



NATIONAL ASSEMBLY

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Bill 221

(Private)

**An Act to amend the charter
of the City of Laval**

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(Private)

AN ACT TO AMEND THE CHARTER OF THE CITY OF LAVAL

WHEREAS it is in the interest of Ville de Laval that its charter, chapter 89 of the statutes of 1965 (1st session), and the Acts amending it be again amended and that the city be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Ville de Laval may, by by-law, adopt a program to grant, subject to the terms and conditions determined in the by-law, a tax credit related to the setting up or enlarging of a high technology establishment in the territory described in the schedule.

For the purposes of this section, “high technology” refers in particular to the aerospace, telecommunications, biotechnology, pharmacology, computer, electronics, microelectronics, optoelectronics, robotics, optics and laser fields. “High technology” means a use having as its main activity

- (1) scientific or technological research or development;
- (2) scientific or technological training;
- (3) the administration of a technological enterprise; or
- (4) the manufacturing of technological products, including scientific research and experimental development activities.

A by-law made under this section may not provide for a tax credit for a period exceeding five years; the period of eligibility for the program may not extend beyond 31 December 2004.

The effect of the tax credit shall be to offset any increase in property taxes that may result from a reassessment of the immovables after completion of the work. For the fiscal year in which the work is completed and for the next two fiscal years, the amount of the tax credit shall be the difference between the amount of the property taxes that would be payable had the assessment of the immovables not been changed and the amount of the property taxes actually payable. For the next two fiscal years, the amount of the tax credit shall be, respectively, 80 per cent and 60 per cent of the amount of the tax credit for the first fiscal year.

The by-law provided for in the first paragraph may be adopted and, where applicable, applies, only if the city's zoning by-law provides that in the case of the main activities referred to in subparagraphs 1 and 4 of the second paragraph, the use must occupy a gross floor area reserved and intended for scientific research and experimental development activities that is equal to at least 15 per cent of the total gross floor area occupied or intended to be occupied by that use. The zoning by-law must also provide that no use having as its main activity one of the activities referred to in subparagraphs 2 and 3 of the second paragraph may be authorized in respect of more than 30 per cent of the territory described in the schedule.

2. Where municipal taxes on an immovable situated in an agricultural zone determined by decree under the Act to preserve agricultural land and agricultural activities (R.S.Q., chapter P-41.1) have not been paid for three consecutive years, the city may, for the purpose of a consolidation of immovables suitable for genuine and sustained agricultural use, be declared the owner of that immovable by the Superior Court sitting in the district in which the immovable is situated.

3. The application is made by a motion.

The motion may concern more than one immovable belonging to different owners.

The motion may be granted only after publication in a newspaper distributed in the territory of the city of a notice requesting all persons who may have rights respecting the immovables to appear in court within 60 days after the publication in order to claim an indemnity equal to the value of their rights, after deduction of an amount sufficient to pay all outstanding municipal and school taxes, any accrued interest and the costs pertaining to the motion, including publication costs. Before the deduction, the indemnity claimed may not exceed the actual value of the immovable on 20 December 1999.

Publication of the notice replaces service. The notice shall indicate that it is given under this Act. The description of the immovables concerned that are parts of a lot is deemed to be sufficient if it mentions the lot number and the area of the part of the lot concerned as well as the name of its owner.

However, in the motion, the immovables concerned must be described in accordance with article 3033 and, where applicable, article 3036 of the Civil Code of Québec.

No appeal lies from the judgment rendered on the motion.

4. The city becomes the owner of the immovables described in the judgment declaring ownership on publication of the judgment at the registry office and no claim may be subsequently made in respect of the immovables. The real rights that may affect the immovables concerned, including prior claims, hypothecs, resolutive clauses or clauses that give rights of cancellation, and servitudes other than servitudes of public utility are extinguished.

The clerk of the city may draw up a list of the real rights other than servitudes of public utility that encumber the immovables described in the judgment declaring ownership that have been published and that are extinguished under this section, and, upon an application to that effect, the registrar shall cancel the registration of those rights.

5. Acquisitions, by agreement or expropriation, and exchanges and alienations of parcels of land for the purposes of land consolidation or the restoration of original lots in the agricultural zone determined by decree under the Act to preserve agricultural land and agricultural activities do not constitute an alienation within the meaning assigned to that word in the definition in section 1 of that Act.

6. The Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply to the transfer of an immovable in view of a consolidation of immovables in the agricultural zone.

7. The Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) does not apply to an immovable that is exchanged in view of a consolidation of immovables in the agricultural zone.

8. Sections 26, 27 and 1094 of the Taxation Act (R.S.Q., chapter I-3) do not apply to immovables exchanged in view of a consolidation of immovables in the agricultural zone.

9. This Act does not apply to any immovable real right which may be held by the Minister of Revenue in respect of an immovable that is part of a consolidation, nor shall it, subject to section 8, operate to limit or prevent the total or partial application of the provisions of a fiscal law within the meaning of section 1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

10. In the agricultural zone, any immovable appearing in the plan and book of reference as a public road, street or lane, park or playground, pedestrian passage or other thoroughfare is declared to be the property of the city if no property tax has been paid on that immovable for three years before the coming into force of this Act.

The city may grant valid title to such an immovable.

The cancellation or replacement of the cadastral numbering of a public road, street or lane, park or playground, pedestrian passage or other thoroughfare or the deposit of any plan allocating, otherwise than by subdivision, a new number to such a lot or part of a lot without reference to the purpose assigned to it, confirms the assignment of another purpose.

The clerk of the city shall cause to be published once in the *Gazette officielle du Québec* and once in a newspaper distributed in the territory of the city, a notice containing

(1) the text of this section ;

(2) a summary description, by way of a sketch, of the thoroughfares mentioned in the first paragraph.

Any claim not brought by an action before the Superior Court within one year from the last publication of the notice referred to in the fourth paragraph is extinguished and prescribed. The third paragraph of section 3, with the necessary modifications, applies to the amount of a claim.

The city becomes the owner of the immovables referred to in this section on publication, at the registry office, of a notice by the clerk of the city evidencing the existence of the conditions described in the first paragraph, and the observance of the formalities set out in the fourth paragraph. Any real rights affecting the immovables concerned, including prior claims, hypothecs, resolutive clauses or clauses that give rights of cancellation, and servitudes other than servitudes of public utility are extinguished.

The second paragraph of section 4 applies, with the necessary modifications, to the immovables of which the city has become the owner under this section.

11. Sections 6 and 7 of the Act to amend the charter of the City of Laval (1996, chapter 84) are replaced by the following sections :

“6. Where the city, under provisions enacted by this Act, becomes the owner of immovables sufficient to be used for genuine and sustained agricultural purposes, it shall submit to the Minister of Natural Resources a plan entailing the striking out or replacement of the numbers of the lots it owns in accordance with article 3043 of the Civil Code of Québec.

“7. Every operation carried out under section 6 must be authorized by the Minister of Agriculture, Fisheries and Food after the advice of the Commission de protection du territoire agricole du Québec is obtained.”

12. The Cities and Towns Act (R.S.Q., chapter C-19) is amended, for the city, by inserting the following section after section 415.1 :

“415.2. The city may, by by-law, prescribe that the owner of an immovable to which a public roadway is appurtenant must improve and maintain, according to the conditions determined by the by-law, any part of the roadway’s right of way not used by the city on which the immovable fronts or abutts.

The city may, notwithstanding the by-law, exercise its right of ownership in respect of that part and, in particular, may withdraw from the owner of the appurtenant immovable the right to improve the part, or remove any improvement already made to it. In either case, the city must first notify the owner in writing.

The by-law may provide that the costs for removing any improvement that is not in conformity with the by-law may be charged to the owner.

This section does not apply to underground structures belonging to the city or public utility companies.”

13. The title obtained by Ville de Laval under this Act and the Act to amend the charter of the City of Laval (1996, chapter 84) in respect of immovables situated in the agricultural zone determined by decree under the Act to preserve agricultural land and agricultural activities may not be contested.

14. The by-law under section 1 takes effect on 1 January 2000.

15. This Act comes into force on 20 December 1999.

SCHEDULE

DESCRIPTION OF THE SCIENCE AND HIGH TECHNOLOGY PARK

DESCRIPTION

A parcel of land, irregular in shape and composed of lots 1165677, 1165678, 1165684, 1165687, 1165846, 1165899, 1165906, 1165907, 1165925, 1166090, 1166185, 1166431, 1166432, 1166437 to 1166443, 1166445, 1168839, 1168842, 1168847, 1169160 to 1169162, 1169198 to 1169201, 1169235, 1512577, 1615231, 1615232, 1697341 to 1697347, 1165680 Pt, 1168836 Pt and 1168837 Pt, bounded northwesterly, northerly and northwesterly, successively, by lot 1169203 (boulevard du Souvenir), northwesterly by lot 1169202 (boulevard du Souvenir); northeasterly by lot 1166451 (Autoroute 15); northeasterly and easterly by lot 1169206 (Autoroute 15); easterly and northeasterly by lot 1169207; northeasterly by lot 1168803; southeasterly by lot 1165667 (boulevard Cartier); southwestly by lots 1166135, 1166134, 1166079, 1166087, 1166086, 1166085, 1166084, 1166083, 1166089, 1166088, 1166037, 1166036, 1166035, 1166033, 1166436, 1169196, 1166435, 1166434, 1166433, 1166424, 1166422, 1166430, 1166429, 1166428; southerly by lots 1166427, 1166425, 1165948, 1165946, 1165945; southwestly by lots 1165943, 1166065, 1166068, 1165930; southerly by lots 1165930, 1165929, 1165928; easterly by lot 1165928; southerly and northeasterly by lot 1165926; southeasterly and northeasterly by lot 1169164; southeasterly by part of lot 1168837; southeasterly by lots 211-73, 211-72 and 211-71 of the cadastre of the parish of Saint-Martin; northeasterly by lot 211-71 of the cadastre of the parish of Saint-Martin; southerly by lots 211-64, 211-65, 208-91 and 208-92 of the cadastre of the parish of Saint-Martin; southeasterly by lots 207-3-97, 207-3-95, 207-3-94, 205-140, 205-141, 205-157, 205-154, 205-153 and 205-152 of the cadastre of the parish of Saint-Martin; southwestly by part of lot 1168837; southwestly, westerly and southwestly by part of lot 1165680 (boulevard Notre-Dame); southwestly by part of lot 1168836 and by lots 1165902 and 1165866; southeasterly by lot 1165866; westerly by lot 1165865; southwestly, southerly and southeasterly by lot 1165890; southwestly by part of lot 1168836; southwestly, northwesterly and southwestly by lot 1165736; northwesterly and southwestly by lot 1165708.