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Bill 249

(Private)

An Act to amend the charter of the city of Québec

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(Private)

An Act to amend the charter of the city of Québec

WHEREAS it is in the interest of the city of Québec that its charter, chapter 95 of the statutes of 1929 and the Acts amending it, be again amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4 of the charter of the city of Québec (1929, chapter 95), amended by section 1 of chapter 85 of the statutes of 1966-67, by order in council 3653-78 made on 30 November 1978 under section 2 of the Cities and Towns Act (R.S.Q., chapter C-19), by section 194 of chapter 38 of the statutes of 1984, by section 1 of chapter 61 of the statutes of 1984, by section 134 of chapter 27 of the statutes of 1985 and by section 2 of chapter 116 of the statutes of 1986, is again amended

(1) by adding, after subparagraph 2.1 of the second paragraph, the following subparagraph:

“(2.2) enter into contracts for the purpose of transferring or leasing

(a) rights and licences in respect of processes devised by it as well as know-how in its fields of competence and any material allowing subsequent purchasers to use such know-how;

(b) geomatic data or other data concerning its territory.

Such contracts may be entered into for the purpose of a gratuitous transfer or a loan for use where such transfer or loan is in favour of the Government, a minister or agency thereof, a municipality, an urban community, a school board or any other non-profit organization.

The processes, know-how and data of bodies created by the city and of the corporations incorporated at the request of the city are processes, know-how and data of the city.

Any contract with a person or body other than a person or body referred to in the second paragraph must be awarded for a valuable consideration, on pain of nullity;”;

(2) by replacing subparagraph 3 of the second paragraph by the following subparagraph:

“(3) alienate for valuable consideration any movable or immovable property. Each month, the clerk shall publish a notice concerning any property having a value greater than \$10 000 that has been alienated by the city otherwise than by auction or by public tender. The notice shall describe each property and indicate, opposite each property, the price of alienation and the identity of the purchaser;”.

2. Section 4*a* of the said charter, replaced by section 1 of chapter 55 of the statutes of 1994, is amended by striking out the words “other than professional services,” in the eighth line and by inserting the words “as the case may be,” after the words “to that end” in the tenth line.

3. Section 4*e* of the said charter, replaced by section 1 of chapter 55 of the statutes of 1994, is amended by replacing the first paragraph by the following paragraph:

“**4*e*.** The city may enter into an agreement with the Union des municipalités du Québec, the Union des municipalités régionales de comté et des municipalités locales du Québec inc., the Federation of Canadian Municipalities or with more than one of those bodies for the purchase of equipment or materials, for the carrying out of works or for the awarding of an insurance contract or a contract for the supply of services, by the body or bodies in the name of the city.”

4. The said charter is amended by adding, after section 4*e*, the following section:

“4e.1 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., chapter 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 entered into under section 4a or 4e 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 (R.S.Q., chapter S-4) 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 Financial Administration Act (R.S.Q., chapter A-6).”

5. Section 159a of the said charter, enacted by section 49 of chapter 81 of the statutes of 1965 (1st session) and amended by section 2 of chapter 85 of the statutes of 1966-67, by section 3 of chapter 80 of the statutes of 1973, by section 8 of chapter 42 of the statutes of 1980, by section 3 of chapter 61 of the statutes of 1984, by section 5 of chapter 116 of the statutes of 1986, by section 7 of chapter 33 of the statutes of 1988, by section 5 of chapter 88 of the statutes of 1988 and by section 2 of chapter 84 of the statutes of 1991, is again amended

(1) by adding the words “the protection or development of the environment, resource conservation,” after the words “relate to” in the fourth line of paragraph *l*;

(2) by adding, after paragraph *l*, the following paragraph:

“(m) delegate to the executive committee, by by-law, on the conditions it determines, any power other than the power to make by-laws or to impose a tax. It may also determine on what matters the executive committee must, at its request, issue an opinion. However, the council may not delegate the power to appoint and fix the salary of the director general, assistant directors general, department heads and assistant department heads to the executive committee.”

6. Section 167*a* of the said charter, enacted by section 32 of chapter 102 of the statutes of 1937 and amended by section 2 of chapter 85 of the statutes of 1966-67, is replaced by the following section:

“167*a*. City employees are bound *ex officio* to be loyal to constituted authority.

They shall perform their duties in the public interest, to the best of their ability, with honesty and impartiality, and shall treat the public with consideration and diligence.”

7. Section 173*a* of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, by section 7 of chapter 68 of the statutes of 1970, by section 10 of chapter 42 of the statutes of 1980, by section 58 of chapter 61 of the statutes of 1984 and by section 9 of chapter 116 of the statutes of 1986, is again amended

(1) by replacing the word “six” in the third line of the third paragraph by the word “twelve”;

(2) by replacing the fifth paragraph by the following paragraph:

“Upon the recommendation of the director general, the council may appoint one or more assistants to the director general. Where the director general is absent or unable to act, the executive committee shall appoint an assistant or another person to replace him. That person shall have, during the time for which he is appointed, all the powers of the director general.”

8. Section 176 of the said charter, replaced by section 196 of chapter 38 of the statutes of 1984, and sections 177 to 181*f* of the said charter, enacted by section 11 of chapter 116 of the statutes of 1986, are replaced by the following sections:

“176. The council shall appoint an auditor to audit the accounts and business of

(1) the city;

(2) any legal person in which the city or its agent holds more than 50% of the voting rights, or more than half of the members of the board of directors of which are appointed by the city or its agent.

The council shall, after consulting the audit committee, appoint the auditor and fix his remuneration on a vote by a two-thirds majority of the council members.

“176a. The term of office of the auditor is seven years. It shall not be renewed.

The council may, on a vote by a two-thirds majority of the council members and after consulting the audit committee, dismiss the auditor, suspend him without pay or change his remuneration.

“176b. The auditor shall hold office on a full-time basis. The auditor shall not lease his services or work for anyone other than the city and shall devote all his time to the duties of his office.

The auditor may, however, with the authorization of the council, hold an office, with or without remuneration, on the board of directors or the executive committee of a non-profit organization having charitable, scientific, cultural, artistic, social or sports purposes.

“176c. The budget allocated to the auditor for the performance of his duties shall be equal to 0.23% of the operating budget of the city. No amount required for the audit referred to in section 181 of the activities of the auditor shall be taken from the budget allocated to the auditor.

The auditor is responsible for the application of the policies and standards of the city relating to the management of the human, physical and financial resources allocated to the conducting of audits.

“177. Where the office of auditor is vacant or where the auditor is unable to act, the council shall appoint a substitute at its next meeting.

“178. The auditor reports directly to the council.

“178a. The auditor shall audit the accounts and business of the city and of the legal persons referred to in subparagraph 2 of the first paragraph of section 176 in accordance with the generally accepted public accounting auditing standards. He shall perform all the other duties imposed on him by law, regulation or by-law.

The audit shall include, to the extent considered appropriate by the auditor, financial auditing, verification as to the conformity of the operations with the Acts, regulations and by-laws, and value-for-money auditing.

In no case may the auditor question the policies and objectives of the city's programs and those of the legal persons referred to in subparagraph 2 of the first paragraph of section 176.

“178b. The auditor may audit the accounts or documents of any person having received any subsidy paid or assistance granted in the form of a loan or otherwise by the city or a legal person referred to subparagraph 2 of the first paragraph of section 176, with respect to the use made of it.

“178c. The auditor may audit the accounts or documents of any person with whom the city has entered into an agreement referred to in paragraph *i* of section 159*a* or, in the case of an agreement entered into with a non-profit corporation, referred to in paragraph *k* of that section.

“178d. For the purposes of sections 178*a*, 178*b* and 178*c*, the city or any person referred to in those sections is required to furnish the auditor with the accounts or documents he considers useful for the performance of his duties, or to make them available to him.

The auditor is entitled to require any employee of the city or of a person referred to in the sections mentioned in the first paragraph to provide him with any information, report or explanation he considers necessary for the performance of his duties.

“178e. The auditor may audit the pension plan or fund of a retirement committee of the city or of a legal person referred to in subparagraph 2 of the first paragraph of section 176 where the committee has given him, with the consent of the council, the mandate to audit the pension plan or fund it administers.

“178f. Not later than 31 August each year, the auditor shall remit to the executive committee the results of his audit for the fiscal year ending on the preceding 31 December, and mention every fact or irregularity that he has noticed which, in his opinion, should be pointed out, in particular concerning

- (1) control of revenue, including assessment and collection;
- (2) control of expenditure, including authorization, and compliance with appropriations;
- (3) control of assets and liabilities, including related authorizations;
- (4) accounting for operations and related statements;

- (5) control and safeguard of property owned or administered;
- (6) acquisition and utilization of resources without sufficient regard to economy or efficiency;
- (7) implementation of satisfactory procedures to measure and make reports on effectiveness in cases where it is reasonable to do so.

The auditor may also, at any time, file with the executive committee an *ad hoc* report of his findings or recommendations which, in his opinion, should be brought to the attention of the council before the filing of his annual report.

The executive committee shall transmit to the council the reports filed by the auditor not later than the first meeting held thirty days after receipt of the reports.

“178g. The auditor shall report to the council on his audit of the financial statements and the statement fixing the aggregate taxation rate. In the report, which must be filed with the treasurer not later than 31 March following the end of a fiscal year, he shall state, in particular, whether

(1) the financial statements are a faithful reflection of the financial situation of the city on 31 December and of its operating results for the fiscal year ending on that date;

(2) the aggregate taxation rate has been established in accordance with the regulation made under section 262 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1);

(3) the treasurer has complied with the requirements of this charter with respect to the sinking-fund.

“178h. The auditor shall report to the board of directors of the legal persons referred to in subparagraph 2 of the first paragraph of section 176 on his audit of the financial statements before the expiry of the time in which they have to file their financial statements. In his report, the auditor shall state, among other things, whether the financial statements are a faithful reflection of their financial situation and of their operating results at the end of their fiscal year.

“178i. The auditor shall make an inquiry and report each time the executive committee or the council requests him to do so. However, the inquiry shall not take precedence over his main duties as auditor. The auditor shall report to the mandator.

The council may, after consulting the audit committee, grant a supplementary budget to the auditor for the purpose of such an inquiry or of an exceptional audit.

“178j. The auditor may communicate his findings, with the recommendations he considers appropriate, to the authorities and to the persons in charge, regarding any matter which in his opinion is within their competence.

“178k. Notwithstanding any other general law or special Act, neither the auditor, the employees under his direction or the experts whose services he retains may be compelled to give testimony relating to any information obtained in the performance of their duties or to produce any document containing such information.

Neither the auditor nor the employees under his direction may be sued by reason of any act they have done or failed to do in good faith in the performance of their duties.

No civil action may be instituted by reason of the publication of a report of the auditor under this charter or any other Act or of the publication in good faith of an extract or summary of such a report.

Except on a question of jurisdiction, no recourse under article 33 of the Code of Civil Procedure (R.S.Q., chapter C-25) or extraordinary recourse within the meaning of that Code may be exercised nor any injunction granted against the auditor, the employees under his direction or the experts whose services he retains when they act in their official capacity.

A judge of the Court of Appeal, on a motion, may summarily annul any proceedings instituted or decision made contrary to the provisions of the first paragraph.

“179. The following persons may not act as auditor :

(1) a member of the council of a municipality listed in Schedule A, B or D to the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

(2) an associate of a person mentioned in subparagraph 1 ;

(3) a person who, directly or indirectly, personally or through an associate, has any participation or interest or is entitled to any commission in or under a contract with the city or a legal person

referred to in subparagraph 2 of the first paragraph of section 176 or in connection with such a contract, or who derives any benefit from such a contract.

The auditor shall disclose, in any report he files, a situation liable to cause his personal interest and the duties of his office to conflict.

“180. The council shall establish an audit committee composed of at least three councillors. The mandate of the committee shall be determined by resolution of the council.

If a leader of the Opposition is designated in accordance with section 17*c*, at least one of the members must be appointed on his recommendation.

“181. Once every three years, the council shall appoint an external auditor responsible for auditing, for the three fiscal years preceding his appointment, the activities of the auditor.

The audit shall include financial auditing, verification as to the conformity of the operations with the Acts, regulations and by-laws, and value-for-money auditing.

“181*a*. The external auditor shall remit to the executive committee, within six months of his appointment, a report on the results of his audit. He shall mention every irregularity or fact that he has noticed which, in his opinion, should be pointed out.

The executive committee shall transmit the report to the council at the first sitting held thirty or more days after receipt of the report.

“181*b*. The following persons may not act as external auditor :

(1) a member of the council of a municipality listed in Schedule A, B or D to the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3);

(2) an officer or employee of the city;

(3) an associate of a person mentioned in subparagraph 1 or 2;

(4) a person who, directly or indirectly, personally or through an associate, has any participation or interest or is entitled to any

commission in or under a contract with the city or a legal person referred to in subparagraph 2 of the first paragraph of section 176 or in connection with such a contract, or who derives any benefit from such a contract.

The auditor shall disclose, in his report, a situation liable to cause his personal interest and the duties of his office to conflict.

“181c. The external auditor may be an individual or a partnership. He may entrust his work to his employees, but his responsibility is the same as if he had himself carried out all the work.”

9. Section 185 of the said charter, replaced by section 56 of chapter 81 of the statutes of 1965 (1st session) and amended by sections 2 and 12 of chapter 85 of the statutes of 1966-67, by section 11 of chapter 68 of the statutes of 1970, by section 6 of chapter 97 of the statutes of 1974, by section 10 of chapter 54 of the statutes of 1976, by section 2 of chapter 22 of the statutes of 1979, by section 11 of chapter 42 of the statutes of 1980, by sections 8 and 58 of chapter 61 of the statutes of 1984, by section 136 of chapter 27 of the statutes of 1985, by section 12 of chapter 116 of the statutes of 1986, by section 7 of chapter 88 of the statutes of 1988, by section 4 of chapter 84 of the statutes of 1991, by section 102 of chapter 30 of the statutes of 1994 and by section 3 of chapter 55 of the statutes of 1994, is again amended

(1) by adding, at the end of subsection 2, the following paragraphs:

“Where circumstances so warrant, a member of the executive committee may take part, deliberate and vote at a sitting of the executive committee by telephone or by any other means of communication.

No member may avail himself of that right unless each of the following conditions is satisfied:

(1) the chairman of the executive committee or the person he designates to replace him and the clerk are present in the same place;

(2) the telephone or other means of communication used permits all persons participating or present at the sitting to hear each other;

(3) the clerk attempted to communicate, by telephone or by that other means of communication, with each member of the council who is not present in the same place as the clerk and who is not already in communication with him, before the beginning of the sitting.

The clerk shall attest during the sitting that he satisfied the condition set out in subparagraph 3 of the third paragraph and the attestation shall be recorded in the minutes. The minutes shall also mention the names of the members who participated in the sitting by telephone or by the other means of communication. The minutes must be ratified by the executive committee at the next sitting.

A member who takes part, deliberates and votes at a sitting by telephone or by another means of communication in accordance with this paragraph is deemed to be present at that sitting, including for the purpose of determining if there is a quorum.”;

(2) by adding, at the end of subsection 30, the following paragraph:

“Where an application seeks to obtain 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 susceptible of having a substantial social, economic or architectural impact, before examining the application the executive committee may require from the applicant, in addition to the tariffing pursuant to sections 244.1 to 244.10 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), a security deposit equal to the amount of the actual file examination costs exceeding the amount of the costs exigible under the tariff provided for. The security deposit is refunded to the applicant if the project is carried out within the time determined by the executive committee, or belongs to the city if the project is not so carried out.”;

(3) by adding, after subsection 31, the following subsection:

“(32) The executive committee may, on the conditions it determines, delegate to the director general or to another officer the exercise of a power granted to him by the charter, another Act or a by-law.

Where the exercise of the delegated power entails an expenditure, the appropriations are made after a certificate of the treasurer or the head of the department concerned has been produced attesting that appropriations are available for that purpose.

The director general or the officer who exercises a power delegated under the first paragraph shall report to the executive committee at such intervals and in such manner as the executive committee determines.”

10. Section 185*a* of the said charter, enacted by section 12 of chapter 68 of the statutes of 1970 and amended by section 699 of chapter 61 of the statutes of 1992, is replaced by the following section:

“**185*a*.** The executive committee shall, in accordance with the Civil Code of Québec, dispose of any lost or forgotten property that is held by the city.

However, the city may destroy the lost or forgotten property upon becoming the holder thereof if it is considered dangerous, and shall not be required to pay any indemnity to the owners of such property.

Perishable property may be alienated or destroyed immediately. If it is claimed after alienation, the city shall be bound to repay only the price obtained, less the costs incurred.”

11. The said charter is amended by adding, after section 186, the following sections:

“**186.1** The council may, by by-law, divide the territory of the city into wards within which a ward council may be established. The council may not change the limits of a ward without prior consultation with the ward councils concerned.

“**186.2** The council shall consult the ward council on the matters listed in the by-law respecting the public consultation policy passed under section 187.1. The ward council may also, on its own initiative, give its advice on any other matter concerning the ward.

“**186.3** 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 186.14 and must be filed with the clerk of the city.

“186.4 Within thirty days of receipt of an application, the clerk shall verify, *prima facie*, the qualification and number of applicants and whether the application is in conformity with the by-law passed under section 186.14. The clerk shall report to the executive committee not later than the first sitting after the period of thirty days has elapsed.

The qualification and number of applicants shall be verified by means of the list of electors used in the most recent city polling, the real estate 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., chapter (*insert here the alphanumerical chapter number to be assigned to chapter 23 of the statutes of 1995*)).

“186.5 If the application is in conformity with section 186.3 and with the by-law passed under section 186.14, the executive committee shall call a public meeting to decide on the establishment of the ward council and shall publish the notices prescribed for in the by-law passed under section 186.14.

“186.6 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 having resided in the territory of the city for at least twelve months from the date of the filing of the application and residing in the ward or the persons of full age representing 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 real estate 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., chapter (*insert here the alphanumerical chapter number to be assigned to chapter 23 of the statutes of 1995*)).

If the clerk is unable to ascertain, *prima facie*, whether a person wishing to vote is qualified, he must ask the person to 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 sitting following the vote.

“**186.7** The calling and holding of the 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 passed under section 186.14.

“**186.8** 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 period of one year.

“**186.9** The resolution authorizing the establishment of the ward council shall indicate the limits of the ward and the corporate name of the ward council, which shall be composed of the words “Le conseil de quartier de” followed by the name of the ward.

“**186.10** 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.

“**186.11** The clerk shall transmit 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 deposit one copy thereof in the register instituted under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., chapter P-45) and transmit the other copy to the clerk.

“**186.12** From the date of the deposit of the resolution or by-law, the ward council is a legal person within the meaning of the Civil Code of Québec.

“**186.13** To the extent that it is applicable, Part III of the Companies Act (R.S.Q., chapter C-38) governs the ward council, subject to sections 186.1 to 186.19 and to the by-laws of the council 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, adapted as required, apply subject to this section and to the by-laws of the council approved by the Inspector General of Financial Institutions.

“**186.14** The council may, by by-law, establish the formalities of application to form a ward council, in particular the procedure for

the calling and holding of the meeting to decide on the establishment of the ward council and the duration of and procedure for the polling.

The by-law must provide at the least for the publication, once a week for two consecutive weeks in a newspaper distributed in the city, 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.

“186.15 The council shall determine, by by-law, the formalities to be observed for the calling and holding of the organizational 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 of 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.

“186.16 Within fifteen days after the organizational meeting, the ward council shall transmit a notice of the address of its head office and a list of its directors to the Inspector General of Financial Institutions to be deposited by him in the register.

“186.17 The persons of full age residing in the ward and the persons of full age representing a commercial, industrial, institutional or community institution situated in the ward are members of the ward council and are entitled to vote.

“186.18 The city may, on the conditions it determines, grant subsidies to ward councils or assist them financially by means of loans or otherwise.

“186.19 A ward council is a mandatary of the city and must report to the council on its activities at the time and in the manner prescribed by the council.”

12. The said charter is amended by adding, after section 187, the following section:

“187.1 The 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 fifteen days before the holding of the sitting 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 sitting 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 describe the main components of the public consultation policy or the proposed amendments, and must indicate where the by-law may be examined or a copy made thereof.

The council may establish a committee composed of the members it designates to hear interested persons and to report to it.”

13. Section 191*a* of the said charter, enacted by section 198 of chapter 38 of the statutes of 1984, is amended by replacing the word “three” in the second line by the word “five”.

14. Section 191*b* of the said charter, enacted by section 13 of chapter 116 of the statutes of 1986 and amended by section 9 of chapter 88 of the statutes of 1988 and by section 4 of chapter 55 of the statutes of 1994, is again amended by replacing the word “three” in the fifth line of the fourth paragraph by the word “five”.

15. Section 309 of the said charter, replaced by section 139 of chapter 27 of the statutes of 1985, is amended by replacing the first paragraph by the following paragraph:

“**309.** Whenever the city is authorized, by this charter, to grant a subsidy or a tax credit or any assistance in the form of a loan or otherwise, it may, for such purposes, establish classes of immovables, work or, as the case may be, real estate taxes.”

16. Section 309*a* of the said charter, replaced by section 12 of chapter 84 of the statutes of 1991, is again replaced by the following section:

“**309a.** The provisions of this charter authorizing the city to grant subsidies or tax credits or any assistance in the form of a loan or otherwise apply notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15).”

17. Section 309*b* of the said charter, enacted by section 8 of chapter 91 of the statutes of 1990, and amended by section 13 of chapter 84 of the statutes of 1991 and by section 16 of chapter 55 of the statutes of 1994, is again amended by replacing that part of the first paragraph preceding subparagraph 1 by the following:

“**309*b*.** The council may, by by-law, with respect to a subsidy granted pursuant to a provision of this charter or a by-law passed under a provision of this charter.”

18. Section 309*c* of the said charter, replaced by section 17 of chapter 55 of the statutes of 1994, is amended by replacing the words “for the purposes set forth in sections 304 to 308” in the first and second lines by the words “for the purposes of a provision authorizing the city to grant a subsidy or a tax credit or any assistance in the form of a loan or otherwise.”

19. The said charter is amended by adding, after section 318, the following section:

“**318*a*.** Part of the loan, not exceeding 5% of the amount of the expenditure authorized by the loan by-law in force, may be reserved for the repayment to the general fund of the city of all or part of the sums expended, before the passage of the loan by-law, in connection with the object of the by-law.

That part of the loan must be specified in the by-law.”

20. Section 336 of the said charter, amended by section 8 of chapter 122 of the statutes of 1930-31, by section 5 of chapter 104 of the statutes of 1931-32, by section 19 of chapter 111 of the statutes of 1935, by section 67 of chapter 102 of the statutes of 1937, by section 12 of chapter 104 of the statutes of 1938, by section 22 of chapter 102 of the statutes of 1939, by section 27 of chapter 74 of the statutes of 1940, by section 12 of chapter 50 of the statutes of 1943, by section 8 of chapter 47 of the statutes of 1944, by section 20 of chapter 71 of the statutes of 1945, by section 17 of chapter 51 of the statutes of 1948, by section 8 of chapter 63 of the statutes of 1951-52, by section 4 of chapter 36 of the statutes of 1952-53, by section 3 of chapter 52 of the statutes of 1952-53, by section 1 of chapter 67 of the statutes of 1955-56, by section 9 of chapter 50 of the statutes of 1957-58, by section 6 of chapter 96 of the statutes of 1960-61, by section 7 of chapter 66 of the statutes of 1963 (1st session), by section 5 of chapter 69 of the statutes of 1964, by section 2 of chapter 85 of the statutes of 1966-67, by section 38 of chapter 86 of the statutes of

1969, by sections 29 to 31 of chapter 68 of the statutes of 1970, by section 146 of chapter 55 of the statutes of 1972, by section 29 of chapter 75 of the statutes of 1972, by section 8 of chapter 80 of the statutes of 1973, by section 12 of chapter 97 of the statutes of 1974, by section 15 of chapter 54 of the statutes of 1976, by section 457 of chapter 72 of the statutes of 1979, by sections 23, 45 and 51 of chapter 42 of the statutes of 1980, by section 272 of chapter 63 of the statutes of 1982, by section 17 of chapter 64 of the statutes of 1982, by sections 22, 59 and 60 of chapter 61 of the statutes of 1984, by section 140 of chapter 27 of the statutes of 1985, by section 22 of chapter 116 of the statutes of 1986, by section 17 of chapter 88 of the statutes of 1988, by section 1 of chapter 81 of the statutes of 1989, by sections 1155 to 1168 of chapter 4 of the statutes of 1990, by section 9 of chapter 91 of the statutes of 1990, by section 15 of chapter 84 of the statutes of 1991, by section 702 of chapter 61 of the statutes of 1992, by section 34 of chapter 65 of the statutes of 1992, by section 108 of chapter 30 of the statutes of 1994 and by section 22 of chapter 55 of the statutes of 1994, is again amended

(1) by adding, after paragraph 1, the following paragraph :

“1.1 To pass by-laws, in respect of public places and parks, to

(1) establish rules governing the protection and preservation of the natural environment and its elements;

(2) determine the extent to which and the purposes for which the public is to be admitted;

(3) prescribe the conditions on which a person may stay, travel or engage in an activity in the place or park and fix the charges the person must pay;

(4) prohibit or regulate the use or parking of vehicles;

(5) prohibit the transport and possession of animals or prescribe the conditions with which a person having custody of an animal must comply;

(6) prohibit or regulate posting;

(7) establish rules for maintaining peace and order and for ensuring the cleanliness of the premises and the well-being and tranquility of users;

(8) prohibit certain recreational activities or prescribe conditions governing participation in such activities;

(9) prohibit or regulate the operation of businesses;

(10) determine cases where a person may be kept out or expelled;

(11) determine the powers and obligations of the employees.

The city may, for the benefit of users, operate commercial establishments in public places and parks or cause such establishments to be operated;”;

(2) by striking out paragraph 16;

(3) by adding, after paragraph 42*m*, the following paragraphs:

“42*n*. To subordinate, by by-law, the issue of a building or subdivision permit or a certificate of authorization or occupancy to the making of an agreement between the applicant and the city pertaining to work for the construction of municipal infrastructures or equipment and to the payment or apportionment of expenditures incurred in respect of such work;

“42*n*.1 A by-law under section 42*n* must indicate

(1) the zones in respect of which it applies;

(2) the classes of structure, land or work in respect of which the issue of a building or subdivision permit or a certificate of authorization or occupancy is subordinated to an agreement;

(3) the classes of infrastructure or equipment to which the agreement applies and specify, where applicable, that the agreement may pertain to infrastructures and equipment destined, regardless of location, to serve not only immovables to which the permit or certificate applies but also other immovables in the territory of the city;

(4) where applicable, the terms and conditions governing the establishment of the share of the expenditures incurred in respect of the work which is to be borne by the holder of the permit or certificate, according to the classes of structure, land, work, infrastructure or equipment specified in the by-law;

(5) where applicable, the terms and conditions governing the establishment of the share of the expenditures incurred in respect of the work to be borne by any person benefitted by the work, other than the holder of the permit or certificate, according to the classes of structure, land, work, infrastructure or equipment specified in the by-law, prescribe the terms and conditions of payment and collection of aliquot shares, and fix the rate of interest payable on any unpaid amount.

The by-law may also subordinate the issue of a building or subdivision permit or a certificate of authorization or occupancy applied for by a person benefitted by the work, within the meaning of subparagraph 5 of the first paragraph, to prior payment, by the latter, of any part of his aliquot share or to the deposit of any guarantee determined by the by-law;

“42*n.2* The agreement must include

- (1) the designation of the parties;
- (2) the description of the work and the designation of the party responsible for the carrying out of all or part of the work;
- (3) where applicable, the date on which the work must be completed by the holder of the permit or certificate;
- (4) a determination of the expenditures incurred in respect of the work which must be borne by the holder of the permit or certificate;
- (5) the penalty recoverable from the holder of the permit or certificate in the event of a delay in the carrying out of the work for which the holder is responsible;
- (6) where applicable, the terms and conditions of payment by the holder of the permit or certificate of the expenditures incurred in respect of the work and the interest payable on any unpaid amount;
- (7) where applicable, the terms and conditions of remittance by the city to the holder of the permit or certificate of the aliquot share of the expenditures incurred for the work paid by a person benefitted by the work. The terms and conditions of remittance of the aliquot share must specify the deadline for payment by the city to the holder of the permit or certificate of any unpaid aliquot share;

(8) the financial guarantees required of the holder of the permit or certificate;

“42*n.3* The agreement providing for the payment of an aliquot share by persons benefitted by the work referred to in subparagraph 5 of the first paragraph of paragraph 42*n.1* must identify, in a schedule to the agreement, the immovables that make the persons benefitted by the work subject to the payment of the aliquot share or indicate any criterion by which such immovables may be identified.

The city may, by resolution, amend the schedule to update it or add thereto any immovable that makes a person benefitted by the work subject to the payment of the aliquot share;

“42*n.4* Any part of the aliquot share that is not due to the city shall, after deduction of the collection costs, be remitted to the person who is party to the agreement with the city or, as the case may be, to any other rightful claimant;

“42*n.5* Sections 2 and 3 of the Municipal Works Act (R.S.Q., chapter T-14) do not apply to work carried out in accordance with an agreement. However, the rules prescribed by that Act in relation to the method of financing of the work by the city apply;

“42*n.6* Section 191*a* of the said charter does not apply to an agreement;

“42*n.7* Sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., chapter C-19) do not apply to work carried out under the responsibility of the holder of a permit or certificate, pursuant to an agreement;

“42*n.8* An amount paid pursuant to a provision enacted under subparagraph 4 or 5 of the first paragraph of paragraph 42*n.1* does not constitute a tax, a compensation or the imposition of a tariff;

“42*n.9* Where the executive committee has adopted a resolution recommending the council pass or amend a by-law provided for in paragraph 42*n*, 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 paragraph 42*n*.

The first paragraph ceases to apply if the by-law which is the subject of the resolution of the executive committee is not passed within two months after adoption of the resolution or if it is not put into force within four months after its passage;”;

(4) by adding, after paragraph 44*a*, the following paragraph:

“44*b*. To carry out, with the consent of the owner, for municipal purposes, development, restoration, improvement or renovation work on any lane or private immovable generally accessible to the public and situated near a street, lane, place or public park in respect of which such work is carried out by the city, or situated in a sector in which an intervention or revitalization program is in force, to maintain the work thus carried out and to 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 real estate taxes that may result from the re-assessment of the immovable after the end of the work;”;

(5) by replacing the words “to grant a subsidy, in the sectors of the city it determines or for certain categories of buildings, to defray the acquisition and installation costs of such devices or equipment in accordance with the conditions established by by-law; the subsidy may be uniform or different for the various sectors of the city, for the various categories of buildings or a combination of the criteria on which the distinctions are based;” in the first paragraph of paragraph 45 by the words “to grant a subsidy in order to defray the acquisition or installation costs of such devices or equipment in accordance with the conditions established by by-law;”;

(6) by replacing the third paragraph of paragraph 45*a* by the following paragraph:

“To grant a subsidy in order to defray the acquisition or installation costs of such devices, mechanisms, apparatus or equipment in accordance with the conditions determined by by-law;”;

(7) by adding, after paragraph 45*a*, the following paragraphs:

“45*b*. To require the owner, tenant, possessor or occupant, under any title, of any immovable or category of immovables, to provide the immovable with any construction item, device, mechanism, alarm system, apparatus or equipment designed to reduce water consumption.

To require the owner, tenant, possessor or occupant, under any title, of any immovable provided with the said construction items, devices, mechanisms, alarm systems, apparatus or equipment to keep them in good working order at all times.

To grant a subsidy in order to defray the acquisition or installation costs of such construction items, devices, mechanisms, alarm systems, apparatus or equipment in accordance with the conditions determined by by-law;

“45c. To acquire the construction items, devices, mechanisms, alarm systems, apparatus or equipment mentioned in paragraph 45, 45a or 45b in order to give them or sell them at a reduced price to the owners, tenants, possessors or occupants, under any title, of an immovable in respect of which their installation is mandatory under a by-law passed under paragraph 45, 45a or 45b;”;

(8) by striking out paragraph 151;

(9) by replacing the words “any unpaid municipal or school taxes due” in the third and fourth lines of the fourth paragraph of paragraph 204 by the words “any claim of the city secured by a prior claim or legal hypothec and any unpaid school taxes due which the city is required to collect”;

(10) by adding, after paragraph 209, the following paragraphs:

“209a. To regulate the exhibition and sale of artistic works or handicrafts on public property, especially on streets, lanes, paths, sidewalks, passageways, promenades, belvederes, parks, playgrounds, places and stairways, including any unserviced portion thereof, to

(a) require that artists, artisans or their agents secure a permit or licence, at such price and on such terms and conditions as it shall determine, and limit the number thereof;

(b) prescribe as a condition for obtaining a permit or licence that artists, artisans or their agents be members of an association recognized by the city;

(c) impose rules of conduct and discipline on artists, artisans or their agents;

(d) determine the places, dates and hours where and when artists, artisans or their agents may engage in their activities;

(e) determine the types or classes of products, objects or works which may be put on sale or exhibited and the processes of production, which may vary according to the types or classes;

(f) allow the city to enter into an agreement with any person or body and authorize such person or body to apply, in whole or in part, any municipal by-law concerning artists, artisans or their agents;

“209b. To regulate the activities of the public entertainers it determines on public property, especially on streets, lanes, paths, sidewalks, passageways, promenades, belvederes, parks, playgrounds, places and stairways, including any unserviced portion thereof, to

(a) require that public entertainers secure a permit or licence, at such price and on such terms and conditions as it shall determine, and limit the number thereof;

(b) prescribe as a condition for obtaining a permit or licence that public entertainers be members of an association recognized by the city;

(c) impose rules of conduct and discipline on public entertainers;

(d) determine the places, dates and hours where and when public entertainers may engage in their activities;

(e) allow the city to enter into an agreement with any person or body and authorize such person or body to apply, in whole or in part, any municipal by-law concerning public entertainers;”.

21. Section 351 of the said charter, replaced by section 30 of chapter 75 of the statutes of 1972, is amended by striking out the words “by by-law” in the second line.

22. Section 382 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is replaced by the following section:

“**382.** The city is authorized to publish a municipal gazette. Any publication it is required to make, except publications in a newspaper or daily newspaper circulated in the whole territory of Québec or in the *Gazette officielle du Québec*, may be made in the municipal gazette.

The municipal gazette shall

(1) be mailed or otherwise distributed free of charge to each address in the territory of the municipality, and be received not later than on the publication date indicated therein;

(2) be transmitted, on payment of subscription fees, where applicable, to every person who so requests;

(3) be published at least eight times a year or at the intervals established by resolution of the executive committee.”

23. Section 383 of the said charter, replaced by section 6 of chapter 69 of the statutes of 1964 and amended by sections 2 and 23 of chapter 85 of the statutes of 1966-67 and by order in council 3653-78 made on 30 November 1978 under section 2 of the Cities and Towns Act (R.S.Q., chapter C-19), is again amended by replacing the first and second paragraphs by the following paragraph:

“**383.** The city may transfer to adjoining owners, gratuitously or for valuable consideration, parcels of land of which it has become the owner through expropriation or otherwise. Such a transfer to an industrial or commercial establishment may be effected notwithstanding the Municipal Aid Prohibition Act (R.S.Q., chapter I-15) in the case of residual land of little value no longer needed by the city.”

24. Section 388 of the said charter, replaced by section 26 of chapter 42 of the statutes of 1980 and amended by section 273 of chapter 63 of the statutes of 1982 and by section 20 of chapter 84 of the statutes of 1991, is again amended by replacing the words “describe the perimeter of that zone and illustrate it with a sketch by using, as much as possible, the names of streets” in the third, fourth and fifth lines of the fourth paragraph by the words “, using as far as possible the names of the thoroughfares, describe the perimeter of the zone or illustrate it with a sketch, or indicate the approximate place where the zone is situated and mention that the description or the sketch may be examined at the office of the clerk of the city”.

25. Section 388*a* of the said charter, enacted by section 40 of chapter 86 of the statutes of 1969 and amended by section 59 of chapter 61 of the statutes of 1984, is again amended by adding, at the end of the second paragraph, the words “, or at the time of the installation of the proper signs or signals or the posting, in the places concerned, of the order or substantial parts thereof.”

26. Section 398 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53 and by section 2 of chapter 85 of the statutes of 1966-67, is again amended by replacing the word “man” in the first line of the first paragraph by the word “person”, and by striking out the second paragraph.

27. Section 440 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

28. Section 442 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 60 of chapter 61 of the statutes of 1984, is repealed.

29. Section 443 of the said charter, replaced by section 16 of chapter 78 of the statutes of 1947 and amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 27 of chapter 116 of the statutes of 1986, is repealed.

30. Section 444 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

31. Section 445 of the said charter, replaced by section 73 of chapter 102 of the statutes of 1937 and amended by section 2 of chapter 85 of the statutes of 1966-67 and by section 60 of chapter 61 of the statutes of 1984, is repealed.

32. Section 446 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

33. Section 447 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is repealed.

34. Section 448 of the said charter, amended by section 3 of chapter 82 of the statutes of 1965, by section 2 of chapter 85 of the statutes of 1966-67, by section 60 of chapter 61 of the statutes of 1984 and by section 28 of chapter 116 of the statutes of 1986, is repealed.

35. Section 453c of the said charter, replaced by section 26 of chapter 84 of the statutes of 1991, is amended by adding, after subsection 4, the following subsection:

“(5) The city is authorized to establish and maintain a non-profit body the object of which is to furnish technical assistance to an enterprise situated in its territory, and grant a subsidy to any non-profit body that furnishes technical assistance to an enterprise situated in its territory.”

36. Section 454 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, by section 60 of chapter 61 of the statutes of 1984 and by section 36 of chapter 55 of the statutes of 1994, is replaced by the following section:

“454. The council may assign a name to any street, lane, pedestrian or bicycle path or any public place or park and change it.

In no case may a person assign a name to a street or private lane or designate it under such a name, except with the prior approval of the council.”

37. Section 456 of the said charter, amended by section 2 of chapter 85 of the statutes of 1966-67, is again amended by striking out the words “by by-law” in the second and third lines.

38. The said charter is amended by adding, after section 489c, the following section:

“489c.1 The 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 annually an amount exceeding 1% of the budget to such purpose.”

39. Section 511 of the said charter, replaced by section 33 of chapter 75 of the statutes of 1972, is again replaced by the following section:

“511. The council may order the opening of new streets or the widening or extending of existing streets; it may authorize any construction or improvement and, more specifically, the construction of covered malls in the streets or on public property; it may determine methods of street construction and maintenance, and authorize any substructural or paving work or the introduction of services in the streets of the city.

Where the council orders the construction of a covered mall, it may require, by by-law, the owners of an immovable connected with the mall to install a fire prevention system in the immovable.”

40. Section 539 of the said charter, replaced by section 29 of chapter 85 of the statutes of 1966-67 and amended by section 16 of

chapter 97 of the statutes of 1974, by section 1 of chapter 86 of the statutes of 1975, by sections 37 and 58 of chapter 61 of the statutes of 1984 and by section 59 of chapter 55 of the statutes of 1994, is again amended by adding the words “, or the person designated by him for that purpose,” after the word “general” in the seventh line of the first paragraph.

41. Section 546*d* of the said charter, replaced by section 43 of chapter 61 of the statutes of 1984 and amended by section 39 of chapter 116 of the statutes of 1986 and by section 42 of chapter 84 of the statutes of 1991, is again amended by striking out the third paragraph.

42. Section 548*e* of the said charter, enacted by section 12 of chapter 80 of the statutes of 1973 and amended by section 22 of chapter 54 of the statutes of 1976, by section 47 of chapter 61 of the statutes of 1984 and by section 11 of chapter 91 of the statutes of 1990, is again amended by replacing the first sentence of the third paragraph by the following sentence: “However, several structures forming a single project, with common use of parking areas, appurtenant buildings, services or equipment, may be built on the same lot.”

43. Section 557 of the said charter, replaced by section 24 of chapter 71 of the statutes of 1945 and amended by section 3 of chapter 52 of the statutes of 1952-53 and by section 2 of chapter 85 of the statutes of 1966-67, is replaced by the following section:

“557. The municipal court of the city of Québec is a court of original jurisdiction in the matters devolved upon it by law; it is a court of record. It shall be composed of a sufficient number of judges for its proper functioning. Where the court is composed of several judges, the Government shall designate among them the chief judge who shall be responsible for the court. The sittings of the court shall be presided over by a municipal judge; the court may sit concurrently in several divisions.”

44. Section 567 of the said charter, replaced by section 27 of chapter 88 of the statutes of 1988, is amended

(1) by replacing the words “under section 606 of the Cities and Towns Act (R.S.Q., chapter C-19)” in the first paragraph by the words “under Division II of Chapter III of the Act respecting municipal courts (R.S.Q., chapter C-72.01)”;

(2) by replacing the words “made under section 609 of the Cities and Towns Act” in the second paragraph by the words “made under section 49 of the Act respecting municipal courts”.

45. Section 582 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, is repealed.

46. Section 585 of the said charter, amended by section 3 of chapter 52 of the statutes of 1952-53, is repealed.

47. The said charter is amended by adding, after section 601*b*, the following section:

“601*c*. The signature of any person authorized to sign a statement of offence may be affixed by means of an automatic device or in the form of an engraved, lithographed or printed facsimile.”

48. Schedule I to the said charter, enacted by section 43 of chapter 116 of the statutes of 1986, is repealed.

49. Schedule N to the said charter is repealed.

50. Section 67 of the Act to amend the charter of the city of Québec (1994, chapter 55) is repealed.

51. Notwithstanding the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), the city may alienate the immovables described in the schedule for purposes other than industrial, para-industrial or research purposes.

52. The person holding the position of permanent internal auditor of the city on 20 June 1996 is deemed to have been appointed by the council to the position of auditor pursuant to section 176 of the charter.

Section 176*a* of the said charter, added by section 9, has effect from the date on which the person referred to in the first paragraph ceases to hold the position of auditor of the city.

53. The external auditor of the city on 20 June 1996 may continue to perform his duties.

The external auditor of the city on 20 June 1996 shall continue to perform his duties in accordance with the provisions of the charter of the city that are applicable to him on 19 June 1996.

54. The executive committee of the city may, before 1 September 1996, call a public meeting to decide on the establishment of a ward council in the zones substantially consistent with the zones in which the pilot ward council experiences in Vieux-Limoilou and Saint-Jean-Baptiste, ordered by council resolutions CM-93-2179 and CM-93-2288 adopted by the council on 19 April and 7 June 1993, were conducted, and for such purposes, publish the notices provided for in the by-law passed under section 186.16 of the charter of the city of Québec.

55. The city shall pass, before 31 December 1996, the by-law referred to in section 187.1 of the charter of the city of Québec.

56. Section 8 has effect from 20 November 1995.

57. The withdrawal of the territory of Ville de Lac-Delage from the jurisdiction of the municipal court of Ville de Québec is valid as of 6 December 1995.

58. This Act comes into force on 20 June 1996.

SCHEDULE

PARCEL 1

A parcel of land situated in the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette, registration division of Québec, comprising the following lots and parts of lots: part of lot 570, lot 2807 (street), parts of lot 2808, part of lot 571-2, part of lot 571, part of lot 572, part of lot 3316 and parts of lot 573. The perimeter of the said lots and parts of lots is described as follows:

Starting at point "2220", the said point being the intersection of the southwest right of way of de l'Ormière boulevard and the northwest right of way of Jean-Marchand street, southeasterly, along the southwest right of way of the said boulevard to point "2323". Along the perimeter of a property being part of lot 2808, the said lot being situated at the intersection of Jean-Marchand street and de l'Ormière boulevard, through points "2322-1361-1360-2233", that perimeter being defined in minute 90V-779 of land surveyor Gaétan Groleau. Thence, along the rear lines of the properties fronting on de l'Ormière boulevard through points "2229-2250-2251-2253-2252" to point "2262", the said point being the intersection of the west right of way of de l'Ormière boulevard and the northwest line of lot 3316, the said rear lines being defined in minute 1093 of land surveyor

Albert Saint-Loup and shown on the plan prepared by land surveyor Maurice Drouyn under minute 12361. Along the said southwest right of way of de l'Ormière boulevard to point "1303", the said point being the north corner of lot 573-1. Thence, along the perimeter of lot 573-1 through points "1304-1300". Southwesterly, along the dividing line of lots 573 and 574 to point "2081". Thence, along the extension of the southwest line of lot 574-1 and the said line through point "2047" to point "2078", the latter point being the south corner of lot 574-1. Thence, southwest, along the dividing line of the cadastres of the parishes of Saint-Ambroise-de-la-Jeune-Lorette and L'Ancienne-Lorette to point "2058", the said point being situated on the northeast right of way of a 735 kv energy transmission line. Northwest, along the northeast right of way of the energy transmission line to point "2418". Thence, northeast, along the line dividing lots 570 and 2807 from lot 569 to starting point "2220".

The said parcel contains an area of 166 699 square metres, or 16.67 ha.

PARCEL 2

A parcel of land forming part of the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette, registration division of Québec, comprising the following lots and parts of lots: parts of lot 556, parts of lot 557, part of lot 558, part of lot 560, part of lot 561, parts of lot 562, parts of lot 565, parts of lot 567, part of lot 567-A, lot 3074, parts of lot 568, lot 568-3, parts of lot 568-1, lot 568-1-1, parts of lot 569, lot 569-1, parts of lot 570, parts of lot 570-2, lot 570-3, lot 570-2-1, lot 570-2-2, part of lot 571, part of lot 571-2, lot 571-2-1, lot 571-2-2, part of lot 572, part of lot 573, parts of lot 2809, lots 2809-1 to 2809-6, part of lot 2810, parts of lot 2811, lots 2811-1 to 2811-4 and lot 2862. The perimeter of the said lots and parts of lots is described as follows:

Starting at point "2480", the said point being situated on the southwest right of way of the 735 kv energy transmission line, at the precise point where the said line makes a 90° angle, namely, at the west corner. Southeast, along the said southwest right of way of the energy transmission line to point "2060", the said point being situated at the intersection with the dividing line of the cadastres of the parishes of Saint-Ambroise-de-la-Jeune-Lorette and L'Ancienne-Lorette. Thence, southwesterly, along the said cadastral boundary to point "2052", the said point being the northeast right of way of Armand-Viau street. Northwesterly, and southwesterly, along the aforementioned right of way of Armand-Viau street through

point "2024" to point "2026", the latter point being situated on the northeast right of way of Henri IV boulevard. Along the contours of the right of way of the said boulevard through point "2025" to point "2345", the latter point being the intersection of the right of way of the said boulevard and another dividing line of the cadastres of the parishes of Saint-Ambroise-de-la-Jeune-Lorette and L'Ancienne-Lorette. Thence, northwesterly, along the said dividing line to point "2159", the said point being the intersection with the extension to the southwest of the northwest boundary of lot 565, through part of lot 562. Northeasterly, along the said extension and the northwest boundary of lot 565 to point "2148", the said point being the intersection of the preceding alignment and the rear line of the properties fronting on Armand-Viau north street as recorded in the cadastre and shown on the plan, under minute 16823, prepared by land surveyor Jean-Louis Demers. Thence, northwesterly, along the said rear line to point "1356", the said point being the intersection with the southeast line of a property comprised of parts of lots 556 and 557 and defined in minute 90V-778 of land surveyor Gaétan Groleau. Along the perimeter of the said property through points "1357-2450-2449", the latter point being on the southeast right of way of Auvergne boulevard. Northeasterly, along the southeast right of way of the said boulevard to point "2454", the said point being the intersection of the said right of way and the west line of a property whose perimeter to be followed contains parts of lots 556 and 557 and is defined by points "2453-1358-1355-1359", the latter point being situated on the southeast right of way of Auvergne boulevard; the said property being defined in minute 90V-778 of land surveyor Gaétan Groleau. Thence, easterly, along the contours of the said boulevard through points "2165-2166" to point "2179", the latter point being the north corner of lot 556-3. Thence, along the perimeter of lot 556-3, the rear lines of lots 557-9 and 557-10 through point "2112" to point "2180", the latter point being the south corner of lot 557-10. Along the southeast boundary of lot 557-10, the southwest right of way of Siméon street and the northwest, southwest and southeast boundaries of lot 557-3, namely, through points "2108-2124-2105-2181-2111", to point "2123". Thence, along the centre line of Sainte-Barbe creek, namely the southwest boundary of a property situated on Saint-Siméon street, to point "2107". The rear boundary of the properties fronting on Saint-Siméon street, that boundary being defined in minute 16823 of land surveyor Jean-Louis Demers, to point "2094", the said point being on the southwest right of way of de l'Ormière boulevard. Thence, southeasterly, along the right of way of the said boulevard for the width of the park entrance to point "2117". Thence, southwest, parallel to the rear boundary of the properties fronting on Saint-Siméon street at a distance equal to the

width of the aforementioned entrance, as defined in minute 16823 of land surveyor Jean-Louis Demers to point “2118”, the said point being on the centre line of Sainte-Barbe creek. Southerly, along the contours of the centre line of the said creek through points “2168-2170-2171-2167”, the latter point being the intersection of the centre line of the said creek and the southeast boundary of lot 558. Southwesterly, along the southeast boundary of lot 558 to point “2210”. Thence, southeasterly, along a curve to point “2211”, the said point being a boundary situated at a distance defined and parallel to de l’Ornière boulevard, and southeasterly, along the latter boundary to point “2188”, the said point being on the northwest right of way of the 735 kv energy transmission line; the said curve and said boundary being defined in minute 16823 of land surveyor Jean-Louis Demers. Southwesterly, along the said right of way to starting point “2480”.

The said parcel contains an area of 602 581 square metres, or 60.25 ha.

PARCEL 3

The first part of land is situated in the cadastre of the parish of L’Ancienne-Lorette, registration division of Québec, that part being lot 1089. The perimeter of the said part is described as follows :

Starting at point “2054”, the said point being situated on the dividing line of the cadastres of the parish of Saint-Ambroise-de-la-Jeune-Lorette and the parish of L’Ancienne-Lorette and on the southwest right of way of Armand-Viau street, southeasterly, along the said right of way of the said street to point “2034”. Southeasterly, along an arc of a circle to point “2033”. Southeast, to point “2032”. Thence, northwesterly, along the contours of the right of way of Henri IV boulevard, through points “2031-2063-2064-2065” along an arc of a circle to point “2030”, along another arc of a circle to point “2029”, point “2053” being the intersection of the said right of way and the dividing line of the above-mentioned cadastres. Northeasterly, along the said dividing line to starting point “2054”.

The said part contains an area of 16 991.8 square metres, or 1.70 ha.

The second part of land is situated in the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette, registration division of Québec, and is comprised of two parts of lot 574 and of a part of lot 1522. The perimeter of this second part is described as follows :

Starting at point “2054”, the said point being the intersection of the dividing line of the two cadastres and the south right of way of Armand-Viau street. Southwesterly, along the dividing line of the cadastres to point “2053”, the said point being situated on the northeast right of way of Henri IV boulevard. Thence, northwesterly, along the said right of way through points “2027 and 2073”, the latter point being the intersection of the said right of way and the dividing line of lots 573 and 574. Northeasterly, along the said dividing line to point “2066”, the said point being situated on the southwest right of way of Armand-Viau street. Southeasterly, along the said southwest right of way to starting point “2054”.

The said part contains an area of 7 489.4 square metres, or 0.75 ha.

PARCEL 4

A parcel of land also situated in the cadastre of the parish of L’Ancienne-Lorette, registration division of Québec, and forming part of lot 237. The perimeter of the said parcel is described as follows:

Starting at point “2159”, the said point being situated on the dividing line of the cadastres of the parish of Saint-Ambroise-de-la-Jeune-Lorette and the parish of L’Ancienne-Lorette and the extension to the southwest of the northwest line of lot 565 across lot 562. Southeasterly, along the dividing line of the said cadastres to point “2345”, the said point being the intersection of the cadastral line and the northeast right of way of Henri IV boulevard. Thence, northwesterly, along the said right of way of the said boulevard to point “2183”, the said point being the intersection of the right of way of the said boulevard and the extension to the southwest of the northwest boundary of lot 565. Northeasterly, along the said extension line to starting point “2159”.

The said parcel contains an area of 24 162.2 square metres, or 2.41 ha.

The total area of Armand-Viau park at present is 817 923.4 square metres, or 81.79 ha, as shown on plan IAR-95105, dated 5 September 1995, prepared by land surveyor Gaétan Groleau and under minute 95V-871.

Distances in this description expressed in metres (SI).