

## Municipal Affairs

Gouvernement du Québec

### **O.C. 950-99, 25 August 1999**

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Amalgamation of Municipalité d'Oka and Paroisse d'Oka

WHEREAS each of the municipal councils of Municipalité d'Oka and Paroisse d'Oka adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objection was sent to the Minister of Municipal Affairs and Greater Montréal and she did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, amended by section 133 of Chapter 93 of the Statutes of 1997, it is expedient to grant the joint application with the amendment proposed by the Minister of Municipal Affairs and Greater Montréal which was approved by the councils of the applicant municipalities;

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

THAT the application be granted and that a local municipality be constituted through the amalgamation of Municipalité d'Oka and Paroisse d'Oka, on the following conditions:

1. The name of the new municipality is "Municipalité d'Oka".

2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 21 June 1999; that description is attached as a Schedule to this Order in Council.

3. The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The new municipality is part of the Municipalité régionale de comté de Deux-Montagnes.

5. The Act respecting the municipality of Oka (1991, c. 98) applies to the new municipality.

6. A provisional council shall remain in office until the first general election. It shall be composed of all the members of the councils existing at the time of the coming into force of this Order in Council. The quorum shall be half the members in office plus one. The current mayors will alternate as mayor and acting mayor of the provisional council each month.

If a seat is vacant at the time of the coming into force of this Order in Council or becomes vacant during the term of the provisional council, one additional vote shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

For the term of the provisional council, the elected municipal officers shall receive the same remuneration as the one in force before the coming into force of this Order in Council.

The mayors of the former municipalities shall continue to sit on the council of the Municipalité régionale de comté de Deux-Montagnes until the first general election is held and they shall have the same number of votes as before the coming into force of this Order in Council.

7. The place where meetings of the provisional council will be held shall alternate each month, between the town hall of one former municipality and the other one. The first meeting of the provisional council will be held on the first Monday of the month following the month in which this Order in Council comes into force at 8:00 p.m. at the town hall of the former Municipalité d'Oka.

8. The first general election shall be held on 7 November 1999. The second general election shall be held on the first Sunday in November 2003.

9. For the first two general elections, the only persons eligible for seats 1, 3 and 5 are the persons who would be eligible under the Act respecting elections and

referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the members of the council of the former Municipalité d'Oka and the only persons eligible for seats 2, 4 and 6 are the persons who would be eligible under that Act if such election were an election of the members of the council of the former Paroisse d'Oka.

10. Ms. Marie Daoust, secretary-treasurer of the former Municipalité d'Oka shall act as secretary-treasurer of the new municipality.

11. Any budget adopted by each of the former municipalities for the fiscal year during which this Order in Council comes into force shall continue to be applied by the council of the new municipality, and the expenditures and revenues must be accounted for separately as if those municipalities continued to exist.

Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budget of each of the former municipalities in proportion to their standardized real estate value established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Orders in Council 719-94 dated 18 May 1994, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as appearing in their financial statements for the last fiscal year ending before this Order in Council comes into force.

12. If section 11 applies, the portion of the subsidy paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year following the amalgamation, less the expenditures recognized by the council as resulting from the amalgamation and directly financed with that portion of the subsidy up to a maximum amount of \$20 000, shall constitute a reserve to be paid into the general fund of the new municipality for the first year in which the new municipality does not apply separate budgets.

13. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in force before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

14. Any surplus accumulated on behalf of a former municipality, at the end of the last fiscal year for which the municipalities adopted separate budgets, shall be used as follows:

(a) an amount of \$50 000 shall be subtracted from the surplus accumulated on behalf of each former mu-

nicipality and shall be paid into the general fund of the new municipality; if the amount of the surplus accumulated on behalf of a former municipality is lower than \$50 000, the amount that is subtracted from the surplus accumulated on behalf of each former municipality shall be equal to the amount of the lowest accumulated surplus or to zero where there is no surplus accumulated on behalf of a former municipality;

(b) the balance of the surplus accumulated on behalf of a former municipality shall be used for the benefit of the ratepayers of the sector made up of the territory of that former municipality; it may be used for carrying out public works in that sector, for reducing taxes applicable to all the taxable immovables of that sector or for repaying debts charged to all that sector.

15. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the municipalities adopted separate budgets will continue to be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

16. The annual repayment of the instalments in principal and interest of all loans made from the special fund constituted under the Act respecting the municipality of Oka (1991, c. 98) by Resolution 97-197 of the former Municipalité d'Oka shall become charged to the taxable immovables of the new municipality.

17. The annual repayment of the instalments in principal and interest of all loans made under By-law 98-01 of the former Paroisse d'Oka, less the annual rent paid under the agreement entered into between the Société immobilière du Québec and the Paroisse d'Oka on 25 January 1999, shall be charged to all the taxable immovables of the new municipality.

The taxation clauses provided for in the By-law shall be amended accordingly.

18. The annual repayment of the instalments in principal and interest of all loans made under the by-laws or resolutions adopted by a former municipality before the coming into force of this Order in Council, and not referred to in sections 16 and 17, remains charged to the sector made up of the territory of the former municipality that made them, in accordance with the taxation clauses provided for in those by-laws.

If the new municipality decides to amend the taxation clauses provided for in those by-laws in accordance with the law, the amendments may only apply to the taxable immovables located in the sector made up of the territory of that former municipality.

19. Any balance available in the loan by-laws of the former municipalities shall be used for paying annual instalments in principal and interest of the loans or, if the securities were issued for a term shorter than that originally fixed, for reducing the balance of those loans. If the balance available is used for paying annual instalments for the loans, the rate of the tax imposed to pay the instalments shall be reduced so that the revenues of the tax correspond to the balance to be paid, less the balance available used.

20. The amount transferred to the general fund under section 4 of the Act respecting the municipality of Oka (1991, c. 98) is used, in the subsequent year, according to the following terms and conditions:

— 36 % of the transferred amount is used for carrying out public works in the sector made up of the territory of the former Municipalité d'Oka or for repaying debts charged to all the sector;

— 13 % of the transferred amount is used for financing the waterworks system of the sector made up of the territory of the former Municipalité d'Oka in order to reduce the tariff for the waterworks system of that sector;

— 51 % of the transferred amount is used for the purposes determined by the new municipality.

21. Subject to section 146 of the Act respecting land use planning and development (R.S.Q., c. A-19.1), if, during the ten years following the coming into force of this Order in Council, the mining project which is the subject of Resolution 98-10-184 adopted by the former Paroisse d'Oka must be the subject of a referendum poll, the only qualified voters are the qualified voters entered on the referendum list of the sector made up of the territory of the former Paroisse d'Oka.

22. Any debt or gain that may result from legal proceedings for an act performed by one former municipality shall be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

23. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new municipality, provided that such a by-law

comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new municipality.

24. A municipal housing bureau is incorporated under the name "Office municipal d'habitation d'Oka".

That municipal bureau shall succeed to the municipal housing bureau of the former Municipalité d'Oka, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) apply to the municipal housing bureau of the new Municipalité d'Oka as if it had been incorporated by letters patent under section 57 of that Act.

The members of the bureau are the members of the municipal housing bureau of the former Municipalité d'Oka.

25. In accordance with the order in council concerning the withdrawal of Municipalité d'Oka, which will be made under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale de Saint-Eustache will no longer have jurisdiction over the territory of the former Municipalité d'Oka.

In accordance with the order in council concerning the amendment to the agreement respecting the Cour municipale de la Ville de Deux-Montagnes, which will be made under the Act respecting municipal courts, the Cour municipale commune de la Ville de Deux-Montagnes will have jurisdiction over the territory of the new municipality.

26. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

27. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

---

#### OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW MUNICIPALITÉ D'OKA, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE DEUX-MONTAGNES

The current territory of Municipalité d'Oka and Paroisse d'Oka, in the Municipalité régionale de comté

de Deux-Montagnes, comprising, in reference to the cadastre of Paroisse de L'Annonciation-du-Lac-des-Deux-Montagnes, the lots or parts of lots, blocks or parts of blocks and their present and future subdivisions, as well as the roads, routes, railway rights-of-way, islands, islets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of lot 303; thence, successively, the following lines and demarcations: successively, southeasterly, northeasterly and southeasterly again, the dividing line between the cadastres of Paroisse de L'Annonciation-du-Lac-des-Deux-Montagnes and Paroisse de Saint-Joseph-du-Lac, thence the extension of the last section to the centre line of Lac des Deux-Montagnes, that line crossing Rang Sainte-Germaine and the Montée du Village that it meets in its first section and Route 344 in its third section; in general southwesterly and northwesterly directions, the centre line of the said lake to its meeting point with the extension to the southwest of the northwest line of lot 13; northeasterly, successively, the said extension, part of the northwest line of the said lot then the northwest side of the right-of-way of a public road (shown on the original) to its meeting point with the southwest side of the right-of-way of Route 344, that line limiting to the northwest lot 361 in its last section; northeasterly, a straight line crossing the said route to the meeting point of the northeast side of the right-of-way of the said route with the southeast side of the right-of-way of Rang Saint-Jean; northeasterly, the southeast side of the right-of-way of Rang Saint-Jean to the apex of the north angle of lot 1; successively southeasterly and northeasterly, part of the dividing line between the cadastres of the Paroisse de L'Annonciation-du-Lac-des-Deux-Montagnes and the Paroisse de Saint-Benoît to its meeting point with the northeast side of the right-of-way of a public road shown on the original (Chemin de la Côte-Rouge); southeasterly, the northeast side of the right-of-way of the said road to the apex of the western angle of lot 304; northeasterly, part of the northwest line of the said lot to the apex of the southern angle of lot 303; finally, successively, northwesterly and northeasterly, the southwest and northwest lines of the said lot to the starting point; the said limits describe the territory of the new Municipalité d'Oka.

Ministère des Ressources naturelles  
 Direction de l'information foncière sur le territoire public  
 Division de l'arpentage foncier

Charlesbourg, 21 June 1999

Prepared by: JEAN-FRANÇOIS BOUCHER,  
*Land surveyor*

O-35/1

3073

Gouvernement du Québec

## O.C. 951-99, 25 August 1999

An Act respecting municipal territorial organization  
 (R.S.Q., c. O-9)

Amalgamation of Municipalité de Sainte-Martine and  
 Municipalité de Saint-Paul-de-Châteauguay

WHEREAS each of the municipal councils of Municipalité de Sainte-Martine and Municipalité de Saint-Paul-de-Châteauguay adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objection to the application was made and the Minister of Municipal Affairs and Greater Montréal did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, amended by section 133 of Chapter 93 of the Statutes of 1997, it is expedient to grant the joint application;

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

THAT the application be granted and that a local municipality be constituted through the amalgamation of Municipalité de Sainte-Martine and Municipalité de Saint-Paul-de-Châteauguay, on the following conditions:

1. The name of the new municipality is "Municipalité de Sainte-Martine".
2. The description of the territory of the new municipality is the description drawn up by the Minister of Natural Resources on 3 June 1999; that description is attached as a Schedule to this Order in Council.
3. The new municipality is governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).
4. The new municipality is part of the Municipalité régionale de comté de Beauharnois-Salaberry.