

WHEREAS errors in writing occurred in the Order in Council and it is expedient to correct them;

WHEREAS section 214.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9) allows the Government to correct an error in writing or to supply an obvious omission in an Order in Council made under that Act;

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

THAT Order in Council 1044-2001 dated 12 September 2001 respecting the amalgamation of Ville de Saint-Jérôme, Ville de Bellefeuille, Ville de Saint-Antoine and Ville de Lafontaine be amended

(1) by substituting the word “Chapter” for the word “Division” at the end of section 14;

(2) by substituting the words “1 January 2002” for the words “the date of coming into force of this Order in Council” in the second paragraph of section 73; and

(3) by substituting the words “Saint-Antoine” for the word “Lafontaine” wherever it appears in the description of Electoral District 9 in Schedule B.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 1172-2001, 3 October 2001**

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

Correction to Order in Council 482-2001 dated 2 May 2001 respecting Ville de Lavaltrie

WHEREAS, by Order in Council 482-2001 dated 2 May 2001, the Government authorized the amalgamation of Village de Lavaltrie and Paroisse de Saint-Antoine-de-Lavaltrie;

WHEREAS an error in writing occurred in the Order in Council and it is expedient to correct it;

WHEREAS section 214.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9) allows the Government to correct an error in writing or to supply an obvious omission in an Order in Council made under that Act;

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

THAT section 12 of the operative part of Order in Council 482-2001 dated 2 May 2001 respecting the amalgamation of Village de Lavaltrie and Paroisse de Saint-Antoine de Lavaltrie be amended by adding the following after the first paragraph:

“Notwithstanding the preceding paragraph, the agreement respecting drinking water supply signed on 18 July 1996 by the former Village de Lavaltrie and the former Paroisse de Saint-Antoine-de-Lavaltrie shall continue to apply until the council decides otherwise.”.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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### **O.C. 1200-2001, 10 October 2001**

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

Amalgamation of Paroisse de Sainte-Marguerite-du-Lac-Masson and Ville d'Estérel

WHEREAS Paroisse de Sainte-Marguerite-du-Lac-Masson and Ville d'Estérel have been negotiating for the amalgamation of the territories of their municipalities for some years;

WHEREAS, under section 125.2 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of the Act to amend the Act respecting municipal territorial organization and other legislative provisions (2000, c. 27), the Government, by Order in Council 1243-2000, authorized on 25 October 2000 the Minister of Municipal Affairs and Greater Montréal to require those municipalities to file with the Minister a joint application for amalgamation;

WHEREAS, on 27 October 2000, the Minister required those municipalities to file a joint application for amalgamation no later than 25 January 2001 and appointed Robert Sabourin as conciliator to assist the municipalities;

WHEREAS the Minister did not receive the joint application for amalgamation within the time prescribed;

WHEREAS the conciliator gave the Minister a report on the situation;

WHEREAS it is expedient to order the constitution of a local municipality under section 125.11 of the Act respecting municipal territorial organization, enacted by section 1 of chapter 27 of the Statutes of 2000;

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

THAT Paroisse de Sainte-Marguerite-du-Lac-Masson and Ville d'Estérel be amalgamated on the following conditions:

1. The name of the new municipality shall be "Ville de Sainte-Marguerite-Estérel".

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 22 August 2001; that description appears as a Schedule to this Order in Council.

3. The new town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The territory of Municipalité régionale de comté des Pays-d'en-Haut comprises the territory of the new town.

5. Until the term of the majority of candidates elected in the first general election begins, the new town shall be governed by a provisional council made up of ten members of the councils of the former municipalities in office at the time of the coming into force of this Order in Council, that is, five members representing the former Ville d'Estérel and five members representing the former Paroisse de Sainte-Marguerite-du-Lac-Masson.

All the members of the council of the former Ville d'Estérel and the mayor and four councillors of the former Paroisse de Sainte-Marguerite-du-Lac-Masson shall be the members of the provisional council.

The councillors of the former Paroisse de Sainte-Marguerite-du-Lac-Masson who are members of the provisional council shall be chosen by and from among the members of the council of the former municipality they represent.

If the council of the former Paroisse de Sainte-Marguerite-du-Lac-Masson has not chosen its councillors before the coming into force of this Order in Council, the Minister of Municipal Affairs and Greater Montréal shall designate the councillors who shall be members of the provisional council for the former municipality that failed to comply.

If an office is vacant on the provisional council, one additional vote shall be allotted within the provisional council to the mayor of the former municipality of the council on which there is a vacancy.

Where one of the mayors' offices is vacant, one additional vote shall be allotted to a councillor of the provisional council chosen by and from among the former councillors of the council of the former municipality on which there is a vacancy.

6. The mayor of the former Paroisse de Sainte-Marguerite-du-Lac-Masson shall act as mayor of the provisional council and the mayor of the former Ville d'Estérel shall act as deputy mayor.

Until the term of the mayor elected in the first general election begins, they shall continue to sit on the council of Municipalité régionale de comté des Pays-d'en-Haut and they shall have the same number of votes as before the coming into force of this Order in Council.

7. The majority of the members in office at any time shall constitute the quorum of the provisional council.

8. The members of the provisional council shall receive the same remuneration to which they were entitled before the amalgamation and each mayor shall receive the remuneration to which he was entitled as mayor without taking into consideration the alternation provided for in section 6.

9. The first sitting of the provisional council shall be held in the meeting room of the town hall of the former Paroisse de Sainte-Marguerite-du-Lac-Masson.

10. The secretary-treasurer of the former Paroisse de Sainte-Marguerite-du-Lac-Masson shall act as clerk of the new town.

11. The first general election shall be held on 2 December 2001 and the second general election shall be held in 2005.

12. For the first general election and for any by-election held before the second general election, the only persons eligible for seats 1 to 4 shall be 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 Paroisse de Sainte-Marguerite-du-Lac-Masson, and the only persons eligible for seat 5 shall be the persons who would be eligible under that Act if such election were an election of the members of the council of the former Ville d'Estérel. Seat 6 shall be open for all eligible persons in accordance with the Act.

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

14. If a budget was adopted by a former municipality for the fiscal year in which this Order in Council comes into force,

(1) that budget shall remain applicable;

(2) expenditures and revenues of the new town, for the remaining part of the fiscal year in which this Order in Council comes into force, shall continue to be accounted for separately on behalf of each former municipality as if the amalgamation had not taken place;

(3) an expenditure recognized by the council of the new town as resulting from the amalgamation shall be charged to each of the former municipalities in proportion, for each municipality, to its standardized property value in comparison with the total of the standardized property values of the former municipalities as they appear in the financial statements of those municipalities for the fiscal year preceding the one in which this Order in Council comes into force; and

(4) the amount paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM), less the expenditures recognized by the council under paragraph 3 and financed directly from that amount, shall constitute a reserved amount that shall be paid into the general fund of the new town for the first fiscal year for which the town adopts a budget with respect to its entire territory.

15. Any surplus accumulated on behalf of the former Paroisse de Sainte-Marguerite-du-Lac-Masson at the end of the last fiscal year for which separate budgets were adopted shall be used for the benefit of the ratepayers of the sector made up of the territory of that former municipality for the purposes of repaying loans contracted by that former municipality or carrying out works in that sector.

Any surplus accumulated on behalf of the former Ville d'Estérel at the end of the last fiscal year for which separate budgets were adopted shall be used for the benefit of the ratepayers of the sector made up of the territory of that former town for the purpose of reducing taxes applicable to all the taxable immovables located therein.

16. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted shall remain charged to all the taxable immovables of the sector made up of the territory of that municipality.

17. The working fund of a former municipality shall be abolished at the end of the last fiscal year for which the former municipalities adopted separate budgets. The amount of that fund that is not committed on that date shall be added to the surplus accumulated on behalf of that former municipality and dealt with in accordance with section 15.

18. Only the immovables subject to the taxation clause of a by-law before the coming into force of this Order in Council shall be subject to the special tax used to repay a loan contracted before the coming into force of this Order in Council and, in the event that the council of the new town wishes to amend that tax, only the immovables located in the sector made up of the territory of the former municipality whose council adopted the by-law may be subject to that tax.

19. Amounts accumulated in a special fund constituted by a former municipality to create parks, playgrounds and natural areas, under Division II.1 of Chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., c. A-19.1), shall be paid into a special fund constituted for those purposes by the new town and accounted for separately to be used for the benefit of the sector made up of the territory of that former municipality.

20. For the purposes of Chapters III and IV of Title I of the Act respecting land use planning and development, two sectors shall be constituted out of the territory of the new town, one made up of the territory that was the territory of Ville d'Estérel before the amalgamation and the other made up of the remaining part of the territory of the new town. Any provision adopted by the council of the new town under those chapters shall be contained in a by-law applicable to one of those sectors, or to a part of one of those sectors, to the exclusion of any part of the other sector. For the purposes of those by-laws, in any provision of those chapters, the expression "territory of the town" means the sector covered by the by-law, the expression "all the qualified voters" means the persons qualified to vote in that sector or, as the case may be, in a zone or a sector of a zone of that sector and the words and expressions "zone", "sector of a zone" and "contiguous zone" mean the zones and sectors of zones of that sector.

A by-law adopted by the council of the new town under any of sections 102 and 110.4 of the Act respecting land use planning and development and applicable to the sector made up of the territory that was the territory of Ville d'Estérel before the amalgamation shall be, notwithstanding subparagraph 2 of the third paragraph of section 123 of that Act, subject to approval by way of referendum.

The planning advisory committee the consultation of which is required with respect to a regulatory provision referred to in the first paragraph must be composed, as regards the members chosen from among the persons resident in the territory under section 146 of the Act respecting land use planning and development, of persons resident in the territory covered by the by-law that contains that provision. To that end, the council of the new town may establish two separate advisory committee.

Any public notice that must be given and any document that must be distributed, published or posted under any of the provisions of Chapters III or IV of Title I of the Act respecting land use planning and development and that refers to the sector of the new town made up of the territory that was the territory of Ville d'Estérel before the amalgamation, as well as any public notice that must be given, following the application of those provisions, under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), must also be sent by mail to any person who files for that purpose, at the office of the town, a request specifying the address to which he wishes to receive that document; the request shall take effect on the day it is received at the office of the town and shall remain valid for as long as it has not been removed or replaced. The notice and document shall be sent within the time prescribed by the provision in question for posting, publishing or distributing them, except where the time prescribed by the provision in question is five days, in which case the time prescribed for sending the notice or document shall be ten days.

Section 246.1 of the Act respecting land use planning and development and section 656 of the Act respecting elections and referendums in municipalities shall apply to the formalities provided for in the fourth paragraph.

21. A municipal housing bureau is constituted under the name of "Office municipal d'habitation de la Ville de Sainte-Marguerite-Estérel". The name of the bureau may initially be changed by a simple resolution of the board of directors in the year following its constitution. A notice regarding the change of name shall be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

That municipal bureau shall succeed the municipal housing bureau of the former Paroisse de Sainte-Marguerite-du-Lac-Masson, 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) shall apply to the new municipal housing bureau as though it had been constituted by letters patent under section 57 of that Act.

The bureau shall be administered by a board of directors formed of seven members. Three members shall be appointed by the municipal council of Ville de Sainte-Marguerite-Estérel, two elected by all the lessees of the bureau, in accordance with the Act respecting the Société d'habitation du Québec, and two shall be appointed by the Minister of Municipal Affairs and Greater Montréal, after consultation, from among the most representative socioeconomic groups of the bureau's territory.

Until the term of the majority of candidates elected in the first general election begins, the members of the board of directors of the bureau shall be the members of the municipal housing bureau whom they will be succeeding.

The directors shall elect from among themselves a chair, vice-chair and any other officer they deem necessary to appoint.

The term of the board of directors is three years and is renewable. Despite the expiry of their term, the board members shall remain in office until reappointed or replaced.

The quorum shall be the majority of the members in office.

The directors may, from the coming into force of this Order in Council,

- (1) secure loans on behalf of the bureau;
- (2) issue debentures or other securities of the bureau and use them as a guarantee or dispose of them for the price and amount deemed appropriate;
- (3) hypothecate or use as collateral the present or future immovables or movables of the bureau, to ensure the payment of such debentures or other securities, or give only part of the guarantees for those purposes;
- (4) hypothecate the immovables and movables of the bureau or otherwise affect them, or give various types of surety, to ensure the payment of loans secured other than by the issue of debentures, as well as the payment or execution of other debts, contracts and commitments of the bureau; and

(5) subject to the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société, make any by-law deemed necessary or useful for the internal management of the bureau.

The employees of the bureau that has been dissolved shall become without reduction in salary, employees of the bureau and shall retain their seniority and fringe benefits.

Within fifteen days of their adoption, the bureau shall send to the Société d'habitation du Québec a certified true copy of the by-laws and resolutions appointing or dismissing a member or director.

The time limit provided for in section 37 of the Pay Equity Act (R.S.Q., c. E-12.001) shall no longer apply with respect to the bureau constituted by the second paragraph. The time limit within which to comply with this section, for any succeeding bureau, shall be 36 months from the date of determination of the last bargaining unit.

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

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

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF VILLE DE SAINTE-MARGUERITE-ESTÉREL, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DES PAYS-D'EN-HAUT

The current territory of Paroisse de Sainte-Marguerite-du-Lac-Masson and Ville d'Estérel, in Municipalité régionale de comté des Pays-d'en-Haut, comprising, in reference to the cadastre of Paroisse de Sainte-Marguerite, the lots or parts of lots, the blocks or parts of blocks and their present and future subdivisions, as well as the roads, routes, streets, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of Lot 43 of Rang 11 Canton de Wexford; thence, successively, the following lines and demarcations: successively southeasterly, northeasterly and again southeasterly, part of the broken dividing line between the cadastres of Paroisse de Sainte-Marguerite

and Canton de Wexford to the apex of the eastern angle of Lot 51 of Rang 5 Canton de Wexford of the cadastre of Paroisse de Sainte-Marguerite, that line crossing Lac des Îles and Lac Goulet that it meets; southwesterly, successively, part of the dividing line between the said cadastres, the southeastern line of Bloc B of the cadastre of Paroisse de Sainte-Marguerite then part of the dividing line between Rang 5 Canton de Wexford and Rang 4 Canton de Wexford of the said cadastre to the apex of the southern angle of Lot 11 of Rang 5 Canton de Wexford of the said cadastre, the first portion crossing Lac Ashton that it meets and the last portion crossing Chemin des Hauteurs and Rivière Doncaster that it meets; northwesterly, the dividing line between the cadastres of the parishes of Sainte-Marguerite and Sainte-Adèle-d'Abercrombie to the apex of the western angle of Lot 11 of Rang 11 Canton de Wexford of the cadastre of Paroisse de Sainte-Marguerite, that line crossing Route des Hauteurs and Route des Pins, Montée Gagnon and the watercourses that it meets; finally, northeasterly, the dividing line between the cadastres of Paroisse de Sainte-Marguerite and Canton de Doncaster to the starting point, that line crossing Lac Saint-Louis and Chemin Masson that it meets.

The said limits define the territory of the new Ville de Sainte-Marguerite-Estérel, in Municipalité régionale de comté des Pays-d'en-Haut.

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

Charlesbourg, 22 August 2001

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