

Laws and Regulations

Volume 153

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Regulations and other Acts

M.O., 2021

Order of the Minister of Municipal Affairs and Housing dated 12 January 2021

An Act respecting land use planning and development (chapter A-19.1)

Amendment to the land use planning and development controls provided for by Order in Council 817-2019 dated 12 July 2019

WHEREAS the Government made Order in Council 817-2019 concerning the declaration of a special planning zone to promote better management of flood zones on 12 July 2019;

WHEREAS the purpose of that Order in Council is to solve a development and environmental problem that is both serious and urgent;

WHEREAS that Order in Council provides for the land use planning and development controls applicable within the perimeter of the special planning zone;

WHEREAS those controls are designed for flood zones;

WHEREAS analyses submitted to the Ministère des Affaires municipales et de l'Habitation and the Ministère de l'Environnement et de la Lutte contre les changements climatiques led to conclude that a project for the construction of new dikes and the implementation of a water management system for Municipalité de Saint-Joseph-du-Lac would allow to secure its territory and service roads of Municipalité de Pointe-Calumet in anticipation of the 2021 spring freshets thereby ensuring the safety of persons and property;

WHEREAS it is therefore expedient to allow the project in the territory of the municipality;

WHEREAS, in accordance with Order in Council 817-2019, the controls it provides may be amended by an order of the Minister of Municipal Affairs and Housing published in the *Gazette officielle du Québec*;

WHEREAS the controls have already been amended by Ministerial Orders dated 2 August 2019, 23 August 2019, 25 September 2019 and 23 December 2019 and by Order in Council 1260-2019 dated 18 December 2019, but it is expedient to further amend them;

WHEREAS a draft of this Order was published in the *Gazette officielle du Québec* of 23 December 2020;

WHEREAS the amendment to the controls must come into force rapidly to allow the municipality to undertake work to secure its territory and service roads of Municipalité de Pointe-Calumet in anticipation of the 2021 spring freshets thereby ensuring the safety of persons and property;

THEREFORE, the Minister of Municipal Affairs and Housing orders as follows:

THAT the land use planning and development controls applicable within the perimeter of the special planning zone provided for by Order in Council 817-2019 dated 12 July 2019, amended by Ministerial Orders dated 2 August 2019, 23 August 2019, 25 September 2019 and 23 December 2019 and by Order in Council 1260-2019 dated 18 December 2019, be further amended by inserting the following after paragraph 11.1 of the fourth paragraph of the operative part:

“(11.2) despite paragraphs 1 and 2 and any inconsistent provision of any instrument of a local municipality, regional county municipality or a metropolitan community, Municipalité de Saint-Joseph-du-Lac is authorized to make any intervention related to a dike and other structures or works required for the implementation of a water management system in connection with the protection of the territory against flooding, including a pumping station;”;

THAT this Order come into force on the date of its publication in the *Gazette officielle du Québec*.

ANDRÉE LAFOREST,
Minister of Municipal Affairs and Housing

104833

Erratum

M.O., 2020

Order of the Minister of Municipal Affairs and Housing

An Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001)

Gazette officielle du Québec, Part 2, December 16, 2020, Volume 152, No. 51, page 3424.

On page 3424, the following text should have appeared:

“M.O., 2020

Order of the Minister of Municipal Affairs and Housing

An Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001)

Rules to establish the fiscal potential of the related municipalities of the urban agglomeration of Montréal for the purpose of apportioning urban agglomeration expenditures

WHEREAS Title IV.3 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), comprising sections 118.79 to 118.97, includes special provisions applicable to the urban agglomeration of Montréal;

WHEREAS the first paragraph of section 118.80 of the Act provides that urban agglomeration expenditures are apportioned among the related municipalities in proportion to their respective fiscal potentials established according to the rules prescribed by the Minister of Municipal Affairs, Regions and Land Occupancy;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Order concerning the Rules to establish the fiscal potential of the related municipalities of the urban agglomeration of Montréal for the purpose of apportioning urban agglomeration expenditures was published in Part 2 of the *Gazette officielle du Québec* of 14 October 2020 with a notice that it could be made on the expiry of 45 days following that publication and any person wishing to comment could submit written comments within the 45-day period;

WHEREAS two comments have been received;

WHEREAS it is expedient to make the Order with an amendment to section 3 in order to specify the composition of the working committee;

THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING ORDERS AS FOLLOWS:

The Order concerning the Rules to establish the fiscal potential of the related municipalities of the urban agglomeration of Montréal for the purpose of apportioning urban agglomeration expenditures is hereby made.

Québec, 4 December 2020

ANDRÉE LAFOREST,
Minister of Municipal Affairs and Housing

Order concerning the Rules to establish the fiscal potential of the related municipalities of the urban agglomeration of Montréal for the purpose of apportioning urban agglomeration expenditures

An Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001, s. 118.80)

DIVISION I GENERAL

1. The provisions of this Order set out the rules for establishing, for the fiscal year 2021, the fiscal potential of the related municipalities of the urban agglomeration of Montréal for the purpose of apportioning the urban agglomeration expenditures of Ville de Montréal.

DIVISION II GENERAL

2. The fiscal potential of each related municipality of the urban agglomeration of Montréal, for the purpose of apportioning the urban agglomeration expenditures of Ville de Montréal, is established in accordance with section 261.5 of the Act respecting municipal taxation (chapter F-2.1), with the necessary modifications, in particular, the replacement of the coefficient “0.48” in subparagraph 2 of the first paragraph by “2.68”.

DIVISION III**SPECIAL AND FINAL**

3. The Minister of Municipal Affairs and Housing shall create a working committee, composed of representatives of Ville de Montréal and the Association of Suburban Municipalities, to review the terms and conditions for apportioning the aliquot shares, in particular, the calculation of the fiscal potential or any other sustainable solutions; the committee must report to the Minister no later than 31 August 2021.

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

104838