

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 to the entire territory of the new municipality, provided that such a by-law comes into force within five 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 entire territory of the new municipality.”;

37. by substituting the words “The council“ for the words “At the first meeting, the council” in the first paragraph of section 160;

38. by adding the following after the third paragraph of section 160:

“The treasurer or secretary-treasurer of a municipality referred to in section 4 who is not already required to carry out section 105.4 of the Cities and Towns Act (R.S.Q., c. C-19), section 176.4 of the Municipal Code of Québec (R.S.Q., c. C-27.1) or a similar provision of the charter of the municipality is required to file, before the 2002 fiscal year budget of the city is adopted, at least the comparative statement on revenues provided for in section 105.4.”;

39. by substituting the expression “77 to 94” for the expression “79 to 86” in section 170.

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

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Gouvernement du Québec

### **O.C. 1476-2001, 12 December 2001**

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

Correction to Order in Council 851-2001 dated 4 July 2001 respecting the Amalgamation of Ville de Trois-Rivières, Ville de Cap-de-la-Madeleine, Ville de Trois-Rivières-Ouest, Ville de Saint-Louis-de-France, Ville de Sainte-Marthe-du-Cap and Municipalité de Pointe-du-Lac

WHEREAS Ville de Trois-Rivières was constituted under Order in Council 851-2001 dated 4 July 2001, effective 1 January 2002;

WHEREAS the Order in Council was made under section 125.11 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), enacted by section 1 of chapter 27 of the Statutes of 2000;

WHEREAS, under section 111 of the Order in Council, the first general election was held on 4 November 2001;

WHEREAS, under section 125.30 of the Act respecting municipal territorial organization, enacted by section 143 of chapter 25 of the Statutes of 2001, the Government may, within six months following the first general election in the new municipality, amend any order made under section 125.27 of the Act;

WHEREAS it is expedient to amend Order in Council 851-2001;

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

THAT Order in Council 851-2001 dated 4 July 2001 be amended

1. by inserting “, from section 94 to section 109” after the word “Division” in the second paragraph of section 37;

2. by inserting the following after section 37:

“37.1. Where, under any provision of this Division, revenues of the city or a municipality referred to in section 4 for a given fiscal year must be compared with revenues for the following fiscal year, the revenues provided for in the budget adopted for both fiscal years shall be considered.

However, where a statement comparing the revenues provided for in the budget of the given fiscal year and those of later forecasts indicates that the budgetary forecasts should be updated, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several successive statements are filed, the most recent one shall be considered.”;

3. by inserting the following after subparagraph 2 of the second paragraph of section 39:

“2.1 revenues considered in establishing the aggregate taxation rate and derived from compensations and modes of tariffing not referred to in subparagraph 2;”;

4. by adding the following after the third paragraph of section 39:

“The tax rate specific to the category provided for in section 244.36 of the Act respecting municipal taxation does not constitute one of the general property tax rates referred to in the first paragraph and subparagraph 1 of the second paragraph. For the purposes of subparagraphs 2 and 3 of the second paragraph, the word “immovables” means business establishments when referring to the business tax or the sum standing in lieu thereof.”;

5. by inserting the words “, or by the Crown in right of Canada or by one of its mandataries” after the word “Act” at the end of the second paragraph of section 40;

6. by substituting the following for the third paragraph of section 43:

“If the city exercises its power under section 39, and if, for one of the fiscal years referred to in this section, the surtax or the tax on non-residential immovables is imposed, the city shall establish the necessary rules of concordance to obtain the same results, for the purposes of this section, as if the city imposed a general property tax for that fiscal year pursuant to section 244.29 of the Act respecting municipal taxation, with a rate specific to the category provided for in section 244.33 of the Act.”;

7. by substituting the words “last three” for the words “second and third” in the second paragraph of section 45;

8. by substituting the words “last three” for the words “second and third” in the second paragraph of section 46;

9. by inserting the words “, or by the Crown in right of Canada or by one of its mandataries” after the word “Act” at the end of the second paragraph of section 47;

10. by substituting the words “last three” for the words “second and third” in section 48;

11. by adding the following after the first paragraph of section 49:

“For each of the fiscal years 2002 to 2006, the city may, if it imposes under section 244.29 of the Act respecting municipal taxation a general property tax with a rate specific to the category provided for in section 244.36 of the Act, fix several rates that vary according to sector; the latter also applies to the rate of the surtax on vacant land if the city elects to impose that surtax.”;

12. by inserting the following after section 49:

“49.1. The aggregate of the property assessment rolls of the cities of Cap-de-la-Madeleine, Saint-Louis-de-

France, Trois-Rivières and Trois-Rivières-Ouest, drawn up for the 2001, 2002 and 2003 fiscal years, of the assessment roll of Ville de Sainte-Marthe-du-Cap, drawn up for the 2000, 2001 and 2002 fiscal years and of the property assessment roll of Municipalité de Pointe-du-Lac, the 1999, 2000 and 2001 fiscal years, shall constitute the property assessment roll of the new Ville de Trois-Rivières for the 2002 and 2003 fiscal years.

Notwithstanding 119 of the Act respecting territorial organization, no adjustments shall be made to the values entered on the property assessment rolls or rolls of rental values.

The business establishments of Municipalité de Pointe-du-Lac and Ville de Saint-Louis-de-France shall be entered on the roll of rental values of the new Ville de Trois-Rivières by altering the roll in accordance with sections 174.2 to 184 of the Act respecting municipal taxation, adapted as required. The alterations shall be effective 1 January 2002.

With respect to any value entered on the new Ville de Trois-Rivières property assessment roll before the first roll is drawn up for the city pursuant to section 14 of the Act respecting municipal taxation, the value shall be considered to be based on, for the purposes of determining the actual value entered on the roll, the real estate market conditions as at 1 July 1999.

With respect to any value entered on the new Ville de Trois-Rivières roll of rental values before the first roll is drawn up for the city pursuant to section 14 of the Act respecting municipal taxation, the value shall be considered to be based on, for the purposes of determining the value entered on the roll, the real estate market conditions as at 1 July 1999.

To determine the market conditions at the date mentioned in the third paragraph, the information relating to property transfers that occurred before or after that date may be used.

To determine the market conditions at the date mentioned in the fourth paragraph, the information relating to leases renewable from year to year that were renewed before or after that date may be used.

The date given in the third and fourth paragraphs shall appear, if applicable, on all notices of assessment, tax account, notice of roll alteration or assessor’s certificate issued upon the updating of the roll.

The median proportion and the comparative factor of the new Ville de Trois-Rivières property assessment roll and roll of rental values for the 2002 and 2003 fiscal

years that shall appear, if applicable, on any notice of assessment, tax account, notice of roll alteration or assessor's certificate issued upon the updating of the roll shall be set at 100 and 1 respectively.

The new Ville de Trois-Rivières shall have its first three-year assessment roll drawn up by its assessor in accordance with section 14 of the Act respecting municipal taxation and, if applicable, its first three-year roll of rental values in accordance with section 14.1 of the Act for the 2004, 2005 and 2006 fiscal years.

From the date of his appointment, the assessor of the new Ville de Trois-Rivières shall be empowered to perform all acts required by the Act respecting municipal taxation and the regulations thereunder with respect to the property assessment roll and roll of rental values of the new Ville de Trois-Rivières.”;

13. by deleting the words “does not exercise its power under section 244.29 of the Act respecting municipal taxation and” in the fifth paragraph of section 51;

14. by adding the following after the fifth paragraph of section 51:

“For the purposes of the five first paragraphs, the reference to any tax or surtax also means the sum in lieu of that tax that must be paid either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of the Act, or by the Crown in right of Canada or one of its mandataries.”;

15. by substituting the following for paragraph 11 of section 53:

“(11) for the purposes of the first paragraph of section 176.14, the first anniversary of the date of coming into force of the Order in Council shall be replaced by the first anniversary of the constitution of the new city.”;

16. by substituting the following paragraphs for the first paragraph of section 94:

“94. Subject to section 109, the expenditures relating to any debt of a municipality referred to in section 4 shall continue to be financed by revenues derived exclusively from the territory of the municipality or a part thereof. Any surplus of such municipality shall remain for the exclusive benefit of the inhabitants and ratepayers in its territory or a part thereof. To determine whether the financing or surplus should burden or be credited to only part of the territory, the rules applicable on 31 De-

cember 2001 respecting the financing of expenditures relating to the debt or the source of the revenues that have generated the surplus shall be considered.

Where expenditures relating to a debt of a municipality referred to in section 4 for the 2001 fiscal year were not financed by the use of a specific source of revenue, the city may continue to finance them by using revenues not reserved for other purposes that come from the territory of the municipality. Notwithstanding section 92, the foregoing also applies where those expenditures were financed for that fiscal year by revenues from a tax imposed for that purpose on all the taxable immovables situated in that territory.

If it avails itself of the power provided for in the second paragraph in respect of a debt, the city may not, in establishing the tax burden provided for in section 39, charge to the revenues derived from the taxation specific to the non-residential sector in the territory concerned a percentage of the financing of the expenditures relating to that debt that is greater than the percentage corresponding to the quotient obtained by dividing the sum of those revenues by the total revenues provided for in subparagraphs 1 to 7 of the fifth paragraph of section 109 and derived from that territory. If the tax burden is established for the 2002 fiscal year or a subsequent fiscal year, the revenues of the preceding fiscal year shall be considered for that division.

For the purposes of the third paragraph, the revenues of a fiscal year are those forecast in the budget for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those of later forecasts indicates that the budgetary forecasts should be updated, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several successive statements are filed, the most recent one shall be considered.

For the purposes of the third paragraph, “revenues derived from the taxation specific to the non-residential sector” means the aggregate of the following:

(1) revenues from the business tax;

(2) revenues from the surtax or the tax on non-residential immovables;

(3) revenues from the general property tax that are not considered in establishing the aggregate taxation rate when, under section 244.29 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), several rates for that tax are fixed;

(4) revenues from the sum in lieu of a tax referred to in any of subparagraphs 1 to 3 that must be paid either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries, except, if the amount stands in lieu of the general property tax, revenues that would be considered in establishing the aggregate taxation rate if it were the tax itself.”;

17. by inserting the words “shall be deemed to constitute expenditures relating to a debt of a municipality referred to in section 4 and financed by revenues derived from its entire territory” after the word “plan” in the second paragraph of section 94;

18. by substituting the words “that municipality” for the words “a municipality referred to in the first paragraph” in the second paragraph of section 94;

19. by substituting the words “The foregoing also applies to the” for the words “, shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality. The” in the second paragraph of section 94;

20. by substituting the words “section 4” for the words “the first paragraph” in the second paragraph of section 94;

21. by deleting the words “shall continue to burden the taxable immovables situated in the part of the territory of the city which corresponds to the territory of that municipality” in the second paragraph of section 94;

22. by substituting the words “in the sixth paragraph” for the words “in the second paragraph” in the third paragraph of section 94;

23. by inserting the words “shall be deemed to constitute a surplus or expenditures relating to a debt of a municipality referred to in section 4,” after the words “concerns the municipality” in the fourth paragraph of section 94;

24. by deleting the words “shall continue to be credited to or to burden, as the case may be, all or any part of the taxable immovables of the sector formed of the territory of that municipality” in the fourth paragraph of section 94;

25. by substituting the words “the date provided for termination without renewal or on 31 December 2002, whichever is sooner” for the words “31 December 2002” in section 107;

26. by deleting the words “the taxable immovables located in” in the second paragraph of section 108;

27. by inserting the following before the first sentence of the second paragraph of section 109:

“However, that decision may not include expenses deemed to constitute such expenses under one of the three last paragraphs of section 94.”;

28. by substituting the figure “7” for the figure “4” in the third paragraph of section 109;

29. by substituting the words “in accordance with section 94” for the words “by the use of any source of revenue specified for that purpose imposed on the part of the territory that corresponds to that of the municipality” in the first sentence of the fourth paragraph of section 109;

30. by inserting the words “, notwithstanding section 92,” after the words “which may be financed” in the second sentence of the fourth paragraph of section 109;

31. by inserting the words “and that are taken into consideration when establishing the aggregate taxation rate of the municipality” after the word “taxation” in subparagraph 4 of the fifth paragraph of section 109;

32. by inserting “or from the application of the Act respecting duties on transfers of immovables (R.S.Q., c. D-15.1)” after the word “transfer” in subparagraph 8 of the fifth paragraph of section 109;

33. by substituting the word “seven” for the word “five” in the third paragraph of section 110;

34. by substituting the word “et” for the word “ou” in the third paragraph of section 119 of the French text;

35. by substituting the words “The council” for the words “At the first meeting, the council” in the first paragraph of section 122;

36. by adding the following after the third paragraph of section 122:

“The treasurer or secretary-treasurer of a municipality referred to in section 4 who is not already required to carry out section 105.4 of the Cities and Towns Act (R.S.Q., c. C-19), section 176.4 of the Municipal Code of Québec (R.S.Q., c. C-27.1) or a similar provision of the charter of the municipality is required to file, before the 2002 fiscal year budget of the city is adopted, at least the comparative statement on revenues provided for in section 105.4.”;

37. by substituting the expression “36 to 52” for the expression “38 to 45” in section 132.

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

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Gouvernement du Québec

### **O.C. 1477-2001, 12 December 2001**

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

Amalgamation of Village de Taschereau and Municipalité de Taschereau

WHEREAS each of the municipal councils of Village de Taschereau and Municipalité de Taschereau 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;

WHEREAS, under section 108 of the aforementioned Act, 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 Village de Taschereau and Municipalité de Taschereau, on the following conditions:

1. The name of the new municipality shall be “Municipalité de Taschereau”.

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 19 October 2001; that description appears as a Schedule to this Order in Council.

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

4. The territory of Municipalité régionale de comté d’Abitibi-Ouest includes the territory of the new municipality.

5. Until the term of the majority of candidates elected in the first general election begins, the new municipality shall be governed by a provisional council made up of all the council members of the former municipalities in office at the time of the coming into force of this Order in Council. An 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 at the time of the coming into force of this Order in Council, as well as for any seat that becomes vacant on the provisional council, after that coming into force, that was previously occupied by a council member of the former municipality. Where one of the seats of mayor becomes vacant, that mayor’s votes shall be devolved to the councillor who acted as deputy mayor of the former municipality concerned before the coming into force of this Order in Council, except if that councillor’s seat is also vacant. In that case, the votes shall be devolved to a councillor chosen by the members of the provisional council who were council members of the former municipality from among those members.

6. The mayor of the former Municipalité de Taschereau and the mayor of the former Village de Taschereau shall act respectively as mayor and deputy mayor of the new municipality from the coming into force of this Order in Council until the last day of the month of that coming into force, from which time the roles shall be reversed for the following month, and so on in alternation, until the mayor elected in the first general election begins his term. Until then, they shall continue to sit on the council of Municipalité régionale de comté d’Abitibi-Ouest and they shall have the same number of votes as they had before the coming into force of this Order in Council.

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

8. The first sitting of the provisional council shall be held in the board room at 56, rue Morin in the territory of the former Village de Taschereau.

9. For the term of the provisional council, the municipal elected members shall receive the remuneration that was paid to them before the coming into force of this Order in Council.

Each mayor of a former municipality shall continue to receive his remuneration as mayor during the period in which he acts as deputy mayor.