NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 67

(1996, chapter 67)

An Act to establish an administrative review procedure for real estate assessment and to amend other legislative provisions

Introduced 14 November 1996
Passage in principle 11 December 1996
Passage 20 December 1996
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EXPLANATORY NOTES

This bill amends the Act respecting municipal taxation to establish a new procedure for administrative review of real estate assessments. It is proposed that proceedings before the Bureau de révision de l'évaluation foncière be preceded by an application for review to be processed by the assessor of the municipal body responsible for assessment. The framework of the proposed review process will allow the parties to come to an agreement on alterations to be made to the assessment roll and the roll of rental values without having to involve the assessment review board. In addition, the current procedure for correcting the roll is to be simplified so that the assessment review board will no longer have to intervene in cases where the alteration proposed by the assessor is not contested.

The bill also proposes a 60-day time limit following the deposit of the roll within which a local municipality must send an assessment notice to an owner of an immovable valued on the roll at more than $1,000,000 and to an occupant of a place of business having a rental value that exceeds $100,000. It introduces new cases in which an assessor may alter the roll in force to reflect various changes in circumstances. In addition, the tax regime for certain immovables belonging to an urban community, a regional county municipality, one of their mandataries or a transit corporation is modified by increasing the maximum amount of the municipal services compensation applicable to them.

The bill adds a regulatory power enabling the Government to prescribe an assessment method intended specifically for single-use immovables of an industrial or institutional nature. Also, occupants of an immovable or part of an immovable belonging to a municipality are exempted from all municipal taxes if its real estate value is less than $50,000. It is further proposed that the penalty imposed for unpaid municipal taxes be extended to real estate transfer duties.

Lastly, the bill empowers the municipalities to waive, by an agreement approved by the Government, their power to levy taxes and to enforce by-laws on an Indian reserve, and changes the deposit schedule for the assessment rolls of the municipalities within the Communauté urbaine de Montréal and, in certain cases, the length of time the rolls are to remain in force.

LEGISLATION AMENDED BY THIS BILL:

– Cities and Towns Act (R.S.Q., chapter C-19);

– Municipal Code of Québec (R.S.Q., chapter C-27.1);

– Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);

– Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);

– Act respecting municipal taxation (R.S.Q., chapter F-2.1).

Bill 67

AN ACT TO ESTABLISH AN ADMINISTRATIVE REVIEW PROCEDURE FOR REAL ESTATE ASSESSMENT AND TO AMEND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 46 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by inserting the figure "12.1," after the figure "12," in the first line of the second paragraph.

2. Section 69.6 of the said Act is amended by inserting the figure "12.1," after the figure "12," in the first line of paragraph 11.

3. Section 74 of the said Act is replaced by the following section:

"**74.** The notice provided for in section 73 must also mention the period during which an application for review under Division I of Chapter X may be filed in respect of the roll, the place where the application must be filed and the manner for filing."

4. Section 74.1 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**74.1.** During the three months preceding the beginning of each of the second and third fiscal years to which a roll applies, the clerk of the local municipality shall give a notice that mentions the period during which an application for review under Division I of Chapter X, on the ground that the assessor did not make an alteration to the roll that he ought to have made pursuant to section 174 or 174.2, may be filed in respect of the roll, the place where the application must be filed and the manner for filing."

5. Section 76 of the said Act is amended by replacing the words "object of a complaint, a request for a correction *ex officio*" in the second line of the second paragraph by the words "subject of an application for review, a complaint, a proposal for a correction".

6. Section 79 of the said Act is amended by replacing the second sentence of the second paragraph by the following sentence: "The same applies to a person having filed an application for review or to a complainant with respect to the immovable or place of business in respect of which the application for review or the complaint has been made."

7. Section 80.1 of the said Act is amended by replacing the words "occupant or" in the first line of the second paragraph by the words "an occupant, a person having filed an application for review or a".

8. Section 81 of the said Act is amended

(1) by adding, at the end of the first paragraph, the following: "However, the clerk shall mail the notice of assessment within 60 days after the deposit of the roll in the case of a notice sent for the fiscal year during which the roll comes into force and that relates to a unit or place whose value entered on the roll is equal to or greater than $1,000,000 or $100,000, respectively.";

(2) by replacing the words "He shall, before the same date" in the first line of the second paragraph by the words "The clerk shall, before 1 March each year";

(3) by adding, at the end of the fourth paragraph, the following sentence: "They may be contained in a single document.";

(4) by striking out the fifth paragraph.

9. Section 85 of the said Act is amended by replacing the words "and requests for correction *ex officio* under Chapter XI" in the second line by the words ", in addition to what is provided for in section 156".

10. The heading of Chapter X of the said Act is replaced by the following:

"CHAPTER X

"ADMINISTRATIVE REVIEW AND COMPLAINTS

"DIVISION I

"ADMINISTRATIVE REVIEW".

11. Section 124 of the said Act is amended

(1) by replacing the words "submit a written complaint in that regard and refer it to the board" in the third and fourth lines of the first paragraph by the words "file an application for review in that regard with the municipal body responsible for assessment";

(2) by striking out the words "by means of a complaint," in the first line of the second paragraph;

(3) by replacing the words "complaint may be submitted" in the first line of the fourth paragraph by the words "application for review may be filed";

(4) by adding, after the fourth paragraph, the following paragraph:

"During the time that an agreement entered into under section 196.1 is effective, all applications for review in respect of property situated in the territory of a local municipality with which the agreement was entered into must be filed with that municipality."

12. Section 125 of the said Act is amended

(1) by replacing the words "submit a complaint" in the second line by the words "file an application for review";

(2) by replacing the word "complaint" in the third line by the word "application".

13. Section 126 of the said Act, amended by section 29 of chapter 30 of the statutes of 1994, is again amended by replacing the words "submit a complaint" in the first line of the first paragraph and the words "file a complaint" in the first line of the second paragraph by the words "file an application for review".

14. Section 128 of the said Act is amended by replacing the word "complaint" in the first line by the words "application for review".

15. Section 129 of the said Act is amended

(1) by replacing the words "On pain of being dismissed, complaints must be made on a complaint" in the first line by the words "The application for review must be made on the";

(2) by inserting the words ", otherwise it is deemed not to have been filed" after the figure "263" in the second line.

16. Section 130 of the said Act is amended by replacing the word "complaint" in the first line by the words "application for review".

17. Section 131 of the said Act, amended by section 77 of chapter 34 of the statutes of 1995, is again amended

(1) by replacing the word "complaint" in the third line by the words "application for review";

(2) by replacing the word "sixty" in the fourth line by the figure "60".

18. Section 131.1 of the said Act, amended by section 30 of chapter 30 of the statutes of 1994 and by section 12 of chapter 64 of the statutes of 1995, is again amended

(1) by replacing the words "a complaint" in the sixth line of the first paragraph and in the ninth and tenth lines of the second paragraph by the words "an application for review";

(2) by inserting the words “for a reimbursement” after the words “subject of the application” in the eleventh line of the second paragraph.

19. Section 131.2 of the said Act is amended by replacing the words “A complaint” in the first line by the words “An application for review”.

20. Section 132 of the said Act, amended by section 31 of chapter 30 of the statutes of 1994, is again amended

(1) by replacing the word “complaint” in the first line by the words “application for review”;

(2) by replacing the words “a complaint” in the sixth line by the words “an application”.

21. Section 133 of the said Act, amended by section 32 of chapter 30 of the statutes of 1994, is again amended

(1) by replacing the words “a complaint” in the second line by the words “an application for review”;

(2) by replacing the words “a complaint” in the fifth line by the words “an application”.

22. Sections 134 to 137 of the said Act are replaced by the following sections:

“**134.** Where the clerk sends the notice of assessment tardily for the fiscal year during which the roll comes into force, an application for review relating to the unit of assessment or the place of business indicated in the notice may be filed after the expiry of the time prescribed in section 130 or 131, as the case may be, provided that the application is filed before the expiry of 60 days following the sending or of 120 days if the notice relates to a unit or place whose value entered on the roll is equal to or greater than $1,000,000 or $100,000, respectively.

“**134.1.** Where, by reason of circumstances of irresistible force, an application for review could not be filed within the time applicable under sections 130 to 134, the application may be filed within 60 days after those circumstances cease to exist.

“**135.** The filing of an application for review is effected by the filing of the form referred to in section 129, duly filled out, at the office of the municipal body responsible for assessment or of the local municipality, as the case may be, or at any other location determined by the body or municipality. The filing of the application may also be effected by the sending of the form, duly filled out, by registered mail to the body or municipality; in such a case, the application is deemed to have been filed on the day of its sending.

The sum of money determined by the by-law passed by the body under section 263.2 must be included with the form, otherwise the application is deemed not to have been filed.

If an application for review concerns two or more units of assessment or places of business, one application per unit of assessment or place of business is deemed to have been filed.

The personnel on duty at a location at which an application for review is filed must assist a person who requires it in filling out the form and in computing the sum of money that must accompany the application.

"**135.1.** If an application for review is filed pursuant to an agreement entered into under section 196.1 with a local municipality that does not have jurisdiction over assessment, the clerk shall send the form, any sum of money included therewith and any other accompanying documents to the municipal body responsible for assessment.

"**136.** The clerk of the municipal body responsible for assessment with whom an application for review has been filed or to whom the form has been sent pursuant to section 135.1, shall as soon as possible send the form and other accompanying documents, if any, to the assessor.

Other than in the case where the application was filed with the local municipality or where the local municipality is the applicant, the clerk of the municipal body shall send a copy of the form and accompanying documents, if any, to the municipality.

"**137.** If the applicant is not the person in whose name the unit of assessment or place of business concerned in the application for review is entered on the roll, the clerk of the municipal body responsible for assessment shall send a copy of the form to that person as soon as possible."

23. Section 138 of the said Act is repealed.

24. Section 138.1 of the said Act, amended by section 36 of chapter 30 of the statutes of 1994, is replaced by the following section:

"**138.1.** The clerk of the municipal body responsible for assessment shall inform the Minister of Municipal Affairs of every application for review which, in the event of an alteration to the roll in favour of the applicant, would have the effect of requiring the Government to pay an amount under section 210, 254 or 257 in respect of the property concerned in the application.

The clerk shall inform the Minister of Agriculture, Fisheries and Food of any application for review which, in the event of an alteration to the roll in favour of the applicant, would cause a unit of assessment to become subject to the second paragraph of section 80.2 or would cause a change in the proportion of the taxable value of the unit represented by the taxable value of the agricultural operation described in that paragraph."

25. The said Act is amended by inserting, after section 138.1, the following:

"**138.2.** The clerk of the municipal body responsible for assesment shall, where an application for review seeks to have a third person entered on the roll as an occupant, inform that third person of the application.

"**138.3.** The assessor seized of an application for review shall assess the merits of the contestation. He shall, before the expiry of the time limit prescribed in section 138.4, make to the applicant a written proposal to alter the roll or inform the applicant in writing that no alteration will be proposed.

In the latter case, the assessor's decision must contain reasons.

"**138.4.** Where an application for review must be filed before 1 May following the coming into force of the roll, the applicant and the assessor may enter into an agreement on an alteration to the roll on or before 1 September of the same year.

In every other case, such an agreement may be entered into on or before the later of 1 September following the coming into force of the roll and the date occurring four months after the date of the filing of the application for review.

The agreement must be in writing and specify the date from which the alteration to the roll resulting from the agreement is to have effect.

A municipal body responsible for assessment may, before 15 August of the year following the coming into force of the roll, extend until 1 November of the same year the time limit for entering into an agreement under the first paragraph.

The clerk of the body must, as soon as possible, give notice of the extension to the board and to the persons having filed an application for review referred to in the first paragraph who have not entered into an agreement under that paragraph.

"DIVISION II

"COMPLAINTS

"**138.5.** The person having filed the application for review may file with the board a complaint having the same object as the application

(1) where the assessor made to the person a proposal to alter the roll;

(2) where the assessor informed the person in writing that no alteration would be proposed;

(3) where the time limit for entering into an agreement under section 138.4 expired without such an agreement being entered into.

If such an agreement is entered into, the following persons other than the person having made the application for review may, in the circumstances mentioned, if applicable, file a complaint before the board to contest the alteration arising from the agreement:

(1) the person in whose name the unit of assessment or place of business concerned by the alteration is entered on the roll or was entered thereon immediately before the alteration;

(2) the person who, as a result of the alteration, was entered on the roll as occupant of the unit of assessment;

(3) the local municipality, the school board or the municipal body responsible for assessment concerned, if the alteration concerns a unit of assessment or a place of business that is not entered on the roll in its name and if the complaint is based on a question of law;

(4) the Minister of Municipal Affairs, if the alteration concerns an entry used in calculating a sum payable by the Government under section 210, 254 or 257;

(5) the Minister of Agriculture, Fisheries and Food, if the alteration concerns an entry relating to a unit of assessment referred to in the second paragraph of section 80.2.

A complaint under the first paragraph must be filed on or before the thirtieth day after the time limit for entering into an agreement under section 138.4.

A complaint under the second paragraph must be filed before the later of 1 May following the coming into force of the roll and the sixty-first day following

(1) the sending to the complainant of the notice provided for in section 180, in the case described in subparagraph 1 of that second paragraph;

(2) the sending to the complainant of a copy of the notice provided for in section 180, in the case described in subparagraph 2 of that second paragraph or in the case where the school board or the municipal body responsible for assessment is the complainant under subparagraph 3 of that second paragraph;

(3) the sending to the clerk of the local municipality of the certificate of alteration, in the case where the municipality is the complainant under subparagraph 3 of that second paragraph;

(4) receipt by the complainant of a copy of the notice provided for in section 180, in a case described in subparagraph 4 or 5 of that second paragraph.

Where, by reason of circumstances of irresistible force, a complaint could not be filed within the time applicable under this section, the complaint may be filed within 60 days after those circumstances cease to exist.

"**138.6.** The complaint must state briefly the grounds invoked and the conclusions sought.

"**138.7.** The complaint must be made on the form prescribed by regulation under paragraph 2 of section 263, otherwise it is deemed not to have been filed.

"**138.8.** The filing of a complaint is effected by the filing of the form, duly filled out, at any place where an application for the recovery of a small claim may be filed in accordance with Book VIII of the Code of Civil Procedure (chapter C-25).

The sum of money determined by the regulation of the Government under paragraph 8 of section 262 must be included with the form, otherwise the complaint is deemed not to have been filed.

If a complaint concerns two or more units of assessment or places of business, one complaint per unit of assessment or place of business is deemed to have been filed.

The personnel on duty at a location at which a complaint is filed must assist a person who requires it in filling out the form and in calculating the sum of money that must be included with the form.

A member of the personnel shall, as soon as possible, send the form and accompanying documents, if any, to the board.

"**138.9.** In addition to the complainant, the following persons are parties to the dispute before the board by the sole fact of the filing of the complaint:

(1) the local municipality;

(2) the municipal body responsible for assessment;

(3) the person in whose name the unit of assessment or place of business concerned in the complaint is entered on the roll;

(4) the Minister of Municipal Affairs in a case described in the first paragraph of section 138.1;

(5) the Minister of Agriculture, Fisheries and Food in a case described in the second paragraph of section 138.1;

(6) the person that the complaint seeks to have entered on the roll as occupant of the unit of assessment.

"**138.10.** The secretary of the board shall send a copy of the form and of the accompanying documents, if any, to the assessor and to the parties to the dispute other than the complainant."

26. Section 141 of the said Act is amended by replacing the third paragraph by the following paragraph:

"Where such is the case, the council of the municipal body responsible for assessment or of the local municipality may delegate to the executive or administrative committee the authority to express such agreement or disagreement."

27. Section 142 of the said Act is amended by striking out the words ", without previously advising the board," in the second and third lines of the first paragraph.

28. Section 151 of the said Act is amended

(1) by replacing the words "submit a substantiated request to the board to alter, add or strike out an entry on the roll" in the second and third lines of the first paragraph by the words "propose to the person in whose name the unit of assessment or place of business concerned is entered on the roll that an entry on the roll be altered or struck out or that an entry be added to the roll";

(2) by replacing the words "request may be submitted" in the first line of the second paragraph by the words "proposal may be made".

29. Section 152 of the said Act is repealed.

30. Section 153 of the said Act, amended by section 41 of chapter 30 of the statutes of 1994, is replaced by the following section:

"**153.** A proposal for a correction shall be made by the sending of a notice in writing that sets forth the proposed correction, the right provided in section 154, the manner in which the right may be exercised and how the time in which it may be exercised is established.

A copy of the notice shall be sent to any person who, under section 179 or 180, would be entitled to receive the certificate of alteration or a copy of the notice of alteration if the proposed alteration were made."

31. Section 154 of the said Act, amended by section 42 of chapter 30 of the statutes of 1994, is again amended

(1) by replacing the words "Any person referred to in sections 124 to 126 may file a complaint against the correction requested" in the first and second lines by the words "Every person referred to in any of sections 124 to 126 may file an application for review in respect of the proposal";

(2) by replacing the words “a complaint” in the second line of paragraph 2 by the words “an application”.

32. Section 155 of the said Act is amended

(1) by replacing the word “complaint” in the first line by the words “application for review”;

(2) by replacing the word “request” in the third line by the word “proposal”.

33. Section 156 of the said Act is amended by replacing the third paragraph by the following paragraph:

“Within the same time, the assessor may, on the basis of his report, make a proposal under section 151, in which case sections 153 to 155 apply.”

34. Section 157 of the said Act is amended

(1) by replacing the words “submit a request for a correction *ex officio*” in the first line of the first paragraph by the words “propose a correction”;

(2) by inserting the words “of an application for review or” after the word “subject” in the second line of the first paragraph;

(3) by replacing the words “submit a request for a correction *ex officio*” in the third line of the second paragraph by the words “propose a correction”.

35. Section 157.1 of the said Act is amended

(1) by replacing the words “submit a request for a correction *ex officio*” in the first line by the words “propose a correction”;

(2) by inserting the words “or of section 174.2” after the figure “174” in the third line.

36. Section 174 of the said Act, amended by section 13 of chapter 64 of the statutes of 1995, is again amended

(1) by replacing the words “request for a correction *ex officio*” in the first line of paragraph 1 by the words “proposal for a correction”;

(2) by inserting, after paragraph 12, the following paragraph:

“(12.1) to reflect a change in situation that, under section 34, warrants the combining of several units of assessment into a single unit, the division of a unit of assessment into two or more units, the adding or elimination of a whole unit, the subtraction of a part of a unit or the addition of one part of a unit to another unit;”.

37. Section 174.2 of the said Act is amended

(1) by replacing the words "request for a correction *ex officio*" in the first line of paragraph 1 by the words "proposal for a correction";

(2) by inserting the figure "12.1," after the figure "12," in the second line of paragraph 6.

38. Section 175 of the said Act is amended by replacing the words "request for a correction *ex officio*" in the fifth and sixth lines of the first paragraph by the words "proposal for a correction".

39. Section 180 of the said Act, amended by section 55 of chapter 30 of the statutes of 1994, is again amended

(1) by replacing the words "of complaint, specify the manner in which it" in the third line of the second paragraph by the words "to file an application for review, specify the manner in which the right";

(2) by adding, at the end of the third paragraph, the following sentence: "He shall send a copy of the notice to the person who, as a result of the alteration, has been entered on the roll as occupant of the unit of assessment."

40. Section 181 of the said Act is amended

(1) by replacing the words "A complaint" in the first line of the first paragraph by the words "An application for review";

(2) by replacing the word "complaint" in the first and second lines of the second paragraph by the words "application for review".

41. Section 182 of the said Act is amended

(1) by inserting the words "agreement entered into under section 138.4, as soon as possible after the agreement is entered into, or to make it comply with any" after the word "any" in the first line of the first paragraph;

(2) by replacing the words "a complaint has effect from the date fixed" in the first line of the third paragraph by the words "an agreement or a complaint has effect from the date fixed in the agreement or";

(3) by adding, at the end of the fourth paragraph, the following: "If the alteration results from an agreement entered into under section 138.4, the notice of alteration referred to in section 180 shall set forth the right to make a complaint under the second paragraph of section 138.5 and shall indicate the manner in which the right may be exercised and how the time in which it may be exercised is established."

42. Section 183 of the said Act, amended by section 57 of chapter 30 of the statutes of 1994, is again amended

(1) by striking out subparagraph 2 of the third paragraph;

(2) by replacing the word "complaint" in the first line of subparagraph 4 of the third paragraph by the words "application for review", and by replacing the words "a complaint referred to in" in the third and fourth lines of the said subparagraph by the words "an application for review under";

(3) by replacing the words "request for a correction *ex officio*" in the second and third lines of subparagraph 4 of the third paragraph by the words "proposal for a correction".

43. The said Act is amended by inserting, after section 196, the following section:

"**196.1.** A municipal body responsible for assessment may enter into an agreement with a local municipality in respect of which the body has jurisdiction in matters of assessment providing that every application for review under Division I of Chapter X that relates to property situated in the territory of the municipality is to be filed with the municipality."

44. Section 197 of the said Act is amended by replacing the words "section 195 or 196" in the first line of the first paragraph by the words "any of sections 195 to 196.1".

45. Section 198.1 of the said Act is amended by replacing the words "section 195 or 196" in the first line of the first paragraph by the words "any of sections 195 to 196.1".

46. Section 199 of the said Act is amended by replacing the words "section 195 or 196" in the third line by the words "any of sections 195 to 196.1".

47. Section 200 of the said Act is amended by replacing the words "section 195 or 196" in the second line of the first paragraph by the words "any of sections 195 to 196.1".

48. Section 201 of the said Act is amended by replacing the words "section 195 or 196" in the second line of the first paragraph by the words "any of sections 195 to 196.1".

49. Section 205 of the said Act is amended

(1) by inserting the words ", in the case of an immovable referred to in paragraph 4, 10 or 11 of section 204," after the word "unless" in the third line of the first paragraph;

(2) by replacing the second paragraph by the following paragraphs:

"The compensation is imposed according to the value of the immovable, at a rate fixed by the council that may vary according to the classes of immovables.

In the case of an immovable referred to in paragraph 4, 10 or 11 of section 204, the rate shall not be higher than that of the general real estate tax nor exceed $0.50 per $100 of assessment.

In the case of an immovable referred to in paragraph 5 of section 204, the application of the rate shall not result in a compensation that exceeds the total amount of sums that result from taxes, compensations or modes of tariffing that would be payable were the immovable not exempt therefrom and were the sixth paragraph not applicable, other than the business tax and the surtax or the tax on non-residential immovables. However, in the case of a structure intended for lodging persons, sheltering animals or storing things that is serviced by a waterworks or sewer system or that is part of a plant or equipment for water or garbage treatment, or in the case of land that is the site of such a structure, the application of the rate shall not result in a compensation that exceeds the total amount of the sums resulting from the modes of tariffing that would be payable in respect of the immovable, were it not exempt therefrom and were the sixth paragraph not applicable, for the municipal services from which the immovable, its owner or its occupant derives the benefit within the meaning of section 244.3.";

(3) by replacing the word "four" in the first line of the fifth paragraph by the word "six".

50. Section 208 of the said Act is amended by inserting, after the fourth paragraph, the following paragraph:

"Where the value of an immovable referred to in paragraph 3 of section 204 and occupied by a person other than a person mentioned in that section is less than $50,000, the second and third paragraphs of this section do not apply to that immovable. The same applies, notwithstanding section 2, where the value of the part so occupied of an immovable referred to in that paragraph is less than that amount."

51. Section 248 of the said Act is amended by adding, at the end of the second paragraph, the following sentence: "However, if the alteration results from a complaint before the board, the supplement does not bear interest for such time as the board indicates in its decision as the period, if any, during which the hearing of the complaint was unduly delayed and for which the debtor of the supplement, or the party to the dispute as the debtor's successor, is not responsible."

52. Section 249 of the said Act is amended

(1) by adding the following at the end of the second paragraph: "However, if the alteration of the roll gives rise to a refund as a result of a complaint before the board, the amount of the refund does not bear interest for such time as the board indicates in its decision as the period, if any, during which the

hearing of the complaint was unduly delayed and for which the debtor of the amount of the refund, or the party to the dispute as the debtor's successor, is not responsible." ;

(2) by replacing the words "A decision" in the first line of the third paragraph by the words "An agreement entered into under section 138.4 or a decision".

53. Section 252.1 of the said Act is amended by replacing the words "a complaint has been filed or proceedings to quash or set aside have been introduced" in the fifth and sixth lines by the words "an application for review or a complaint has been filed or an action or motion to quash or set aside has been brought".

54. Section 253.49 of the said Act, enacted by section 5 of chapter 7 of the statutes of 1995, is amended by replacing the word "third" in the fourth line of the first paragraph, in the second line of subparagraphs 1, 2 and 4 of the second paragraph and in the second line of the third paragraph by the word "fifth".

55. Section 261.2 of the said Act is amended by striking out the second paragraph.

56. Section 261.5 of the said Act is amended by striking out the third paragraph.

57. Section 261.7 of the said Act is amended by striking out the second paragraph.

58. Section 262 of the said Act, amended by section 2 of chapter 41 of the statutes of 1996, is again amended

(1) by striking out the words "provide exceptions to that requirement;" in the second line of paragraph 8;

(2) by adding, after paragraph 9, the following paragraph:

"(10) prescribe, for the single-use immovables of an industrial or institutional nature that it defines, a method of assessment consistent with the provisions of section 44; the method may vary according to the classes of immovables it determines."

59. Section 263 of the said Act, amended by section 6 of chapter 7 of the statutes of 1995, is again amended

(1) by replacing the words "notices or forms" in the first and second lines of paragraph 2 by the word "documents";

(2) by striking out the words ", including accounts in lieu of notices of assessment" in subparagraph *b* of paragraph 2;

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

"(*d*) forms for applications for review and complaints, including a single form for cases in which the applicant becomes a complainant;";

(4) by striking out paragraph 2.1.

60. The said Act is amended by inserting, after section 263.1, the following section:

"**263.2.** Any municipal body responsible for assessment may pass a by-law to require the payment of a sum at the same time as the filing of an application for review with the body or with a local municipality in respect of which the body has jurisdiction, and to prescribe a tariff determining the amount of the sum; the tariff may provide for classes of applications.

A sum to be paid for a unit of assessment or a place of business pursuant to a by-law under the first paragraph shall not exceed the sum that would, in respect of the same unit or place, be payable upon the filing of a complaint with the board pursuant to a regulation under paragraph 8 of section 262.

The power provided for in the first paragraph replaces, in such matters, the general power of the body to finance all or part of its goods, services or activities by means of a mode of tariffing."

61. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting, after section 29.10, the following section:

"**29.10.1.** A municipality may enter into an agreement with the council of a band within the meaning of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5) in relation to the exercise of its powers on the reserve over which the council of the band has authority and which is included within the territory of the municipality.

Such an ageement must be approved by the Government. It shall prevail over any inconsistent provision of a general law or special Act or of any regulation thereunder. In particular, it may provide that

(1) the municipality is to renounce its power to impose any tax, compensation or mode of tariffing on the immovables situated on the reserve or in respect of them;

(2) the Act respecting duties on transfers of immovables (chapter D-15.1) is not to apply to transfers of immovables situated on the reserve;

(3) the tax base of the school tax is, on the reserve, to be different from the tax base established in section 310 of the Education Act (chapter I-13.3);

(4) all or part of the by-laws of the municipality are not to apply on the reserve.

Such an agreement may have retroactive effect to the date fixed by the order of the Government approving the agreement.

The order may approve the agreement and fix the date from which it has effect, and may, to provide for the impact of the agreement, create a municipal rule of law or derogate from any provision of an Act for which the Minister of Municipal Affairs is responsible, of a special Act governing a municipality, or of an instrument under such an Act."

62. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting, after article 14.8, the following article:

"**14.8.1.** A municipality may enter into an agreement with the council of a band within the meaning of the Indian Act (Revised Statutes of Canada, 1985, chapter I-5) in relation to the exercise of its powers on the reserve over which the council of the band has authority and which is included within the territory of the municipality.

Such an agreement must be approved by the Government. It shall prevail over any inconsistent provision of a general law or special Act or of any regulation thereunder. In particular, it may provide that

(1) the municipality is to renounce its power to impose any tax, compensation or mode of tariffing on the immovables situated on the reserve or in respect of them;

(2) the Act respecting duties on transfers of immovables (chapter D-15.1) is not to apply to transfers of immovables situated on the reserve;

(3) the tax base of the school tax is, on the reserve, to be different from the tax base established in section 310 of the Education Act (chapter I-13.3);

(4) all or part of the by-laws of the municipality are not to apply on the reserve.

Such an agreement may have retroactive effect to the date fixed by the order of the Government approving the agreement.

The order may approve the agreement and fix the date from which it has effect, and may, to provide for the impact of the agreement, create a municipal rule of law or derogate from any provision of an Act for which the Minister of Municipal Affairs is responsible, of a special Act governing a municipality, or of an instrument under such an Act."

63. Section 212.1 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2) is amended by replacing the second sentence by the following sentence: "However, for the purposes of the apportionment,

the data that was used to determine the basis of the apportionment of the expenditures provided for in the annual budget of the same fiscal year shall be used for each municipality."

64. Section 220 of the said Act is amended

(1) by striking out the words ", taking into account the third and fourth paragraphs" in the fifth line of the second paragraph;

(2) by replacing the third and fourth paragraphs by the following paragraph:

"However, the Community may, by by-law, provide that all or part of its expenditures are to be apportioned on the basis of a criterion other than that of non-adjusted fiscal potential."

65. Section 306.2 of the said Act, amended by section 57 of chapter 71 of the statutes of 1995, is again amended by replacing the second paragraph by the following paragraph:

"However, the Community may, by by-law, provide that all or part of its deficit is to be apportioned on the basis of a criterion other than that of non-adjusted fiscal potential."

66. Section 306.3 of the said Act, amended by section 58 of chapter 71 of the statutes of 1995, is again amended by replacing the words "its fiscal potential" in the third paragraph by the words "the basis of apportionment".

67. Section 27 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is amended by replacing the words "section 196" in the second line by the words "sections 196 and 250.1".

68. For the application of section 69.2 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) to Ville de Montréal for the purposes of its fiscal year 1997, all the parking spaces that a person makes available for rental for pecuniary gain taken as a whole shall constitute a place of business.

The person is deemed to carry on, in that place, an activity referred to in section 232 of that Act, unless an activity referred to in that section is carried on by another person, for more than one year, in a part of the unit of assessment that constitutes the place of business, in which case that part constitutes a separate place of business.

The person referred to in the first paragraph is required to notify the city that an activity referred to in section 232 of the Act respecting municipal taxation is being carried on, for more than one year, in a part of the unit that constitutes a place of business entered in the person's name.

69. The real estate assessment rolls and the rolls of rental values of the municipalities mentioned in Schedule A, that are to replace the rolls in force

since 1 January 1995, are to apply for the municipal fiscal years 1998 and 1999. The fiscal year 1999 is considered, with regard to those biennial rolls, to be the third fiscal year in which a roll applies.

The real estate assessment rolls and the rolls of rental values of Ville de Montréal and of the municipalities mentioned in Schedule B, in force since 1 January 1995, are to remain in force until the end of 1998.

The real estate assessment rolls and the rolls of rental values of the municipalities mentioned in Schedule B, that are to replace the rolls in force since 1 January 1995, are to apply for the municipal fiscal years 1999 and 2000. The fiscal year 2000 is considered, with regard to those biennial rolls, to be the third fiscal year in which a roll applies.

For the purpose of determining for which municipal fiscal years future rolls of a municipality must be drawn up, in accordance with sections 14 and 14.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the biennial rolls referred to in the first paragraph of this section are deemed to have been drawn up for the fiscal years 1997, 1998 and 1999, the rolls referred to in the second paragraph are deemed to have been drawn up for the fiscal years 1996, 1997 and 1998 and the biennial rolls referred to in the third paragraph are deemed to have been drawn up for the fiscal years 1998, 1999 and 2000.

70. Sections 5 and 9, sections 10 to 16, paragraph 1 of section 17, sections 18 to 25, sections 28 to 34, paragraph 1 of sections 35 to 37, sections 38 to 41, paragraphs 2 and 3 of section 42 and section 53 have effect from 1 January 1998. However, such provisions have effect before that date for the purposes of contestation of the accuracy, existence or absence of an entry on a real estate assessment roll or roll of rental values coming into force on that date and for the purposes of a proposal for a correction relating to a roll coming into force on that date.

The same applies in respect of any agreement entered into under section 196.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by section 43 of this Act, of any regulation made under subparagraph *d* of paragraph 2 of section 263 of the Act respecting municipal taxation, enacted by section 59 of this Act, and of any by-law passed under section 263.2 of the Act respecting municipal taxation, enacted by section 60 of this Act.

71. Section 8 and paragraph 2 of section 17 have effect in respect of any municipal assessment notice or tax account for any municipal fiscal year beginning from the fiscal year 1998.

72. Sections 49 and 54 have effect for the purposes of any municipal fiscal year beginning from the fiscal year 1998.

73. Section 50 has effect for the purposes of any municipal fiscal year beginning from the fiscal year 1997.

74. Sections 55 to 57 and 63 to 66 have effect for the purposes of the apportionment of the expenditures of the Communauté urbaine de Montréal and the operating deficit of the Société de transport de la Communauté urbaine de Montréal for municipal fiscal years beginning from the fiscal year 1999.

For the purposes of the apportionment of those expenditures or that deficit for the fiscal year 1998, the fiscal potential within the meaning of section 261.5 or 261.7 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), whichever applies, shall be used, as established having regard to the real estate assessment roll of each municipality participating in the apportionment that was drawn up for the fiscal years 1995, 1996 and 1997, as the roll stood on the date fixed for that purpose under subparagraph 1 of the second paragraph of section 220.1 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2).

75. Section 29.10.1 of the Cities and Towns Act, introduced by section 61 of this Act, applies to the agreement entered into on 27 May 1996 between Ville de Sept-Îles and the Uashat Mak Mani-Utenam Band Council, which will be deemed, after it has been approved by the Government, to have had effect since 1 January 1996.

76. This Act comes into force on 23 December 1996.

SCHEDULE A

Ville de Beaconsfield
Ville de Dollard-des-Ormeaux
Ville de Hampstead
Ville de Kirkland
Ville de L'Île-Bizard
Ville de L'Île-Dorval
Ville de Montréal-Ouest
Ville de Pierrefonds
Ville de Roxboro
Ville de Sainte-Geneviève

SCHEDULE B

Ville d'Anjou
Ville de Baie-d'Urfé
Cité de Côte-Saint-Luc
Cité de Dorval
Ville de Lachine
Ville de LaSalle
Ville de Montréal-Est
Ville de Montréal-Nord
Ville de Mont-Royal
Ville d'Outremont
Ville de Pointe-Claire
Ville de Sainte-Anne-de-Bellevue
Ville de Saint-Laurent
Ville de Saint-Léonard
Ville de Saint-Pierre
Village de Senneville
Ville de Verdun
Ville de Westmount