies provided for by law for the purpose of exercising such powers and for the purposes of making a loan to the legal person formed under this section.

145. Any person responsible for administering the property of others, in particular a tutor, administrator, trustee or public curator, who is seized or possessed of an immovable subject to expropriation, or holds an interest therein in any of those capacities, may enter into agreements with the city to sell and transfer such immovable to it or grant it rights in or servitudes upon such immovable on behalf of any person whom he or she represents or whose property he or she administers, including, but without restricting the scope of the foregoing, minors, children not yet born and persons of full age under protective supervision.

Legal persons may also enter into such agreements respecting their own immovables and respecting those which they hold in any of the capacities referred to in the preceding paragraph.

146. Every person entering into an agreement under section 145 shall be exempt from any recourse by reason of such agreement, saving the obligation to account for the consideration or price received from the city in consequence of such agreement to the person he or she represents.

147. Every person who may sell and transport any immovable to the city under section 145 shall also have the power to transfer to the city gratuitously, conditionally or unconditionally such portion thereof as the person may deem fit, for any municipal purpose.

148. In the cases of section 145, the price shall not be paid to the vendor until after the court or judge has authorized payment thereof. If such authorization is not obtained within three months from the execution of the transfer, the city may release itself from all further responsibility by paying the price into the hands of the clerk of the Superior Court for the benefit of whoever may be entitled thereto.

149. When the moneys are so paid into the hands of the clerk, the clerk shall, even during vacation or out of term, determine how the legal representatives and creditors of the party entitled to such moneys and any other interested person are to be called in, by following the prescriptions of the Code of Civil Procedure (R.S.Q., c. C-25); on a motion or in case of contestation, the Superior Court or one of its judges shall issue such orders as may be deemed advisable and just for the delivery or the distribution of the moneys, or for the disposal of any other matter in connection with the claims or demands of the interested persons.

The formalities provided for in the first paragraph shall not be required where the amount deposited does not exceed five hundred dollars, and the clerk shall deliver it immediately to the expropriated party.

Where the moneys deposited are paid to the expropriated party, they shall not be subject to any tax or commission of any kind, notwithstanding any other inconsistent legislative provision.

150. Where part of an immovable is subject to an expropriation and the indemnity paid by the city does not exceed $5000, the hypothecs and other charges encumbering that part of the immovable shall be cleared upon registration of the title of the city in the land register and the registrar shall cancel them.

This section applies where a servitude is acquired.

151. The deposits referred to in section 149 shall be judicial deposits within the meaning of the Deposit Act (R.S.Q., c. D-5).

§16. *Land use planning and development*

152. A special planning program applicable to part of the territory of the city may include a program of acquisition of immovables in view of alienating or leasing them for purposes provided for in the special planning program.

Sections 28.1 and 28.2 of the Cities and Towns Act (R.S.Q., c. C-19) apply to such program of acquisition of immovables, adapted as required.

153. The city may, by by-law, govern or prohibit graffiti, drawings, paintings, engravings or photographs on trees, walls, fences, poles, sidewalks, pavements or any other similar structure and, in case of infringement, order their removal and restoration of the site within a prescribed time limit.

154. The city may, by by-law,

(1) govern or prohibit the parking of any vehicle on any land without the authorization of the owner or the occupant of the land;

(2) determine the conditions and methods of towing and impounding, by the city or any person, of the vehicles, at the expense of their owners; and

(3) determine a maximum amount for these costs.

155. The city may, by by-law, vary the standards prescribed in the exercise of the powers provided for in section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), according to the microclimatic effects of a structure, such as sunshine and wind factors, according to the clearing of visual corridors and to the uses and occupancy and the structures on contiguous lands, and according to any other criterion of integration and insertion into a built environment.

156. The city may, by by-law, prescribe, for all or part of its territory and according to the classes it determines, the maximum number of restaurants and establishments selling alcoholic beverages for consumption on the premises and the distance between such establishments or between such an establishment and an immovable, or part of an immovable, occupied for housing or public purposes or any class thereof.

157. The city may, by by-law,

(1) govern or prohibit, by portion of territory, the construction, installation, alteration and maintenance of all existing or future signs and billboards, and require for their maintenance or installation a permit of which it shall determine the cost;

(2) prescribe, by portion of territory, the minimum distance between billboards, which distance may not exceed 90 metres; and

(3) prevent any construction, installation, alteration or repairs that are non-compliant, have them stopped and even provide for the demolition or removal of the billboard or sign.

158. The city may, by by-law, adopt beautification 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.

159. The city may apportion, among the owners who benefit therefrom, the cost of beautification projects carried out in respect of a street, lane or public place pursuant to an agreement between itself and one-half or more of the owners of the immovables that benefit from the improvements, provided that the immovables belonging to the owners who are parties to the agreement represent, according to the property assessment roll, three-quarters or more of the value of all the immovables referred to.

The cost of the beautification shall be apportioned, in the form of local improvement taxes, proportionately to the value of each immovable according to the assessment roll or in the proportion determined in the agreement.

160. The city may, by by-law, prohibit the manufacture and storage of nuclear weapons within the meaning of section 6 and prohibit the manufacture of specific nuclear weapon components.

161. The city may, by by-law, govern or prohibit bathing, swimming, the use of public beaches and the renting of boats in the waters within the limits of the city for safety, health and policing reasons.

162. The city may, by by-law,

(1) specify the requirements respecting fences and hedges, namely:

(a) their distance from public roads;

(b) their maximum and minimum height;

(c) the places where they may or must be located;

(d) the material they are made of;

(e) the manner in which they must be made; and

(f) their maintenance according to preservation and architecture requirements;

(2) provide for the bringing into compliance of fences and hedges, for their removal and, if necessary, the restoration of the sites, and for the installation of fences or hedges, within a prescribed time limit; and

(3) provide, in case of failure to comply with any public safety requirement of the by-law, whether the offender refuses or fails to comply or cannot be found, for such fences or hedges to be corrected, removed or installed by the city at the expense of the offender; the expense constitutes a prior claim on the immovable concerned, of the same nature and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code of Québec; the expense is secured by a legal hypothec on the immovable.

163. A borough council shall, in respect of the part of the territory of the former Ville de Montréal situated within its territorial boundaries, pass, before 31 March 2002, a zoning by-law that renews the provisions of the Urban Planning By-law of the former Ville de Montréal (R.B.C.M., c. U-1).

The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law passed by a borough council under the first paragraph.

A by-law passed under the first paragraph is deemed to comply with the development plan of the city notwithstanding the absence of a certificate of compliance.

164. Until a borough council passes the by-law provided for in section 163, the Urban Planning By-law of the former Ville de Montréal (R.B.C.M., c. U-1) applies, with respect to the part of the territory of the former Ville de Montréal situated within the territorial boundaries of the borough, adapted as follows:

(1) for the purposes of section 113 and of Division V of Chapter III of the Act respecting land use planning and development (R.S.Q., c. A-19.1), each zone is the territorial unit resulting from the spatial overlapping of all the plans attached to the Urban Planning By-law of the former Ville de Montréal;

(2) a provision of that By-law related to the approval, prior to the issue of a building permit or an alteration permit, of plans related to the development, architecture and design of constructions or to the development of land and work related thereto shall be, with respect to any permit that must be issued as of 1 January 2002, deemed to constitute a provision subjecting the issue of a building permit for the project covered by the By-law to the approval of plans related to the site planning and the architecture of constructions or the development of the land, and work related thereto, within the meaning of sections 145.16 to 145.20.1 of the Act respecting land use planning and development (R.S.Q., c. A-19.1).

165. Sections 163 and 164 do not apply if the former Ville de Montréal passed, before 31 December 2001, a by-law referred to in the first paragraph of section 163.

166. Where a notice of motion has been given with a view to passing or amending a by-law referred to in section 89 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), no building plan may be approved nor may any permit or certificate be granted for the carrying out of work or use of an immovable that, if the by-law that is the subject of the notice of motion is adopted, will be prohibited in the zone concerned.

167. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law passed by a borough council in order to replace its zoning or subdivision by-laws by a new zoning by-law or a new subdivision by-law that applies to the whole territory of the borough, provided that such a by-law comes into force within three years of the coming into force of this Schedule.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), by the qualified voters of the whole territory of the borough.

The borough council may avail itself of this section only once for each by-law.

Until a new zoning by-law is passed under this section, in a borough comprising part of the territory of the former Ville de Montréal, other than the Mont-Royal Borough, every zone or, where applicable, every sector of a zone whose perimeter is situated, in whole or in part, less than 200 metres from the limits of the zone covered by the proposed by-law is deemed to be a zone or a contiguous sector for the purposes of section 113 and Division V of Chapter III of the Act respecting land use planning and development (R.S.Q., c. A-19.1). This paragraph will cease to have effect three years after the coming into force of this Schedule.

168. Notwithstanding section 200 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), the authorizations granted under item b.1 of subparagraph 2 of the first paragraph of article 524 and article 649a of the Charter of the City of Montréal (1959-1960, c. 102) and the by-laws passed under item d of subparagraph 2 of the first paragraph of article 524 and article 612a of that Charter shall remain valid and continue to have effect in accordance with those authorizations or by-laws.

For the purposes of a by-law passed under article 612a of that Charter, a provision of that by-law related to approval, prior to the issue of a building permit or an alteration permit, of plans related to the development of land and work related thereto shall be, with respect to any permit that must be issued, deemed to constitute a provision subjecting the issue of those permits to the approval of plans related to the site planning and the architecture of constructions within the meaning of sections 145.16 to 145.20.1 of the Act respecting land use planning and development (R.S.Q., c. A-19.1).

169. The borough council shall exercise the powers of the city, provided for in sections 412.1 to 412.6 of the Cities and Towns Act (R.S.Q., c. C-19), on the demolition of immovables.

170. The borough council may, by resolution, decide to continue the procedure for the passage of a proposed by-law to amend an urban planning by-law that comes under its jurisdiction if the proposed by-law was passed before 31 December 2001 and is not in force on that date.

171. All kinds of constructions shall be prohibited on the south side of Boulevard Saint-Joseph, bordering Lac Saint-Louis, between 34e Avenue and the western boundaries of the former Ville de Lachine.

172. Section 2 of chapter 125 of the Statutes of Québec of 1933 respecting the erection, maintenance and use of signboards continues to apply, with respect to the territory of the former Ville de Lachine, until 31 December 2003.

173. Section 1 of chapter 90 of the Statutes of Québec of 1920 respecting construction on part of Rue Sherbrooke Ouest continues to apply, with respect to the territory of the former Ville de Westmount, until 31 December 2003.

174. Section 2 of chapter 56 of the Statutes of Québec of 1958-1959 respecting the erection and operation of gasoline stations continues to apply, with respect to the territory of the former Ville de Lachine, until 31 December 2003.

175. Section 2 of chapter 64 of the Statutes of Québec of 1959 with respect to subparagraph *d* of paragraph 1 respecting the construction and operation of gasoline stations continues to apply, with respect to the territory of the former Ville de Dorval, until 31 December 2003.

176. Sections 3 and 4 of chapter 147 of the Statutes of Québec of 1935, paragraphs 1, 5 and 6 of section 2 of chapter 147 of the Statutes of Québec of 1935, as replaced by section 1 of chapter 96 of the Statutes of Québec of 1963, and Schedules A and B to the latter Statute, respecting certain prohibited constructions and building regulations, continue to apply, with respect to the former Village de Senneville, until 31 December 2003.

177. Section 19 of Order in Council 1276-99 dated 24 November 1999 respecting the amalgamation of the former Ville de Lachine and the former Ville de Saint-Pierre continues to apply, with respect to the territory of Lachine Borough.

§17. *Films*

178. The city may authorize, for a limited time and on the conditions it determines in each case, the occupation of public or private land or the construction or occupation of a building contrary to a municipal by-law for the purpose of making a film.

§18. *Acquisition of lanes*

179. Riparian owners who wish to acquire the right-of-way of a lane owned by the city are required to present a petition to that effect to the city.

The petition must be signed by not less than two-thirds of the riparian owners, representing not less than two-thirds of the frontage of the land bordering on the lane.

180. If the city decides to grant the petition, it may pass a by-law ordering the closing of the lane.

The by-law shall include, where necessary, a designation of the land which, within the right of way of the lane, will be encumbered with a servitude for public utility purposes, including the laying, installation and maintenance of conduits, poles, wiring and other accessories necessary for the operations of public utility companies. Such designation need not mention the dominant land.

A cadastral plan shall accompany the by-law, identifying for each riparian lot the part of the lane to be re-attached to it, and mentioning a separate lot number for each part of such lane. The servitude shall be marked on the plan by means of hatchings for public utility purposes.

181. Notice of the passage of the by-law shall be served on each riparian owner on the property assessment roll and be published in a daily newspaper distributed in the city.

182. Upon the coming into force of the by-law, the clerk shall require the registration thereof in the land register and the registrar shall mention the by-law on each riparian lot.

183. The registration in the land register entails the transfer of ownership of each re-attached lot to each riparian lot owner, in accordance with the cadastral plan, and creates the servitude for public utility purposes described in the by-law.

184. Within 30 days following the date of the service of the notice provided for in section 181, a riparian owner who has not signed the petition provided for in section 179 may claim an indemnity from the city. Failing agreement, the indemnity shall be determined by the Administrative Tribunal of Québec at the request of the owner or city and sections 58 to 68 apply, adapted as required.

185. The amounts paid by the city as indemnities may be charged to the riparian owners of the closed lane and apportioned among them in proportion to the number of metres of frontage of their respective immovables.

§19. *Exercise of certain powers by the borough councils*

186. The city council may, in its internal management by-law, on the terms and conditions it determines, delegate the following powers to a borough council:

(1) the passage and application of a by-law relating to

(a) noise;

(b) dogs and other house pets;

(c) the distribution of advertising items;

(d) nuisances;

(e) public markets that it designates;

(f) promotional activities on commercial roads;

(g) traffic control and parking, in accordance with the standards related to the harmonization of the traffic control rules and parking provided for in the by-law passed under the third paragraph of section 105 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56); and

(h) any other by-law related to the quality of the living environment;

(2) the application of a by-law

(a) relating to the construction of buildings;

(b) referred to in section 117.1 of the Act respecting land use planning and development (R.S.Q., c. A-19.1);

(c) relating to parks;

(d) relating to occupation of the public domain;

(e) relating to excavation;

(f) relating to the minimum maintenance and housing standards for dwellings;

(g) referred to in paragraph 2 of section 92 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56); and

(h) determined by the council;

(3) the operation of a snow removal site or an establishment referred to in paragraph 1 of section 92 or section 98 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

(4) the maintenance of a park or a cultural or recreational facility under the authority of the city council;

(5) the maintenance of the arterial road network, including the installation and maintenance of traffic signs and signals, waterworks and sewer systems or any other infrastructure or facility under the authority of the city council; and

(6) any other power related to the implementation of a jurisdiction under the authority of the city council for which appropriations are provided in the annual allotment provided for in section 143 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56).

DIVISION III
PROVISIONS CONCERNING CERTAIN REGULATORY MATTERS

§1. *Public thoroughfares and places*

187. Every deposit contemplated by subparagraph 14 of the fifth paragraph of section 415 of the Cities and Towns Act (R.S.Q., c. C-19) shall be made in cash or by bond from a guarantee or trust company authorized to do business in the province of Québec. In the event of accident to any underground installation necessitating immediate excavation, a time limit of 48 hours shall be granted to make the required deposit.

In the event of any dispute between the city and the person concerned, as to the extent or cost of the repairs rendered necessary by any excavation, the dispute shall be submitted to the Commission municipale du Québec and its decision shall be final.

The city shall nevertheless have the right to proceed with the repairs while the matter in dispute is before the Commission municipale du Québec.

188. The provisions of section 187 of this Schedule and of subparagraph 14 of the fifth paragraph of section 415 of the Cities and Towns Act (R.S.Q., c. C-19) shall not affect any contract prior to 14 March 1911.

189. Notwithstanding any inconsistent legislative provision, no person exercising franchises and having acquired rights shall carry out any work in the streets, lanes, thoroughfares or other public places of the city or install rails, wiring, poles or conduits without notifying the city, unless such work is carried out under the supervision of the competent department head in the manner and in the places indicated by him or her; subject to the city's right to require any person to remove such wiring, overhead cables, poles and transmission lines, as provided by section 206.

190. Where a cadastral operation project includes streets or lanes, the rights-of-way of those streets or lanes shall bear one or more separate numbers.

Such project shall not be approved if the space occupied by the streets or lanes is not free of hypothecs, privileges, charges or real rights.

Such streets or lanes become, without indemnity, public streets or lanes and are part of the public domain by the mere fact of the project's approval. The provisions of this section take effect only after the registration of such project in the land register. The city notary shall advise the registrar of the above.

Where, as provided on the general plan of the city, the streets are more than 20 metres wide or the lanes more than 6 metres wide, the part of the streets or lanes in excess of such widths is not affected by the preceding provisions, but that excess shall appear on the cadastral operation project as separately numbered lots.

191. The competent department head shall see that streets, lanes, thoroughfares and public places acquired in whole or in part by the city or open for public use for five years or more are described and recorded in a register to be kept exclusively for that purpose. In the case of those streets, lanes, thoroughfares or places that are only partly public, the part in question shall be registered and described.

Upon that registration, those streets, lanes, thoroughfares and places are deemed to be public.

192. The city becomes the owner of the streets, lanes, thoroughfares and places deemed public under section 191, and of the lots or parts of lots shown on the official cadastral plan as streets or lanes, upon completing the following formalities:

(1) the adoption of a resolution approving the description of the immovable;

(2) 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; and

(3) the registration in the land register of a notice to the same effect, signed by the clerk and stating that the formalities referred to in subparagraphs 1 and 2 of the first paragraph have been complied with.

That registration is made by deposit and the registrar is bound to receive the notice and enter a reference thereto in the land register.

The right to an indemnity in respect of that acquisition must be exercised by a motion before the Administrative Tribunal of Québec within the year following the last publication of the notice in the newspapers.

193. The city is freed from the restrictions affecting its titles on the future use of a street, lane, thoroughfare, public place or park, as soon as the following formalities have been completed:

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

(2) the payment of the indemnity fixed by the Tribunal where, within 12 months of the publication of the notice, the donor or his or her assigns or successors have exercised their recourses, except that the city is automatically freed if the recourse is not exercised within the prescribed time limit; and

(3) the registration in the land register of a notice signed by the clerk and stating that the formalities referred to in subparagraphs 1 and 2 have been complied with.

The registration is made by deposit and the registrar is bound to receive the notice and enter a reference thereto in the land register.

§2. *Parks*

194. The territory comprised within the limits hatched in red on the plan M-355 Saint-Antoine, drawn up by the city's public works department and dated 2 June 1975, shall be reserved to establish a public park under the name of Mount Royal Park.

The part of that territory located within the city limits shall form part of the general plan of the city and any immovable therein that the city owns or acquires shall form part of Mount Royal Park.

The city is not bound to pay an indemnity for a building constructed or for improvements made in the territory, except for immovables belonging to universities or to organizations or legal persons operating hospitals or cemeteries thereon, as regards any constructions, improvements, leases or contracts made for the purposes of those educational establishments or hospitals or cemeteries.

The part of the territory described in section 2 of the Act 8-9 Elizabeth II, chapter 96, shall form part of Mount Royal Park and of the city.

The city shall preserve and maintain in perpetuity as a public park every territory of which it is or becomes the owner within the limits described on the plan referred to in the first paragraph of this section. The city shall not alienate any part thereof to enable any rights, privileges or franchises of a special nature to be exercised there, or authorize the installation, within its limits, of rails, poles, wiring or electrical apparatus for purposes of traction, locomotion or driving power, notwithstanding any special expropriation powers or other power that may have been granted by a general law or special act to the city or to any person or municipality, except in the cases of and to the extent where a special act is expressly inconsistent with the provisions of this section.

195. Since 20 May 1937, the following land has formed part of Mount Royal Park: a strip of the lot bearing number 1799 and a strip of the lot bearing number P-1800, as well as the McTavish monument, as shown on plan number 175 Saint-Antoine, dated 2 March 1937.

196. The city may authorize the Canadian Broadcasting Corporation or any other person to build within the limits of Mount Royal Park a single new tower for television and radio transmission and reception as well as the buildings required for its utilization. The city may conclude any contract or enter into any agreement for the use or construction of that tower and those buildings by third parties, provided that the contract or agreement does not entail the alienation of the city's rights of ownership on the territory of Mount Royal Park. At the expiry of the lease existing between the city and the Canadian Broadcasting Corporation or at any previous date decided between themselves, the tower now standing in Mount Royal Park shall be demolished and the site restored to its natural state, according to the terms of the existing lease.

197. The city may enter into an agreement with the institution known as the Shriners' Hospital for Crippled Children, for the purposes of the children's hospital which the institution owns on Cedar Avenue, for the use and utilization, for purposes of building an access road and a school annexed to the said hospital, of a certain area of land forming part of the territory of Mount Royal Park adjoining the land belonging to the said institution, the limits of that area of land being outlined in green on plan number C-237 Saint-Antoine prepared by the public works department of the city.

The agreement shall in no way alienate the city's right of ownership over the said area of land and shall end when the buildings of the said hospital cease to be occupied by the said institution for the above-mentioned purposes; the city shall then have the right to demolish and remove, at the institution's expense, any structure or building that might have been constructed thereon.

DIVISION IV
AWARD OF CONTRACTS

198. Sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., c. C-19) do not apply to a contract

(1) whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids and that is entered into with the owner of the mains or installations or with a public utility, for a price corresponding to the price usually charged by an undertaking generally performing such work;

(2) whose object is the providing of services by a single supplier or by a supplier in a monopoly position in the field of communications, electricity or gas;

(3) whose object is the maintenance of specialized equipment that must be carried out by the manufacturer or its representative; or

(4) whose object is the supply of electricity, steam or cold water where the supplier is a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1).

199. Notwithstanding sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., c. C-19), the mayor or, if he or she is absent or unable to act, the chair of the executive committee or, if he or she is also absent or unable to act, the director general may, in a case of irresistible force which might endanger the life or health of the population or seriously damage or seriously interfere with the operation of municipal equipment, order such expenditure as the chair or director general considers necessary and award any contract necessary to remedy the situation.

The mayor, the chair of the executive committee or the director general, as the case may be, shall file a report giving the reasons for the expenditure and contract at the next meeting of the executive committee. The report shall then be filed with the council at the next meeting.

This section also applies, adapted as required, to the borough chair.

200. The executive committee shall report to the council at each regular meeting on any contract awarded since the last regular meeting.

The city may, by by-law, determine the content and the procedure for tabling a report provided for in this section.

201. Notwithstanding any provision inconsistent with a general or special act, the city and any other public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), and any public utility or any non-profit body, may proceed with a joint application for public tenders for the award of an insurance contract or a contract for the supply of material, materials or services.

For the purposes of the first paragraph, a contract for the supply of material also includes any contract for the leasing of equipment with an option to purchase.

The application for public tenders shall be presented by the council on behalf of the city and any body that is a party to that application.

Section 573 of the Cities and Towns Act (R.S.Q., c. C-19) applies to the call for public tenders, but it is not necessary for the contract to involve an expenditure of $100 000 or more.

Where the body is party to the call for public tenders, it may not make a call for tenders or award a contract in respect of the object of the call unless the city decides not to give effect to the call.

The acceptance of a tender by the city also binds each party to the call towards the contractor.

CHAPTER IV
COMMISSION DES SERVICES ÉLECTRIQUES DE LA VILLE DE MONTRÉAL

202. The city shall, by by-law, establish a commission to be known as the "Commission des services électriques de Montréal", whose function is to plan, build, maintain and administer an underground network of conduits ensuring the transmission and distribution of electricity and links by telecommunications.

The city may delegate to the commission the powers granted to it that are necessary for the commission to fulfill its mission and the application of the by-laws it passes in particular under subparagraph 17 of the first paragraph of section 415 of the Cities and Towns Act (R.S.Q., c. C-19).

203. The commission shall consist of five members appointed as follows:

(1) one member shall be appointed by the Government to chair the commission;

(2) two members shall be appointed by the city;

(3) one member shall be appointed by Hydro-Québec; and

(4) one member shall be appointed by the users of the underground conduits who, except the city and Hydro-Québec, have confirmed to the clerk, in writing, within 30 days of sending the notice referred to in the second paragraph, their intention of taking part in the ballot.

Not less than 45 days before the date on which the member is to be appointed under subparagraph 4 of the first paragraph, the clerk shall send a special notice to all the users of the underground conduits referred to in that subparagraph, according to the list provided by the chair of the commission, indicating the date on which the member is to be appointed and informing the users of their entitlement to propose and vote for candidates.

Every user intending to propose a candidate must inform the clerk of the name and function of the candidate when sending the confirmation referred to in subparagraph 4 of the first paragraph.

Not less than ten days before the date on which the member is to be appointed under subparagraph 4 of the first paragraph, the clerk shall send a ballot paper to all the users who confirmed their intention to vote. The ballot paper must include the name and function of each candidate together with the name of the user who proposed the candidate. Each user is entitled to one vote.

On the date on which the appointment is to be made, the clerk shall count the votes cast in the presence of a witness. The person who receives the greatest number of votes shall be declared elected. In the case of a tie vote, the clerk shall designate the member by a drawing of lots.

Where there is only one candidate, the clerk shall declare him or her elected.

Should the users fail to appoint a member on the prescribed date, the member shall be designated by the other members of the commission.

The salaries of the members of the commission shall be determined by the executive committee.

Any vacancy shall be filled by a person appointed in the same manner as the commission member to be replaced.

204. The commission shall

(1) adopt rules relating to the use of underground conduits and to the management of affairs under its jurisdiction;

(2) decide, from time to time, at its discretion, on the construction of conduits;

(3) draw up the plans and specifications of underground conduits;

(4) authorize calls for tenders and receive tenders for the construction of underground conduits and submit a report thereon to the city; and

(5) manage and supervise alone the construction and maintenance of those conduits and decide, from time to time, at its discretion, on the construction of the conduits.

The rules referred to in subparagraph 1 of the first paragraph shall come into force on the date of their approval, with or without amendment, by the Commission municipale du Québec.

All underground conduits, whether they were built in the public domain or on private property, by the commission, the city or a third party, shall be under the control of the commission.

205. The city or any other interested party may appeal, before the Commission municipale du Québec, any rule, decision or act of the commission or of the city, in any matter relating to underground conduits, except in contractual matters where the parties have agreed to renounce that appeal.

The appeal must, under pain of forfeiture, be brought within 30 days after the date of service to the interested party or of publication of a notice indicating the rule, decision or act covered by the appeal.

The appeal is made by means of a registration filed with the Commission municipale du Québec; the appellant shall serve a notice of that appeal on the opposing party or the party's attorney.

206. Where the commission builds an underground conduit, it may order, by notice, any owner of cables

(1) to state to it which portion of those conduits it wishes to reserve; and

(2) to identify the cables that belong to it and replace the overhead cables with underground cables placed in that conduit.

Should an owner fail to comply with the notice referred to in the first paragraph within the prescribed time limit, the commission may apply to the Commission municipale du Québec for the execution of an order given in the notice.

207. The underground conduits must be built so that

(1) each user has a separate opening or separate compartment in the opening where practicable ; and

(2) the part where the telecommunication cables are placed is separated from the part where the lighting and power cables are placed by a wall made of non-flammable and non-conductive material.

No underground conduits or overhead constructions may be built, altered, repaired or extended without the approval by the commission of the plans and specifications.

The commission shall determine the manner in which underground conduits and overhead constructions are to be linked to distribution networks and to buildings.

208. It is prohibited to install poles intended for overhead wiring and overhead cables on public thoroughfares where underground conduits are built or planned.

209. Conduits built by the city in underground lines or on bridges or overpasses situated in streets, lanes, parks or public places shall be part of its underground conduit network and subject to the provisions of this Chapter from a date to be determined by the city and the commission.

210. Where the city orders the removal of poles, cables or other overhead constructions, their owner shall be awarded an indemnity comprising the actual value, at that time, of the material and the cost of installation work.

Where there is an indemnity, the removed material shall constitute expropriated property belonging to the city.

211. Where the city or the commission decides to construct underground conduits in streets, lanes, parks or public places, the city or, as the case may be, the commission on behalf of the city, shall take over the private underground conduits therein and pay a reasonable indemnity for those conduits and for the material that has become useless.

Upon payment of that indemnity, the underground conduits and all the removed material shall constitute expropriated property belonging to the city.

212. The indemnities covered by sections 210 and 211 of this Chapter shall be fixed by the commission.

The commission shall hear the interested parties and render its decision within four months. The commission may however extend that period if it deems it necessary.

The commission's decision shall be final and binding upon the city and all the interested parties.

213. The commission has the right to construct underground conduits on private property without the owner's consent. The cost of those conduits beyond five metres from the street line, except the inlet to the building, shall be charged to the owner.

The commission may demand from the owner an advance deposit sufficient to guarantee the payment of the cost of the work charged to him or her.

If the owner refuses or fails to make the deposit, the commission may nevertheless proceed with the work, and a certificate from the commission attesting to the cost of the work shall be sent to the treasurer.

The treasurer shall enter the amount specified on the commission's certificate on the property tax collection roll of the year under way for the defaulting owner's immovable. The cost of the work thus charged to the owner shall constitute a property tax encumbering that immovable in favour of the city.

214. Where the commission alters underground conduits or overhead constructions at the request of the city or a third party, it may, at its discretion, charge the alteration work to the city or to the third party applicant, where applicable, and demand an advance deposit sufficient to guarantee the payment thereof.

215. The commission is authorized to enter, without the owner's consent, any private property for the purposes of installing overhead or underground cables and their accessories.

An indemnity, determined by the commission, shall be paid for any actual damage caused by the work performed or obstructions caused by the exercise of such power.

216. The commission may demand payment for the use of the underground conduits and overhead constructions under its jurisdiction.

The commission shall fix the amount of those payments annually, so as to cover

(1) the administration and maintenance cost of the conduits and constructions;

(2) the salaries of the employees;

(3) an amount that may be applied to the retirement fund of the commission's employees;

(4) the commission's share in the accident insurance plan of its employees;

(5) the interest and amortization, over a period of at least 20 years, of the debt contracted by the city for the indemnity covered by sections 210 and 211 and for the construction or purchase of underground conduits; and

(6) any other expense of the commission.

Those payments shall be apportioned between the debtors in proportion to the share of the underground conduits or of the network of overhead constructions that each debtor occupies or has reserved.

217. Sections 573 to 573.3.2 of the Cities and Towns Act (R.S.Q., c. C-19) apply to contracts awarded by the commission.

CHAPTER V
PARAMUNICIPAL BODIES

218. The city may apply for the constitution of non-profit bodies

(1) to acquire, renovate, restore, build, sell, lease or manage immovables and exercise the powers provided for in section 144;

(2) to grant subsidies for the construction, renovation, restoration, demolition and relocation of immovables;

(3) to administer subsidy programs for the purposes provided for in paragraph 2; and

(4) to participate as shareholders or otherwise, in any venture capital investment fund whose main object is to promote the economic development of the city's underprivileged neighbourhoods.

219. The city may

(1) apply for the constitution of a non-profit body to establish, manage and operate natural sciences conservatories and to provide at those conservatories services usually provided to the public in similar establishments;

(2) apply for the constitution of a non-profit body with a view to establishing an archeological and historical interpretation centre; and

(3) delegate to those bodies, for their respective purposes, its power to acquire by agreement, build or lease immovables and alienate them.

220. The city may apply for the constitution of a non-profit body to promote construction, restoration and improvement as well as housing, commercial, cultural and tourist development in the historical district of Vieux-Montréal and the contiguous territory delimited by the Bonaventure and Ville-Marie autoroutes and by the extensions of De La Commune and Amherst streets, to restore and build immovables in that borough and contiguous territory and to see to the carrying out of any agreement between the Government and the city with respect to that borough and contiguous territory and the enhancement of Montréal's heritage.

The body may also see to the protection of buildings anywhere in the city that are of architectural, historical or cultural interest and, for that purpose, acquire, restore or improve such buildings as well as any immovable considered necessary for their enhancement.

The body may, with the prior authorization of the Minister of Municipal Affairs and Greater Montréal, participate, as a shareholder or otherwise, in any venture capital investment fund allocated mainly to the furthering of the legal person's objectives.

221. The city may apply for the constitution of a non-profit body to manage and operate one or more tourist information centres and to carry on therein or permit the carrying on therein of commercial activities related to the operation of such centres so as to ensure their financing.

222. In exercising the powers provided for in subparagraph 10 of the first paragraph of section 413, sections 445 and 446 of the Cities and Towns Act (R.S.Q., c. C-19) and section 71 of this Schedule, the city may

(1) collaborate with any person, partnership or enterprise representing public or private interests;

(2) acquire share capital in companies whose activities consist solely in the carrying out of projects relating to the exploitation of gas or gas by-products and of thermal energy generated at the city residual material disposal sites or lend money to such companies for interest and upon security; and

(3) apply for the constitution of non-profit bodies to exercise, on behalf of the city, the powers provided for in subparagraph 10 of the first paragraph of section 413, sections 445 and 446 of the Cities and Towns Act (R.S.Q., c. C-19) and section 71 of this Schedule.

223. The city may organize cultural, recreational and tourist activities on Sainte-Hélène and Notre-Dame islands. It may build immovables thereon for those purposes or allow immovables to be built thereon by third parties and transfer to them for that purpose all or part of the site by emphyteutic lease or surface rights.

The city may also transfer all or part of the rights of the city on those sites to a non-profit body established on an application by the city.

224. Upon petition by the city, the Lieutenant-Governor may issue, on the terms and conditions set out therein, letters patent under the Great Seal of the Province constituting a non-profit body to exercise the powers provided for in sections 218 to 223.

The letters patent shall mention the name of the body, the location of its head office, its powers, rights and privileges and the rules governing the exercise of its powers, and designate its members and directors.

Notice of the issuing of such letters patent shall be published in the *Gazette officielle du Québec*.

Upon petition by the body established under this section, the Government may issue supplementary letters patent for the purpose of amending the content of the letters patent referred to in the second paragraph of this section. Notice of the issuing of the supplementary letters patent shall be published in the *Gazette officielle du Québec.*

The city may dissolve the body by a notice published in the *Gazette officielle du Québec*. In the case of dissolution, the property of the body, after payment of its obligations, shall be vested in the city.

A body so established shall have, among other powers, those of a legal person established by letters patent under the Great Seal of the Province. It shall be a mandatary of the city, and is deemed to be a municipality for the purposes of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1) and the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30).

This section does not apply to the acquisition of immovables for industrial purposes.

225. Upon petition by the city, the Lieutenant-Governor may issue, on the terms and conditions set out therein, letters patent under the Great Seal of the Province authorizing the amalgamation of non-profit bodies established under the provisions of this Chapter.

The petition shall be accompanied by a deed of agreement from the bodies to be amalgamated stipulating the terms and conditions of the amalgamation, the manner in which to give it effect, the name of the body resulting from the proposed amalgamation, the location of its head office, its powers, rights and privileges and the rules governing the exercise of its powers, and designate its members or member and its directors.

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

226. The bodies referred to in section 218 may renovate, restore or build industrial or commercial immovables only within the territory delimited in the letters patent by which they are established.

The Government or any government agency may take part, together with the city, in the establishment and administration of any such bodies or agencies.

227. The bodies referred to in sections 218 to 223 must, no later than 31 March each year, submit to the executive committee a report of their activities for the preceding fiscal year; the report must also include all the information as may be prescribed by the executive committee. The report shall be tabled at the first council sitting following the thirtieth day after it is received by the executive committee.

The bodies must also provide the executive committee with any information it requires on their operations.

The bodies are deemed to be municipalities for the purposes of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1) and the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30).

228. The city may pay a legal person established on a petition filed by the city the amounts provided for as a working fund to the letters patent constituting that legal person.

The city may

(1) authorize the payment of contributions in order to make up for the deficit or to finance the activities of that legal person;

(2) guarantee the debt contracted by that legal person; and

(3) borrow amounts that may be paid into the working fund referred to in the first paragraph or that are necessary for the purposes of subparagraph 1 of the second paragraph.

The city may require that a body referred to in sections 218 to 223 repay it all or part of the funds that it considers a surplus.

229. A body established under sections 218 and 220 that owns an immovable must pay in respect thereof any tax that may be required from a property owner in the city, to the exclusion of any surtax that may be imposed by reason of the amount of the assessment.

230. The city and Université de Montréal are authorized to appoint jointly three natural persons to file a petition, in accordance with Part III of the Companies Act (R.S.Q., c. C-38), for the constitution of a non-profit body with a view to establishing a research institute in plant biology.

Section 228 applies in respect of that legal person.

231. Notwithstanding section 200 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), the Corporation des Habitations Jeanne Mance shall continue to exercise all the powers vested by article 964 of the Charter of the City of Montréal (1959-1960, c. 102) and this section continues to apply in its respect.

CHAPTER VI
TECHNOPARC SAINT-LAURENT

232. The city may, by by-law, acquire, by agreement or expropriation, any immovable situated in the territory described in the second paragraph for the purposes of alienating it in favour of Technoparc Saint-Laurent for the establishment of a high technology park.

The territory referred to in the first paragraph shall be established pursuant to the Schedule to chapter 69 of the Statutes of 1992 respecting Technoparc Saint-Laurent which continues to apply for that purpose.

233. All appropriations referred to in the acquisition by-law must derive from the general fund of the city.

Before the by-law provided for in section 232 is passed, Technoparc Saint-Laurent shall provide the city with an amount of money or an irrevocable letter of credit issued by a bank, a savings and credit union or a trust company, for an amount equal to the amount established by the expropriation by-law.

The by-law provided for in section 232 must indicate the amount referred to in the preceding paragraph or indicate that the irrevocable letter of credit has been received.

234. The city shall become the owner of an expropriated immovable from the day of registration in the land register of the notice of expropriation together with

(1) proof establishing that the provisional indemnity has been paid to the expropriated party or deposited, on his or her behalf, at the office of the Superior Court; and

(2) proof of the service on the expropriated party of the notice of expropriation.

The notice of expropriation must be accompanied by the text of this section regarding the immediate transfer of title and must omit the second provision of subparagraph 3 of the first paragraph of section 40 of the Expropriation Act (R.S.Q., c. E-24), regarding contestation of the right to expropriate.

Section 44 of the Expropriation Act does not apply to any expropriation made under this Act.

235. The city's offer may not exceed the standardized value of the immovable.

The provisional indemnity of the expropriated party shall be equal to 90% of the city's offer.

The provisional indemnity for a lessee or occupant in good faith, even if he or she operates a business or an industry, shall be equal to three months' rent.

In the case of a commercial or industrial operation, the provisional indemnity shall include an amount equal to 25% of the rental value entered on the roll of rental values.

The period during which an expropriated party may remain in possession of the expropriated immovable may not exceed three months from the date of service of the notice of expropriation.

The period during which a lessee or occupant in good faith may remain in possession of the immovable may not exceed three months from the date of service of a notification to that effect.

The city may take possession of the immovable only after paying the provisional indemnity to the lessee or occupant in good faith or depositing the amount at the office of the Superior Court.

236. Once the city has become the owner of an immovable under section 234, the city may alienate it to Technoparc Saint-Laurent.

Technoparc Saint-Laurent must pay the city an amount equal to the difference between the city's offer and the final indemnity granted by the court of last instance or fixed after agreement between the parties to the expropriation proceedings, and the interest and costs.

The amount must be paid within sixty days after notice to that effect is served on Technoparc Saint-Laurent by the city.

The agreement referred to in the second paragraph must be authorized by Technoparc Saint-Laurent.

237. The amount corresponding to the difference between the city's offer and the final indemnity as well as the interest and other costs shall be guaranteed by a privilege, which has the same rank as municipal taxes and assessments, on all movable and immovable property of Technoparc Saint-Laurent.

The city may renounce all or part of the privilege in respect of the property affected by the privilege.

238. Technoparc Saint-Laurent may, with the city's authorization, alienate any immovable acquired under section 236, for the purpose of establishing a high technology park or for related purposes, even if the payment referred to in section 236 has not yet been made.

239. If the city takes back an immovable alienated under this Act, it may, with the authorization of the Minister of Industry and Trade and the Minister of Municipal Affairs and Greater Montréal, dispose of it in favour of a third party for the same purposes as those provided for in section 232, or it may use it for municipal purposes.

240. For the purposes of sections 232 to 239, the city is not subject to the Act respecting municipal industrial immovables (R.S.Q., c. I-0.1).

241. Sections 232 to 239 have effect notwithstanding the Act to preserve agricultural land and agricultural activities (R.S.Q., c. P-41.1).

Where the city acquires, by expropriation, an immovable situated in an agricultural zone, the owner of the immovable may, within 30 days after the notice of expropriation is served, exclude the immovable from the agricultural zone by filing a notice to that effect with the registry office. A copy of that notice shall be served on the Commission de protection du territoire agricole du Québec and on the city.

Filing the notice with the registry office shall have the same effect as a decision of the Commission excluding the immovable from the agricultural zone at the request of the owner.

For the purposes of establishing the expropriation indemnity, the immovable shall be considered never to have been included in the agricultural zone.

242. Subject to sections 234 and 235, the Expropriation Act (R.S.Q., c. E-24) applies to expropriations made under this Charter.

243. The city may, by by-law, allow Technoparc Saint-Laurent, in respect of the first year or the first two years of repayment of a loan by-law, to spread over several fiscal years the payment of taxes connected with municipal work.

Deferred taxes, with accrued interest, shall be payable in a maximum of three equal annual payments over a maximum of five successive fiscal years, including the years for which the taxes have been deferred.

244. Technoparc Saint-Laurent is deemed to renounce the spreading of its tax payments if it fails to pay the payable portion of the tax to which the by-law respecting such spreading of payment applies for the fiscal year considered or if it pays the total amount of taxes.

245. The privilege attached to a tax to which the by-law respecting the spreading of tax payment applies encumbers the immovable included in the unit of assessment to guarantee the payment of the deferred amount and the interest accrued thereon as soon as Technoparc Saint-Laurent avails itself of the right to spread the payment of its taxes.

246. Any tax amount the payment of which is deferred to a subsequent fiscal year shall bear interest at the rate fixed by the by-law.

The rate, when fixed, must not be higher than the rate applied by the city to property tax arrears.

In no case may the rate be changed for any part of the fiscal year; each successive rate shall be valid for a whole fiscal year.

247. The prescription period for tax arrears shall run only from the dates on which the payments provided for in the by-law passed under section 243 are payable.

248. Notwithstanding section 243, the balance remaining on any deferred taxes, with accrued interest, shall be payable by Technoparc Saint-Laurent where it transfers the immovable included in the unit of assessment on which the tax was imposed before the time limit prescribed in that section or in the by-law. The balance must be paid in a single payment. It shall be payable at the expiry of the time limit prescribed by section 252 of the Act respecting municipal taxation (R.S.Q., c. F-2.1) or under that section.

The city may send an account to Technoparc Saint-Laurent after the roll is amended following the transfer of the immovable included in the unit of assessment. The account shall show the principal and the interest separately.

The application of this section does not affect the privilege guaranteeing payment of the balance referred to in the first paragraph.

249. Technoparc Saint-Laurent may, at any time, pay all or part of any deferred payment of an amount, with accrued interest, before it becomes payable.

In case of partial payment, it shall first be applied to the interest. Sections 246 to 248 apply to the balance.

250. The city may, by by-law, adopt a program for the purpose of granting a tax credit related to the setting up or expansion of a high technology establishment in the territory established pursuant to the Schedule to chapter 95 of the Statutes of 1999 respecting Technoparc Saint-Laurent, which continues to apply, subject to the terms and conditions determined in the by-law.

For the purposes of this section, "high technology" refers in particular to the aerospace, telecommunications, biotechnology, pharmacology, computer, electronics, microelectronics, optoelectronics, robotics, optics and laser fields. "High technology" means a use having as its main activity

(1) scientific or technological research or development;

(2) scientific or technological training;

(3) the administration of a technological enterprise; or

(4) the manufacturing of technological products, including scientific research and experimental development.

A by-law passed under this section may not provide for a tax credit for a period exceeding five years; the eligibility period for the program may not extend beyond 31 December 2003.

The effect of the tax credit shall be to offset any increase in property taxes that may result from reassessment of the immovables after completion of the work. For the fiscal year in which the work is completed and for the next two fiscal years, the amount of the tax credit shall be the difference between the amount of the property taxes that would have been payable if the assessment of the immovables had not been changed and the amount of the property taxes actually payable. For the next two fiscal years, the amount of the tax credit shall be, respectively, 80% and 60% of the amount of the tax credit for the first fiscal year.

The by-law provided for in the first paragraph may only be passed and, where applicable, only applies if the city's zoning by-law provides that in the case of the main activities referred to in subparagraphs 1 and 4 of the second paragraph, the use must occupy a gross floor area reserved and intended for scientific research and experimental development that is equal to at least 15% of the total gross floor area occupied or intended to be occupied for that use. The zoning by-law must also provide that no use having as its main activity one of the activities referred to in subparagraphs 2 and 3 of the second paragraph may be authorized for more than 30% of the territory referred to in the first paragraph of section 250.

251. For the purposes of the levy of municipal property tax based on the value of the immovables, vacant land forming part of the territory referred to in the first paragraph of section 250 and owned by Technoparc Saint-Laurent is deemed to be an immovable belonging to a mandatary of the city within the meaning of paragraph 5 of section 204 of the Act respecting municipal taxation (R.S.Q., c. F-2.1).

252. No illegality or irregularity may result from the fact that, before 1 January 1999, the former Ville de Saint-Laurent passed and applied By-law 1160 or became surety for or subsidized Technoparc Saint-Laurent.

253. Sections 251 and 252 and any by-law passed under section 250 have effect from 1 January 1999.

CHAPTER VII
MUNICIPAL COURT

254. The Municipal Court may, in any action or suit brought before it against a permit or a licence holder, suspend for a period it determines or cancel any licence or permit granted under a municipal by-law, for misconduct, incompetence, or violation of an act or such a by-law.

CHAPTER VIII
PENAL PROCEEDINGS

255. Where a municipal by-law requiring a licence or permit provides for a fine or other penalty for infringement, the city may institute penal proceedings and, for recovering the tax that is the object of the licence or permit, institute civil proceedings, even when the name of the defendant is not entered on any assessment, rental value or collection roll.

CHAPTER IX
CIVIL REMEDIES AGAINST THE MUNICIPALITY

256. The city shall have the right to have its investigators or experts examine, at any time before the institution of an action, between 9:00 a.m. and 6:00 p.m., movable and immovable property which is the subject of a claim resulting from flooding. No claimant who refuses, without valid reason, to allow such examination may exercise his or her right of action as long as such refusal continues.

In the case of a claim for damage to perishables, the claimant shall notify the city by registered letter that he or she will hold those perishables at its disposal for examination for the next 72 hours, and he or she may not, without a reasonable excuse, dispose of them before the expiry of such delay, on pain of forfeiting his right of action.

257. No action against the city for damages shall be admissible for damage resulting from the flooding of an immovable built after 28 April 1939, unless the plaintiff alleges and proves that at the time of the flooding safety valves in good working order had been installed according to accepted practice, to prevent back-flow from city sewers into the cellars or the basement of that immovable.

The city may, by by-law, require that a building be equipped with an automatic lift-pump system in the cases and on the conditions it determines, and no action against the city for damages shall then be admissible for damage resulting from flooding in a building to which such requirement applies, unless the plaintiff alleges and proves that at the time of the flooding a pumping system had been installed and was in operation in accordance with the by-law.

258. The city shall not be required to give security in order to appeal a judgment or issue a writ or process, or to institute a civil action or civil proceeding.

CHAPTER X
SPECIAL PROVISIONS

259. All extracts from and copies of minutes of the council, the executive committee, the administrative commission or the board of commissioners of the former Ville de Montréal that were destroyed by the fire at the Montréal city hall on 3 and 4 March 1922 shall replace the originals of such minutes for all purposes, and new copies may be issued and certified to serve as authentic copies, provided that such extracts or copies are certified by the then competent officers and filed with the office of the clerk, the whole in accordance with section 26 of Act 12 George V, chapter 105.

260. The minutes of the meetings of the council of the former Ville de Montréal, the originals of which were destroyed in the said fire, which were rewritten by the clerk from his notes and other documents in his possession and approved by the council, in accordance with section 26 of Act 12 George V, chapter 105, shall replace the destroyed minutes and shall have the same effect for all purposes.

261. A printed copy of any by-law of the former Ville de Montréal, the original of which was destroyed in the fire at the Montréal city hall on 3 and 4 March 1922, shall replace the original for all purposes, provided it is filed with the office of the clerk and certified by the clerk as true, and every duly certified copy made thereof shall be considered a copy of the original and shall be deemed authentic.

262. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., c. I-15), the city may make a cash contribution to the mutual fund established by a limited partnership whose object is the operation of a National Baseball League franchise within the limits of the city; the city may also convert the cash contribution into a loan of money or other security to such a partnership.

The city may, instead, acquire capital stock in any company established for the purposes set out in the first paragraph.

The city may, notwithstanding the Municipal Aid Prohibition Act, transfer the shares acquired pursuant to the first paragraph or, where applicable, the shares acquired pursuant to the second paragraph. For the purposes of that transfer, the city may accept any cash payment or any payment accompanied by a guarantee it deems sufficient.

263. Notwithstanding any inconsistent provision, the city may

(1) recover, from fire insurance companies doing business in its territory and entered on its tax rolls, three-fourths of the amounts that it pays for the salaries of the fire commissioners, secretary and detectives of the Fire Commission and for its stenographic expenses ; and

(2) determine the manner to recover those amounts.

264. Subject to Chapter VII of this Schedule and of the Act respecting municipal courts (R.S.Q., c. C-72.01), the city may authorize any officer it designates to sign, by means of a stamp bearing a facsimile of his or her signature, certificates, notices and other documents issued or signed pursuant to an act or a by-law. The stamp must be previously approved by the executive committee and used only for that purpose.

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

265. Any document or deed bearing such stamp shall be prima facie proof of its authenticity and of the authority of the officer to stamp the signature.

266. It is prohibited for any person, except the officers referred to in section 264, to use such stamp, under pain of penalty, which the city may impose by by-law, for infringement of this section.

267. Notwithstanding the provisions of the Highway Safety Code (R.S.Q., c. C-24.2) and the applicable by-laws or regulations, the city is exempted, up to an annual amount of $800 000, from the payment of registration fees for motor vehicles belonging to it that it uses for municipal purposes.

268. Any peace officer or any other person authorized to issue a statement of offence for an offence related to traffic, parking of a motor vehicle or the use of a motor vehicle may move any vehicle parked in contravention of a traffic or parking by-law, regulation, order or resolution, or have it moved by a service vehicle or tow truck.

The statement of offence shall mention that the vehicle was moved and indicate the additional costs or amounts, determined by by-law, that may be collected as a result of its being moved. The latter shall be added to the amounts that may be claimed from the defendant by the prosecutor in the statement of offence. The additional costs or amounts that may be claimed because a vehicle was moved shall be collected by the collector in accordance with articles 321, 322 and 327 to 331 of the Code of Penal Procedure (R.S.Q., c. C-25.1) or the provisions of this Act.

In every case provided for in this section, the city may, by by-law, assign to the head of the competent department, or to any other officer or employee designated by the latter, the exercise of all the powers and duties assigned by this section to the peace officer or person authorized under the first paragraph to issue a statement of offence.

269. By-laws passed under section 268 or by-laws determining the costs of stopping, towing or impounding a motor vehicle incurred by an offender or a defendant pursuant to articles 332.1 to 332.3 of the Code of Penal Procedure (R.S.Q., c. C-25.1) shall come into force after approval by the Minister of Justice. Such approval may be partial.

270. The city may enter into an agreement with the Gouvernement du Québec and the Government of Canada respecting the operation of the La Ronde amusement park after the Universal Exhibition of 1967, and to perform the acts it may deem useful to give it effect.

The agreement may provide for the constitution of a legal person and any other conditions as may be accepted by the council.

The city may acquire the installations at the La Ronde amusement park.

271. The Minister of Municipal Affairs and Greater Montréal may, at the request of the executive committee, extend a time period prescribed for the city in this Act. Where the Minister considers it expedient, the Minister may extend the period again on the conditions the Minister determines.

272. The agreements entered into on 29 June 1982 and 1 October 1982, respectively, between the Commission de transport of the Communauté urbaine de Montréal and Canadian National Railways, in the first case, and Canadian Pacific Limited, in the other case, in respect of the commuter train service between Montréal and Deux-

Montagnes and that between Montréal and Rigaud, respectively, are deemed to have been validly entered into by the Commission and no action to contest the validity of the agreements is admissible on the grounds that the Commission was not authorized to enter into them.

273. The restrictions respecting land use encumbering the lots described in the deeds of transfer and sale made in favour of Ville d'Anjou by Champlain Heights Ltd. or Metropolitan Shopping Centre Ltd., hereafter listed, are hereby abolished and dissolved, and any personal obligation or real right arising from such restrictions respecting land use is hereby declared terminated. The deeds of transfer and deeds of sale in question have been registered in the registry office of the registration division of Montréal under numbers 1,209,636, 1,340,535, 1,421,918, 1,528,976, 1,679,075, 1,679,076, 1,954,570 and 1,954,571.

274. The city shall exercise all the powers granted to a regional authority under the Act respecting transportation by taxi (R.S.Q., c. T-11.1).

The city shall exercise all the powers granted to a municipal authority under section 89 of the Act respecting transportation services by taxi (2001, c. 15) and has full authority over the body referred to in the second paragraph of section 13 of that Act.

275. In the case of a subsequent offence, payment by the defendant of the amount claimed in a statement of offence indicating the name of the same defendant and the same address constitutes prima facie proof of the defendant's previous conviction without it being necessary to prove his or her identity.

276. Notwithstanding section 200 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), the following provisions are not revoked and continue to apply to the situations and persons to which the provisions apply on 31 December 2001:

(1) articles 77 and 85 of the Charter of the City of Montréal (1959-1960, c. 102);

(2) sections 1 and 2 of chapter 78 of the Statutes of 1972;

(3) sections 1 and 2 of chapter 43 of the Statutes of 1980;

(4) sections 7, 8 and 9 of chapter 44 of the Statutes of 1980;

(5) sections 3 and 4 of chapter 120 of the Statutes of 1987;

(6) section 1 of chapter 128 of the Statutes of 1987;

(7) section 19 of chapter 80 of the Statutes of 1989; and

(8) section 12 of Order in Council 1276-99.

CHAPTER XI
TRANSITIONAL PROVISIONS IN RESPECT OF THE SOCIÉTÉ DE TRANSPORT DE MONTRÉAL

277. The auditors appointed by the Communauté urbaine de Montréal and by the municipalities referred to in section 5 of the Charter shall fulfill their term for the 2001 fiscal year and shall report their audit to the city council.

278. For the purposes of adopting the budget of the 2002 fiscal year of the Société de transport de la Communauté urbaine de Montréal, sections 209, 303 and 305 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., c. C-37.2) apply, to the exclusion of the other provisions of that Act, adapted as follows:

(1) section 209 is amended as follows:

(a) by substituting the following for the first paragraph:

"The transition committee of Montréal shall file the budget of the Société de transport, with its recommendations on that budget, with the office of the clerk of Ville de Montréal constituted by Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56). The clerk shall send a copy to each member of the council of Ville de Montréal formed during the general election of 4 November 2001, at the latest three clear days before the date of the council sitting convened to adopt the city's budget.";

(b) by substituting the words "treasurer of the Société de transport" for the word "treasurer" and by substituting the words "Société de transport" for the word "Community" wherever they appear;

(c) by substituting the words "council of Ville de Montréal formed during the general election of 4 November 2001" for the word "Council" in the second paragraph;

(d) by substituting the words "clerk of Ville de Montréal" for the word "secretary" in the second paragraph; and

(e) by striking out the sixth paragraph;

(2) section 303 is amended by substituting the words "secretary of the transition committee of Montréal" for the words "secretary of the Community"; and

(3) section 305 is amended by substituting the words "council of Ville de Montréal formed during the general election of 4 November 2001" for the word "Council".

279. The budget of the Société de transport shall be submitted to the council of Ville de Montréal at the sitting convened to adopt the city's budget.

280. The first paragraph of section 197 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) applies, adapted as required, to the budget of the Société de transport.

281. Section 291.14 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., c. C-37.2) is amended as follows:

(1) the word "Council" means, from the time the majority of candidates elected in the general election of 4 November 2001 of Ville de Montréal have taken oath, "the council of Ville de Montréal formed of those elected officers";

(2) by striking out the first sentence of the fourth paragraph of that section.

CHAPTER XI
FINAL

282. In case of inconsistency between a provision of this Schedule and a provision contained in the Charter of the city, the former shall prevail.

283. No provision of this Schedule and no provision maintained into force by this Schedule has the effect of limiting the scope of a provision, contained in any act that applies to the city or any municipality in general or any of their bodies, for the sole reason that it is similar to such a provision but is written in more specific terms.".

27. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec.*

Schedule A
(s. 222)

Schedule A consists of the schedule to chapter 69 of the Statutes of 1992 respecting Technoparc Saint-Laurent that continues to apply for that purpose.

Schedule B
(s. 240)

Schedule B consists of the schedule to chapter 95 of the Statutes of 1999 respecting Technoparc Saint-Laurent that continues to apply for that purpose.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4660

Gouvernement du Québec

O.C. 1309-2001, 1 November 2001

An Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais
(2000, c. 56)

Charter of Ville de Québec

WHEREAS the Charter of Ville de Québec (2000, c. 56, Schedule II) was enacted by the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS several municipalities referred to in section 5 of the Charter and the Communauté urbaine de Québec are presently governed by special legislative provisions that will be repealed on 1 January 2002 pursuant to section 229 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS section 9 of that Charter enables the Government to determine, by order, from among the special legislative provisions that govern any municipality referred to in section 5 of that Charter or the Communauté urbaine de Québec, the provisions that are to apply to all or any part of the territory of Ville de Québec;

WHEREAS an order pursuant to section 9 of the Charter may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which such a special legislative provision is to apply;

(2) providing for any omission for the purpose of ensuring the application of the Act;

(3) derogating from any provision of the Charter of Ville de Québec, of a special Act governing a municipality referred to in section 5 of that Charter, of an Act for which the Minister of Municipal Affairs and Greater Montréal is responsible or of an instrument made under any of those Acts;

It is ordered, therefore, on the recommendation of the Minister of Municipal Affairs and Greater Montréal:

That the Charter of Ville de Québec (2000, c. 56, Schedule II), amended by chapter 25 and chapter 26 of the Statutes of 2001, be further amended as follows:

1. Section 8 of the Charter, amended by section 310 of chapter 25 of the Statutes of 2001, is further amended

(1) by substituting the following for the first paragraph:

"**8.** Subject to section 8.6, the expenditures relating to any debt of a municipality referred to in section 5 shall continue to be financed by revenues derived exclusively from the territory of the municipality or a part thereof. Any surplus of such municipality shall remain for the exclusive benefit of the inhabitants and ratepayers in its territory or a part thereof. To determine whether the financing or surplus should burden or be credited to only part of the territory, the rules applicable on 31 December 2001 respecting the financing of expenditures relating to the debt or the source of the revenues that have generated the surplus shall be considered.

Where expenditures relating to a debt of a municipality referred to in section 5 for the 2001 fiscal year were not financed by the use of a specific source of revenue, the city may continue to finance them by using revenues not reserved for other purposes that come from the territory of the municipality. Notwithstanding section 6, the foregoing also applies where those expenditures were financed for that fiscal year by revenues from a tax imposed for that purpose on all the taxable immovables situated in that territory.

If it avails itself of the power provided for in the second paragraph in respect of a debt, the city may not, in establishing the tax burden provided for in section 130.1, charge to the revenues derived from the taxation specific to the non-residential sector in the territory concerned a percentage of the financing of the expenditures relating to that debt that is greater than the percentage corresponding to the quotient obtained by dividing the sum of those revenues by the total revenues provided for in subparagraphs 1 to 7 of the fifth paragraph of section 8.6 and derived from that territory. If the tax burden is established for the 2002 fiscal year or a subsequent fiscal year, the revenues of the preceding fiscal year shall be considered for that division.

For the purposes of the third paragraph, the revenues of a fiscal year are those forecast in the budget for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those of later forecasts indicates that the budgetary forecasts should be updated, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several successive statements are filed, the most recent one shall be considered.

For the purposes of the third paragraph, "revenues derived from the taxation specific to the non-residential sector" means the aggregate of the following:

(1) revenues from the business tax;

(2) revenues from the surtax or the tax on non-residential immovables;

(3) revenues from the general property tax that are not considered in establishing the aggregate taxation rate when, under section 244.29 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), several rates for that tax are fixed;

(4) revenues from the sum in lieu of a tax referred to in any of subparagraphs 1 to 3 that must be paid either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries, except, if the amount stands in lieu of the general property tax, revenues that would be considered in establishing the aggregate taxation rate if it were the tax itself.";

(2) by substituting the words "Are deemed to constitute expenditures relating to a debt of a municipality referred to in section 5 and financed by revenues derived from its entire territory the" for the word "The" in the first line of the second paragraph;

(3) by substituting the words "that municipality" for the words "a municipality referred to in the first paragraph" in the fourth line of the second paragraph;

(4) by substituting the words ". The foregoing also applies to the" for the words ", shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality. The" in the sixth, seventh and eighth lines of the second paragraph;

(5) by substituting "section 5" for "the first paragraph" in the tenth line of the second paragraph;

(6) by deleting the words "shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality" in the eleventh, twelfth and thirteenth lines of the second paragraph;

(7) by substituting the word "sixth" for the word "second" in the third and ninth lines of the third paragraph;

(8) by substituting the words "Are deemed to constitute a surplus or expenditures relating to a debt of a municipality referred to in section 5, respectively, the" for the word "The" in the first line of the fourth paragraph; and

(9) by deleting the words "shall continue to be credited to or to burden, as the case may be, all or any portion of the taxable immovables of the sector made up of the territory of that municipality" in the third, fourth and fifth lines of the fourth paragraph.

2. Section 8.5 of that Charter, enacted by section 362 of chapter 25 of the Statutes of 2001, is amended by deleting the words "the taxable immovables situated in" in the sixth and seventh lines of the second paragraph.

3. Section 8.6 of the Charter, enacted by section 362 of chapter 25 of the Statutes of 2001, is amended

(1) by substituting the words "Notwithstanding the foregoing, such decision may not cover what is deemed, under one of the last three paragraphs of section 8, to constitute such expenditures. The following expenditures also may not" for the words "The following expenditures may not" in the first line of the second paragraph;

(2) the number "7" is substituted for the number "4" in the fourth line of the third paragraph;

(3) by substituting "in accordance with section 8" for the words "using any source of revenue specific to that purpose imposed on the part of the territory that corresponds to the territory of the municipality" in the third and fourth lines of the fourth paragraph;

(4) by inserting the words ", notwithstanding section 6," after the word "that" in the fifth line of the fourth paragraph;

(5) by inserting the words "and considered in establishing the aggregate taxation rate of the municipality" after the word "taxation" in the second line of subparagraph 4 of the fifth paragraph;

(6) by inserting the words "or from the application of the Act respecting duties on transfers of immovables (R.S.Q., c. D-15.1)" at the end of subparagraph 8 of the fifth paragraph; and

(7) by adding the following paragraphs after the fifth paragraph:

"For the purposes of the third and fifth paragraphs, the revenues of the municipality for the 2001 fiscal year are those forecast in the budget for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those of later forecasts indicates that the budgetary forecasts should be updated, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the 2002 fiscal year. If several successive statements are filed, the most recent one shall be considered.

The third, fourth and fifth paragraphs of section 8 apply, with the necessary modifications, in respect of the expenditures that the city decides, under the fourth paragraph of this section, to finance by revenues derived from all its territory, but not from a source of revenue imposed specifically for that purpose, and not reserved for other purposes.".

4. Section 10 is amended by inserting, in the second paragraph and after the word "number", the words "or name".

5. The following is substituted for the first paragraph of section 23:

"**23.** The executive committee shall determine the place, the dates and the times of its regular meetings.".

6. The following is substituted for section 27:

"**27.** The meetings of the executive committee are closed to the public unless it considers that, in the interest of the city, its proceedings should be public.".

The following is substituted for section 33, which was amended by section 315 of chapter 25 of the Statutes of 2001:

"**33.** The executive committee may adopt an internal management by-law with respect to its meetings and to the conduct of its affairs. The by-law may provide for the delegation of a power that the Charter, another Act, an order or a by-law confers upon the executive committee, to an officer or employee of the city and determine the conditions and procedures for the exercise of the delegated power.".

8. The following title is substituted for the title of Division IV of Chapter II:

"Ward Councils and Public Consultation".

9. Section 35 is amended by deleting the second paragraph.

10. The following is inserted after section 35:

"**35.1.** The procedure to establish a ward council may be initiated on the application of 300 persons who are electors residing in the ward or who are persons representing a commercial, industrial, institutional or community institution situated in the ward.

The application must be made in accordance with the provisions of the by-law passed under section 35.12 and must be filed with the clerk of the city.

35.2. Within 30 days of receipt of an application, the clerk shall verify, *prima facie*, the qualification and number of applicants and whether the application complies with the by-law under section 35.12. The clerk shall report to the executive committee not later than the first meeting after the expiry of the thirty-day period.

The qualification and number of applicants shall be verified by means of the list of electors used in the most recent city polling, the property assessment roll, the roll of rental values or the permanent list of electors established under the Act to establish the permanent list of electors (R.S.Q., c. E-12.2).

35.3. If the application complies with section 35.1 and with the by-law under section 35.12, the executive committee shall call a public meeting to decide on the establishment of the ward council and shall publish the notices provided for in the by-law under section 35.12.

35.4. A poll must be held at the end of the public meeting called to decide on the establishment of the ward council. Only persons of full age who have resided in the territory of the city for at least 12 months from the date of the filing of the application and who are residing in the ward or the persons of full age who represent a commercial, industrial, institutional or community institution situated in the ward are entitled to vote.

The clerk is responsible for the holding of the poll and must determine, *prima facie,* whether the persons wishing to vote are qualified by means of the list of electors used in the most recent city polling, the property assessment roll, the roll of rental values or the permanent list of electors established under the Act to establish the permanent list of electors (R.S.Q., c. E-12.2).

If the clerk is unable to ascertain, *prima facie,* whether a person is qualified to vote, the person must attest his identity and qualification. A person having so attested is entitled to vote.

The clerk shall report the result of the poll to the council at the first meeting following the vote.

35.5. The calling and holding of the public meeting to decide on the establishment of a ward council or the holding of the poll are not invalid by reason of the fact that one or more persons did not receive or learn of notices prescribed by the council in the by-law under section 35.12.

35.6. Following an affirmative vote of the majority, the council may, by resolution, authorize the establishment of the ward council. Otherwise, the council shall deny the application and no new application may be filed before the expiry of a one-year period.

35.7. The resolution authorizing the establishment of the ward council shall indicate the limits of the ward and the legal name of the ward council, which shall be composed of the words "Le conseil de quartier de" followed by the name of the ward.

35.8. The head office of the ward council must be situated within the limits of the ward or, with the authorization of the council, may be situated at any place within the city's territory.

35.9. The clerk shall send two certified copies of the resolution authorizing the establishment of the ward council or of any by-law changing the limits of a ward to the Inspector General of Financial Institutions, who shall file one copy thereof in the register instituted under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45) and send the other copy to the clerk.

35.10. From the date of the filing of the resolution or by-law, the ward council shall be a legal person within the meaning of the Civil Code of Québec.

35.11. Wherever it applies, Part III of the Companies Act (R.S.Q., c. C-38) shall govern the ward council, subject to sections 35.1 to 35.17 and to the council's by-laws approved by the Inspector General of Financial Institutions.

However, section 98, except paragraphs *j* and *k* of subsection 3 and sections 113, 114 and 123 of that Act, with the necessary modifications, shall apply, subject to sections 35.1 to 35.17 and to the council's by-laws approved by the Inspector General of Financial Institutions.

35.12. The city council may, by by-law, establish the application formalities for forming a ward council, in particular, the procedure for the calling and holding of the public meeting to decide on the establishment of the ward council and the duration of and procedure for the polling.

The by-law must at least provide for the publication, once a week for two consecutive weeks, in a newspaper circulated in the city's territory, of a notice indicating the day, time and place of the holding of the public meeting to decide on the establishment of the ward council.

35.13. The council shall determine, by by-law, the formalities for the calling and holding of the organization meeting, the respective responsibilities of the general meeting of the members and of the board of directors of the ward council, the number of members on the board of directors and their term of office, and any matter relating to the organization, operation and dissolution of the ward council. The by-laws must be approved by the Inspector General of Financial Institutions and come into force on the date of the approval.

The council shall approve the internal management by-laws of the ward council.

35.14. Within 60 days after a meeting that establishes or changes the address of the head office or the list of directors, the ward council shall send a notice of the new address or list of its directors, as the case may be, to the Inspector General of Financial Institutions, who shall file it in the register.

35.15. Persons of full age who reside in the ward and persons of full age who represent a commercial, industrial, institutional or community institution situated in the ward shall be members of the ward council and are entitled to vote.

35.16. The city may, on the conditions it determines, grant subsidies to ward councils or assist them financially by means of loans or otherwise.

35.17. A ward council must report to the city council and to the borough council on its activities at the time and in the manner prescribed.".

11. The following is substituted for section 36:

"**36.** The city council must, by by-law, adopt a public consultation policy. The by-law must indicate the matters in respect of which the city intends to consult as part of its decision-making process and the manner in which it intends to carry out the consultation. The by-law must, in particular, specify the matters to be submitted for consultation to ward councils.

The clerk must, at least 15 days before the meeting at which the council is to pass the by-law or an amending by-law, publish a notice indicating the date, time and place of the council meeting at which the by-law is to be submitted for passage, and indicating that any interested person may be heard in relation to the by-law by the council or by a council committee established for that purpose. The notice must include the main elements of the public consultation policy or the proposed amendments and must indicate where the by-law may be examined or where a copy may be obtained.

The council may establish a committee composed of the members it appoints to hear interested persons and to report to it.

36.1. The city council must consult with the ward council

(1) on a draft by-law to be put forth at a public consultation meeting under sections 125 to 127 of the Act respecting land use planning and development (R.S.Q., c. A-19.1); and

(2) on matters listed in the by-law respecting the public consultation policy adopted under section 36.

The ward council may also, on its own initiative, give its advice to the city council or borough council on any other matter concerning the ward.

Notwithstanding the first paragraph, the city council may, by by-law passed with a two-thirds majority of members' votes, authorize the executive committee to exclude from the ward council's consultation certain draft by-laws that are to be submitted to public consultation under sections 125 to 127 of the Act respecting land use planning and development (R.S.Q., c. A-19.1).

The by-law must specify the matters referred to in the draft by-laws that will be excluded from the ward council's consultation and the criteria that the executive committee must take into consideration. The criteria may provide, in particular, that the executive committee may exclude from the ward council's consultation certain draft by-laws only if, in its opinion, the draft by-law has no impact on or is of little consequence to authorized uses or implementation standards applicable to the areas subject to the draft by-law.

12. Section 43 is amended by deleting the second sentence.

13. The following is inserted after section 70.1, enacted by section 321 of chapter 25 of the Statutes of 2001:

"**70.2.** The borough council shall obtain the authorization of the city council before granting a subsidy to a non-profit body that has instituted legal proceedings against the city.

The city may claim from a non-profit body all or any part of a subsidy used for a purpose other than the purpose for which it was made by the city council or a borough council.".

14. Section 114, amended by section 330 of chapter 25 of the Statutes of 2001, is further amended by substituting the following for the second paragraph:

"Subject to the provisions of this Act or of an order of the Government under section 9, the borough council shall exercise, on behalf of the city, all the powers within its jurisdiction and is subject to all the obligations assigned to or imposed on the council of a local municipality by the Cities and Towns Act (R.S.Q., c. C-19) or another Act, with the necessary modifications, other than the powers to borrow, to impose taxes and to sue and be sued.".

15. Section 129.1, enacted by section 338 of chapter 25 of the Statutes of 2001, is amended by inserting ", of section 8" after the word "division" in the third line of the second paragraph.

16. The following is inserted after section 129.1, enacted by section 338 of chapter 25 of the Statutes of 2001:

"**129.2.** Where, under any provision of this Division, revenues of the city or a municipality referred to in section 5 for a given fiscal year must be compared with revenues of the city for the following fiscal year, the revenues provided for in the budget adopted for both fiscal years shall be considered.

Notwithstanding the foregoing, where a statement comparing the revenues provided for in the budget and those of later forecasts, indicates that budgetary forecasts should be updated, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several successive statements are filed, the most recent one shall be considered.".

17. Section 130.1, enacted by section 338 of chapter 25 of the Statutes of 2001, is amended

(1) by inserting the following after subparagraph 2 of the second paragraph:

"2.1 the revenues considered in establishing the aggregate taxation rate and derived from compensations and modes of tariffing not referred to in subparagraph 2;"; and

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

"For the purposes of subparagraphs 2 and 3 of the second paragraph, the word "immovables" means business establishments when the business tax or the amount standing in lieu thereof is involved.".

18. Section 130.7, enacted by section 338 of chapter 25 of the Statutes of 2001, is amended by substituting the words "last three" for the words "second and third" in the first line of the second paragraph.

19. Section 131, enacted by section 338 of chapter 25 of the Statutes of 2001, is amended by substituting the words "last three" for the words "second and third" in the first line of the second paragraph.

20. Section 131.2, enacted by section 338 of chapter 25 of the Statutes of 2001, is amended by substituting the words "last three" for the words "second and third" in the first line of the second paragraph.

21. Section 131.5, enacted by section 338 of chapter 25 of the Statutes of 2001, is amended by substituting the words "of the municipality concerned" for the words "that the municipality concerned estimated" in the sixth line of the first paragraph.

22. Section 174, amended by section 353 of chapter 25 of the Statutes of 2001, is further amended by adding the following paragraph at the end:

"The mayor shall determine the place, date and time of the first meeting of any borough council. If that meeting is not held, the mayor shall fix another meeting."

23. The following is added after section 174:

"**174.1.** Any person who is appointed by the transition committee or becomes a member of the personnel of the city in a position involving duties necessary for the holding of a meeting of the city council or of a borough council, for the decision-making of such a council or for the performance of an act that such a council may perform before the date of constitution of the city is deemed to be acting in the performance of duties in respect of those necessary duties performed before the date of constitution of the city.".

24. Section 175, amended by section 354 of chapter 25 of the Statutes of 2001, is further amended

(1) by deleting the words "At the first meeting," in the first line of the first paragraph; and

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

"The treasurer or secretary-treasurer of a municipality referred to in section 5 who is not already required to carry out section 105.4 of the Cities and Towns Act (R.S.Q., c. C-19), section 176.4 of the Municipal Code of Québec (R.S.Q., c. C-27.1) or a similar provision of the charter of the municipality is required to file, before the 2002 fiscal year budget of the city is adopted, at least the comparative statement on revenues provided for in the said section 105.4.".

25. The following is added after Schedule II-B:

"**SCHEDULE II-C**
(*provisions enacted under section 9*)

CHAPTER I
THE CITY COUNCIL

1. At the first meeting following a general election, which shall be presided by the clerk, the city council must designate a member of the council other than the mayor to preside at its meetings. The mayor shall have a casting vote when participating in a tie vote.

The designated member may refuse the office of city council chair or resign the office.

2. The city council may appoint one of its members as vice-chair to replace the chair when the latter is absent or wishes to take part in proceedings. When acting as chair of the council, the vice-chair has the same privileges and duties as the chair, except the entitlement to additional remuneration provided for in a by-law under the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001).

3. If the chair and vice-chair are absent from or unable to act at a meeting of the council, the council shall choose one of its members to preside. The clerk shall preside until a chair is chosen.

4. For the purposes of section 331 of the Cities and Towns Act (R.S.Q., c. C-19), "mayor" refers to the "council chair".

5. Notwithstanding section 56 of the Cities and Towns Act (R.S.Q., c. C-19), at its first meeting the council shall elect an acting mayor from among its members for the term it determines.

The acting mayor has all the duties, privileges and authority of the mayor, except as regards the executive committee, when the mayor is absent or is unable to discharge the duties of that office.

If the council does not elect an acting mayor at its first meeting after a general election or at the expiry of the term for which a member has been elected acting mayor, the election may be held at a subsequent meeting.

The council must immediately fill any vacancy in the office of acting mayor.

6. The mayor is the *ex officio* chair of all special bodies, commissions or committees of the city and may take part in the proceedings and vote. However, the mayor may move the designation of another council member as chair. If the chair is absent from or unable to act at a meeting, the members present shall designate from among themselves a chair to preside at that meeting.

7. A member of the executive committee, other than the mayor, or a borough chair may be recognized as performing the duties of their office on a full-time basis.

To be so recognized, the executive committee member or the borough chair must perform the duties of councillor and executive committee member or, as the case may be, as borough chair on a full-time basis with the mayor's consent and file with the clerk a written statement of that fact, together with the mayor's consent.

If the duties are no longer performed on a full-time basis, the executive committee member or the borough chair, as the case may be, must file a written statement to that effect with the clerk as soon as possible. If the mayor's consent is withdrawn, the mayor must file a written statement to that effect with the clerk as soon as possible. Upon the filing of either declaration, the executive committee member or the borough chair, as the case may be, ceases to be recognized as performing the duties on a full-time basis.

The clerk shall table before the council any document filed under this section at the first meeting following the filing.

No executive committee member and no borough chair may lease their services or work for any person other than the city and they shall devote their time exclusively to the duties of their offices.

However, the executive committee member or borough chair may, with the authorization of the council, hold an office, with or without remuneration, on the council or on the board of directors or executive committee of a public or parapublic body or of a non-profit body whose purpose is charitable, scientific, cultural, artistic, social or sport.

8. Notwithstanding the Act respecting the remuneration of elected municipal officers (R.S.Q.. c. T-11.001), the office of opposition leader is a special position that may give rise to an additional remuneration in a by-law under section 2 of the said Act. The additional remuneration granted to the opposition leader in such a by-law may not differ from the additional remuneration granted to the members of the executive committee.

For the purposes of this section, the opposition leader shall be the councillor designated by the councillors of the political party with the greatest number of elected representatives, other than the political party to which the mayor belongs. If more than one political party, other than the mayor's, has the same number of elected councillors, the opposition leader shall be the councillor designated by the councillors of the political party, among those political parties, that obtained the greatest number of votes for the office of mayor and the offices of councillors.

Notice of the designation of the opposition leader shall be submitted to the council by a councillor of the political party that made the designation, and the designation may be amended at any time. The councillor designated as opposition leader shall no longer perform the duties of that office when another councillor is designated as opposition leader, when a notice of the resignation of the opposition leader is tabled before the council or filed with the clerk or upon the expiry of the opposition leader's term as member of the council.

The opposition leader may be recognized as performing the duties of that position on a full-time basis.

To be so recognized, the opposition leader must file with the clerk a written statement attesting that the duties as councillor and opposition leader are performed on a full-time basis. If the duties as councillor and opposition leader are no longer performed on a full-time basis, the opposition leader must file with the clerk a written statement of that fact as soon as possible.

The clerk shall table before the council any document filed under this section at the first meeting following the filing.

Section 7, with the necessary modifications, applies to the opposition leader.

9. Any application, by-law or report submitted to the city council by the executive committee must, except as otherwise provided, be approved, rejected, amended or referred back by a two-thirds majority of the votes of the members present at the meeting.

CHAPTER II
THE EXECUTIVE COMMITTEE

10. If both the chair and vice-chair of the executive committee are absent or unable to act, the executive committee may designate one of its members to perform the duties and exercise the powers of the chair of the executive committee.

11. Subject to the jurisdiction of a borough council, the executive committee performs the executive functions of the government of the city and shall report to the city council on any matter that is not under the jurisdiction of the executive committee. The executive committee shall report to the council within 30 days of the adoption of a resolution asking it to report on a matter under the jurisdiction of the council. The executive committee shall inform the council of its decisions and suggestions by means of reports signed by its chair.

12. The minutes of the proceedings and votes of the executive committee shall be entered in a book kept for that purpose by the city clerk. The minutes shall be signed by the clerk and the member who presided at the meeting. Where the latter is not the chair and is unable to sign due to absence, inability to act or vacancy in that member's office, the chair shall sign in the member's place.

13. The appropriations voted by the council in a budget, a loan by-law or otherwise, except appropriations that are part of a borough allocation, remain at the disposal of the executive committee, which shall see that they are used for the purposes for which they were voted without further approval by the council.

14. The executive committee may establish rules for the transfer of funds or appropriations already voted in a budget item as well as for transfers from the contin-

gency fund, except funds or appropriations of a budget managed by a borough council and any contingency fund that may be part of such a budget. The rules may provide that the transfers may be authorized by the executive committee, the director general or the head of a department.

15. The executive committee shall see that the laws, by-laws, resolutions and contracts under the jurisdiction of the city council are faithfully complied with.

16. The city council and borough councils shall communicate with the departments through the executive committee. In their dealings with the executive committee, the city council and borough councils shall act by resolution. Council members must apply to the director general for information concerning a department.

17. The borough council shall communicate with the head of the administrative units in the borough through the borough manager. However, the borough council may at any time summon the management of the administrative units under its authority to provide any required information.

18. The executive committee shall approve all public calls for tenders in matters under the jurisdiction of the city council.

19. The executive committee may, after having called for and received public tenders, award on its own any contract within the jurisdiction of the city council for an amount that does not exceed the amount made available for that purpose.

20. The executive committee may, on a report of the director general, borough manager or head of the department concerned that attests its value, alienate or transfer, in the manner it determines, any property whose value does not exceed $10 000.

21. The executive committee may grant subsidies of $100 000 or less and any form of assistance that does not exceed that amount.

22. The executive committee may authorize, for a limited time and on the specific conditions it shall determine in each case, the occupancy of public or private land or the construction or occupancy of a building contrary to a municipal by-law for the purpose of making a film.

23. On a report of the borough manager or the head of the department concerned stating that public safety is endangered, the executive committee may order the owner of an unoccupied building to have the building kept under watch in accordance with the terms and conditions the executive committee determines.

If the owner fails to comply with the order within 24 hours after it has been served or after a notice has been published in a newspaper if the owner is unknown, untraceable or unidentifiable, the executive committee may have the building kept under watch at the expense of the owner. The expenses thus incurred constitute a prior claim on the immovable in respect of which they are incurred, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The expenses are secured by a legal hypothec on the immovable.

24. The executive committee shall dispose of any lost or forgotten property that is held by the city in accordance with the Civil Code of Québec.

However, the city may destroy any dangerous lost or forgotten property upon becoming the holder thereof and shall not be required to compensate the owners of the property.

Perishable property may be alienated or destroyed immediately. If it is claimed after alienation, the city shall be liable only for the repayment of the proceeds of the sale, less incurred costs.

25. The executive committee may cause to be sold at auction, after notice in a newspaper circulated in the territory of the city or by public tender, any unclaimed motor vehicle in its possession.

If the vehicle bears a registration plate, it may be sold at the end of 30 days after the police department sends a notice by registered mail to the owner of the vehicle at the last address reported to the Société d'assurance automobile du Québec. However, if the vehicle was manufactured more than seven years previously, that time limit is reduced to 10 days.

If the vehicle bears no registration plate and its owner cannot be identified by other means, it may not be ordered sold before the end of two months after its possession by the city.

If the vehicle has no motor or is fit only for scrap, it may be destroyed without further formality and the owner shall have no recourse.

The owner shall reimburse the city for all costs incurred for the storage and disposal of the vehicle. If it is claimed after the sale, the city shall be liable only for the proceeds of the sale, less incurred costs and other expenses for its conservation.

CHAPTER III
THE DIRECTOR GENERAL

26. For the purposes of the second paragraph of section 113 of the Cities and Towns Act (R.S.Q., c. C-19) the authority of the director general is that of a mandatary of the executive committee.

27. The director general may attend the meetings of a borough council and shall exercise the powers referred to in paragraph 7 of section 114.1 of the Cities and Towns Act (R.S.Q., c. C-19).

Notwithstanding paragraph 7 of the said section, the director general does not require the permission of the chair of the meeting to give advice and make recommendations on the matters under discussion at meetings of the executive committee.

CHAPTER IV
HUMAN RESOURCES

28. On a report of the executive committee that may not be amended, the city council shall appoint the director general, the clerk, the treasurer, the assessor, the chief auditor, department heads and borough managers and their respective deputies or assistants, as required. Appointments shall be made by a resolution adopted by a majority vote of the council members, except the chief auditor whose appointment must be made by a resolution adopted by a two-thirds majority of the members. The city council may, by a two-thirds majority vote of its members and, in respect of a borough manager, after receiving the advice of the borough council, take disciplinary action against them or suspend or dismiss them.

29. The executive committee shall appoint the other permanent employees of the city. Subject to the powers of a borough council, it may take disciplinary action against the employees, and suspend or dismiss them.

30. Department heads or borough managers may, in accordance with the terms and conditions prescribed by the executive committee and those contained in any applicable collective agreement, determine the hiring, transfer, suspension or dismissal of non regular and non permanent employees of the department or assigned to the borough by the city.

31. For the purposes of the second paragraph of section 52 of the Cities and Towns Act (R.S.Q., c. C-19) and the third paragraph of section 113 of the Act, the suspension shall remain in effect until the city council, the borough council or the executive committee, according to their respective jurisdictions, at its next meeting, rules on the suspension.

The executive committee may temporarily suspend an officer or employee appointed by the council. The suspension shall remain in effect until the council, at its next meeting, rules on the suspension.

32. If a department head or borough manager to whom the council has not appointed a deputy or assistant is absent or unable to act, the executive committee may appoint a replacement who shall have, during the term of that appointment, all the powers and duties of the department head or borough manager replaced.

If the director general is absent or unable to act, the executive committee shall designate as the director general's replacement a deputy director general previously appointed by the council or, if that is not possible, another person. That person shall have, during the term of that appointment, all the powers and duties of the director general.

33. The executive committee shall prepare and submit to the council every job classification plan and the related compensation policy.

34. Each job description and classification must be approved by the executive committee. It shall determine the salaries of all the employees of the city except those appointed by the council.

35. For the purposes of section 45 of the Charter, the clauses of a collective agreement relating to the matters referred to in that section may not be negotiated and agreed on by the borough council until a collective agreement has been entered into under section 42 of the Charter.

Every agreement on the matters referred to in the first paragraph is deemed to form part of the collective agreement referred to in the first paragraph.

CHAPTER V
GENERAL POWERS

36. The city council shall, not later than 31 December 2003, adopt by by-law a management framework for the administration of the city. The by-law must, *inter alia*, state the city's objectives as to the level and the quality of its services to the public and contain a strategic plan stating its mission, strategic guidelines, results targeted over the period covered by the plan, and the intervals at which it the plan is to be reviewed.

The city's strategic plan must also state the city's course of action and the objectives it wishes to reach through its mandatary bodies or agencies or bodies at least half of whose executives are appointed by the city or at least half of whose operating budget is financed by the city.

37. The city may, for the purposes within its jurisdiction and, in particular, for the purpose of promoting the cultural, economic and social development of the city and its citizens, negotiate or enter into an agreement with an agency representing or administering Canadian or foreign local or regional communities. The city may also join associations or groups of persons or agencies representing or administering Canadian or foreign local or regional communities and participate in their activities.

38. The city may give any of its property that is no longer needed. The procedure provided in paragraph 2.1 of subsection 1 of section 28 of the Cities and Towns Act (R.S.Q., c. C-19), with the necessary modifications, applies to the gift.

If the property referred to in the first paragraph is an immovable, the gift also requires the authorization of the Minister of Municipal Affairs and Greater Montréal unless it is a transfer by gratuitous title of a servitude to a public utility, to Her Majesty or to a municipality.

39. The city council or a borough council may enter into agreements to entrust all or part of the administration, operation and management on its behalf of the property belonging to it or which it has the use of and the programs or services within its jurisdiction, with the exception of those concerning traffic, peace, public order, decency and good morals.

The agreements are not subject to sections 573 to 573.3.2 of the Cities and Towns Act (R.S.Q., c. C-19) if they are made with the Government, one of its departments, mandataries or agents, with the Communauté métropolitaine de Québec or, where they relate to environmental protection or development, resource conservation, recreation or community matters, if they are made with a non-profit body to which the city may grant subsidies.

40. Notwithstanding sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., c. C-19), the city may enter into an agreement with a railway company to have work carried out on a railway right-of-way.

41. The city may authorize an agreement with a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1), a public utility or a non-profit body for the purchase of equipment or materials, for the awarding of an insurance contract or a contract for the supply of services, or for the carrying out of joint works, whether simultaneous or related to works carried out by such body and, where required for that purpose, make a joint call for tenders to award the contracts.

A party to a joint call for tenders may delegate, to another party all or any of the powers necessary to call for tenders or award the contracts. In that event, the acceptance of a tender by the delegated party shall bind the city and each participating body or enterprise towards the selected tenderer.

The total amount of the contract following a joint call for tenders must be taken into consideration by the delegated party for the purposes of the rules governing the awarding of contracts.

Notwithstanding any contrary provision, any party to a joint call for tenders is subject to sections 573 to 573.3 of the Cities and Towns Act (R.S.Q., c. C-19). The Minister of Municipal Affairs and Greater Montréal may exempt the city, a body or an enterprise from the application of all or some of the provisions.

For the purposes of the first, second and third paragraphs, a borough council in its fields of jurisdiction and the executive committee in respect of other matters may authorize an agreement for the purpose of acting jointly with a body or an enterprise and delegate to that body or enterprise all or any of the powers necessary to make a joint call for tenders. A borough council and the executive committee may also delegate the awarding of contracts within their jurisdictions.

42. The city may, when carrying out works, enter into an agreement with a public utility for the carrying out of works on behalf of the utility and at its expense.

43. The city may enter into an agreement with the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., c. S-4) or with a department referred to in the second paragraph of section 4 of that Act for the purchase of equipment or materials, for the awarding of an insurance contract or a contract for the supply of services or for the carrying out of works.

The party responsible for carrying out an agreement under section 43 may, by agreement, delegate that responsibility to the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement or to a department referred to in the second paragraph of section 4 of that Act.

The rules governing the awarding of contracts by the city do not apply to acquisitions made or conditions of acquisition negotiated by the General Purchasing Director or a department in accordance with the regulations under the Public Administration Act (2000, c. 8).

The city may enter into an agreement for the same purpose with a body referred to in the second paragraph of section 29.9.2 of the Cities and Towns Act (R.S.Q., c. C-19).

The third paragraph of section 29.9.2 of the Cities and Towns Act (R.S.Q., c. C-19) applies, with the necessary modifications, to acquisitions made under an agreement referred to in the first paragraph.

44. The city and the Public Protector may enter into an agreement whereby the city becomes subject to the jurisdiction of the Public Protector.

The agreement may, *inter alia*,

(1) provide that the expenses incurred in carrying out the agreement will be borne by the parties in the proportion determined in the agreement;

(2) fix the term of the agreement and, where appropriate, stipulate the terms and conditions for its renewal;

(3) contain any other particular necessary for its implementation.

For the purposes of an agreement under the first paragraph, the Public Protector shall exercise, in respect of the city, the powers conferred on him by the Public Protector Act (R.S.Q., c. P-32), with the necessary modifications.

45. The city and a contiguous municipality have authority to make arrangements for the carrying out of works of any kind, including maintenance, snow removal and widening operations, in the public streets or public squares situated partly in the territory of the city and partly in that of the other municipality or entirely in one or the other but bordering their common boundary.

The city and the municipality have authority to apportion among their respective ratepayers their share of the cost of such works, including expropriations and all incidental expenses, in the same manner and with the same effect as if the work had been carried out within their own boundaries.

Failing an arrangement, the city or the municipality may apply to the Commission municipale du Québec to compel the other to carry out or pay for the works in the proportion determined by the Commission municipale du Québec.

46. The city has all the powers required to carry out the duties and obligations under any agreement between the city and the Government of Québec or any of its departments, agencies or mandataries or the Government of Canada, a department or agency of the Government of Canada in respect of an agreement exempt from the application of the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30) to the extent that the powers required for the carrying out of the duties are included in those that the Government may delegate to a municipality.

47. The city and Université Laval may enter into an agreement providing that the city by-laws relating to traffic, parking or public safety shall apply throughout the territory of Université Laval.

An agreement under the first paragraph prevails over any provision of a general law or special Act.

48. Streets and land in the territory of the city administered by the National Battlefields Commission are considered, for the purposes of the Charter, an order under section 9 of the Charter or a city by-law, to be streets and public land of the city upon publication of a resolution to that effect adopted by the city and the National Battlefields Commission in a newspaper circulated in the territory of the city.

To be applicable, the provisions of the Charter, of an order under section 9 of the Charter or of a city by-law, as well as the places where they apply must be specified in the resolution.

This application shall terminate upon repeal of the resolution by the city or the National Battlefields Commission.

49. The city may require the owner, tenant or occupant to pave or landscape land used as a parking lot in a part of the city targeted in a district restoration, improvement or renovation assistance program if not less than twenty-five per cent of the cost of the paving or landscaping work is covered by an assistance program.

The city may order that if the owner, tenant or occupant of the lot refuses or fails to carry out the work, the city may do so and recover the cost, less the grants under the assistance program. The cost constitutes a prior claim on the land in respect of which they were incurred in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The cost is secured by a legal hypothec on the land.

50. The city may, for municipal purposes and with the consent of the owner, carry out development, restoration, improvement or renovation work on any lane or private immovable generally accessible to the public,

except a private road, and situated near a street, lane, public square or park in respect of which such work is being carried out by the city, or situated in a part of the territory of the city in which an intervention or revitalization program is in effect.

The city may maintain the work thus carried out and grant a tax credit to the owner of an immovable in respect of which such work is carried out in order to compensate for the increase in property tax that may result from the re-assessment of the immovable after the completion of the work.

The city may order, where the owner or administrator of a lane refuses or fails to agree to the carrying out of development, drainage, maintenance or paving work in the lane and the persons holding, as owners, more than 50% of the total property value of the immovables adjacent to the part of the lane in which the work is to be carried out have so agreed, that the city may carry out the work and recover the cost thereof, less any grants under an assistance program. The cost constitutes a prior claim on the land on which the work was carried out.

The cost of the work carried out on a part of a lane of which the Public Curator assumes provisional administration pursuant to section 24 of the Public Curator Act (R.S.Q., c. C-81) may not be claimed from the Public Curator.

The cost of the work, other than the cost of the work carried out on a part of a lane of which the Public Curator assumes provisional administration, constitutes a prior claim on the land on which the work was carried out in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The cost is secured by a legal hypothec on the land. The Public Curator may not be held liable for injury resulting directly from the carrying out of work in accordance with the third and fourth paragraphs.

51. The city may, with the consent of the owner, plant and maintain trees, shrubs and other plants on private property, in the parts of the territory of the city and on the conditions it determines.

52. The city may, by by-law, adopt a grant program for the acquiring, planting and maintaining of trees, shrubs and other plants on the conditions and in the parts of the territory of the city it determines. The grants may be uniform or may vary in the different parts of the territory of the city.

53. The city may order that no person may, without its authorization, use the corporate name of the city, its escutcheon, arms or coat of arms, or the name or title of any of its departments or a name or title likely to be confused with that of the city or of one of its departments.

54. The city may offer street parking spaces for rent exclusively to certain persons.

55. The city may establish and maintain a non-profit body in its territory having as its purpose the management and maintenance, in accordance with an agreement entered into with the city, of all or any part of a corridor for recreational and sports activities, paths or lanes reserved for bicycle riding or other modes of locomotion listed in section 91 of the Charter or entrust by agreement all or any part of that responsibility to any other non-profit body. The city may grant such a body the funds necessary for the fulfilment of its obligations under the agreement.

56. 1. On the application of persons holding, as owners, immovables representing more than 50%, in property value, of the total value of the immovables adjacent to a private lane or any part of a private lane, the city may install and operate, in that lane or part of lane, a lighting system connected to the public network.

The city shall, by by-law, impose a special property tax on the owners of the adjacent immovables based on the municipal assessment or on any mode of tariffing in accordance with Division III.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., c. F-2.1) to cover the cost of installing such a lighting system.

The city may also impose such a mode of tariffing to recover from the owners of the serviced immovables the cost of operating the lighting system.

2. For the purpose of installing a lighting system in a private lane under subsection 1, the city may, notwithstanding any provision to the contrary, enter in and upon any immovable without any formality other than those prescribed in the second and third paragraphs of this section and subsection 3. The city becomes the holder of a servitude on the area of land occupied by the lighting system and of a servitude of right of way on the lane for the purpose of maintaining the lighting system once it has been installed.

At least 30 days before the beginning of the work, the city shall notify the owner of the lane of the approximate date and nature of the work and of the content of this section and shall give the owner a provisional plan of the site of the work.

Within 60 days following the end of the work, the city shall give the owner a copy of the plan and technical description prepared by a land surveyor in accordance with the rules respecting the publication of rights, showing the exact location of the installations together with a description of the servitude. The city shall, by way of a notice describing the immovable concerned, request publication of the plan and of the technical description relating thereto at the registry office. The registrar shall make an entry for the lighting system servitude and the servitude of right of way under the number of each lot referred to in the notice. The immovable becomes encumbered by the servitudes in favour of the city from the date of registration.

3. The owner of an immovable encumbered by a servitude established under subsection 2 may claim an indemnity from the city within the year following the sixtieth day after the completion of the work.

Failing agreement, the Administrative Tribunal of Québec shall fix the indemnity upon the application of the owner or the city and sections 58 to 68 of the Expropriation Act (R.S.Q., c. E-24) apply, with the necessary modifications.

57. Notwithstanding the Act respecting municipal industrial immovables (R.S.Q., c. I-0.1), the city may alienate, for purposes other than industrial, para-industrial or research purposes, the immovables described in the Schedule to chapter 85 of the Statutes of 1966 which remains in force solely for the purposes of this section.

58. On an application by the city, the Lieutenant-Governor in Council, on such conditions as are set forth therein, may issue letters patent under the Great Seal of the Province constituting a non-profit body having as its purpose the acquisition of residential buildings for persons or families other than those of low or moderate income contemplated in section 57 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), the leasing, management and restoration of buildings thus acquired, the acquisition of land and the construction of new housing.

The application must mention the name of the new body, the location of its head office, its powers, rights and privileges and the rules governing the exercise of its powers and the appointment of its members or member and directors. The name of the body must indicate that it is a municipal housing corporation.

Notice of the issue of the letters patent must be published in the *Gazette officielle du Quebec*.

A body so constituted has, among other powers, those of a legal person constituted by letters patent under the Great Seal of the Province, is a mandatary of the city and is deemed to be a municipality for the purposes of the Act respecting the Ministère du conseil exécutif (R.S.Q., c. M-30). The Government, one of its bodies or any other interested person may participate jointly with the city in the establishment and management of that body.

59. 1. The city may promote the construction, renovation or restoration of buildings and acquire, renovate, restore, construct, sell, lease or administer immovables.

The city may also promote employment development, housing development and the economic development of the city in general.

For the purposes referred to in this subsection, the city may, *inter alia*, participate in any venture capital investment fund, become associated with any person, partnership or association, give grants or financial assistance in the form of loans or otherwise.

2. The city may also apply for the establishment of a non-profit body having as its purpose the exercise of the powers granted to the city under subsection 1. The said body may also exercise the powers of a body referred to in section 58.

The body must submit to the council for approval any project for the acquisition, renovation, restoration or construction of an immovable involving a capital expenditure in excess of $1 million.

The body requires the approval of the council before selling an immovable it owns.

The body has authority to order any disbursement that does not exceed $100 000.

The authorization of the council is required for any expenditure in excess of $100 000.

The body shall be established in accordance with the procedure under section 58. It is deemed to be a municipality for the purposes of the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30). The Government, one of its bodies or any other interested person may participate jointly with the city in the establishment and administration of that body.

60. The city may apply for the establishment of a non-profit body with whom it may enter into an agreement referred to in the second paragraph of section 112 of the Charter.

The body shall be established in accordance with the procedure under section 60. It is deemed to be a municipality for the purposes of the Act respecting the Ministère du Conseil exécutif (R.S.Q., c. M-30).

61. The bodies referred to in sections 58 to 60 shall, not later than 31 March each year, report to the executive on their activities for their preceding fiscal year. The report must also contain all the information required by the executive committee. It shall be tabled at the first meeting of the council following the thirtieth day after its receipt by the executive committee.

Those bodies must at all times provide the executive committee with any information it may require on their operations.

The city may grant loans to the bodies referred to in sections 58 to 60 for the carrying out of their activities. It may also, for the same purpose, grant subsidies to them, remit the loans granted before 12 June 1984 or secure the obligations contracted by them. For those purposes, the city may appropriate a determined sum out of its annual budget, appropriate any subsidy received or borrow by means of a bond issue or otherwise.

The bodies referred to in sections 58 to 60 are mandataries of the city and the latter may, by resolution, entrust them with specific mandates. No body to which a mandate has been entrusted by the city may exceed its mandate or engage in activities that are not included in its mandate unless it has received the specific authorization of the council. Every act or deed performed without such an authorization is null and void.

The bodies referred to sections 58 to 60 may not amend their letters patent or supplementary letters patent without the approval of council.

62. The city council may hold exhibitions and appoint a commission accountable to it to organize and administer the exhibitions. The commission shall be composed of members appointed in the manner provided in the first paragraph of section 70 of the Cities and Towns Act (R.S.Q., c.. C-19) and in section 7. The director general and the treasurer, or the persons designated by them, are *ex officio* members of the commission.

Notwithstanding any general law or special Act, the immovables forming part of the Parc de l'Exposition Provinciale may be used and operated for all purposes conducive to maximum profitability. The commission may, *inter alia*,

(1) operate and administer a race track, including any pari mutuel system and, more specifically, the race track presently on its grounds;

(2) promote, operate or organize, alone or with others, commercial, sports, recreational, artistic, or cultural activities or that are in the public interest;

(3) with the approval of the council, enter into agreements with any person for the purpose of exercising all or any of its powers;

(4) at the request of the council, exercise its powers in respect of any other immovable in the possession of the city;

With the approval of the council, the commission may grant financial assistance to any person for the purpose of promoting the development of sport, recreation, art, letters and science.

The commission may make any disbursement that does not exceed $100 000.

Expenditures in excess of $100 000 require the authorization of the executive committee and the council.

The commission may also lease all or any of the immovables it administers; however, any lease for a term greater than 12 months requires the authorization of the executive committee and the council.

The commission may, by resolution, adopt rules of procedure and internal management and appoint an executive committee and determine its powers. The resolution does not become effective until it receives the approval of the council.

CHAPTER VI
REGULATORY POWER

63. Notwithstanding the second paragraph of section 356 of the Cities and Towns Act (R.S.Q., c. C-19), the reading of a by-law is not required if a motion to dispense with the reading is made at the same time as the notice of motion and if a copy of the proposed by-law is immediately given to the council members present and given to the other members no later than two juridical days before the meeting at which it is to be passed.

64. The city may authorize, by by-law, the police chief or any other officer designated in the by-law to prohibit parking on certain streets or parts of streets during public thoroughfare maintenance operations. The

by-law must prescribe the appropriate means and a time limit for the chief of police or police officer to make announcements before the commencement of the maintenance operations. Appropriate means include the erection of signs, in the places determined by the executive committee or the borough council concerned, indicating the means of obtaining information on the maintenance operations where telephone, radio or television messages or any other similar media are used to transmit the information or the means of obtaining it.

When parking is prohibited, a constable may have any contravening vehicles towed or moved to any place the constable determines, including other streets or another place on the same street.

65. The city council may pass a by-law concerning the construction, installation or setting of cellar ventholes. The by-law may require the owners of such ventholes to provide them with iron gratings, or in the event of their failure to do so, to hold the city harmless against any claim for damages arising from the breaking of windowpanes by the snow ploughs or other machinery or equipment used by the city or its contractors.

66. The city council may pass a by-law to impose rules of conduct and discipline on the owners and drivers of animal-drawn vehicles used for the transport of passengers in the territory of the city and to require them to obtain a licence or permit, as the case may be. The by-law may limit the number and determine the cost of such licences or permits, determine the streets or routes the drivers of such vehicles must use and fix the tariffs they may charge, prescribe the hours during which the vehicles may operate, the places where they may park and the parking rates, and require mandatory passenger insurance.

The owner or driver of such a vehicle may be prosecuted for any violation of a by-law under this section.

The city may build, maintain, administer, on its own or in cooperation with another person or body, and regulate the use of one or more public stables to stable the horses used to transport passengers in the territory of the city. The city may, by by-law, require the horse owners or keepers to stable their horses in such a community stable.

The city may also enter into agreements with a person or body authorizing the person or body for the enforcement of a by-law or any part of a by-law under this section. For that purpose, the person or the body and its employees, as the case may be, are deemed to be municipal officers.

67. The city council may pass a by-law concerning painters or portrait artists on the public property of the city. The by-law may establish classes of painters or portrait artists and may, *inter alia*, in respect of one or more classes,

(1) require that painters or portrait artists obtain a permit;

(2) prescribe as one of the conditions for obtaining a permit that painters or portrait artists be members of an association recognized by the city;

(3) impose rules of conduct and discipline on painters or portrait artists;

(4) determine the places, dates and hours where and when painters or portrait artists may engage in their activities;

(5) prescribe the areas painters or portrait artists may occupy; and

(6) prescribe the process or methods that may be used for producing the works offered for sale and the maximum number of copies of a single work.

The city may entrust the enforcement of the by-law to a third party.

68. The city council may pass a by-law concerning the exhibition and sale of artistic works or handicraft on the public property of the city. The by-law may establish classes of artists, artisans or agents and may, *inter alia*, in respect of one or more classes,

(1) require that artists, artisans or agents obtain a permit;

(2) prescribe as one of the conditions for obtaining a permit that artists, artisans or agents be members of an association recognized by the city;

(3) impose rules of conduct and discipline on artists, artisans or agents;

(4) determine the places, dates and hours where and when artists, artisans or agents may engage in their activities;

(5) determine the types or classes of products, objects or works that may be offered for sale or exhibited and the process or methods that may be used to produce the works, which may vary according to the types or classes.

The city may entrust the enforcement of the by-law to a third party.

69. The city council may pass a by-law concerning the activities of public entertainers on the public property of the city. The by-law may establish classes of public entertainers and may, *inter alia*, in respect of one or more classes,

(1) require that public entertainers obtain a permit;

(2) prescribe as one of the conditions for obtaining a permit that public entertainers be members of a association recognized by the city;

(3) impose rules of conduct and discipline on public entertainers;

(4) determine the places, dates and hours where and when public entertainers may engage in their activities;

The city may entrust the enforcement of the by-law to a third party.

70. The city council may pass a by-law concerning guides or chauffeur-guides. The by-law may, *inter alia*,

(1) require that guides or chauffeur-guides obtain a permit;

(2) impose rules of conduct and discipline on guides and chauffeur-guides;

(3) determine the maximum amount that guides or chauffeur-guides may charge clients for their services.

71. The city council may pass a by-law to prohibit vehicle drivers from parking or leaving their vehicles on private residential property unless authorized by the owner or occupant of the property or on a lot owned by the city or any of its bodies, mandataries or agents wherever public parking is prohibited. The by-law may provide for the towing and impounding of the vehicles at the expense of their owners and require a prior written complaint about the offence by the owner or occupant of the property or the owner or occupant's representative.

72. The city council may pass a by-law to regulate, restrict or prohibit the traffic of heavy vehicles, buses and minibuses within the meaning of the Highway Safety Code (R.S.Q., c. C-24.2), or certain classes thereof, on the basis of the reason for their travel. The by-Iaw may, *inter alia*,

(1) prescribe that a licence be held to travel within the part of its territory classified as a historic district;

(2) prescribe different rules for the different classes of vehicle users; and

(3) prescribe rules to limit access to the part of its territory described in subparagraph 1 of this paragraph according to the day or time of day.

The city council may exercise the powers described in the first paragraph, in respect of bus or minibus traffic, solely in the part of the territory of the city classified as a historic district. The city council may exercise the same powers, in respect of heavy vehicles, solely in the part of the territory of the city classified as a historic district comprised within the boundaries described in Schedule 2 to the Charter of the city of Québec (1929, c. 95), enacted by section 54 of chapter 93 of the Statutes of 1999, which remains in force solely for the purposes of this section.

Without limiting the scope of section 627 of the Highway Safety Code (R.S.Q., c. C-24.2), every by-Iaw under this section requires the approval of the Minister of Transport before coming into force.

Notwithstanding the preceding paragraph, a by-Iaw under this section comes into force at the end of 60 days after the Minister of Transport receives a request from the city for approval of the by-Iaw if, by that date, the city has not received a reply.

73. A borough council may, in a by-law under paragraph 10 of section 413 of the Cities and Towns Act (R.S.Q., c. C-19), regulate the keeping, deposit, storage, removal, collective selection of residual materials and reusable or recyclable matter. The city council may regulate the disposal, elimination, salvage and treatment thereof. Within their respective jurisdictions, a borough council and the city council may establish the conditions for obtaining and maintaining the licence and for its suspension and revocation. A by-law under this paragraph may prescribe the rules, standards and operating procedures for the prevention or control of fire, odours, gas emissions, noise, air pollution or the pollution of run-off or lixivial water, and any other nuisance.

A by-law under the first paragraph requires the approval of the Minister of the Environment before coming into force. Notice of the approval must be published in the *Gazette officielle du Québec.*

74. The city may, by by-law, prohibit or regulate the collection and removal of refuse and residual materials or recyclable matter by any person other than the city prescribe the manner of disposing thereof.

75. The city council may also, in a by-law under paragraph 13 of section 460 of the Cities and Towns Act (R.S.Q., c. C-19), prohibit or license and regulate the sale of services in the streets and public squares.

76. The city council may prescribe the conditions for the issue of licences and permits and limit their number except with respect to permits issued in accordance with a by-law under the Act respecting land use planning and development (R.S.Q., c. A-19.1).

It may pass a by-law to provide for the revocation of the licences or permits.

77. The city council may pass a by-law concerning the conduct of occupants, spectators or visitors in a building or on land in possession of the city and accessible to the public. The city council may, by that by-law, prohibit any act of such a nature as to be prejudicial to the peace, good order, comfort and well-being of the users and permit the expulsion of offenders.

78. The city council may, in a by-law under section 411 of the Cities and Towns Act (R.S.Q., c. C-19), authorize officers or employees of the city, in the performance of their duties,

(1) to require that books, registers and documents relating to matters referred to in a by-law or order be produced and that any other information on such matters as the officers or employees consider necessary or useful be furnished;

(2) to take samples of any nature, without charge, for the purpose of analysis;

(3) to take photographs of the places visited; and

(4) to be accompanied by one or more police officers if the officers or employees have reason to fear that they may be molested in the performance of their duties.

79. No person may hinder a person responsible for the enforcement of the Charter, an order under the Charter or the by-laws of the city in the performance of those duties, or to deceive or attempt to deceive that person by concealment or by false or misleading statements.

80. The city council may, in a by-law under paragraph 7 of section 415 of the Cities and Towns Act (R.S.Q., c. C-19), assign a name to any pedestrian or bicycle path and change it. In no case may a name be assigned to a street or private lane or may the street or lane be designated under such a name without the prior approval of the city council.

81. The city council may regulate the lanes and to order that so long as they remain private property they shall be made and maintained in common by the owners of the property bordering on the lanes.

82. Any peace officer may remove or have removed by a service vehicle or towtruck any vehicle parked in violation of a traffic or parking by-law or order. The statement of offence must mention the removal.

Where the Charter, an order under section 9 of the Charter, the Cities and Towns Act (R.S.Q., c. C-19), or any other Act provides that a vehicle may be removed or towed away, the owner may not recover the vehicle until payment of the storage costs at the current rate and, where the towing or removal costs have not been claimed on the statement of offence in accordance with section 83, until payment of those costs.

If the offender refuses or is unable to pay the security in accordance with the Code of Penal Procedure (R.S.Q., c. C-25.1), the arresting peace officer may, in addition, have the vehicle impounded until the Court authorizes its return, with or without security, on an application made at the appearance.

However, upon payment of the minimum fine provided for the alleged offence and the costs incurred, including the costs for towing and impounding the vehicle, the offender may recover the vehicle.

The security must be sent to the clerk of the court at the same time as the copy of the statement of offence.

83. The city council and a borough council may, by by-law, establish a tariff of costs for the removal or towing of an illegally parked vehicle. In all cases where it is provided that a vehicle may be removed or towed for a parking or traffic violation, the prescribed removal or towing costs may be claimed on the statement of offence and collected by the collector in accordance with articles 321, 322 and 327 to 331 of the Code of Penal Procedure (R.S.Q., c. C-25.1).

84. The city council may, by by-law, authorize the executive committee to make orders relating to any by-law. The authorization must specify the purpose of each such order.

Such orders shall form part of the by-laws to which they relate and become mandatory upon publication of a notice specifying their purpose and stating the date on which they were made or upon the erection of appropriate signs or signals or upon the posting of the order or its relevant provisions in the places concerned.

CHAPTER VII
LAND USE PLANNING AND DEVELOPMENT

85. The issue of any permit that does not comply with a draft amendment to a zoning, subdivision or building by-law shall be suspended from the adoption of a resolution by the executive committee requiring the competent department to prepare the amendment, except where it is expressly decided otherwise by the executive committee.

The first paragraph ceases to have effect if the executive committee resolution is not ratified by the city council at its first meeting following the adoption of the resolution and if an amendment to the provisions contemplated by the draft amendment is not adopted within 160 days of the executive committee resolution or if it does not come into force in accordance with section 137.15 of the Act respecting land use planning and development (R.S.Q., c. A-19.1).

86. No building, improvement or enlargement permit, except for repairs, may be granted for an immovable from the date the executive committee adopts a resolution requiring the competent department to prepare the documents necessary for the establishment of a reserve to the date the notice of establishment of the reserve is registered, which period may not exceed 160 days.

No building, improvement or enlargement permit, except for repairs, may be granted for an immovable from the date a resolution of the executive committee is adopted requiring the competent department to prepare the documents necessary for an expropriation to the date the notice of expropriation is served, which period may not exceed one year.

The owner of a building referred to in the first or second paragraph may claim an indemnity from the city. Failing agreement, the Administrative Tribunal of Québec may shall fix the indemnity upon the application of the owner or the city and sections 58 to 68 of the Expropriation Act (R.S.Q., c. E-24) apply, with the necessary modifications.

The first and second paragraphs cease to have effect if the executive committee resolution is not ratified by the city council at its first meeting following the adoption of the resolution.

87. Where the executive committee has adopted a resolution recommending that the council pass or amend a by-law under section 145.21 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), no building or subdivision permit and no certificate of authorization or occupancy may be issued where the issue thereof will be subordinated, should the by-law whose passage is recommended by the executive committee be passed, to the making of an agreement provided for in section 145.21.

The first paragraph ceases to have effect if the executive committee resolution is not ratified by the city council at its first meeting following the adoption of the resolution, if the by-law that is the subject of the executive committee resolution is not passed within two months of the adoption of the resolution, or if it is not put into force within four months of its passage.

88. An application for an intervention by the city by means of a by-law, resolution, order or otherwise for the purpose of carrying out a project that, in the opinion of the executive committee, is likely to have a substantial social, economic or architectural impact, the executive committee may, before examining the application, require from the applicant, in addition to the tariff under sections 244.1 to 244.10 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), a security deposit equal to the amount of the actual file examination costs in excess of the costs exigible under the set tariff. The security deposit shall be refunded to the applicant if the project is carried out within the time prescribed by the executive committee, or shall belong to the city if it is not.

89. The executive committee may, in respect of an application for an amendment to a zoning by-law, prescribe the posting of a notice describing the nature of the application in the manner it determines.

90. The executive committee may require, as a prerequisite to the issue of a permit or certificate of approval referred to in section 119 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) and in section 94, the deposit of a performance bond that does not exceed 10% of the value of the planned work. The bond shall be refunded to the applicant when the work for which the permit or certificate was issued is completed. If the work is not completed within the time indicated in the permit or certificate, the amount of the bond may confiscated by the executive committee.

91. 1. The city council may, by by-law,

(1) authorize, on the conditions and for the rent it determines, certain types of temporary or permanent occupancies of the public property of the city, above as

well as below public land, sidewalks, streets, lanes, municipal stretches of water and streams;

(2) prescribe, where applicable, the manner in which the works relating to such occupancy are to be carried out and the materials to be used;

(3) provide for the revocation by the executive committee of certain special occupancies that have been authorized under the by-law, upon written notice to that effect served on the owner of the immovable for which the authorization was granted and published at the registry office at least one month before the revocation;

(4) provide for the removal, at the expense of the owner, of all or any part of the buildings or installations on the public property of the city that do not meet the requirements of an authorization provided for in this section.

2. The executive committee may

(1) authorize, on the conditions and for the rent it determines, certain temporary or permanent occupancies of the public property of the city, above as well as below public land, sidewalks, streets, lanes, municipal stretches of water and streams that are not the object of a by-law under subsection 1 or that are not authorized under such a by-law;

(2) prescribe, where applicable, the manner in which the works relating to such occupancy are to be carried out and the materials to be used;

(3) provide for the revocation of an authorization under paragraph 1 of subsection 2, upon written notice to that effect served on the owner of the immovable for which the authorization was granted and published at the registry office at least one month before the revocation.

The borough council shall exercise the powers of the executive committee referred to in this subsection on the streets and roads that are under its responsibility pursuant to a by-law passed by the city council under section 94 of the Charter.

3. The owner of an immovable for the use of which an authorization is granted may publish the authorization at the registry office. Where a by-law or a resolution authorizes occupancy of two or more areas of the public property of the city for the benefit of one immovable only, the right may be published by the owner of the immovable for certain areas only.

Publication is effected by way of a notice indicating the title of the by-law or resolution, its number and the date on which it was passed. The second paragraph of article 2995 of the Civil Code of Québec applies to such a notice.

A certificate of the clerk of the city attesting that the described occupancy is authorized must accompany the notice.

The notice requires the registrar to make an entry in the register, in respect of each lot affected, stating that occupancy of the public property of the city is authorized in accordance with the by-law or resolution referred to in the notice. The certificate is not required to be kept in the records of the registry office.

4. Where an authorization for occupancy of an area of the public property of the city has been published, its revocation must also be published.

Publication of the revocation is effected by way of a notice given by the clerk. The notice shall indicate the title, the number and the date of adoption of the resolution revoking the authorization and request the registrar to cancel the registration of the authorization in respect of each lot affected.

5. The owner of property occupying the public property of the city, aboveground or belowground, is liable for any damage or injury resulting from the occupancy and shall take up the defence of the city and hold it harmless from any claim made against it by reason of such damage or injury.

92. Several structures forming a single project, with common use of parking areas, appurtenant buildings, services or equipment, may be built on the same lot. After work has begun, any subdivision or alienation of any part of the lot is void unless the city has consented thereto by resolution of the executive committee, except, however, subdivisions made in view of the registration of a declaration of co-ownership on the whole project or alienations effected following the registration of the declaration of co-ownership.

The council may exercise its powers under 117.1 and 117.2 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), with the necessary modifications, as a prerequisite for the issue of any building permit in respect of a lot referred to in the first paragraph.

93. The city council may pass a by-law to allow, when buildings constructed before 1967 are renovated or restored, the building of a dwelling unit or room that does not comply with applicable construction codes or by-laws, provided that, in the opinion of the officer designated under paragraph 7 of section 119 of the Act respecting land use planning and development (R.S.Q, c. A-19.1) and of the head of the fire prevention department, the health and safety of the occupants are safeguarded.

94. The city may issue a certificate of occupancy required under a by-law under section 119 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) for a dwelling unit or room that does not comply with applicable construction codes or by-laws provided that, in the opinion of the officer designated under paragraph 7 of section 119 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) and of the head of the fire prevention department, the health and safety of the occupants are safeguarded.

The first paragraph does not apply to an immovable erected or converted after 25 May 1984 nor to a part of an immovable converted or added after that date, if the immovable is a public building within the meaning of the Public Buildings Safety Act (R.S.Q., c. S-3).

95. Where it is impossible to provide an immovable with two emergency exits leading to the public road in accordance with the Acts, regulations and by-laws in force, the owner of such an immovable may, after serving notice on the city, submit a motion to the Superior Court for the issue of an order requiring the owner of an adjoining immovable to grant the persons in the petitioner's immovable a right of way in case of an emergency or an evacuation drill, and all required accessory real rights to enable the petitioner to provide such an exit. The Court shall award the indemnity on the basis the value of the assigned right and the amount of any damage resulting directly from the assignment.

An order under the first paragraph has the same effect as a servitude and must indicate which land is dominant and which is servient. The order shall take effect upon its publication at the registry office and upon evidence that the indemnity has been paid or deposited at the office of the Superior Court.

The publication fees shall be paid by the owner of the dominant land.

The owner of the dominant or servient land may submit a motion to the Superior Court, served on the owner of the other land and on the city, for the amendment or revocation of the order if the circumstances so justify. Such an order takes effect in the same manner as an order under in the first paragraph.

96. The city council may pass a by-law to regulate or restrict the demolition of a structure, prohibit any demolition without a demolition permit or require that, prior to the consideration of an application for a demolition permit for a demolition that is not governed by a by-law under section 412.2 of the Towns and Cities and Towns Act (R.S.Q., c. C-19) or for any demolition if the city council has not passed a by-law under section 412.2, the owner must submit for approval a program for the reutilization of the vacated land. The by-law may also require the owner, if the program is approved, to deposit prior to the issue of the permit, a performance bond in respect of the program in an amount not exceeding the value of the immovable to be demolished on the assessment roll.

97. The city council may, in a zoning by-law under section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prescribe the maximum number of employees who are not domiciled or not residing in the city that may work in a dwelling where, according to a zoning by-law, professional activities may be carried on in a person's residence.

98. The city council may, in a zoning by-law under section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1),

(1) regulate the setting-up of establishments

(a) where erotic shows are presented on a frequent or regular basis, whether or not they are presented with a view to increasing the demand for goods or services in the establishment;

(b) where services of an erotic nature are offered;

(c) where the goods offered are mainly of an erotic nature;

(2) regulate the lay out and use of the premises occupied by establishments described in paragraph 1;

(3) prescribe, within a zone, the minimum distance between establishments described in paragraph 1, the maximum floor area that may be used by such establishments and the maximum number of such establishments and prohibit the use, for such purposes, of any floor area or premises in excess of the maximum floor area or number of establishments authorized or within a lesser distance than the minimum distance prescribed;

(4) require the operator of an establishment described in paragraph 1 whose occupancy contravenes the by-law as result of the passage of a by-law respecting the establishment to cease, without indemnity, the operation of that establishment within two years;

(5) require that establishments described in paragraph 1 cease any contravening use protected by vested rights if the use or the control of the corporation operating such use has been alienated;

(6) require, for the protection of youth, the operator of an establishment described in paragraph 1 to deny minors admittance to his establishment.

99. The city council may, in a zoning by-law under section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prescribe, for each zone, with or without exceptions for antennas used for public safety purposes, requirements relating to the mode and place of installation and the maintenance, number and height of antennas and other similar devices outside buildings or certain categories of buildings.

The by-law may require the owner of an antenna which does not comply or no longer complies with any by-law respecting antennas or any amendments thereto to bring it into conformity with such by-laws or amendments or remove it, without indemnity, within the time prescribed by the council and prescribe such time limits according to the various categories of antennas it determines or their cost, provided the time limits are not shorter than one year nor longer than two years from the coming into force of such by-laws or amendments.

The by-law may prescribe that antennas that have not been brought into conformity with the by-laws or amendments within the prescribed time may be removed by the city, without indemnity, after a 90-day notice in writing to the owner, subject to the city's right to remove them at any time for public safety requirements.

The removal expenses constitute a prior claim on the immovable on which the antenna was located in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The expenses are secured by a legal hypothec on the immovable.

100. The city council may, in a zoning by-law under section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prescribe, within a zone, the minimum distance between establishments occupied by similar uses, the maximum floor or land area that may be used for any use or combination of uses and the maximum number of establishments operating such uses in a zone and prohibit the use for such purposes of any floor area, or of any establishment greater than the area or the maximum number permitted or under the minimum distance prescribed.

101. The city council may, in a by-law under subparagraph 12 of the second paragraph of section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prohibit, for each zone, land excavation, the removal of humus, the planting and felling of trees and any excavation or landfill work.

102. The city council may, in a zoning by-law under section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), regulate or prohibit the leasing of the parking spaces that are prescribed by by-law for use by users of the immovable to persons other than those users.

103. The city council may prohibit the continuation of a use of land or of a building, subject to an indemnity, where appropriate, to the owners, tenants or occupants of the buildings already built or in the process of being built or that have been issued building permits.

Any indemnity that must be paid shall be fixed by three arbitrators, one of whom shall be appointed by the city, one by the owner, the tenant or the interested occupant, and the third, by the first two arbitrators appointed or, failing agreement, by a judge of the Superior Court.

104. The city council may, in a zoning by-law under section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), regulate or prohibit, in all or any part of the territory of the city, the construction, permanent or temporary installation, alteration, upkeep and maintenance of awnings, baldaquinos, canopies, valances, marquees and shelters and their supports or any construction or structure wholly or partially made of canvas or any other flexible or semi-rigid material.

The by-law may require every owner who erects, installs or alters such a construction or structure in contravention of the by-laws to bring it into conformity or remove it and, failing which, authorize the city to remove the construction or structure at the expense of the owner and dispose of it.

The by-law may require the owner of any such construction or structure erected or installed in compliance with the by-laws in force at the time of its erection or installation, but that contravenes new by-laws concerning such constructions or structures, to bring it into conformity or remove it, without indemnity, within the time prescribed by the council. In no case may the time limit be shorter than four years nor longer than seven

years after the date of the coming into force of the new by-law resulting in the infringement.

The by-law may prescribe that any construction or structure which has not been brought into conformity or removed within the prescribed time may be removed by the city, without indemnity, after a two-month notice in writing to the owner.

The removal expenses constitute a prior claim on the immovable in which the construction or structure was located in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The expenses are secured by a legal hypothec on the immovable.

For the purposes of this section, the word "owner" includes the proprietor, the possessor or the occupant of the immovable where the construction or structure is located.

105. The city council may pass a by-law to determine the conditions of occupancy and maintenance of buildings; require, whenever such buildings are decrepit or dilapidated, the carrying out of restoration, repair and maintenance work; and establish the procedure by which the owner of the non-complying immovable is notified of the work that must be carried out.

The by-law may provide that if the owner refuses to carry out the work, the city may carry it out and recover the cost. The cost of such work constitutes a prior claim on the immovable on which the work is carried out in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The cost is secured by a legal hypothec on the immovable.

106. The city council may, after serving notice on the interested parties, shut down and demolish buildings that are no longer fit for dwelling or occupancy and recover from the owners of those buildings the cost of the shutdown and demolition when the city has carried them out. The cost of such work constitutes a prior claim on the immovable in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The cost is secured by a legal hypothec on the immovable.

107. The city council may, in a by-law under subparagraph 14 of the second paragraph of section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prescribe, in the parts of the territory of the city it determines, the minimum distance between billboards, which may not exceed 500 metres.

108. The city council may pass a by-law to impose higher fines for failing to obtain a building permit when the offender is a person whose main activity is carrying out work that requires a building permit.

109. The city council may, in a zoning by-law under 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prescribe special standards for building construction and land development where the building or land is to be occupied or used in whole or in part by a class of persons determined by by-law. The by-law may prescribe that only persons of that class may occupy or use the buildings constructed or land developed in accordance with those standards.

110. The city council may pass a by by-law to authorize, notwithstanding any provision of a zoning, subdivision or building by-law, for a period that may not exceed five years, in the parts of the territory and on the conditions it determines, a use in respect of an immovable or of a part of an immovable, even if the use is not authorized by the by-laws in force or if the immovable or the part of an immovable does not comply with the by-laws in force, with respect to the use being made thereof.

Sections 123 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) apply to by-laws under the first paragraph. The public consultation meeting shall be held by the borough council concerned.

111. The city council may pass a by by-law to grant, for the period it determines, notwithstanding the provisions of any zoning, subdivision or building by-law, individual, non-transferable authorizations for the use of land or for construction, alteration or occupancy of a building for religious purposes or as residences for religious ministers or members of a religious community, for educational, cultural or charitable purposes or for offering assistance to persons needing assistance, protection, shelter or medical or hospital care.

Sections 123 to 127 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) apply to by-laws under the first paragraph. The public consultation meeting shall be held by the borough council concerned.

112. 1. The city council may pass a by-law to approve a construction or alteration plan or authorize the occupancy of one or more buildings or other works.

The by-law may authorize a departure from any municipal by-law and subject the said approval to any condition departing from a municipal by-law.

The by-law must prescribe a time limit within which the project approved thereby is to be undertaken; if the project is not undertaken within the prescribed time, any amendment to or departure from a by-law authorized by that by-law ceases to have effect upon the expiry of the prescribed time limit.

2. Where a construction plan filed for the purposes of subsection 1 includes the construction in phases of buildings or other works, the city may, before approving the plan, require the applicant to deposit a performance bond for an amount the city considers sufficient to ensure the construction of all the buildings and works shown on the plan within the prescribed time.

3. To exercise its powers under subsection 1, the council must pass a by-law that

(1) specifies the parts of the territory of the city to which it applies;

(2) determines, for each part of the territory, the standards with which the construction or alteration plans must comply, in particular with respect to the implementation and size of the project, the uses for which it is designed and the impact on the environment;

(3) establishes the procedure to be followed for the approval of the plans; and

(4) prescribes the plans and documents to be submitted by the applicant.

Sections 123 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) apply to a by-law under subsection 1 and sections 123 to 127 of that Act apply to a by-law under subsection 3. The public consultation meeting shall be held by the borough council concerned.

113. The city council may, in the parts of the territory of the city it determines, order the construction and use of indoor or outdoor pedestrian paths or walkways through or on immovables. The council may also order the opening of roads, paths, strips, promenades or walkways or order their closing, widening, extension or any alteration, and provide for the mode of construction or maintenance of those facilities.

A by-law under the first paragraph may not be passed unless it complies with a prior agreement entered into between the city and the owner of the immovable concerned.

114. For the purposes of section 248 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), the development plan must include, in addition to the items referred to in section 5 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), the land uses and approximate occupation densities, an approximate layout of the main thoroughfares, the nature and approximate layout of public services, the nature, site and approximate layout of public utilities, the subdivision rules, and approximate expansion phases.

115. Notwithstanding the fourth paragraph of section 248 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), the city shall, rather than amend its planning program before 1 January 2004 to render it applicable to the part of its territory made up of the territory of the former Ville de Québec, enact, before 31 December 2004, a new planning program applicable to the whole of the territory of the city under sections 81 to 106 of the Act respecting land use planning and development (R.S.Q., c. A-19.1).

116. Notwithstanding the time limits in section 102 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), the city council shall pass or amend the by-laws referred in that section to bring them in conformity with the planning program under the fourth paragraph of section 248 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) and with section 115 in the year following the adoption of the planning program.

Section 239 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) applies in respect of the time limit to pass or amend by-laws imposed in the first paragraph.

119. Subject to section 124, the city council shall pass the by-laws under section 145.15 of the Act respecting land use planning and development (R.S.Q., c. A-19.1). The ward council concerned must be notified as soon as possible of any permit application subject to such a by-law. The borough council concerned shall approve the plans under section 145.19 of that Act and determine the requirements for the approval under section 145.20 of that Act.

118. A borough council in a territory in which a by-law under section 145.15 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), or by-law of a municipality referred to in section 5 of the Charter granting a minor exemption, is in force must, before 28 February 2002, establish a planning advisory committee under section 146 of the Act respecting land use planning and development.

119. A majority of the members of a planning advisory committee established under section 146 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) must be residents of the borough who are not members of the city council.

The committee must have no less than six and no more than eight members.

The quorum of the committee may not be less than the majority of its members.

120. For the purposes of section 145.6 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), the clerk or the person in the borough designated by the clerk must send a copy of the notice to the ward council concerned no later than the date of its publication.

121. The community, economic and social development plan referred to in section 75 of the Charter must be adopted before 31 December 2004. The plan may be adopted in sections or in stages. The rules relating to the financial support a borough council may grant to a body carrying on its activities in the borough and whose mission is the local economic, community and social development may be adopted separately.

122. Notwithstanding any inconsistent provision, the western part of l'Anse du Foulon described in Schedule II to chapter 63 of the Statutes of 1983, which remain in force solely for the purposes of this section, may be developed for recreational uses only.

CHAPTER VIII
COMMISSION D'URBANISME ET DE CONSERVATION DE QUÉBEC

123. The city council may, by by-law, set up a city planning commission called "Commission d'urbanisme et de conservation de Québec".

The by-law shall determine the number of Commission members, their qualifications, remuneration and term of office, and establish the rules of procedure and of internal management of the Commission. The majority of Commission members must be city residents who are not members of the city council.

The number of Commission members must be no less than six and no more than eight.

The quorum of Commission sittings may not be less than the majority of its members.

The city council may provide, in the Commission's rules of procedure and of internal management, that the Commission must obtain the city's approval or that of the appropriate borough before exercising its jurisdiction or may prescribe other means of involving a city or borough council in Commission decisions.

The city council shall, by resolution, appoint the Commission members and officers.

124. Within the various parts of the territory of the city over which it has jurisdiction, the Commission may control the architectural appearance and symmetry of buildings ; for such purposes, notwithstanding any building by-law, no permit for the building, repair, transformation or demolition of immovables situated in the city may be issued without the prior approval of the Commission. The Commission shall state its reasons when refusing its approval. The city council may, by by-law, exclude classes of work from the commission's jurisdiction.

The city council shall, by by-law, at the latest upon the coming into force of the by-laws referred to in section 102 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prescribe, according to the part of the city or the building class, the objectives, guidelines and criteria that the Commission must take into consideration in exercising its jurisdiction. Until that time, the Commission shall take into consideration the objectives and criteria determined in a by-law under section 145.15 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) that is applicable to the part of the city over which the Commission has jurisdiction.

125. The Commission has jurisdiction over the following parts of the city :

(1) historic districts, protected areas of historic monuments, natural districts, historic sites, archeological sites or protected areas such as defined in the Cultural Property Act (R.S.Q., c. B-4) ;

(2) the parts determined by the city council where the quality of the architecture, patrimony or environment should be preserved or enhanced ;

(3) until the coming into force of the by-laws referred to in section 102 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), the part of the city's territory made up of the territory of the former Ville de Québec as it existed on 31 December 2001.

However, the city council may, by by-law, limit the jurisdiction of the Commission to certain parts of the territory referred to in paragraph 3 of the first paragraph.

126. For the purposes of section 145.7 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), an application for a minor exemption in parts of the city over which the Commission has jurisdiction shall be approved before the borough council renders its decision.

CHAPTER IX
PUBLIC SAFETY

127. The city council may, by by-law and in all or part of the city's territory require the owner, tenant, possessor or occupant, under any title, of any immovable or any category of immovables, to provide the immovable with any construction item, apparatus, device, alarm system, mechanism or equipment to safeguard or preserve the safety of the property or the health and safety of persons or to prevent crime.

The by-law may require the owner, tenant, possessor or occupant, under any title, of any immovable equipped with such construction item, device, mechanism or equipment, to maintain them in good working order.

The by-law may provide for grants to cover the purchase or installation cost of such apparatus, device, mechanism or equipment.

128. In a by-law under paragraph 44.1 of section 412 of the Cities and Towns Act (R.S.Q., c. C-19), the city council may prohibit alarm systems or certain classes of alarm systems, or may prohibit alarm systems or certain classes of alarm systems that are installed in certain classes of buildings or establishments.

129. The city may acquire the construction items, apparatus, devices, alarm systems, mechanisms or equipment referred to in sections 127 and 146 in order to give them or sell them at a rebate to the owner, tenant, possessor or occupant, under any title, of an immovable in which their installation is mandatory under a by-law pursuant to sections 127 and 146.

130. In a by-law under paragraph 5 of section 460 of the Cities and Towns Act (R.S.Q., c. C-19), the city council may compel the persons referred to therein to keep in their possession things purchased or held and prescribe the methods and time limits for the keeping of such things.

131. A person responsible for the carrying out of this Charter and the by-laws may, in the performance of that person's duties, order the suspension of work or the closing of a construction or building or the termination of an activity where that person ascertains an offence that is likely to endanger public health or safety.

132. In a by-law under paragraph 22 of section 415 of the Cities and Towns Act (R.S.Q., c. C-19), the city council may prescribe that snow or ice be removed from the roof of a building, at the expense of the building owner, where the owner refuses or neglects to fulfil his or her obligations in this respect. The cost constitutes a prior claim on the immovable concerned, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec. The cost is secured by a legal hypothec on the immovable.

133. For the purposes of paragraph 23 of section 415 of the Cities and Towns Act (R.S.Q., c. C-19), the rate of tax imposed may be the same for the entire territory of the city or may vary for various parts of the territory determined by by-law, but a single rate must be applied in a given part of the territory even where several types of service are provided. The city may include a certain amount in the cost of such service to maintain a reserve fund that would stabilize the cost.

CHAPTER X
UNDERGROUND CONDUITS

134. When underground conduits have been constructed, the city council, may, by by-law, order that, after the expiry of a minimum three-year period, electric, communications or cable companies remove from the city streets or public squares the posts on which wires or cables of such companies are fixed, and that the wires and cables be placed underground.

The by-Iaw may order that failure of such companies to cut down and remove the posts and wires and cables within the time limit specified in the by-Iaw, the city may have them cut down and removed at the expense of the companies in default.

The companies are entitled to construct their own underground conduits with the city's consent and under the supervision of the appropriate department head.

135. The city may plan, design, construct, and operate, with the right to regulate the use thereof, a system of underground conduits, wherein shall be placed alI wires and cables and transmission lines belonging to any person who, now or in the future has or exercises rights or privileges in, on or above the streets, public or private lanes, thoroughfares or other places.

Such conduits must be of sufficient size and capacity not only to fulfil the present requirements, but also to provide for foreseeable future requirements.

As the city decides to construct underground conduits in any part of its territory, the persons referred to in the first paragraph shall provide such information as may be required by the city and shall indicate what portion of the underground conduits they wish to reserve.

The city may impose a fine of $200 for each day such persons remain in default after sixty days from the date the city gave notice.

This section shall not be construed as giving the city the authority to manage the installations of those various persons.

136. As the city constructs such underground conduits, the council may compel the persons having, operating or maintaining overhead wires or cables, poles and transmission lines, to remove them. The council may determine by by-law the characteristics of the transmission lines and equipment to be installed or placed in the conduits and the manner in which it shall be done.

Where underground conduits have been constructed in a street, lane or public square, any person who refuses to remove overhead wires or cables and to place them in the underground conduits, may be compelled to do so by the Commission municipale du Québec upon request from the city.

Separate openings or separate compartments in the openings shall be given to each user of the said conduits when applied for and provided it is practicable. If the Commission des services électriques de la Ville de Québec should refuse to allocate separate openings to a person, an appeal may be lodged with Commission municipale du Québec, which shall decide the issue and determine who shall pay the costs.

The conduits shall be constructed so that non-conducting material insulates or separates the various types of wires and cables and the entrance to each part of the conduit shall be by separate manhole openings.

137. No poles, string wires, or cables, may be erected or installed in or across streets, parts of streets, or public squares where municipal conduits have been or are being constructed. In streets or public squares, only the city may construct underground conduits. The council may however grant any such rights to install or erect street lamp poles and distribution poles as it finds necessary.

138. Whenever the city has ordered the removal of poles, wires, cables and overhead constructions, an indemnity shall be awarded the owners for the actual value, at such time, of the materials, including the installation so expropriated. Failing agreement, such indemnity shall be determined as provided in section 140. After such indemnity has been paid, the said poles, wires, cables and overhead constructions and all materials shall become the property of the city.

139. Whenever the city decides to place wires or cables underground in streets, lanes or public squares, the existing underground conduits shall become the property of the city. It shaIl pay a reasonable indemnity for such underground conduits and also for cables and appurtenances that become useless.

After such indemnity has been paid, the underground conduits and all materials shall become the property of the city. The indemnity shall be determined in accordance with section 140.

140. All indemnity shall be determined by the Commission municipale du Quebec. The said Commission shall hear the interested parties and give its award within four months. The decision of the Commission shall be final and without appeal.

141. The city may determine the method and means of connecting the main trunk lines with distribution lines and of making the service connections. It may construct, administer and maintain distribution ducts, charging a rental fee for their use as determined under section 142, or it may allow persons to construct their own distribution ducts under the supervision and with the approval of the council and delegate its powers to them.

142. The city may determine and collect rental fees from alI persons using the overhead constructions and underground conduits owned by the city. Such rentals shall cover the cost of maintenance and administration of the constructions and conduits, repayment of the debt in less than 20 years on loans contracted by the city for the construction or purchase of the underground conduits, and the budget of the Commission des services électriques of the city set up under section 144, where applicable. The amount of such rental fees for each person shall be in proportion to the portion of the conduits that person occupies or reserves.

143. The city may enter in and upon any private property, without the consent of the owner, for the purpose of placing conduits, poles or overhead or underground wires and appurtenances. Indemnity shall be paid for any actual damages caused by the work carried out.

The indemnity shall be determined in accordance with section 140.

144. To carry out such undertaking as referred to in sections 134 to 143, the city may, by by-law, set up the Commission des services électriques de la Ville de Québec. The Commission shall exercise the rights of the city referred to in sections 134 to 143 as they are delegated to it by the council for the purposes of such undertaking.

The Commission's mandate is to prepare plans, drawings and specifications for underground conduits for the parts of the city in which it intends to construct underground conduits. The plans, drawings and specifications shall be submitted for approval to the Commission municipale du Québec, which may, after hearing the interested parties, approve and adopt them with or without amendment.

Such Commission shall consist of five members as follows:

(1) one member, the chair, who shall be appointed by the Government;

(2) two members appointed by the city;

(3) one member appointed by Hydro-Québec;

(4) one member appointed by the users of underground conduits, who, except for Hydro-Québec and the city, have confirmed in writing to the clerk that they intend to vote, within 30 days of the sending of the notice referred to in the fourth paragraph.

At least 45 days before the date set for the appointment of the member referred to in subparagraph 4 of the third paragraph, the clerk shall send to all the users of underground conduits referred to in this paragraph, based on the list provided by the chair of the Commission des services électriques, a notice giving the date on which the member will be appointed and informing them of their right to nominate a candidate and to vote. A user who intends to present a nomination must notify the clerk, at the same time as the confirmation provided for in subparagraph 4 of the third paragraph, of the name and position or title of the candidate.

At least ten days before the date set for the appointment of the member referred to in subparagraph 4 of the third paragraph, the clerk shall send a voter's slip to the users who have confirmed their intention to vote. The slip must give the name and position or title of all the candidates and, for each candidate, the name of the user who nominated the candidate. Each user is entitled to only one vote.

On the date set for the appointment, the clerk shall count the votes received in the presence of a witness. The person who receives the greatest number of votes shall be declared elected. Where the number of votes is equal, the clerk shall designate the member by means of a draw. Should the users fail to nominate a candidate on the date set, the other members of the Commission des services électriques may appoint the member.

Remuneration of Commission members shall be determined by the executive committee.

145. The Commission des services électriques shall draw up the rules and by-laws respecting the use, management and maintenance of such conduits, which rules and by-laws shall come into force and have effect from the time of their approval by the Commission municipale du Québec.

The Commission des services électriques shall receive the tenders for the construction of the underground conduits and report to the city.

It alone shall carry out the direction and supervision of the construction and maintenance of the said underground conduits, once its rules, by-laws, plans, drawings and specifications have been approved by the Commission municipale du Québec and the construction contracts have been awarded by the city.

An appeal from any rule, by-law, decision or other act of the Commission des services électriques or the city may be lodged with the Commission municipale du Québec, at the request of the city or other interested party, in respect of any matter concerning such undertaking, except in matters of contracts where the parties have agreed to waive the right to appeal.

Such appeal must, under pain of nullity, be brought within 30 days of the date of service on the interested party or publication of a notice of the fact appealed from.

The appeal is brought by means of an inscription filed with the secretary of the Commission municipale du Québec. Notice thereof must be served on the adverse party or on that party's attorney.

CHAPTER XI
WATERWORKS AND SEWER SYSTEMS

146. The city council may by by-law require the owner, tenant, possessor or occupant, under any title, of any immovable or any category of immovables, to provide the immovable with any construction item, apparatus, device, alarm system, mechanism or equipment to reduce water consumption.

The by-law may require the owner, tenant, possessor or occupant, under any title, of any immovable equipped with such construction item, apparatus, device, mechanism or equipment to maintain them in good working order.

The by-law may provide for grants to cover the purchase or installation cost of such construction items, apparatus, devices, mechanisms or equipment.

147. In a by-law under paragraph 13 of section 413 of the Cities and Towns Act (R.S.Q., c. C-19) or paragraphs 3 or 7 of section 432 of that Act, the city council may regulate or prohibit, even outside the city limits, any construction or any activity liable to contaminate the supply for the city waterworks system or affect its flow.

Notwithstanding section 177 of the Charter, paragraph 203 of section 336, sections 499, 500, 501, 501*(a)*, 502, 503, 503*(a)*, 503*(b)*, 503*(c)*, 504 and 505 of the Charter of the city of Québec (1929, c. 95) and section 6 of the Act to amend the charter of the city of Beauport (1994, c. 66) shall remain in force until the date of coming into force of a by-law referred to in the first paragraph applicable to Lac Saint-Charles, to Rivière Saint-Charles upstream from the source of the waterworks system and to Lac des Roches.

CHAPTER XII
FINANCIAL PROVISIONS

148. During the course of the 2002 fiscal year, the city council may pass a loan by-law contracting a loan in the amount of $30 000 000 for a term not exceeding ten years and that the amount be allocated to the city's working fund.

149. The aggregate of the contributions that the city must pay into the Ville de Québec employees' pension fund as it existed on 31 December 2001 may not be less, for each year between 1 January 1998 and 31 December 2010, than 13% of the total payroll of the pension plan participants.

150. For the purposes of section 486 of the Cities and Towns Act (R.S.Q., c. C-19), the city council may, for any fiscal year prior to the 2004 fiscal year, impose and impose a surtax on serviced or unserviced vacant land. The amount of the surtax is determined by the council and may amount to up to 100% of the total property taxes imposed in the same year on such land, to which all taxable immovables in the territory of the municipality are subject. The council may fix different amounts for serviced vacant land and for unserviced vacant land, in which case the amount fixed for the former must be higher than that fixed for the latter.

151. The city may impose, by by-law, a special tax on any person who, in the territory of the city, operates a business, factory or a financial or commercial establishment, or who practises an occupation, art, profession or trade or who carries on an activity constituting a means of profit, gain or livelihood.

The tax referred to in the first paragraph may not, however, be imposed in respect of an activity for which the city imposes a business tax under section 232 of the Act respecting municipal taxation (R.S.Q., c. F-2.1).

152. A licence may be issued upon payment of one-half of the price of such licence if it is required after 1 September.

153. A licence is valid from the day it is issued to 1 January of the next year. The city may, however, prescribe a different period of validity, which may not exceed one year.

154. The council may by by-law prescribe, as a penalty for failure to hold a permit or licence required under a by-law, a fine at least equal to the cost of the permit or licence. The council may also impose the fine at an amount equal to the cost of the permit or licence, where the cost exceeds the maximum fine that may be imposed under section 369 of the Cities and Towns Act (R.S.Q., c. C-19). The imposition of a fine does not exempt the offender from the obligation to obtain a permit or licence and pay the cost.

155. Sections 484 and 498 of the Cities and Towns Act (R.S.Q., c. C-19) shall apply to the recovery of all prior claims owing to the city.

156. The interest rate set under section 481 of the Cities and Towns Act (R.S.Q., c. C-19) shall apply to any amount owing to the city.

157. For the purposes of section 497 of the Cities and Towns Act (R.S.Q., c. C-19), any person who, not being the debtor, pays a municipal or school, property or personal, general or special tax, or the water rates for a third party, is subrogated of right in respect of the prior claims and legal hypothecs of the city on the property of the debtor and may recover from the debtor the amount of taxes so paid even if the payment was made without the debtor's consent.

If the movable or immovable property subject to those taxes is sold, the subrogation shall not prevent the city from being collocated by preference to the subrogated party for any taxes owing and arrears after the subrogation.

158. A payment made by a ratepayer shall first be allocated to the interest on taxes owing in arrears and then to the principal of the longest-standing tax arrears.

159. The council may apply, for the purposes it determines, after the end of a fiscal year but before the financial report has been prepared by the treasurer in accordance with section 105 of the Cities and Towns Act (R.S.Q., c. C-19), any revenues that are in excess of the expenditures of the terminated fiscal year that have been the object of an availability certificate issued by the treasurer and filed before the council.

160. The expenses incurred by the city to remove a nuisance because a person has failed to comply with the order provided for in section 463 of the Cities and Towns Act (R.S.Q., c. C-19) shall constitute a prior claim on the immovable in which the nuisance was located, in the same manner and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code of Québec The expenses are secured by a legal hypothec on the immovable.

161. The term of a loan contracted by the city with respect to water purification and waste elimination equipment may exceed the maximum period for repayment determined under section 1 of the Act respecting municipal debts and loans (R.S.Q., c. D-7) but may not exceed 50 years.

162. Notwithstanding any contrary provision, a city commission consisting of the mayor, the director general, the treasurer and one councillor may authorize the city to use its sinking funds to redeem its outstanding bonds, or, with such money, purchase at current market rates other bonds of the city to be issued, or treasury bonds issued in anticipation of its bond issues and also deposit certificates issued by chartered banks, trust companies or institutions governed by the Savings and Credit Unions Act (R.S.Q., c. C-4.1) or other bonds in accordance with section 39 of the Act respecting municipal and school debts and loans (R.S.Q., c. D-7).

The council may delegate to the treasurer the power to invest, in accordance with that Commission's directives, the money from the sinking funds into some or all of the investment categories referred to in the first paragraph.

163. For the purposes of subparagraph 1.1 of paragraph 1 of section 28 of the Cities and Towns Act (R.S.Q., c. C-19), the procedures, know-how and data of any body created by the city, by the Communauté urbaine de Québec or a municipality referred to in section 5 of the Charter and those of the companies incorporated upon request by the city, the Communauté urbaine de Québec or the municipalities, belong to the city.

164. Notwithstanding the Highway Safety Code (R.S.Q. c. C-24.1) and applicable regulations, the city shall be exempt, up to an annual amount of $290 000, from paying the registration fees for the road vehicles it owns and that are used for municipal work.

165. In exercising the powers conferred on it by the Charter, by an order made under section 9 of this Charter, by the Cities and Towns Act (R.S.Q., c. C-19) and by the Act respecting municipal taxation (R.S.Q., c. F-2.1) with respect to immovables situated in the part of the Parc technologique du Québec métropolitain that is within the territory of Ville de Québec, as described in the Schedule to chapter 81 of the Statutes of 1989, which remain in force solely for the purposes of this section, or respecting the persons referred to in section 232 of the Act respecting municipal taxation who carry on their activities therein, the city may impose a property or business tax at a rate that is different from the rate applicable elsewhere in the territory.

The city may, by by-law, prescribe the terms and conditions of taxation of such immovables and persons.

Such tax may not be imposed on an immovable that is entered on the property assessment roll after 31 December 2009 or on a person referred to in section 232 of the Act respecting municipal taxation if the commercial establishment is entered on the roll of rental values after that date.

The city may exercise the powers conferred on it by this section starting with the 1990 fiscal year until 31 December 2011. Exercising those powers may not, however, result in the imposition of different tax rates for an immovable or a person referred to in section 232 of the Act respecting municipal taxation for a period exceeding ten years.

The city may, by by-law, amend the description appearing in the Schedule to chapter 81 of the Statutes of 1989, which remain in force solely for the purposes of this section, to take into account the changes to the territory of the Parc technologique du Québec métropolitain situated in the territory of Ville de Québec, as it existed on 31 December 2001. The by-law requires the approval of the Minister of Municipal Affairs and Greater Montréal and shall come into force on the date of its publication in the *Gazette officielle du Québec.*

166. The city council may establish, out of the estimated revenues of each annual budget or out of any other source of financing, a reserve fund for the purpose of financing any self-insurance program. The city may not assign more than 1% of the budget to such purpose yearly.

167. The city may preserve and enhance movable and immovable property forming part or having formed part of the cultural or historical heritage of the city. For that purpose, the city may acquire, maintain, lease, administer and manage any movable or immovable property.

The city may also create a cultural and historical city heritage preservation fund and pay a determined amount into the fund out of the annual budget or assign to it any donation made to the city for the preservation of the cultural and historical heritage of the city.

The proceeds of the alienation of property acquired out of the moneys of the special fund shall be paid into the fund. The city may also pay into the fund any other revenues from the leasing or management of property acquired out of the moneys of the fund.

The fund shall be used exclusively for the preservation of the cultural or historical heritage of the city.

168. The city may collect from any person selling fire insurance, or that person's agent carrying on a business in the city's territory, an amount equal to three quarters of the city's expenditures for remuneration, fringe benefits and other employee benefits for the fire investigation commissioner specified under the Fire Safety Act (2000, c. 20) and for the investigative and support services that it provides to the fire investigation commissioner.

The city shall establish by by-law the annual proportion payable by those persons or their agents, along with the rules of collection.

This section shall not apply to the Assurance mutuelle des fabriques de Québec.

CHAPTER XIII
ASSISTANCE AND SUBSIDIES

169. The city may grant subsidies or assistance in the form of a loan or otherwise to any person or agency, including a foundation, the aims of which are national, patriotic, religious, philanthropic, charitable, scientific, artistic, cultural, literary, social, professional, athletic or sport, for the protection of the environment or the conservation of resources or other public interest goals not specifically provided for that are in the interests of the city or of its citizens, and to charge them with the organization and the management of activities for municipal purposes and concerning the goals they are pursuing.

170. The city may grant, for a period of five years, an exemption of 50% of the general property tax imposed on part of a building to which the public has access exclusively for parking motor vehicles.

The exemption may not be granted on the basis of the value of the property where such building is erected, nor on the property where no structure is erected.

171. The city council may by by-law adopt a program of intervention or revitalization of the city's territory or of part thereof. The program may provide that the city may give, under the conditions determined by the council, a grant for the carrying out of work. The amount of the grant may not exceed the actual cost of the work.

172. The city council may by by-law award a grant to the owner of an immovable that is partially or totally destroyed by fire, dilapidated, deserted or vacant situated in a part of the city's territory that has been classified as a historic district who wants to implement a restoration, renovation project or to redesign or reconstruct the immovable. The amount of the grant may not exceed the actual cost of the work.

173. Within the scope of the action or revitalization program, the city council may by by-law on the conditions and in the sectors of the city it determines, grant a property tax credit for buildings that are or were eligible for renovation work. The tax credit may not exceed the actual cost of the eligible work and may be allocated over more than one fiscal year.

174. Within the scope of the action or revitalization program, the city council may by by-law on the conditions and in the sectors of the city it determines, give a grant or a property tax credit to individuals or housing cooperatives to promote the acquisition of residential property.

175. The provisions of the Charter, an order under section 9 of the Charter or the Cities and Towns Act (R.S.Q., c. C-19) that authorize the city to give grants or tax credits or any assistance in the form of a loan or otherwise shall apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., c. I-15).

176. The city council may, by by-law, with respect to a grant given under a provision of the Charter, an order under section 9 of this Charter or the Cities and Towns Act (R.S.Q., c. C-19) or within the scope of a by-law under one of their provisions

(1) stipulate that any change in the destination or mode of occupancy of an immovable, the alienation of all or part of the immovable or a transfer of control by the legal person that owns the immovable, within such time, not exceeding ten years, as the council determines, shall entail the repayment to the city, in such proportion as the council determines according to the time elapsed, of the grant paid in respect of the immovable, or the refusal of any permit required for a change of destination or occupancy until such repayment is made;

(2) provide for the classes of change of destination or mode of occupancy, the classes of total or partial alienation or the classes of transfer of control by the legal person that owns the immovable that shall be exempt from the requirements of subparagraph 1;

(3) provide that repayment of the grant shall be exigible from any person who is the owner of the immovable at the time of the change of destination or occupancy;

(4) provide that repayment of the grant shall be exigible from any person who is the owner of the immovable at the time of its alienation or the alienation of the legal person that owns the immovable or any subsequent owner;

(5) prescribe formalities required to guarantee compliance with the requirements under subparagraphs 1 to 4; and

(6) prescribe, for the entire period in which the grant may be repaid, the obligation for the owner of the immovable to maintain a damage insurance in force that provides for, in the event of partial or total destruction of the immovable and its non reconstruction within the deadline prescribed by city council, the preferred payment to the city, under nominate insured title, of an amount equal to its interest in the repayment of the grant.

The owner who receives the grant shall, if the by-law contains provisions under subparagraph 3, 4, or 5 of the first paragraph, have a document published establishing the limits to the right of ownership of the immovable. The registrar of real rights must publish the document and enter it in the appropriate registers.

For the purposes of subparagraph 6, the council may establish classes based on the characteristics of the immovables or the nature and extent of the work to be done and prescribe different reconstruction deadlines according to those classes.

177. The city council may, for the purposes of a provision authorizing the city to give a grant or a tax credit or any assistance in the form of a loan or otherwise, set different rates for the grants or tax credits, provide different types of assistance or create exemptions for certain classes of recipients based on the criteria and characteristics it determines.

CHAPTER XIV
OTHER PROVISIONS

178. A ward council in existence on 31 December 2001 shall continue to exist and to have jurisdiction in the territory for which it was created until a ward council created in accordance with sections 35.1 to 35.17 of the Charter acquires jurisdiction over part of or all the territory in its stead.

From that day, the ward council in existence on 31 December 2001 shall cease to have jurisdiction in the territory in which a ward council created in accordance with sections 35.1 to 35.17 acquires jurisdiction.

179. A ward council in existence on 31 December 2001 shall be dissolved in accordance with the procedures provided for in section 35.11 of the Charter where the entire territory over which it had jurisdiction on 31 December 2001 is subject to the jurisdiction of a ward council created in accordance with sections 35.1 to 35.17 of the Charter or, at the latest, two years after the coming into force of a by-law under section 35 of the Charter.

Notwithstanding the first paragraph, the city council may authorize a ward council in existence on 31 December 2001 not to dissolve if, in the opinion of the city council, the territory of the ward described in the by-law under section 35 of the Charter corresponds significantly to the territory of the ward in existence on 31 December 2001.

180. A ward council in existence on 31 December 2001 shall continue to be subject to the operation and composition by-laws in force on 31 December 2001, but shall become subject to the by-laws relating to the formation, composition and operation of a ward council passed by the city council, upon the coming into force of a by-law to that effect under sections 35.12 or 35.13 of the Charter.

181. The Ville de Québec fire commissioner in office on 15 November 2000 is entitled to a pension equal to his salary on that date, payable in the same manner and by the same persons as provided for in sections 182 and 183 of the Charter of the city of Québec (1929, c. 95) as they read on that date.

182. The clerk may amend minutes of a meeting, by-law, resolution, order or other act of the municipal council, executive committee, or borough council to correct an error that is obvious on the simple reading of documents produced in support of a decision or action. In such cases, the clerk shall attach to the original document that was amended the minutes of the correction and shall table, before the next meeting of the municipal council, executive committee or borough council, as the case may be, a copy of the amended document and the minutes of the correction.

183. The Minister of Municipal Affairs and Greater Montréal may, upon the city's request, postpone a deadline imposed on the city under a legislative provision the application of which lies with the Minister of Municipal Affairs and Greater Montréal. Where it is expedient to do so, the Minister may grant another postponement according to the conditions the Minister determines.

An action or a document is not unlawful on the sole grounds that it was made or adopted after the expiry of a deadline imposed on the city, or, as the case may be, granted or postponed by the Minister under the first paragraph.

184. The contracts under the jurisdiction of the city council or the executive committee shall be signed on behalf of the city by the mayor and the clerk. The mayor may designate in writing, in a general or special manner, another member of the executive committee who may sign contracts in his stead.

The executive committee may authorize, upon proposal of the mayor, in a general or special manner, the director general, department head, or another designated officer, to sign the contracts or documents the nature of which the committee determines and that fall under the jurisdiction of the city council or the executive committee, except the by-laws and resolutions, and prescribe, in such cases, that certain contracts or documents or certain classes of these do not require the clerk's signature.

The contracts under the jurisdiction of a borough council shall be signed on behalf of the city by the chair of the borough council and by the clerk or the person designated by the clerk. The chair of the borough council may authorize in writing, in a general or special mandate, another member of the borough council to sign the contracts in his stead.

The borough council may authorize, on proposal by the chair, in a general or special mandate, the borough manager, the department head or another officer the council director designates, to sign the contracts and documents the nature of which the council determines and that fall under the jurisdiction of the borough council, except the by-laws and resolutions, and prescribe, in such cases, that certain contracts or documents or certain classes of these do not require the clerk's signature.

For the purposes of section 53 of the Cities and Towns Act (R.S.Q., c. C-19), the contracts shall be presented by the clerk to the authorized signatory under this section.

185. The city may revise part or all of its by-laws and for that purpose, revoke or amend them; however, those revocations or amendments may not be construed as affecting any matter or thing done or to be done, any rights or obligations of city officers, who shall continue to be governed by the prior by-laws until the expiry of the set term.

For the purposes of the first paragraph, the council may, by by-law, establish a terminology as well as rules for the writing, citation and publication of revised by-laws. It may also establish in that by-law all the rules required for the coming into force of the revised by-laws and provide for the updating mechanisms to ensure a permanent consolidation of the by-laws.

186. Notwithstanding section 79 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), the documents collected or prepared by the assessor more than 15 years before to draw up the roll, whether they were used or not for the roll, and were sent to the city archives, shall be subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1).

187. Notwithstanding any provision to the contrary, a person who contravenes a provision of the Charter or an order under section 9 of the Charter commits an offence and is liable to a fine of at least $100 for an offence against the Charter or an order, $50 for an offence against a by-law and up to $1 000 if the offender is a natural person or $2 000 if a legal person, and, for subsequent offences, to a fine of at least $500 up to $2 000 if the offender is a natural person or $4 000 if the offender is a legal person.

188. The city shall succeed to the rights, property and obligations of the Bureau d'assainissement des eaux du Québec métropolitain, established under the Greater Québec Water Purification Board Act (1968, c. 56).

189. The city may, by filing a declaration under the private signature of the clerk describing the immovables and real rights of the Bureau d'assainissement des eaux du Québec métropolitain, of the Communauté urbaine de Québec or of a municipality referred to in section 5 of the Charter, register those immovables or real rights under its name.

190. Until the coming into force of the metropolitan land use planning and development plan of the Communauté métropolitaine de Québec, the city shall be a member of the Agence des forêts privées de Québec 03, created under the Forest Act (R.S.Q., c. F-4.1).

From the date of coming into force of the metropolitan land use planning and development plan of the Communauté métropolitaine de Québec, the Communauté métropolitaine de Québec shall be a member of the Agence des forêts privées de Québec 03.

A regional county municipality whose territory is included in the Communauté métropolitaine de Québec and the cities of Québec and Lévis shall cease to be members of the said Agence des forêts privées de Québec 03 from the date of coming into force of the metropolitan land use planning and development plan of the Communauté métropolitaine de Québec.

191. The auditors appointed by the Communauté urbaine de Québec and by the municipalities referred to in section 5 of the Charter must complete their mandate for the 2001 fiscal year and report on their audit to the city council.

192. The provisions of the Charter of the city of Québec (1929, c. 95), the Charter of the city of Sainte-Foy (1976, c. 56) and any specific legislative provision governing the Communauté urbaine de Québec or a municipality referred to in section 5 of the Charter authorizing the payment of a pension, retirement indemnity or other benefit shall not be repealed by section 229 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) or by section 177 of the Charter for the sole purpose of preserving any rights held at 31 December 2001.

193. Any reference in an Act or by-law to a provision repealed by section 229 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) or by section 177 of the Charter is deemed a reference to the corresponding provision of the Charter, an order under section 9 of this Charter or the Cities and Towns Act (R.S.Q., c. C-19).

194. In the event of inconsistency between a provision of this Schedule and a provision of the Charter, the former shall prevail.

195. No provision of this Schedule or other provision remaining in force under this Schedule shall restrict the scope of any provision of an Act applicable to the city or any municipality in general or to one of their bodies, for the sole reason that is it similar to such provision but written in more specific terms.".

26. This Order in Council shall come into force on the date of its publication in the *Gazette officielle du Québec.*

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4663

Gouvernement du Québec

O.C. 1310-2001, 1 November 2001

An Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais
(2000, c. 56)

Charter of Ville de Longueuil

WHEREAS the Charter of Ville de Longueuil (2000, c. 56, Schedule III) was enacted by the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS several municipalities referred to in section 5 of the Charter are presently governed by special legislative provisions that will be repealed on 1 January 2002 pursuant to section 136 of that Charter;

WHEREAS under section 9 of that Charter, the Government may, by order, from among the special legislative provisions that govern any municipality referred to in section 5 of that Charter, determine the provisions that are to apply to all or any part of the territory of Ville de Longueuil;

WHEREAS that order made under section 9 of the Charter may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which such a special legislative provision is to apply;

(2) providing for any omission for the purpose of ensuring the application of the Act; and

(3) derogating from any provision of the Charter of Ville de Longueuil, of a special Act governing a municipality referred to in section 5 of that Charter, of an Act

for which the Minister of Municipal Affairs and Greater Montréal is responsible or of an instrument made under any of those Acts;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Charter of Ville de Longueuil (2000, c. 56, Schedule III), amended by chapter 25 and chapter 26 of the Statutes of 2001, be further amended as follows:

1. Section 8 of the Charter, amended by section 361 of chapter 25 of the Statutes of 2001, is further amended:

(1) by substituting the following for the first paragraph:

"8. Subject to section 8.6, the expenditures related to any debt of a municipality mentioned in section 5 shall continue to be financed by revenues derived exclusively from the territory of the municipality or a part thereof. Any surplus of such municipality shall remain for the exclusive benefit of the inhabitants and ratepayers in its territory or a part thereof. To determine if the financing or surplus should burden or be credited to just a part of the territory, the rules applicable on 31 December 2001 respecting the financing of expenditures related to the debt or the source of the revenues that have generated the surplus shall be considered.

Where expenditures related to a debt of a municipality mentioned in section 5, for the 2001 fiscal year, were not financed by the use of a specific source of revenue, the city may continue to finance them by using revenues not reserved for other purposes that come from the territory of the municipality. Notwithstanding section 6, the foregoing also applies where those expenditures were financed, for that fiscal year, by the use of revenues from a tax imposed for that purpose on all taxable immovables located in that territory.

If it avails itself of the power provided for in the second paragraph in respect of a debt, the city may not, to establish the tax burden provided for in section 87.1, charge to the revenues derived from the taxation specific to the non-residential sector that come from the territory a percentage of the financing of the expenditures related to that debt greater than the percentage corresponding to the quotient obtained by dividing the total of those revenues by the total revenues provided for in subparagraphs 1 to 7 of the fifth paragraph of section 8.6 and coming from that territory. If the tax burden is established for the 2002 fiscal year or a subsequent fiscal year, the revenues of the preceding fiscal year shall be considered for that division.

For the purposes of the third paragraph, the revenues of a fiscal year are those provided for in the budget adopted for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several statements are filed successively, the last one shall be considered.

For the purposes of the third paragraph, "revenues derived from the taxation specific to the non-residential sector" means the aggregate of the following:

(1) revenues from the business tax;

(2) revenues from the surtax or the tax on non-residential immovables;

(3) revenues from the general property tax that are not considered in establishing the aggregate taxation rate when, under section 244.29 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), several rates for that tax are fixed; and

(4) revenues from the sum in lieu of a tax referred to in any of subparagraphs 1 to 3 that must be paid either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries, except, if the amount stands in lieu of the general property tax, revenues that would be considered in establishing the aggregate taxation rate if it was the tax itself.";

(2) by substituting the words "Are deemed to constitute expenditures related to a debt of a municipality mentioned in section 5 and financed by revenues derived from its entire territory the" for the word "The" in the first line of the second paragraph;

(3) by substituting the words "that municipality" for the words "a municipality referred to in the first paragraph" in the fourth line of the second paragraph;

(4) by substituting the words ". The foregoing also applies to the" for the words ", shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality. The" in the sixth, seventh and eighth lines of the second paragraph;

(5) by substituting "mentioned in section 5" for "referred to in the first paragraph" in the tenth line of the second paragraph;

(6) by deleting the words "shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality" in the eleventh, twelfth and thirteenth lines of the second paragraph;

(7) by substituting the word "sixth" for the word "second" in the third and ninth lines of the third paragraph;

(8) by substituting the words "Are deemed to constitute a surplus or expenditures related to a debt of a municipality mentioned in section 5, respectively, the" for the word "The" in the first line of the fourth paragraph;

(9) by deleting the words "shall continue to be credited to or to burden, as the case may be, all or any portion of the taxable immovables of the sector formed by the territory of that municipality" in the third, fourth and fifth lines of the fourth paragraph; and

(10) by adding the following at the end of the fourth paragraph: "That presumption does not apply when the legal proceeding or dispute comes under the jurisdiction of a municipal court of such a municipality.".

2. Section 8.5 of that Charter, enacted by section 362 of chapter 25 of the Statutes of 2001, is amended by deleting the words "the taxable immovables situated in" in the sixth and seventh lines of the second paragraph.

3. Section 8.6 of that Charter, enacted by section 362 of chapter 25 of the Statutes of 2001, is amended

(1) by substituting the words "Notwithstanding the foregoing, such decision may not cover what is deemed, under one of the last three paragraphs of section 8, to constitute such expenditures. The following expenditures may neither" for the words "The following expenditures may not" in the first line of the second paragraph;

(2) number "7" is substituted for number "4" in the fourth line of the third paragraph;

(3) by substituting "in accordance with section 8" for the words "using any source of revenue specific to that purpose imposed on the part of the territory that corresponds to the territory of the municipality" in the third and fourth lines of the fourth paragraph;

(4) by inserting the words ", notwithstanding section 6," after the word "that" in the fifth line of the fourth paragraph;

(5) by inserting the words "and considered in establishing the aggregate taxation rate of the municipality" after the word "taxation" in the second line of subparagraph 4 of the fifth paragraph;

(6) by inserting the words "or from the application of the Act respecting duties on transfers of immovables (R.S.Q., c. D-15.1)" at the end of subparagraph 8 of the fifth paragraph; and

(7) by adding the following paragraphs after the fifth paragraph:

"For the purposes of the third and fifth paragraphs, the revenues of the municipality for the 2001 fiscal year are those provided for in the budget adopted for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the 2002 fiscal year. If several statements are filed successively, the last one shall be considered.

The third, fourth and fifth paragraphs of section 8 apply, with the necessary modifications, in respect of the expenditures that the city decides, under the fourth paragraph of this section, to finance by using revenues derived from all its territory, but not from a source of revenue imposed specifically for that purpose, and not reserved for other purposes.".

4. Section 13 is amended in the third line by inserting the words ", the executive committee" after the word "council".

5. The second sentence of section 43 is deleted.

6. The following is substituted for section 45:

"**45.** Upon the signing of a collective agreement, the matters listed below shall be dealt with in memorandums of agreement to which the city and the boroughs are parties:

(1) overtime work, except remuneration;

(2) work schedules, except the duration of work;

(3) annual vacation, except quantum and remuneration; and

(4) statutory and floating holidays, except quantum and remuneration.

The borough council shall be a party to the related negotiations and shall agree with the clauses.".

7. The following is inserted after section 56.1, enacted by section 371 of chapter 25 of the Statutes of 2001:

"**56.2.** The borough council shall obtain the authorization of the city council before giving a grant to a non-profit organization that is suing the city.

The city may demand from a non-profit organization all or part of a grant used for a purpose other that the purpose for which it was given by the city council or a borough council.".

8. The Charter is amended by inserting the following before section 59:

"**58.1.** The planning program of the city shall include, in addition to the elements mentioned in section 83 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), a supplemental document establishing rules and criteria to be taken into consideration, in any by-law made in accordance with the delegation, by borough councils and requiring that the latter include in such a by-law provisions that are at least as constraining as those established in the document.

It may contain, in addition to the prescriptions of the Act respecting land use planning and development, with respect to all or part of the territory of the city, rules intended to harmonize the by-laws that may be adopted by a borough council under section 72 or to ensure the consistent development of the city.

58.2. Notwithstanding any by-law adopted by a borough council, the city council may, by by-law, authorize the carrying out of a project involving

(1) collective or institutional equipment, such as cultural equipment, a hospital, a university, a college, a convention centre, a house of detention, a cemetery, a regional park or a botanical garden;

(2) major infrastructures, such as an airport, a harbour, a train station, a marshalling yard or a water treatment, filtration or purification establishment;

(3) a residential, commercial or industrial establishment whose floor area is greater than 25 000 m^2;

(4) housing intended for persons in need of help, protection, care or shelter;

(5) cultural property or a historic district within the meaning of the Cultural Property Act (R.S.Q., c. B-4).

A by-law referred to in the first paragraph may contain the planning rules necessary for the carrying out of the project exclusively. Such a by-law amends any by-law in force adopted by the borough council, to the extent that is precisely and specifically provided for in the by-law.

58.3. Notwithstanding the third paragraph of section 123 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), a by-law adopted by the city council under section 58.2 is not subject to approval by way of referendum, except for a by-law authorizing the carrying out of a project referred to in subparagraph 5 of the first paragraph of section 58.

Sections 125 to 127 of the Act respecting land use planning and development do not apply to a by-law authorizing the carrying out a project referred to in subparagraph 4 of the first paragraph of section 58.2.

58.4. The city council may, by by-law, determine the cases in which a by-law adopted by a borough council, excluding a concordance by-law within the meaning of section 59.5, 110.4 or 110.5 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), does not have to be examined to see if it complies with the planning program of the city.".

9. Section 71, amended by section 380 of chapter 25 of the Statutes of 2001, is further amended by substituting the following for the second paragraph:

"Subject to the provisions of this Act or of an Order in Council made under section 9, the borough council shall exercise, on behalf of the city, all powers within its jurisdictions, with the necessary modifications, and is subject to all obligations assigned to or imposed on a local municipality or its council by the Cities and Towns Act (R.S.Q., c. C-19) or another Act, excluding the powers to constitute an executive committee, to borrow, to tax and to sue and be sued.".

10. The following is substituted for sections 72 to 74:

"**72.** The borough council shall exercise the jurisdictions of the city, provided for in the Act respecting land use planning and development (R.S.Q., c. A-19.1), respecting zoning and subdivision, except those referred to in sections 117.1 and 117.16 of that Act, and respecting minor exemptions from planning by-laws, comprehensive development programs and site planning and architectural integration programs.

Among the modifications required by the application of the first paragraph, for the purposes of the Act respecting land use planning and development, the following modifications are applicable, in particular: section 110.10.1 of that Act does not apply, the notice required by section 126 of that Act must be posted at the office of the borough and state that a copy of the draft by-law may be consulted at the office of the borough, the summary referred to in section 129 of that Act may be obtained at the office of the borough and the notice referred to in section 145.6, published in accordance with the Cities and Towns Act (R.S.Q., c. C-19), is to be posted at the office of the borough.

73. A borough council may, in accordance with Chapter V of Title I of the Act respecting land use planning and development (R.S.Q., c. A-19.1), establish an advisory planning committee, with the necessary modifications.

74. To ensure compliance with the planning program of the city of any concordance by-law within the meaning of sections 59.5, 110.4 and 110.5 of the Act respecting land use planning and development, adopted by a borough council in accordance with section 71.1, sections 137.2 to 137.8 of that Act apply instead of section 137.10 to 137.14, with the necessary modifications.

Among the modifications required by the application of the first paragraph, the following modifications are applicable: the city council shall establish the rules governing the transmission of certified true copies of the by-laws and resolutions adopted by borough councils to the city council for examination, governing the means that may be used to serve those documents where those sections require such service on the regional county municipality and governing the dates on which those document are deemed to be transmitted or served; it also identifies the public officer responsible for issuing certificates of conformity.

Sections 137.2 to 137.8 and 137.15 to 137.17 of the Act respecting land use planning and development also apply to any by-law referred to in section 72 adopted by a borough council, excluding a concordance by-law, with the necessary modifications and those referred to in the second paragraph.".

11. Section 86.1, enacted by section 386 of Chapter 25 of the Statutes of 2001, is amended by inserting ", of section 8" after the word "division" in the second paragraph.

12. The following is inserted after section 86.1, enacted by section 386 of chapter 25 of the Statutes of 2001:

"**86.2.** Where, under any provision of this Division, revenues of the city or a municipality mentioned in section 5 for a given fiscal year must be compared with revenues of the city for the following fiscal year, the revenues provided for in each budget adopted for those two fiscal years shall be considered.

Notwithstanding the foregoing, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several statements are filed successively, the last one shall be considered.".

13. Section 87 of the Charter, replaced by section 386 of Chapter 25 of the Statutes of 2001, is again replaced by the following:

"**87.** The city shall avail itself of

(1) the power provided for in section 87.1 and, if it imposes the business tax, the power provided for in section 87.2; or

(2) the power provided for in section 87.6.1 and, if it imposes the business tax, the power provided for in section 87.7.".

14. Section 87.1, enacted by section 386 of chapter 25 of the Statutes of 2001, is amended

(1) by inserting the following after subparagraph 2 of the second paragraph:

"(2.1) the revenues considered in establishing the aggregate taxation rate and derived from compensations and modes of tariffing not referred to in subparagraph 2;";

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

"For the purposes of subparagraphs 2 and 3 of the second paragraph, the word "immovables" means business establishments when the business tax or the amount standing in lieu thereof is involved.".

15. The following paragraph is added at the end of section 87.4, enacted by section 386 of chapter 25 of the Statutes of 2001:

"Is also deemed to result solely from the constitution of the city the part of the increase referred to in section 87.1 or 87.2, in respect of the units of assessment or business establishments situated in the sector corresponding to

the territory of Ville de Saint-Bruno-de-Montarville, that is due to the excess derived from public bus transit services provided on that territory in relation to what is provided for in the related contract. Notwithstanding the foregoing, that presumption does not apply in the case of transportation services adapted to the needs of persons with a mobility impairment.".

16. The following section is inserted after section 87.6 of the Charter, enacted by section 386 of Chapter 25 of the Statutes of 2001 :

"**87.6.1.** Having determined that a rate should be fixed separately for a sector if the city availed itself of the power provided for in section 87.1, the city may, instead of fixing a separate rate, grant an abatement so as to obtain the same effect as a separate rate with respect to the tax burden borne by the aggregate of the units of assessment situated in the sector that would have been subject to all or part of the separate rate.

The amount of abatement shall be calculated by multiplying the taxable value of each unit of assessment referred to in the first paragraph by a coefficient fixed by the city. In the case of a unit of assessment in respect of which one of the amounts referred to in subparagraph 3 of the second paragraph of section 87.1 is paid, the amount of abatement shall be calculated by multiplying its non-taxable value.

Upon the adoption of the budget for a fiscal year, the city may, in addition to any coefficient fixed for that fiscal year, fix other coefficients in advance that could be applied in subsequent fiscal years. Notwithstanding the foregoing, any advance coefficient shall be replaced if, upon the adoption of the budget for the later fiscal year concerned, it becomes apparent that its application will not make it possible to achieve the result provided for in the first paragraph.

Even if they are linked to the exercise of the power to fix a separate rate, sections 87.1 to 87.6 apply to the city for the purposes of the power provided for in this section.".

17. The following is substituted for section 87.7 of the Charter, enacted by section 386 of Chapter 25 of the Statutes of 2001 :

"**87.7.** The city may prescribe the rules enabling it to grant an abatement for a fiscal year in such manner that, in relation to the preceding fiscal year, the increase in the business tax payable in respect of a business establishment is not greater than 5%.

The first paragraph refers to the amount in lieu of business tax in the case of a business establishment in respect of which such an amount must be paid by the Government in accordance with either the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), or the second paragraph of section 254 and the first paragraph of section 255 of that Act.

Sections 87.3 and 87.4 and the first and second paragraphs of section 87.5 apply, with the necessary modifications, for the purposes of the limitation on the increase under the first paragraph.".

18. Section 88, enacted by section 386 of chapter 25 of the Statutes of 2001, is amended by substituting the words "last three" for the words "second and third" in the first line of the second paragraph.

19. Section 88.2, enacted by section 386 of chapter 25 of the Statutes of 2001, is amended by substituting the words "last three" for the words "second and third" in the first line of the second paragraph.

20. Section 88.5, enacted by section 386 of chapter 25 of the Statutes of 2001, is amended by substituting the words "of the municipality concerned" for the words "that the municipality concerned estimated" in the sixth line of the first paragraph.

21. The following paragraph is added at the end of section 133, amended by section 401 of chapter 25 of the Statutes of 2001 :

"The mayor shall determine the place, date and time of the first meeting of any borough council. If the meeting is not held, the mayor shall fix another one.".

22. The following is inserted after section 133 :

"**133.1.** Any person appointed by the transition committee or integrated as part of the personnel of the city to a position involving duties necessary for a meeting of the city council or a borough council, for the making of decisions by such council or for the performance of an act that such council may perform before the date of constitution of the city, is deemed to be acting in the performance of his duties, in respect of those necessary duties performed before the date of constitution of the city.".

23. Section 134, amended by section 402 of chapter 25 of the Statutes of 2001, is further amended

(1) by substituting the word "The" for the words "At the first meeting, the" in the first line of the first paragraph;

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

"The treasurer or secretary-treasurer of a municipality mentioned in section 5 who is not already bound to apply section 105.4 of the Cities and Towns Act (R.S.Q., c. C-19), section 176.4 of the Municipal Code of Québec (R.S.Q., c. C-27.1) or a similar provision in the charter of the municipality is bound to produce, before the budget of the city is adopted for the 2002 fiscal year, at least the comparative statement on revenues provided for in that section 105.4.".

24. The following is added after Schedule III-B:

"**SCHEDULE III-C**
(provisions enacted under section 9)

CHAPTER I
THE CITY COUNCIL

1. At the first meeting following a general election, with the clerk presiding, the city council shall elect, from among its members, a chair that is not the mayor by a two-third vote.

2. The council may designate one of its members as vice-chair who will replace the chair when the latter is absent or wishes to take part in the debates. When acting as the chair, the vice-chair has the same privileges obligations as the chair, but is not entitled to the additional remuneration provided for in a by-law adopted under the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001).

3. The council may, if the mayor so proposes, designate a member of the council who will preside over any committee of the council or executive committee. If the chair is absent or unable to act at a sitting, the members present shall designate one of them who will preside over that sitting.

4. Notwithstanding the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001), the position of opposition leader is a special position giving rise to additional remuneration in a by-law adopted under section 2 of that Act. The additional remuneration of the opposition leader established in such by-law may not differ from that established for a member of the executive committee.

For the purposes of this section, the opposition leader is the councillor designated by the councillors in the political party with the greatest number of representatives, excluding the party of the mayor. If several parties, excluding that of the mayor, have an equal number of councillors, the opposition leader shall be the councillor designated by the councillors of the party that has received the greatest number of votes for the mayor and councillor positions.

The opposition leader shall be designated by a notice filed with the council by a council of the political party that has designated him and it may be amended at all times. The councillor designated as opposition leader shall quit that position when another councillor is designated for the position, when a notice of resignation is filed with the council or the clerk or when his term as member of the council ends.

5. The council may, at all times, on its own initiative or by request of the executive committee, appoint committees and entrust them with the examination or investigation of any facts, matters or issues that it deems expedient; those committee shall carry out their work and give a report within the time allocated by the council.

CHAPTER II
EXECUTIVE COMMITTEE

6. If the chair and vice-chair of the executive committee are both absent or unable to act, the executive committee may designate one of its members who will exercise the duties and powers of the chair during that time.

7. The appropriations voted by the council, excluding those under the responsibility of a borough council, shall remain at the disposal of the executive committee which shall see that they are used for the purposes for which they were voted, without further approval of the council.

8. The executive committee may establish rules governing transfers of funds or credits already voted as part of an item of the budget where the transfer is equal to or greater than $100 000, excluding budgets administered by borough councils, as well as transfers from the contingency fund. Those rules may provide that the transfers may be authorized by the executive committee, the director general or the director of a service.

9. Communications between the council or a borough council and services shall pass trough the executive committee. In its relations with the executive committee, the council or borough council shall act by resolution.

10. The executive committee may, upon report by the director general establishing its value, donate, sell, alienate, transfer or assign, in the manner determined by it, any property whose value does not exceed $10 000. A report shall be submitted to the council within the 30 following days.

11. In the case of an act of God likely to endanger the life or health of the population, to seriously damage municipal property or to cause financial harm greater than the planned expenditure, the mayor may order any expenditure he considers necessary and grant any contract necessary to rectify the situation.

In such a case, the mayor shall give a substantiated report to the executive committee at the first meeting following his decision. The report shall be filed with the council at its next meeting.

12. The executive committee shall prepare the budget and the three-year capital program which must be submitted to the city council for approval not later than 10 December.

CHAPTER III
HUMAN RESOURCES

DIVISION I
PUBLIC SERVANTS AND EMPLOYEES

13. Upon recommendation by the executive committee, the council shall appoint the director general, the clerk, the treasurer, the assessor, the general auditor, the service directors and the borough directors, and their respecting assistants, where applicable.

14. The executive committee shall appoint the other permanent employees of the city. It may impose disciplinary measures on them, excluding those giving rise to the right provided for in section 72 of the Cities and Towns Act (R.S.Q., c. C-19).

15. The executive committee may temporarily suspend a public servant or an employee appointed by the council. That suspension shall last until the council rules on it at its next sitting.

16. The executive committee shall approve any classification plan and the related remuneration for employees not governed by a collective agreement.

DIVISION II
DIRECTOR GENERAL

17. The city shall always have a public servant called the “director general”.

18. Under the authority of the executive committee, the director general shall be responsible for the management of the city and, to that end, he shall plan, organize, manage and control the activities of the city.

19. Subject to the powers given by the Act to the mayor and the executive committee, the director general shall see to the application of the by-laws, resolutions and contracts and ensure that the funds are used for the purposes for which they were voted.

20. Unless prescribed otherwise, the service directors shall directly answer for the administration of their service to the director general.

DIVISION III
CLERK

21. The clerk is *ex officio* the secretary of the council, the executive committee and the borough councils. He may also delegate all or part of his powers and obligations to a public servant provided to a borough by the city to act on his behalf in that borough.

22. The clerk is authorized to amend minutes, a by-law, a resolution, an order or another act of the municipal council, of the executive committee or of a borough council so as to correct an error that is obvious just by reading the documents provided in support of the decision or act. In such a case, the clerk shall attach minutes of the correction to the original of the amended document and shall file a copy of the amended document or the minutes of the correction to the municipal council, the executive committee or a borough council, as the case may be.

DIVISION IV
TREASURER

23. The treasurer may delegate all or part of his powers and obligations to a public servant provided to a borough by the city to act on his behalf in that borough.

CHAPTER IV
SPECIAL JURISDICTIONS OF THE CITY COUNCIL

24. The city may

(1) enter into an agreement with telecommunications businesses for the use and occupancy of land belonging to it. Those agreement may, in particular, contain rules respecting the assignment of locations for ground or underground facilities, the sharing of the said facilities and the payment of tariffs, where applicable; and

(2) install, build, hold and operate on its own or by someone else support structures, transportation lines or others related telecommunications facilities and, by agreement, share or lease such equipment in whole or in part.

In this section, the term "telecommunications" has the meaning given by the Telecommunications Act (R.S.C., 1993, c. T-3.4).

25. The city may enter into an agreement respecting the exercise of its jurisdictions with any school board, regional or local, or a CEGEP; it may then enforce them, exercise the rights and privileges and discharge the obligations provided for therein, even outside its territory.

26. Within its jurisdiction, the city may, particularly to promote the cultural, economic and social development of the city and its citizens, negotiate or enter into an agreement with a body representing or managing local or regional, domestic or foreign communities, and take part in their activities.

27. The council may enter into agreement to entrust all or part of the administration, operation and management on its behalf of property belonging to it or used by it and of programs and services within its jurisdiction.

Such an agreement is not subject to sections 573 and 573.3 of the Cities and Towns Act (R.S.Q., c. C-19) if it is entered into with the government, one of its departments, mandataries or agents, with the Communauté métropolitaine de Montréal or, where the agreement pertains to the protection or development of the environment, the conservation of resources, recreational activities or community life, if it is entered into with a non-profit organization that the city is authorized to subsidize.

28. The council may, by by-law, provide that the city may claim the refund of expenses incurred by the city because an alarm system is defective, does not function properly or is initiated without reason. It may also determine in what cases an alarm is initiated without reason.

29. The council may, by by-law, regulate or prohibit the use of public beaches and the location of boats in waters within the territory of the city.

30. The council may regulate shops where erotic material is sold or offered for sale. It may also regulate massage parlours.

31. The council may, by by-law, regulate or prohibit any game or amusement on the streets, alleys, sidewalks, public places and property.

32. The council may make by-laws

(1) to order that no newspaper, magazine, periodical, program, brochure or other publication, radio broadcast or advertising, personal or business card, letter paper, sign or poster board may, without its authorization bear, take or use the name of the city, its badge, coat of arms or emblem, nor the name or title of one of its services, or a name or title likely to be confused with that of the city or one of its services, or that may lead to believe that the city or one of its services may benefit therefrom; and

(2) to prohibit the printing, sale, exchange, distribution, broadcasting, possession or use of any newspaper, magazine, periodical, program, brochure or other publication, radio broadcast or advertising, personal or business card, letter paper, sign or poster board made in contravention of this section.

33. The council may make by-laws

(1) to prohibit the littering of brochures, pamphlets, leaflets, fliers, mailers, samples or other advertising on private property and prescribe how they can be disposed of;

(2) to regulate the distribution of advertising on private property, to require distributors to control the manner in which their delivery employees or their subcontractors deliver the advertising or have it delivered;

(3) to require that distributors identify themselves on the delivered advertising; and

(4) to require publicity distributors or their subcontractors to hold a licence for that purpose.

34. The council may make by-laws to give names to private streets or to change their name even if they were given by virtue of some contract or agreement and to prohibit anyone from designate by a name a private street or to give it a name without the city's approval.

35. The council may cause to be described and entered in a register kept for that sole purpose the streets, alleys, roads and places that are totally or partially public, acquired by the city or open to the public for at least five years. When a street, alley, road or public place is public in part, the registration and description shall be made for that part only.

From that registration, those streets, alleys, roads and places are deemed to be public roads.

The streets, alleys, streets and public places open to the public for at least five years within the boundaries of

the cities shall become the property of the city as soon as the following formalities are completed:

(1) the council of the city shall approve the document or documents describing all streets, alleys, roads or public places, or any part thereof, in respect of which the city intends to avail itself of the provisions of this section;

(2) those documents shall be filed with the clerk office of the city and a copy certified as true by a land surveyor shall be filed with the registry office of the land division where the land concerned in located;

(3) the clerk of the city shall publish twice in the *Gazette officielle du Québec*, with at least three months but not more than four months between each publication, a notice containing

(a) the integral text of this section;

(b) a brief description of the streets, alleys, roads and public places in question; and

(c) a statement that the description provided for in subparagraph 1 was approved and filed in accordance with subparagraphs 1 and 2; and

(4) the notice provided for in subparagraph 3 shall, within 30 days of each publication in the *Gazette officielle du Québec*, be inserted in a daily or weekly newspaper circulated in the city.

Any right claimed by third parties on the ownership of the land of the said streets, roads and public places appearing in the filed documents is extinguished and prescribed if an action is not instituted before the competent court in the year following the last publication in the *Gazette officielle du Québec* of the notice provided for in subparagraph 4 of the third paragraph.

At the expiry of those periods, the city shall have a notarial declaration registered in respect of any land concerned, attesting that the above formalities are completed and that the registered deed is conclusive proof that the formalities have been completed. The officer of the registry office is bond to accept the filing of the documents and to register the above-mentioned notarial declaration.

The fact that a street, alley, road or public place is described and registered in the registry office provided for in the first paragraph proves *prima facie* that the street, alley, road or public place has been open to the public for more than five years.

The city may not avail itself of the provisions of this section in respect of land on which it has levied taxes during the three preceding years.

This section also applies to private streets, alleys and roads but only when they appear as such on the official plan and their owners have been exempt from municipal taxes for at least three fiscal years because of their private nature.

As for public streets, alleys and roads and parks owned by the city, but whose titles contain a restriction on the future use that the city may make of them, the city may be released from those restrictions as follows:

(1) by the publication of a notice of that effect in a newspaper circulated in the territory of the city;

(2) by paying the compensation fixed by the court where the donator or his heirs or successors have exercised their recourses within 12 months of the publication of that notice; if they are not, the city is released.

36. Notwithstanding any provision to the contrary in a general or special statute, the city may dig a tunnel more than 30 feet deep under any land for the purposes of its water and sewer systems.

As soon as the work begins, the city shall become the owner, without further formality or compensation, of the place occupied by the tunnel plus a radius of five feet around it, subject to any damage suit.

In the year following the beginning of the work, the city shall file in its archives a copy of the plan certified by the director of public works and showing the horizontal projection of the tunnel. It shall record that plan by filing two copies with the registry office and the registrar shall mention each lot affected or part thereof in the land register.

Before the beginning of the work, the city shall also notify the owner of the above-mentioned land of the existence of the work and of the provisions of this section.

37. No compensation shall be granted for land intended for the construction or enlargement of a road, street or alley following the cadastral plans filed with the registry office. That destination may be inferred from the site and configuration of the land and the circumstances.

38. The city shall be authorized to acquire by agreement or expropriation any immovable to constitute a land reserve or housing reserve and to carry out related

work for those purposes. It may acquire any obsolete immovable or an immovable whose occupancy is a nuisance.

The city is authorized to hold, rent and administer the immovables acquired under the first paragraph. It may also lay out those immovables and install public services therein. It may also alienate them on the conditions it determines. The price shall be sufficient to cover all expenses related to the immovable in question, that is, the purchase price, the amortization and interest on the purchase price, the cost for installing public services, insurance and municipal and school taxes. The alienation is then deemed to be done onerously.

39. Notwithstanding the second paragraph of section 536 of the Cities and Towns Act (R.S.Q., c. C-19), the city may raise its bid up to the amount of the municipal assessment for the purchase of an immovable for municipal purposes.

40. Where a special planning program intended for a urban redevelopment or a consolidation of lots on a part of its territory is in force, including the planning by-laws under that program, the city may carry out any program for the acquisition of immovables provided for in that special planning plan in order to alienate or rent the immovables for purposes specified in the program.

Section 28.2 of the Cities and Towns Act (R.S.Q., c. C-19) applies for the purposes of the first paragraph, with the necessary modifications.

41. The city may, by by-law, on the conditions determined by it and in an old part of its territory where a special planning program for the redevelopment, restoration or demolition of immovables is in force, give a grant to help the work in compliance with that program.

The amount of that grant may not exceed the actual cost of the work.

For the purposes of this paragraph, the council may, by by-law, modulate the rate of its grants depending on whether the recipients are non-profit organizations, housing cooperatives or particulars.

The council may also restrict the eligibility of particulars to the grants, on the basis of the maximum eligible household income, and, for that purpose, define the notion of household income and provide methods for assessing and controlling that maximum income.

The council may, by by-law, require from the applicant for a grant mentioned in the first paragraph:

(1) that he obtain the available grants under federal and provincial programs for the same purposes; and

(2) that he produce a landlord-tenants agreement signed by a majority of the latter, pertaining to the nature of the work to be carried out and any increase in the rents.

Likewise, the council may require that the recipient of a grant prove, in the manner prescribed by the council, that the amounts received as grants are deducted from the cost of the work taken into account in fixing the rents after completion of the work.

Where a grant provided for in the first paragraph is given in consideration of the destination or mode of occupancy of an immovable, the council may also, by by-law,

(1) stipulate that the change in the destination or occupancy of that immovable, within the time fixed by the council but not exceeding nine years, entail the return to the city of the grant awarded in respect of the immovable, in a proportion determined by it in relation to the time elapsed, or that any permit that may be required to change the destination or occupancy will be denied until the grant is returned;

(2) provide that the return of the grant is exigible from any person who owns the immovable; and

(3) prescribe the formalities required to ensure compliance with the requirements of subparagraphs 1 and 2, in particular the signing by the owner receiving the grant of any document establishing the limits imposed on the ownership of that immovable, which may be required for the purpose of registration in the land register and require, where applicable, that the owner receiving the grant proceed with that registration.

The registrar is bound to accept any document mentioned in subparagraph 3 of the seventh paragraph and to register it.

42. The council may regulate or prohibit parking on any land or in any building owned by the city, and the applicable provisions shall be indicated by means of appropriate signs.

The council may fix the expenses to be paid for any moving, towing or storage of a vehicle parked in contravention of a by-law adopted under the first paragraph or a provision of the Highway Safety Code (R.S.Q., c. C-24.2).

In all cases where a vehicle may be moved, towed or stored because of a parking offence, the amount prescribed under the second paragraph may be requested on the statement of offence and collected by the collector in accordance with sections 321, 322 and 327 to 331 of the Code of Penal Procedure (R.S.Q., c. C-25.1).

43. The council may make by-laws to remove or tow any vehicle parked in contravention of traffic and parking by-laws and have it taken elsewhere, for instance to a garage, at the owner's expense with a stipulation that he may not recover his vehicle until he pays the actual towing and storage costs.

44. The council may make by-laws to prohibit dumps in the city.

Where an offence against such a by-law is committed, the following persons are liable to the punishments provided for therein:

(1) the owner, tenant or occupant of the land;

(2) the owners of the vehicles that are deposited on the land.

The court that pronounce the sentence may, in addition to the fines and costs, order that the trash or vehicles in the dump that were the cause of the offence be removed, within eight days of the sentence, by the owner, tenant or occupant of the land, or by the owners of the vehicles and that, if not done, the trash or vehicles be removed by the city at the expense of the person or persons.

All expenses incurred by the city to remove or cause to be removed the trash or vehicles constitute a charge equivalent to the property tax for the immovable where the trash or vehicles were located, and they may be recovered in the same manner.

For the purposes of this section, the term "dump" means any place where trash is deposited or accumulated and includes automobile graveyards.

45. For the purposes of paragraph 2 of section 463 of the Cities and Towns Act (R.S.Q., c. C-19), all expenses incurred by the city to remove or cause to be removed nuisances or to enforce any measure intended to eliminate or prevent nuisances constitute a charge equivalent to the property tax for the immovable where the nuisances were located, and they may be recovered in the same manner.

46. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., c. I-15) and the Act respecting municipal industrial immovables (R.S.Q., c. I-0.1), the council may, with the approval of the Minister of Municipal Affairs and Greater Montréal and the Minister of Industry and Trade, give grants to relocate industries within the boundaries of the territory of the city.

47. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., c. I-15), the city may, by by-law, adopt a special development program applicable to the part of its territory described in Schedule II of the Act respecting Ville de Saint-Hubert, which remains in force for that purpose, designated as an airport zone. The second paragraph of section 542.1 and section 542.2 and 542.6 of the Cities and Towns Act (R.S.Q., c. C-19) apply to that program, with the necessary modifications.

The city may, by by-law and with the approval of the Minister of Municipal Affairs and Greater Montréal, change the boundaries of the territory referred to in the first paragraph.

48. The city may, by by-law, adopt a program to grant, on the terms and conditions determined therein, a tax credit conditional on the implementation or enlargement of high technology establishments on the territory described in the sixth paragraph.

For the purposes of this section, the expression "high technology" includes the following fields: aerospace, telecommunications, biotechnology, pharmacology, computer sciences, electronics, micro-electronics, optoelectronics, robotics, optics and laser. That expression refers to a use whose main activity is

(1) scientific or technological research or development;

(2) scientific or technological training;

(3) the management of a technological business; or

(4) the manufacturing of technological products, including scientific research and experimental development activities.

A by-law adopted under this section may not provide for a tax credit lasting more than five years and the period of eligibility for that program may not exceed 31 December 2006.

The tax credit makes up for the increase in property taxes that may result from the re-assessment of the immovables after the work is completed. For the fiscal year in which the work is completed and the two following fiscal years, the amount of the tax credit is the difference between the amount of property tax that would be due had the assessment of the immovables not been modified and the amount of taxes actually due. For the two following fiscal years, the amount of the tax credit shall be 80% and 60%, respectively, of the amount of tax credit for the first fiscal year.

The by-law provided for in the first paragraph may not be adopted and applied unless the zoning by-law of the city provides that, in the case of the main activities referred to in subparagraphs 1 to 4 of the second paragraph, the use must include a gross flour area reserved and intended for scientific research and experimental development activities that is equivalent to at least 15% of the total gross floor area occupied or intended to be occupied by that use. The zoning by-law shall also prescribe that the use whose main activity is one of those provided for in subparagraphs 2 and 3 o the second paragraph may not be authorized for more than 30% of the territory mentioned in the first paragraph.

The boundaries of the territory mentioned in the first paragraph are the following:

"— to the west by boulevard Taschereau, from Route 116 to boulevard Jacques-Cartier ouest (Longueuil borough);

— to the northwest, to the north and northeast by boulevard Jacques-Cartier ouest (Longueuil borough), boulevard Taschereau (Longueuil borough) to the planned boulevard Julien-Lord (Longueuil borough);

— to the northeast, to the north and northwest by the planned boulevard Julien-Lord (Longueuil borough), from boulevard Jacques-Cartier ouest (Longueuil borough) to Chemin de Chambly (Longueuil borough);

— to the northwest by boulevard Vauquelin (limit of Longueuil and Saint-Hubert borough) and its extension to the northeast, from Chemin de Chambly (Longueuil borough) to the limit of the agricultural zone (Saint-Hubert borough);

— to the northeast by the southwest limit of the agricultural zone (Saint-Hubert borough), from the extension to the northeast of boulevard Vauquelin (limit of Longueuil and Saint-Hubert boroughs) to Chemin de la Savane;

— to the northwest by Chemin de la Savane (Saint-Hubert borough), from the southwest limit of the agricultural zone (Saint-Hubert borough) to boulevard Clairevue;

— to the northeast and north by boulevard Clairevue (Saint-Hubert and Saint-Bruno-de-Montarville boroughs), from Chemin de la Savane (Saint-Hubert borough) to Route 30;

— to the west by Route 30, from boulevard Clairevue ouest (Saint-Bruno-de-Montarville borough) to Montée Montarville (Saint-Bruno-de-Montarville borough);

— to the north by Montée Montarville (Saint-Bruno-de-Montarville borough), from Route 30 to the power transmission line;

— to the east, to the northeast and southeast by the power transmission line, from Montée Montarville (Saint-Bruno-de-Montarville borough) to boulevard Clairevue ouest (Saint-Bruno-de-Montarville borough);

— to the northeast by the planned Rue La Grande Allée (Saint-Bruno-de-Montarville borough), from boulevard Clairevue ouest (Saint-Bruno-de-Montarville borough) to Rue Marie-Victorin (Saint-Bruno-de-Montarville borough);

— to the southeast by Rue Marie-Victorin (Saint-Bruno-de-Montarville borough), from the planned Rue La Grande Allée (Saint-Bruno-de-Montarville borough) to the rear lots (southwest side) of Croissant Pease (Saint-Bruno-de-Montarville borough);

— to the southwest by the rear lots (southwest side) of Croissant Pease and Rue Pease (Saint-Bruno-de-Montarville borough) and its extension to the southeast, from rue Marie-Victorin (Saint-Bruno-de-Montarville borough) to Route 116;

— to the south by Route 116, from the extension to the southeast of the rear lots (southwest side) of Rue Pease to Boulevard Cousineau (Saint-Hubert borough);

— to the east by boulevard Cousineau (Saint-Hubert borough), from Route 116 to rue Gareau (Saint-Hubert borough), from boulevard Cousineau (Saint-Hubert borough) to the railroad of Canadian National Railways;

— to the southwest by the railroad of Canadian National Railways, from rue Gareau (Saint-Hubert borough) to Route 116;

— to the south by Route 116, from the railroad of the Canadian National Railways to Boulevard Taschereau.".

CHAPTER V
MISCELLANEOUS

49. Sections 1 to 30 and 34 to 37 of the Act respecting Ville de Saint-Hubert (1999, c. 94) continue to apply on the territory described in Schedule I to that Act.

50. Any by-law adopted by the council of the former Ville de Saint-Hubert under section 1 of the Act to amend the charter of the town of Saint-Hubert (1972, c. 83) or by the council of the former Ville de Longueuil under section1 of the Act to amend the charter of the city of Longueuil (1971, c. 101) or sections 13 and 14 of the Act to amend the charter of the city of Longueuil (1982, c. 81), granting an annual pension to any person who sat on the council, shall remain applicable to those persons or their heirs, as the case may be.

51. Municipal by-laws adopted by the council of the former Ville de Longueuil before 1 January 2002, under the special power granted by section 14 of the Act to amend the charter of the town of Jacques-Cartier (1950, c. 102), amended by section 7 of Chapter 60 of the Statutes of 1957-58, authorizing the imposition and levy of a special property tax for 40 years on the immovables in front of which water pipes where buried shall remain in force.

52. The city is authorized to rent all or part of the original lots 156 and 159 of the cadastre of Paroisse de Saint-Antoine de Longueuil, Chambly land division, and the lots without cadastre that it acquired from Her Majesty in Right of Canada, at a price that is sufficient to cover all annual expenses related to those immovables, that is, the amortization and interest on the purchase price, the cost for services, legitimate costs and expenses and municipal and school taxes.

53. The parts of lots 156 and 159 of the cadastre of Paroisse de Saint-Antoine de Longueuil acquired before 1 January 2002 by the former Ville de Longueuil from Her Majesty in Right of Canada may be subdivided and sold by the city in accordance with the statutes governing it. The sale price shall be at least equivalent to the acquisition price plus the cost of services, in which case the sale is deemed to be made onerously.

Any loan by-law adopted in that respect by the former Ville de Longueuil, before 1 January 2002, under the powers granted by section 4 of the Act to amend the charter of the city of Longueuil (1964, c. 84) remains in force.

Monies resulting from those sales shall be used to extinguish obligations taken for the acquisition.

54. Taxation by-laws of the former Ville de Longueuil adopted before 1 January 2002 under the powers granted by section 8 of the Act to amend the charter of the city of Longueuil (1971, c. 101) shall remain in force in the territory for which they were made.

55. The parts of the original lot 156 of the cadastre of Paroisse de Saint-Antoine de Longueuil and any adjacent land without a cadastre before 1 January 2002 acquired by the former Ville de Longueuil from any corporation of the Crown in Right of Canada may be subdivided and sold by the city in accordance with the statutes governing it. The sale price shall be at least equivalent to the acquisition price plus the cost of servvices, in which case the sale is deemed to be made onerously.

Any loan by-law adopted in that respect by the former Ville de Longueuil, before 1 January 2002, under the powers granted by section 1 of the Act respecting the city of Longueuil (1965, c. 100), amended by section 267 of the Act to amend various legislation respecting municipal finance (1984, c. 38) shall remain in force.

Moneys resulting from those sales shall be used to extinguish obligations taken for the acquisition.

56. Section 3 of the Act respecting the town of Saint-Bruno-de-Montarville (1959-60, c. 157) remains in force on the territory of the former Ville de Saint-Bruno-de-Montarville as it was on 31 December 2001.

57. Section 48 of the Act respecting the city of Saint-Hubert (1991, c. 87) remains in force.

58. By-law 6 of Ville de Saint-Lambert, adopted by the council of Village de Saint-Lambert on 8 September 1896, is declared to be a prohibiting by-law adopted under sections 1094, 1095 and 1096 of the Revised Statutes of Québec of 1888 (Temperance Law). As such, by-laws 6, 300, 646 and 753 of Ville de Saint-Lambert have force of law on the part of the territory of the Saint-Lambert/Lemoyne that was, on 31 December 2001, the territory of Ville de Saint-Lambert. Those by-laws may, anytime and notwithstanding any incompatible provision in any statute, be revoked by the council of the Saint-Lambert/Lemoyne borough or be amended by that council under a by-law that specifies the nature of the licences that the Régie des alcools, des courses et des jeux may issue in the part of the territory of the borough Saint-Lambert/Lemoyne that was the territory of Ville de Saint-Lambert on 31 December 2001.

Any by-law adopted under this section shall be submitted to the approval of voters in the part of the territory of the Saint-Lambert/Lemoyne borough that was the territory of Ville de Saint-Lambert on 31 December 2001 and in accordance with the Temperance Act (R.S.Q., 1964, c. 45).

Notwithstanding the foregoing, the "club" permit provided for in section 30 of the Act respecting liquor permits (R.S.Q., c. P-9.1) and that is issued for the purposes of a golf, tennis, squash, yachting or curling club, and the "reunion" permit provided for in section 33 of that Act, are authorized on all the territory of the Saint-Lambert/Lemoyne that was the territory of Ville de Saint-Lambert on 31 December 2001.

For the purposes of this section, the territory of Ville de Saint-Lambert on 31 December 2001 is described in Schedule A to the letters patent granted to the amalgamated towns of Saint-Lambert and Préville dated 23 April 1969, registered on 25 April of the same year under folio number 1480-57, as amended in the notice given in accordance with section 162 of the Act respecting municipal territorial organization (R.S.Q., c. O-9) dated 9 June 1994 approving by-law 2178 of Ville de Saint-Lambert and providing a description of the territory concerned drawn up by the Minister of Natural Resources on 20 April 1994, and subject to the application of section 284 of the Act respecting municipal territorial organization according to the technical description dated 31 May 2001 prepared by Gilles Lebel, land surveyor, bearing number 13185 of his minutes.

59. The city council shall, not later than 1 July 2002, give a new name to the Longueuil borough.

60. If a provision of this Schedule and a provision in the charter of the city are incompatible, the former shall prevail.

61. No provision of this Schedule, nor any provision maintained in force by this Schedule, may have the effect of restricting the scope of a provision, contained in any statute applicable to the city or any municipality in general or to any of their bodies, for the sole reason that it is similar to such provision but is not written in more specific terms.".

25. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4656

Gouvernement du Québec

O.C. 1311-2001, 1 November 2001

An Act to reform the territorial municipal organization of the metropolitan regions of Montréal, Québec and the Outaouais
(2000, c. 56)

Charter of Ville de Lévis

WHEREAS the Charter of Ville de Lévis (2000, c. 56, Schedule V) was enacted by the Act to reform the territorial municipal organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS several municipalities referred to in section 5 of the Charter are presently governed by special legislative provisions that will be repealed on 1 January 2002 pursuant to section 149 of that Charter;

WHEREAS under section 9 of that Charter, the Government may, by order, from among the special legislative provisions that govern any municipality referred to in section 5 of that Charter, determine the provisions that are to apply to all or any part of the territory of Ville de Lévis;

WHEREAS an order made under section 9 of the Charter may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which such a special legislative provision is to apply;

(2) providing for any omission for the purpose of ensuring the application of the Act;

(3) derogating from any provision of the Charter of Ville de Lévis, of a special Act governing a municipality referred to in section 5 of that Charter, of an Act for which the Minister of Municipal Affairs and Greater Montréal is responsible or of an instrument made under any of those Acts;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Greater Montréal;

THAT the Charter of Ville de Lévis (2000, c. 56, Schedule V), amended by chapter 25 and chapter 26 of the Statutes of 2001, be further amended as follows:

1. Section 8 of the Charter (2000, c. 56, Schedule V), amended by section 440 of chapter 25 of the Statutes of 2001, is further amended:

(1) by substituting the following for the first paragraph:

"**8.** Subject to section 8.6, the expenditures related to any debt of a municipality referred to in section 5 shall continue to be financed by revenues derived exclusively from the territory of the municipality or a part thereof. Any surplus of such municipality shall remain for the exclusive benefit of the inhabitants and ratepayers in its territory or a part thereof. To determine if the financing or surplus should burden or be credited to just a part of the territory, the rules applicable on 31 December 2001 respecting the financing of expenditures related to the debt or the source of the revenues that have generated the surplus shall be considered.

Where expenditures related to a debt of a municipality referred to in section 5, for the 2001 fiscal year, were not financed by the use of a specific source of revenue, the city may continue to finance them by using revenues not reserved for other purposes that come from the territory of the municipality. Notwithstanding section 6, the foregoing also applies where those expenditures were financed, for that fiscal year, by the use of revenues from a tax imposed for that purpose on all taxable immovables located in that territory.

If it avails itself of the power provided for in the second paragraph in respect of a debt, the city may not, to establish the tax burden provided for in section 101.1, charge to the revenues derived from the taxation specific to the non-residential sector that come from the territory referred to, a percentage of the financing of the expenditures related to that debt greater than the percentage corresponding to the quotient obtained by dividing the total of those revenues by the total revenues provided for in subparagraphs 1 to 7 of the fifth paragraph of section 8.6 and coming from that territory. If the tax burden is established for the 2002 fiscal year or a subsequent fiscal year, the revenues of the preceding fiscal year shall be considered for that division.

For the purposes of the third paragraph, the revenues of a fiscal year are those provided for in the budget adopted for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several statements are filed successively, the last one shall be considered.

For the purposes of the third paragraph, "revenues derived from the taxation specific to the non-residential sector" means the aggregate of the following:

(1) revenues from the business tax;

(2) revenues from the surtax or the tax on non-residential immovables;

(3) revenues from the general property tax that are not considered in establishing the aggregate taxation rate when, under section 244.29 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), several rates for that tax are fixed;

(4) revenues from the sum in lieu of a tax referred to in any of subparagraphs 1 to 3 that must be paid either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its representatives, except, if the amount stands in lieu of the general property tax, revenues that would be considered in establishing the aggregate taxation rate if it was the tax itself.";

(2) by substituting the words "Are deemed to constitute expenditures related to a debt of a municipality referred to in section 5 and financed by revenues derived from its entire territory the" for the word "The" in the first line of the second paragraph;

(3) by substituting the words "that municipality" for the words "a municipality referred to in the first paragraph" in the fourth line of the second paragraph;

(4) by substituting the words ". The foregoing also applies to the" for the words ", shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality. The" in the sixth, seventh and eighth lines of the second paragraph;

(5) by substituting "referred to in section 5" for "referred to in the first paragraph" in the tenth line of the second paragraph;

(6) by deleting the words "shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality" in the eleventh, twelfth and thirteenth lines of the second paragraph;

(7) by substituting the word "sixth" for the word "second" in the third and ninth lines of the third paragraph;

(8) by substituting the words "Are deemed to constitute a surplus or expenditures related to a debt of a municipality referred to in section 5, respectively, the" for the word "The" in the first line of the fourth paragraph; and

(9) by deleting the words "shall continue to be credited to or to burden, as the case may be, all or any portion of the taxable immovables of the sector formed by the territory of that municipality" in the third, fourth and fifth lines of the fourth paragraph.

2. Section 8.5 of that Charter, enacted by section 441 of chapter 25 of the Statutes of 2001, is amended by striking out the words "the taxable immovables situated in" in the fifth and sixth lines of the second paragraph.

3. Section 8.6 of that Charter, enacted by section 441 of chapter 25 of the Statutes of 2001, is amended

(1) by substituting the words "Notwithstanding the foregoing, such decision may not cover what is deemed, under one of the last three paragraphs of section 8, to constitute such expenditures. The following expenditures may neither" for the words "The following expenditures may not" in the first line of the second paragraph;

(2) number "7" is substituted for number "4" in the fourth line of the third paragraph;

(3) by substituting "in accordance with section 8" for the words "using any source of revenue specific to that purpose imposed on the part of the territory that corresponds to the territory of the municipality" in the second, third and fourth lines of the fourth paragraph;

(4) by inserting the words ", notwithstanding section 6," after the word "that" in the fifth line of the fourth paragraph;

(5) by inserting the words "and considered in establishing the aggregate taxation rate of the municipality" after the word "taxation" in the second line of subparagraph 4 of the fifth paragraph;

(6) by inserting the words "or from the application of the Act respecting duties on transfers of immovables (R.S.Q., c. D-15.1)" in the first line of subparagraph 8 of the fifth paragraph;

(7) by adding the following paragraphs after the fifth paragraph:

"For the purposes of the third and fifth paragraphs, the revenues of the municipality for the 2001 fiscal year are those provided for in the budget adopted for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the 2002 fiscal year. If several statements are filed successively, the last one shall be considered.

The third, fourth and fifth paragraphs of section 8 apply, with the necessary modifications, in respect of the expenditures that the city decides, under the fourth paragraph of this section, to finance by using revenues derived from all its territory, but not from a source of revenue imposed specifically for that purpose, and not reserved for other purposes.".

4. The Charter is amended by inserting the following after section 69.1 enacted by section 448 of chapter 25 of the Statutes of 2001:

"**69.2** The borough council shall obtain the authorization of the city council before giving a grant to a non-profit organization that is suing the city.

The city may claim from a non-profit organization all or part of a grant used for a purpose other that the purpose for which it was given by the city council or a borough council.".

5. Section 85, amended by section 457 of chapter 25 of the Statutes of 2001, is further amended by substituting the following for the second paragraph:

"Subject to the provisions of this Act or of an Order in Council made under section 9, the borough council shall exercise, on behalf of the city, all powers within the jurisdictions of the city, with the necessary modifications, and is subject to all obligations assigned to or imposed on the council of a local municipality by the Cities and Towns Act (R.S.Q., c. C-19) or another Act, excluding the powers to borrow, to tax and to sue and be sued.".

6. Section 100.1 of the Charter, enacted by section 463 of Chapter 25 of the Acts of 2001, is amended by inserting ", of section 8" in the second line of the second paragraph and after the word "division".

7. The Charter is amended by inserting the following after section 100.1 enacted by section 463 of Chapter 25 of the Statutes of 2001:

"**100.2** Where, under any provision of this Division, the revenues of the city or municipality referred to in section 5 for a given fiscal year must be compared with revenues of the city for the following fiscal year, the revenues provided for in each budget adopted for those two fiscal years must be considered.

Notwithstanding the foregoing, where a statement comparing the revenues provided for in the budget of the given fiscal year and those which, according to a later forecast, will be the revenues of the fiscal year which shall be considered shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several statements are filed successively, the last one shall be considered.".

8. Section 101.1 of the Charter, enacted by section 463 of Chapter 25 of the Statutes of 2001 is amended:

(1) by inserting the following after subparagraph 2 of the second paragraph:

"2.1 the revenues taken into consideration in the establishment of the aggregate taxation rate and derived from indemnities and modes of tariffing not referred to in subparagraph 2;"; and

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

"For the application of subparagraphs 2 and 3 of the second paragraph, the word "immovables" means business establishments when the business tax or the amount standing in lieu thereof is involved.".

9. Section 101.7 of the Charter, enacted by section 463 of Chapter 25 of the Statutes of 2001, is amended by substituting the words "last three" for the words "second and third" in the first line of the second paragraph.

10. Section 102 of the Charter, enacted by section 463 of Chapter 25 of the Statutes of 2001, is amended by substituting the words "last three" for the words "second and third" in the first line of the second paragraph.

11. Section 102.2 of the Charter, enacted by section 463 of Chapter 25 of the Statutes of 2001, is amended by substituting the words "last three" for the words "second and third" in the first line of the second paragraph.

12. Section 102.5 of the Charter, enacted by section 463 of Chapter 25 of the Statutes of 2001, is amended by substituting the words "of the municipality referred to" for the words "that the municipality referred to has provided for".

13. Section 146 of the Charter, amended by section 478 of Chapter 25 of the Statutes of 2001, is further amended by adding the following paragraph at the end:

"The mayor determines the place, date and time of the first meeting of any borough council. If the meeting is not held, the mayor fixes another meeting.".

14. The Charter is amended by inserting the following after section 146:

"**146.1** Any person, appointed by the transition committee or integrated as an employee of the city in a position comprising the exercise of duties necessary to the holding of a meeting of the municipal council or of a borough council, to the decision making by such a council or the carrying out of an act such a council may perform before the date of constitution of the city, is deemed, relatively to the necessary duties exercised before the constitution of the city, to act in the performance of his duties.".

15. Section 147 of the Charter, amended by section 479 of Chapter 25 of the Statutes of 2001, is further amended

(1) by substituting "The council adopts" for the words "During the first meeting, the council shall adopt" in the first line; and

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

"The treasurer or secretary-treasurer of a municipality referred to in section 5 who is not already bound to apply section 105.4 of the Cities and Towns Act (R.S.Q., c. C-19), section 176.4 of the Municipal Code of Québec (R.S.Q., c. C-27.1) or a similar provision in the charter of the municipality is bound to produce, before the budget of the city is adopted for the 2002 fiscal year, at least the comparative statement on revenues provided for in that section 105.4.".

16. The Charter is amended by adding the following after Schedule V-B:

"**SCHEDULE V-C**
(provisions made under section 9)

(1) The Act respecting Ville de Lévis (1994, c. 59) and the Act respecting Ville de Saint-Romuald (1994, c. 61) remain into force and apply to the entire territory of the city.

(2) In case of a conflict between a provision of this Schedule and a provision of the Charter, the first one prevails.

(3) No provision in this Schedule or no provision kept into force by this Schedule has the effect of restricting the scope of a provision, included in any Act applicable to the city or any municipality in general or to one of their bodies, for the only reason that it is similar to such a provision but written in more specific terms.".

17. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4657

Gouvernement du Québec

O.C. 1312-2001, 1 November 2001

An Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais
(2000, c. 56)

Charter of Ville de Hull-Gatineau

WHEREAS the Charter of Ville de Hull-Gatineau (2000, c. 56, Schedule IV) was enacted by the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS several municipalities referred to in section 5 of the Charter as well as the Communauté urbaine de l'Outaouais are presently governed by special legislative provisions that will be repealed on 1 January 2002 pursuant to section 227 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) and to section 138 of that Charter;

WHEREAS under section 9 of that Charter, the Government may, by order, from among the special legislative provisions that govern any municipality referred to in section 5 of that Charter or the Communauté urbaine de l'Outaouais, determine the provisions that are to apply to all or any part of the territory of Ville de Hull-Gatineau;

WHEREAS that order adopted under section 9 of the Charter may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which such a special legislative provision is to apply;

(2) providing for any omission for the purpose of ensuring the application of the Act; and

(3) derogating from any provision of the Charter of Ville de Hull-Gatineau, of a special act governing a municipality referred to in section 5 of that Charter, of an act for which the Minister of Municipal Affairs and Greater Montréal is responsible or of an instrument made under any of those acts;

WHEREAS, under section 10 of that Charter, the Government may, by order, change the name of the city;

WHEREAS, on 27 June 2001, the Government adopted Order in Council 796-2001 to change the name of Ville de Hull-Gatineau to that of Gatineau;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the Charter of Ville de Hull-Gatineau (2000 c. 56, Schedule IV), amended by chapters 25 and 26 of the Statutes of 2001, be further amended as follows:

1. The title of the Charter of Ville de Hull-Gatineau (2000, c. 56, Schedule IV) is amended by substituting the word "Gatineau" for the word "Hull-Gatineau".

2. Section 12 is amended by adding the following paragraph:

"The clerk of the city is by virtue of office the secretary of the committee. In his absence, the assistant clerk will exercise that function.".

3. Section 8, amended by section 408 of chapter 25 of the Statutes of 2001, is further amended:

(1) by substituting the following for the first paragraph:

"**8.** Subject to section 8.6, the expenditures related to any debt of a municipality mentioned in section 5 shall continue to be financed by revenues derived exclusively from the territory of the municipality or a part thereof. Any surplus of such municipality shall remain for the exclusive benefit of the inhabitants and ratepayers in its territory or a part thereof. To determine if the financing or surplus should burden or be credited to just a part of the territory, the rules applicable on 31 December 2001 respecting the financing of expenditures related to the debt or the source of the revenues that have generated the surplus shall be considered.

Where expenditures related to a debt of a municipality mentioned in section 5, for the 2001 fiscal year, were not financed by the use of a specific source of revenue, the city may continue to finance them by using revenues not reserved for other purposes that come from the territory of the municipality. Notwithstanding section 6, the foregoing also applies where those expenditures were financed, for that fiscal year, by the use of revenues from a tax imposed for that purpose on all taxable immovables located in that territory.

If it avails itself of the power provided for in the second paragraph in respect of a debt, the city may not, to establish the tax burden provided for in section 76.1, charge to the revenues derived from the taxation specific to the non-residential sector that come from the territory in question a percentage of the financing of the expenditures related to that debt greater than the percentage corresponding to the quotient obtained by dividing the total of those revenues by the total revenues provided for in subparagraphs 1 to 7 of the fifth paragraph of section 8.6 and coming from that territory. If the tax burden is established for the 2002 fiscal year or a subsequent fiscal year, the revenues of the preceding fiscal year shall be considered for that division.

For the purposes of the third paragraph, the revenues of a fiscal year are those provided for in the budget adopted for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several statements are filed successively, the last one shall be considered.

For the purposes of the third paragraph, "revenues derived from the taxation specific to the non-residential sector" means the aggregate of the following:

(1) revenues from the business tax;

(2) revenues from the surtax or the tax on non-residential immovables;

(3) revenues from the general property tax that are not considered in establishing the aggregate taxation rate when, under section 244.29 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), several rates for that tax are fixed; and

(4) revenues from the amount in lieu of a tax referred to in any of subparagraphs 1 to 3 that must be paid either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries, except, if the amount stands in lieu of the general property tax, revenues that would be considered in establishing the aggregate taxation rate if it was the tax itself.";

(2) by substituting the words "Are deemed to constitute expenditures related to a debt of a municipality mentioned in section 5 and financed by revenues derived from its entire territory the" for the word "The" in the first line of the second paragraph;

(3) by substituting the words "that municipality" for the words "a municipality referred to in the first paragraph" in the fourth line of the second paragraph;

(4) by substituting the words ". The foregoing also applies to the" for the words ", shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality. The" in the sixth, seventh and eighth lines of the second paragraph;

(5) by substituting "mentioned in section 5" for "referred to in the first paragraph" in the tenth line of the second paragraph;

(6) by striking out the words "shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality" in the eleventh, twelfth and thirteenth lines of the second paragraph;

(7) by substituting the word "sixth" for the word "second" in the third and ninth lines of the third paragraph;

(8) by substituting the words "Are deemed to constitute a surplus or expenditures related to a debt of a municipality mentioned in section 5, respectively, the" for the word "The" in the first line of the fourth paragraph; and

(9) by striking out the words "shall continue to be credited to or to burden, as the case may be, all or any portion of the taxable immovables of the sector formed by the territory of that municipality" in the third, fourth and fifth lines of the fourth paragraph.

4. Section 8.5, enacted by section 409 of chapter 25 of the Statutes of 2001, is amended by striking out the words "the taxable immovables situated in" in the sixth and seventh lines of the second paragraph.

5. Section 8.6, enacted by section 409 of chapter 25 of the Statutes of 2001, is amended

(1) by substituting the words "Notwithstanding the foregoing, such decision may not cover what is deemed, under one of the last three paragraphs of section 8, to constitute such expenditures. The following expenditures may neither" for the words "The following expenditures may not" in the first line of the second paragraph;

(2) number "7" is substituted for number "4" in the fourth line of the third paragraph;

(3) by substituting "in accordance with section 8" for the words "using any source of revenue specific to that purpose imposed on the part of the territory that corresponds to the territory of the municipality" in the third and fourth lines of the fourth paragraph;

(4) by inserting the words ", notwithstanding section 6," after the word "that" in the fifth line of the fourth paragraph;

(5) by inserting the words "and considered in establishing the aggregate taxation rate of the municipality" after the word "taxation" in the second line of subparagraph 4 of the fifth paragraph;

(6) by inserting the words "or from the application of the Act respecting duties on transfers of immovables (R.S.Q., c. D-15.1)" at the end of subparagraph 8 of the fifth paragraph; and

(7) by adding the following paragraphs after the fifth paragraph:

"For the purposes of the third and fifth paragraphs, the revenues of the municipality for the 2001 fiscal year are those provided for in the budget adopted for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the 2002 fiscal year. If several statements are filed successively, the last one shall be considered.

The third, fourth and fifth paragraphs of section 8 apply, with the necessary modifications, in respect of the expenditures that the city decides, under the fourth paragraph of this section, to finance by using revenues derived from all its territory, but not from a source of revenue imposed specifically for that purpose, and not reserved for other purposes.".

6. Section 75.1, enacted by section 418 of chapter 25 of the Statutes of 2001, is amended by inserting ", of section 8" after the word "division" in the second line of the second paragraph.

7. The following is inserted after section 75.1, enacted by section 418 of chapter 25 of the Statutes of 2001:

"**75.2.** Where, under any provision of this Division, revenues of the city or a municipality mentioned in section 5 for a given fiscal year must be compared with revenues of the city for the following fiscal year, the revenues provided for in each budget adopted for those two fiscal years shall be considered.

Notwithstanding the foregoing, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several statements are filed successively, the last one shall be considered.".

8. Section 76.1, enacted by section 418 of chapter 25 of the Statutes of 2001, is amended

(1) by inserting the following after subparagraph 2 of the second paragraph:

"(2.1) the revenues considered in establishing the aggregate taxation rate and derived from compensations and modes of tariffing not referred to in subparagraph 2;"; and

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

For the purposes of subparagraphs 2 and 3 of the second paragraph, the word "immovables" means business establishments when the business tax or the amount standing in lieu thereof is involved.".

9. Section 76.7, enacted by section 418 of chapter 25 of the Statutes of 2001, is amended by substituting the words "last three" for the words "second and third" in the first line of the second paragraph.

10. Section 77, enacted by section 418 of chapter 25 of the Statutes of 2001, is amended by substituting the words "last three" for the words "second and third" in the first line of the second paragraph.

11. Section 77.2, enacted by section 418 of chapter 25 of the Statutes of 2001, is amended by substituting the words "last three" for the words "second and third" in the first line of the second paragraph.

12. Section 77.5, enacted by section 418 of chapter 25 of the Statutes of 2001, is amended by substituting the words "of the municipality concerned" for the words "that the municipality concerned estimated" in the sixth line of the first paragraph.

13. The Charter is amended by inserting, after section 134, the following:

"**134.1.** Any person appointed by the transition committee or reassigned as a member of the personnel of the city to a position involving the exercise of functions necessary for holding a meeting of the city council or of a borough council, for the making of a decision by such a council or for the performance of an act that such a council may perform before the date of constitution of the city, is deemed, with regard to those necessary functions exercised before the date of constitution of the city, to act in the exercise of his functions.".

14. Section 135, amended by section 434 of chapter 25 of the Statutes of 2001, is further amended:

(1) by substituting, in the first line, the words "The council shall adopt" for the words "At its first meeting, the council shall adopt"; and

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

"The treasurer of a municipality mentioned in section 5 who is not already bound to apply section 105.4 of the Cities and Towns Act (R.S.Q., c. C-19) or a similar provision in the charter of the municipality is bound to produce, before the budget of the city is adopted for the 2002 fiscal year, at least the comparative statement of revenues provided for in that section 105.4.".

15. The charter is amended by adding the following after Schedule IV-A:

"**SCHEDULE IV-B**
(provisions enacted under section 9)

1. Notwithstanding section 28 of the Cities and Towns Act (R.S.Q., c. C-19) and the Municipal Aid Prohibition Act (R.S.Q., c. I-15), the city may alienate, free of charge, for the owner of an adjoining immovable, a parcel of land of little value.

2. Notwithstanding section 56 of the Cities and Towns Act (R.S.Q., c. C-19), the council shall elect a councillor as acting mayor for the twelve ensuing months or until he is replaced; such acting mayor shall have the responsibilities, prerogatives and authority of the mayor, except in regard to the executive committee, where the mayor is absent from the city or unable to perform the duties of his office.

3. In addition to the basic remuneration provided for by the Act, the city may, by by-law, fix additional remuneration for the duties of leader of the Opposition and for the duties of leader of the governing party that are performed by council members within the city.

The provisions of the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001) shall apply in respect of the additional remuneration so fixed as if the duties of leader of the Opposition and leader of the governing party were special duties within the meaning of that Act.

The leader of the governing party is the councillor designated by the political party with the greatest number of councillors on the city council.

The leader of the Opposition is the councillor designated by the political party with the second largest number of councillors on the city council; if several political parties are in that position, the leader of the Opposition is the councillor designated by the party that obtained the greatest number of votes.

For each of the designations provided for in the third and fourth paragraphs, a notice shall be submitted to the council by a councillor of the political party having made the designation. The designation may be modified at any time.

4. Notwithstanding paragraph *f* of section 70.8 of the Cities and Towns Act (R.S.Q., c. C-19), only leases for the rental of a movable or immovable property of a duration of more than five years will be the subject of a report by the executive committee to the city council.

5. Every communication between the city council and the departments shall be through the executive committee; in its relations with the committee, the council shall also act by resolution. The members of the council shall only address the director general for any information respecting the departments.

6. Every communication between the executive committee and the departments shall be through the director general; however, the executive committee may, at any time, call before it any director of a department to obtain information from him.

7. A percentage of 0.11% shall be substituted, for the city, for the percentage of 0.17% provided for in section 107.5 of the Cities and Towns Act (R.S.Q., c. C-19).

8. Notwithstanding section 328 of the Cities and Towns Act (R.S.Q., c. C-19), the council may, at the

mayor's request, designate one of its members as chairman. In the absence of the chairman, the council chooses another of its members to preside.

9. Notwithstanding the third paragraph of paragraph 20 of section 412 of the Cities and Towns Act (R.S.Q., c. C-19), the fine to be paid on the statement of offence shall not exceed the sum fixed by the council for an offence under a provision of any other by-law passed under this paragraph, except an offence under a provision adopted under paragraph 4, 5 or 8 of section 626 of the Highway Safety Code (R.S.Q., c. C-24.2), in which case the fine must be equal to the minimum prescribed in the said Code for an offence respecting the same matter.

10. The city may, by by-law of its council passed in accordance with section 412 of the Cities and Towns Act (R.S.Q., c. C-19), fix a tariff of costs for the removal or towing of a vehicle parked in violation of a provision adopted under the Cities and Towns Act (R.S.Q., c. C-19) or the Highway Safety Code (R.S.Q., c. C-24.2).

In every case in which it is provided that a vehicle may be removed or towed for a parking offence, the amount prescribed under the first paragraph may be claimed on the statement of offence and collected by the collector in accordance with sections 321, 322 and 327 to 331 of the Code of Penal Procedure (R.S.Q., c. C-25.1).

11. The council may order, in a by-law on fire prevention passed in accordance with paragraph 22 of section 412 of the Towns and Cities Act (R.S.Q., c. C-19), that all or part of a code of standards on fire prevention constitutes all or part of the by-law. It may also prescribe that amendments to that code or a relevant part of it made after the coming into force of the by-law are also part of it without having to pass a by-law to prescribe the applicability of every amendment made. Such an amendment comes into force in the municipality on the date fixed by a resolution by the council; the city clerk shall give public notice of the passing of such a resolution in conformity with the law. The code or the applicable part of it is attached to the by-law and is part of it.

12. For the application of subparagraph *b* of paragraph 44.1 of section 412 of the Cities and Towns Act (R.S.Q., c. C-19), the city by-law may also allow the city to claim the reimbursement of the cost it may incur where an alarm system is defective or is set off by mistake.

13. The city may, by by-law passed in accordance with section 412 of the Cities and Towns Act (R.S.Q., c. C-19), require the owner, tenant or occupant of any immovable or category of immovables to provide the immovable with any construction item, device, mechanism, alarm system, apparatus or equipment designed to provide for or safeguard the safety of persons or to prevent crime, and to maintain them constantly in perfect working order.

14. The city may, by by-law passed in accordance with section 412.2 of the Cities and Towns Act (R.S.Q., c. C-19), determine the conditions of occupancy and maintenance of a building and require, whenever such building is decrepit or dilapidated, the carrying out of restoration, repair and maintenance works; provide for the procedure by which the person whose immovable does not conform to the by-laws is notified of the works to be carried out to make the immovable in conformity; determine the period within which such person may lodge an appeal before the committee; give to such committee authority to confirm, amend or annul the decision of the person who has served notice of a failure to conform to the by-law; provide that such works be charged to the person designated in the notice and, in cases where the owner of the immovable refuses to carry out the works, prescribe that the city may carry them out and recover the cost thereof; the cost of such works constitutes a prior claim on the immovable on which the works were carried out, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code of Québec.

15. The city may, by by-law:

(1) provide for use by the general public of spaces or buildings established in accordance with paragraph 6 of section 415 of the Cities and Towns Act (R.S.Q., c. C-19) or lease such spaces on an exclusive basis to certain persons;

(2) regulate or prohibit parking on any land or in any building belonging to the city, provided that the regulation or prohibition is indicated by means of the proper signs or signals; and

(3) prohibit the drivers of motor vehicles from parking or leaving their vehicles on private residential land without the authorization of the owner or occupant of the land, provide for the towing and storage of such vehicles at their owners' expense and require the prior submission of a written complaint of the offence from the owner or occupant of the land, or from the representative of such owner or occupant.

16. The city, in a by-law passed under paragraph 5 of section 460 of the Cities and Towns Act (R.S.Q., c. C-19), may impose requirements on the persons referred to in

that paragraph regarding, in particular, the keeping of records relating to their transactions, the disclosure of such records, the issue, within certain time limits and in accordance with certain forms, of extracts from such records to any municipal officer charged with the application of the by-law, the content of such extracts, and the manner of preserving articles that are the subject of such transactions, and to revoke licences, subject to the conditions prescribed by by-law, following the holder's refusal to comply with any demand or order, without prejudice to the imposition of any fine, penalty or other proceedings or lawful claim.

For the purposes of the by-law referred to in the first paragraph, every merchant other than a jeweller who buys precious metals, precious stones or jewelry of any kind from a person other than a dealer in similar articles is deemed to be a second-hand dealer or a dealer in bric-a-brac.

17. The city may regulate shops where articles of an erotic character are sold or offered for sale and massage parlours.

18. For the purposes of section 536 of the Cities and Towns Act (R.S.Q., c. C-19) and notwithstanding the second paragraph of that section, the city may bid up to the amount of the municipal assessment of the immovable.

19. Sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., c. C-19) do not apply to the contracts referred to in section 573.3 of that Act, neither do they apply to a contract awarded by the city whose object is the performance of work to remove, move or reconstruct mains or installations for waterworks, sewers, electricity, gas, steam, telecommunications, oil or other fluids and which is entered into with the owner of the mains or installations or with a public utility for a price corresponding to the price usually charged for an undertaking generally performing such work.

Nor do they apply to a contract awarded by the city whose object is the provision of services by a single supplier or by a supplier in a monopoly position in the field of communications, electricity or gas, or whose object is the maintenance of specialized equipment which must be carried out by the manufacturer or his representative.

20. The council may, by by-law and in accordance with section 19 of the Act to amend the charter of the city of Hull (1996, c. 86) which continues to apply, fix at 2:00 a.m. the time at which bar permits must cease to be operated in the territory designated by the by-law.

21. The council may, by by-law, adopt a program to grant, subject to the terms and conditions determined in the by-law, a tax credit related to the setting up or enlarging of a high technology establishment in the territory described in the sixth paragraph.

For the purposes of this section, the expression "high technology" refers in particular to the aerospace, telecommunications, biotechnology, pharmacology, computer, electronics, microelectronics, optoelectronics, robotics, optics and laser fields. "High technologies" means a use having as its main activity:

That expression also includes establishments in other fields whose main activity is:

(1) scientific or technological research or development;

(2) scientific or technological training;

(3) the administration of a technological enterprise; or

(4) the manufacturing of technological products, including scientific research and experimental development.

A by-law passed under this section may not provide for a tax credit for a period exceeding five years; the eligibility period for the program may not extend beyond 31 December 2006.

The effect of the tax credit shall be to offset any increase in property taxes that may result from a reassessment of the immovables after completion of the work. For the fiscal year in which the work is completed and for the next two fiscal years, the amount of the tax credit shall be the difference between the amount of the property taxes that would have been payable if the assessment of the immovables had not been changed and the amount of the property taxes actually payable. For the next two fiscal years, the amount of the tax credit shall be, respectively, 80 per cent and 60 per cent of the amount of the tax credit for the first fiscal year.

The by-law provided for in the first paragraph may only be adopted and, where applicable, shall only apply if the city's zoning by-law provides that in the case of the main activities referred to in subparagraphs 1 and 4 of the second paragraph, the use must occupy a gross floor area reserved and intended for scientific research and experimental development that is equal to at least 15 per cent of the total gross floor area occupied or intended to be occupied for that use. The zoning by-law must also provide that no use having as its main activity

one of the activities referred to in subparagraphs 2 and 3 of the second paragraph may be authorized for more than 30 per cent of the territory described in the sixth paragraph.

The territory on which the first paragraph applies consists of spaces intended for business and technology in the development plan of the Communauté urbaine de l'Outaouais and designated as being the Technoparc de Hull (pole no. 201), the Parc d'Aylmer and the industrial park on Chemin Pink in Hull (pole no. 102), the business and technology park in Gatineau (pole no. 303), the aeropark in Gatineau (pole no. 304), the Parc d'affaires du plateau in Hull (pole no. 203), the Pôle multifonctionnel de Hull (pole no. 206), the Pôle multifonctionnel de Gatineau (pole no. 302), and the Pôle multifonctionnel d'Aylmer (pole no. 103).

22. The council may, by by-law, adopt a program to grant, subject to the terms and conditions determined in the by-law, a tax credit related to the setting up or enlargement of offices of national or international associations or organizations in its territory.

A by-law passed under this section may not provide for a tax credit for a period exceeding five years.

The effect of the tax credit shall be to offset any increase in property taxes that may result from a reassessment of the immovables after completion of the work. To be eligible, establishments must occupy an area of at least 1,000 square metres. The tax credit applies to the difference between the amount of property taxes that would be due had the assessment of the immovables not been modified and the amount of taxes actually due. It varies from year to year, in proportion to the occupancy of the immovable by the eligible activities, according to the following calculation rule:

(1) for the fiscal year in which the work is completed and for the two following fiscal years, the tax credit shall be 20% of the difference between the amounts of property taxes for each 10% of occupancy of the immovable, up to a maximum credit representing 100% of that difference;

(2) for the fourth fiscal year, the credit shall be 15% for each 10% of occupancy, up to a maximum of 75% of the difference between the tax amounts;

(3) for the fifth and last fiscal year, the credit shall be 10% per 10% of occupancy, up to a maximum of 50% of the difference between the tax amounts.

23. The city may, in a by-law passed in accordance with subparagraph 9 of section 113 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), prescribe the number and width of places where vehicles must have access to a landsite and prohibit such openings on certain boulevards or public places.

24. The city may, after a public call for tenders and on the conditions it determines, enter into any agreement with a view to the construction, establishment and financing of a recreation centre on the land described in the Schedule to the Act respecting Ville de Gatineau (1995, c. 80), which remains in force for that purpose.

For the purposes of the first paragraph, sections 1 to 3 of the Municipal Works Act (R.S.Q., c. T-14) and sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., c. C-19) do not apply.

However, any resolution of the council authorizing a convention relating to the recreation centre referred to under which the city makes a financial commitment for a period exceeding five years must be approved by the persons qualified to vote in the entire territory of the city in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) before the convention is submitted to the Minister of Municipal Affairs for approval.

25. The city is authorized to sell to the Centre d'accueil de Gatineau, for the price of $1,000 in cash and other considerations, lots 19C-73 to 19C-76, lot 19C-182-3 and part of lot 19C-182-2 of Rang I of the cadastre of Canton de Templeton, such part measuring 56 feet in width and 121.7 feet in length and being limited to the west by Rue Maple, to the east by lot 19C-182-3, to the south by lots 19C-75 and 19C-76 and to the north by the remainder of the said lot 19C-182-3, such sale being then deemed made for valuable consideration subject to the other conditions and formalities prescribed in section 26 of the Cities and Towns Act (R.S.Q., c. C-19).

26. Section 55 of the Act to revise the charter of the city of Hull (1975, c. 94), amended by section 1 of the Act to amend the charter of the city of Hull, as well as Schedule II to that Act concerning the establishment and operation of a convention centre, remain in force.

The first paragraph does not have for effect to restrict powers granted to the city or to any municipality under sections 471.05 and 471.0.6 of the Cities and Towns Act (R.S.Q., c. C-19).

27. Section 3 of the Act to amend the charter of the city of Hull (1962, c. 65) remains in force.

28. Concerning the pension plan of members of the council who are in office at the time of coming into force of this Act, the election of 2 February 1975 is deemed to have been held on the first Sunday of November 1974. Sections 5 and 6 have been in effect since 2 February 1975.

29. In case of incompatibility between a provision of this Schedule and a provision in the city's Charter, the former prevails.

30. No provision of this Schedule or any provision kept in force by this Schedule, has for effect to restrict the scope of a provision contained in any act applicable to the city or to any municipality in general or to one of their bodies or agencies for the sole reason that it is similar to such a provision but is written in more specific terms.".

16. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

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Notices

Notice

Ecological Reserves Act
(R.S.Q., c. R-26.1)

Lac la Blanche Ecological Reserve
— Plan of the proposed reserve

Notification is hereby given in accordance with section 4 of the Ecological Reserves Act that the Minister of the Environment has replaced the plan of the proposed Lac la Blanche Ecological Reserve which he intends to establish within the territory of the towns of Mayo and Saint-Sixte, and the united townships of Mulgrave-et-Derry, in the Papineau regional county municipality, and for which a notification had been published in the *Gazette Officielle du Québec* of January 24, 2001.

Specifically, the proposed reserve, which now covers nearly 2061 hectares, comprises, with reference to the initial land survey, lots 24 to 37 of Rangs I and II and part of lot 23 of Rang II, as well as lots 29 to 35 of Rang III in the Mulgrave Township, lots 13 to 18 of Rang XI and lots 14 to 18 of Rang XII in the Lochaber Township, Papineau Township cadastre.

A copy of the new plan of the proposed ecological reserve prepared by land-surveyor Claude Vincent and bearing his cadastral minute n° 3696, can be obtained, upon payment of a fee, from the Ministère de l'Environnement's Direction du patrimoine écologique et du développement durable at 675, boulevard René-Lévesque Est, 4e étage, boîte 21, Québec (Québec) G1R 5V7.

GILBERT CHARLAND,
Deputy minister

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Index Statutory Instruments

Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified