

Gouvernement du Québec

O.C. 1475-2001, 12 December 2001

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

Correction to Order in Council 850-2001 dated 4 July 2001 respecting the Amalgamation of Ville de Sherbrooke, Ville de Rock Forest, Ville de Lennoxville, Ville de Fleurimont, Ville de Bromptonville and the municipalities of Ascot and Deauville

WHEREAS Ville de Sherbrooke was constituted under Order in Council 850-2001 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 149 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 850-2001;

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

THAT Order in Council 850-2001 dated 4 July 2001 be amended

1. by substituting the words “, in section 140 or in section 146” for the words “or in section 147” in the second paragraph of section 78;

2. by inserting the following after section 78:

“78.1. 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 80:

“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 80:

“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 81;

6. by substituting the following for the third paragraph of section 84:

“If the city exercises its power under section 80, 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 86;

8. by substituting the words “last three” for the words “second and third” in the second paragraph of section 87;

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 88;

10. by substituting the words “last three” for the words “second and third” in section 89;

11. by adding the following after the first paragraph of section 90:

“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 90:

“90.1. The aggregate of the property assessment rolls of the cities of Lennoxville, Fleurimont, Sherbrooke, Rock Forest, of part of those of Ville de Bromptonville and the municipalities of Saint-Élie-d’Orford and Stoke that correspond to the territorial description of the new Ville de Sherbrooke given in the Order in Council that constituted the new city, and of the property assessment roll of Municipalité d’Ascot, drawn up for the 2001, 2002 and 2003 fiscal years, of the property assessment roll of Municipalité de Deauville, drawn up for the 1999, 2000 and 2001 fiscal years, shall constitute the property assessment roll of the new Ville de Sherbrooke for the 2002 and 2003 fiscal years.

The aggregate of the rolls of rental values of the cities of Lennoxville, Fleurimont, Sherbrooke, Rock Forest, of part of those of Ville de Bromptonville and the municipalities of Saint-Élie-d’Orford that correspond to the territorial description of the new Ville de Sherbrooke given in the Order in Council that constituted the new city, and of the roll of rental values of Municipalité d’Ascot, drawn up for the 2001, 2002 and 2003 fiscal years, of the roll of rental values of Municipalité de Deauville, drawn up for the 1999, 2000 and 2001 fiscal years, shall constitute the roll of rental values of the new Ville de Sherbrooke for the 2002 and 2003 fiscal years.

The values entered on the property assessment roll and roll of rental values of the new Ville de Sherbrooke for the assessment units of Ville de Lennoxville, Municipalité de Deauville and Municipalité de Stoke that are subject to the amalgamation shall be adjusted by dividing them by the median proportion of their respective rolls for the 2001 fiscal year and then multiplying them by the median proportion of the property assessment roll of Ville de Sherbrooke for the 2001 fiscal year.

The business establishments of Municipalité de Stoke that are subject to the amalgamation shall be entered on the roll of rental values of the new Ville de Sherbrooke 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 Sherbrooke 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 Sherbrooke 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 fifth 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 sixth 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 fifth and sixth 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 Sherbrooke 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 Sherbrooke 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 Sherbrooke 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 Sherbrooke.”;

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 93;

14. by adding the following after the fifth paragraph of section 93:

“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 12 of section 95:

“(12) 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 for section 130:

“130. The rules for the transfer of territory and personnel and the apportionment of the assets and liabilities related thereto between Ville de Sherbrooke and Municipalité de Stoke, on the one hand, and Municipalité de Stoke and Ville de Bromptonville, on the other hand, shall be the rules provided for in the agreement of 20 November 2001 between the transition committee, Municipalité de Stoke and Ville de Bromptonville.”;

17. by substituting the following for section 132:

“132. The rules for the transfer of territory and personnel and the apportionment of the assets and liabilities related thereto with respect to part of the territory of Municipalité de Saint-Élie-d’Orford which is contiguous with the territory of Canton d’Orford and Pâroisse de Saint-Denis-de-Brompton are the rules provided for in the agreement of 4 December 2001 between the transition committee and the three municipalities.”;

18. by substituting the following paragraphs for the first paragraph of section 140:

“140. 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 December 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 138, 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 80, 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 146 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.”;

19. by inserting the words “shall be deemed to constitute debt-related expenditures of a municipality referred to in section 4 and financed by revenues derived from its entire territory” after the word “any such plan” in the second paragraph of section 140;

20. by substituting the words “that municipality” for the words “a municipality referred to in the first paragraph” in the second paragraph of section 140;

21. 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 140;

22. by substituting the words “section 4” for the words “the first paragraph” in the second paragraph of section 140;

23. 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 140;

24. by substituting the words “in the sixth paragraph” for the words “in the second paragraph” in the third paragraph of section 140;

25. 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 140;

26. 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 140;

27. 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 144;

28. by deleting the words “the taxable immovables located in” in the second paragraph of section 145;

29. by inserting the following before the first sentence of the second paragraph of section 146:

“However, that decision may not include expenses deemed to constitute such expenses under one of the three last paragraphs of section 140.”;

30. by substituting the figure “7” for the figure “4” in the third paragraph of section 146;

31. by substituting the words “in accordance with section 140” 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 146;

32. by inserting the words “, notwithstanding section 138,” after the words “which may be financed” in the second sentence of the fourth paragraph of section 146;

33. 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 146;

34. 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 146;

35. by substituting the word “seven” for the word “five” in the third paragraph of section 148;

36. by inserting the following paragraph after section 148:

“148.1. 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 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

4753

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: