

Gazette officielle du Québec

(English Edition)

Part 2

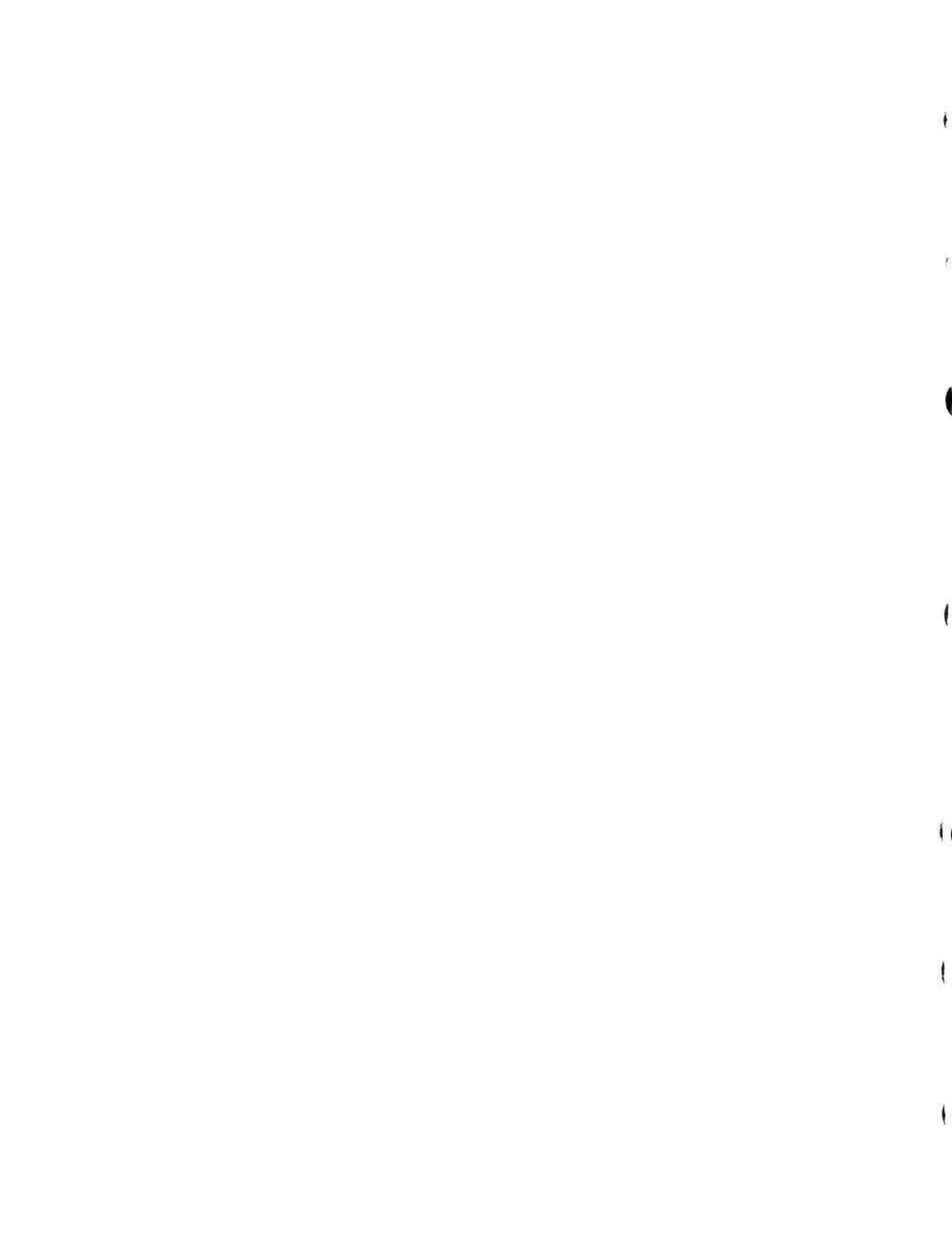
Laws and
Regulations

Volume 121

16 August
1989

No. 34

Québec 



Gazette officielle du Québec

Part 2 Laws and Regulations

Volume 121
16 August 1989
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NOTICE TO READERS

The *Gazette officielle du Québec* (Laws and Regulations) is published under the authority of the Act respecting the Ministère des Communications (R.S.Q., c. M-24) and the Regulation respecting the *Gazette officielle du Québec* (O.C. 3333-81 dated 2 December 1981 amended by O.C. 2856-82 dated 8 December 1982 and O.C. 1774-87 dated 24 November 1987).

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1. Part 2 contains:

1° Acts assented to, before their publication in the annual collection of statutes;

2° proclamations of Acts;

3° regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;

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6° rules of practice made by judicial courts and quasi-judicial tribunals;

7° drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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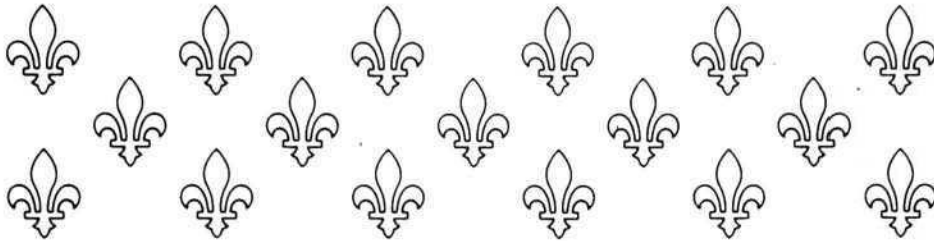
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NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 148
(1989, chapter 57)

An Act to amend the Bailiffs Act

Introduced 15 May 1989
Passage in principle 5 June 1989
Passage 21 June 1989
Assented to 22 June 1989

Québec Official Publisher
1989

EXPLANATORY NOTES

The object of this bill is to amend the Bailiffs Act, particularly with respect to the requirements for performance of the duties of bailiff.

The bill provides that the bailiff appointed to a municipal court must, to perform his duties, hold a bailiff's permit issued by the Minister of Justice, but also fixes special conditions governing such a bailiff.

The bill proposes amendments with respect to the treatment of complaints before the ethics committee and the penalties it may impose.

Furthermore, the bill sets out conditions for the resumption of the duties of bailiff, which vary according to the period of time during which the bailiff ceased to perform his duties or for which his permit was revoked.

The bill proposes amendments relating to professional inspection and the powers of inspectors.

Lastly, the bill contains transitional provisions respecting certain applications for a trainee's permit, and respecting bailiffs already performing duties with a municipal court.

ACT AMENDED BY THIS BILL:

- Code of Civil Procedure (R.S.Q., chapter C-25).

ACT REPEALED BY THIS BILL:

- Act to consolidate the act incorporating the Bailiffs of the district of Montreal (1902, chapter 43).

Bill 148

An Act to amend the Bailiffs Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The French title of the Bailiffs Act (R.S.Q., chapter H-4) is replaced by the following title:

“LOI SUR LES HUISSIERS DE JUSTICE”.

2. The heading of Division I of the Bailiffs Act is replaced by the following heading:

“COMPETENCE OF BAILIFFS”.

3. Section 1 of the said Act is replaced by the following sections:

1. A bailiff is an officer empowered to serve written proceedings issuing out of any court, carry out judicial decisions that are executory and perform any other duty devolving upon him by law. A bailiff is also empowered to make purely material ascertainment, excluding any opinion on the factual or legal consequences that may result therefrom; such ascertainment have value merely as information.

The court officer referred to as a “huissier de justice” may also be referred to as a “huissier”.

1.1 Every bailiff must perform his duties without partiality. The giving of information to any person liable to be party to legal proceedings does not constitute an act of partiality.”

4. Section 2 of the said Act is replaced by the following section:

“2. No person may act as bailiff or perform the duties of bailiff, even in a municipal court, without holding a permit issued by the Minister of Justice for that purpose.”

5. Section 3 of the said Act is repealed.

6. Section 4 of the said Act is amended

(1) by replacing the word “requérant” in the first line of the French text by the word “demandeur”;

(2) by striking out the words “, accompanied with the security determined” in the second line of paragraph *a*;

(3) by striking out the words “be a Canadian citizen or undertake to apply for Canadian citizenship without delay but, in such latter case,” in the first and second lines of paragraph *b*;

(4) by replacing paragraph *d* by the following paragraphs:

“(d) be the holder of a diploma of college studies in legal technology issued by the Minister of Higher Education and Science, or a diploma deemed equivalent by the Minister, or any other diploma the obtention of which requires, in the opinion of the Minister, at least the knowledge required for the obtention of either of those diplomas;

“(d.1) have taken the training course provided by the Ministère de la Justice;”;

(5) by striking out paragraph *g*;

(6) by replacing paragraph *h* by the following paragraph:

“(h) not have been found guilty of an indictable offence under Part IX or sections 265, 266, 380 to 402 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46) or, to the extent that it concerns a conspiracy with a view to committing such a criminal offence, under Part XIII of the said Code;”;

(7) by replacing the words “prescribed information” in paragraph *i* by the words “information prescribed by regulation”;

(8) by striking out paragraph *j*;

(9) by adding, at the end, the following paragraphs:

“Before serving the period of professional training referred to in subparagraph *e* of the first paragraph, the applicant shall obtain a

trainee's permit from the Minister if he meets the conditions set out in subparagraphs *b*, *c*, *d*, *d.1*, *h* and *i* of the first paragraph.

The form and tenor of the application for a trainee's permit and the term of the permit shall be determined by regulation."

7. The said Act is amended by inserting, after section 4, the following section:

4.1 Before issuing a permit or a trainee's permit, the Minister shall inquire as to whether the applicant has the required probity and competence to perform the duties of bailiff."

8. Section 5 of the said Act is replaced by the following section:

5. The Minister shall issue a permit if the applicant meets the conditions contemplated in sections 4 and 4.1 and provides such security, pays such costs and makes such oath as are prescribed by regulation. However, no security is required for a bailiff appointed to a municipal court if he performs his duties only in that court.

Every permit holder has competent authority to perform the duties of bailiff in all the judicial districts of Québec."

9. Section 6 of the said Act is amended by replacing, in the French text, the word "Nonobstant" by the word "Malgré" and the word "émettre" by the word "délivrer" in the first line of the first paragraph and the word "détenteur" by the word "titulaire" in the first line of the second paragraph.

10. Section 8 of the said Act is amended by replacing the words "prescribed annual duties" in the second line by the words "annual duties prescribed by regulation".

11. Section 9 of the said Act is replaced by the following section:

9. The Minister shall revoke the permit of a bailiff who no longer meets the requirements of paragraphs *b* and *h* of section 4.

He shall also revoke the permit of a bailiff who omits to pay the annual duties referred to in section 8 or fails to provide the security prescribed by regulation."

12. Section 12 of the said Act is replaced by the following section:

12. The Minister shall transmit a copy of the letter contemplated in section 11, where it concerns the revocation of a

permit, to the prothonotary of the judicial district where the bailiff's office is situated and to all bailiffs.

The prothonotary shall post up the letter in the Court House and notify the Minister in writing of the posting date."

13. The said Act is amended by inserting, after section 12, the following section:

"12.0.1 The Minister may suspend the permit of a bailiff who fails to produce the documents required under section 29.6.

Before suspending the permit, he shall give the bailiff, by registered or certified mail, a ten days' notice of his intention and the reasons for the suspension.

The bailiff may present his views before the expiry of the ten days."

14. Section 12.2 of the said Act is amended by replacing the words "not exceeding five years" in the second line of the first paragraph by the words "of three years".

15. Section 12.3 of the said Act is amended by adding, at the end, the words "or in the immediate vicinity of either of those communities".

16. The said Act is amended by inserting, after section 12.4, the following heading:

"DIVISION II.1.1

"COMPLAINTS".

17. Section 12.5 of the said Act is amended

(1) by replacing the words "refused, failed or neglected" in the third line of the first paragraph by the words "omitted or refused" and by striking out the words "after having been required to do so by a written document of the Minister" in the fourth and fifth lines of the said paragraph;

(2) by replacing the words "done acts contrary to the dignity of his office as determined by regulation" in the second and third lines of the second paragraph by the words "transgressed the code of ethics prescribed by regulation".

18. The said Act is amended by inserting, after section 12.7, the following section:

"12.7.1 Every hearing shall be public.

The committee may, however, of its own initiative or upon request, in the interest of morality or public order, order that a hearing be held *in camera* or ban the publication or release of any information or documents it indicates.

Every person who, by his act or omission, infringes an order to hold a hearing *in camera* or an order banning publication or release is guilty of contempt of court."

19. Sections 12.9 and 12.10 of the said Act are replaced by the following sections:

"12.9 If, after the hearing, the committee is satisfied that the complaint is founded, it shall impose on the bailiff one or several of the following penalties, according to the seriousness or frequency of the breach of the prescriptions of this Act or the regulations:

- (1) a reprimand;
- (2) a fine of not less than \$250 nor more than \$1 000;
- (3) the suspension of his permit for a period of not under one month nor over 12 months;
- (4) the revocation of his permit, with an indication of the period during which he cannot reapply for a permit.

"12.10 The decision of the committee shall be made by a majority of its members; it must state the reasons on which it is based and be signed.

"12.11 A decision of the committee imposing a fine may, in default of voluntary payment, be homologated by the Court of Québec and such decision shall become executory as a judgment of that court on the twenty-first day from the date on which it is transmitted to the respondent by registered or certified mail, and shall entail the suspension of the permit of the respondent until he pays the amounts due.

"12.12 A decision of the committee imposing the suspension or revocation of the permit of a bailiff shall, subject to section 15, become executory from the date specified in the decision.

12.13 Where a decision of the committee imposes the suspension or revocation of the permit of a bailiff, the secretary of the committee shall send a copy of the decision of the committee to the parties, to the Minister and to the prothonotary of the judicial district where the office of the bailiff is situated and to all bailiffs.

The prothonotary shall post up the decision in the Court House and notify the committee and the Minister in writing of the date of posting.

Where a decision of the committee imposes a fine or dismisses a complaint, the secretary of the committee shall send a copy of the decision to the parties and to the Minister.

12.14 The secretary of the committee shall transmit to the Minister, before 31 May each year, an annual report of the activities of the committee in which he shall indicate the number and nature of complaints made, of complaints dismissed and of penalties imposed.

"DIVISION II.1.2

"CONDITIONS FOR RESUMPTION OF DUTIES OF BAILIFF

12.15 A bailiff who abandons the duties of bailiff or whose permit has been revoked may resume such duties under the conditions set out in sections 12.16, 12.17 and 12.18.

12.16 Where a bailiff has abandoned the duties of bailiff, the conditions for the issue of a new permit are the following:

(1) in the case of abandonment for a period of under two years, the applicant must fulfil the requirements of subparagraphs *a*, *b*, *h* and *i* of the first paragraph of section 4 and section 4.1;

(2) in the case of abandonment for a period of two to five years, the applicant must fulfil the requirements of subparagraphs *a*, *b*, *d.1*, *e*, *h* and *i* of the first paragraph of section 4 and section 4.1;

(3) in the case of abandonment for a period of over five years, the applicant must fulfil the requirements of subparagraphs *a*, *b*, *d.1*, *e*, *f*, *h* and *i* of the first paragraph of section 4 and section 4.1.

12.17 A bailiff whose permit has been revoked under the first paragraph of section 9 or under paragraph 4 of section 12.9 cannot reapply for a permit before the expiry of the period specified in the decision of the Minister or of the committee, as the case may be.

The bailiff is eligible for a new permit if he fulfils the requirements of subparagraphs *a, b, d.1, e, f, h* and *i* of the first paragraph of section 4 and section 4.1.

“12.18 A bailiff whose permit has been revoked under the second paragraph of section 9 is eligible for a new permit if he pays the exigible annual duties to the Minister or provides him with the security prescribed by regulation.

He shall also pay to the Minister such penalty as is prescribed by regulation.”

20. Section 19 of the said Act is amended by striking out the words “and to the Chambre des notaires du Québec” in the third and fourth lines.

21. Section 20 of the said Act is amended by inserting the word and figure “or 12.13” after the figure “12” in the first line.

22. Section 21 of the said Act is repealed.

23. Section 22 of the said Act is replaced by the following section:

“22. The Government shall establish an advisory committee to advise the Minister on the application of this Act and the regulations, consisting of six members including three bailiffs, two members of the Barreau du Québec and one other member who is neither a bailiff nor an advocate.”

24. Section 23 of the said Act is replaced by the following section:

“23. The members of the advisory committee shall receive no remuneration except in such cases, on such conditions and to such extent as the Government may determine. They are entitled, however, on such conditions and to such extent as the Government may determine, to be reimbursed for expenses incurred in the performance of their duties.”

25. Section 25 of the said Act is amended

(1) by replacing the word “duties” in the first line of subparagraph *b* of the first paragraph by the words “costs and annual duties”;

(2) by inserting, after subparagraph *b* of the first paragraph, the following subparagraph:

“(b.1) determine the form and tenor of an application for a trainee’s permit and the term of such permit;”;

(3) by inserting, after subparagraph *c* of the first paragraph, the following subparagraphs:

“(c.1) determine the amount of penalty that the bailiff must pay to the Minister where he has failed to pay the annual duties exigible or to provide the security prescribed by regulation;

“(c.2) determine the form and tenor of the oath that the bailiff is required to make;”;

(4) by replacing the word “fiducie” in the second line of subparagraph *d* of the first paragraph of the French text by the word “fidéicommiss”;

(5) by striking out the words “dignity or” in the second line of subparagraph *g* of the first paragraph;

(6) by replacing subparagraph *h* of the first paragraph by the following subparagraph:

“(h) establish a code of ethics for bailiffs;”;

(7) by replacing the words “and accounts” in subparagraph *j* of the first paragraph by the words “, accounts and other documents”;

(8) by inserting, after subparagraph *j* of the first paragraph, the following subparagraph:

“(j.1) determine the costs for copying a thing seized under section 29.4;”;

(9) by striking out subparagraph *m* of the first paragraph;

(10) by replacing the second paragraph by the following paragraph:

“Regulations made under subparagraphs *c* and *k* of the first paragraph do not apply to a bailiff appointed to a municipal court if he performs his duties only in that court.

Regulations made under subparagraphs *d*, *e*, *f* and *j* of the first paragraph do not apply to a bailiff appointed to a municipal court if

he performs his duties only in that court, except where he is called upon to collect or receive sums of money on behalf of the municipality which requests him to hold such sums in trust or, as the case may be, to file a statement of fees and travelling expenses in the performance of his duties."

26. Section 26 of the said Act is replaced by the following section:

"**26.** Every bailiff must keep at his office the books, registers, accounts and other documents prescribed by regulation."

27. Section 27 of the said Act is amended by replacing the word "fiducie" in the first line of the French text by the word "fideicomis" and by inserting the words "by regulation" after the word "prescribed" in the second line.

28. Section 29 of the said Act is replaced by the following sections:

"**29.** An inspector may, when carrying out an inspection, have access at any reasonable time to a bailiff's office, examine the books, registers, accounts or other documents containing information relating to the performance of the duties of bailiff, take notes or make copies thereof and require any information relating to the application of this Act or the regulations.

An inspector may also demand reasonable assistance from a bailiff who is on the premises of an inspection.

The inspector shall, on request, identify himself and produce a certificate of his quality signed by the Minister.

"**29.1** An inspector may, when carrying out an inspection, seize any books, registers, accounts, documents or other property if he has reasonable grounds to believe that an offence against this Act or the regulations thereunder has been committed in relation to or by means of such documents.

He shall prepare a report setting out

- (1) the date, time and place of the seizure;
- (2) the circumstances of and reasons for the seizure;
- (3) a summary description of the thing seized;
- (4) the name of the person from whom the thing was seized;

(5) any information allowing the identification of the owner or possessor of the thing seized;

(6) the identity and capacity of the seizer.

"29.2 Every inspector shall, as soon as practicable, make a report to the Minister of any seizure he makes.

"29.3 The thing seized must be deposited with the Minister or at any other place he designates.

Where the thing seized is an amount of money, the Minister shall deposit it in a trust account.

"29.4 The Minister shall, upon request, allow the owner or possessor of the thing seized to examine it and, upon payment of the costs fixed by regulation, to make a copy thereof.

"29.5 The thing seized must be returned to the owner or possessor thereof after the expiry of a period of 90 days from the date of seizure, unless proceedings have been instituted before a justice of the peace or unless a complaint has been filed with the committee.

Where the inspector is of opinion, after verification during that period, that no offence against this Act or the regulations thereunder has been committed, the thing seized shall be returned to its owner or possessor as soon as practicable.

A justice of the peace may, on the application of the seizer, order that the period of detention be extended for a period of not over 90 days.

"29.6 An inspector may, upon written application, require of a bailiff, within five days or within such additional reasonable time as he may fix, that he produce, free of charge and by registered or certified mail, a copy of the books, registers, accounts or other documents referred to in section 26, if he has reasonable grounds to believe that an offence against this Act or the regulations thereunder has been committed and if he is of the opinion that such books, registers, accounts or other documents are related to the offence."

29. Section 30 of the said Act is replaced by the following section:

"30. No person may hinder an inspector in the performance of his duties, in particular by misleading him by concealment or false declarations, by refusing to produce a document or information he is entitled to examine or demand, by concealing or destroying a

document useful to an inspection or by refusing to give him reasonable assistance.”

30. Section 32 of the said Act is amended by striking out the word “neglects” in the first line and by replacing the word “proceeding” in the second line by the words “written proceeding”.

31. Section 33 of the said Act is replaced by the following section:

“33. Every person who contravenes the third paragraph of section 12.7, the second paragraph of section 12.8 or any of sections 26, 27 and 30 is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$1 000 for the first offence and, for any subsequent offence within two years, to a fine of not less than \$500 nor more than \$2 000.”

32. Section 34 of the said Act is replaced by the following section:

“34. Proceedings under this Act shall be instituted by the Attorney General or by a person he authorizes generally or specially in writing for that purpose.”

33. Notwithstanding the first paragraph of section 5 of the Bailiffs Act, as enacted by section 8, the Minister shall issue a permit to a bailiff who is appointed to a municipal court and is performing the duties of bailiff only in that court on (*insert here the date of coming into force of this section*) if the bailiff transmits his application for a permit to the Minister within six months after that date. The application must be accompanied with a copy of the deed of appointment of the applicant and a copy of the document which confirms, to the satisfaction of the Minister, that the applicant performs his duties of bailiff only in that court.

A bailiff who fails to fulfil the requirement of the first paragraph within the prescribed time can no longer perform the duties of bailiff.

34. Any breach of the provisions of the Bailiffs Act or the regulations having occurred before (*insert here the date of coming into force of this section*) remains governed by the legislative and regulatory provisions applicable on (*insert here the date immediately preceding the date of coming into force of this section*).

35. The conditions for the obtention of a permit that are set out in sections 6 and 7 apply to any person whose application for a trainee's permit was transmitted to the Minister after 15 May 1989.

36. The second paragraph of article 120 of the Code of Civil Procedure (R.S.Q., chapter C-25), replaced by section 1 of chapter 6 of the statutes of 1989, is again replaced by the following paragraph:

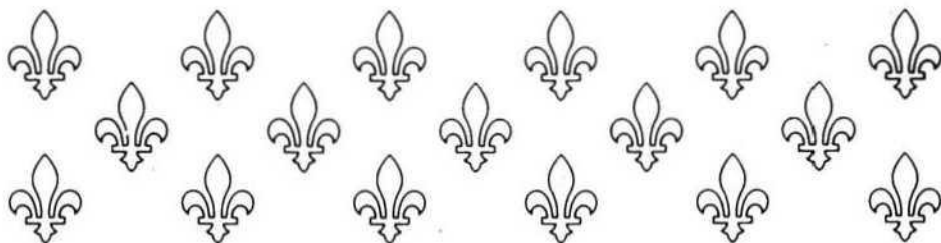
“The costs of service that may be taxed are equal to the fees and travelling expenses that may be claimed by a bailiff pursuant to the regulation made under the Bailiffs Act (R.S.Q., chapter H-4), as amended by the Act to amend the Bailiffs Act (1989, chapter 57).”

37. The third paragraph of article 554 of the said Code, replaced by section 3 of chapter 6 of the statutes of 1989, is again replaced by the following paragraph:

“The costs of execution that may be taxed are equal to the fees and travelling expenses that may be claimed by a bailiff pursuant to the regulation made under the Bailiffs Act (R.S.Q., chapter H-4), as amended by the Act to amend the Bailiffs Act (1989, chapter 57).”

38. The Act to consolidate the act incorporating the Bailiffs of the district of Montreal (1902, chapter 43) is repealed.

39. The provisions of this Act will come into force on the date or dates fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 149
(1989, chapter 58)

An Act to amend the Public Health Protection Act

Introduced 15 May 1989
Passage in principle 1 June 1989
Passage 20 June 1989
Assented to 22 June 1989

**Québec Official Publisher
1989**

EXPLANATORY NOTE

The object of this bill is to amend the Public Health Protection Act to specify that the definition of laboratory within the meaning of the said Act includes a professional's private consulting office.

Bill 149

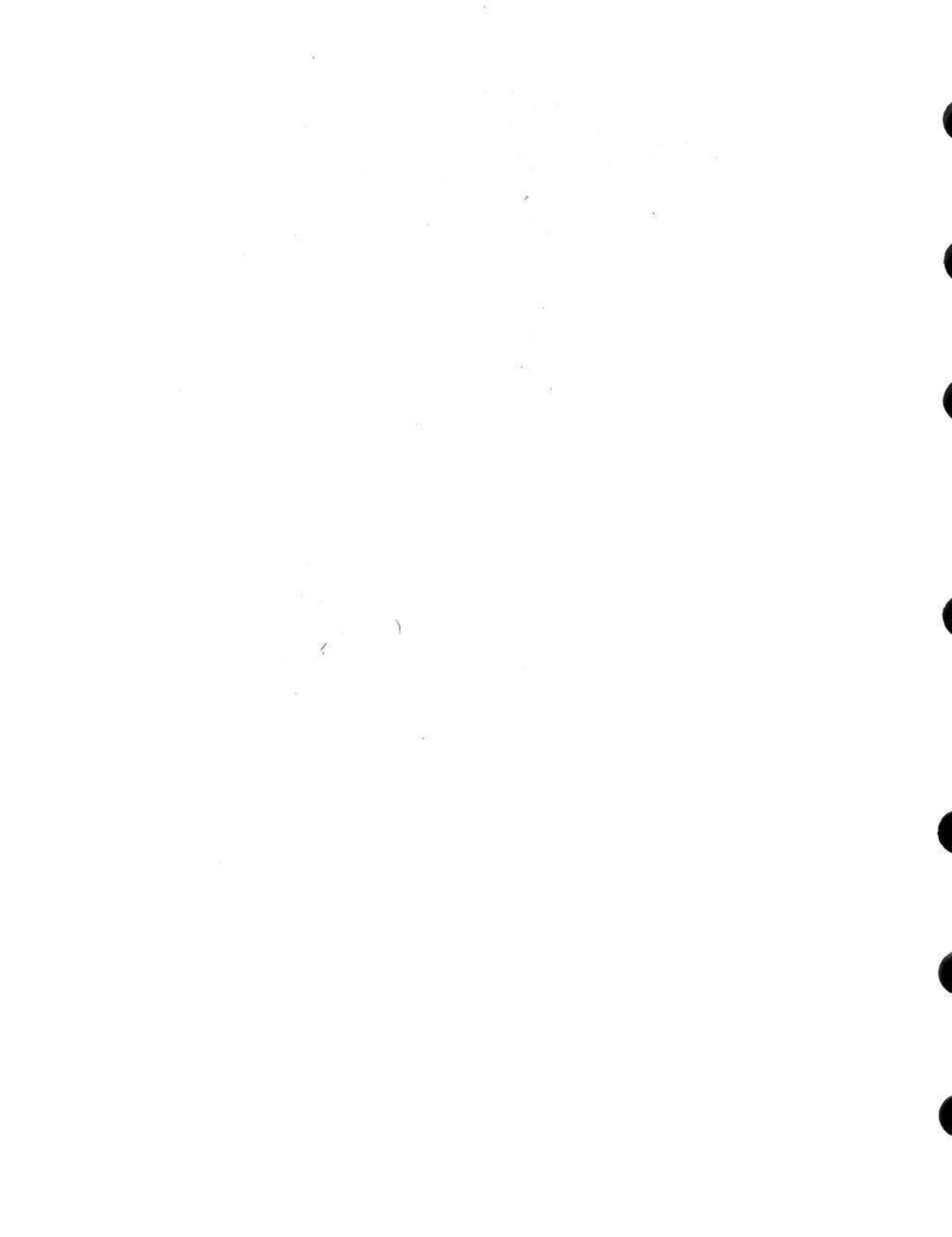
An Act to amend the Public Health Protection Act

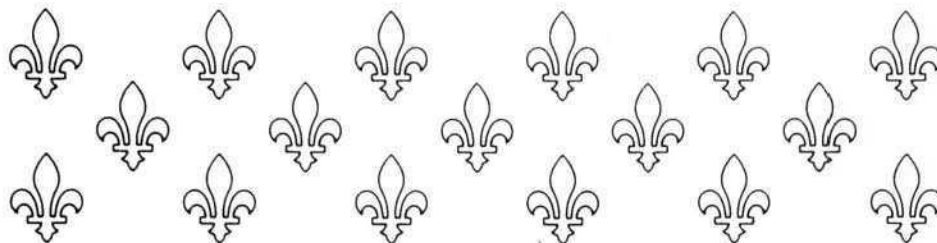
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Public Health Protection Act (R.S.Q., chapter P-35) is amended by adding, after the first paragraph, the following paragraph:

“A laboratory within the meaning of subparagraph *b* of the first paragraph includes and has always included a professional’s private consulting office, as defined in the Act respecting health services and social services, in which equipment is used to exercise any of the activities mentioned in the said subparagraph.”

2. This Act comes into force on 22 July 1989.





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 150
(1989, chapter 59)

An Act to amend the Act respecting child day care

Introduced 15 May 1989
Passage in principle 12 June 1989
Passage 21 June 1989
Assented to 22 June 1989

**Québec Official Publisher
1989**

EXPLANATORY NOTES

This bill amends the Act respecting child day care, and more particularly, it amends the definitions of day care centre, stop over centre and nursery school in order to render a permit necessary where day care is provided to seven or more children. The definition of home day care is amended to authorize a person providing home day care to receive, alone, up to six children and the definition of nursery school is clarified.

In addition, the bill fixes at 150 the maximum number of children to whom day care may be provided through a home day care agency, provides that a home day care agency permit will indicate the territory where the agency may operate, and specifies the manner in which such maximum number and such territory will be determined.

The bill defines the role and operation of the advisory committee of parents which must be established by certain permit holders and establishes restrictions concerning the participation of parents who are also staff members on the committee or on the board of directors composed in the majority of parents, of a non-profit corporation.

New rules concerning the issuance of permits, applications to relocate or to increase capacity, and transfers of permits are introduced to enable the bureau to make its decisions with reference to its annual development plan.

The bill also provides for the granting of financial assistance to encourage innovation in the field of child day care and permits the granting of subsidies to school boards which provide school day care, to day care centres, whether profit-oriented or not, that are not administered by parents, and to nursery schools.

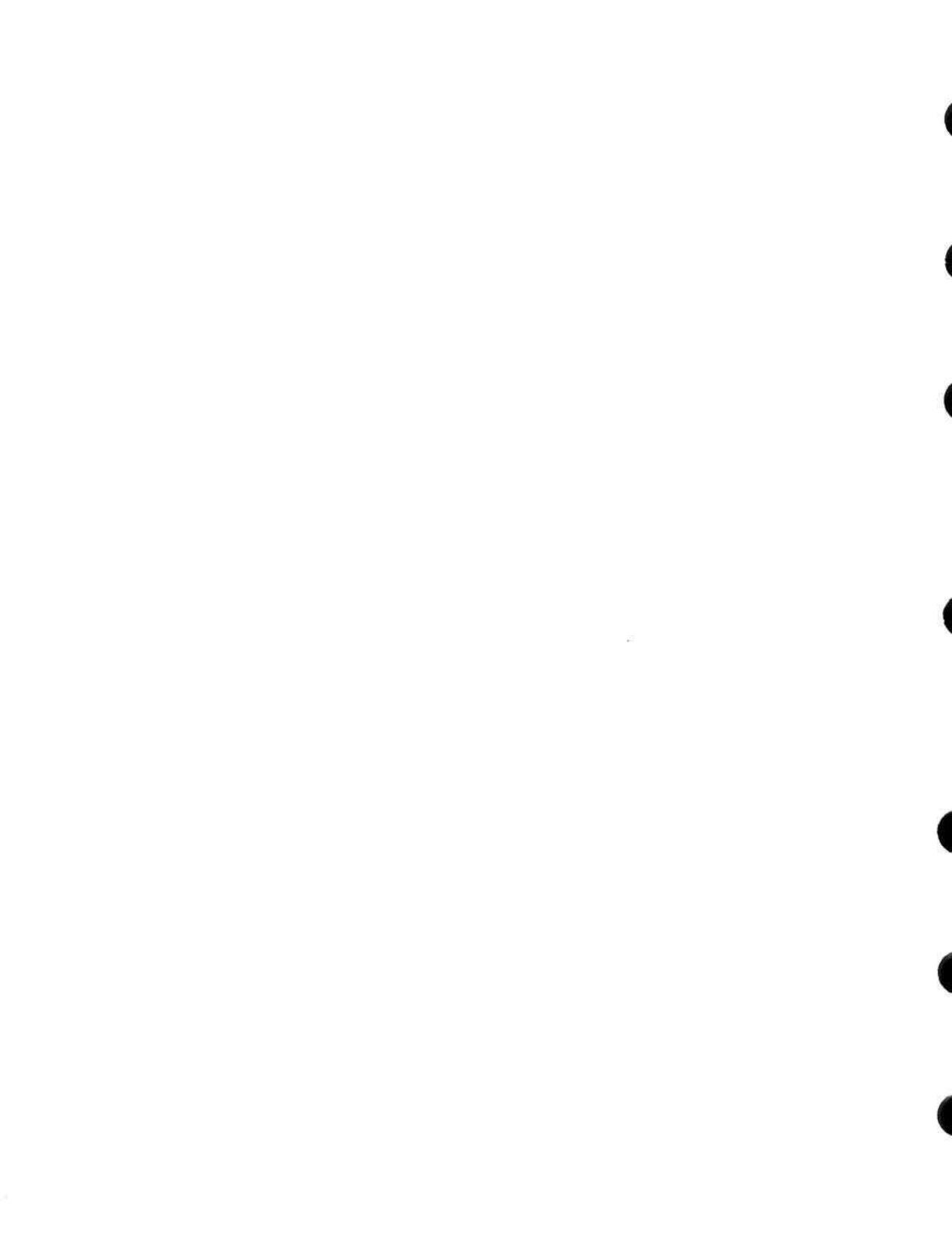
Moreover, the bill confers on the bureau the power to make regulations whereby a permit holder will be required, to the extent provided for, to retain the services of a person to be in charge of the management of the day care service or agency.

The bill also contains provisions designed to facilitate the recovery of sums due either through unauthorized exemptions or overpayment and provides for a right to request a review of a decision by the bureau before an appeal is made to the Commission des affaires sociales.

Finally, the bill contains concordance provisions and transitional measures.

ACTS AMENDED BY THIS BILL:

- Act respecting child day care (R.S.Q., chapter S-4.1);
- Education Act (1988, chapter 84).



Bill 150

An Act to amend the Act respecting child day care

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting child day care (R.S.Q., chapter S-4.1), amended by section 678 of chapter 84 of the statutes of 1988, is again amended

(1) by replacing the word "ten" in the first line of the definition of "day care centre" by the word "seven";

(2) by replacing the word "ten" in the second line of the definition of "stop over centre" by the word "seven";

(3) by replacing the definitions of "nursery school" and "home day care" by the following definitions:

"nursery school" means an establishment that receives, on a regular basis for day care, at least seven children from two to five years of age, for periods of up to four hours a day, in stable groups to which activities carried on over a fixed period are offered;

"home day care" means day care provided for a consideration in a private residence by a natural person, for periods which may exceed 24 consecutive hours,

(1) to up to six children including the person's children, among whom not more than two may be under the age of 18 months; or

(2) if the person is assisted by another adult, to up to nine children including the children of both, among whom not more than four may be under the age of 18 months;";

(4) by replacing the words "attending classes and receiving educational services in kindergarten and primary grades" in the second and third lines of the definition of "school day care" by the words "receiving preschool education and elementary instruction".

2. The said Act is amended by inserting, after section 1, the following section:

1.1 The object of this Act is to promote the development of quality day care to safeguard the health, safety and well-being of the children to whom it is provided.

It is also the object of this Act to foster the harmonious development of day care services while favouring the development of non-profit day care services."

3. Section 4 of the said Act, amended by section 678 of chapter 84 of the statutes of 1988, is again amended by replacing the words "of children who are or will be registered at that centre" in the second and third lines of subparagraph 2 of the first paragraph by the words "who are not members of the staff of the day care centre and whose children are or will be registered at that centre".

4. Section 5 of the said Act, enacted by section 5 of chapter 85 of the statutes of 1979 and amended by section 318 of chapter 26 of the statutes of 1982, is again amended by replacing the words "of children who are or will be registered at that nursery school" in the second and third lines of subparagraph 2 of the first paragraph by the words "who are not members of the staff of the nursery school and whose children are or will be registered at that nursery school".

5. Section 7 of the said Act, amended by section 678 of chapter 84 of the statutes of 1988, is again amended by adding, after the second paragraph, the following paragraph:

"No holder of a home day care agency permit may hold more than one permit issued under this section."

6. Section 8 of the said Act is replaced by the following section:

8. A natural person who provides day care for a consideration in a private residence, for periods which may exceed 24 consecutive hours,

(1) to up to six children including the person's children, among whom not more than two may be under the age of 18 months; or

(2) if the person is assisted by another adult, to up to six children including the children of both, among whom not more than four may be under the age of 18 months,

may be recognized as a person responsible for home day care by the holder of a home day care agency permit, in the manner determined by regulation.

A person who provides day care for a consideration in a private residence for periods that may exceed 24 consecutive hours, while being assisted by another adult, to not less than seven nor more than nine children including the children of both, among whom not more than four may be under the age of 18 months, must be recognized as a person responsible for home day care by the holder of a home day care agency permit, in the manner determined by regulation.

To be so recognized, the person must fulfil the other conditions provided by this Act and the regulations; moreover, he shall undertake to provide the children with day care and with a programme of activities to promote their physical, intellectual, emotional, social and moral development and shall submit to the control and supervision of the holder of the home day care agency permit who has recognized him."

7. Section 10 of the said Act is amended

(1) by replacing the words "five persons elected by and from among the parents of children who are or will be registered at the day care centre or nursery school" in the third, fourth and fifth lines of the first paragraph by the words "parents composed of five persons who are not members of the staff of the day care centre or nursery school, elected by and from among the parents of children received by the day care centre or nursery school";

(2) by inserting, after the first paragraph, the following paragraph:

"The parent of a child received by the day care centre or nursery school who is either the permit holder contemplated in subparagraph 5 of the first paragraph of section 4 or in subparagraph 4 of the first paragraph of section 5 or, where the permit holder is a corporation, a member of the board of directors cannot be a member of the committee.";

(3) by replacing the words "committee referred to in the first paragraph must be consulted" in the first line of the second paragraph by the words "permit holder shall consult the committee";

(4) by replacing the words "five persons elected by and from among the parents of children who are or will" in the second and third lines of the third paragraph by the words "parents composed of five persons who are not members of the staff of the home day care agency,

elected by and from among the parents of children who are” and by replacing the words “That committee must be consulted” in the fourth line of the same paragraph by the words “The permit holder shall consult the committee”;

(5) by adding, at the end of the third paragraph, the following sentence: “However, the permit holder is not required to form such a committee where its board of directors is composed in the majority of parents who are not members of the staff of the home day care agency where the children are received by the persons the permit holder has recognized as persons responsible for home day care.”

8. The said Act is amended by inserting, after section 10, the following sections:

“10.1 Within three months after the issue of his permit and, subsequently, every year before 15 October, every permit holder who is required, under section 10, to form a parents committee shall, by way of written notice, call a meeting of all the parents of children who are received by the day care centre or nursery school or by the persons the permit holder has recognized as persons responsible for home day care so that they may elect their representatives to the parents committee.

“10.2 The permit holder shall call meetings of the committee as often as the functions of the committee require but not less than four times a year.

He shall give not less than five days' notice in writing to all the committee members of the date, time and place of every meeting.

“10.3 Where a vacancy occurs on the committee, the permit holder shall call a meeting of the committee so that it may fill the vacancy by appointing to the vacant seat a person who is not a member of the staff of the day care centre, nursery school or home day care agency, chosen from among the parents of children who are received by the day care centre or nursery school or by the persons the permit holder has recognized as persons responsible for home day care.

“10.4 The committee shall choose a chairman and a secretary from among its members.

The chairman shall preside the meetings of the committee and the secretary shall keep the minutes.

Three members are a quorum at meetings of the committee.

The permit holder shall comply with any other rule governing the operation of the committee which the bureau may determine by regulation.

“10.5 The permit holder shall inform in writing all the parents of children who are received by the day care centre or nursery school or by the persons the permit holder has recognized as persons responsible for home day care of the names of the committee members and, before every meeting of the committee, of the date, time and place of the meeting and the matters on the agenda, in particular, any matter referred to in the third paragraph of section 10.

“10.6 The permit holder shall keep on the premises of the day care centre, nursery school or home day care agency, every document relating to the committee and permitting to ascertain compliance with sections 10 to 10.5, including the notices and minutes of meetings.

“10.7 Every permit holder contemplated in subparagraph 5 of the first paragraph of section 4 must obtain the approval of the committee as to the purposes for which he applies to the bureau for a grant, where proof of the approval is required by the regulations made under section 31.

“10.8 No member of a parents committee may be sued for any act done in good faith in the performance of his duties.”

9. Section 11 of the said Act is amended by replacing the third paragraph by the following paragraphs:

“A home day care agency permit shall indicate the name and address of the permit holder, the name and address of the home day care agency, the maximum number of children, not over 150, that may be received by all the persons recognized as persons responsible for home day care and the territory in which the permit holder is authorized to act.

The bureau shall determine the maximum number of children, not over 150, and the territory to be indicated in the permit, according to the development plan established pursuant to section 68.1 and taking into account, among other factors, the permit applications and applications for authorization made under section 17.1 in respect of which the bureau has yet to render a decision. No decision made by the bureau under this paragraph may be regarded as a decision of the bureau to refuse to issue or renew a permit.”

10. Section 11.1 of the said Act is amended

(1) by inserting, after the second paragraph, the following paragraph:

“In no case may the holder of a nursery school permit receive children for periods exceeding four hours a day.”;

(2) by replacing the words “permit holder of a home day care agency” in the first line of the third paragraph by the words “holder of a home day care agency permit” and by adding, at the end of the same paragraph, the following sentence: “Nor may he act as a home day care agency elsewhere than in the territory indicated in his permit.”

11. Section 15 of the said Act is amended by striking out the words “except with the written authorization of the bureau” in the first and second lines.

12. Section 17 of the said Act is replaced by the following sections:

17. In no case may the holder of a day care centre permit, a nursery school permit or a stop over centre permit carry on the activities for which the permit was issued to him elsewhere than at the address indicated in his permit.

However, in exceptional circumstances, the bureau may, in writing, authorize the permit holder to carry on his activities temporarily elsewhere than at that address, provided he applies therefor in writing and fulfills the other requirements prescribed by regulation.

The authorization, which may be renewed, shall indicate the period for which it is granted, which period must not extend beyond the date of expiry of the permit.

The first paragraph does not prevent organized outings as part of the programme of activities provided to the children by the permit holder.

17.1 The holder of a day care centre permit, nursery school permit or stop over centre permit must obtain authorization in writing from the bureau

(1) before acquiring or renting premises with a view to relocating permanently, thus changing the address indicated in his permit;

(2) to increase the maximum number of children he may receive indicated in his permit.

The permit holder shall apply in writing for the authorization and the bureau shall render its decision within 30 days of the application.

The bureau may refuse to grant its authorization where, in its opinion, the relocation or, as the case may be, the increase in the maximum number of children the permit holder may receive is inconsistent with the development plan established pursuant to section 68.1, taking into account, among other factors, the permit applications and applications for authorization made under the first paragraph in respect of which the bureau has yet to render a decision.

No decision of the bureau to refuse its authorization may be regarded as a decision of the bureau to refuse to issue or renew a permit.

17.2 A permit holder whose application for authorization under section 17.1 is granted shall submit to the bureau for approval the plans, signed and sealed by an architect, of the premises he wishes to acquire or rent or of any alteration to the premises affecting any element governed by the arrangement or the layout, heating or lighting standards prescribed under subparagraph 2 of the first paragraph of section 73, rendered necessary by the increase in the maximum number of children.

The bureau, which is required to render its decision within 60 days of receipt of the plans, may refuse to approve them if they are not in conformity with the arrangement or the layout, heating or lighting standards prescribed under subparagraph 2 of the first paragraph of section 73.

The permit holder shall carry out the work in conformity with the plans approved by the bureau.

17.3 The holder of a day care centre permit, nursery school permit or stop over centre permit shall, before making alterations to his premises, other than the alterations referred to in section 17.2, affecting any element governed by the arrangement or the layout, heating or lighting standards prescribed under subparagraph 2 of the first paragraph of section 73, submit to the bureau for approval the plans of the alterations, signed and sealed by an architect if they involve architectural changes.

The bureau, which is required to render its decision within 60 days of receipt of the plans, shall approve them if they are in conformity with the said standards.

The permit holder shall carry out the work in conformity with the plans approved by the bureau."

13. The said Act is amended by inserting, after section 18, the following section:

“18.1 The bureau may refuse to issue a permit where

(1) in its opinion, to issue the permit would be inconsistent with the development plan established pursuant to section 68.1, taking into account, among other factors, the permit applications and applications for authorization made under section 17.1 in respect of which the bureau has yet to render a decision;

(2) the applicant fails to fulfil the conditions provided by this Act or the regulations for the issue of a permit;

(3) the health, safety or well-being of the children to whom the applicant proposes to provide day care in a day care centre, nursery school, stop over centre or home day care is endangered;

(4) the applicant was found guilty, in the two years preceding his application for a permit, of an offence for a contravention of section 3;

(5) the applicant made a false declaration or distorted a material fact when he applied for the permit.”

14. Section 19 of the said Act is amended

(1) by striking out the words “to issue or” in the first line;

(2) by striking out the words “applicant or” in the first line of paragraph 4.

15. Section 20 of the said Act is amended by replacing the first paragraph by the following paragraph:

“20. Before refusing to issue a permit on a ground other than the ground set out in paragraph 1 of section 18.1 or before suspending, cancelling or refusing to renew a permit, the bureau shall give the applicant or permit holder an opportunity to be heard.”

16. Section 31 of the said Act is amended

(1) by striking out the words and figures “contemplated in paragraphs 1, 2, 3 and 4 of section 4” in the first and second lines of paragraph 1;

(2) by adding, after paragraph 3, the following paragraphs:

“(4) to the holder of a nursery school permit contemplated by paragraph 1, 2 or 3 of section 5;

“(5) to a person, a school board, a municipality, a public establishment within the meaning of the Act respecting health services and social services or a body or agency, with a view to permitting or promoting experimentation, development or innovation in child care services.”;

(3) by adding, after the first paragraph, the following paragraph:

“In its regulations, the bureau may require that the holder of a day care centre permit contemplated by subparagraph 5 of the first paragraph of section 4 furnish proof of the parents committee’s approval as to the purposes for which he applies to the bureau for a grant.”

17. Section 32 of the said Act, enacted by section 673 of chapter 84 of the statutes of 1988, is amended by replacing the words “attending classes and receiving educational services in kindergarten and primary grades” in the second and third lines of the first paragraph by the words “receiving preschool education and elementary instruction”.

18. The said Act is amended by inserting, after section 33, the following section:

“33.1 The bureau may, according to the cases, terms, conditions and circumstances determined by regulation, give grants to a school board which organizes school day care services.”

19. The said Act is amended by inserting, after section 41.1, the following sections:

“41.2 Every person exempted under section 40 and every person contemplated by paragraphs 1 to 3 of section 41 who, without being entitled thereto, received, directly or indirectly, any sum of money under section 40 or 41 shall repay that sum of money to the bureau in the cases and in accordance with the terms and conditions determined by regulation.

The bureau may, by regulation, determine the cases, circumstances, terms and conditions in or according to which any sum due may be deducted from any future financial assistance payment.

“41.3 Any person who believes he has been wronged by a decision of the bureau concerning an exemption from the payment of contribution requested in accordance with section 40 may apply to the bureau for a review of the decision.

“41.4 Every application for review of a decision shall be made in writing within 90 days after the date on which the person was notified of the decision.

The bureau may grant an extension to the person who establishes that circumstances prevented him from acting sooner.

Every application for review shall contain a brief statement of the grounds invoked.

“41.5 On receipt of the application for review, the bureau shall verify the facts and circumstances of the case and examine the grounds invoked, and shall render a decision in writing, accompanied with reasons, within 30 days after receipt of the application.

The decision shall be transmitted to the person who applied for a review within 15 days from the date on which the decision was made.”

20. Section 42 of the said Act is amended by replacing that part of the first paragraph which precedes subparagraph 1 by the following:

“42. Any applicant whose application for a permit is refused on a ground other than the ground set out in paragraph 1 of section 18.1 and any permit holder whose permit is suspended, cancelled or not renewed may appeal from the decision of the bureau to the Commission des affaires sociales,”

21. Section 45 of the said Act is amended by replacing the first paragraph by the following paragraph:

“45. Every person who believes he has been wronged by a decision made under section 41.5 may appeal from the decision to the Commission des affaires sociales.”

22. Section 68 of the said Act is amended by striking out subparagraphs 1 and 9 of the second paragraph.

23. The said Act is amended by inserting, after section 68, the following section:

“68.1 Each year, the bureau shall prepare, for each region, a plan for the development of resources to be made available to meet such priorities and needs of the population as are identified through consultations with interested persons and bodies.

The plan is approved by the Government.”

24. Section 73 of the said Act, amended by section 676 of chapter 84 of the statutes of 1988, is again amended

(1) by inserting, after subparagraph 6 of the first paragraph, the following subparagraph:

“(6.1) prescribing the requirements that must be fulfilled by the holder of a day care centre permit, a nursery school permit or a stop over centre permit who is requesting authorization to carry on temporarily the activities for which a permit was issued to him elsewhere than at the address indicated on his permit;”;

(2) by inserting, after subparagraph 10 of the first paragraph, the following subparagraph:

“(10.1) determining the rules governing the operation of the parents committee established under section 10;”;

(3) by replacing subparagraph 15 of the first paragraph by the following subparagraph:

“(15) determining the cases, conditions, circumstances and terms in or according to which grants may be made to a permit holder, a person, a school board, a municipality, a public establishment or an agency mentioned or referred to in paragraphs 1 to 5 of section 31, or to a school board under section 33.1;”;

(4) by replacing the words “attending classes and receiving educational services in the kindergarten and primary grades” in the third, fourth and fifth lines of subparagraph 16 of the first paragraph by the words “receiving preschool education and elementary instruction”;

(5) by inserting, after subparagraph 16 of the first paragraph, the following subparagraph:

“(16.1) requiring that the holder of a permit have in his employ a person responsible for the management of the day care centre, nursery school, stop over centre or home day care agency;”;

(6) by inserting, after subparagraph 22 of the first paragraph, the following subparagraph:

“(22.1) determining the cases, terms and conditions in or according to which a person exempted under section 40 or a person contemplated by paragraphs 1 to 3 of section 41 who received, directly or indirectly, under section 40 or 41, a sum of money to which he was

not entitled, is required to repay that sum of money, and determining the cases, circumstances, terms and conditions in or according to which the sum may be deducted from any future financial assistance payment;”;

(7) by replacing the second and third paragraphs by the following paragraph:

“Every regulation of the bureau shall be submitted to the Government which may amend it before granting its approval.”

25. The provisions enacted by this Act are applicable to applications for permits, applications for a permanent change in the address indicated in a permit, and applications for an increase in the maximum number of children indicated in a permit filed before 1 July 1989 in respect of which the bureau has yet to render a decision.

26. Notwithstanding the fourth paragraph of section 11 of the Act respecting child day care, enacted by section 9, the maximum number of children that may be received by all the persons recognized as persons responsible for home day care by the holder of a home day care agency permit issued before 1 July 1989, as indicated in that permit, may remain unchanged provided the conditions provided by the Act respecting child day care and the regulations thereunder are complied with.

27. On or before 31 December 1989, the bureau shall amend any home day care agency permit issued before 1 July 1989 to indicate therein the territory in which the holder is authorized to act, in accordance with the new provisions of section 11 of the Act respecting child day care enacted by section 9.

The holder of the permit shall comply with the provisions of the Act respecting child day care and the regulations thereunder in respect of such territory, within six months of the date of an amendment under the first paragraph.

28. Section 256 of the Education Act (1988, chapter 84) is amended by adding the words “and receive, for such purposes, any grant that may be made to it under the said Act” at the end of the first paragraph.

29. From 1 July 1989 to 30 June 1991, the definition of the expression “nursery school” in section 1 of the Act respecting child day care shall read as follows:

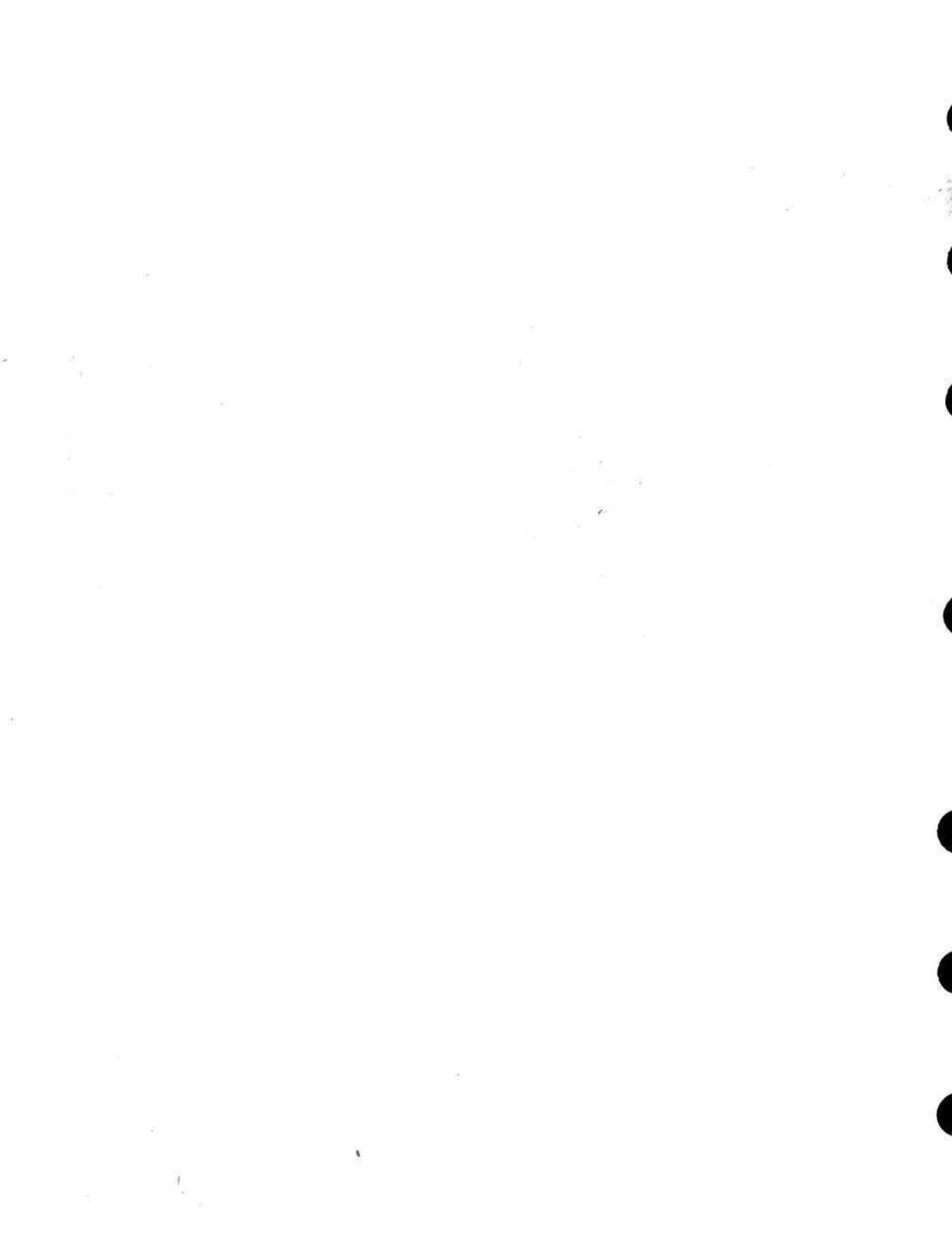
““nursery school” means an establishment that receives at least ten children from two to five years of age on a regular basis for day care, for periods not exceeding 4 hours a day, in stable groups to which activities carried on over a fixed period are offered;”.

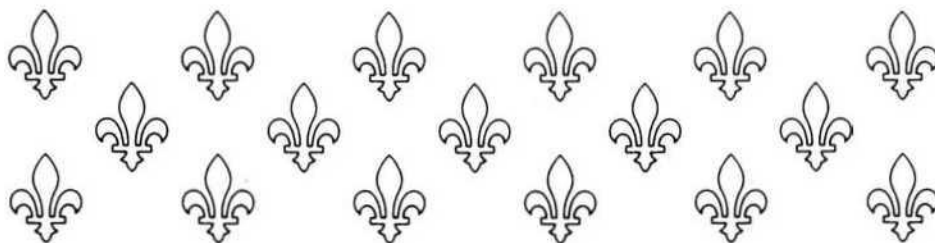
30. The provisions of this Act come into force on 1 July 1989, except

(1) the provisions enacted by paragraphs 1 and 2 of section 1, the definition of the expression “nursery school” enacted by paragraph 3 of the said section and the provisions enacted by section 6, which come into force on 1 July 1991;

(2) the provisions enacted by section 3, which come into force on 1 July 1990;

(3) the provisions enacted by section 4, which come into force on the date of coming into force of section 5 of the Act respecting child day care.





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 155
(1989, chapter 60)

An Act to amend the Act respecting municipal industrial immovables

Introduced 19 June 1989
Passage in principle 20 June 1989
Passage 21 June 1989
Assented to 22 June 1989

**Québec Official Publisher
1989**

EXPLANATORY NOTES

This bill amends the Act respecting municipal industrial immovables in order to increase the powers of municipalities as regards their participation in industrial development within their territories.

To that end, the bill grants municipalities the power to build, convert and operate a building as an industrial rental building.

The bill enables municipalities to award grants to a non-profit organization that operates an industrial rental building.

It allows municipalities to alienate, by emphyteusis, transfer or otherwise, or lease an industrial immovable for industrial, para-industrial and research purposes.

Finally, the bill declares valid certain by-laws made and grants awarded by municipalities.

Bill 155

An Act to amend the Act respecting municipal industrial immovables

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), amended by section 6 of chapter 33 of the statutes of 1988, is again amended

(1) by replacing the first paragraph by the following paragraphs:

“1. A municipality may incur expenditures for the purposes of this Act up to an amount not exceeding that which it fixes by by-law.

The by-law may allocate the amount according to categories that it determines among the activities provided for in this Act.”;

(2) by replacing the words “municipal corporation” in the first line of the third paragraph by the word “municipality”.

2. Section 2 of the said Act is amended by replacing the first paragraph by the following paragraph:

“2. A municipality may, by by-law, order the acquisition of immovables for industrial purposes, by agreement or expropriation, or the construction, conversion or operation of a building as an industrial rental building.”

3. Section 3 of the said Act is amended

(1) by replacing paragraph 1 and the two lines preceding it by the following:

“3. If an immovable acquired pursuant to an order made under section 2 includes a building other than an industrial rental building, approval may be granted only in the following cases:

(1) where the municipality undertakes to remove the building before alienating or leasing the land on which it is erected or to convert the building into an industrial rental building;”;

(2) by replacing the words “municipal corporation” in the second line of paragraph 2 by the word “municipality”.

4. Section 4 of the said Act is amended by replacing the first paragraph by the following paragraph:

“4. In order to provide for expenditures incurred as a result of a by-law adopted under section 2, the municipality may, in the by-law, order a loan, allocate sums of money from its general fund or impose a special tax to be levied in the year following the date on which the by-law comes into force.”

5. Sections 5 to 8 of the said Act are replaced by the following sections:

“5. Every by-law adopted under section 2 may be amended in the manner provided in the Act governing the municipality. Any amendment to the by-law must be approved by the Minister of Industry, Trade and Technology and by the Minister of Municipal Affairs.

“6. With the prior authorization of the Minister of Industry, Trade and Technology and the Minister of Municipal Affairs and subject to the conditions determined by them, where such is the case, a municipality may alienate by emphyteusis, transfer or other means, for industrial, para-industrial or research purposes, an immovable acquired, built or converted by it under this Act.

“6.1 A municipality may, by a by-law approved by the Minister of Industry, Trade and Technology, award a grant to a non-profit organization accredited by the Minister of Municipal Affairs which operates an industrial rental building.

The Government may, by regulation, fix the maximum amount of the grant according to categories determined by it.

Section 4, adapted as required, applies to provide for expenditures incurred as a result of a by-law adopted under the first paragraph.

“7. A municipality may lease, for industrial, para-industrial or research purposes, an immovable acquired, built or converted by it under this Act.

The duration of a lease relating to premises located in an industrial rental building shall not exceed five years. The municipality may, however, upon expiry of the lease and with the prior authorization of the Minister of Industry, Trade and Technology and the Minister of Municipal Affairs, grant a further lease to the same enterprise.

The Government may, by regulation, require, in such cases as it may determine, that the leasing of an immovable pursuant to the first paragraph be approved by the Minister of Industry, Trade and Technology, or by that Minister and the Minister of Municipal Affairs.

“8. The alienation or leasing of an immovable which includes a building other than an industrial rental building may be authorized only if the immovable was acquired under paragraph 2 of section 3.”

6. Section 9 of the said Act is repealed.

7. Section 10 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“10. The sums of money derived by a municipality from the operation of an industrial rental building, or from the alienation or leasing of an immovable must, after deduction of the administration and maintenance costs relating to the operation of the industrial rental building or the leasing of the immovable, be used to discharge the engagements made by the municipality under this Act.”;

(2) by replacing the word “corporation” in the second line of the second paragraph by the word “municipality”.

8. Section 11 of the said Act is amended

(1) by replacing the first sentence of the first paragraph by the following sentence:

“11. The alienation or leasing of an immovable taken back by a municipality following an alienation contemplated by this Act is subject to this Act.”;

(2) by replacing the words “municipal corporation” in the first line of the second paragraph by the word “municipality”;

(3) by replacing the words "or commercial" in the sixth line of the second paragraph by the words ", para-industrial or research".

9. Sections 12 and 13 of the said Act are replaced by the following sections:

"12. Upon proof that an immovable acquired, built or converted under this Act is unsuitable for industrial, para-industrial or research purposes, the Minister of Industry, Trade and Technology and the Minister of Municipal Affairs may authorize the municipality to alienate the immovable for other purposes.

"13. The Minister of Industry, Trade and Technology and the Minister of Municipal Affairs may authorize a municipality to use for municipal purposes an immovable acquired, built or converted under this Act if such a use is compatible with the use for industrial, para-industrial or research purposes of neighbouring immovables acquired, built or converted under this Act.

Notwithstanding the first paragraph, the municipality may, without authorization, use for local improvement purposes an immovable acquired, built or converted under this Act.

No contract may be made for the alienation or leasing of an immovable contemplated by this section except in accordance with this Act."

10. Section 17 of the said Act is amended by replacing the second paragraph by the following paragraph:

"No contract may be made for the alienation or leasing of an immovable which includes a building acquired for industrial purposes before 12 June 1984 except in accordance with this Act."

11. Section 18 of the said Act is replaced by the following section:

"18. Every regulation or by-law in force or other act performed before 12 June 1984 under a provision replaced by this Act shall retain its effect, to the extent that it is not inconsistent with this Act, until its purpose is achieved.

Such a regulation or by-law shall be regarded as a regulation or by-law adopted under this Act and may be amended, replaced or repealed in accordance with this Act."

12. Every grant awarded by a municipality between 12 June 1984 and 19 June 1989 to a non-profit organization which operates an

industrial rental building is valid and is deemed to be awarded in accordance with this Act.

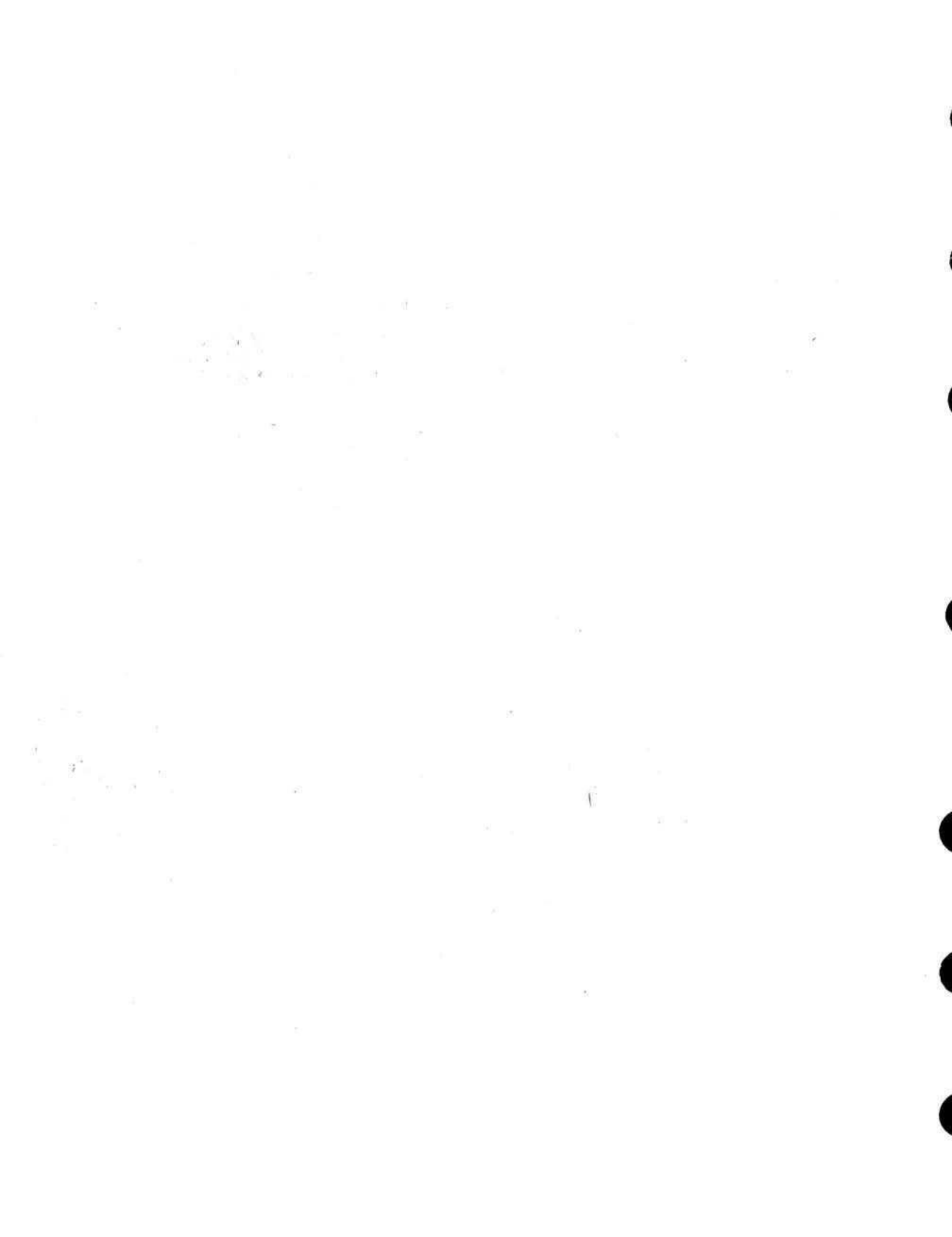
13. Section 11 has effect from 12 June 1984.

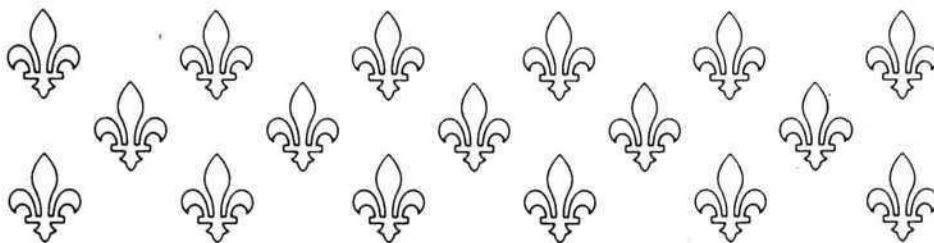
14. Sections 12 and 13 shall not affect a case pending on 19 June 1989.

15. The Minister of Industry, Trade and Technology and the Minister of Municipal Affairs shall, not later than on 22 June 1992, submit a report to the Government on the carrying out of the Act respecting municipal industrial immovables and on the advisability of maintaining it into force and, if necessary, of amending it.

Within the next 15 days, the report shall be tabled before the National Assembly if the Assembly is in session or, if not, it shall be deposited with the President of the National Assembly.

16. This Act comes into force on 22 June 1989.





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 157
(1989, chapter 61)

An Act to amend the Act respecting family assistance allowances

Introduced 19 June 1989
Passage in principle 20 June 1989
Passage 21 June 1989
Assented to 22 June 1989

**Québec Official Publisher
1989**

EXPLANATORY NOTES

The object of this bill is to provide for the payment of family assistance allowances in respect of a child who dies during the month of his birth.

The bill contains a transitional measure permitting, on certain conditions, the application of the provision in respect of any child born after 30 April 1988.

Bill 157

An Act to amend the Act respecting family assistance allowances

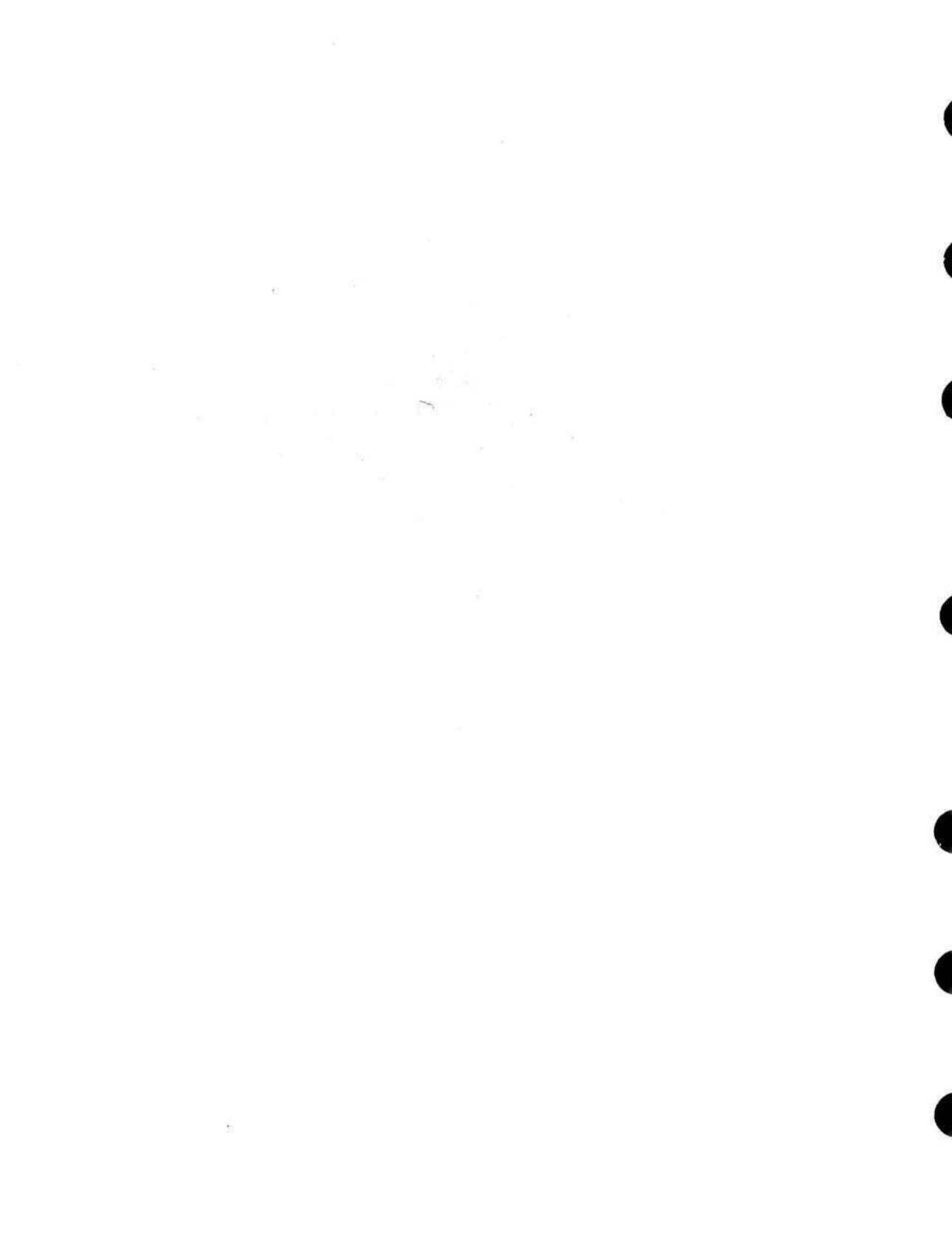
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

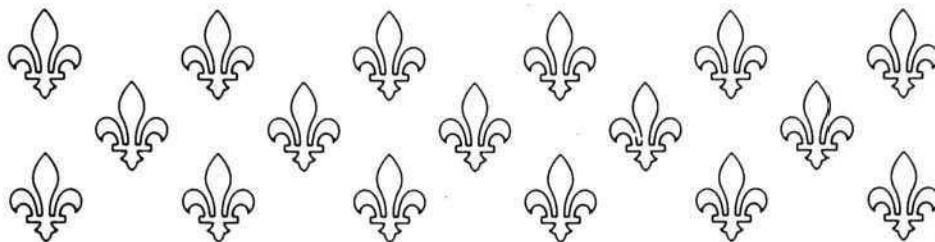
1. Subdivision 5 of Division II of the Act respecting family assistance allowances, enacted by section 2 of chapter 4 of the statutes of 1989, which amends the Family Allowances Act (R.S.Q., chapter A-17), is amended by inserting the following section:

"12.1 For the purposes of this division, a child who dies during the month of his birth shall be regarded as present in the family on the last day of that month."

2. A family is entitled to the allowances provided for in the Act respecting family assistance allowances in respect of a child born after 30 April 1988 who died during the month of his birth. However, if the child was born before 1 July 1989, the allowance shall be granted, notwithstanding section 13 of the said Act, provided it is applied for before 1 July 1990.

3. This Act comes into force on 1 July 1989.





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 158
(1989, chapter 62)

An Act to amend the Civil Code and the Code of Civil Procedure

Introduced 21 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989

**Québec Official Publisher
1989**

EXPLANATORY NOTE

The object of this bill is to render obligatory on foreigners the application of the rules of Québec law respecting certain matters.

ACTS AMENDED BY THIS BILL:

- Civil Code of Lower Canada;
- Code of Civil Procedure (R.S.Q., chapter C-25).

Bill 158

An Act to amend the Civil Code and the Code of Civil Procedure

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Civil Code of Lower Canada is amended by inserting, after article 8, the following article:

“8.1 The application of the rules of this Code is imperative in matters of liability for damage suffered in or outside Québec as a result of exposure to or use of raw materials, whether processed or not, originating in Québec.”

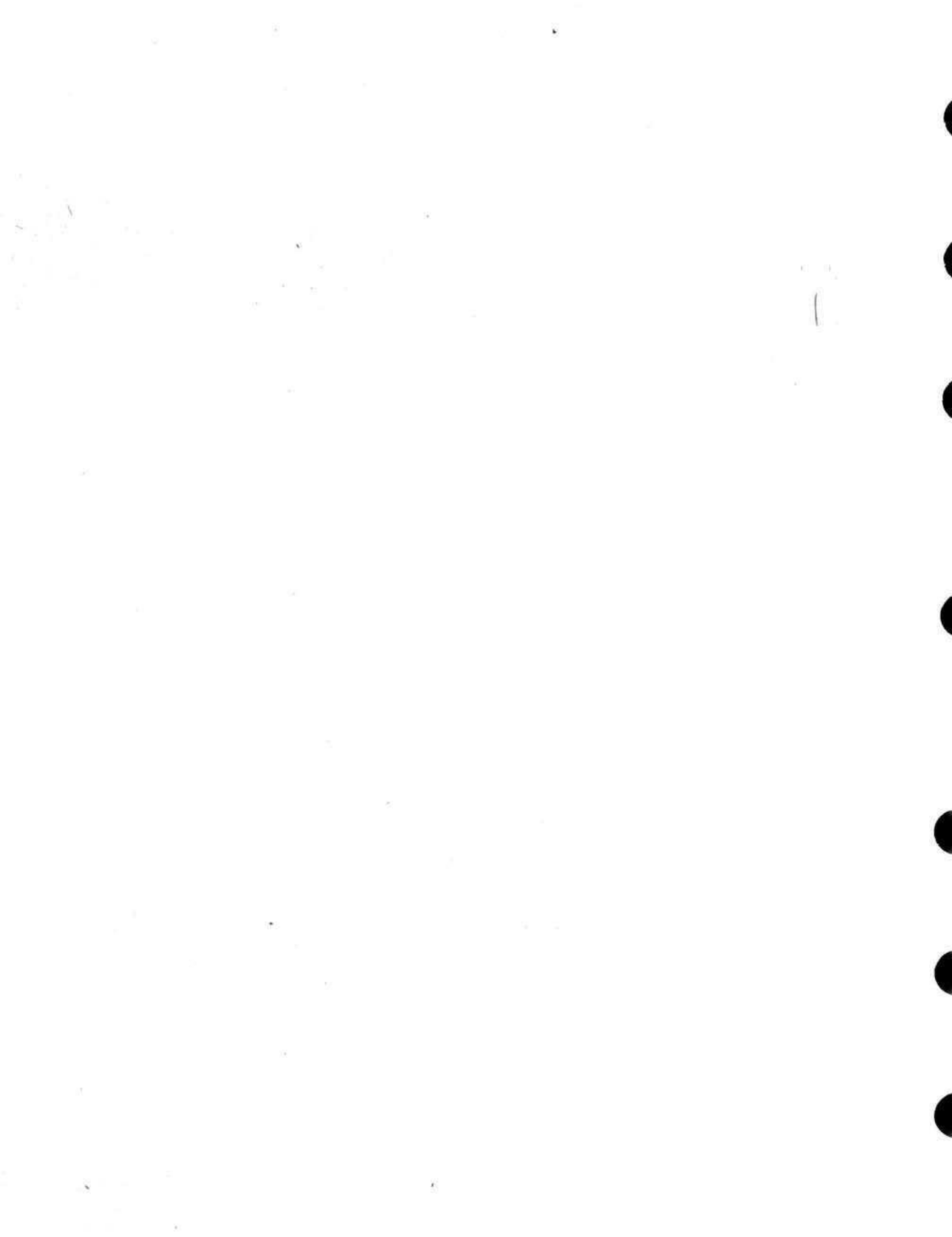
2. The Code of Civil Procedure (R.S.Q., chapter C-25) is amended by inserting, after article 21, the following article:

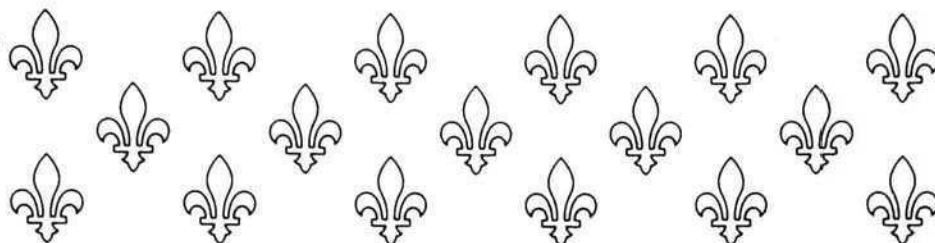
“21.1 The courts of Québec have exclusive jurisdiction to hear in first instance all demands or actions founded on liability under article 8.1 of the Civil Code of Lower Canada.”

3. The said Code is amended by inserting, after article 180, the following article:

“180.1 Notwithstanding articles 178 to 180, the recognition and execution of a judgment rendered outside Québec shall be denied where, by reason of the subject matter, the courts of Québec have been vested with exclusive jurisdiction, under Québec law, to hear the demand or action which has given rise to the judgment or where, although the judgment is based upon rules of foreign law, a rule of law is established in Québec the application of which is imperative.”

4. This Act comes into force on 22 June 1989.





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 159
(1989, chapter 63)

**An Act to amend the Act respecting
the Société québécoise
d'assainissement des eaux**

**Introduced 20 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**

EXPLANATORY NOTE

The object of this bill is to amend the Act respecting the Société québécoise d'assainissement des eaux to enable the corporation, subject to certain conditions, to design, construct, improve, enlarge, put into operation or finance sewerage or waterworks systems or drinking water treatment installations for the needs of the territory designated by the Government and situated in the municipality of the North Shore of the Gulf of St. Lawrence, in a municipality comprised in the regional county municipality of Minganie or in a municipality comprised in the regional county municipality of Sept-Rivières.

Bill 159

An Act to amend the Act respecting the Société québécoise d'assainissement des eaux

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 18 of the Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.2.1) is amended by adding, at the end, the following:

“(6) to design, construct, improve, enlarge, put into operation or finance sewerage or waterworks systems or drinking water treatment installations for the needs of the territory designated by the Government and situated in the municipality of the North Shore of the Gulf of St. Lawrence, in a municipality comprised in the regional county municipality of Minganie or in a municipality comprised in the regional county municipality of Sept-Rivières, the whole to such extent and on such conditions as may be determined by the Government.

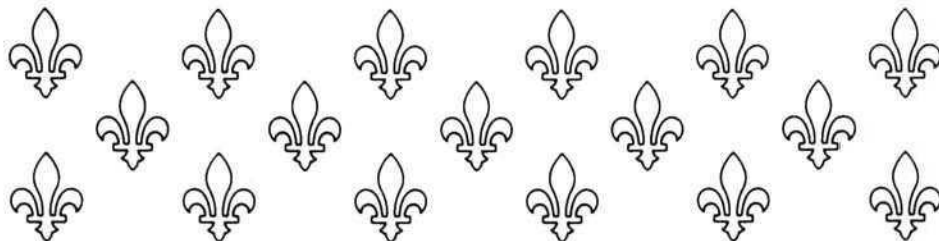
With the exception of sections 24, 27 and 43, the provisions of this Act and of the regulations which apply for the purposes of subparagraph 1 of the first paragraph also apply, adapted as required, for the purposes of subparagraph 6 of the first paragraph, subject to such exceptions and conditions as may be determined by the Government.”

2. Section 19 of the said Act is amended by adding, at the end, the following paragraph:

“The corporation shall, however, carry out the objects set out in subparagraph 6 of the first paragraph of section 18 within the scope of a programme referred to in the first paragraph or within the scope of any other programme approved by the Government.”

3. Section 30 of the said Act is amended by inserting the words “, systems and installations referred to in subparagraph 6 of the first paragraph of section 18” after the word “works” in the third line of subparagraph 3 of the first paragraph.

4. This Act comes into force on 22 June 1989.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 193

**An Act to amend the Act to
establish the Fonds de solidarité des
travailleurs du Québec (F.T.Q.)**

**Introduced 19 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**

EXPLANATORY NOTES

This bill makes various amendments to the Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) adopted in 1983.

The bill provides, in particular, that the Fund will in future be allowed to issue class "A" fractional shares.

The bill specifies the requirement that the Fund shall invest mainly in Québec firms, and it redefines qualified investments.

The bill introduces a limit to the issue of class "A" shares where the requirement relating to investments in Québec firms is not complied with.

The amendments also introduce new norms relating to the diversification of the Fund's investments and the limitation of its borrowing power.

Bill 193

An Act to amend the Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.)

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 7 of the Act to establish the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (R.S.Q., chapter F-3.2.1) is amended

(1) by replacing the first paragraph by the following paragraph:

“**7.** Subject to section 15.1, the Fund is authorized to issue class “A” shares without par value, giving the rights provided for in section 123.40 of the Companies Act (R.S.Q., chapter C-38), the right to elect two directors and the right of redemption provided for in sections 10 and 11.”;

(2) by inserting, after the first paragraph, the following paragraph:

“The Fund is also authorized subject to section 15.1 to issue class “A” fractional shares without par value, giving proportionately the same rights as class “A” shares, except the voting rights attached to such shares.”

2. Section 8 of the said Act is replaced by the following section:

“**8.** Subject to section 123.56 of the Companies Act, only a natural person may acquire or hold class “A” shares or fractional shares. No holder of class “A” shares or fractional shares may alienate them and no such shares or fractional shares may be purchased by agreement by the Fund, except with the authorization of the board of directors or a committee composed of persons designated by it for that purpose.

The Fund may purchase class "A" shares or fractional shares by agreement only where and so far as provided by a policy adopted by the board of directors and approved by the Minister of Finance and only at a price not in excess of the price of redemption fixed in accordance with the second paragraph of section 11."

3. Section 9 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

"9. Notwithstanding section 8, class "A" shares or fractional shares may be transferred to or acquired by a trustee within the scope of a registered retirement savings plan under which the shareholder or his spouse is a beneficiary. The beneficiary of the plan is deemed, however, to keep the voting rights attached to the shares thus transferred. For the purposes of the second paragraph of section 8 and section 10, the spouse is deemed to be the person who acquired the transferred share or fractional share from the Fund.";

(2) by replacing the word "share" in the third line of the second paragraph by the words "share or fractional share".

4. Section 10 of the said Act, amended by section 6 of chapter 5 of the statutes of 1989, is replaced by the following section:

"10. A class "A" share or fractional share is redeemable by the Fund only in the following cases:

(1) at the request of the person who acquired the share or fractional share from the Fund at least 730 days prior to redemption if, after reaching 60 years of age, he has availed himself of his right to early retirement or retirement or if he has reached 65 years of age;

(2) at the request of the shareholder, who did not acquire the share or fractional share from the Fund, if the person who had acquired it from the Fund has reached 65 years of age or, if deceased, would have reached that age had he lived provided that, in either case, the share or fractional share was issued by the Fund at least 730 days prior to the date of redemption;

(3) at the request of the person on whom the share or fractional share has devolved by succession;

(4) at the request of the person who acquired the share or fractional share from the Fund, if he applies to it therefor in writing within 60 days of subscribing the share or fractional share or, in the case provided for in section 26, within 60 days of the first deduction from his salary or wages;

(5) at the request of the person who acquired the share or fractional share from the Fund, if he is declared, in the manner prescribed by by-law of the board of directors, to be suffering from a severe and prolonged physical or mental disability which prevents him from working.

Subparagraph 1 of the first paragraph applies to the redemption, after 6 April 1989, of shares or fractional shares issued after 1 March 1988.

Subparagraphs 2 and 3 of the first paragraph apply to the redemption, after 6 April 1989, of shares or fractional shares."

5. Section 11 of the said Act, amended by section 8 of chapter 5 of the statutes of 1989, is replaced by the following section:

"11. Subject to the second paragraph of section 123.54 of the Companies Act, the Fund is bound to redeem any class "A" share or fractional share at the request of a person contemplated in subparagraph 1, 2, 3 or 5 of the first paragraph of section 10.

The price of redemption of the shares and fractional shares shall be fixed twice a year at dates six months apart, by the board of directors, on the basis of the value of the Fund as established by experts under the responsibility of a firm of chartered accountants according to generally accepted accounting principles. The Fund may, however, accept the offer of a shareholder to receive the last price of redemption so fixed rather than the next such price. The redemption contemplated in the first paragraph shall be made within a reasonable time after the date on which the request therefor is made.

However, in the case provided for in subparagraph 4 of the first paragraph of section 10, the Fund is bound to redeem the share or fractional share at the price at which it was acquired from the Fund and to pay the price thereof not later than thirty days after the date of receipt of the request.

This section applies to shares redeemed after 6 April 1989."

6. Section 12 of the said Act is amended

(1) by inserting the words "or fractional shares" after the words "of shares" in the second line of the first paragraph;

(2) by replacing the words "on the shares" in the second line of the first paragraph by the word "thereon";

(3) by adding, after the third paragraph, the following paragraph:

“Moreover, the Fund, at the request of a shareholder of fractional shares, must exchange the fractional share certificates or the documents serving as such for certificates or documents serving as such representing corresponding whole shares.”

7. Section 14.1 of the said Act is amended by replacing the last two lines of the first paragraph by the words and figures “are resident in Québec and whose assets are less than \$50 000 000 or whose net assets are not over \$20 000 000.”

8. Section 15 of the said Act is replaced by the following section:

“15. The Fund may make investments in any undertaking with or without security or guarantee.

However, in the course of each fiscal year, the portion of the Fund's investments in Québec undertakings entailing no guarantee, mortgage, pledge, privilege or hypothec must represent, on the average, at least 60% of the average net assets of the Fund for the preceding year. For the purposes of this section and of section 15.1, the average net assets for the preceding fiscal year and the average investments for the current year shall be determined by adding the net assets or, as the case may be, such investments at the beginning of the years concerned, to the net assets or, as the case may be, to such investments at the end of the years concerned, and by dividing by 2 each of the sums so obtained. In addition, the net assets do not include the movable and immovable property used by the Fund to carry on its operations.

For the purposes of this norm, investments referred to in the second paragraph which are the subject of an agreement and for which sums of money have been committed but not disbursed at the end of the fiscal year are qualified investments.

Investments made by the Fund otherwise than as first purchaser for the acquisition of securities issued by Québec undertakings, up to a sum not exceeding 20% of the net assets of the Fund at the end of the preceding fiscal year, are also qualified investments. For that purpose, a dealer acting as an intermediary or firm underwriter is not considered to be a first purchaser.

The requirement prescribed in the second paragraph applies from the fiscal year having begun on 1 November 1986.”

9. The said Act is amended by inserting, after section 15, the following section:

“15.1 If the Fund fails to comply, in the course of a fiscal year, with the requirement prescribed in the second paragraph of section 15, it shall not issue class “A” shares or fractional shares in the course of the following fiscal year for a total consideration exceeding the amount determined as follows:

75% of the total consideration paid for class “A” shares and fractional shares issued in the preceding fiscal year, excluding the total consideration paid for class “A” shares or fractional shares acquired and paid by payroll deduction in accordance with the provisions of Division IV or acquired under a subscription agreement entered into with an employer in favour of his employees, if the portion of the average investments concerned that are qualified investments is equal to 50 to 59% of the average net assets of the Fund for the preceding year; 50% of such consideration, if the portion of such average investments is equal to 40 to 49% of the average net assets; 25% of such consideration, if the portion of such average investments is equal to 30 to 39% of the average net assets. If the portion of such average investments is equal to a percentage that is less than 30% of the average net assets, the Fund shall not issue any class “A” share or fractional share during that fiscal year.

Class “A” shares and fractional shares acquired and paid by payroll deduction in accordance with the provisions of Division IV or acquired under a subscription agreement entered into with an employer in favour of his employees are excluded from the application of this section.”

10. Section 16 of the said Act is amended

(1) by inserting the word “then” after the word “would” in the second line of the first paragraph;

(2) by inserting, after the first paragraph, the following paragraphs:

“The percentage may be increased to 10% to enable the Fund to acquire securities from an undertaking doing business in Québec that is not a Québec undertaking within the meaning of section 14.1. In such a case, the Fund cannot, directly or indirectly, acquire or hold shares that include more than 30% of the voting rights attached to the shares of the undertaking and that can be exercised in any circumstances.

Where the Fund avails itself of the second paragraph as regards an undertaking in which it already holds, directly or indirectly, shares that include more than 30% of the voting rights attached to the shares of the undertaking and that can be exercised in any circumstances, it shall have a period of five years from the date of the investment concerned to bring its interest in the capital stock of that undertaking into conformity with the said paragraph.

These restrictions do not apply, however, where the Fund invests in the following securities:

(1) securities guaranteed by the government of Québec or of Canada or of any Canadian province or territory;

(2) securities the payment of which is guaranteed in capital and interest by the transfer of a grant from the Government of Québec, payable out of the appropriations to be voted each year for such purposes by the Parliament;

(3) bills of exchange accepted or certified by a bank or a financial institution registered with the Régie de l'assurance-dépôts du Québec.”;

(3) by striking out the last paragraph.

11. The said Act is amended by inserting, after section 17, the following division:

“DIVISION II.1

“LOANS

17.1 The Fund shall not contract any loan that would make the current total capital of its total debt greater than 100% of the total consideration paid for its class “A” shares and fractional shares.

For the purposes of this section, the expression “total debt” means the amount obtained by applying the following equation:

$x = \text{the debt of the Fund} + y^1 [\text{debt of any particular subsidiary of the Fund} + y^2 (\text{debt of any particular subsidiary of the particular subsidiary of the Fund})]$

where

$x = \text{the total debt of the Fund}; \text{ and}$

y^1 = the percentage of voting shares held, directly or indirectly, by the Fund out of the capital stock of the particular subsidiary of the Fund; and

y^2 = the percentage of voting shares held, directly or indirectly, by the particular subsidiary of the Fund out of the capital stock of the particular subsidiary of the particular subsidiary of the Fund.

Furthermore, the debt of a subsidiary does not include the principal of a loan granted to the subsidiary by the parent corporation, either directly or by subscription of any debt security.

This equation, adapted as required, applies to any subsidiary of a subsidiary, in descending line."

12. The heading of Division IV of the said Act is replaced by the following:

"PURCHASE OF CLASS "A" SHARES OR FRACTIONAL SHARES BY PAYROLL DEDUCTIONS".

13. Section 24 of the said Act is amended by replacing the words "class "A" shares" in the third line of the first paragraph by the words "class "A" shares or fractional shares".

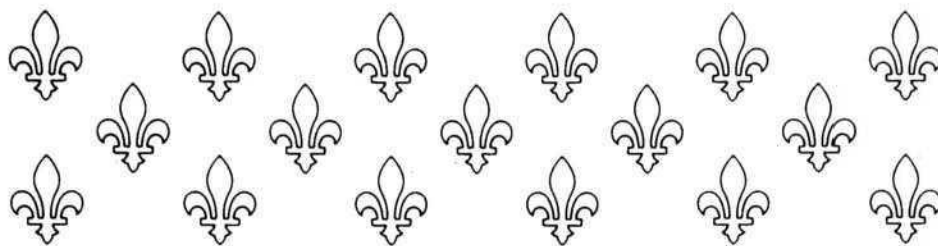
14. Section 27 of the said Act is amended by replacing the words "and date of birth" in the last line of the first paragraph by the words ", date of birth and social insurance number".

15. Section 28 of the said Act is amended by replacing the words "class "A" shares" in the third line by the words "class "A" shares and fractional shares".

16. Section 30 of the said Act is amended by adding, at the end of the third paragraph, the words "and shall include therein any other information or document the Minister determines."

17. This Act comes into force on 22 June 1989.





NATIONAL ASSEMBLY

SECOND SESSION

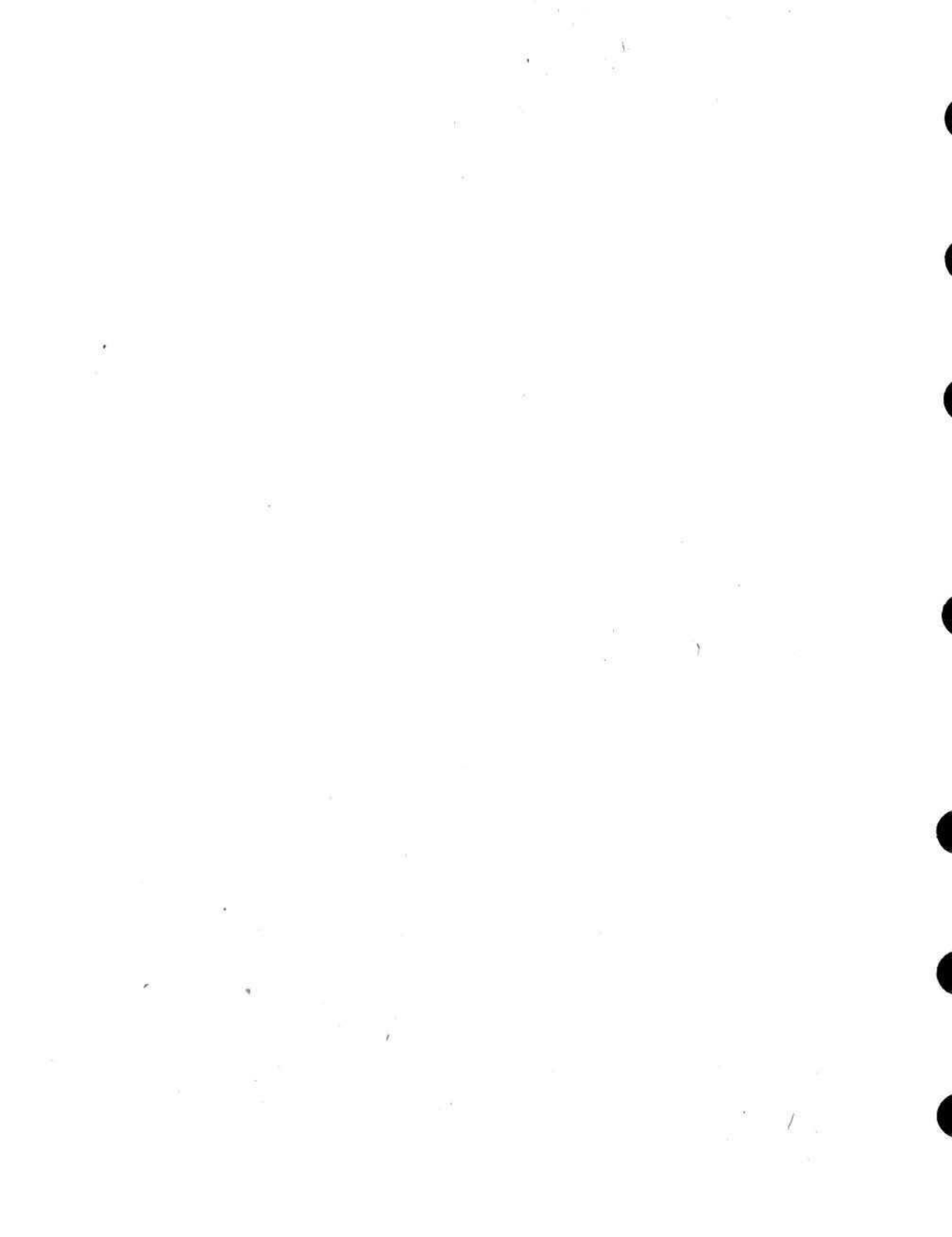
THIRTY-THIRD LEGISLATURE

Bill 219
(Private)

An Act to amend the Act respecting the city of Salaberry-de-Valleyfield

**Introduced 29 May 1986
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**



Bill 219

(Private)

An Act to amend the Act respecting the city of Salaberry-de-Valleyfield

WHEREAS it is in the interest of the city of Salaberry-de-Valleyfield that the Act respecting the city of Salaberry-de-Valleyfield (1968, chapter 102) be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting the city of Salaberry-de-Valleyfield (1968, chapter 102) is amended by striking out paragraph *d*.

2. Sections 5 to 12 of the said Act are replaced by the following sections:

“5. The corporation shall consist of the following members:

- (1) a general director;
- (2) two members of the council;
- (3) two directors.

The members appointed under subparagraphs 1 and 3 of the first paragraph shall not be members of the council.

“6. The members shall be appointed by resolution of the council.

The terms of office, which may vary with each member, shall be determined by resolution of the council and shall be limited to five

years in the case of the general director and to three years in the case of the other members.

The terms of office may be renewed.

“7. The members shall receive such annual remuneration as may be fixed by resolution of the council.

The corporation shall authorize any expenses incurred by a member on behalf of the corporation.

The corporation shall authorize the reimbursement of the expenses referred to in the second paragraph on the production of a statement of account accompanied with the required vouchers.

The first paragraph does not apply to the members of the council.

“8. The members shall appoint a president from among their number who shall remain in office as long as he remains a member of the corporation or until the other members decide otherwise.

“9. The corporation shall meet at least once a month.

“10. A majority of the members shall constitute a quorum for the management of the affairs of the corporation.

A majority of the members present at the meetings shall decide all questions and issues submitted at such meetings.

“11. Each member is entitled to one vote. The president has the right to vote although he is not required to do so; all other members are required to vote, subject to the last paragraph.

In the case of a tie vote, the president has a casting vote. No person presiding at a meeting, other than the president, has a casting vote.

Sections 361 and 362 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), adapted as required, apply to the corporation.

“12. The office of member becomes vacant upon the death of the holder, his resignation, the revocation or the expiration of his term of office or, in the case of members of the council, from such time as they cease to be members thereof.

A member shall, however, continue to hold office at the expiration of his term until he is replaced or reappointed.”

3. Section 15 of the said Act is amended by replacing the first paragraph by the following paragraph:

“15. The treasurer of the corporation shall be appointed by the corporation for a term of not over three years, and shall receive such annual remuneration as may be determined by the corporation.”

4. Section 18 of the said Act is amended by replacing the third and fourth paragraphs by the following paragraphs:

“Any surplus shall be used as follows:

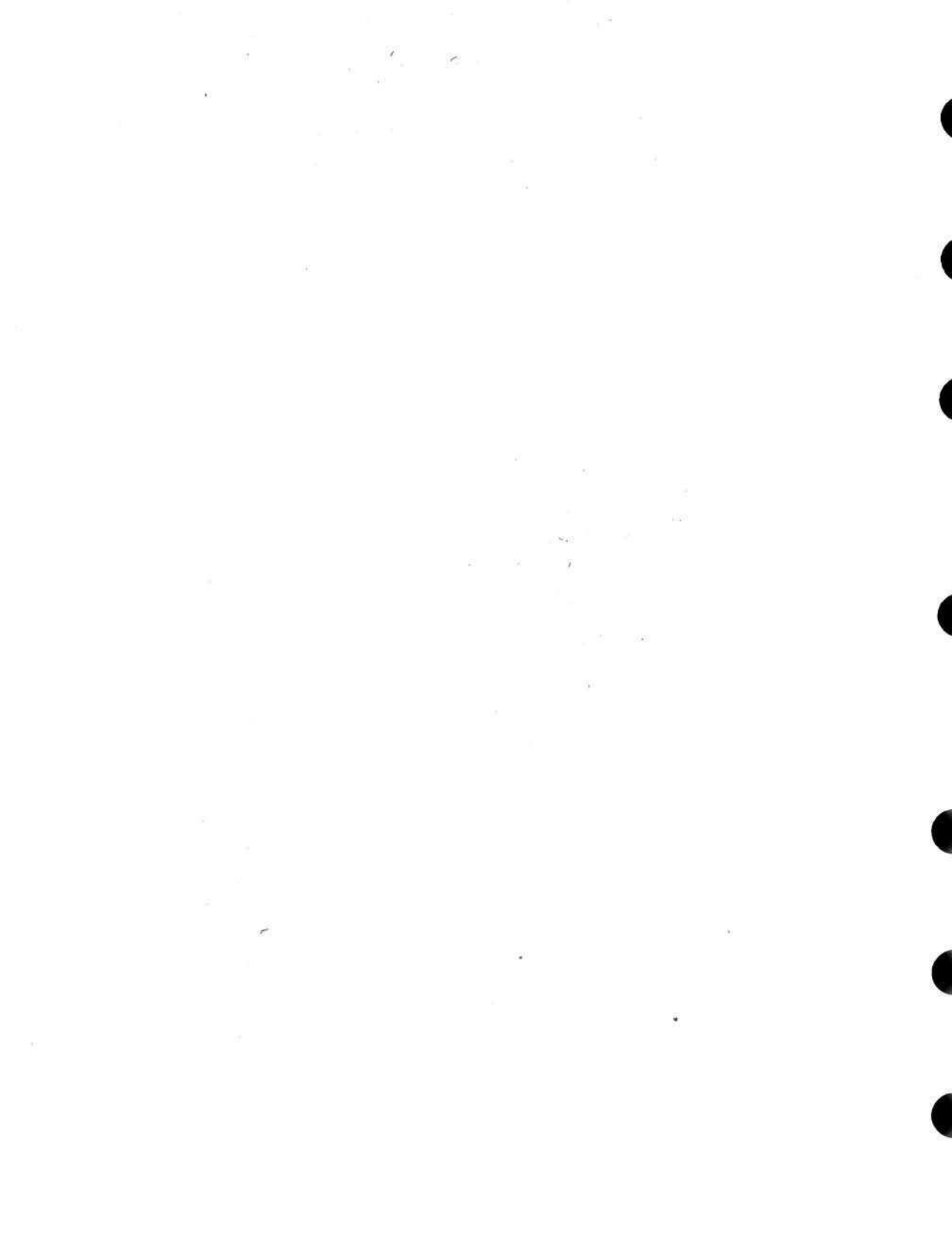
- (1) to pay any accumulated deficit;
- (2) to constitute a reserve fund by resolution of the council;
- (3) to carry out harbour improvements.

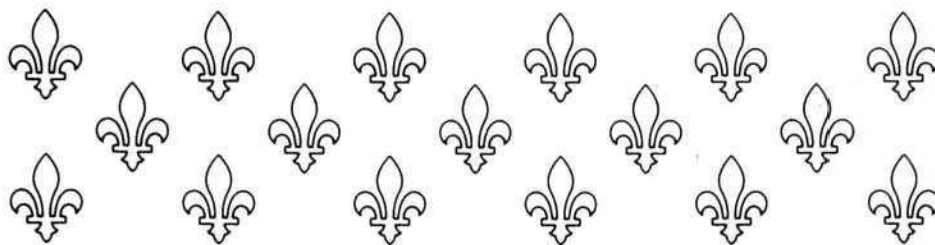
Any surplus not used in accordance with the preceding paragraph shall, by resolution of the council, be paid into the general fund of the city.”

5. The president-general director of the corporation in office on 22 June 1989 shall remain in office as general director of the corporation until he is replaced according to law.

6. The directors of the corporation who are in office on 22 June 1989 shall remain in office as members of the corporation until they are replaced according to law.

7. This Act comes into force on 22 June 1989.





NATIONAL ASSEMBLY

SECOND SESSION

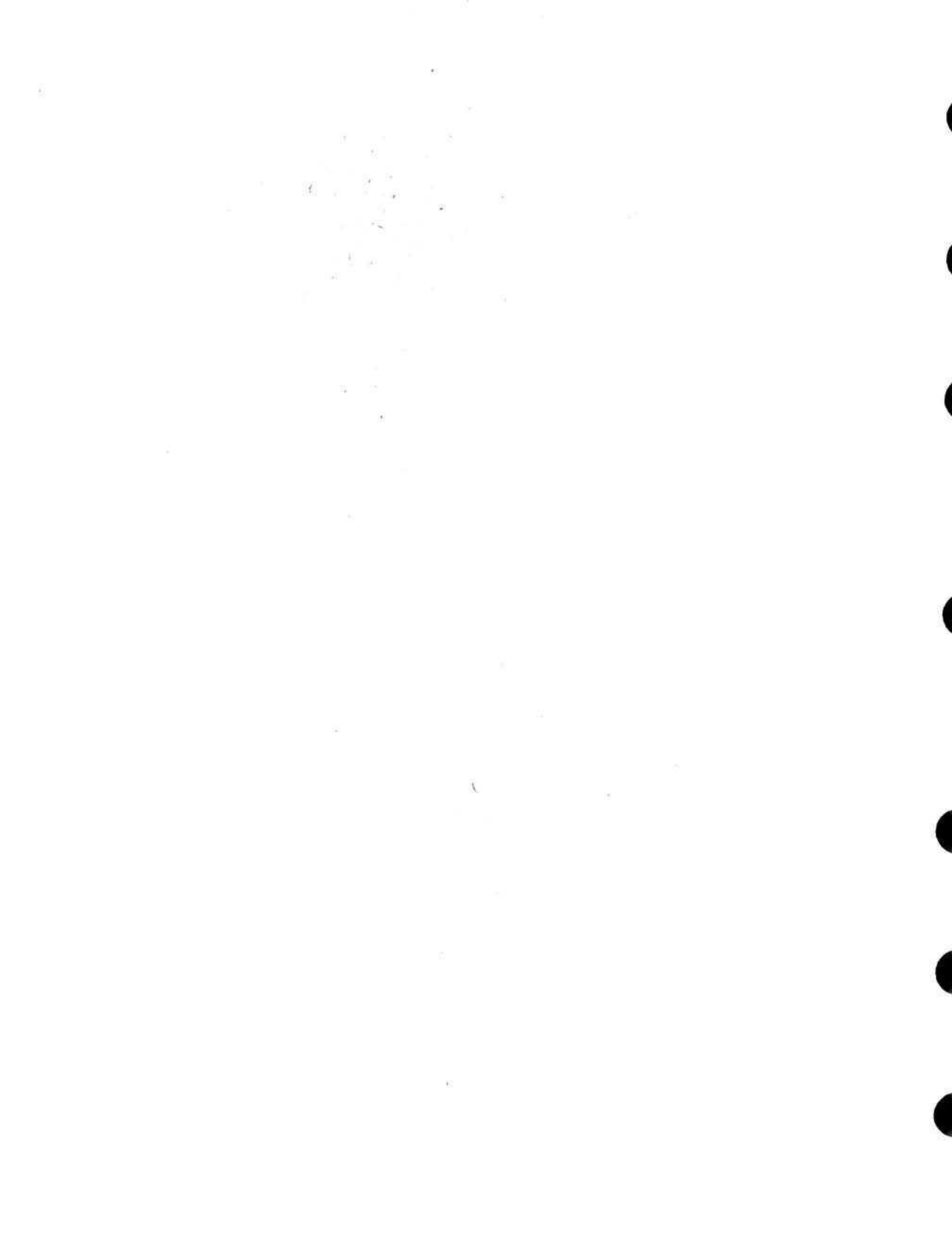
THIRTY-THIRD LEGISLATURE

Bill 229
(Private)

An Act respecting the Morris Wexler estate

Introduced 6 June 1988
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989

**Québec Official Publisher
1989**



Bill 229

(Private)

An Act respecting the Morris Wexler estate

WHEREAS Morris Wexler died on 24 November 1956 leaving a will dated 6 February 1956 made in the form derived from the Laws of England and whereas the will was probated on 27 March 1957 (number 274 of the records of the Superior Court of the district of Montréal for the year 1957);

Whereas the will creates two trusts and the income derived therefrom must be paid to the two daughters and the son of the testator and to their children, the capital to be divided among the great-grand-children;

Whereas, under paragraph *f* of clause 9 of the will, the trustees are directed to invest the property of the trusts in bonds issued by the Government of Canada;

Whereas, considering the changes in economic conditions that have occurred since the death of the testator, the trustees wish to be authorized to invest the property of the trusts in accordance with article 981^o of the Civil Code, and whereas it is expedient to grant such request;

Whereas the surviving descendants of Morris Wexler who are interested in the trusts and who are not trustees are all of full age and whereas they consent to the passing of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

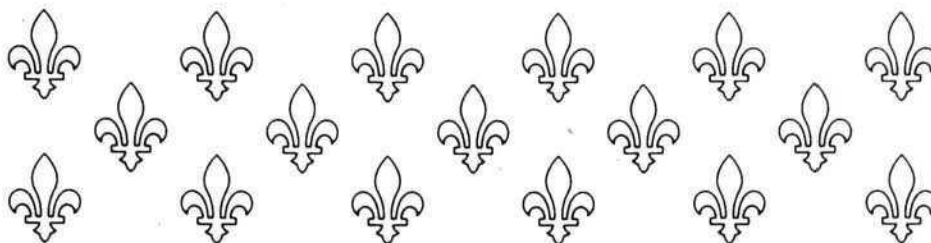
1. Notwithstanding paragraph *f* of clause 9 of the will of Morris Wexler dated 6 February 1956 and probated on 27 March 1957

(number 274 of the records of the Superior Court of the district of Montréal for the year 1957), the trustees of the trusts created by the will of Morris Wexler are authorized to invest the property of the trusts in accordance with article 981o of the Civil Code.

2. Section 1 shall cease to have effect one year after the coming into force of article 1333 of the Civil Code of Québec, enacted by section 2 of the Act to add the reformed law of persons, successions and property to the Civil Code of Québec (1987, chapter 18) or, if the trustees have instituted legal proceedings to obtain the powers of administration granted by articles 1380 to 1385 of the said Code, on the fifteenth day after the date on which the judgment becomes executory.

If the legal proceedings are dismissed or only partly accepted, the trustees may keep the investments made under section 1 but may replace them only by investments authorized either by the will or by the judgment.

3. This Act comes into force on 22 June 1989.



NATIONAL ASSEMBLY

SECOND SESSION

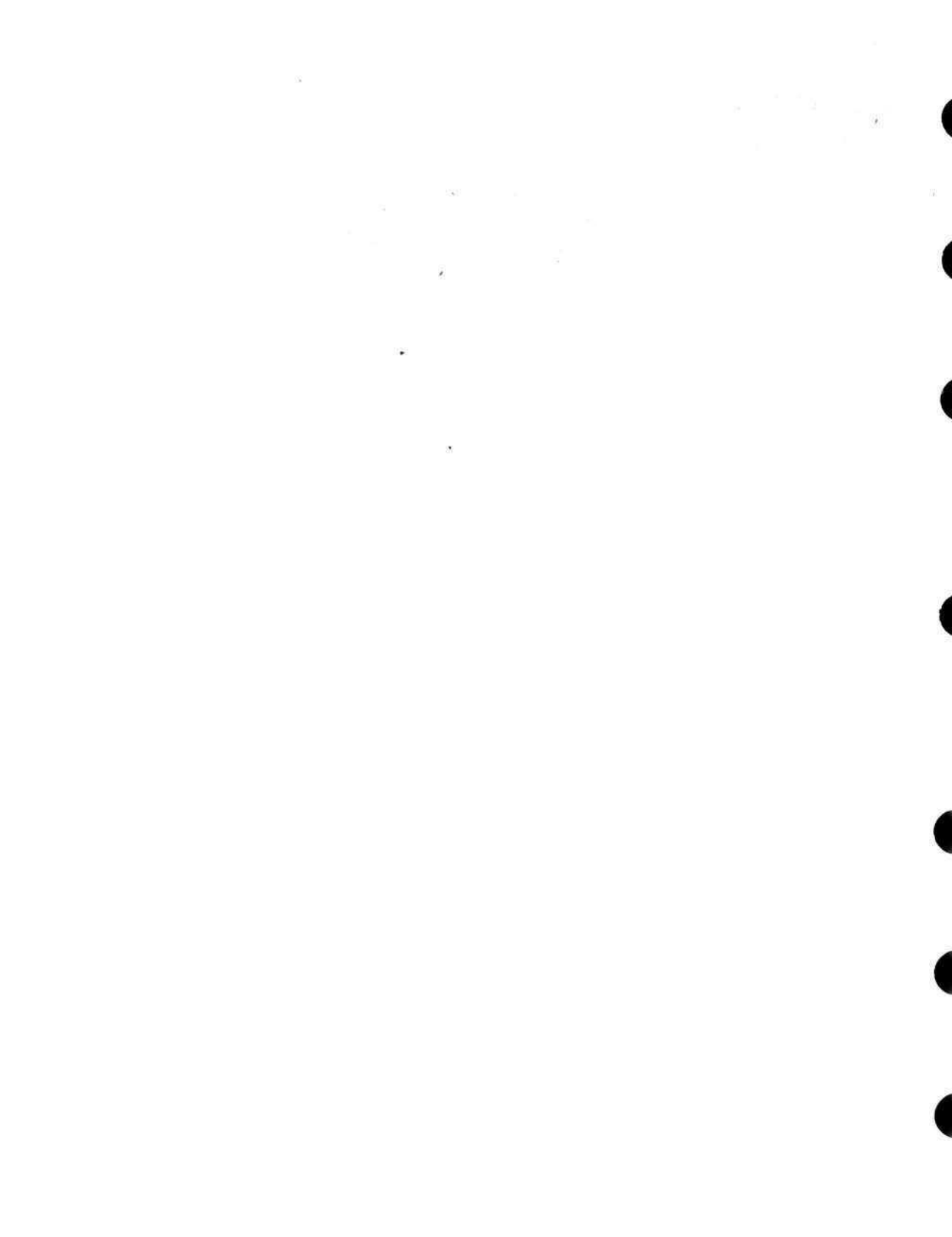
THIRTY-THIRD LEGISLATURE

Bill 230
(Private)

**An Act to amend the Act to
incorporate the Roberval and
Saguenay Railway Company**

**Introduced 20 March 1986
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**



Bill 230

(Private)

An Act to amend the Act to incorporate the Roberval and Saguenay Railway Company

WHEREAS it is in the interest of the Roberval and Saguenay Railway Company that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act to incorporate the Roberval and Saguenay Railway Company (1911, chapter 84) is amended by inserting, after section 2, the following section:

"2.1 The company may build, equip and operate a branch line or siding, which includes passing tracks and other related works that are required, linking a point in the railway and branches it operates in the city of La Baie, to a point in the territory described in the schedule to the Act to annex a certain territory to the territory of the city of Chicoutimi (1983, chapter 48) following a line that is appropriate and consistent with the laws and regulations in force.

The final line of the branch line or siding shall be that provided for in the certificate of authorization to be issued under section 31.5 of the Environment Quality Act (R.S.Q., chapter Q-2).

Notwithstanding the provisions of section 89 of the Railway Act (R.S.Q., chapter C-14), the company may, for the construction and operation of the branch line or siding, expropriate, over the distance where the railway is or must be raised higher or cut deeper than the surface of the adjoining lands by more than one hundred and fifty-two centimetres, an extra breadth of land sufficient for the embankment and lateral ditches.

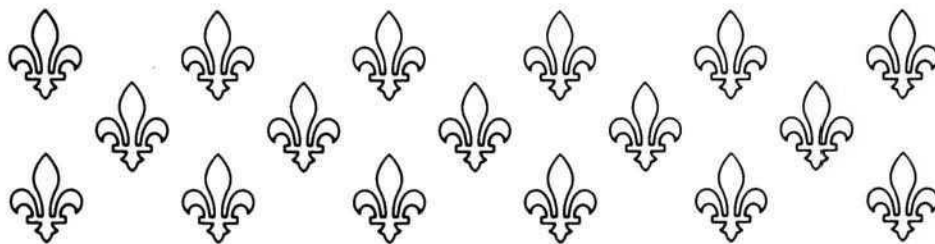
The branch line or siding shall be built within five years of the coming into force of this Act. Section 162 of the Railway Act does not apply to the branch line or siding or to the company."

2. The said Act is amended by inserting, after section 4*b*, the following section:

"**4c.** In addition to the powers conferred by this Act, the company will be empowered to make contracts for the alienation of all or some of its rights to any person or any corporation established or not pursuant to the Railway Act to whom or which it is related within the meaning of sections 17 to 21 of the Taxation Act (R.S.Q., chapter I-3) including the right to build, equip and operate the railway referred to in section 2.1, on the terms and conditions and for the consideration it considers appropriate."

3. Sections 17, 17*a*, 18 and 19 of the French version of the Act to incorporate the Roberval and Saguenay Railway Company are renumbered 16, 16*a*, 17 and 18.

4. This Act comes into force on the date fixed by the Government.



NATIONAL ASSEMBLY

SECOND SESSION

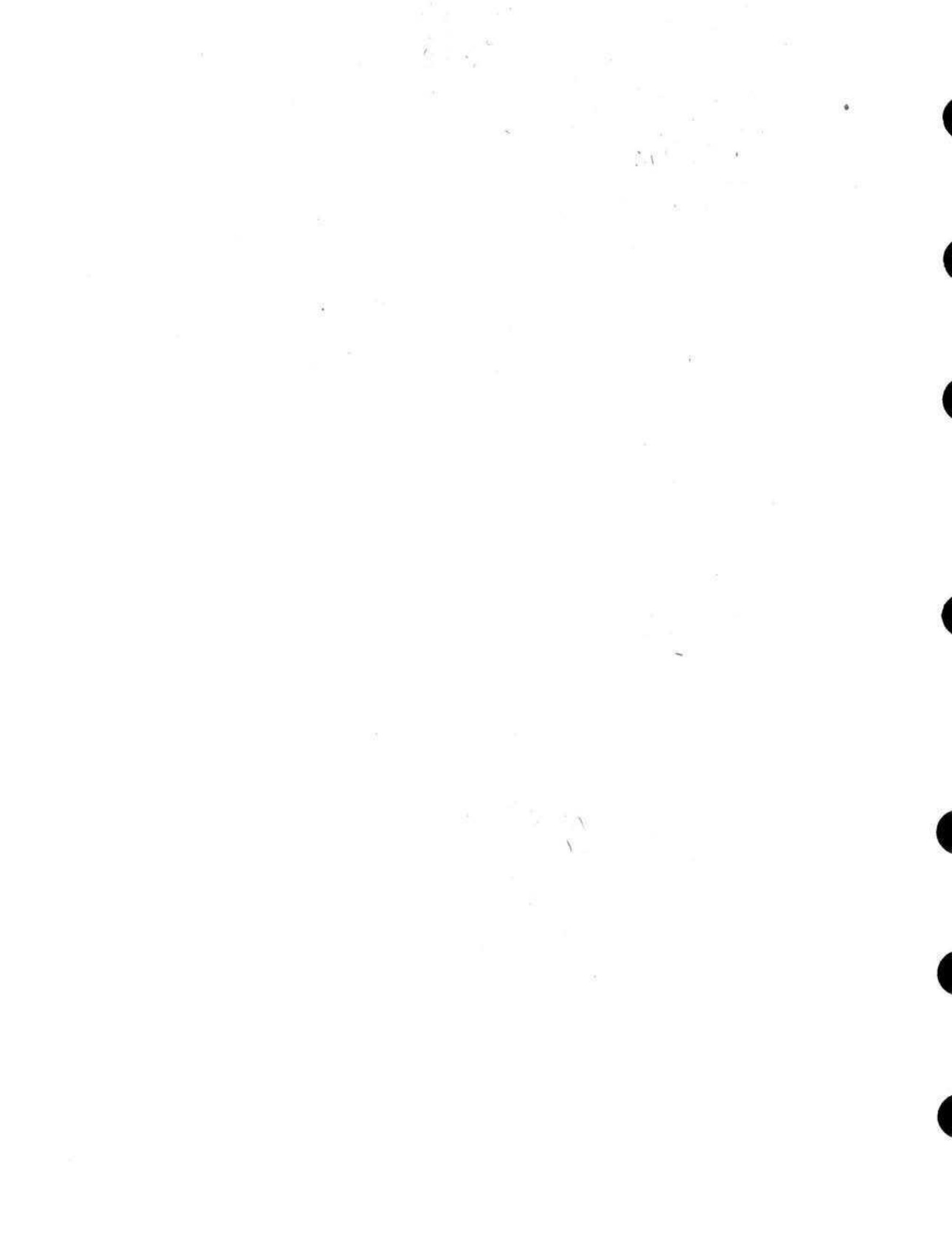
THIRTY-THIRD LEGISLATURE

Bill 235
(Private)

An Act respecting the city of Saint-Hyacinthe

Introduced 11 May 1988
Passage in principle 22 June 1989
Passage 22 June 1989
Assented to 22 June 1989

**Québec Official Publisher
1989**



Bill 235

(Private)

An Act respecting the city of Saint-Hyacinthe

WHEREAS it is the interest of the city of Saint-Hyacinthe that it be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The council may, by by-law,

(1) prescribe quantitative standards for the discharge of surface, rain, underground or cooling water or industrial waste water into a purification works; prohibit or regulate such discharge; impose conditions to control, reduce, regularize or spread out such discharge;

(2) prescribe, according to the source of contamination, the class of establishment or the industrial process, a maximum quantity or concentration of or limit to the acidity, alkalinity, temperature, chemical or biochemical requirement for oxygen, oil, grease, suspended matter, dissolved matter, toxic substances or substances that are harmful to the environment in waste water discharge into a purification works; prohibit or regulate the discharge, into a purification works, of waste water having a content of a substance in excess of the prescribed maximum or having characteristics not in conformity with such maximum;

(3) prohibit the discharge of waste water into a storm sewer; prescribe qualitative or quantitative standards for the discharge of water into a storm sewer;

(4) require any person or class of persons that discharges or intends to discharge industrial waste water or cooling water into a

purification works to obtain a permit from the city and prescribe the information that shall be furnished with permit applications; exempt any person or class of persons it determines from the requirement to obtain a permit;

(5) prescribe the conditions, procedures and fees relating to the issue, renewal, suspension or revocation of a permit;

(6) prescribe the devices and methods whose use is recognized for the purposes of analysis, sampling or computation of concentration; fix the duration of a sampling program, determine the analysis parameters and carry out its own sampling or analysis program at the expense of a permit holder if it considers that the data supplied by him are inaccurate;

(7) delegate the powers conferred on it by paragraph 6 to the head of a department.

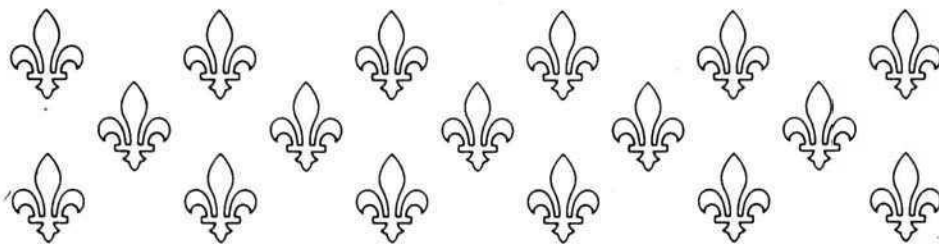
2. For the purposes of a by-law passed under section 1, the words "purification works" mean a sewer, a sewer system, a waste water pumping station, a water purification station and any other works for collecting, impounding, conveying, treating or draining waste water, or part of any such equipment.

The city may claim, from any person who discharges waste water into a purification works in contravention of a by-law passed under paragraphs 1 to 3 of section 1, the reimbursement of the costs incurred for the maintenance or repair of the purification works because of such discharge.

3. The special tax and the compensation imposed and levied for the fiscal years 1987, 1988 and 1989 under by-laws 746, 835 and 910 to cover the financing and operating costs of the waste water treatment system and plant cannot be contested on the ground that the city did not have the power to impose and levy such tax and compensation.

This section does not affect a case pending on 9 January 1988.

4. This Act comes into force on 22 June 1989.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 237
(Private)

An Act to amend the charter of the city of Gatineau

Introduced 6 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989

Québec Official Publisher
1989

Bill 237

(Private)

An Act to amend the charter of the city of Gatineau

WHEREAS it is in the interest of the city of Gatineau that it be granted certain powers for the proper administration of its affairs;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 463 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city by adding, after paragraph 4, the following paragraph:

“(5) To regulate solid waste elimination sites.

In this paragraph, the expression “solid waste” has the meaning indicated in the Regulation respecting solid waste (R.R.Q., chapter Q-2, r. 14), made under the Environment Quality Act (R.S.Q., chapter Q-2).

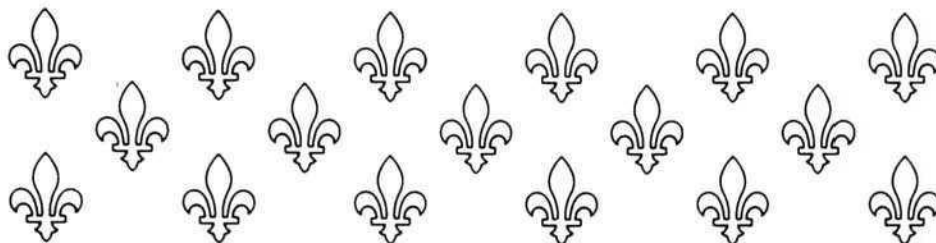
Where the court convicts the operator of a solid waste elimination site of an offence under a provision made under the first paragraph, it may, in addition to the fine and costs, prescribe what work is necessary to correct the situation, order the operator to carry out the work, fix the time limit for carrying out the work and, failing execution of the order within the prescribed time limit, authorize the city to carry out the work at the operator's expense.”

2. Section 14 of the charter of the city of Gatineau, enacted by section 18 of chapter 88 of the statutes of 1974 and amended by chapter 110 of the statutes of 1978, is repealed.

3. Any taxation clause of a loan by-law in force on 22 June 1989 and passed by one of the former municipalities referred to in section

- 2 of the charter of the city, including an amendment passed under section 14 of the said charter, remains effective until it is amended, replaced or repealed by a by-law approved in the same way as a loan by-law according to the Act governing the municipality.

4. This Act comes into force on 22 June 1989.



NATIONAL ASSEMBLY

SECOND SESSION

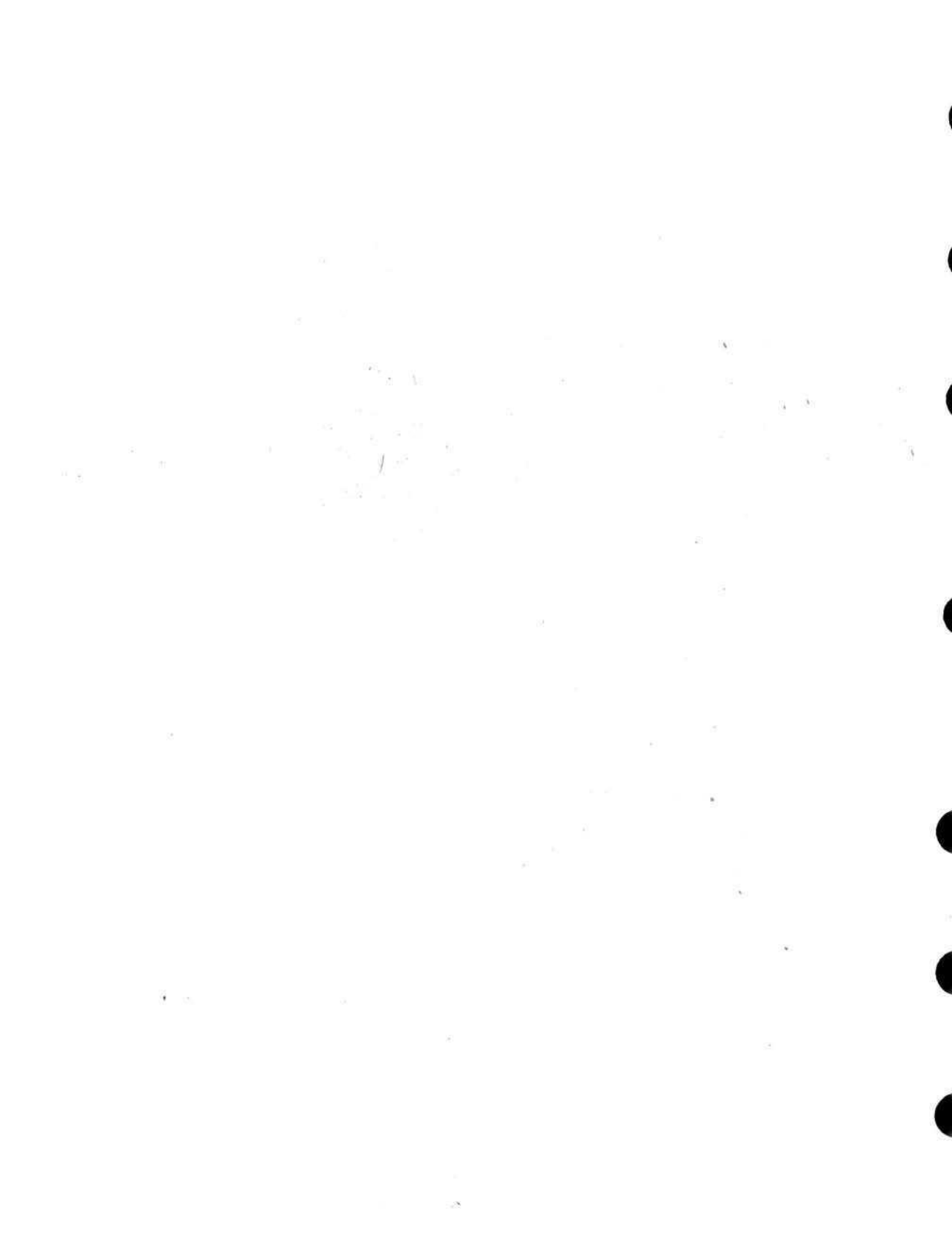
THIRTY-THIRD LEGISLATURE

Bill 243
(Private)

An Act to amend the Charter of the city of Hull

Introduced 9 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989

Québec Official Publisher
1989



Bill 243

(Private)

An Act to amend the Charter of the city of Hull

WHEREAS it is in the interest of the city of Hull that its charter, chapter 94 of the statutes of 1975, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 11 of the Charter of the city of Hull (1975, chapter 94) is repealed.

2. Section 56 of the said charter is replaced by the following section:

“56. The council may establish, out of the revenues provided for in the budget, a reserve fund for self-insurance purposes of not more than \$5 000 000; annual amounts not exceeding \$500 000 may be provided for in the budget for that purpose.”

3. The city is authorized to assign by emphyteutic lease the immovable described in the schedule. A separate entrance for the immovable will be situated on level 176.

The city is also authorized to conclude any servitude agreement necessary or useful for the purposes of the first paragraph.

Registration of a true copy of this section and of the schedule, or of this Act, shall be made by deposit.

4. This Act comes into force on 22 June 1989.

SCHEDULE

(section 3)

DESCRIPTION OF LOTS AND PARTS OF LOTS SUBTENDING THE AERIAL SPACES IN THE VERTICAL LIMITS ESTABLISHED BY THE ARCHITECT AND THE HORIZONTAL LIMITS ESTABLISHED BY THE CITY FOR THE MAISON DU CITOYEN-PHASE 2. THE SAID LOTS AND PARTS OF LOTS ARE IN REFERENCE TO THE CADASTRE FOR THE CITY OF HULL, WARD NO. 4.

The description at the third-floor level is as follows:

Lots 181, 182-A, 182-B-1, 182-B-2, 182-B-3, 182-B-4 and parts of lots 203-A, 203-B, 204 and 481.

PART OF LOT 203-A from an elevation of 66.75 metres (219 feet) to an elevation of 81.38 metres (267 feet)

Of irregular shape, bounded on the north by lots 182-B-4 and 182-A, on the east by part of lot 204, on the southeast by part of lot 203-A, on the south by part of lots 203-A and 203-B, on the southwest by part of lot 203-A and on the west by part of lot 481; measuring 30.18 metres on the north, 10.06 metres on the east, 2.91 metres on the south, 0.30 metres on the southwest, 5.33 metres on the south, 0.32 metres on the southeast, 21.50 metres on the south and 10.06 metres on the west; containing an area of 302.4 square metres.

PART OF LOT 203-B from an elevation of 66.75 metres (219 feet) to an elevation of 81.38 metres (267 feet)

Of irregular shape, bounded on the north by part of lot 203-A, on the east, southeast and south by part of lot 203-B and on the west by part of lot 481; measuring 21.50 metres on the north, 1.55 metres on the southeast, 2.90 metres on the east, 20.42 metres on the south and 3.90 metres on the west; containing an area of 81.0 square metres.

SECOND PART OF LOT 203-B from an elevation of 66.75 metres (219 feet) to an elevation of 81.38 metres (267 feet)

Of irregular shape, bounded on the north by part of lot 203-A, on the east by part of lot 204, on the south and west and on the southwest by part of lot 203-B; measuring 2.91 metres on the north, 4.30 metres on the east, 1.78 metres on the south, 3.17 metres on the west and 1.57 metres on the southwest; containing an area of 8.3 square metres.

PART OF LOT 204 from an elevation of 66.75 metres (219 feet) to an elevation of 81.38 metres (267 feet)

Of irregular shape, bounded on the north by lot 181, on the east by lot 473 (Laurier Street) and by part of lot 204, on the south by part of lot 204 and on the west by lot 203-A and part of lot 203-B; measuring 30.12 metres on the north, 13.18 metres on the east, 27.59 metres on the south, 1.26 metres on the east, 2.52 metres on the south and 14.36 metres on the west; containing an area of 398.9 square metres.

PART OF LOT 481 from an elevation of 66.75 metres (219 feet) to the zenith

Of irregular shape, bounded on the north by lot 480 (Victoria Street), on the east by lots 182-B-1, 182-B-3, 182-B-4, 203-A and part of lot 203-B, on the south by part of lot 481 and on the west by lots 183 and 202; measuring 15.23 metres on the north, 34.08 metres on the east, 15.22 metres on the south and 33.78 metres on the west; containing an area of 516.5 square metres.

The total area from an elevation of 66.75 metres (219 feet) to an elevation of 81.38 metres (267 feet) is 2 520.5 square metres and the volume is approximately 36 875 cubic metres.

At the sixth-floor level, the area of the parts of lots 203-B and 204 changes, the whole of lot 203-A is used and the area of the part of lot 481 is the same.

The description to that effect is thus as follows:

Lots 181, 182-A, 182-B-1, 182-B-2, 182-B-3, 182-B-4, 203-A and part of lots 203-B, 204 and 481;

PART OF LOT 203-B from an elevation of 81.38 metres (267 feet) to the zenith

Of irregular shape, bounded on the north by lot 203-A, on the east by part of lot 204, on the south by part of lot 203-B and on the west by part of lot 481; measuring 30.18 metres on the north, 4.01 metres on the east, 30.18 metres on the south and 3.90 metres on the west; containing an area of 119.4 square metres.

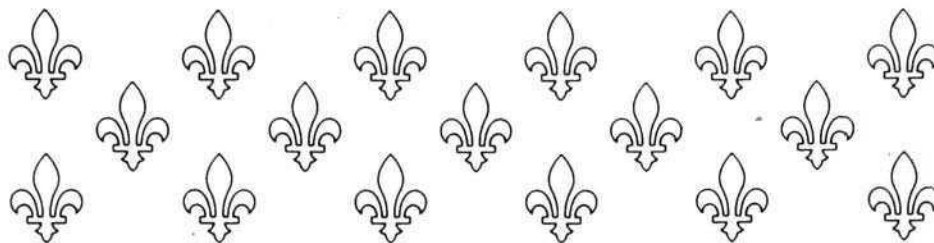
PART OF LOT 204 from an elevation of 81.38 metres (267 feet) to the zenith

Of irregular shape, bounded on the north by lot 181, on the east by lot 473 (Laurier Street), on the south by part of lot 204 and on the west by lot 203-A and part of lot 203-B; measuring 30.12 metres on the north, 14.18 metres on the east, 30.11 metres on the south and 14.07 metres on the west; containing an area of 425.3 square metres.

The total area from an elevation of 81.38 metres (267 feet) upwards is 2 578.2 square metres and the volume is undetermined.

The elevations in this description were established in relation to mean sea level.

The whole as shown on the plan prepared by Roger Bussières, land surveyor, dated 12 May 1989, bearing number 4449 of his minutes.



NATIONAL ASSEMBLY

SECOND SESSION

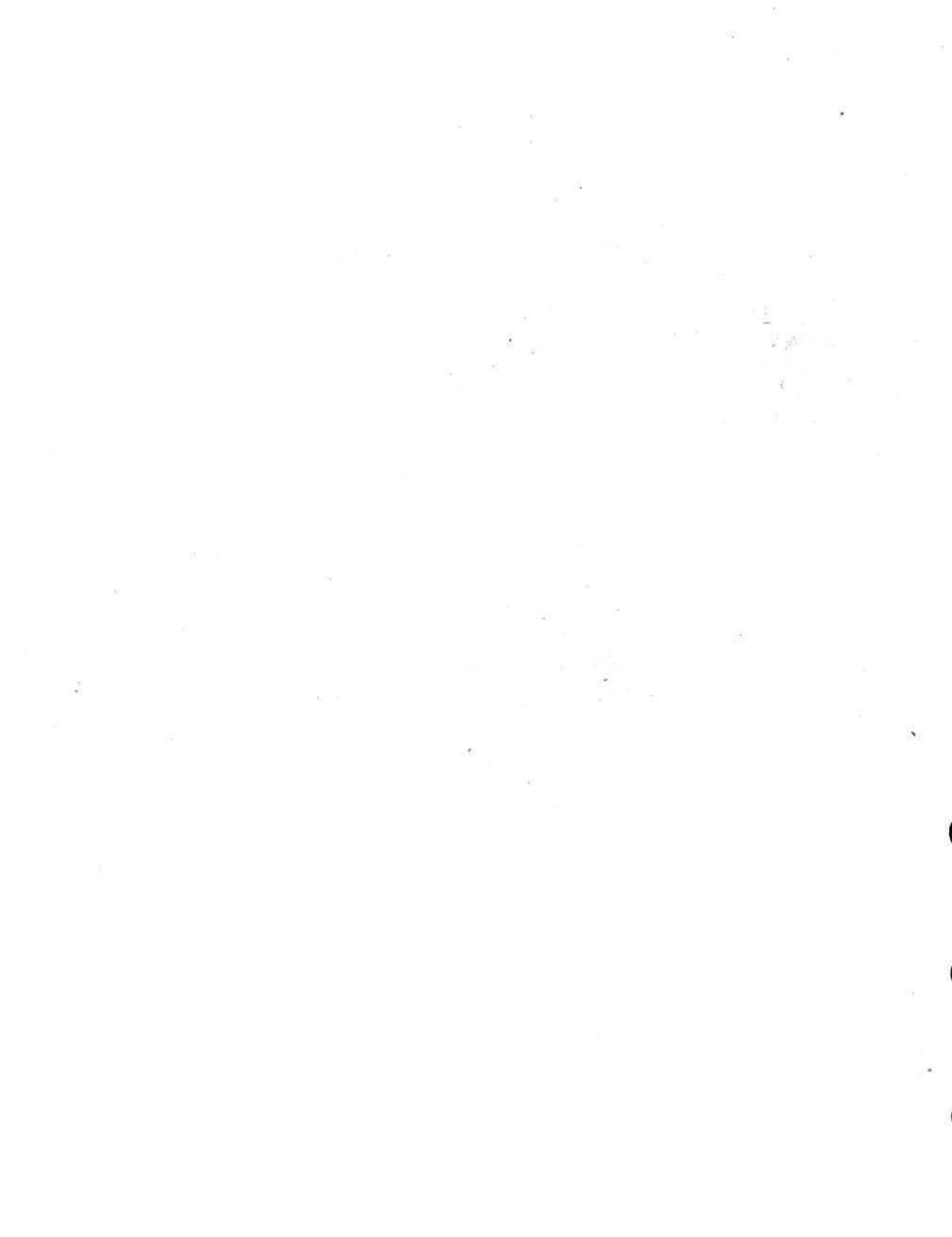
THIRTY-THIRD LEGISLATURE

Bill 245
(Private)

**An Act respecting the Institution
Monseigneur Guay and La
Congrégation des Soeurs de
Notre-Dame du Bon Conseil de
Chicoutimi**

**Introduced 5 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

Québec Official Publisher
1989



Bill 245

(Private)

**An Act respecting the Institution Monseigneur Guay and La
Congrégation des Soeurs de Notre-Dame du Bon Conseil de
Chicoutimi**

WHEREAS, by a notarial deed executed on 29 December 1901 and registered at the registry office of the registration division of Lévis under number 39839, Monsignor Charles Guay transferred to the Institut des Soeurs de Notre-Dame du Bon Conseil, now known as "La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi", various movable and immovable property described in greater detail in the said deed, as amended by the deed registered at the same registry office under number 79469;

Whereas the deed registered under number 39839 provided that the donee, the Institut, contracted various obligations including the obligations arising from the clauses reproduced in Schedule A and, for the purposes of the performance of such obligations, it was entrusted with various powers including the powers arising from the clause reproduced in Schedule B;

Whereas the deed provided for the opening of a hospital to be known as "Hôpital Guay de St-Joseph de Lévis" and the transfer to a corporation of the rights it conferred on the Institut des Soeurs de Notre-Dame du Bon Conseil and of correlative obligations;

Whereas Monsignor Guay applied for and obtained the passage of the Act to incorporate *L'Hôpital Guay de Saint Joseph de Lévis* (1903, chapter 118), which Act granted the new corporation, among other powers, the power to acquire immovables other than those that had been transferred to it by the deed registered under number 39839;

Whereas the Hôpital Guay de Saint-Joseph de Lévis, known as the "Institution Monseigneur Guay" from the coming into force of order in council 1065 dated 27 September 1951, maintained, until 1982, a charitable institution on the immovable described in Schedule C, which formed part of one of the immovables transferred by the deed registered under number 39839, and on the immovable described in Schedule D, which had been transferred by persons other than Monsignor Guay;

Whereas La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi not only provided nuns in a sufficient number to manage and operate the Institution Monseigneur Guay, but also provided considerable sums of money to maintain the institution;

Whereas, on 11 February 1987, La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi definitively desisted from maintaining a charitable institution on the premises where the Institution Monseigneur Guay had been maintained;

Whereas the deed registered under number 39839 provided for such an eventuality and, following Monsignor Guay's death in 1922, the applicable clause was that reproduced in Schedule E;

Whereas, on 9 March 1987, the Institution Monseigneur Guay requested that His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec (hereinafter called "Archbishop Vachon") take possession of its property in accordance with Schedule E;

Whereas, in pursuance of that clause, the Institution Monseigneur Guay, by a notarial deed of transfer executed on 18 October 1988 and registered at the registry office of the registration division of Lévis under number 325275, transferred to Archbishop Vachon its immovable property, to wit, the immovables described in Schedules C and D;

Whereas, in pursuance of that clause, the Institution Monseigneur Guay transferred its movable property to Archbishop Vachon;

Whereas, by a notarial deed executed on 4 March 1977 and registered at the registry office of the registration division of Lévis under number 205313, the Institution Monseigneur Guay transferred to La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi various immovables described in Schedule F, including the immovable referred to in paragraph 2 of the said schedule, which

formed part of one of the immovables transferred by the deed registered under number 39839;

Whereas, by a notarial deed executed on 23 May 1980 and registered at the same registry office under number 239490, the Institution Monseigneur Guay transferred to La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi the immovable described in Schedule G;

Whereas the deeds registered under numbers 205313 and 239490 state that the transfer is made for "good and valuable considerations" (Translation) but do not specify the nature of such considerations;

Whereas the immovable described in paragraph 2 of Schedule F formed part of the immovable described in paragraph 6 of the description of the immovables transferred by the deed registered under number 39839 and it is not certain, in view of the clause contained in that deed and reproduced in Schedule B, that the Institution Monseigneur Guay had the right to transfer such immovable;

Whereas the Institution Monseigneur Guay no longer has a reason for existence, no longer owns immovable property and has no other movable property than the sums of money which Archbishop Vachon or the Roman Catholic Archbishop of Québec could pay to it for the administration and preservation of its property for the period extending from 9 March 1987 to 18 October 1988;

Whereas the members of the Institution Monseigneur Guay are also members of La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi and there would therefore be no inconvenience to the sums of money being paid to the congregation rather than to the Institution Monseigneur Guay;

Whereas no general law provides for a mode of dissolution applicable to the Institution Monseigneur Guay;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The clauses contained in the deed of transfer registered at the registry office of the registration division of Lévis under number 39839 and reproduced in Schedules A and B are hereby cancelled.

2. The Institution Monseigneur Guay is deemed to have performed the obligations imposed on it by the clause reproduced in

Schedule E with respect to the immovables described in Schedules C and D.

The same applies to La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi to the extent that such clause could be interpreted as imposing obligations on the congregation with respect to such immovables.

3. The title of La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi to the immovables transferred by the Institution Monseigneur Guay by way of the deeds registered at the registry office of the registration division of Lévis under numbers 205313 and 239490 and described in Schedules F and G is confirmed to the extent that it was liable to contestation on the ground that the good and valuable considerations mentioned in the deeds may not represent the fair market value of the property transferred.

Furthermore, the title of La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi to the immovable described in paragraph 2 of Schedule F deriving from the deed registered at the registry office of the registration division of Lévis under number 205313 is confirmed to the extent that it was liable to contestation on the grounds that the immovable formed part of the immovable described in paragraph 6 of the description of the transferred immovables contained in the deed registered at the registry office of the registration division of Lévis under number 39839 and that it is questionable, in view of the clause reproduced in Schedule B, that the Institution Monseigneur Guay was authorized to sell it.

4. La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi is subrogated in the right of the Institution Monseigneur Guay to be reimbursed by His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec, or by the Roman Catholic Archbishop of Québec, for expenses incurred for the preservation and administration of the property of the Institution Monseigneur Guay for the period extending from 9 March 1987 to 18 October 1988.

5. The Institution Monseigneur Guay, incorporated by the Act to incorporate *L'Hôpital Guay de Saint Joseph de Lévis* (1903, chapter 118), is hereby dissolved.

6. The Act to incorporate *L'Hôpital Guay de Saint Joseph de Lévis* (1903, chapter 118) is repealed.

7. Registration of a true copy of this Act shall be made by deposit.

On effecting the registration of this Act, the registrar shall cancel the registration of the clauses contained in the deed registered at the registry office of the registration division of Lévis under number 39839 and reproduced in Schedules A, B and E with respect to the immovable described in paragraph 2 of Schedule F.

8. This Act comes into force on 22 June 1989.

SCHEDULE A

(Sections 1 and 7)

Clauses contained in the deed of transfer between Monsignor Charles Guay, transferor, and the Institut des Soeurs de Notre-Dame du Bon Conseil, transferee, registered at the registry office of the registration division of Lévis under number 39839 (TRANSLATION)

“Such gift is made by the said party of the first part, with the authorization of His Grace the Archbishop of Québec, and is accepted by the said party of the second part, with the authorization of His Grace the Bishop of Chicoutimi, for the establishment of a hospital in St-Joseph de Lévis to shelter the aged or crippled. The charges and conditions attached to the gift and which the party of the second part has promised and undertaken to conform to are the following:

(1) A hospital will be opened in the coming month of April on the immovable described hereinabove in paragraph 1 and will be managed and operated by the party of the second part with a sufficient number of nuns to maintain it. The hospital will bear the name “Hôpital Guay de St-Joseph de Lévis”; it will be known under that name as long as it exists. (...)

(2) The hospital will be established to help the aged and crippled poor of the parish of St-Joseph de Lévis who will be sheltered, fed, supported and treated free of charge, unless they can afford to pay a small amount for room and board.”

SCHEDULE B

(Sections 1, 3 and 7)

Clause contained in the deed of transfer registered at the registry office of the registration division of Lévis under number 39839 (TRANSLATION)

“(7) The said party of the second part or the Sisters to be incorporated under the name “Hôpital Guay de St-Joseph de Lévis”

shall not sell any of the immovables or movables hereby given, or hypothecate the said immovables to obtain a loan in order to employ the proceeds thereof for purposes other than the purposes specified in this deed. However, they may sell the said immovables and movables and hypothecate the immovables if need be, provided they employ the proceeds of the sales to support the Hospital or to erect new buildings on the piece of land described hereinabove in paragraph 6, which is larger and more appropriate for the establishment of a hospital."

SCHEDULE C

(Section 2)

Description of an immovable contemplated by the deed of transfer between the Institution Monseigneur Guay, transferor, and His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec, transferee, registered at the registry office of the registration division of Lévis under number 325275

Lot 1 of the subdivision of lot 3 of the subdivision of original lot 16 (16-3-1) of the cadastre for the parish of Saint-Joseph, registration division of Lévis.

SCHEDULE D

(Section 2)

Description of an immovable contemplated by the deed of transfer between the Institution Monseigneur Guay, transferor, and His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec, transferee, registered at the registry office of the registration division of Lévis under number 325275

Lot 1 of the subdivision of lot 3 of the subdivision of original lot 15 (15-3-1) of the cadastre for the parish of Saint-Joseph, registration division of Lévis.

SCHEDULE E

(Sections 2 and 7)

Clause contained in the deed of transfer registered at the registry office of the registration division of Lévis under number 39839
(TRANSLATION)

“(8) (...) However, if Monsignor Charles Guay were dead at that time, all the property would be entrusted to Archbishop L.N. Bégin, Archbishop of Québec, or to his successors who would entrust it to other nuns charged with pursuing the work. If, for the second time, the said hospital did not succeed, all movable and immovable property then forming part thereof would be sold by two persons appointed by the aforementioned Archbishop of Québec or his successors, and the proceeds of the sale would be capitalized and deposited with the Séminaire de Québec, and the annual interest on the capital would be used to support the poor of the parish of St-Joseph de Lévis.”

SCHEDULE F

(Sections 3 and 7)

Description of the immovables of the cadastre for the parish of Saint-Joseph, registration division of Lévis, transferred by the Institution Monseigneur Guay to La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi by way of the deed registered at the registry office of the registration division of Lévis under number 205313

(1) Lot 3 of the subdivision of original lot 15 (15-3), except lot 1 of the subdivision of lot 3 of the subdivision of original lot 15 (15-3-1);

(2) Lot 3 of the subdivision of original lot 16 (16-3), except lot 1 of the subdivision of lot 3 of the subdivision of original lot 16 (16-3-1);

(3) Lot 1 of the subdivision of original lot 33 (33-1);

(4) Lots 15 and 17 of the subdivision of original lot 36 (36-15 and 36-17);

(5) Original lots 37 and 38;

(6) Lot 12 of the subdivision of original lot 39 (39-12);

(7) Lots 1 and 5 of the subdivision of original lot 40 (40-1 and 40-5);

(8) Lot 3 of the subdivision of original lot 185 (185-3);

(9) Original lots 504 and 506;

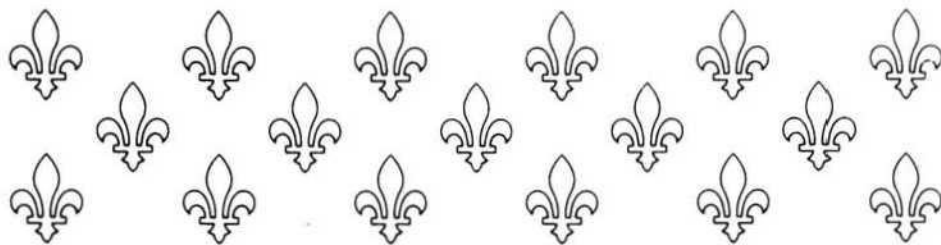
(10) Lot 2 of the subdivision of original lot 3 (3-2), lot 1 of the subdivision of original lot 11 (11-1), lot 1 of the subdivision of original lot 15 (15-1) and lot 1 of the subdivision of original lot 16 (16-1), except those portions of such lots which were expropriated by the Roads Department pursuant to the deed registered on 13 September 1963 under number 133436 and those portions which were sold to the Roads Department pursuant to the deed registered on 20 February 1965 under number 138714.

SCHEDULE G

(Section 3)

Description of the immovable of the cadastre for the parish of Saint-Joseph, registration division of Lévis, transferred by the Institution Monseigneur Guay to La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi by way of the deed registered at the registry office of the registration division of Lévis under number 239490

Lot 16 of the subdivision of original lot 36 (36-16).



NATIONAL ASSEMBLY

SECOND SESSION

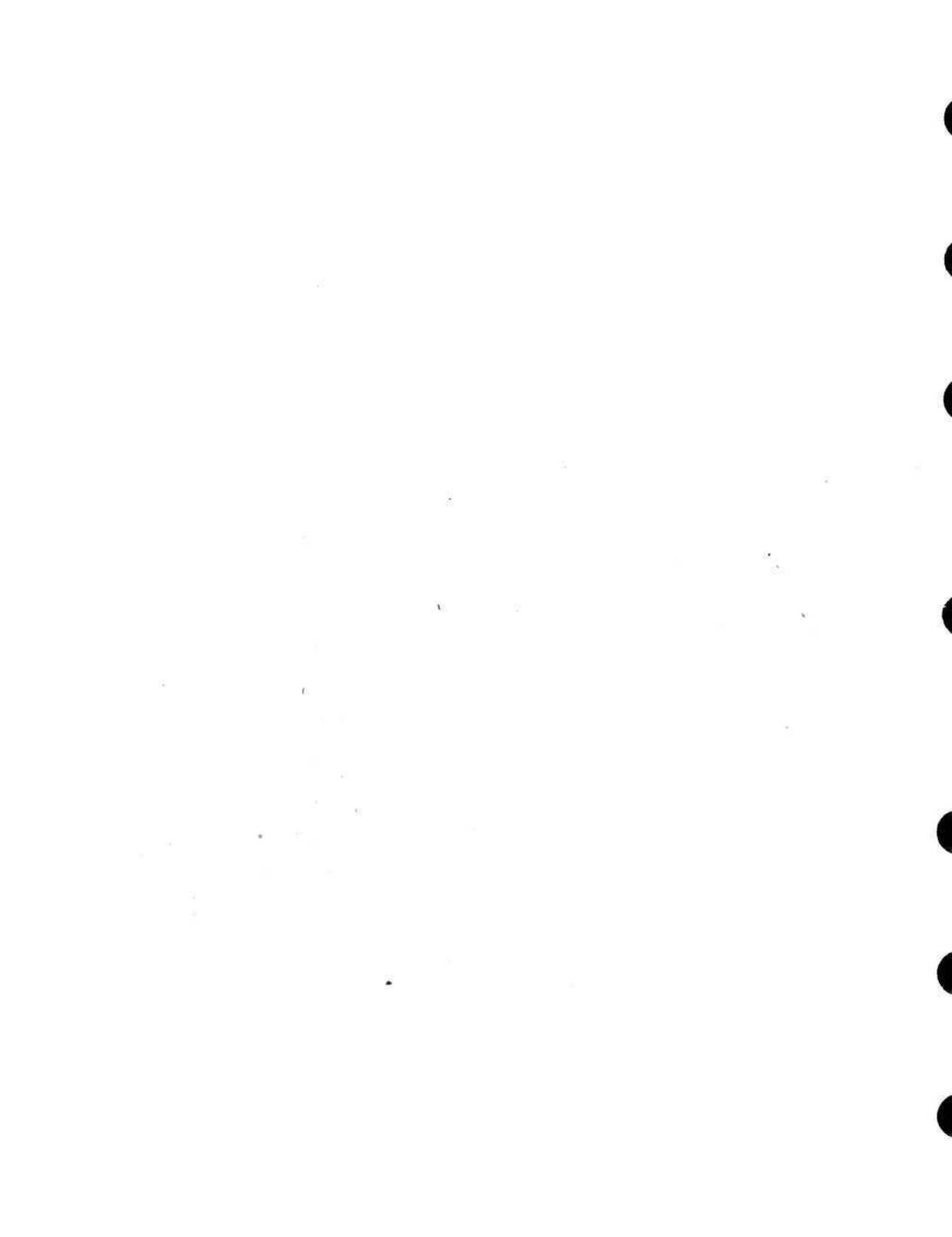
THIRTY-THIRD LEGISLATURE

Bill 248
(Private)

An Act respecting the National Theatre School of Canada

Introduced 5 December 1988
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989

**Québec Official Publisher
1989**



Bill 248

(Private)

An Act respecting the National Theatre School of Canada

WHEREAS it is expedient that the National Theatre School of Canada be deemed to have held for a certain period a permit issued under the Act respecting private education and to have used for teaching purposes the immovables which it owned or occupied;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. For the purposes of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the National Theatre School of Canada is deemed to have held, from 1 January 1982 to 30 June 1987, a college vocational education permit issued under the Act respecting private education (R.S.Q., chapter E-9).

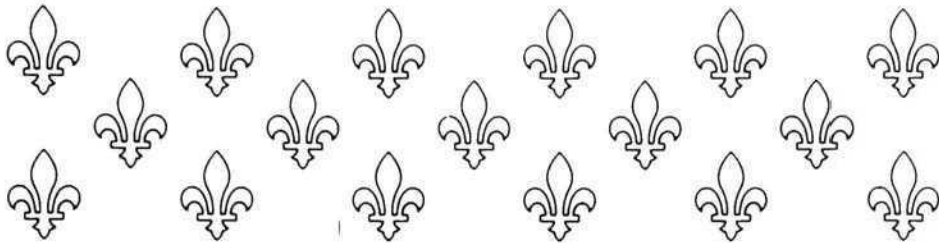
During that period, any immovable situated on the territory of the city of Montréal which belonged to the School and which served purposes related to teaching is deemed to have been exempt from any real estate, municipal or school tax under paragraph 15 of section 204 of the Act respecting municipal taxation. Any immovable belonging to the Crown in right of Québec or to the Société immobilière du Québec which was used by the School is deemed to have been exempt, during the same period, from any real estate, municipal or school tax under paragraph 1 of the said section 204, by reason of its use by another person contemplated in the said section.

2. The amount payable to the city of Montréal pursuant to section 1, as compensation standing in lieu of taxes, shall be paid to the city, upon demand, by the Minister of Municipal Affairs. The demand for payment shall be deemed to be in conformity with section

254.1 of the Act respecting municipal taxation. The amount shall be paid according to the rules prescribed by regulation under paragraph 2 of section 262 of the said Act.

3. Any demand for payment of a tax from which the School or its immovables is or are exempt pursuant to section 1, and any demand for payment of a tax levied for the period contemplated by section 1 by way of tax account numbers 56194950, 56195050 and 52102520, shall be inoperative.

4. This Act comes into force on 22 June 1989.



NATIONAL ASSEMBLY

SECOND SESSION

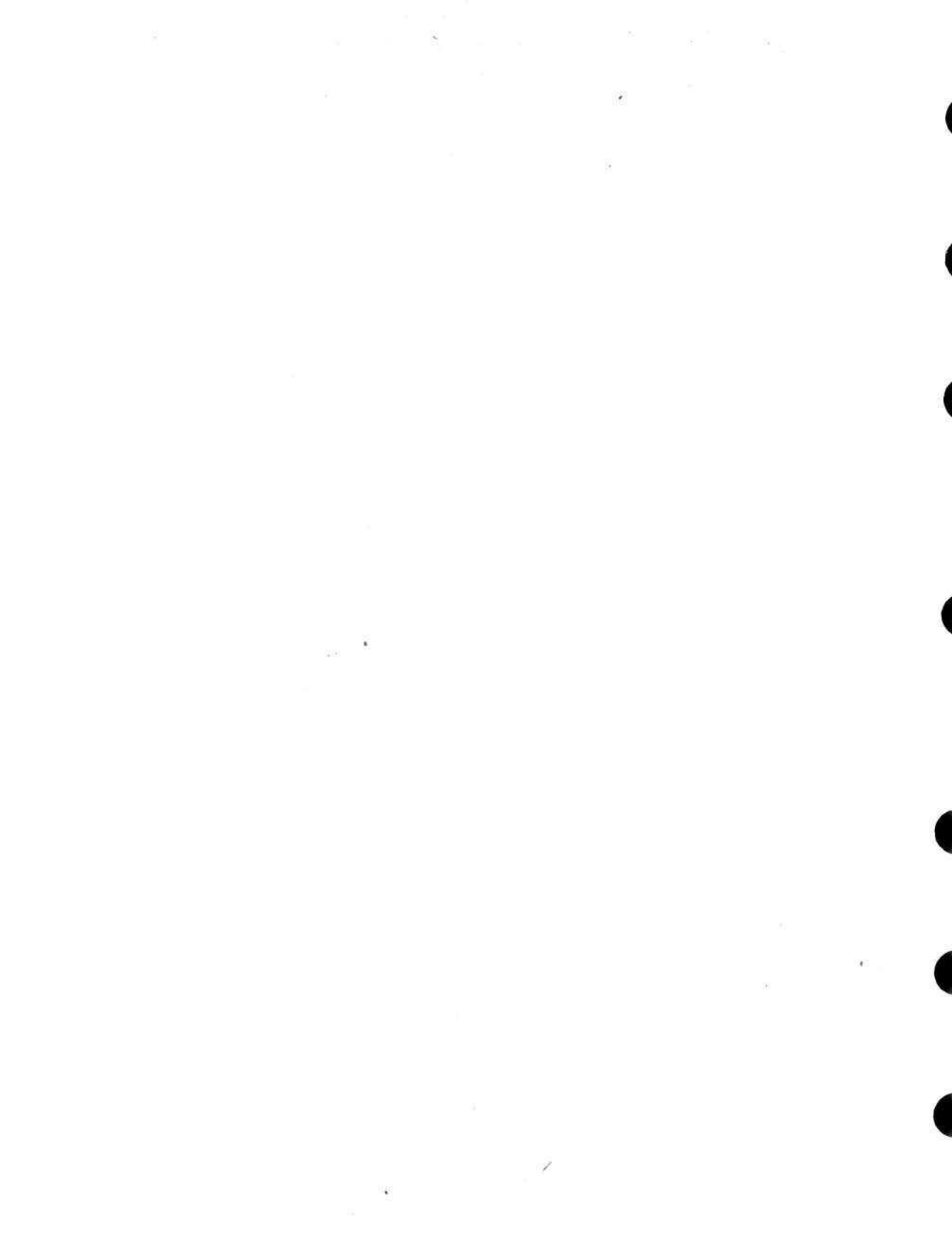
THIRTY-THIRD LEGISLATURE

Bill 252
(Private)

An Act respecting the city of LaSalle

Introduced 8 December 1988
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989

Québec Official Publisher
1989



Bill 252

(Private)

An Act respecting the city of LaSalle

WHEREAS it is in the interest of the city of LaSalle that certain powers be granted to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 412 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city of LaSalle by inserting, after paragraph 20.1, the following paragraph:

“(20.2) To establish a tariff of towing and impounding costs for vehicles parked contrary to a by-law, which costs may be added to the amount of the fine imposed under the by-law and collected in the same manner as the fine;”.

2. Section 413 of the said Act is amended for the city by inserting, after subparagraph *a* of paragraph 10, the following subparagraph:

“(a.1) To impose, according to the class of immovable, use or matters described in subparagraph *a*, standards with regard to the keeping, storage and maintenance of such matters at a temperature not exceeding a maximum temperature, including, if necessary, refrigeration;”.

3. Section 415 of the said Act is amended for the city

(1) by replacing the last line of paragraph 10 by the following: “impounding and towing costs specified in the tariff established under

paragraph 20.2 of section 412 where such costs have not been added to the amount of the fine or, if there is no such tariff, the actual towing and impounding costs;”;

(2) by inserting, after paragraph 11, the following paragraph:

“(11.1) To grant certain groups or categories of persons the exclusive right to park their vehicles on certain streets on the conditions stated in the by-law;”.

4. The said Act is amended for the city by inserting, after section 422, the following sections:

“**422.1** The riparian owners who wish to acquire the right-of-way of a lane owned by the city are required to present a petition to that effect to the council.

The petition must be signed by not less than two-thirds of the riparian owners whose pieces of land constitute not less than two-thirds of the frontage of the land bordering on the lane.

“**422.2** Where a petition is presented under section 422.1, the council shall decide whether the closing of the lane is in the public interest.

“**422.3** If the council grants the petition, it shall pass a by-law ordering the closing of the lane.

The by-law must describe the piece of land which, within the right-of-way of the lane, will be affected to public utilities. It must be accompanied with a cadastral plan indicating, opposite each lot number shown on the plan, the name of the riparian owner to whom the lot will be attributed.

A notice of the passage of the by-law must be served on each riparian owner entered on the real estate assessment roll and be published in a newspaper having general circulation in the city.

“**422.4** The city shall register at the registry office a notice, signed by the clerk, attesting that the formalities have been complied with, containing a reference to the cadastral plan and indicating the name of the owner opposite each lot number shown on the plan.

“**422.5** The registration of the notice effects the transfer of ownership of each lot; from the date of registration, a servitude is created on the piece of land described in the by-law passed under section 422.3 in respect of all public utilities including the laying,

installation and maintenance of conduits, poles, wires and other accessories necessary for the operations of public utility companies.

The servitude mentioned in this section may be constituted in the absence of a description of the dominant land.

“422.6 The plan referred to in section 422.4 shall mention the existence of the servitude and the site thereof shall be marked on the plan by means of hatchings. The notice provided for in the said section shall state the nature of the servitude and refer to the plan.

“422.7 A riparian owner who has not signed the petition contemplated in section 422.1 may apply to the Expropriation Division of the Court of Québec for an indemnity which shall be calculated according to the actual damage directly caused by the by-law ordering the closing of the lane. The value of the land acquired is offset against the indemnity. The application to the Expropriation Division shall be made by a motion filed within 30 days following the date of service of the notice provided for in section 422.3.

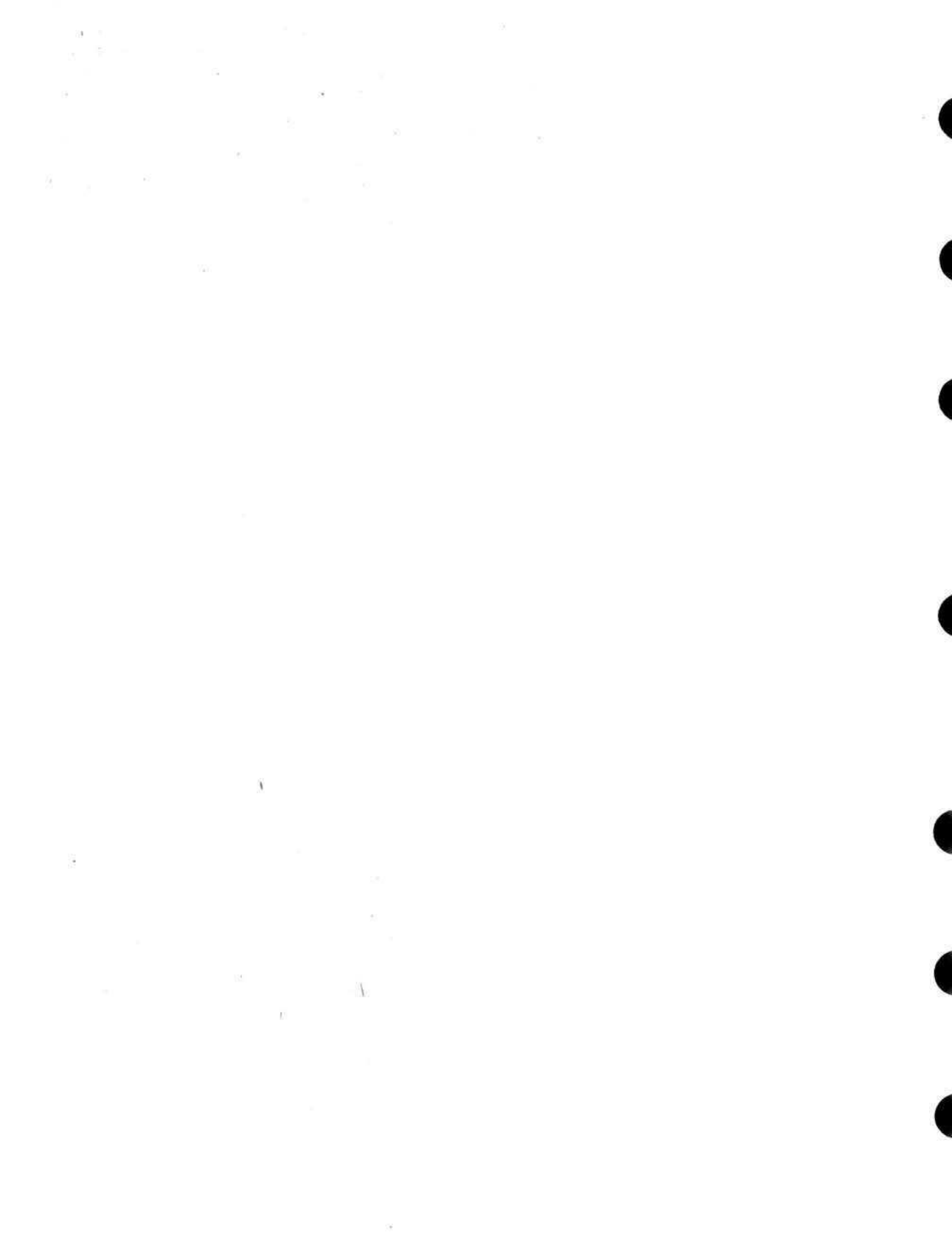
“422.8 The sums paid by the city as indemnities fixed by the Expropriation Division must be charged to the riparian owners of the closed lane and apportioned among them in proportion to the number of metres of frontage of their respective immovables on that lane.”

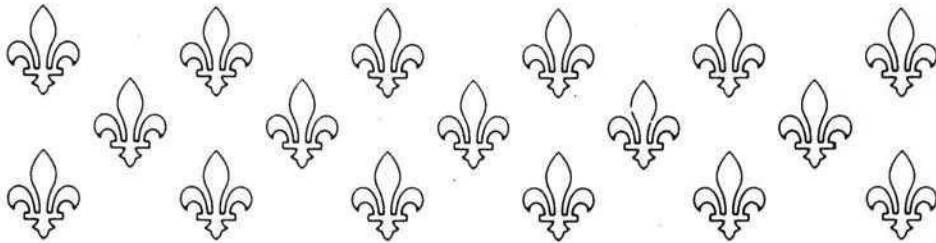
5. In no case may the title of the city of LaSalle or its assigns to the immovables of the cadastre of the registration division of Montréal exchanged and mentioned in the deeds registered at the registry office of the registration division of Montréal under numbers 2238533 and 3992477 be contested on the ground that the city of LaSalle did not observe the formalities prescribed by law for the sale or exchange of such immovables.

Registration of a true copy of this Act shall be effected by deposit.

The registrar shall, at the time of the registration, enter opposite the deeds registered at the registry office of the registration division of Montréal under numbers 2238533 and 3992477 the words “Confirmed by section 5 of the Act respecting the city of LaSalle (1989, chapter *insert here the chapter number of this Act in the statutes of 1989*), registered under number...”.

6. This Act comes into force on 22 June 1989.





NATIONAL ASSEMBLY

SECOND SESSION

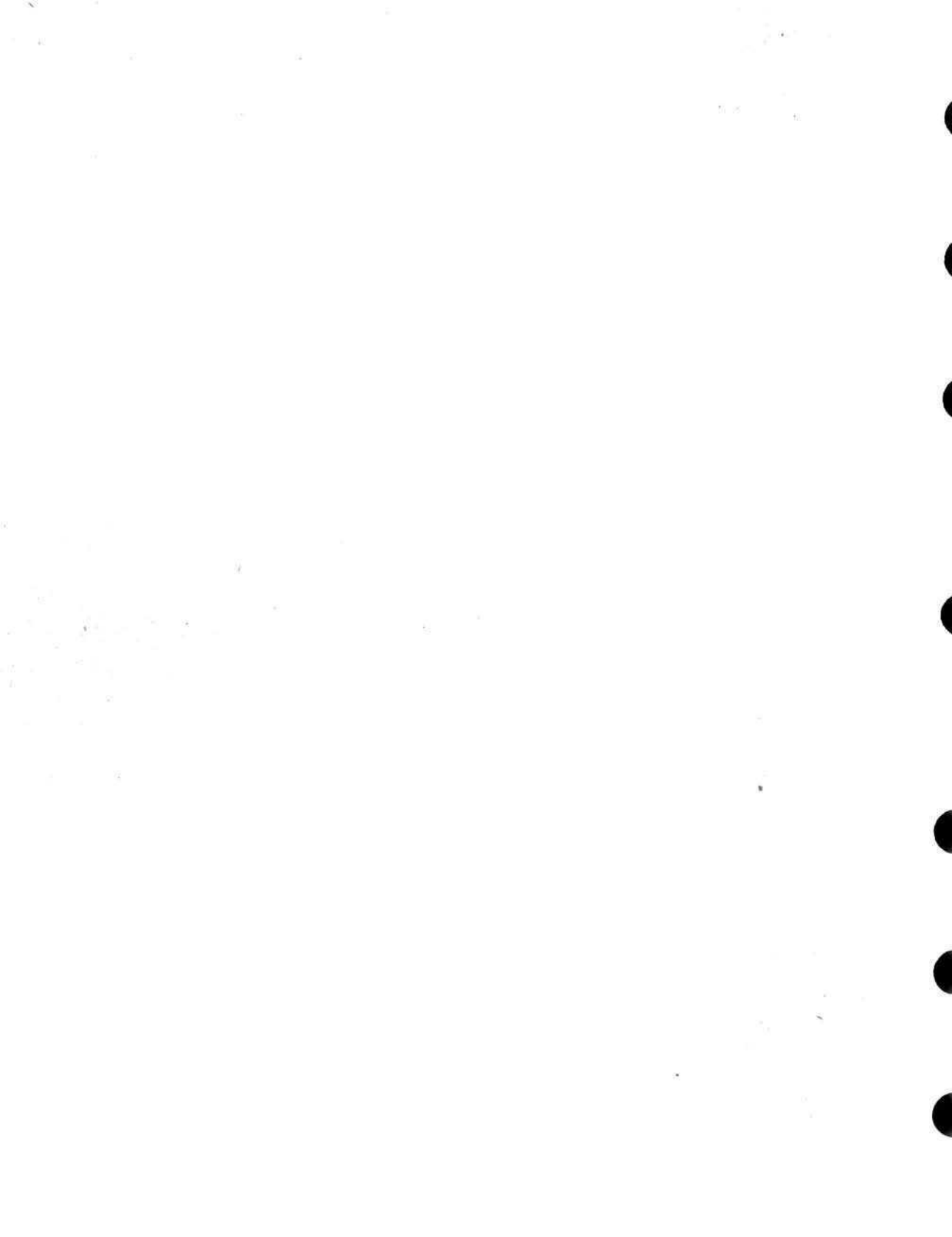
THIRTY-THIRD LEGISLATURE

Bill 253
(Private)

An Act respecting the City of Westmount

Introduced 1 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989

**Québec Official Publisher
1989**



Bill 253

(Private)

An Act respecting the City of Westmount

WHEREAS it is in the interest of the City of Westmount that its Charter, chapter 89 of the statutes of 1908, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 412 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the City of Westmount

(1) by replacing the fourth paragraph of paragraph 20 by the following paragraph:

“The person in possession of a notice of summons may avoid the filing of a complaint against him by appearing at the place fixed by by-law and indicated in the notice of summons and by paying as a fine the sum fixed in the by-law which must not exceed \$30 for a parking infraction or \$60 for the infraction of any other by-law contemplated in this paragraph except an infraction of any provision adopted under paragraph 4, 5 or 8 of section 626 of the Highway Safety Code (R.S.Q., chapter C-24.2), in which case the sum must be equal to the minimum provided in the said Code for a fine relating to an infraction of any provision thereof respecting the same matter. The payment of the fine and the receipt given by the person designated by the council free the offender from any other penalty in connection with that infraction.”;

(2) by adding, after paragraph 20.1, the following paragraph:

“(20.2) To establish a tariff of towing costs for vehicles parked contrary to a by-law, which costs may be added to the amount of the fine imposed under the by-law and collected in the same manner as the fine;”.

2. Section 415 of the said Act is amended for the City

(1) by replacing the last line of paragraph 10 by the following: "actual impounding costs and the towing costs specified in the tariff established under paragraph 20.2 of section 412 where such costs have not been added to the amount of the fine or, if there is no such tariff, the actual towing costs;";

(2) by inserting, after paragraph 30.1, the following paragraphs:

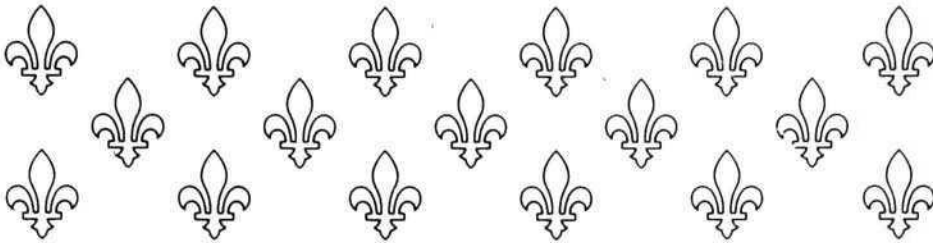
"(30.2) To regulate or prohibit parking on any land or in any building owned by the City, provided the applicable provisions are conveyed by means of appropriate signs;

"(30.3) To grant certain groups or categories of persons the exclusive right to park their vehicles on certain streets on the conditions stated in the by-law and provided the applicable provisions are conveyed by means of appropriate signs;".

3. Section 460 of the said Act is amended for the City by adding, at the end, the following paragraph:

"(24) To grant, for a limited time and on the conditions stated by the council in each case, the authorization to occupy public or private land or to build or occupy a building at variance with any municipal by-law, so as to allow the making of a film."

4. This Act comes into force on 22 June 1989.



NATIONAL ASSEMBLY

SECOND SESSION

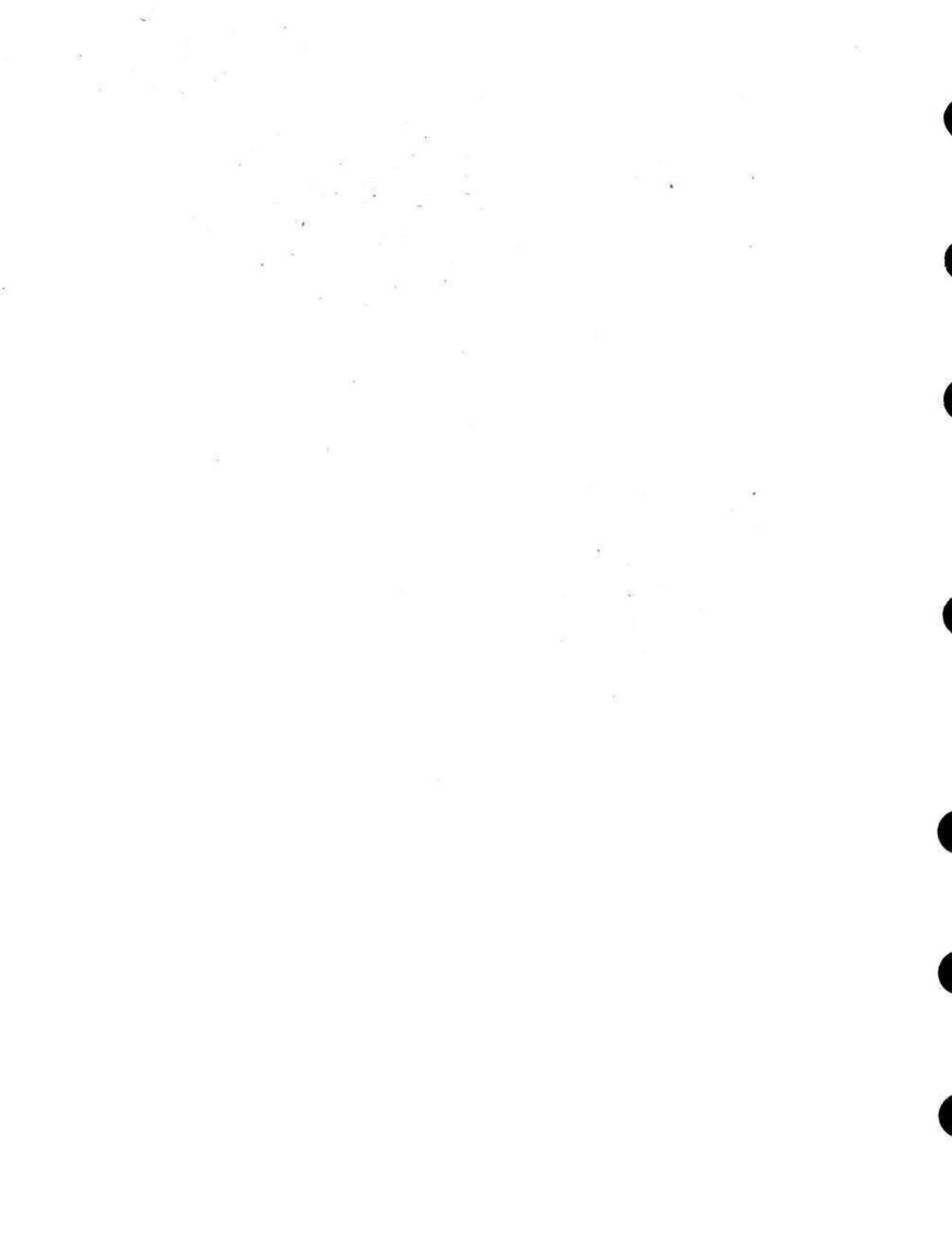
THIRTY-THIRD LEGISLATURE

Bill 254
(Private)

**An Act to amend the Act to
incorporate Morrin College, at
Quebec**

**Introduced 8 December 1988
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**



Bill 254

(Private)

An Act to amend the Act to incorporate Morrin College, at Quebec

WHEREAS Morrin College, at Quebec was incorporated by chapter 109 of the statutes of 1861;

Whereas section 1 of the said Act designates the initial members of the corporation, who shall be called Governors of the said College;

Whereas section 2 of the said Act provides that any vacancy among the Governors who are not Governors *ex officio* shall be filled by the corporation by appointing a properly qualified person who is a member of the Presbyterian Church in Canada in connexion with the Church of Scotland, or in the event of the union of that Church with any other Presbyterian body or bodies, a member of the United Church;

Whereas, under section 7 of the said Act, all the property belonging to the corporation and the revenues thereof shall, at all times, be exclusively applied and appropriated to the advancement of education in the said College and to no other object, institution or establishment whatever, unconnected with or independent of the same;

Whereas the Act to incorporate Morrin College, at Quebec was amended by chapter 90 of the statutes of 1882 to allow the College to confer degrees of Bachelor of Divinity and Doctor of Divinity upon its students;

Whereas it is no longer possible to appoint members and Governors and to elect or appoint their successors according to the procedure established by the said Act;

Whereas Morrin College has ceased to act as an institute of learning and disposed of all its immovable property by deed of sale on 13 October 1987;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act to incorporate Morrin College, at Quebec (1861, chapter 109), as amended by chapter 90 of the statutes of 1882, is again amended by replacing the title of the Act by the following title:

“An Act respecting Morrin College, at Québec”.

2. Section 1 of the said Act is amended by replacing paragraphs *first* to *eighthly* by the following paragraphs:

“(1) the Minister of Saint Andrew’s Church at Québec;

“(2) the Minister of Chalmers Wesley United Church at Québec;

“(3) a person designated by the General Assembly of the Presbyterian Church in Canada from among the members of that Church residing in the city of Québec or its suburbs;

“(4) a person designated by the General Council of the United Church of Canada from among the members of that Church residing in the city of Québec or its suburbs;

“(5) not less than four and not more than ten members and/or adherents of the Presbyterian Church in Canada and/or the United Church of Canada from the city of Québec or its suburbs.”

3. Section 2 of the said Act is replaced by the following section:

“**2.** Vacancies among the Governors who are not such *ex officio* and for the election of whose successors no other provision is herein made, shall as they occur be filled by the said corporation which shall appoint persons properly qualified, in accordance with section 1.”

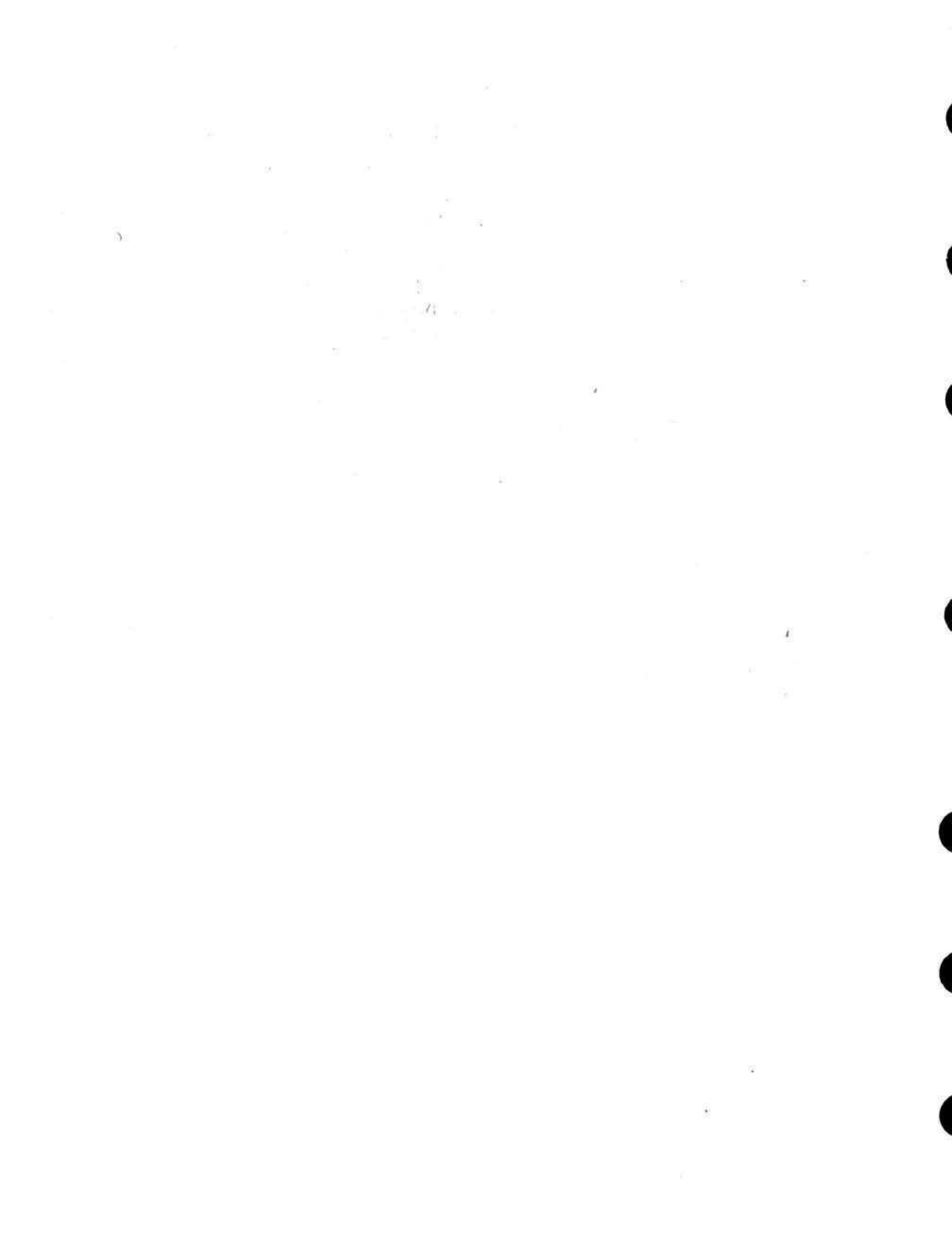
4. The French text of section 4 of the said Act is amended by replacing the words “au présent acte” in the fifth and sixth lines by the words “à la présente loi”.

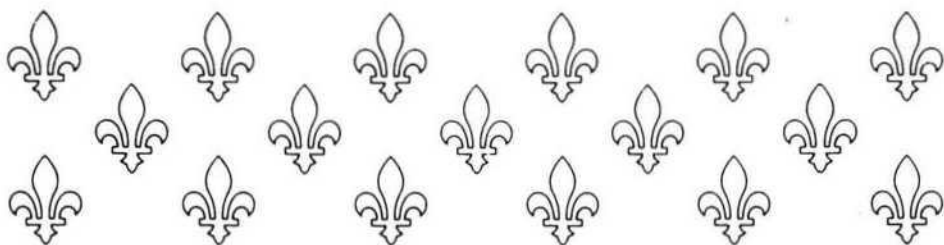
5. Section 5 of the said Act is amended by striking out paragraphs *secondly* and *thirdly*.

6. Section 7 of the said Act is replaced by the following section:

“7. All the property at any time belonging to the said corporation, and the revenues therefrom shall, at all times, be applied and appropriated in priority to the advancement of education, in particular the training of persons who wish to assume ecclesiastical functions within the Presbyterian Church in Canada or the United Church of Canada, and thereafter to religious, charitable and related purposes as determined by the Governors.”

7. This Act comes into force on 22 June 1989.





NATIONAL ASSEMBLY

SECOND SESSION

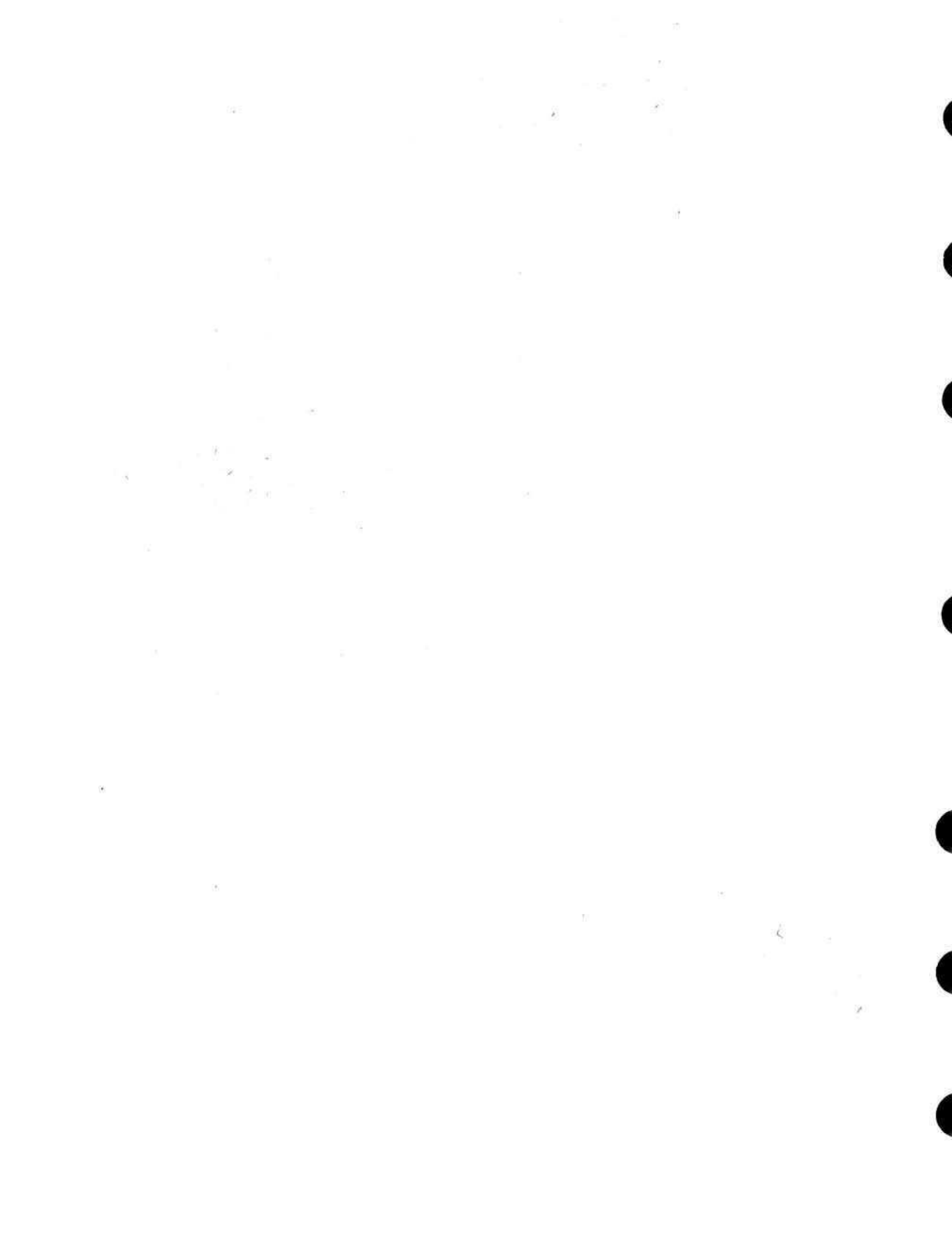
THIRTY-THIRD LEGISLATURE

Bill 263
(Private)

**An Act respecting Gamma Lambda
Foundation of Sigma Chi Fraternity
Incorporated**

**Introduced 2 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**



Bill 263

(Private)

An Act respecting Gamma Lambda Foundation of Sigma Chi Fraternity Incorporated

WHEREAS Gamma Lambda Foundation of Sigma Chi Fraternity Incorporated was incorporated by letters patent on 29 March 1945 pursuant to Part III of the Quebec Companies Act (R.S.Q., 1941, chapter 276) and was dissolved on 22 June 1974 under the Companies Information Act (R.S.Q., 1964, chapter 273);

Whereas the corporation is not entitled to resume existence under the Companies Information Act (R.S.Q., chapter R-22);

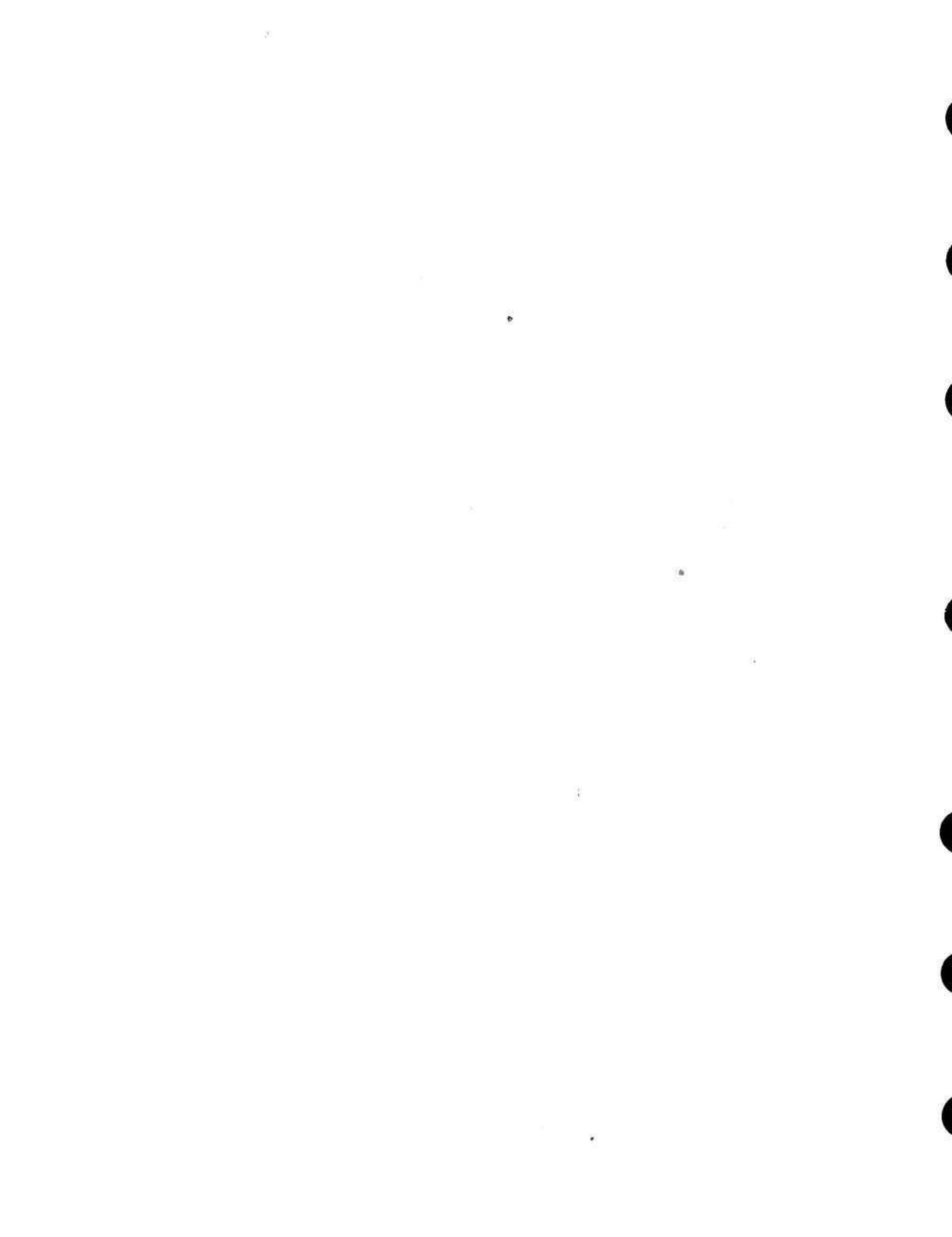
Whereas it is expedient to authorize the filing of a request for the resumption of Gamma Lambda Foundation of Sigma Chi Fraternity Incorporated under section 11 of the Companies Information Act;

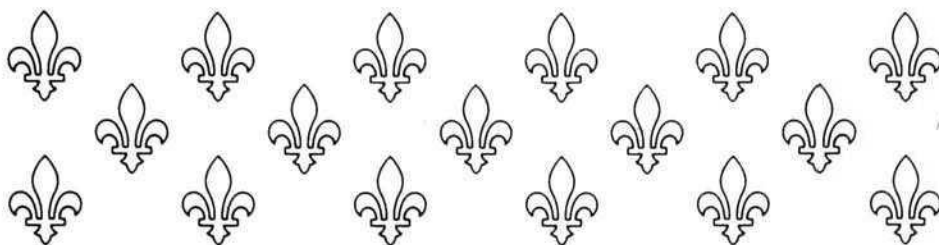
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Any interested person may, in accordance with section 11 of the Companies Information Act (R.S.Q., chapter R-22), make a request in writing to the Minister for Finance and Privatization for the resumption of Gamma Lambda Foundation of Sigma Chi Fraternity Incorporated.

2. The Minister for Finance and Privatization may grant, in accordance with the Companies Information Act, a request made to him under section 1.

3. This Act comes into force on 22 June 1989.





NATIONAL ASSEMBLY

SECOND SESSION

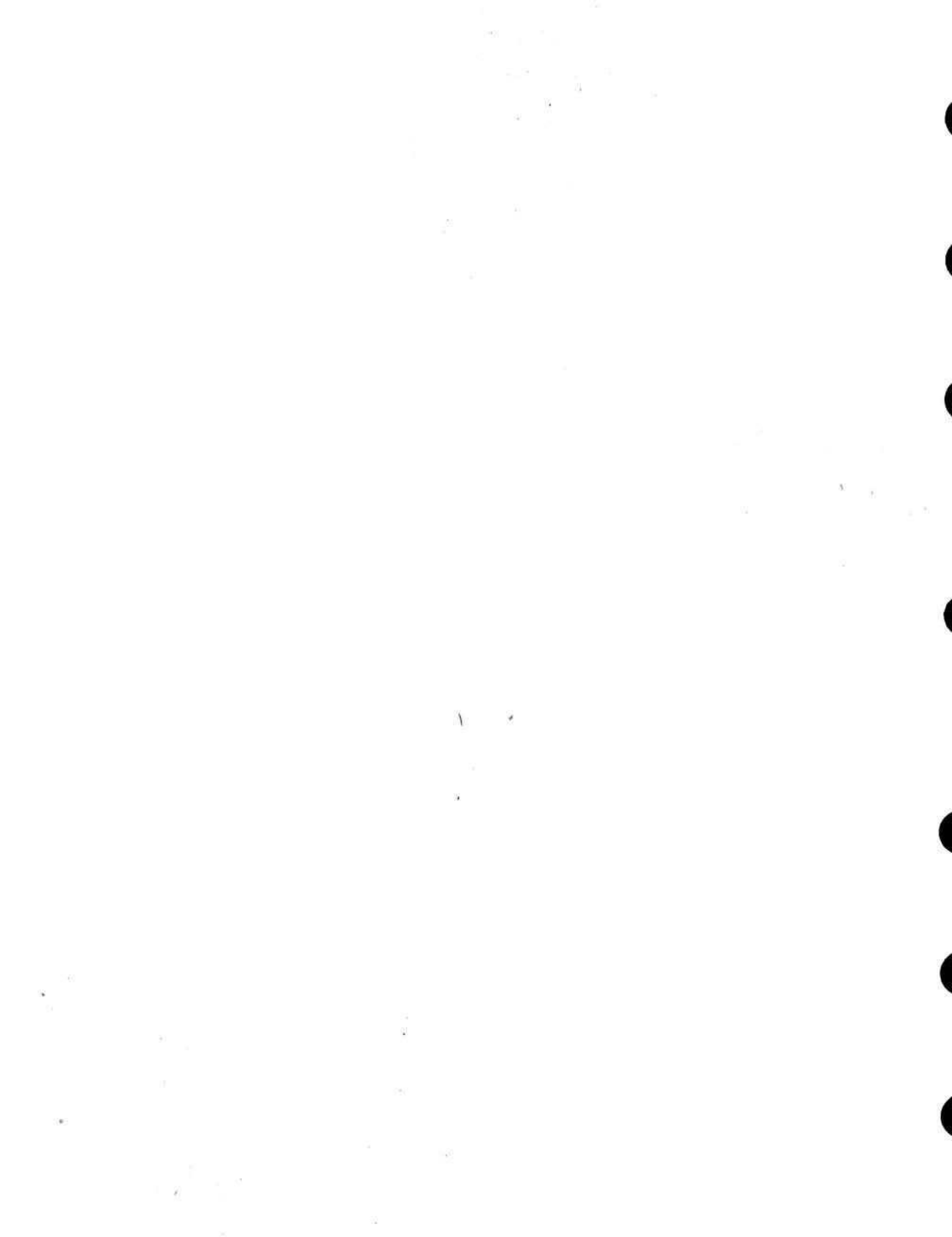
THIRTY-THIRD LEGISLATURE

Bill 264
(Private)

An Act to amend the charter of the city of Montréal

Introduced 6 June 1989
Passage in principle 22 June 1989
Passage 22 June 1989
Assented to 22 June 1989

**Québec Official Publisher
1989**



Bill 264

(Private)

An Act to amend the charter of the city of Montréal

WHEREAS it is in the interest of the city of Montréal that its charter, chapter 102 of the statutes of 1959-60, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The charter of the city of Montréal (1959-60, chapter 102) is amended by adding, after article 10*f*, the following articles:

“10*g*. The city may, for all purposes within its competence and, in particular, for the purpose of promoting the cultural, economic and social development of the city and its citizens, negotiate or enter into an agreement with an agency representing or administering Canadian or foreign local or regional communities.

“10*h*. The city may join any association or group of persons or agencies representing or administering Canadian or foreign local or regional communities and participate in its activities.

“10*i*. The city is authorized to refuse to deal with any person or enterprise having an interest in South Africa of a type defined by resolution of the council, and to exclude such a person or enterprise from public tenders, for as long as the Gouvernement du Québec maintains, as part of Canadian policy, restrictions on trade with and tourism in that country because of its policy of apartheid.

Prior to application of the first paragraph, the resolution of the council must be published once in a French-language daily newspaper distributed in the territory of the city.

“10j. The city is authorized to refuse to deal with any person or enterprise holding an interest of a type defined by resolution of the council in the manufacture, storage or transportation of nuclear weaponry or specific nuclear weapon components or in research in that field, and to exclude such a person or enterprise from public tenders.

Prior to application of the first paragraph, the resolution of the council must be published once in a French-language daily newspaper distributed in the territory of the city.

For the purposes of this article, the expressions “nuclear weaponry” and “nuclear weapon” mean atom or thermonuclear bombs as well as missiles or other devices specifically destined to carry such bombs.”

2. Article 59 of the said charter, amended by section 7 of chapter 97 of the statutes of 1960-61 and by section 845 of chapter 57 of the statutes of 1987, is again amended by replacing the first three paragraphs by the following paragraphs:

“59. At its first meeting after a general election, the council shall choose from among its members an acting mayor for the term it determines.

Where an acting mayor is not elected at the first meeting after a general election or the expiry of the term of the acting mayor, the election may be conducted at a subsequent meeting.

In the case of a vacancy in the office of acting mayor, the council shall fill it immediately.”

3. Article 66a of the said charter, enacted by section 5 of chapter 77 of the statutes of 1977 and amended by section 93 of chapter 16 of the statutes of 1980, is repealed.

4. Article 76 of the said charter, amended by section 10 of chapter 97 of the statutes of 1960-61, by section 6 of chapter 59 of the statutes of 1962, by section 12 of chapter 70 of the statutes of 1963 (1st session), by section 4 of chapter 84 of the statutes of 1965 (1st session), by section 4 of chapter 96 of the statutes of 1971, by section 7 of chapter 77 of the statutes of 1977, by section 4 of chapter 40 of the statutes of 1980, by section 95 of chapter 16 of the statutes of 1980, by section 3 of chapter 111 of the statutes of 1987 and by section 42 of chapter 30 of the statutes of 1988, is again amended

(1) by replacing the words “sixty dollars is made from the indemnity to which a councillor is entitled” in the first paragraph by

the words "an amount fixed by by-law of the council is made from the remuneration of a councillor";

(2) by replacing the word "indemnity" in the second paragraph by the word "remuneration";

(3) by striking out the third paragraph;

(4) by adding, at the end, the following paragraph:

"The first and second paragraphs shall also apply in the case of a committee or commission established by the council the meetings of which a councillor is required to attend pursuant to a by-law of the council. The amount fixed in the by-law provided for in the first paragraph may vary according to whether or not the councillor receives additional remuneration for the duties involved. The officer designated by the by-law shall give to every councillor, at the latter's request, a certificate establishing his attendance at the meetings.

The amount fixed by a by-law under the first and fifth paragraphs shall in no case exceed one per cent of the basic annual remuneration of a councillor."

5. The said charter is amended by inserting, after article 76, the following article:

"76a. In addition to the basic remuneration provided for by law, the council may, by by-law, fix additional remuneration for the duties of leader of the Opposition and for the duties of leader of the Majority that are performed by council members within the city.

The provisions of the Act respecting the remuneration of elected municipal officers (1988, chapter 30) shall apply in respect of the additional remuneration so fixed as if the duties of leader of the Opposition and leader of the Majority were special duties within the meaning of the said Act.

The leader of the Majority is the councillor designated by the political party with the greatest number of councillors.

The leader of the Opposition is the councillor designated by the political party with the second largest number of councillors; if several political parties are in that situation, the leader of the Opposition is the councillor designated by the party which obtained the greatest number of votes.

For each of the designations provided for in the third and fourth paragraphs, a notice shall be submitted to the council by a councillor

of the political party having made the designation, and the designation may be amended at any time.”

6. Article 97*a* of the said charter, enacted by section 7 of chapter 96 of the statutes of 1971 and amended by section 1 of chapter 41 of the statutes of 1980 and by section 6 of chapter 111 of the statutes of 1987, is again amended by replacing the word “certain” in the second paragraph by the words “contracts, deeds or”.

7. Article 106 of the said charter, amended by section 15 of chapter 70 of the statutes of 1963 (1st session), by section 10 of chapter 96 of the statutes of 1971, by section 14 of chapter 77 of the statutes of 1977, by section 2 of chapter 41 of the statutes of 1980, by section 3 of chapter 71 of the statutes of 1982, by section 211 of chapter 38 of the statutes of 1984, by section 8 of chapter 111 of the statutes of 1987 and by section 8 of chapter 87 of the statutes of 1988, is again amended by striking out paragraph *i*.

8. Article 464*a* of the said charter, amended by section 19 of chapter 96 of the statutes of 1971, by section 44 of chapter 77 of the statutes of 1977, by section 8 of chapter 40 of the statutes of 1980 and by section 1 of chapter 86 of the statutes of 1988, is again amended by replacing the words “a by-law respecting the demolition, or the defacement of buildings or the alteration of residential buildings involving a reduction of the number or area of the dwelling-units, or noise control, or a by-law relating to waste management” in the first paragraph by the words “by-laws concerning noise control, waste management, deterioration of buildings due to lack of maintenance, abuse or acts of defacement, or the alteration of residential buildings involving a reduction of the number or area of the dwelling-units”.

9. The said charter is amended by inserting, after article 464*a*, the following article:

“**464b.** In the case of demolition of an immovable carried out without an authorization or contrary to the conditions of an authorization, the offender shall be liable to a fine of not less than \$5 000 nor more than \$50 000.

This article shall not prevent the city from requiring total or partial reconstruction of the building so demolished or deprive it of any other remedy provided for by law.

For the purposes of this article, a building is entirely demolished if at least 50 per cent of the building has been destroyed by demolition, not including the foundations.”

10. Article 520 of the said charter, amended by section 26 of chapter 97 of the statutes of 1960-61, by section 8 of chapter 71 of the statutes of 1964, by section 21 of chapter 84 of the statutes of 1965 (1st session), by section 5 of chapter 90 of the statutes of 1968, by section 4 of chapter 91 of the statutes of 1969, by section 205 of chapter 19 of the statutes of 1971, by section 20 of chapter 96 of the statutes of 1971, by section 57 of chapter 77 of the statutes of 1973, by sections 45 and 183 of chapter 77 of the statutes of 1977, by section 23 of chapter 64 of the statutes of 1982, by section 1 of chapter 59 of the statutes of 1983, by section 145 of chapter 27 of the statutes of 1985, by section 26 of chapter 111 of the statutes of 1987 and by section 11 of chapter 87 of the statutes of 1988, is again amended

(1) by inserting, after paragraph 36, the following paragraph:

“36.1 Prohibit the manufacture and storage of nuclear weaponry within the meaning of article 10j and prohibit the manufacture of specific nuclear weapon components;”;

(2) by inserting, after paragraph 73, the following paragraph:

“73.1 Prohibit the depositing of folders, brochures, leaflets, printed material, handbills, advertisements or other advertising material on private land and prescribe the conditions on which such material may be delivered there; regulate the distribution of such material and compel those responsible for the distribution of such material to respect the regulatory requirements and exercise reasonable diligence in respect of their principals for that purpose; require that specific identification of the distributors appear on the material; compel the distributors and their principals to obtain a permit for the purposes of such activity;”.

11. Article 522 of the said charter, amended by section 27 of chapter 97 of the statutes of 1960-61, by section 54 of chapter 59 of the statutes of 1962, by section 19 of chapter 70 of the statutes of 1963 (1st session), by section 9 of chapter 71 of the statutes of 1964, by section 23 of chapter 86 of the statutes of 1966-67, by section 47 of chapter 77 of the statutes of 1977, by section 16 of chapter 22 of the statutes of 1979, by section 20 of chapter 71 of the statutes of 1982 and by section 6 of chapter 117 of the statutes of 1986, is again amended by striking out the words “and distributing” in paragraph 22.

12. Article 524 of the said charter, amended by section 55 of chapter 59 of the statutes of 1962, by section 20 of chapter 70 of the statutes of 1963 (1st session), by section 24 of chapter 86 of the statutes of 1966-67, by section 7 of chapter 90 of the statutes of 1968,

by section 1 of chapter 91 of the statutes of 1968, by section 21 of chapter 96 of the statutes of 1971, by section 4 of chapter 76 of the statutes of 1972, by section 58 of chapter 77 of the statutes of 1973, by section 48 of chapter 77 of the statutes of 1977, by section 82 of chapter 7 of the statutes of 1978, by section 10 of chapter 40 of the statutes of 1980, by section 21 of chapter 71 of the statutes of 1982, by section 670 of chapter 91 of the statutes of 1986, by section 2 of chapter 86 of the statutes of 1988 and by section 12 of chapter 87 of the statutes of 1988, is again amended

(1) by replacing the heading preceding it by the following heading:

“CONSTRUCTION AND OCCUPATION OF LAND AND BUILDINGS”;

(2) by inserting the words “symmetry, exterior appearance,” after the word “layout,” in paragraph 1;

(3) by inserting the words “and according to the types of structures and establishments” after the words “according to the location” in subparagraph *b* of paragraph 2;

(4) by replacing subparagraph *e* of paragraph 2 by the following subparagraph:

“(e) Notwithstanding any zoning by-law and subject to the conditions it prescribes in each case, give individual and non-transferable authorizations for the construction or alteration of structures or installations for the purposes of a telecommunications or power transmission network;”;

(5) by inserting, after paragraph 5, the following paragraph:

“5.1 Prohibit or authorize the exhibition, display and sale outside buildings of effects, articles or merchandise which it may specify, according to the conditions it may determine in respect of various types of structures and establishments;”;

(6) by replacing the words “of any modification to cadastral plans” in paragraph 6 by the words “, by the head of the department which it designates, of a cadastral operation”;

(7) by replacing paragraph 13 by the following paragraph:

“13. Stipulate requirements respecting the mode and place of installation, maintenance, number and height of antennas and other similar apparatus outside of buildings;”.

13. The said charter is amended by inserting, after article 524j, the following article:

“524k. Dish antennas and antennas for cellular telephones installed before the coming into force of a by-law made under paragraph 13 of article 524 must be brought into conformity with the requirements of the by-law not later than one year after its coming into force.

On the expiry of that period, the city may remove antennas not in conformity, after a notice of 90 days to the owner, subject to its right to remove them at any time where public safety so requires.”

14. Article 610a of the said charter, enacted by section 30 of chapter 97 of the statutes of 1960-61, is amended

(1) by replacing the words “project of subdivision or redivision” in the first paragraph by the words “cadastral operation project”;

(2) by replacing the words “The executive committee shall refuse to approve such project” in the second paragraph by the words “Such project shall not be approved”;

(3) by replacing the words “such project by the executive committee” in the third paragraph by the words “the project”;

(4) by replacing the words “project of subdivision or redivision” in the fourth paragraph by the words “cadastral operation project”.

15. Article 610b of the said charter, enacted by section 21 of chapter 70 of the statutes of 1963 (1st session) and replaced by section 61 of chapter 77 of the statutes of 1977, is again replaced by the following article:

“610b. The council, by by-law, may require as a precondition to the approval of a cadastral operation plan occasioning the parcelling out of a lot or the identification of part of a lot, whether it provides for streets or not, that the owner cede to the city, for park or playground purposes, an area of land not exceeding ten per cent of the land comprised in the plan and situated at a place which, in the opinion of the executive committee or of the officer designated for such purpose, is suitable for the establishment of parks or playgrounds; or that the owner, instead of ceding such area of land, pay a sum not exceeding ten per cent of the actual value of the land comprised in the plan, notwithstanding section 214 or 217 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1). The proceeds of such payment must be paid into a special fund which may be used only for the purchase of lands intended for the establishment or development

of parks and playgrounds and the lands ceded to the city under this article can only be used for parks and playgrounds. The city may however dispose, for a consideration, of lands it has acquired under this article if they are no longer required for the purpose of establishing parks or playgrounds, and the proceeds must be paid into the special fund.

The by-law may provide for cases of total or partial exemption from the cession and payment provided for in the first paragraph, in particular, where the cession or payment was already made at the time of a previous cadastral operation in respect of the lot or where the cadastral operation is rendered necessary by the act of a third person or the city itself."

16. Article 612 of the said charter, amended by section 27 of chapter 84 of the statutes of 1965 (1st session), by section 30 of chapter 86 of the statutes of 1966-67, by section 11 of chapter 90 of the statutes of 1968, by section 28 of chapter 96 of the statutes of 1971, by section 6 of chapter 76 of the statutes of 1972, by section 17 of chapter 22 of the statutes of 1979 and by section 31 of chapter 71 of the statutes of 1982, is again amended by replacing the words "subdivision plan made and deposited in conformity with article 2175" in subparagraph *a* of the first paragraph by the words "plan made and deposited in conformity with articles 2174*a*, 2174*b* and 2175".

17. The said charter is amended by inserting, after article 807*a*, the following article:

"**807*b*.** The Amusement Tax Act (R.S.Q., chapter D-14) does not apply in the city to an amusement organized by a community organization accredited by the city, provided the organizers receive no direct or indirect remuneration or pecuniary benefit and the net profit derived from such an amusement is applied in its entirety to the pursuit the objects of the organization.

The council shall, by by-law, determine criteria for accreditation and set out the conditions according to which an organization accredited under this article may be exempted from the application of the said Act."

18. Article 965 of the said charter, amended by section 475 of chapter 72 of the statutes of 1979, is replaced by the following article:

"**965.** The executive committee may, by resolution, make with the Greater Montreal Central Market Company Limited any agreement respecting the immovables or parts of immovables ceded by the city to that corporation according to law, and in particular for

the purpose of enabling a third person to acquire and operate the immovables or allowing the operation of the immovables for any purpose, even a purpose unrelated to the operations of a central agricultural products market.”

19. The city shall pay an annual pension of \$52 403.79 to Mr. Jean Drapeau, ex-mayor of the city of Montréal, from 1 January 1987.

The pension shall be adjusted every year from 1 January 1990, at the rate corresponding to the percentage of increase in the pension index determined by the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) which exceeds 3 per cent.

On the death of the beneficiary, the city shall pay to his widow, for life, an annual pension equal to 60 per cent of the pension he was receiving.

The pension is unassignable and unseizable, and it is payable in equal instalments on the first of each month. The first instalment and the payment of the amount of the adjustments shall be made not later than the first day of the third month after the month of coming into force of this Act.

20. The by-laws of the city of Montréal imposing various taxes and bearing numbers 6586, 6859, 7246, 7580 and 7981 cannot be declared invalid on the grounds that they do not mention the tax assessment basis or the persons subject to the payment of the taxes.

This section shall not affect a judgment rendered before 9 March 1989 or a suit pending on that date.

As far as proceedings rendered null by this section are concerned, the disbursements and judicial fees shall be paid by the city, except for the additional fee provided for in section 42 of the Tariff of judicial fees of advocates (R.R.Q., chapter B-1, r. 13) made under the Act respecting the Barreau du Québec (R.S.Q., chapter B-1).

21. The city may, for the purposes of the international conference of mayors of northern cities and the exhibition designated as the “WINTER CITIES SHOWCASE” to be held in 1992, authorize, organize or coordinate various activities, delegate all or part of those tasks to a non-profit corporation and subsidize the corporation for that purpose.

22. The French text of section 7 of the Act to amend the charter of the city of Montréal (1988, chapter 86) is amended by replacing the figure “528*d*” by the figure “528*d*”.

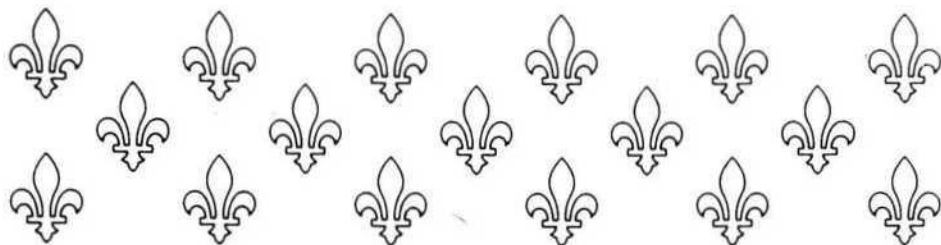
23. The English text of section 30 of the Act to amend the charter of the city of Montréal (1988, chapter 87) is amended by replacing the words "urban renewal," by the words "urban renewal".

24. Section 52 of the said Act is amended by replacing the figure "51" by the figure "47".

25. Section 22 has effect from 17 June 1988.

Sections 23 and 24 have effect from 23 December 1988.

26. This Act comes into force on 22 June 1989.



NATIONAL ASSEMBLY

SECOND SESSION

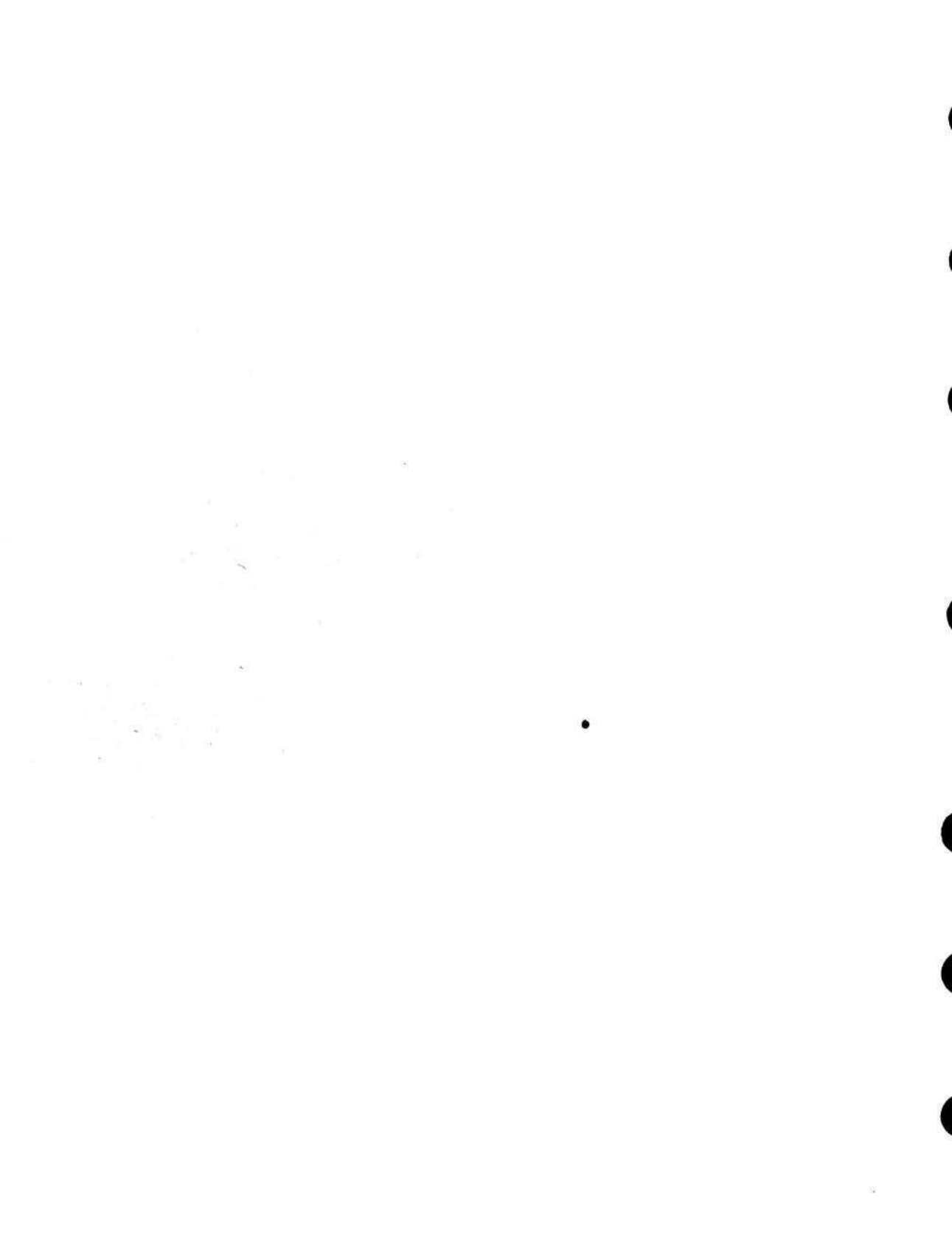
THIRTY-THIRD LEGISLATURE

Bill 265
(Private)

**An Act respecting the Régie
intermunicipale de gestion des
déchets sur l'Île de Montréal**

**Introduced 1 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**



Bill 265

(Private)

An Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal

WHEREAS it is expedient to grant certain powers to the Régie intermunicipale de gestion des déchets sur l'Île de Montréal, established by order of the Minister of Municipal Affairs, published in the *Gazette officielle du Québec* on 25 May 1985;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Cities and Towns Act (R.S.Q., chapter C-19) is amended, for the Régie intermunicipale de gestion des déchets sur l'Île de Montréal, by inserting, after section 468.16, the following sections:

“468.16.1 The board of directors of the management board may, by by-law adopted by two-thirds of the votes, set up an executive committee comprising seven members. In that case, the powers of the management board are exercised by the board of directors except for matters which fall within the jurisdiction of the executive committee.

“468.16.2 The chairman of the management board shall be chairman of the committee by virtue of his office. The other members of the committee shall be appointed by resolution of the board of directors from among its members. Their term of office is one year and may be renewed.

“468.16.3 Four members of the committee constitute a quorum thereof.

“468.16.4 The secretary of the management board shall be secretary of the committee by virtue of his office.

“468.16.5 The powers of the committee shall be as follows:

(1) to accept for the purposes of the management board all gratuitous transfers of movable or immovable property;

(2) to cancel any balance of appropriations placed at its disposal once the purposes for which the appropriations were voted have been fulfilled;

(3) to adopt resolutions respecting all litigious matters and to give appropriate instructions respecting those matters to the advocates of the management board;

(4) with the prior approval of the Minister of Municipal Affairs, to prescribe uniform accounting methods and procedures applicable to the member municipalities of the management board for all matters falling within the jurisdiction of the management board;

(5) to authorize a contract to be concluded with a view to allowing the management board, while accomplishing work within its jurisdiction, to possess, acquire or use a servitude or other right necessary or useful for the accomplishment of that work;

(6) to authorize payment of all amounts of money owed by the management board, while conforming to the formalities, restrictions and conditions applying to the management board.

“468.16.6 The appropriations voted by the board of directors of the management board, either in the budget, out of authorized loans or otherwise, shall remain at the disposal of the executive committee, who shall ensure that the appropriations are used for the purposes for which they were voted, without any other approval from the board of directors.

“468.16.7 With the approval of the board of directors, the executive committee may make a by-law relating to its internal management.

“468.16.8 The executive committee may award any contract for professional services whatever the amount involved, and any other contract entailing expenditure of less than \$50 000.

However, no insurance contract or contract for the carrying out of work or for the supply of equipment or material or for the supply of services other than professional services and involving expenditure of more than \$5 000 but less than \$50 000 may be awarded except after a written call for tenders has been made to at least two contractors, suppliers or insurers, as the case may be.

For the purposes of the second paragraph, a contract for the supply of equipment shall include any contract for the leasing of equipment with an option to purchase.

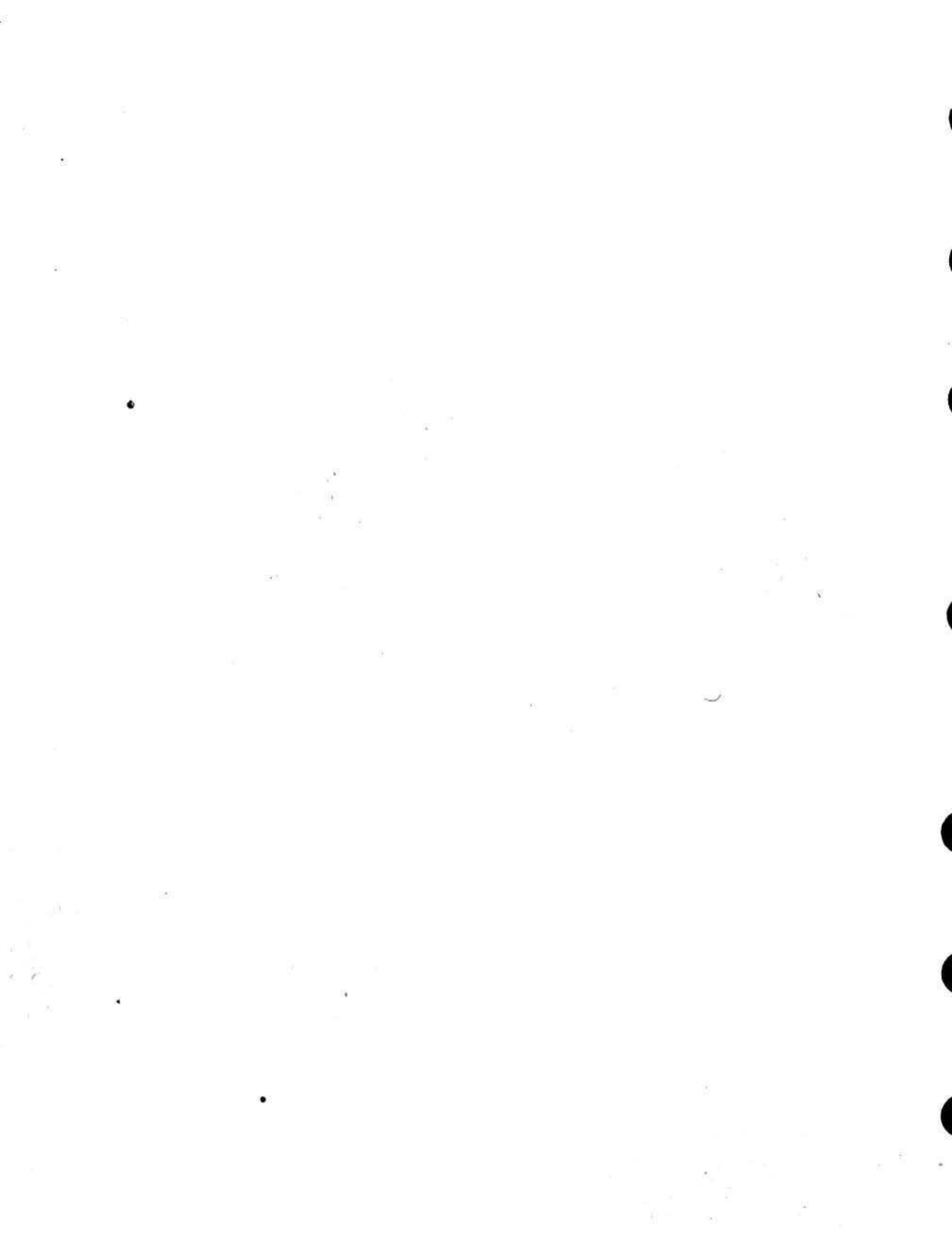
Following a call for public tenders advertized in a newspaper circulated in the territory of the management board, the executive committee may award a contract described in the second and third paragraphs which entails expenditure of \$50 000 or more. Subsections 2 to 8 of section 573 of the Cities and Towns Act apply for the purposes of this paragraph."

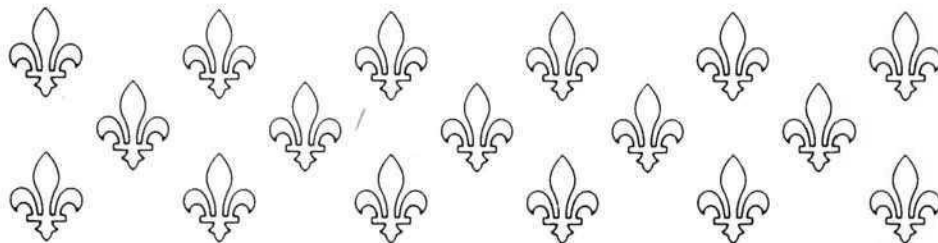
2. Section 2 of the Act respecting the Régie intermunicipale de gestion des déchets sur l'Île de Montréal (1988, chapter 93) is replaced by the following section:

"2. All waste belonging to the member municipalities of the management board becomes the property of the management board."

3. Section 6 of the said Act is amended by replacing the figure "25" in the fourth line by the figure "29".

4. This Act comes into force on 22 June 1989.





NATIONAL ASSEMBLY

SECOND SESSION

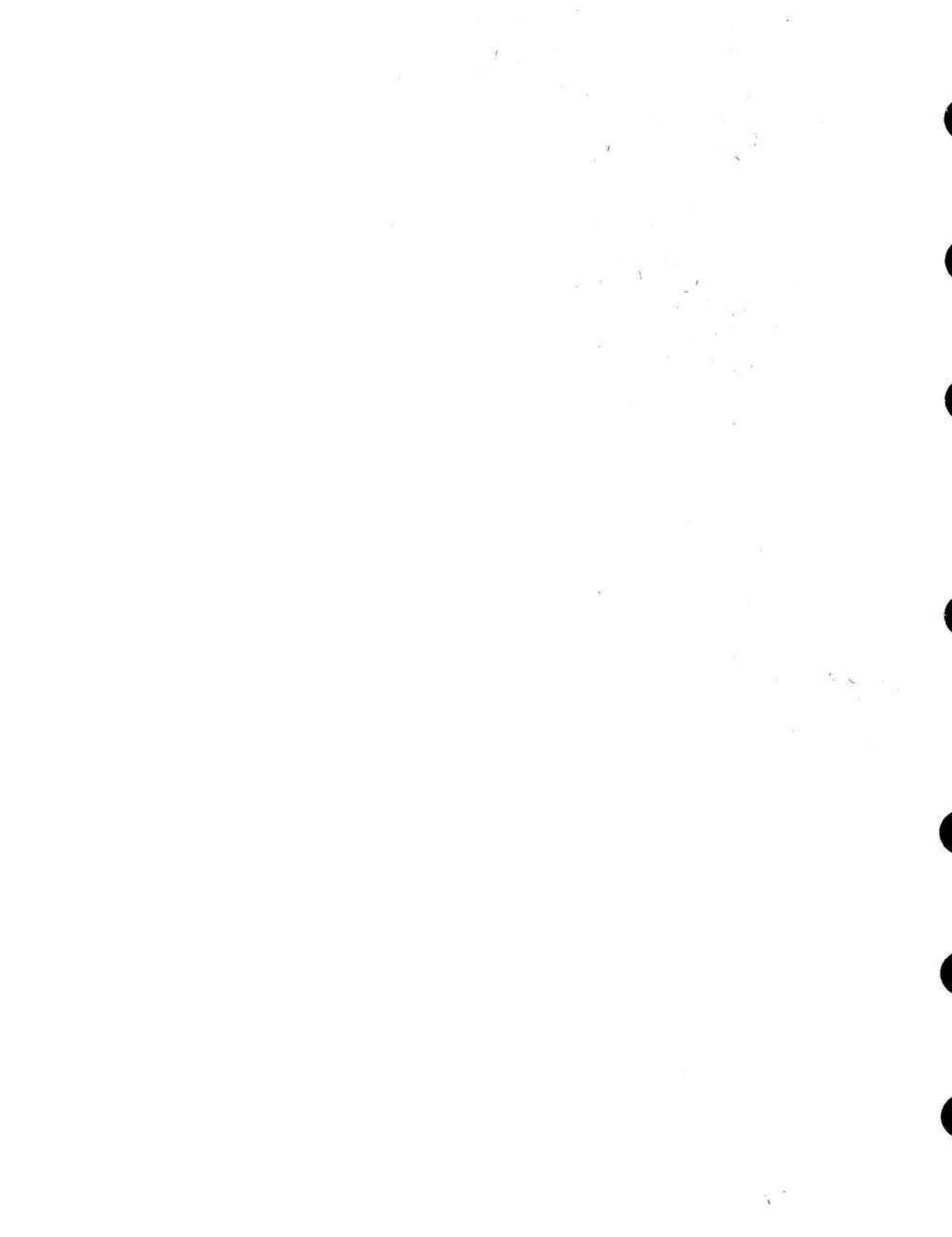
THIRTY-THIRD LEGISLATURE

Bill 266
(Private)

**An Act respecting The Greek
Orthodox Community of the City of
Laval**

**Introduced 19 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**



Bill 266

(Private)

An Act respecting The Greek Orthodox Community of the City of Laval

WHEREAS The Greek Orthodox Community of the City of Laval, incorporated by chapter 126 of the statutes of 1971 under the name of The Greek Orthodox Community of the City of Laval, and in French, La Communauté grecque orthodoxe de la Ville de Laval, obtained from the Minister of Financial Institutions, Companies and Cooperatives, on 30 December 1972, letters patent constituting its members into a corporation governed by the Religious Corporations Act (1971, chapter 75) under the name of The Greek Orthodox Community of the City of Laval;

Whereas the Community has greatly expanded and it is in its interest that it be dissolved, and that a new corporation with increased powers be created in its place;

Whereas it has requested this Bill by resolution of its board of directors approved by its members;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. A corporation, hereinafter called "the Community", is constituted, for the purposes contemplated by this Act, under the name of "Greek Orthodox Community of Laval" and in French, "Communauté Grecque Orthodoxe de Laval".

2. The Community is a corporation within the meaning of the Civil Code; it is vested with the general powers of such a corporation and the special powers conferred upon it by this Act.

3. The Community has its corporate seat in the city of Laval at the address determined from time to time by resolution of its board of directors.

A notice of the location or of any relocation of its corporate seat shall be sent to the Inspector General of Financial Institutions and published in the *Gazette officielle du Québec*.

4. The objects of the Community shall be to ensure the progress of the culture of the population of Greek origin in the Laval area, and especially

(a) to preserve and promote the Greek language;

(b) to set up charitable, welfare, cultural, teaching and educational organizations for the benefit of the population of Greek origin;

(c) to preserve and perpetuate the Greek Orthodox faith and tradition promulgated by the authority of the Oecumenical Patriarchate of Constantinople according to the doctrine and the faith proclaimed and applied by the Orthodox Church and as directed by the ecclesiastical authority and the religious precepts prescribed by the said patriarchate.

5. The Community may make by-laws governing the appointment, functions, duties and powers of its officers and personnel.

6. The Community may establish and maintain cemeteries and erect vaults in its chapels for the mortal remains of its members, its benefactors or any person connected in any way with the Community, in conformity with the Burial Act.

7. The Community may, according to law, establish parishes, schools or educational institutions, athletic, cultural and recreational community centres, private hospital centres and reception centres.

8. The Community may acquire, receive, own, maintain and operate any movable or immovable property necessary for the attainment of its objects, and alienate, lease, hypothecate and pledge such property. For that purpose, it may borrow sums of money, and draw, make, accept and endorse bills of exchange, promissory notes and other negotiable instruments.

9. The Community, with the approval of two-thirds of its members attending a special general meeting at which there is a quorum, may

(a) acquire, possess, lease, hold, administer and alienate immovables;

(b) build, erect, demolish and make major renovations or alterations to any building on its immovable property, and make contracts for such purposes;

(c) sell, exchange, hypothecate or pledge its immovables;

(d) make by-laws for its internal management.

The Community may also sign and implement any agreement for the exercise of such powers.

10. The immovable property of the Community must not exceed \$25 000 000 in value.

If the Community receives, by gift or will, immovables which cause the value of its immovable property to exceed the authorized limit, the Community shall within ten years alienate such property, so that the total value of its immovable property does not exceed \$25 000 000.

11. The Community shall be the custodian of the registers of acts of civil status kept by the priests ministering to the churches of the Community, and such priests are authorized and empowered to solemnize marriages and to keep such registers.

12. The rights and powers of the Community shall be exercised by its board of directors.

The number, required qualifications, appointment, election, term of office, powers and rights of the members of the board of directors shall be determined by the by-laws of the Community.

13. No by-law to request the amendment of the affiliation of the Community with the Oecumenical Patriarchate of Constantinople is valid unless notice of a meeting for such purpose has been duly given to the members of the Community, and unless the by-law is passed by ninety per cent of the members attending a special general meeting called for such purpose and at which there is a quorum.

In the event that the Community disaffiliates itself from the Oecumenical Patriarchate of Constantinople without the consent of

the latter, it must within 60 days of the disaffiliation apply to the Inspector General of Financial Institutions for letters patent constituting its members into a corporation governed by Part III of the Companies Act (R.S.Q., chapter C-38) or by the Religious Corporations Act (R.S.Q., chapter C-71), or dissolve.

14. Upon dissolution of the Community approved by two-thirds of the members attending a special general meeting called for such purpose and at which there is a quorum, assets remaining after payment of its debts and liabilities shall be transferred to a committee of three trustees, one designated by the Oecumenical Patriarchate of Constantinople, and the other two by a special general meeting of the Community called to consider the dissolution.

Such committee shall transfer the remaining assets of the Community to an institution serving persons of Greek origin in the province of Québec and having purposes and objects similar to those of the Community.

15. The corporation known as The Greek Orthodox Community of the City of Laval is dissolved.

The Community succeeds to the dissolved corporation, is vested, from the date of the dissolution, with its rights and privileges, is declared to be the owner of its property and is liable for its debts and obligations; any alienation of property made in favour of the dissolved corporation is considered to be made to the corporation constituted by this Act and any proceedings that have been or could have been instituted by or against the dissolved corporation may validly be instituted or continued, as the case may be, by the corporation constituted by this Act or against it.

In accordance with registration laws, the Community shall register, in the registration offices of the divisions where the immovables are located, a declaration of the transfer of immovable property arising from this Act, describing the immovables so transferred.

16. The members of the corporation dissolved by section 15 become members of the Community as well as any other person whom the Community admits in accordance with its by-laws.

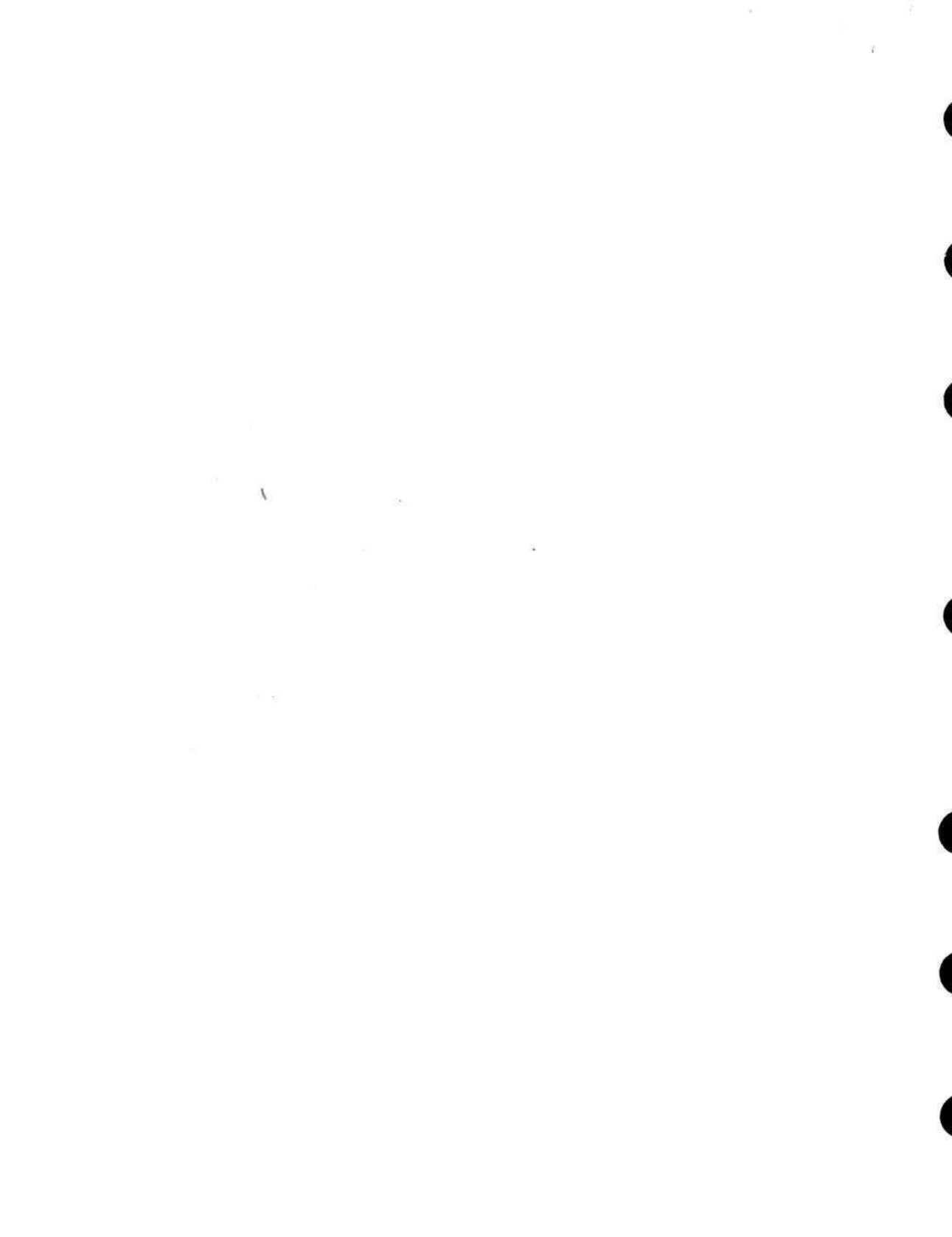
The members of the board of directors of the dissolved corporation in office on the date of coming into force of this Act remain in office until they are replaced in accordance with the by-laws of the Community.

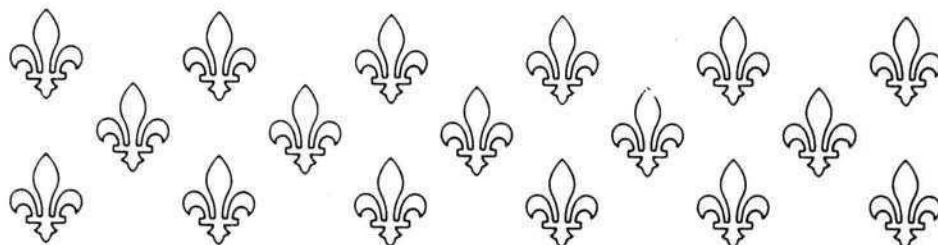
The by-laws of the dissolved corporation which are not inconsistent with the provisions of this Act are the by-laws of the Community until they are amended, replaced or repealed.

17. Whenever it is so required, the Community shall transmit to the Inspector General of Financial Institutions a detailed statement of its immovables, a copy of its by-laws and the names of its officers.

18. The Act to incorporate The Greek Orthodox Community of the City of Laval (1971, chapter 126) is replaced by this Act.

19. This Act comes into force on 22 June 1989.





NATIONAL ASSEMBLY

SECOND SESSION

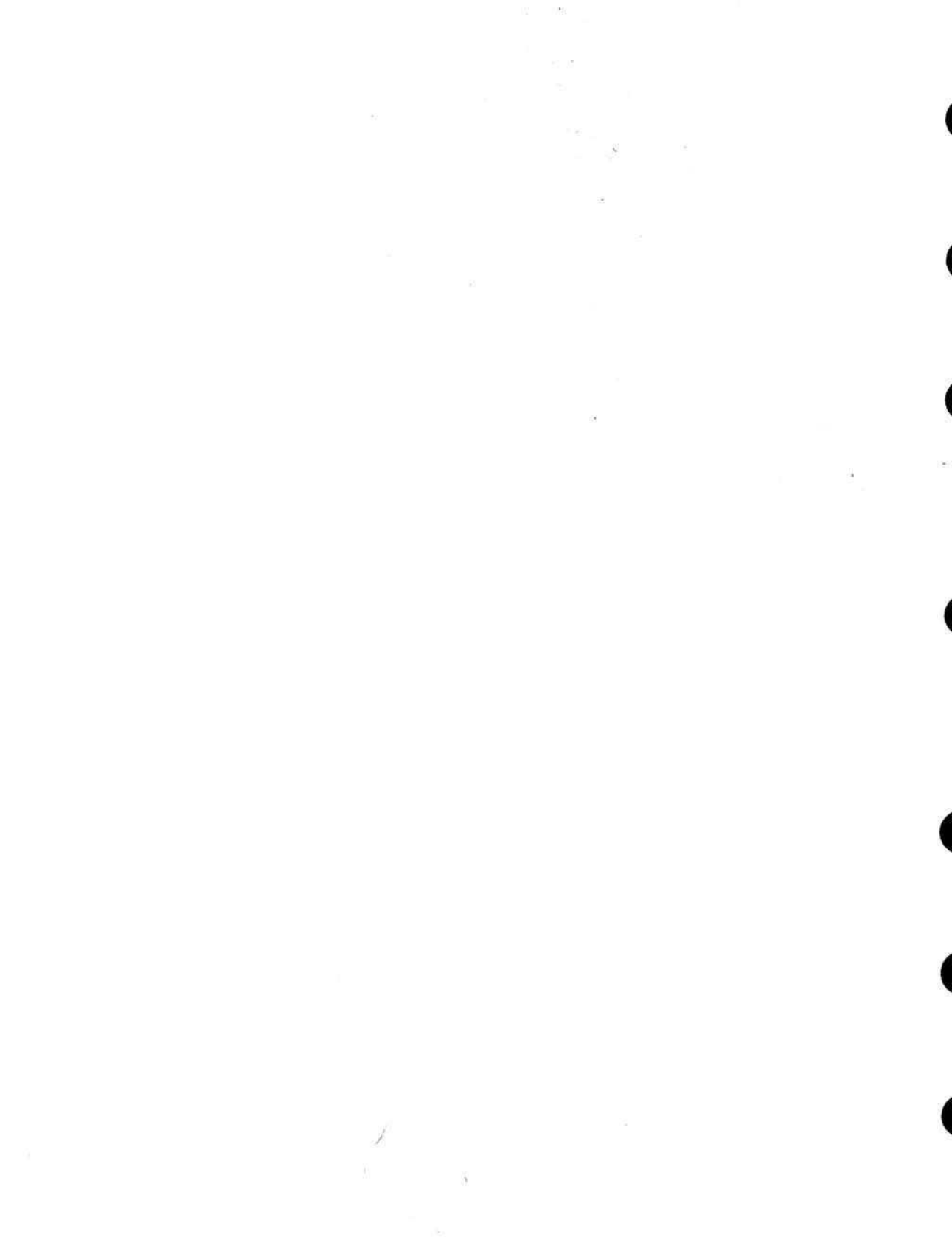
THIRTY-THIRD LEGISLATURE

Bill 267
(Private)

An Act to amend the Act to amalgamate and consolidate The Mackay Institution for Protestant Deaf Mutes and The School for Crippled Children, Montreal, under the name of Mackay Center for Deaf and Crippled Children

Introduced 6 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989

Québec Official Publisher
1989



Bill 267

(Private)

An Act to amend the Act to amalgamate and consolidate The Mackay Institution for Protestant Deaf Mutes and The School for Crippled Children, Montreal, under the name of Mackay Center for Deaf and Crippled Children

WHEREAS the Mackay Center for Deaf and Crippled Children (hereinafter referred to as the "Establishment") was incorporated by the Act to amalgamate and consolidate The Mackay Institution for Protestant Deaf Mutes and The School for Crippled Children, Montreal, under the name of Mackay Center for Deaf and Crippled Children (1960-61, chapter 153);

Whereas the name of the Establishment has been changed to "Centre Mackay - Mackay Center" by way of a special by-law approved by the Minister of Financial Institutions and Cooperatives, notice thereof having been published in the *Gazette officielle du Québec* on 28 August 1982, in conformity with the provisions of Division II of the Special Corporate Powers Act (R.S.Q., chapter P-16);

Whereas as provided by the Act of 1960-61, the object of the Establishment is to serve the maximum number of children, according to its resources and facilities, who are deaf, crippled or otherwise handicapped or infirm as regards their education, physical rehabilitation, social and moral welfare and their integration into the life and activities of their fellow-citizens and communities;

Whereas the Establishment wishes to offer to adults the services which it provides to children;

Whereas it is therefore in the interest of the Establishment that the said Act be amended:

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The title of the Act to amalgamate and consolidate The Mackay Institution for Protestant Deaf Mutes and The School for Crippled Children, Montreal, under the name of Mackay Center for Deaf and Crippled Children (1960-61, chapter 153) is replaced by the following: "An Act respecting the Mackay Center".

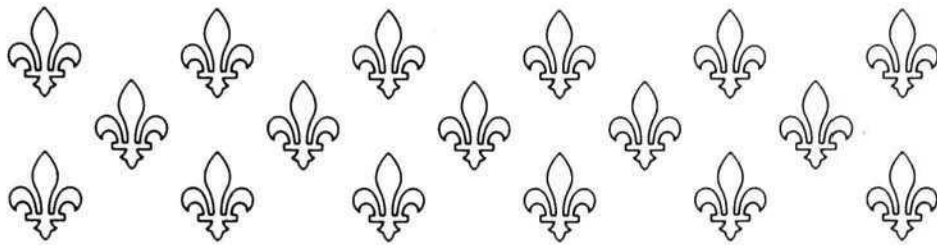
2. Section 1 of the said Act is amended by replacing the words "Mackay Center for Deaf and Crippled Children" by the words "Mackay Center".

3. Section 2 of the said Act is replaced by the following section:

"2. The object of the Corporation shall be to provide health, social and educational services, taking into account its organization and resources, to persons suffering from auditory, motor or other associated deficiencies, to further their education, physical rehabilitation, welfare and social integration."

4. Notwithstanding the amendments made to the said Act, all legacies, bequests, gifts, subsidies or contributions heretofore or hereafter made by any will, codicil, donation or other title or contract of any nature whatsoever, in favour of the Establishment, shall avail to and be vested in it.

5. This Act comes into force on 22 June 1989.



NATIONAL ASSEMBLY

SECOND SESSION

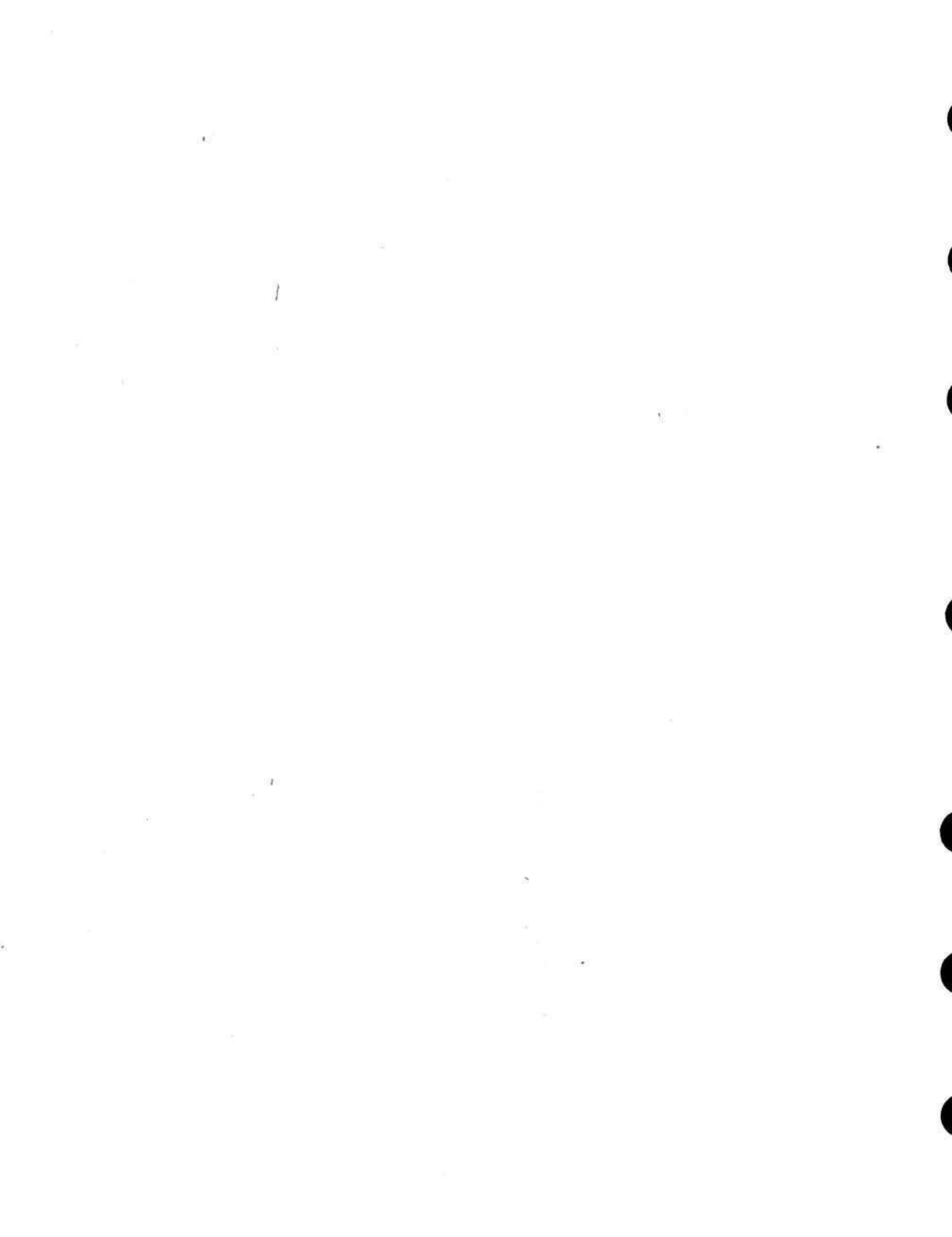
THIRTY-THIRD LEGISLATURE

Bill 268
(Private)

**An Act respecting the Comité
d'enfouissement sanitaire
d'Argenteuil–Deux-Montagnes**

**Introduced 1 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**



Bill 268

(Private)

**An Act respecting the Comité d'enfouissement sanitaire
d'Argenteuil-Deux-Montagnes**

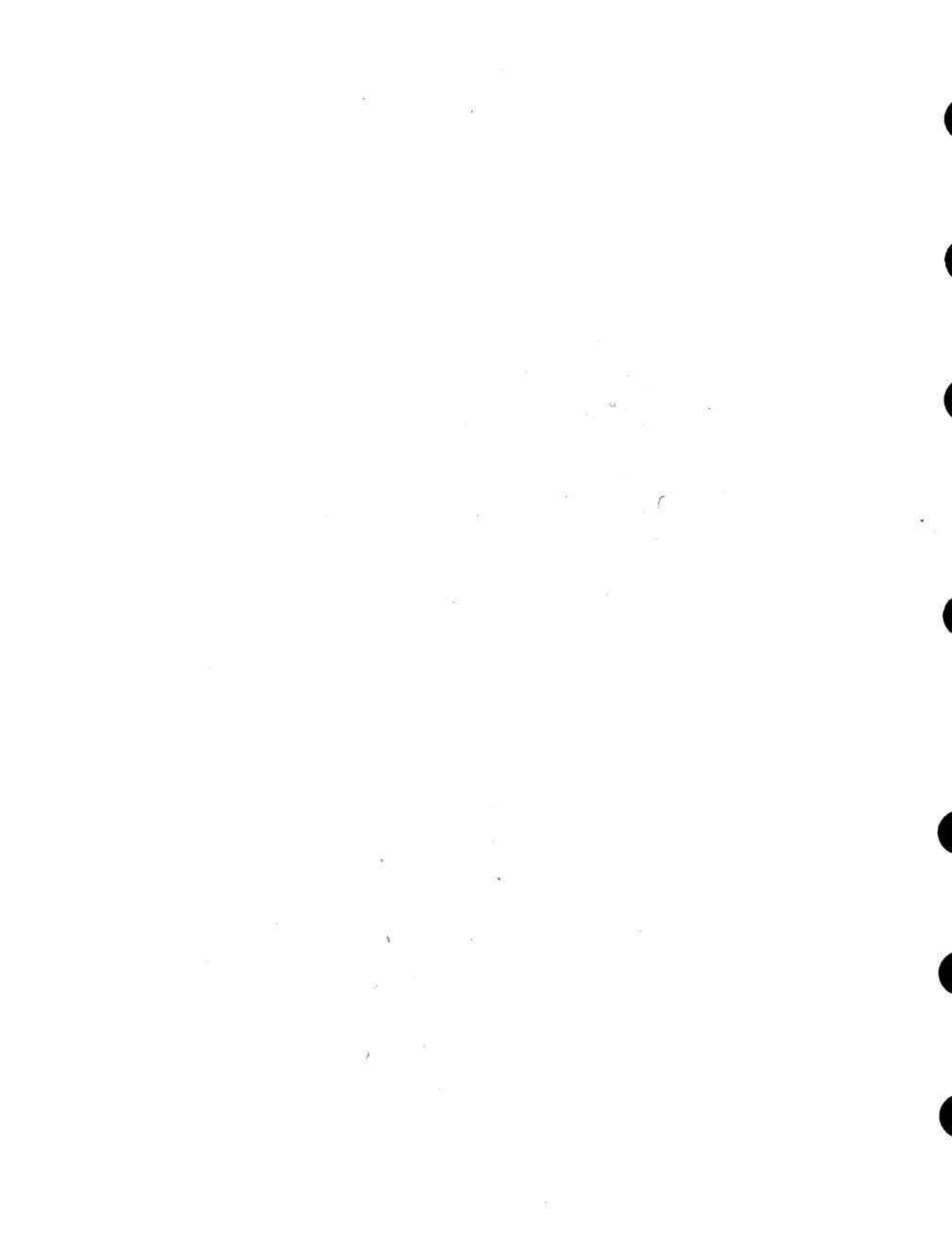
WHEREAS it is in the interest of the Comité d'enfouissement sanitaire d'Argenteuil-Deux-Montagnes that certain powers be granted to it;

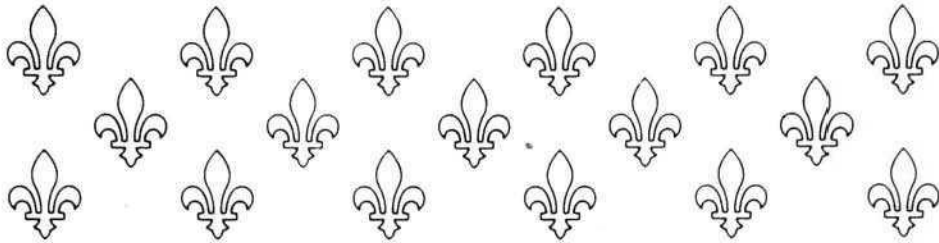
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 6 of the Act respecting the Comité d'enfouissement sanitaire d'Argenteuil-Deux-Montagnes (1987, chapter 134) is amended by adding, at the end, the following paragraph:

"The committee or the intermunicipal management board may also acquire and own, outside the territory of the municipalities forming part thereof, lot 10 of the official cadastre of the parish of Saint-Jérusalem, registration division of Argenteuil, city of Mirabel, to excavate and maintain a ditch for holding and diverting natural waters."

2. This Act comes into force on 22 June 1989.





NATIONAL ASSEMBLY

SECOND SESSION*

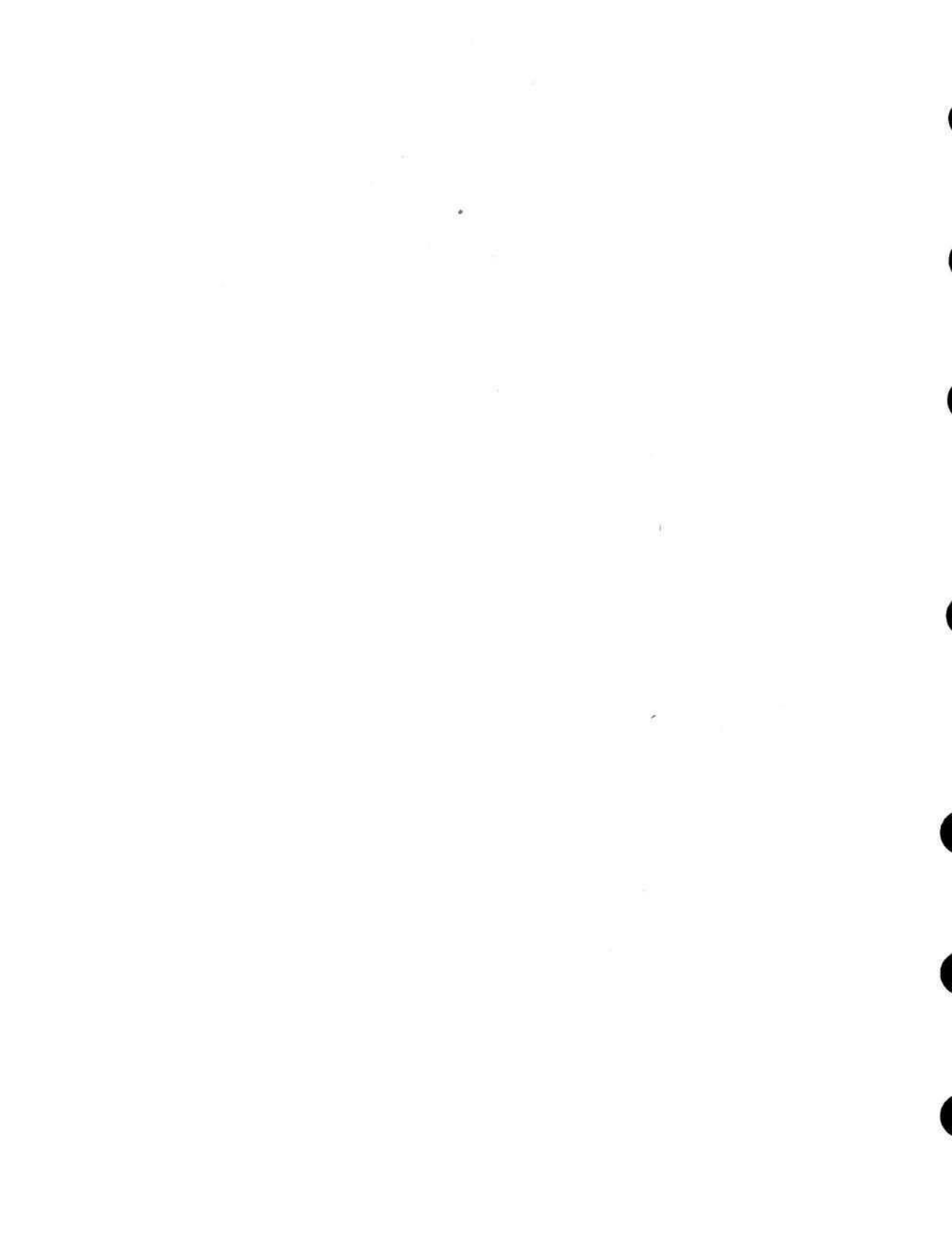
THIRTY-THIRD LEGISLATURE

Bill 269
(Private)

**An Act to revise the Charter of the
town of Coaticook and to validate
certain acquisitions**

**Introduced 1 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**



Bill 269

(Private)

An Act to revise the Charter of the town of Coaticook and to validate certain acquisitions

WHEREAS it is expedient to revise the corpus of private Acts respecting the town of Coaticook;

Whereas the town has acquired, for municipal purposes, certain parcels of land situated outside its territory and it is expedient to validate such acquisitions;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. This Act may be cited under the name of "Charter of the town of Coaticook".

2. The inhabitants and ratepayers of the territory described in Schedule A shall form a municipality under the name of "town of Coaticook".

3. Subject to the provisions of this Act, the town is governed by the Cities and Towns Act (R.S.Q., chapter C-19).

4. Section 413 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the town

(1) by adding, at the end of subparagraph *a* of paragraph 10, the following paragraph:

"To prescribe the kind of materials and the dimensions of the receptacles in which garbage shall be deposited;";

(2) by adding, at the end of subparagraph *c* of paragraph 10, the following paragraph:

“To prescribe the terms and conditions for collecting the tax or compensation;”;

(3) by inserting, after paragraph 27, the following paragraph:

“(27.1) To cause the bed of the brook running through the town and flowing into the Coaticook river to be cleaned, the said brook being commonly designated under the names of Ruisseau Barnston, Ruisseau Baldwin or Ruisseau Pratt, and remove therefrom the debris and refuse which obstruct the free flow of water, and deposit same on its banks until taken away; to widen it wherever possible, to deepen its bed and erect therein protective works, cut the ice therein during winter and keep open a channel in order to prevent the brook from overflowing and causing damage to adjoining immovables, with a right of way for men and vehicles to the brook for such purposes; and to apportion by a real estate tax two-thirds of the cost of such work on the owners and occupants of immovables, even if not taxable, along the brook, according to the number of feet of frontage of their respective immovables along the brook in proportion to the total frontage of all the immovables concerned; to forbid anyone under penalty of a fine and damages to throw anything into the brook or do anything that might obstruct its course;”.

5. Section 415 of the said Act, amended by section 81 of chapter 8 of the statutes of 1988, is amended for the town by replacing paragraph 22 by the following paragraph:

“(22) To prescribe the measures it may deem necessary to prevent accidents in winter from the accumulation of snow or ice on the sidewalks and the roofs of houses and other buildings, and, for that purpose, determine the manner in which sidewalks and roofs shall be kept, and order for the future that the roof of any building shall be so built that water, ice or snow cannot fall on the sidewalks or in the streets.

The council may also order that the owners of buildings already erected take the necessary measures to prevent water, ice or snow from falling on the sidewalks or in the streets.

Every person who fails to comply with the provisions of a by-law adopted under the authority of this paragraph shall be responsible towards the municipality for damage resulting from his neglect to fulfil his obligations in this respect, and may be called in warranty in any case instituted against the municipality for damages;”.

6. Section 434 of the said Act is replaced for the town by the following section:

“434. The special tax and the water-rate imposed under sections 429, 431 and 432, as well as all taxes due for water or for meters, shall be collected according to the rules and in the manner prescribed by by-law of the council.

However, the water-rates shall be permanently imposed, to be collected by the treasurer, until the repeal or amendment of the by-law in the ordinary manner.”

7. The said Act is amended for the town by inserting, after section 446, the following section:

“446.1 In addition to operating an electric power system within the limits of its territory, the municipality may, with prior approval of the interested municipalities and the Régie du gaz naturel, supply and sell electricity outside the limits of its territory within a radius of 48 kilometres.

For that purpose, the municipality may acquire, by agreement or by expropriation, hold and avail itself of any right of way, servitude or usufruct within such radius of 48 kilometres for the installation of posts and conduits. However, if such posts and conduits must be placed on or under a public road, the town must obtain the prior consent of the municipality that controls such public roads.”

8. Section 450 of the said Act is replaced for the town by the following section:

“450. The special tax and the compensation imposed under sections 448 and 449 shall be collected according to the rules and in the manner prescribed for general taxes.

However, the compensation for electricity shall be permanently imposed, to be collected by the treasurer, until the repeal or amendment of the by-law in the ordinary manner.”

9. The said Act is amended for the town by inserting, after section 453, the following section:

“453.1 Where the town supplies electric power outside the limits of its territory, the persons with whom contracts are entered into shall comply with the by-laws concerning the administration of the electricity service.”

10. The said Act is amended for the town by inserting, after section 454, the following sections:

“454.1 The council may establish different tariffs, according as the electricity is supplied for domestic, commercial or industrial supply, and each of these tariffs may vary according to the quantity of electricity consumed and the purposes for which it is used.

“454.2 The council may grant such discount as it determines on the tariffs in force, if the account is paid within a certain time after the meters are read. No member of the council nor any officer of the municipality may grant a discount if the account is not paid within the time determined by the by-law.

“454.3 If a person damages any electric apparatus belonging to the town, or uses the electricity supplied for a purpose other than that for which it is supplied, or if he neglects or refuses to pay the compensation fixed by the tariff, within the time fixed by the by-law, the town may cut off the current and suspend the supply of electricity as long as the person is in default, without prejudice to the town's right to claim the payment of any sum that may be due it for damage caused, for electricity supplied, and for the rental of meters or other apparatus.

“454.4 The council may require that the consumer pay a deposit; it may also prescribe that the deposit shall not bear interest. The deposit shall however be returned to the consumer at the end of the contract, provided the conditions thereof have been fulfilled. The town is authorized to retain from the deposit any sum that may be due it by the consumer for electricity supplied, the rental of meters or any other municipal dues.”

11. In order to provide for the renewal of the assets constituting its electric power system and waterworks, the council may establish a reserve fund into which it may pay, each year, an amount which shall not exceed 3% of the value of the depreciable assets of each of the systems.

The council may invest the sums paid into the reserve fund in bonds of Canada, of Québec or of the municipality.

12. The council may require from any person applying to the town to be connected to its electric power system, a preliminary deposit equivalent to the estimated cost of the work, including the price of the materials required for the carrying out thereof.

Paragraph 25 of section 413 of the Cities and Towns Act, adapted as required, applies to all work for the maintenance of and connection with the town's electric power system.

13. Sections 7, 8, 9, 10 and 11 apply subject to the Act respecting municipal and private electric power systems (R.S.Q., chapter M-38).

14. The letters patent issued on 15 August 1908 erecting the town of Coaticook and the statutory provisions mentioned in Schedule D are repealed.

However, no repeal shall affect any acquired right, existing obligation, pending procedure or incurred penalty, or any act performed, decided, ordered or done or which must be done under such Acts and their amendments; in particular, no repeal shall affect any by-law or resolution adopted, decision taken, order given, contract made, acquisition effected, expropriation, franchise or privilege granted or any other act done under the authority of such Acts and their amendments, or the assessment roll, tax collection roll or apportionment roll, or the rights and duties of the officers and employees of the town, who shall continue to exercise their duties until otherwise decided under this Act, or the notes, bonds or other securities or evidences of indebtedness issued by the town, or the amortization funds already constituted or to be constituted. Such rights, obligations, procedures, penalties, deeds, contracts, acquisitions, expropriations and acts shall continue to be governed by the provisions of such Acts and their amendments until amended, replaced or revoked under this Act, subject, however, to sections 17, 18 and 19.

15. Notwithstanding section 14, section 44 of chapter 99 of the statutes of 1940 and section 12 of chapter 92 of the statutes of 1953-54 shall continue to have effect until the coming into force of sections 146 and 147 of the Act respecting municipal courts and amending various legislation (1989, chapter 52).

16. All taxes and assessments imposed by the municipality of the township of Barnston on the immovables described in Schedule B before 22 June 1989 shall remain due and be payable to that municipality, which shall keep all its rights and privileges to levy and collect the payment of such taxes.

All by-laws, resolutions or ordinances adopted or passed by the municipality of the township of Barnston shall remain in force in that part of the territory until the date they cease to have effect as provided, until their objects are attained or until they are replaced or repealed by the town.

17. No allegation that acts performed by the town before 22 June 1989 in respect of any immovable acquired by the town were performed illegally may be raised on the sole ground that such immovables were not situated within the limits of the town at the time the acts were performed.

18. All by-laws, resolutions or ordinances adopted or passed by the town before 22 June 1989 in respect of the territory described in Schedule C are confirmed to the extent that they could have been contested on the grounds that, at the time of their adoption or passage, the territory was not comprised within the limits of the town.

The by-laws shall remain in force until the date they cease to have effect as provided, until their objects are attained or until they are repealed or replaced.

19. No act performed before 31 December 1987 and relating to the election of the members of the council and the performance of their duties may be contested on the sole ground that the election was held without due regard to the wards as they were delimited by letters patent issued on 15 August 1908.

20. Sections 17, 18 and 19 do not affect any case pending on 14 November 1988.

21. This Act comes into force on 22 June 1989.

SCHEDULE A

OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY OF THE TOWN OF COATICOOK

The territory of the town of Coaticook, situated in that of the regional county municipality of Coaticook, includes, with reference to the cadastres of the village of Coaticook and of the townships of Barford and Barnston, the lots or parts of lots and their present and future subdivisions, and the roads, streets, highways, railway rights of way, watercourses or parts thereof, the whole contained within the limits hereinafter described, namely, starting from the northeast corner of lot 1906-1 of the cadastre of the village of Coaticook; thence, successively, the following lines and boundaries: with reference to that cadastre, the east line of lot 1906-1 and its extension across the Coaticook river; the east line of lots 1898, 1896, 1897, 2030 (street), 1847, 1846, 1845 and 1844, the last line being extended to the centre line of the Coaticook river; the centre line of the said river southeasterly to the extension of the north line of lot 17A of range XI

of the cadastre of the township of Barford; with reference to that cadastre, the said extension and the north and east lines of the said lot; the east line of lots 17-38, 17-36-1, 17-35-1, 17-34-1, 17-33-1, 17-32, 17-17-4, 17-42 (street), 17-11-32, 17-11-33, 17-11-16, 17-10, 17-41 (street) and 17-1-1 of range X; the east line of lots 17C-2 and 17D (street) of range IX; part of the east line of lot 17B of range IX to the northwest corner of lot 16B-1 of the said range; the northeast, east and south lines of lot 16B-1; the east line of lot 17B-53 of range IX; part of the east line of lot 17A of range IX for a distance of 366.37 metres; a straight line across lot 17A of range IX and a public highway for a total distance of 509.66 metres, that is to a point on the west line of the said lot, 365.64 metres from the dividing line between lots 17A and 17B of range IX; part of the broken line dividing the cadastre of the village of Coaticook from the cadastres of the townships of Barford and Barnston to the west line of lot 29 (right of way of the Canadian National Railways) of the last mentioned cadastre; with reference to the cadastre of the township of Barnston, part of the west line of the said lot 29 southerly to the south side of the right of way of Lavoie road, as widened, running through lot 27D of range IV; the south side of the right of way of the said road westerly and its extension to the west side of the right of way of Merrill street; the west side of the right of way of the said street northerly to the south line of lot 17 of the cadastre of the village of Coaticook; part of the south line of the cadastre of the village of Coaticook westerly, that line being extended across Bachand street to the west line of the said cadastre; with reference to the cadastre of the township of Barnston, the east line of lots 24F of range IV, 24D of range III, 24E and 24B of range II, 24E and 24D of range I, that line being extended across the public highways it meets; finally, the north line of the cadastre of the village of Coaticook, that line being extended across the public highways and the railway it meets, to the starting point.

SCHEDULE B

OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY REMOVED FROM
THE TERRITORY OF THE MUNICIPALITY OF THE TOWNSHIP OF BARNSTON AND
ANNEXED TO THAT OF THE TOWN OF COATICOOK

A territory currently forming part of the territory of the municipality of the township of Barnston, situated in that of the regional county municipality of Coaticook, including, with reference to the cadastre of the township of Barnston, part of lot 27D of range IV and the public highways comprised within the limits hereinafter described, namely, starting from the northeast corner of lot 27D of range IV; thence, successively, the following lines and boundaries: part of the west line of lot 29 (railway right of way) to the south side

of the right of way of the public highway (Lavoie road), as widened, running through the said lot 27D; the south side of the right of way of the said highway westerly and its extension to the west side of the right of way of the public highway (Merrill street) bounding the aforementioned lot 27D on the west; the west side of the right of way of the last mentioned highway northerly to the extension of the north line of lot 27D of range IV; finally, the said extension and the said north line to the starting point; which territory is annexed to that of the town of Coaticook.

SCHEDULE C

OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY REFERRED TO IN SECTION 18

A territory currently forming part of the territory of the town of Coaticook, situated in that of the regional county municipality of Coaticook, including, with reference to the cadastre of the township of Barford, lot 16B-1 of range IX, the whole comprised within the boundaries hereinafter described, namely, starting from the northwest corner of lot 16B-1 of range IX; thence, successively, the following lines and boundaries: the north line of the lot, measuring sixty-three metres and forty hundredths (63.40 m, that is 208 feet); the east line of the lot, measuring three hundred and three metres and forty-three hundredths (303.43 m, that is 995.5 feet); the south line of the lot, measuring eighty-four metres and three hundredths (84.03 m, that is 275.7 feet); finally, the west line of the lot to the starting point, that west line measuring three hundred and forty metres and seventy-seven hundredths (340.77 m, that is 1 118 feet).

SCHEDULE D

Act to amend the charter of the town of Coaticook (1920, chapter 103);

Act to ratify By-law No. 195 of the town of Coaticook (1925, chapter 154);

Act respecting the sinking-funds of the town of Coaticook (1935-36, chapter 128);

Act respecting the town of Coaticook (1937, chapter 118);

Act respecting the town of Coaticook (1940, chapter 99);

Act respecting the town of Coaticook (1946, chapter 70);

Act respecting the town of Coaticook (1947, chapter 94);

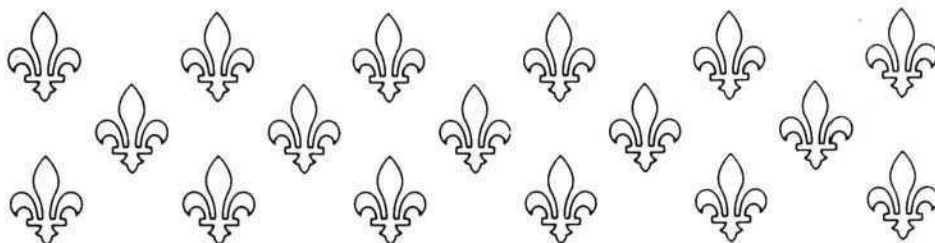
Act respecting the town of Coaticook (1950-51, chapter 90);

Act respecting the town of Coaticook (1951-52, chapter 87);

Act respecting the town of Coaticook (1953-54, chapter 92);

Act respecting the town of Coaticook (1957-58, chapter 86).





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

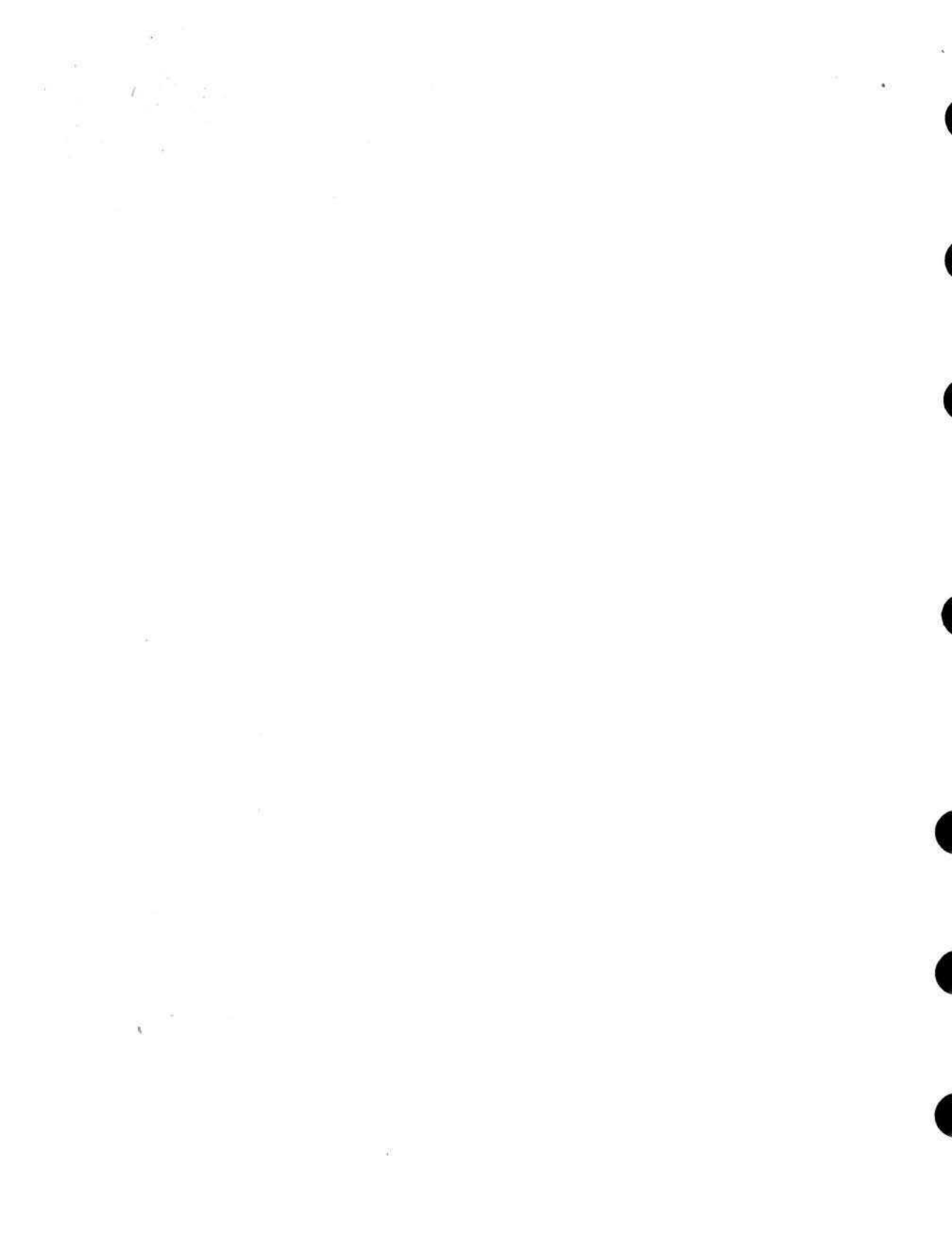
Bill 270

(Private)

**An Act respecting the Association
athlétique et sociale
Hull Volant Inc.**

Introduced 2 June 1989**Passage in principle 21 June 1989****Passage 21 June 1989****Assented to 22 June 1989**

**Québec Official Publisher
1989**



Bill 270

(Private)

**An Act respecting the Association athlétique et sociale
Hull Volant Inc.**

WHEREAS the Association athlétique et sociale Hull Volant Inc. was incorporated on 15 December 1936 under the Act respecting clubs for amusement, etc. (R.S.Q., 1925, chapter 257) and was dissolved on 13 October 1973 under the Companies Information Act (R.S.Q., 1964, chapter 273);

Whereas the corporation is not entitled to resume existence under the Companies Information Act (R.S.Q., chapter R-22);

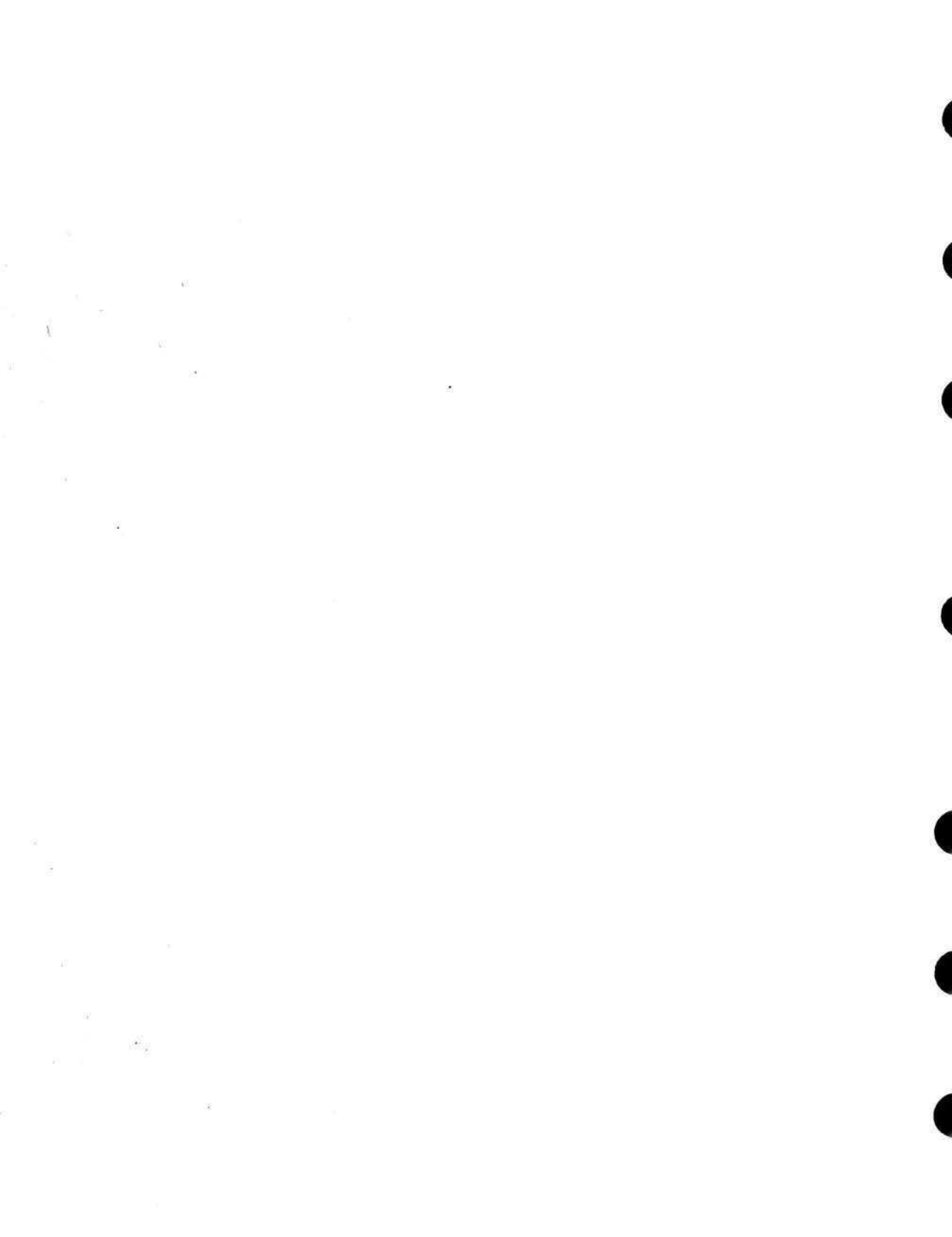
Whereas it is expedient to authorize the filing of a request for the resumption of the Association athlétique et sociale Hull Volant Inc. under section 11 of the Companies Information Act;

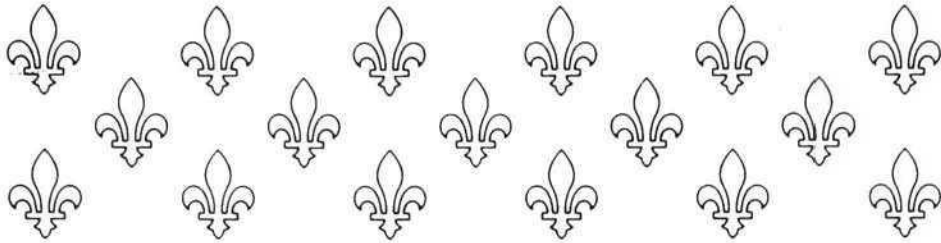
THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Any interested person may, in accordance with section 11 of the Companies Information Act (R.S.Q., chapter R-22), make a request in writing to the Minister for Finance and Privatization for the resumption of the Association athlétique et sociale Hull Volant Inc.

2. The Minister for Finance and Privatization may grant, in accordance with the Companies Information Act, a request made to him under section 1.

3. This Act comes into force on 22 June 1989.





NATIONAL ASSEMBLY

SECOND SESSION

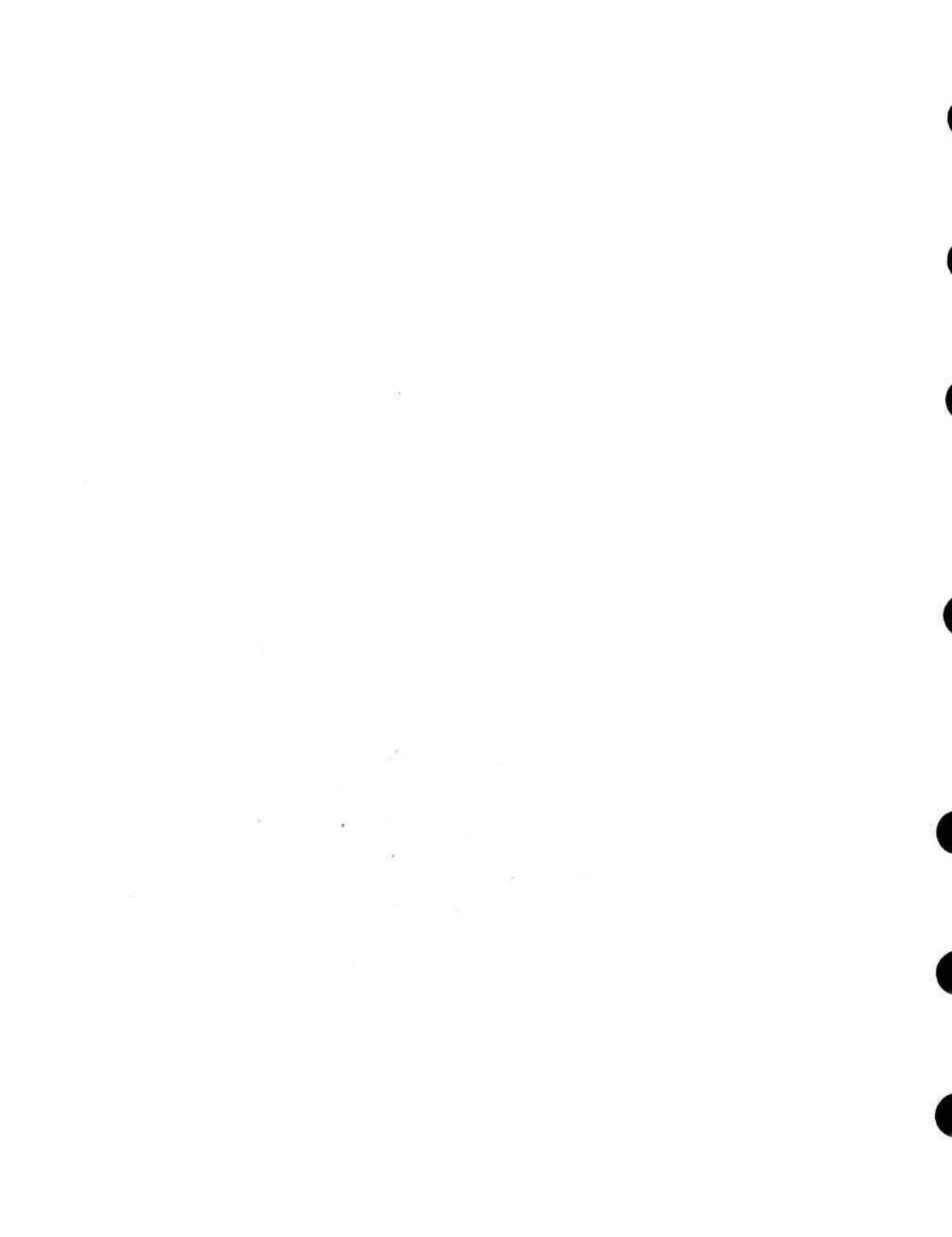
THIRTY-THIRD LEGISLATURE

Bill 271
(Private)

An Act respecting the town of Vaudreuil

Introduced 1 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989

**Québec Official Publisher
1989**



Bill 271

(Private)

An Act respecting the town of Vaudreuil

WHEREAS it is in the interest of the town of Vaudreuil and necessary for its proper administration that it be granted certain powers relating to industrial development;

Whereas the town intends to build railway sidings to promote industrial development;

Whereas it is also in the interest of the town that the division of its territory for election purposes be amended before the next general election;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The town of Vaudreuil may, by by-law, order the construction of railway sidings for the purpose of promoting industrial development.

2. The council may, for the purposes set out in section 1, acquire by agreement or by expropriation such immovables, servitudes and other rights as are necessary.

3. Sections 573 and 573.1 of the Cities and Towns Act (R.S.Q., chapter C-19) do not apply to contracts awarded by the town for the maintenance and repair of a railway siding or to contracts for the construction, maintenance and repair of a turnout.

4. In addition to the tariff-making powers conferred on the town by the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the

council may impose a special tax for the payment of the unsubsidized part of the construction cost of a railway siding.

The amount of the tax may be based on the municipal valuation or on the surface area of the taxable land that is subject to the tax.

In the proportion determined by the council, the works may be charged upon

- (1) all taxpayers;
- (2) the taxpayers in one part of the municipality;
- (3) the taxpayers benefitting from the works.

In the case set out in subparagraph 3 of the third paragraph, the council shall identify the immovables of the persons benefitting from the works or determine one or several criteria making their identification possible.

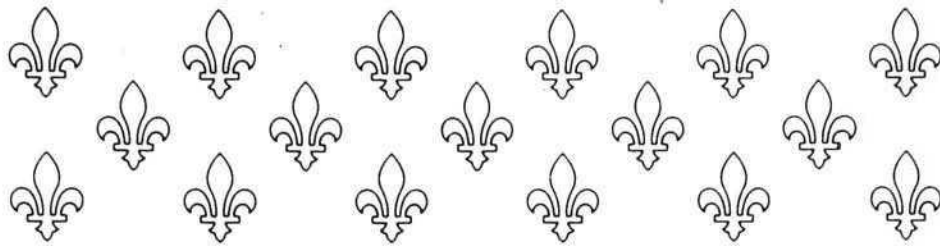
This section is applicable for the purpose of paying the professional fees related to the said works, whether or not they have been carried out.

5. In addition to the tariff-making powers conferred on the town by the Act respecting municipal taxation, the town may, by by-law, impose a compensation for the use of railway sidings to cover maintenance, repair and insurance costs and other current expenses. The compensation may be based on the annual tonnage of merchandise transported or on other criteria determined by the council.

6. Notwithstanding the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the division of the territory of the town for election purposes is that established by by-law 383, passed by the council on 7 December 1987, which shall come into force by the effect of this Act.

The division of the territory of the town for election purposes and the composition of its council, as they stand under the by-law mentioned in the first paragraph, remain unchanged until they are replaced according to law.

7. This Act comes into force on 22 June 1989.



NATIONAL ASSEMBLY

SECOND SESSION

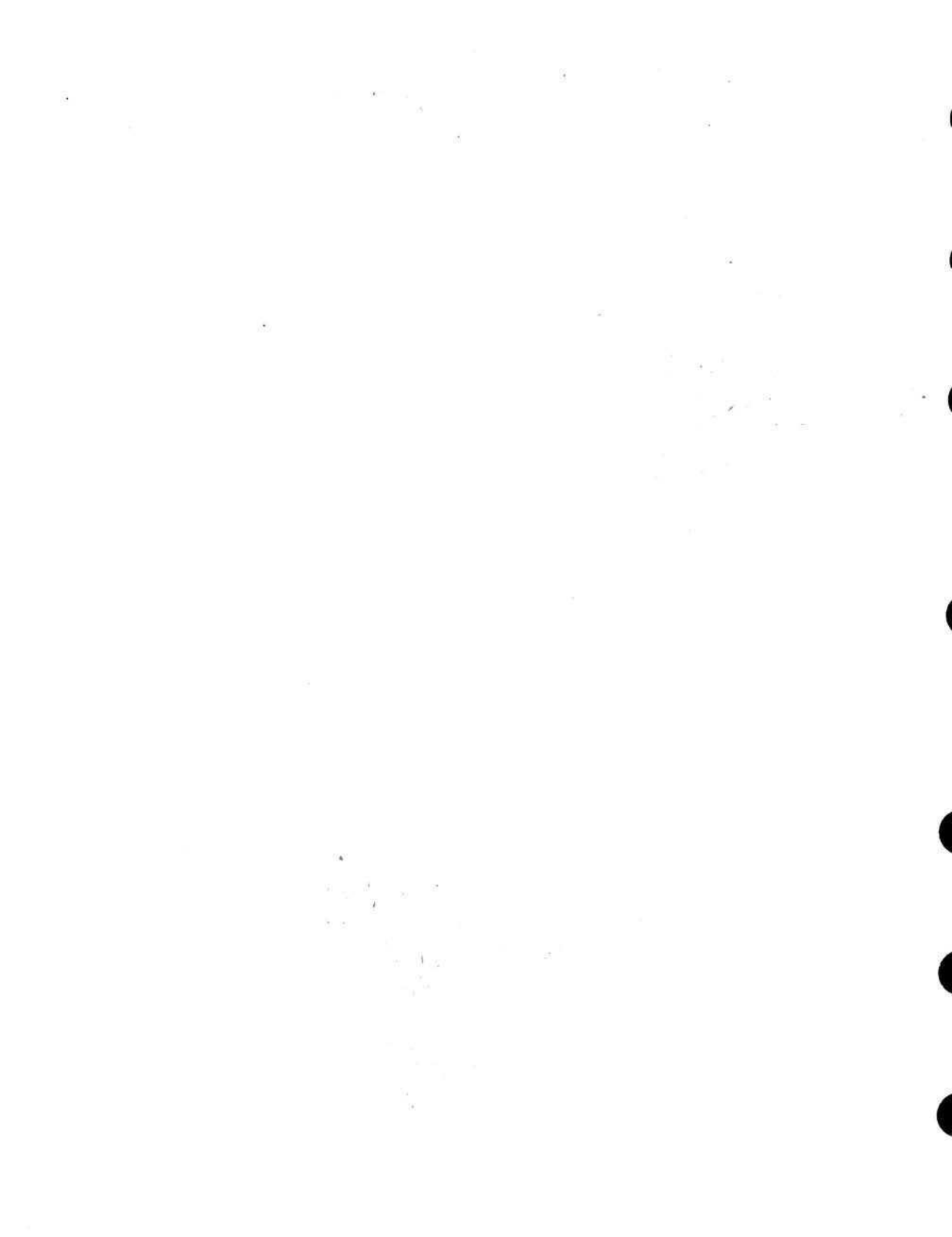
THIRTY-THIRD LEGISLATURE

Bill 275
(Private)

**An Act respecting the wills of
Charles Jodoin and Sophranie
Beauchamp**

**Introduced 5 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**



Bill 275

(Private)

**An Act respecting the wills of Charles Jodoin and Sophranie
Beauchamp**

WHEREAS, by notarial deed of sale executed on 6 July 1988 and registered at the registry office of the registration division of Chambly under number 789197, 2620-0451 Québec Inc. acquired from 156282 Canada Inc. a part of lot number 27 of the official plan and book of reference of the cadastre for the village of Boucherville, described in the schedule;

Whereas 156282 Canada Inc. itself acquired the immovable from the successions of Charles Jodoin and Sophranie Beauchamp, by notarial deed of sale executed on 6 July 1988 and registered at the registry office of the registration division of Chambly under number 789196;

Whereas Sophranie Beauchamp and Charles Jodoin died respectively on 17 October 1918 and 21 December 1924, and whereas their wills and the codicil to the will of Charles Jodoin were registered at the registry office of the registration division of Chambly, at Longueuil, under numbers 55 985, 65 648 and 65 649 respectively;

Whereas Sophranie Beauchamp and Charles Jodoin married in 1861 under the regime of community of movables and conquests prescribed by the Coutume de Paris, and whereas the immovable, acquired with a larger area by Charles Jodoin in 1900, formed part of the community;

Whereas the wills of Sophranie Beauchamp and Charles Jodoin were composed in almost identical terms, whereas they instituted as residual legatees the six children born of their marriage, granting usufruct of the property so bequeathed to the surviving spouse and

subjecting the legacy of the children or their representatives to the condition that they did not seek to profit from a substitution supposedly made by Félix Beauchamp, the father of Sophranie Beauchamp;

Whereas, in his codicil, Charles Jodoin expressed the wish that one of the children of the couple should have the usufruct of an immovable described in the codicil which included the immovable contemplated by this Act, and whereas he subjected the rights of the other children or their representatives to a share of the residual legacy to the condition that they respect the codicil;

Whereas the wills of Sophranie Beauchamp and Charles Jodoin included a clause with respect to execution, whereas the executors appointed were the surviving spouse or, in the absence of a surviving spouse, Tancrède Jodoin, one of the children of the marriage, whereas the clause with respect to execution prescribed that the two executors should keep their executory powers beyond the year and a day fixed by law and for as long as the business of the succession so required, whereas it did not explicitly provide for the replacement of Tancrède Jodoin nor for the continuation of execution of the will independently of the legatees after his death, and whereas Tancrède Jodoin died on 10 September 1951;

Whereas the substitutions formed by the wills and a substitution formed by the child benefiting from the codicil on his share were opened at the latest on 10 April 1980 and whereas since such date, every major person who has a right to a share of the successions of Sophranie Beauchamp and Charles Jodoin could request the successions to be partitioned;

Whereas, however, on that date all the children and many of the grandchildren of Sophranie Beauchamp and Charles Jodoin were deceased, whereas the successions of several of them were not settled and whereas at the present time the successions of several descendants of Sophranie Beauchamp and Charles Jodoin are not settled;

Whereas, on 29 October 1987, Yves Jodoin, one of the descendants of Sophranie Beauchamp and Charles Jodoin, filed a petition in the Superior Court requesting that Raoul Jodoin, another descendant of the same two persons, and himself be appointed executors of the successions of Sophranie Beauchamp and Charles Jodoin;

Whereas, in the petition, Yves Jodoin put forward, in particular, that because of the difficulties of partitioning the succession, it would be convenient that such partition should concern a sum of money rather than an immovable, and whereas he requested in consequence that Raoul Jodoin and himself be authorized to sell, before a notary indicated in the petition, the immovable of the succession, part of lot 27 of the cadastre for the village of Boucherville, described in more detail in the petition;

Whereas, in the petition, Yves Jodoin also put forward that, following the expropriation of part of the immovable bequeathed by Sophranie Beauchamp and Charles Jodoin and given the relatively high price paid by the expropriator, the valuation of the remainder and, consequently, the property taxes were going to increase considerably, that the succession ran the risk of no longer being able to pay the taxes and, consequently, ran the risk of losing the immovable by sale to pay such taxes;

Whereas, with the authorization of the court, notice of the petition was served through the newspapers, whereas nobody opposed it, whereas it was granted on 16 November 1987 (record number 500-14-000 562-886 of the Superior Court for the district of Montréal) and whereas after verification of the value of the immovable contemplated by the petition, the court fixed a sale price of \$750 000;

Whereas, under the authority of the judgment, Yves Jodoin and Raoul Jodoin, declaring themselves to be acting in the capacity of testamentary executors of the successions of Sophranie Beauchamp and Charles Jodoin, sold before the notary indicated in the judgment the part of lot 27 of the cadastre for the village of Boucherville described in the judgment and contemplated by this Act, and whereas the sale price, paid in cash, was \$850 000;

Whereas there is a minor child among the persons concerned by the successions of Sophranie Beauchamp and Charles Jodoin, whereas this fact is not mentioned in the petition, but whereas the petitioner does not declare either that all the persons concerned are of age;

Whereas the Civil Code and the Code of Civil Procedure prescribe various formalities for sale by licitation of property and, in particular, of immovables of a succession when a minor child is concerned, whereas the petitioner had not asked the court to order the formalities to be carried out, whereas the court did not make such an order and whereas several of the formalities have not been carried out;

Whereas, among the formalities prescribed for the sale by licitation of immovables of a succession when a minor child is concerned, is the prior notice published in a newspaper in accordance with article 594 of the Code of Civil Procedure;

Whereas, however, a notice of putting up for sale was placed on the land in question and, following such publicity, eleven offers to purchase were submitted to the notary in charge of the sale;

Whereas the minor child concerned by the successions of Charles Jodoin and Sophranie Beauchamp will reach his majority on 21 July 1989;

Whereas in addition to the public notices prescribed by the Operating Rules of the National Assembly, the attorneys of 2620-0451 Québec Inc. gave special notice of their intention to request the passage of this Act to all persons with a right to a share of the successions of Sophranie Beauchamp and Charles Jodoin and to all the executors of successions of the descendants of those two persons that they were able to find, approximately 60 persons in all;

Whereas nobody opposed the passage of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The title of 2620-0451 Québec Inc. to the part of lot 27 of the cadastre for the village of Boucherville described in the schedule to this Act, resulting from the deeds registered at the registry office of the registration division of Chambly, at Longueuil, under numbers 789196 and 789197 and in particular from the one registered first, is confirmed to the extent that it could be contested for all or some of the following reasons:

(1) it is not certain that Sophranie Beauchamp and Charles Jodoin manifestly intended that the execution and administration of their wills registered at the registry office of the registration division of Chambly under numbers 55 985 and 65 648 respectively should continue independently of the legatees after the death of Tancrède Jodoin;

(2) the wills of Sophranie Beauchamp and Charles Jodoin did not give the executors the seizin of the immovables or, moreover, the power to alienate them;

(3) it is not certain that, when it rendered judgment on the business bearing number 500-14-000 568-868 in records of the

Superior Court of the district of Montréal, the court had the power to authorize the executors to sell an immovable belonging to the successions in question;

(4) the petitioner supplied the court with the municipal valuation of the immovable contemplated by this Act for the current year but not for the five preceding years;

(5) the immovable had not been valued by an expert in accordance with articles 418 to 422 of the Code of Civil Procedure and the family council had not been called to give its opinion on the sale;

(6) the sale of the immovable by the executors had not been preceded by a notice in accordance with article 594 of the Code of Civil Procedure;

(7) the notary entrusted with the sale did not produce for the clerk the minutes of his proceedings and a copy of such minutes was not annexed to the minute of the deed of sale;

(8) the sale of the immovable contemplated by this Act was not carried out in accordance with the procedure prescribed for judicial sales.

2. Registration of a true copy of this Act shall be made by deposit.

3. This Act comes into force on 22 June 1989.

SCHEDULE

(Section 1)

DESIGNATION

A vacant parcel of land located and situated in the municipality of the town of Boucherville, known and designated as follows:

A certain site forming part of lot TWENTY-SEVEN (27) of the official plan and book of reference of the cadastre for the village of Boucherville, registration division of Chambly, bounded as follows:

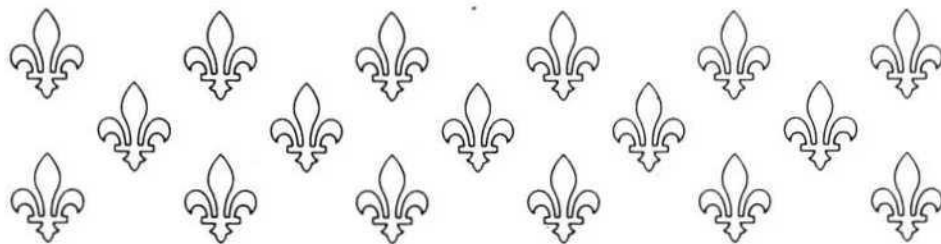
BOUNDED on the west by part of lot 27 (Marie-Victorin street) measuring a distance of two hundred and eighty-seven feet and four tenths (287.4 ft) to a point; thence, bounded on the north by part of lot 26 measuring a distance of forty-five feet and one tenth (45.1 ft)

to a point; thence, bounded on the northwest by part of lots 25 and 26 measuring a distance of one hundred and twenty-two feet and four tenths (122.4 ft) to a point; thence, bounded on the northeast by lots 1-2 to 1-19, 1-21, 1-22 and parts of lot 1-20 measuring a distance of nine hundred and ninety-three feet and eight tenths (993.8 ft) to a point; thence, bounded on the south by parts of lot 27 measuring a distance of one hundred and seventy-eight feet and two tenths (178.2 ft) to a point; thence, bounded on the south by lots 27-1-1, 27-1-2 and 27-3 measuring a distance of one hundred and seventy-nine feet and five tenths (179.5 ft) to a point; thence, bounded on the southeast by lot 28-1 measuring a distance of fifty-one feet and five tenths (51.5 ft) to a point; thence, bounded on the southeast by lots 28-1 and 28-2 measuring a distance of seventy-nine feet (79.0 ft) to a point; thence, bounded on the southwest by lot 28-2 measuring a distance of seventy-eight feet and four tenths (78.4 ft) to a point; thence, bounded on the southwest by part of lot 28 measuring a distance of seventy-four feet and three tenths (74.3 ft) to a point; thence, bounded on the southwest by lots 28-3-2-2 and 28-3-2-1 measuring a distance of two hundred and eighteen feet (218.0 ft) to a point; thence, bounded on the west by lot 27-2 measuring a distance of eighty-four feet (84.0 ft) to a point; thence, bounded on the south by lot 27-2 measuring a distance of twenty-three feet and eight tenths (23.8 ft) to a point; thence, bounded on the west by part of lot 27 measuring a distance of eighty-two feet (82.0 ft) to a point; thence, bounded on the south by part of lot 27 measuring a distance of one hundred and one feet and seven tenths (101.7 ft) to the starting point.

THE SAID site containing an area of three hundred and nine thousand square feet and nine hundred and seventy-nine hundredths (309,979.0 sq ft), English measure.

THE WHOLE being without buildings, subject to all active and passive servitudes, apparent or unapparent, which may affect such immovable.

The immovable described above is shown on the plan prepared by Michel Verville, land surveyor, on 7 August 1987 and bearing number V-1506 in his minutes.



NATIONAL ASSEMBLY

SECOND SESSION

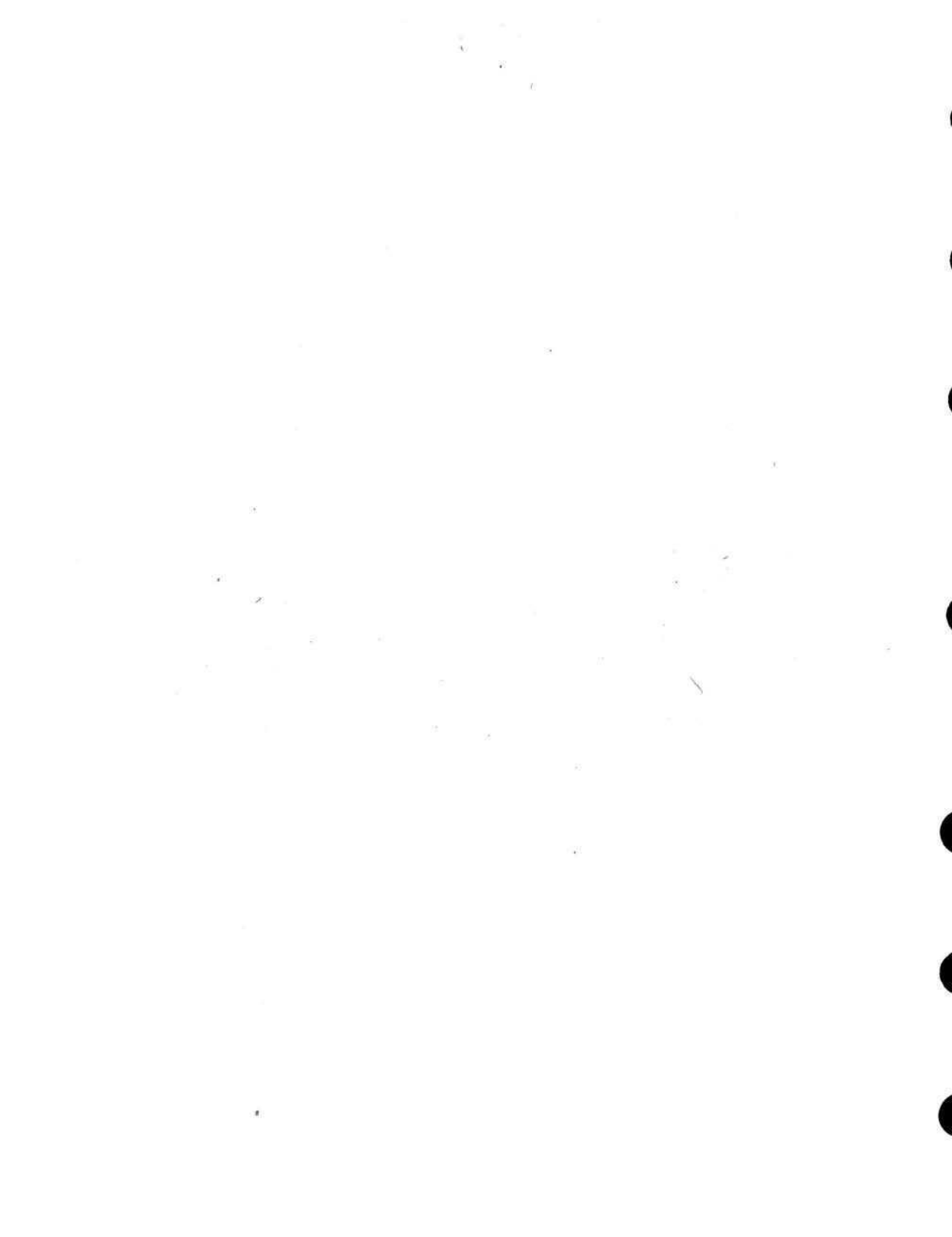
THIRTY-THIRD LEGISLATURE

Bill 277
(Private)

An Act respecting Club de Golf La Pruchière Inc.

Introduced 12 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989

**Québec Official Publisher
1989**



Bill 277

(Private)

An Act respecting Club de Golf La Pruchière Inc.

WHEREAS Club de Golf La Pruchière Inc. was incorporated on 3 March 1970 by letters patent issued under Part I of the Companies Act (R.S.Q., 1964, chapter 271) and whereas supplementary letters patent were issued thereto on 24 July 1972;

Whereas its authorized capital consists of 700 common shares with a par value of \$240 and 320 preferred shares with a par value of \$100, of which 427 common shares and 320 preferred shares were issued;

Whereas all of the preferred shares have been redeemed by the company;

Whereas its main activity consists in the operation of a golf club;

Whereas its manner of operating and the objectives it has pursued up to now are very similar to those of a non-profit corporation;

Whereas it is expedient that the club be governed henceforth by Part III of the Companies Act (R.S.Q., chapter C-38);

Whereas the Companies Act does not permit the club to continue under Part III of the said Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

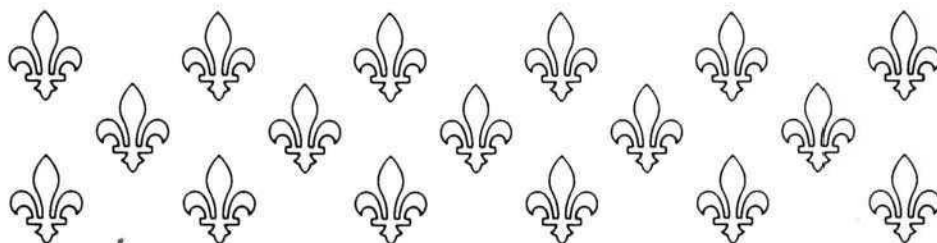
1. Club de Golf La Pruchière Inc. is authorized to apply for letters patent incorporating its members under Part III of the Companies Act (R.S.Q., chapter C-38).

2. As of the date of the letters patent issued,

(a) the authorized capital of the said company as well as all of the shares issued, including the 320 preferred shares redeemed, are cancelled;

(b) the holders of the 427 common shares become members of the corporation and the amounts paid up on the said shares shall constitute their subscription.

3. This Act comes into force on 22 June 1989.



NATIONAL ASSEMBLY

SECOND SESSION

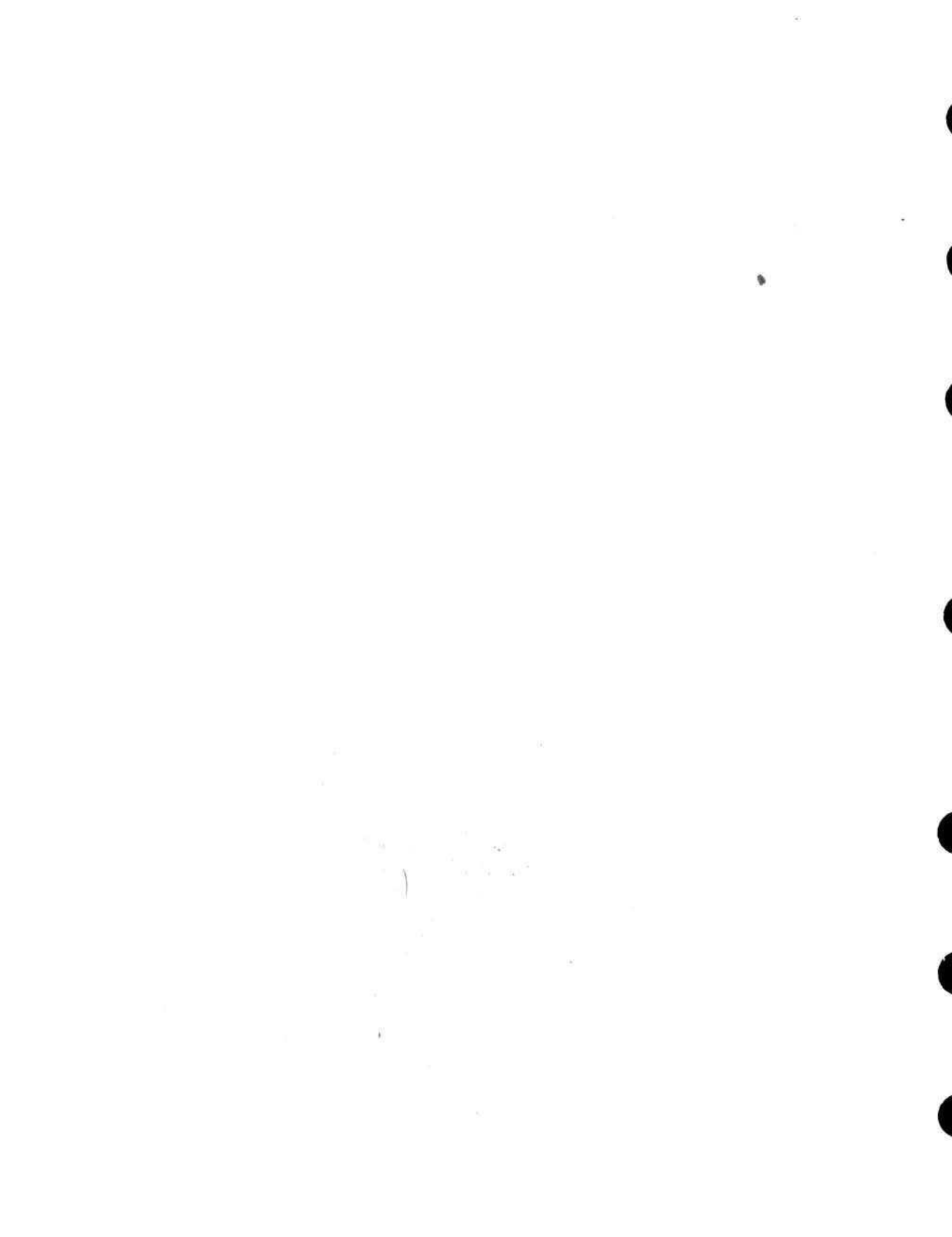
THIRTY-THIRD LEGISLATURE

Bill 279
(Private)

**An Act to replace the Act respecting
La Confédération des caisses
populaires et d'économie Desjardins
du Québec**

**Introduced 15 May 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**



Bill 279

(Private)

An Act to replace the Act respecting La Confédération des caisses populaires et d'économie Desjardins du Québec

WHEREAS it is in the interest of La Confédération des caisses populaires et d'économie Desjardins du Québec and of its members that chapter 80 of the statutes of 1971, as amended by chapter 78 of the statutes of 1975, chapter 102 of the statutes of 1978, chapter 46 of the statutes of 1979, chapter 90 of the statutes of 1979, chapter 60 of the statutes of 1980, chapters 52 and 70 of the statutes of 1982, chapter 133 of the statutes of 1986 and chapter 64 of the statutes of 1988, be consolidated and amended in order to harmonize it with the provisions of the Savings and Credit Unions Act (1988, chapter 64);

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

LA CONFÉDÉRATION DES CAISSES POPULAIRES ET D'ÉCONOMIE DESJARDINS DU QUÉBEC

1. In addition to its objects under the Savings and Credit Unions Act (1988, chapter 64), La Confédération des caisses populaires et d'économie Desjardins du Québec, hereinafter called "the Confédération", shall also have as its object the definition of common objectives designed to achieve the unity of thinking and action of its member federations and the credit unions affiliated with them.

2. The Confédération may identify itself under the firm name of "Mouvement des caisses Desjardins".

3. The by-laws of the Confédération may provide for the admission of any person or partnership as honorary members.

Honorary members may attend meetings; however, they are neither entitled to vote nor eligible to hold any office within the Confédération, nor are they entitled to benefits afforded to members by the Confédération.

4. For the formation of its board of directors, the Confédération may, by by-law, grant to each member federation the right to elect a certain number of directors. The election may take place during group meetings convened by the Confédération or during the annual meeting of the Confédération. No member of the board of directors thus elected shall be dismissed except by the member federation who has the right to elect him.

5. The board of directors may, if authorized by by-law, choose from among its members or from among non-members, a president of the Confédération who is not the chairman of the board of directors. The board of directors may also appoint a director general.

The Confédération's by-law shall determine the powers and duties of the officers so chosen, and the conditions of their eligibility.

6. The term of office of the president of the Confédération shall be fixed by by-law, shall not exceed ten years and shall be renewable.

When the president of the Confédération is chosen, he shall become a director *ex officio* for the duration of his term. The seat which he held as an elected director, where such was the case, shall become vacant and such vacancy shall be filled by the board of directors in accordance with the by-laws.

The board of directors shall fix the remuneration of the president of the Confédération as well as the other conditions relating to his status as an employee of the Confédération.

7. The board of directors may exclude the employees of a credit union, a federation or the Confédération from the payment of the attendance allowance referred to in section 348 of the Savings and Credit Unions Act.

8. The Confédération may, for the purpose of making the investments which it may make pursuant to the Savings and Credit Unions Act,

(1) borrow money upon its credit, in particular from its members and auxiliary members;

(2) issue bonds or other securities, and pledge them or sell them for such sums and at such prices as considered expedient.

9. Subject to section 260 of the Savings and Credit Unions Act in respect of credit unions, every credit union and member federation holding shares or bonds issued by a corporation forming part of the same group as the Confédération, within the meaning of section 8 of the Savings and Credit Unions Act, may assign them to the Confédération and receive, in payment or exchange, preferred shares, shares or bonds issued by the Confédération.

Where, as a result of the acquisition of preferred shares of the Confédération pursuant to this section, a member federation holds units, shares, bonds or debentures referred to in paragraph 2 of section 408 of the Savings and Credit Unions Act in a proportion exceeding the percentage prescribed therein, the federation shall have until 31 December 1991 to comply.

The Inspector General of Financial Institutions may grant extensions on the conditions he determines.

10. The Confédération and member federations authorized by the Confédération may guarantee the financial liabilities of the corporations mentioned in Schedule A and Schedule B.

The aggregate of the sums represented by the guarantees given by the Confédération and all its member federations in accordance with this section, shall not exceed 1% of the total assets of the credit unions affiliated with such member federations; in addition, the aggregate of the sums represented by the guarantees given by a member federation shall not exceed 1% of the total assets of the credit unions affiliated with it.

11. Notwithstanding section 469 of the Savings and Credit Unions Act, the Confédération may acquire and hold securities or qualifying shares permitting it to adhere to a credit card network, a debit or payment card network and an electronic fund transfer network.

12. The Confédération may, accessorially to its main activities, contract with any person to provide him with services which it offers in the context of its participation to networks in accordance with section 11, management services, data processing services or any other technical service which the Confédération uses for its own benefit or the benefit of its members.

DIVISION II

SOCIÉTÉ D'INVESTISSEMENT DESJARDINS

13. A joint stock company hereinafter called "the Company" is incorporated under the name of "Société d'investissement Desjardins"; its head office shall be in the city of Montréal.

14. Subject to this Act, the Company shall be governed by Part II of the Companies Act (R.S.Q., chapter C-38).

15. The purpose of the Company is to promote the development of industrial or commercial undertakings, whether of a cooperative nature or not, and thus promote the economic progress of Québec.

16. The Company may in particular

(1) acquire securities and any evidences of indebtedness or titles of participation;

(2) establish, provide and lease and hire technical, management and research services for itself or for others;

(3) grant a loan or guarantee the payment, in whole or in part, of a financial liability.

17. The authorized capital stock of the Company is composed of an unlimited number of common shares without par value.

The directors of the Company may make a by-law to increase the capital stock of the Company by creating shares contemplated by section 146 of the Companies Act. Such a by-law is subject to the procedure established in sections 155 to 157 of that Act.

18. The Company's business is administered by a board of not less than nine directors.

However, the by-laws of the Company may provide for a greater number of directors.

It is not necessary to be a shareholder to be a director of the Company.

19. The board of directors of the Company may exercise the powers set out in sections 142, 145 and 169 of the Companies Act.

DIVISION III

LA CAISSE CENTRALE DESJARDINS DU QUÉBEC

20. A corporation, hereinafter called "the Caisse centrale" is incorporated under the name of "La Caisse centrale Desjardins du Québec".

The Caisse centrale may also identify itself under the firm name of "Caisse centrale Desjardins".

21. The Caisse centrale is a corporation within the meaning of the Civil Code and has the general powers of such a corporation and the special powers conferred on it by this Act.

22. The Caisse centrale has its head office at Lévis or any other location in the Province of Québec fixed by a by-law adopted by the general meeting.

The Caisse centrale must, within ten days of the adoption of the by-law, give notice of the change to the Inspector General of Financial Institutions who shall cause a copy of the notice to be published in the *Gazette officielle du Québec* at the expense of the Caisse centrale.

The Caisse centrale may, by resolution of its board of directors, change the location of its head office within the boundaries of the city where it is located. A notice of the change of address must be given to the Inspector General.

23. Except where incompatible with this division, the provisions of the Savings and Credit Unions Act (1988, chapter 64) respecting credit unions and federations apply to the Caisse centrale, adapted as required.

However, the following provisions do not apply to the Caisse centrale: paragraph 6 of section 2, sections 4, 11 to 19, 55 to 89, 96 to 109, paragraphs 2 and 5 of section 112, sections 118, 127, 137, 143, 147 to 150, 154 to 183, 227 to 239, 247, 256 to 260, 266, 267, 271 to 273, 321 to 328, 345, 349, the first paragraph of section 353, sections 354, 355, 358 to 363, 389 to 394, 408, 410, 411, 413 to 427, 437, 514, 515 and 545 to 550.

24. Section 8 of the Savings and Credit Unions Act is replaced, for the Caisse centrale, by the following section:

"8. For the purposes of sections 217 and 251, the following entities form part of the same group as the Caisse centrale: the

Confédération, the Corporation de fonds de sécurité de la Confédération Desjardins as well as any other legal person directly or indirectly controlled by the Caisse centrale or by the Confédération or any federation affiliated with it.

For the purposes of any other provision of this Act and of Division III of the Act to replace the Act respecting La Confédération des caisses populaires et d'économie Desjardins du Québec, the following entities form part of the same group as the Caisse centrale: the Confédération and the federations affiliated with the Confédération, the Corporation de fonds de sécurité de la Confédération Desjardins as well as any other legal person directly or indirectly controlled by the Caisse centrale or by the Confédération or any federation affiliated with it."

25. The capital stock of the Caisse centrale consists of the shares subscribed for by its members.

The amount of a share is \$1 000 and no share may be issued without being fully paid.

The capital stock may also include one or several classes of preferred shares. The by-laws of the Caisse centrale shall determine the price, rights, conditions and privileges attached to preferred shares.

The shares shall be in registered form and can be transferred only in accordance with the provisions of the by-laws of the Caisse centrale. Where permitted by the by-laws of the Caisse centrale, the shares may also be issued to auxiliary members.

26. Except with the prior written approval of the Inspector General, the Caisse centrale shall not redeem the shares held by a member applying therefor or preferred shares the issuance of which was authorized by the Inspector General; the redemption of shares shall be made at par value and must not leave the Caisse Centrale with an insufficient capital base to meet its requirements.

The Caisse centrale shall not, however, redeem more than 10% of its shares during any one fiscal year.

27. Any redemption of shares or preferred shares contemplated by section 26 shall take effect only after the approval by the Inspector General of the enabling resolution adopted by the board of directors of the Caisse centrale.

The Inspector General may approve a resolution referred to in the first paragraph only if such resolution is submitted to him within three months from the date on which it was adopted.

When submitted to the Inspector General, the resolution shall be accompanied with proof that it was regularly adopted and with declarations stating

- (1) the number of issued and outstanding shares and preferred shares of the Caisse centrale;
- (2) the number of shares or preferred shares being redeemed;
- (3) the assets and liabilities of the Caisse centrale;
- (4) the reasons for the proposed redemption.

Notwithstanding the provisions of this section, the Inspector General may choose to refuse to approve a resolution made under this section.

28. The federations that are members of the Confédération are members of the Caisse centrale.

29. The Caisse centrale may admit, as auxiliary members, the auxiliary members of the Confédération and any other legal person including any cooperative body or national or international cooperative institution operating according to rules similar to the rules of cooperative action set out in section 2 of the Savings and Credit Unions Act.

The Caisse centrale may establish by by-law one or more classes of auxiliary members and determine conditions for their admission, their rights and obligations and criteria or conditions relating to their withdrawal, suspension or expulsion.

30. Delegates of the member federations of the Confédération constitute the general meeting of the Caisse centrale when they are convened at an annual or special meeting.

31. The business of the Caisse centrale shall be administered by a board of directors composed of directors elected from among the directors of the Confédération.

The Caisse centrale shall determine, by by-law, the number of its directors which may not be less than nine.

For the formation of its board of directors, the Caisse centrale may, by by-law, grant to each member federation the right to elect a certain number of directors. The election may take place during group meetings convened by the Caisse centrale or during its annual meeting. No member of the board of directors thus elected shall be dismissed except by the federation which has the right to elect him.

In no case may the majority of the members of the board of directors consist of employees of the Confédération and of a federation affiliated with it.

A director who ceases to be a member of the board of directors of the Confédération loses his right to sit on the board of directors of the Caisse centrale.

32. The board of directors, at its first meeting after the annual meeting or during such annual meeting, shall choose from among the directors a chairman of the board, one or several vice-chairmen of the board and the secretary of the board.

The board of directors shall also choose a president of the Caisse centrale who need not be a director and shall fix his remuneration. The Caisse centrale may also determine by by-law the method of appointment of the secretary of the Caisse centrale who need not be a director.

The by-laws of the Caisse centrale shall determine the powers and duties of the officers so chosen, and the conditions of their eligibility.

The by-laws may also provide for the appointment of any other officers of the Caisse centrale and determine their powers and duties and the conditions of their eligibility and appointment.

33. The president of the Caisse centrale who is not a member of the board of directors is entitled to be convened to, attend and address the meetings of the board; he must, however, withdraw from a meeting at the request of the majority of the directors present. The president shall perform his duties under the direction of the board of directors.

34. Unless otherwise provided in the by-laws, meetings of the board of directors are called, at the request of the chairman of the board, the vice-chairman of the board, the president of the Caisse centrale or two directors, by written notice at least seven clear days

before the date scheduled for the meeting. The notice shall indicate the place, the date and the time of the meeting and the matters that will be debated.

35. The board of directors of the Caisse centrale shall, in addition to its duties under the Savings and Credit Unions Act, supervise all credit extended by the Caisse centrale where the statement of reimbursement indicates late payments and shall, for such purpose, establish control mechanisms.

36. The board of directors may declare an interest on shares; it shall then determine the modalities of payment thereof.

37. In no case may an interest be declared or paid on shares where the Caisse centrale is or would thereby become insolvent or where the paid-up capital is or would thereby be broken into.

38. The board of directors may order the creation of a surplus account or of any other account or reserve that it considers appropriate.

39. The board of directors may, out of the annual surplus earnings, pay a dividend to the members contemplated in sections 28 and 29 pro rata to their transactions with the Caisse centrale; such dividends may vary according to the nature of the transactions made with the Caisse Centrale.

40. The board of directors may, if authorized by by-law, constitute an executive committee.

The executive committee shall be composed of not fewer than three persons chosen by the board of directors from among its members; the board shall also designate the chairman among them.

41. The members of the board of directors who authorize the payment of interest on shares in contravention of section 37 are jointly and severally liable for the sums involved and not yet recovered.

The right of action arising out of the preceding paragraph is prescribed by two years from the date of declaration of interest.

42. In addition to exercising the rights and powers conferred on a credit union or a federation by the Savings and Credit Unions Act, the Caisse centrale may, among other things,

(1) receive deposits from the Gouvernement du Québec, the Government of Canada, the government of any Canadian province and from the government of any other country, province or state;

(2) receive deposits from any person except natural persons and savings and credit unions governed by the Savings and Credit Unions Act;

(3) extend credit, alone or jointly with others, to the governments and persons from whom it may receive deposits;

(4) borrow money, issue bonds, debentures or other evidences of indebtedness;

(5) hypothecate, mortgage or give as security its assets, by way of a trust deed in accordance with sections 28 to 30 of the Special Corporate Powers Act (R.S.Q., chapter P-16) or in any other manner, but only for the following purposes:

(i) to secure a loan contracted with the Bank of Canada;

(ii) to obtain an advance of money under the Deposit Insurance Act (R.S.Q., chapter A-26) or any similar legislation;

(iii) for the purpose mentioned in paragraph 8 of this section;

(iv) to secure a loan contracted to meet short-term requirements for liquid funds;

(v) to acquire or improve an immovable intended mainly for its own use, in which case the security shall apply only to that immovable;

(vi) for any other transactions with the prior approval of the Inspector General;

The Caisse centrale shall notify the Inspector General within a reasonable time after the giving of any security under subparagraphs (i) to (v) of this paragraph 5;

(6) subscribe at a fixed price, bonds or other evidences of indebtedness

(i) issued or guaranteed by the Gouvernement du Québec, the Government of Canada, the Government of any Canadian province, the government of any other country, province or state, or by a municipal corporation in Canada;

(ii) issued by an agency of the Gouvernement du Québec, the Government of Canada, the government of any Canadian province or the government of any other country, province or state;

(iii) issued by a cooperative body or by a national or international cooperative institution operating according to rules similar to the rules of cooperative action set out in section 2 of the Savings and Credit Unions Act;

(iv) issued by an international institution of which Canada is a member and in particular by members of the World Bank Group;

or be a member of a group constituted to distribute or sell such bonds or evidences of indebtedness;

(7) become a member of any association the object of which is to organize a system of clearing and settlement of instruments of payment;

(8) act on behalf of its members and of any other person for the clearing and settlement of instruments of payment and provide the necessary guarantees;

(9) transfer to any person or acquire from any person claims resulting from loans acquired or granted by the Caisse centrale or the transferor;

(10) guarantee the financial liabilities of its members and of the governments and persons from whom it may receive deposits provided that the person in favour of whom the guarantee is given by the Caisse centrale shall be unconditionally obliged to reimburse to the Caisse centrale the full amount of any payment or reimbursement made by the Caisse centrale;

(11) acquire or improve immovables to the extent that they serve mainly for its own use as well as immovables securing payment of a debt owing to it in order to ensure total or partial payment of such debt;

The Caisse centrale may own immovables or real rights for a period of seven years from the date of their acquisition to ensure payment of an amount owing to it or from the date on which they cease to serve mainly for its own use in accordance with the decision made by the directors. The Inspector General may extend this period of time;

(12) represent its members in any manner connected with the exercise of their powers and, in particular, participate with them in

the establishment and management of the services that they may provide or provide, as the mandatary of its members, any service they may offer.

43. Where the Inspector General considers that the financial practices of the Caisse centrale in matters relating to credit or investments may affect the security of depositors, he may give written instructions to the Caisse centrale concerning conditions or restrictions in matters of credit or investments or the financial or administrative practices of the Caisse centrale in these matters; the Inspector General may make these conditions or restrictions applicable to all credits and investments, to such class or classes thereof as he may determine or to such type or types of credit or investments as he may identify. Before exercising this power, the Inspector General shall notify the Caisse centrale of his intention and give it an opportunity to be heard.

44. The third paragraph of article 1966 and article 1571*d* of the Civil Code shall apply to a sale or transfer of the whole, of a portion or of a particular category of debts or book accounts made in favour of a member federation of the Confédération by a credit union affiliated to such federation for the purpose of selling or transferring such debt to the Caisse centrale, and to such a sale or transfer made in favour of Caisse centrale by such federation.

45. For the purposes of the acquisition and holding by a supplemental pension plan of bonds or other evidences of indebtedness issued by the Caisse centrale, the Caisse centrale and its members mentioned in section 28 are deemed, for the purposes of the Act respecting supplemental pension plans (R.S.Q., chapter R-17), to be corporations and their shares are deemed to be common shares.

46. For the purposes of the acquisition and holding by the Caisse de dépôt et placement du Québec of bonds or other evidences of indebtedness issued by the Caisse centrale, the Caisse centrale and its members mentioned in section 28 are deemed, for the purposes of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2), to be companies and their shares are deemed to be common shares.

47. Sections 205 and 206 of the Savings and Credit Unions Act shall not apply to officers of the Caisse centrale with respect to their interest in their respective federation.

48. Section 217 of the Savings and Credit Unions Act is replaced, for the Caisse centrale, by the following section:

“217. A person is a restricted party with respect to the Caisse centrale where that person is

(1) an officer of the Caisse centrale, of the Confédération or of a federation affiliated with the Confédération;

(2) a legal person having a majority of directors and officers who are officers of a legal person referred to in paragraph 1;

(3) the auditor of the Caisse centrale or the partner of such auditor;

(4) a shareholder holding 10% or more of the voting rights attached to the shares issued by a legal person controlled by the Confédération or 10% or more of such shares;

(5) a legal person belonging to the same group as the Caisse centrale;

(6) a legal person controlled by one or several persons referred to in paragraph 1;

(7) any other person whose interests or dealings with the Caisse centrale might, in the opinion of the Inspector General, influence the investments or transactions that may be made by the Caisse centrale.”

49. The first paragraph of section 403 of the Savings and Credit Unions Act is replaced, for the Caisse centrale, by the following paragraph:

“403. The Caisse centrale shall not acquire or hold, directly or indirectly, more than 30% of the common shares of a legal person or shares in any number that permits it to exercise voting rights in excess of 30% of all voting rights attached to the total issued shares of the legal person or to elect more than one third of the directors of the legal person, except where the legal person is a subsidiary of the Caisse centrale carrying on outside the province of Québec activities similar to those of a savings and loans company.”

50. The Inspector General may give written instructions to the Caisse centrale concerning conditions applicable to the holding of a subsidiary referred to in section 49; the conditions may apply to the Caisse centrale as well as to the subsidiary. Before exercising this power, the Inspector General shall notify the Caisse centrale of his intention and give it an opportunity to be heard.

51. Where sections 403 to 407 and 409 of the Savings and Credit Unions Act apply to the Caisse centrale, the words “the Confédération

with which it is affiliated" and "the Confédération with which the federation is affiliated" shall be replaced by the words "La Confédération des caisses populaires et d'économie Desjardins du Québec".

52. The Caisse centrale shall at all times maintain such liquid assets as are adequate to meet its requirements.

The Inspector General may give written instructions to the Caisse centrale as to the adequacy and nature of its liquid assets. Before exercising this power, the Inspector General shall notify the Caisse centrale of his intention and give it an opportunity to be heard.

53. The Caisse centrale shall at all times maintain adequate and appropriate assets against liabilities in foreign currencies.

54. The Caisse centrale shall, in view of its operations, maintain an adequate capital base. The Inspector General may give written instructions to the Caisse centrale as to the adequacy of its capital base.

The capital base of the Caisse centrale shall include

- (1) its general reserve;
- (2) its issued shares;
- (3) its preferred shares issued with the authorization of the Inspector General but only in the proportion determined by the Inspector General;
- (4) any other asset determined by the Inspector General.

55. The Inspector General may, for the purposes of section 54, determine the assets and liabilities which may be added to or deducted from the capital base of the Caisse centrale as well as the proportion of these assets and liabilities to each other and the conditions and limitations attaching to them and to the components of the capital base.

56. The aggregate of the deposits received by the Caisse centrale, its borrowings, the guarantees and the letters of credit which it has extended and the other liabilities determined by written instructions of the Inspector General, shall at no time exceed twenty times the amount of its capital base.

The Inspector General may, where he deems it necessary, reduce or increase the ratio which applies to the Caisse centrale within such reasonable time as he may prescribe.

For the purposes of the first paragraph, the amount of the capital base of the Caisse centrale shall be reduced by the amount of any investment or credit, or portion of an investment or credit, made or extended by the Caisse centrale in contravention of the provisions of the Savings and Credit Unions Act which apply to the Caisse centrale or of the written instructions of the Inspector General, unless it was made or extended before 22 June 1989 and as long as it is recognized as an asset by the Inspector General on such conditions as he may determine.

Where the Caisse centrale does not comply with the ratio which is applicable to it or where the Inspector General considers that the capital base of the Caisse centrale is inadequate in view of its transactions, the Inspector General may order the Caisse centrale to adopt within the time he prescribes and for the reasons he indicates, a compliance program describing the appropriate measures to be implemented within the time indicated therein.

57. Before exercising the powers set out in sections 54 to 56, the Inspector General shall notify the Caisse centrale of his intentions and give it an opportunity to be heard.

58. The Caisse centrale shall establish an ethics committee consisting of not fewer than three members elected by the annual meeting from among the members of the general meeting.

In no case may the majority of the members of the ethics committee consist of officers of the Caisse centrale, of employees of the Confédération or of a federation affiliated with it, of officers or employees of a holding company controlled by the Confédération or of a legal person controlled by such holding company, and of shareholders holding 10% or more of the voting rights attached to the shares of a legal person belonging to the same group as the Caisse centrale.

59. The ethics committee shall adopt rules for the protection of the interests of the Caisse centrale and its members, that are consistent with the policies of the Confédération. The rules shall concern, in particular, the procedure governing contracts with restricted parties, the conditions applicable to the credit extended to them, the disclosure requirements of the Caisse centrale and of the restricted parties, the protection of confidential information held by the Caisse centrale with respect to its members and the persons with

whom it carries on its operations, and the conduct required of the Caisse centrale in cases where its interest or that of a legal person belonging to the same group as the Caisse centrale is in conflict with that of its depositors or its members.

60. The ethics committee shall see to the implementation of the rules that it has adopted and shall advise the board of directors, within ten days, of any cases where the rules were not observed.

The committee shall submit its findings and recommendations to the board of directors and may call a meeting to lay any matter brought up in its report before the members.

61. The ethics committee shall submit a report of its activities to the board of directors at the end of the fiscal year of the Caisse centrale and shall present it at the annual meeting.

62. The Caisse centrale shall establish within its board of directors an audit committee consisting of not fewer than three members.

In no case may the majority of the members of the audit committee consist of officers contemplated by the first or fourth paragraph of section 32, of employees of the Caisse centrale, the Confédération or a federation affiliated with it, of officers or employees of a holding company controlled by the Confédération or of a legal person controlled by such holding company, and of shareholders holding 10% or more of the voting rights attached to the shares of a legal person belonging to the same group as the Caisse centrale.

63. The audit committee shall examine every financial statement as well as the annual statement before they are approved by the board of directors or certified by two directors. The committee shall also examine every auditor's report contemplated by section 75.

The audit committee shall also ensure that

(1) the operations of the Caisse centrale are in compliance with the provisions of this division, the provisions of the Savings and Credit Unions Act which apply to the Caisse centrale and with the regulations;

(2) the Caisse centrale complies with the orders and written instructions issued under the provisions of this division or the provisions of the Savings and Credit Unions Act which apply to the Caisse centrale.

64. The audit committee shall report its findings to the board of directors and may, if it considers it appropriate, make recommendations to them.

65. The audit committee may be convened by one of its members, by a director or by one of the auditors. The auditors must be notified of any meeting of the committee and shall attend any meeting to which they are convened and must then be given an opportunity to be heard.

The committee shall, if it becomes aware of an error or misstatement in a financial statement, cause such statement to be corrected and inform the board of directors.

66. The audit committee shall each year transmit a report of its activities to the Inspector General to the close of the last fiscal period of the Caisse centrale.

The report shall be transmitted within three months from the closing date. It must indicate the composition of the committee, any changes in its membership and the content of any mandate entrusted to it.

67. The Caisse centrale shall cause its books and accounts to be audited every year by two auditors.

The annual meeting shall appoint, as auditors of the Caisse centrale, two accounting firms and fix their remuneration; the appointments expire at the end of the next annual meeting.

A special meeting convened for that purpose may, by a vote of at least two-thirds of delegates present, revoke the appointment of one auditor or of the two auditors.

68. The auditor of the Caisse centrale must be an accountant qualified to practice public accounting. He must be a member in good standing of an institute or association of accountants incorporated under the laws of a province of Canada or a firm of accountants in which one or more of the officers or employees fulfill those requirements.

69. Section 435 of the Savings and Credit Unions Act is replaced, for the Caisse centrale, by the following section:

“435. The auditor shall be disqualified to act as such where he or an associate or the spouse or child of either living with him or the associate

(1) is a director or an officer of the Caisse centrale or of a legal person controlled by it, of the Confédération or of a federation affiliated with it or of a holding company controlled by the Confédération;

(2) holds, directly or indirectly, 10% or more of the voting shares of one class or of all the voting shares of a legal person controlled by the Caisse centrale or by the Confédération, or can control the election of a majority of the directors of such a legal person;

(3) has been the sequestrator, liquidator or trustee in bankruptcy of any legal person belonging to the same group as the Caisse centrale within the two years preceding his appointment as auditor.

The auditor is also disqualified from acting as such where he or an associate is an employee of the Caisse centrale or of a legal person belonging to the same group."

70. The Caisse centrale shall, within fifteen days of appointing a firm of accountants as auditor, designate a member of the firm who meets the qualifications described in sections 68 and 69 to conduct the audit of the Caisse centrale, and forthwith notify the Inspector General in writing of the designation.

71. The Caisse centrale shall forthwith notify the Inspector General of the resignation of an auditor, of the non-renewal of the appointment of an auditor or of a decision to propose the revocation of the appointment of an auditor.

72. If the Caisse centrale fails to appoint auditors, the Inspector General may appoint auditors and fix the remuneration that the Caisse centrale shall pay to them.

73. To perform their duties as auditors of the Caisse centrale, the auditors of the Caisse centrale have access to all the books, records and accounts of the Caisse centrale and any person having custody thereof shall facilitate their examination by the auditors. At the request of the auditors of the Caisse centrale, the officers, employees and other representatives of the Caisse centrale shall furnish all the information and explanations necessary to enable them to perform their duties as auditors.

74. The auditors shall indicate in their report

(1) whether they have carried out their audit in accordance with generally accepted auditing standards;

(2) whether, in their opinion, the financial statements of the Caisse centrale included in the report submitted to the annual meeting, give a faithful account of the financial position of the Caisse centrale, the income from its operations and the changes in its financial position according to generally accepted accounting principles applied in the same manner as during the preceding fiscal year;

(3) any other information prescribed by regulation of the Government.

The auditors shall also give sufficient explanations in their report of any reservations they express in their report.

75. The auditors shall, without delay, report in writing to the board of directors any transaction or condition affecting the interests of the Caisse centrale that, in their opinion, is not satisfactory and requires rectification. In particular, they shall report any transactions of the Caisse centrale which have come to their notice in the normal course of their audit and which are in violation of the provisions of this division, of the provisions of the Savings and Credit Unions Act applicable to the Caisse centrale, of orders or written instructions of the Inspector General or of the government regulations adopted under these Acts. Copy of their report shall be transmitted to the audit committee and to the Inspector General.

If the auditors are notified or become aware of an error or misstatement in the financial statements on which they reported, and if in their opinion the error or misstatement is material, they shall inform in writing the board of directors which shall

- (1) prepare and publish amended financial statements, or
- (2) inform the members and the Inspector General accordingly.

76. The auditors of the Caisse centrale are entitled to receive notice of any general meeting, to attend and be heard thereat on any matter relating to their duties as auditors.

77. An auditor or former auditor who, in good faith, makes an oral or written statement or report under the first paragraph of section 75, shall not be liable in any civil action arising therefrom.

78. The fiscal year of the Caisse centrale ends on 31 December each year or at any other fiscal year-end date applicable to the members of the Caisse centrale in accordance with section 437 of the Savings and Credit Unions Act.

79. Within three months after the end of its fiscal year, the Caisse centrale shall transmit to the Inspector General the reports and statements prescribed by sections 306 and 307 of the Savings and Credit Unions Act.

80. The expenses incurred for the inspection and supervision of the Caisse centrale under this Act shall be charged to the Caisse centrale.

81. In the case of the winding-up of the Caisse centrale, the liquidator shall first pay the debts of the Caisse centrale according to their respective ranks, where that is the case, and the costs of winding-up. He shall then pay the preferred shares according to their respective ranks followed by the shares. After these payments, the balance of the assets of the Caisse centrale shall be divided among its members pro rata to the number of shares held by each.

82. Section 499 of the Savings and Credit Unions Act is replaced, for the Caisse centrale, by the following section:

“499. Where, in the opinion of the Inspector General, the Caisse centrale or a legal person controlled by it does not adhere to sound financial practices or is not complying with this Act or with division III of the Act to replace the Act respecting La Confédération des caisses populaires et d'économie Desjardins du Québec, a government regulation thereunder, a compliance program, written instructions of the Inspector General or the rules of ethics on self-dealing and conflict of interest, he may order it to cease such practices and to remedy the situation.”

83. Section 516 of the Savings and Credit Unions Act is replaced, for the Caisse centrale, by the following section:

“516. The Government, by regulation, may determine

(1) the reports, documents and information that must be transmitted to the Minister or the Inspector General in addition to those required by this Act, the date or the prescribed time for their transmission, the form and content of such documents and the number of copies required;

(2) the additional information that must appear in the annual report of the Caisse centrale;

(3) the additional information that must be stated by the auditor in a report under section 74 of the Act to replace the Act respecting

La Confédération des caisses populaires et d'économie Desjardins du Québec and under section 299 of this Act;

(4) conditions and restrictions governing the flow of information within the Caisse centrale, to and from the Caisse centrale and legal persons belonging to the same group as the Caisse centrale or to and from the Caisse centrale and a restricted party, with a view to reducing the risks of conflict of interest;

(5) from among the regulatory provisions made under this section those the contravention of which constitutes an offence;

(6) from among the provisions of the Savings and Credit Unions Act respecting credit unions and federations, those which do not apply to the Caisse centrale in addition to those mentioned in section 23 of the Act to replace the Act respecting La Confédération des caisses populaires et d'économie Desjardins du Québec."

84. Section 521 of the Savings and Credit Unions Act is replaced, for the Caisse centrale, by the following section:

"521. Every person who contravenes any provision of section 275, of the first paragraph of section 277 or of section 435 of this Act or of section 26 or 37 or of the second paragraph of paragraph 11 of section 42 of the Act to replace the Act respecting La Confédération des caisses populaires et d'économie Desjardins du Québec, is guilty of an offence."

85. Section 528 of the Savings and Credit Unions Act is replaced, for the Caisse centrale, by the following section:

"528. Every person who fails to comply with an order or written instructions issued or given by the Inspector General under section 398, 499 or 501 of this Act or under Division III of the Act to replace the Act respecting La Confédération des caisses populaires et d'économie Desjardins du Québec, is guilty of an offence."

86. The second paragraph of section 529 of the Savings and Credit Unions Act is replaced, for the Caisse centrale, by the following paragraph:

"Every person found guilty of an offence under the regulations made under paragraph 5 of section 516 is liable, in addition to costs, to a fine of not less than \$200 nor more than \$2 000 in the case of a natural person and of not less than \$600 nor more than \$30 000 in the case of a legal person."

87. Where Titles V and VII of the Savings and Credit Unions Act apply to the Caisse centrale, the words "this Act" are replaced by "this Act and Division III of the Act to replace the Act respecting La Confédération des caisses populaires et d'économie Desjardins du Québec".

DIVISION IV

MISCELLANEOUS PROVISIONS

88. This Act may be cited under the title of an Act respecting the Mouvement des caisses Desjardins.

89. The Act respecting La Confédération des caisses populaires et d'économie Desjardins du Québec (1971, chapter 80) as amended by chapter 78 of the statutes of 1975, chapter 102 of the statutes of 1978, chapter 46 of the statutes of 1979, chapter 90 of the statutes of 1979, chapter 60 of the statutes of 1980, chapters 52 and 70 of the statutes of 1982, chapter 133 of the statutes of 1986 and chapter 64 of the statutes of 1988 is replaced by this Act.

90. The provisions of this Act come into force on 22 June 1989, except those of the fourth paragraph of section 31 and of the last paragraph of section 62, which come into force on 23 December 1990.

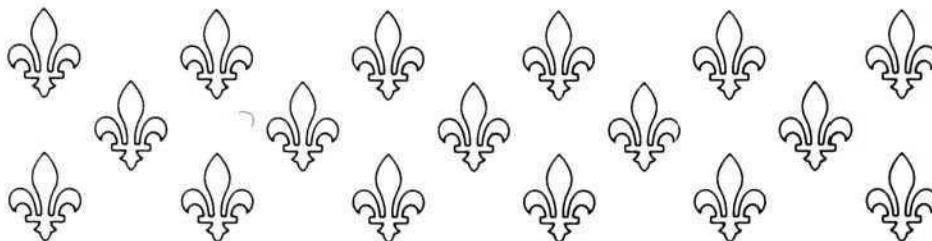
SCHEDULE A

The holding companies contemplated in subparagraphs 1 and 2 of the first paragraph of section 470 and in section 471 of the Savings and Credit Unions Act and the legal persons controlled, directly or indirectly, by such holding companies.

Institut coopératif Desjardins

SCHEDULE B

Place Desjardins Inc.



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 281
(Private)

**An Act respecting certain
immovables situated in the
industrial park of
Saint-Augustin-de-Desmaures**

**Introduced 13 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for a systematic approach to data collection and the importance of using reliable sources of information.

3. The third part of the document focuses on the analysis of the collected data. It discusses the various techniques used to identify trends, patterns, and anomalies in the data, and how these insights can be used to inform decision-making.

4. The fourth part of the document discusses the importance of communication and reporting. It emphasizes that the results of the data analysis should be clearly and concisely communicated to the relevant stakeholders, and that regular reports should be provided to keep them informed of the organization's performance.

5. The fifth part of the document discusses the importance of continuous improvement. It emphasizes that the organization should regularly review its processes and procedures to identify areas for improvement and implement changes to enhance its performance.

Bill 281

(Private)

An Act respecting certain immovables situated in the industrial park of Saint-Augustin-de-Desmaures

WHEREAS, on 17 May 1971, notices of expropriation were registered by the Communauté urbaine de Québec against a certain number of immovables forming part of the cadastre for the parish of Saint-Augustin-de-Desmaures, within the registration division of Portneuf, which were to form the territory of its industrial park;

Whereas, on 1 October 1971, the Communauté urbaine de Québec effected the cadastral subdivision of parts of certain immovables which were the subject of the expropriation proceedings, for street purposes, and whereas the subdivision was made in accordance with the provisions of article 2175 of the Civil Code;

Whereas, on 18 February 1972, the Communauté urbaine de Québec cancelled the parts of the lots in the process of being expropriated that were situated between the streets previously subdivided, and new original lots bearing numbers 544 to 556 were included in the plan and book of reference of the cadastre for the parish of Saint-Augustin-de-Desmaures, and whereas this cadastral operation was carried out in accordance with the provisions of article 2174a of the Civil Code;

Whereas, following the above-mentioned cadastral operations, but before the acquisition by the Communauté urbaine de Québec of the immovables in respect of which it had commenced expropriation proceedings, other minor cadastral amendments were made in accordance with the provisions of article 2175 of the Civil Code;

Whereas, during the period extending from 31 May 1972 to 20 December 1973, the Communauté urbaine de Québec became the

owner of the immovables forming the territory of its industrial park by virtue of the deeds of sale entered into by the expropriated owners;

Whereas the immovables acquired by the Communauté urbaine de Québec by virtue of the deeds of sale hereinabove referred to were described in those deeds in the same manner as in the notices of expropriation registered on 17 May 1971 at the registry office of the registration division of Portneuf, at Cap-Santé, and, therefore, without taking into account the cadastral operations carried out after that date;

Whereas the deeds of sale hereinabove referred to were registered, at the time of their execution, at the registry office of the registration division of Portneuf, but whereas neither the lots included by reason of the above-mentioned cadastral operations nor the new subdivision lots resulting from such operations could be affected by such registration;

Whereas certain successors in title of the Communauté urbaine de Québec to the immovables so acquired indicated to the Communauté urbaine de Québec that the designation of the immovables acquired by virtue of the deeds of sale hereinabove referred to was irregular since earlier cadastral operations had not been taken into account, and demanded that it make the necessary corrections;

Whereas corrections to the designation of certain immovables so acquired by the Communauté urbaine de Québec were made by way of agreements entered into by the Communauté urbaine de Québec and its predecessors in title to take into account the above-mentioned cadastral operations;

Whereas, by way of notarial memorials executed on 22 March 1989 and registered on 28 March 1989 at the registry office of the registration division of Portneuf under numbers 319777, 319778, 319779, 319780, 319781, 319782, 319783, 319784, 319785, 319786, 319787, 319788, 319789 and 319790, and by way of notarial memorials executed on 19 April 1989 and registered on 24 April 1989 at the same registry office under numbers 320434, 320435, 320436, 320437, 320438 and 320439, the Communauté urbaine de Québec registered its titles of conveyance with respect to the immovables acquired during the period extending from 31 May 1972 to 20 December 1973, the designation of which had not been corrected by agreement;

Whereas the said notarial memorials, as prescribed in the last paragraph of article 2139 of the Civil Code, contained the official

designation of the immovables acquired by the Communauté urbaine de Québec as it stood at the time of their acquisition, although that designation did not appear in the deeds of sale;

Whereas the notarial memorials, to be equivalent to cadastral notices, also mentioned the cadastral operations carried out with regard to certain immovables following their acquisition by the Communauté urbaine de Québec;

Whereas certain of the notarial memorials were the subject of rectifications certified by a notarial deed executed on 6 June 1989 and registered the next day at the registry office of the registration division of Portneuf under number 321696;

Whereas the registration by way of notarial memorials may therefore affect the immovables acquired by the Communauté urbaine de Québec during the period extending from 31 May 1972 to 20 December 1973, the designation of which had not been corrected by agreement, and may, consequently, render the deeds of sale in favour of the Communauté urbaine de Québec to which the memorials relate enforceable in accordance with article 2098 of the Civil Code;

Whereas it is in the public interest to set aside any doubt as to the validity of the title of the Communauté urbaine de Québec to the immovables which may arise from the fact that, in the deeds of sale in favour of the Communauté urbaine de Québec hereinabove referred to, the immovables sold are described without taking into account the cadastral operations carried out before the date on which the deeds were signed;

Whereas it is in the public interest to set aside any doubt as to the validity of the registration, by way of notarial memorials, of certain titles of conveyance of the Communauté urbaine de Québec and, consequently, as to the enforceability of the deeds of sale to which the memorials relate;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

I. The deeds of sale executed from 31 May 1972 to 20 December 1973 in favour of the Communauté urbaine de Québec, established by the Act respecting the Communauté urbaine de Québec (R.S.Q., chapter C-37.3), and listed in Schedule A are hereby confirmed to the extent that they could be contested on the grounds that the description of the immovables sold appearing in the deeds of sale did

not take into account the cadastral operations carried out before the date on which the deeds were signed.

2. The registration, by way of the notarial memorials also mentioned in Schedule A, of the same deeds of sale at the registry office of the registration division of Portneuf, at Cap-Santé, is valid and renders those deeds of sale enforceable in accordance with article 2098 of the Civil Code.

3. Registration of a true copy of this Act shall be made by deposit.

Such registration shall be entered in the index of immovables with regard to the lots listed in Schedule B, notwithstanding the fact that, in some cases, this Act affects only parts of those lots and notwithstanding the third paragraph of article 2168 of the Civil Code.

4. This Act comes into force on 22 June 1989.

SCHEDULE A

LIST OF CERTAIN DEEDS OF SALE TO THE COMMUNAUTÉ URBAINE DE QUÉBEC,
EXECUTED DURING THE PERIOD EXTENDING FROM 31 MAY 1972 TO 20 DECEMBER 1973
AND AFFECTING IMMOVABLES FORMING PART OF THE INDUSTRIAL PARK OF
SAINT-AUGUSTIN-DE-DESMAURES, WITH, IN EACH CASE, A PARTICULAR OF BOTH
THEIR REGISTRATION BY DEPOSIT AT THE TIME OF THEIR EXECUTION AND THEIR
REGISTRATION BY NOTARIAL MEMORIAL IN 1989

I. A notarial deed of sale by Pierrette Blouin executed on 21 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197871, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319777;

II. A notarial deed of sale by Émile Delisle, Marie-Thérèse Delisle, Emilia Delisle and Marguerite Delisle executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197859, as amended by a notarial deed executed on 23 August 1973 by the same parties, and registered by deposit on 4 September 1973 at the same registry office under number 204268; both deeds were also registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319778;

III. A notarial deed of sale by Georges-Albert Gingras executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197860, and registered by way of a notarial memorial executed on 22 March 1989 and

deposited on 28 March 1989 at the same registry office under number 319779;

IV. A notarial deed of sale by Dominique Couture executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197867, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319780;

V. A notarial deed of sale by Alphonse Juneau executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197861, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319781;

VI. A notarial deed of sale by Jean-Marie Paradis executed on 21 November 1972, registered on 4 December 1972 at the registry office of the registration division of Portneuf under number 200390, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319782;

VII. A notarial deed of sale by Roland Paradis executed on 21 November 1972, registered on 29 November 1972 at the registry office of the registration division of Portneuf under number 200333, and registered by way of a notarial memorial executed on 22 March 1989, deposited on 28 March 1989 at the same registry office under number 319783 and rectified by a notarial deed executed on 6 June 1989 and registered the next day at the same registry office under number 321696;

VIII. A notarial deed of sale by Hector Delisle executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197870, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319784;

IX. A notarial deed of sale by Ovide Dancause executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197868, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319785;

X. A notarial deed of sale by Adolphe Ratté executed on 21 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197872, and registered by way of a notarial memorial executed on 22 March 1989, deposited on 28 March 1989 at the same registry office under number 319786 and rectified by a notarial deed executed on 6 June 1989 and registered the next day at the same registry office under number 321696;

XI. A notarial deed of sale by Fred Devito Inc. executed on 20 December 1973, registered on 8 January 1974 at the registry office of the registration division of Portneuf under number 206195, and registered by way of a notarial memorial executed on 22 March 1989 and deposited on 28 March 1989 at the same registry office under number 319787;

XII. A notarial deed of sale by Paul-Henri Trudel executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197859, and registered by way of a notarial memorial executed on 22 March 1989, deposited on 28 March 1989 at the same registry office under number 319788 and rectified by a notarial deed executed on 6 June 1989 and registered the next day at the same registry office under number 321696;

XIII. A notarial deed of sale by Paul-Émile Juneau executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197862, and registered by way of a notarial memorial executed on 22 March 1989, deposited on 28 March 1989 at the same registry office under number 319789 and rectified by a notarial deed executed on 6 June 1989 and registered the next day at the same registry office under number 321696;

XIV. A notarial deed of sale by Jean-René Bélanger executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197865, and registered by way of a notarial memorial executed on 22 March 1989, deposited on 28 March 1989 at the same registry office under number 319790 and rectified by a notarial deed executed on 6 June 1989 and registered the next day at the same registry office under number 321696;

XV. A notarial deed of sale by Joseph Moraldo executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197864, and registered by way of a notarial memorial executed on 19 April 1989, deposited

on 24 April 1989 at the same registry office under number 320434 and rectified by a notarial deed executed on 6 June 1989 and registered the next day at the same registry office under number 321696;

XVI. A notarial deed of sale by Adrien Mainguy executed on 20 June 1972, registered on 4 July 1972 at the registry office of the registration division of Portneuf under number 197863, and registered by way of a notarial memorial executed on 19 April 1989 and deposited on 24 April 1989 at the same registry office under number 320435;

XVII. A notarial deed of sale by Henri Juneau executed on 20 June 1972, registered on 18 July 1972 at the registry office of the registration division of Portneuf under number 198100, and registered by way of a notarial memorial executed on 19 April 1989 and deposited on 24 April 1989 at the same registry office under number 320436;

XVIII. A notarial deed of sale by Dominique Dorval executed on 6 July 1972, registered on 18 July 1972 at the registry office of the registration division of Portneuf under number 198101, and registered by way of a notarial memorial executed on 19 April 1989 and deposited on 24 April 1989 at the same registry office under number 320437;

XIX. A notarial deed of sale by Adrien Dussault executed on 25 January 1973, registered on 29 January 1973 at the registry office of the registration division of Portneuf under number 200915, and registered by way of a notarial memorial executed on 19 April 1989 and deposited on 24 April 1989 at the same registry office under number 320438;

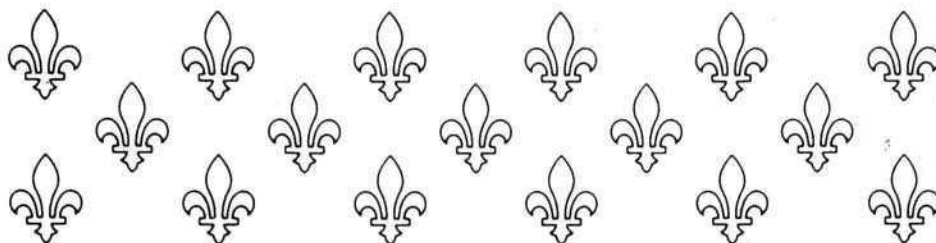
XX. A notarial deed of sale by Jean-Louis Petitlec executed on 31 May 1972, registered on 7 June 1972 at the registry office of the registration division of Portneuf under number 197377, and registered by way of a notarial memorial executed on 19 April 1989, deposited on 24 April 1989 at the same registry office under number 320439 and rectified by a notarial deed executed on 6 June 1989 and registered the next day at the same registry office under number 321696.

SCHEDULE B

LIST OF THE LOTS OF THE OFFICIAL CADASTRE FOR THE PARISH OF SAINT-AUGUSTIN-DE-DESMAURES, WITHIN THE REGISTRATION DIVISION OF PORTNEUF, AFFECTED BY THE REGISTRATION OF THIS ACT

Lots 278-1, 279, 279-1, 281, 281-5, 281-6, 281-7, 281-8, 281-9, 281-10, 282, 282-1, 282-2, 282-3, 282-4, 283, 283-1, 283-2, 284, 284-2, 284-3, 284-4, 284-5, 285, 285-2, 285-3, 286, 286-2, 286-3, 286-4, 286-5, 286-6, 286-7, 286-8, 287, 287-1, 287-2, 287-3, 287-4, 288, 288-1, 288-2,

288-3, 288-4, 288-5, 288-A-1, 289, 289-1, 289-2, 289-3, 289-4, 289-5, 290, 290-1, 290-2, 290-3, 290-4, 290-5, 291, 291-1, 291-2, 291-3, 291-4, 292-1, 293-1, 294, 294-1, 294-2, 294-3, 294-4, 295-1, 296-1, 297, 297-1, 297-2, 297-3, 297-4, 297-5, 297-6, 297-8, 297-9, 299-1, 299-2, 299-4, 300, 300-1, 300-2, 300-3, 300-7, 303, 303-3, 303-4, 303-5, 303-6, 544, 544-1, 544-2, 544-3-1, 544-3-2-1, 544-3-2-2, 544-4, 544-5, 544-6-1, 544-6-1-1, 544-6-2, 544-6-2-1, 544-7, 544-8, 544-9, 544-10, 544-11, 544-12, 545, 545-1, 545-3, 545-4, 545-5, 545-6, 546, 546-1-1, 546-1-2, 546-2, 546-3, 547, 547-1-1, 547-1-2, 547-2, 547-3, 547-4, 548, 549, 549-1, 549-1-1, 549-2, 549-3, 550, 550-1, 550-2, 550-3, 550-3-1, 550-4, 554-4-1, 550-5, 550-6, 550-7, 550-8, 550-9, 551, 552, 553, 554, 555, 555-1, 555-2, 555-3, 555-4, 556, 556-1, 556-1-1, 556-1-2, 556-2.



NATIONAL ASSEMBLY

SECOND SESSION

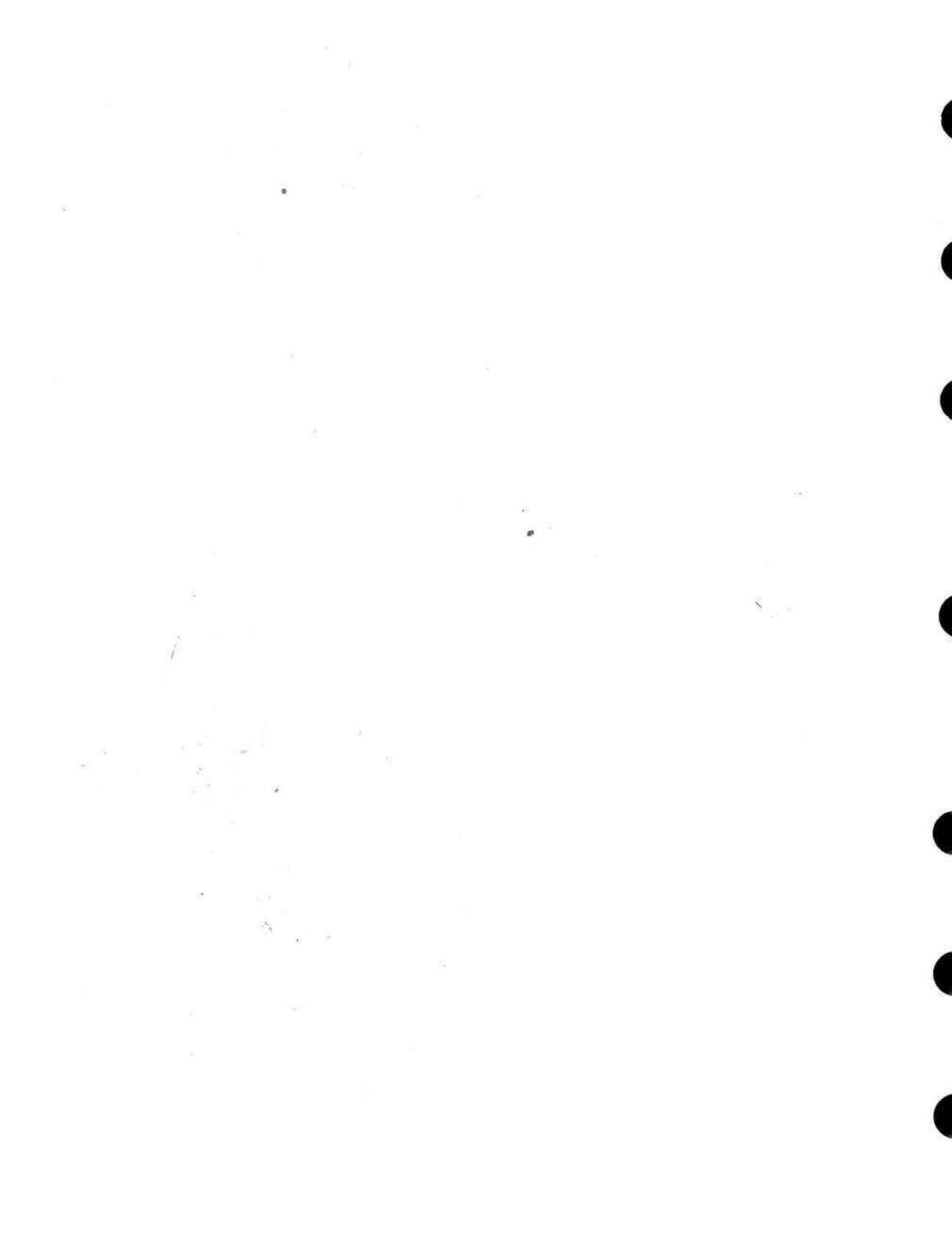
THIRTY-THIRD LEGISLATURE

Bill 282
(Private)

**An Act respecting the Institution
Monseigneur Guay and the Roman
Catholic Archbishop of Québec**

**Introduced 5 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**



Bill 282

(Private)

An Act respecting the Institution Monseigneur Guay and the Roman Catholic Archbishop of Québec

WHEREAS, by a notarial deed of transfer executed on 18 October 1988 and registered at the registry office of the registration division of Lévis under number 325275, the Institution Monseigneur Guay transferred to His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec (hereinafter called "Archbishop Vachon") its immovable property, to wit, the immovables described in Schedules A and B;

Whereas the Institution Monseigneur Guay also transferred its movable property to Archbishop Vachon;

Whereas the said property was transferred within a context described in greater detail in the Act respecting the Institution Monseigneur Guay and La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi (1989, chapter *insert here the chapter number of Bill 245 in the annual volume of statutes for 1989*) and, in particular, in pursuance of the clause reproduced in Schedule C and contained in the deed registered at the registry office of the registration division of Lévis under number 39839;

Whereas Archbishop Vachon was, despite much effort, unable to find another religious community which would continue to maintain a charitable institution on the immovables described in Schedules A and B;

Whereas in practice, the powers conferred on Archbishop Vachon under the clause reproduced in Schedule C have been exercised by the Roman Catholic Archbishop of Québec, a corporation governed by the Roman Catholic Bishops Act (R.S.Q., chapter E-17) and it is

therefore expedient that the situation be officialized and that the Roman Catholic Archbishop of Québec exercise the powers conferred on Archbishop L.N. Bégin, Archbishop of Québec, or his successors under the clause reproduced in Schedule C;

Whereas the immovables described in Schedules A and B are situated in the territory of the town of Lauzon, whereas the town has passed a by-law under the authority of the Act to authorize municipalities to collect duties on transfers of immoveables (R.S.Q., chapter M-39), whereas the said immovables are subject to the trust established by the deed registered at the registry office of the registration division of Lévis under number 39839 and are to remain subject thereto after 22 June 1989, whereas the transfer of the immovables by Archbishop Vachon to the Roman Catholic Archbishop of Québec is thus somewhat similar to the situation described in paragraph *c* of section 20 of the Act to authorize municipalities to collect duties on transfers of immoveables and whereas it is consequently fitting that no transfer duties be exigible upon the transfer of the immovables described in Schedules A and B by Archbishop Vachon to the Roman Catholic Archbishop of Québec;

Whereas included in the property transferred by the Institution Monseigneur Guay to Archbishop Vachon are various objects intended for liturgical purposes and it is appropriate that the Roman Catholic Archbishop of Québec be allowed to keep them in full ownership;

Whereas the manner of disposing of the property of the Institution Monseigneur Guay, stipulated in the clause reproduced in Schedule C, is not necessarily the most appropriate in the current circumstances;

Whereas it is just and reasonable that the Roman Catholic Archbishop of Québec be allowed to reimburse the Institution Monseigneur Guay or La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi, out of proceeds of the sale of the property of the Institution Monseigneur Guay, for expenses incurred in administering and preserving the property for the period extending from 9 March 1987 to 18 October 1988 and that he be allowed to reimburse himself for expenses incurred in administering, preserving and disposing of the property for the period subsequent to 18 October 1988, for the fees and costs of his attorneys which he assumed for his own account and for the account of Archbishop Vachon as well as for the fees paid for the passage of this Act, the obtaining of a certified copy thereof and the registration of that document;

Whereas the clause reproduced in Schedule C entrusts the administration of the proceeds of the sale to the Séminaire de Québec, but does not provide that the latter may receive remuneration;

Whereas the Séminaire de Québec renounced the responsibility imposed on it by the said clause and whereas the Roman Catholic Archbishop of Québec is willing to assume the responsibility but considers it expedient that his powers be defined as regards the administration and disposition of the proceeds of the sale and of the income yielded by the proceeds;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The clause contained in the deed of transfer registered at the registry office of the registration division of Lévis under number 39839 and reproduced in Schedule C is hereby cancelled.

2. The immovables described in Schedules A and B, transferred to His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec (hereinafter called "Archbishop Vachon"), by a notarial deed of transfer executed on 18 October 1988 and registered at the registry office of the registration division of Lévis under number 325275, are transferred by operation of law to the Roman Catholic Archbishop of Québec.

The same applies to the movable property transferred by the Institution Monseigneur Guay to Archbishop Vachon.

The transfer of immovables under this section is exempt from the payment of transfer duties under the by-law of the town of Lauzon passed under the authority of the Act to authorize municipalities to collect duties on transfers of immovables (R.S.Q., chapter M-39).

Archbishop Vachon is exempt from any obligation to render an account to the Roman Catholic Archbishop of Québec in respect of the movable or immovable property transferred under this section.

3. The Roman Catholic Archbishop of Québec may withhold, in full ownership, from the property transferred to him under section 2, all or part of the property intended for liturgical purposes.

The Roman Catholic Archbishop of Québec shall, with all possible dispatch, sell the residue of the property transferred to him under section 2, separately or as a whole, directly or through remunerated mandataries, for such prices and on such terms and conditions as he may consider appropriate.

4. The Roman Catholic Archbishop of Québec is authorized to reimburse, out of the proceeds of the sale of the property contemplated by the second paragraph of section 3,

(1) La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi for the sums of money allocated by that congregation or by the Institution Monseigneur Guay to the administration and preservation of the property of the Institution Monseigneur Guay for the period extending from 9 March 1987 to 18 October 1988;

(2) himself for expenses incurred in taking possession of the property transferred by the Institution Monseigneur Guay, including the fees and costs paid to the notary who executed the deed registered under number 325275;

(3) himself for expenses incurred in administering and preserving the property transferred by the Institution Monseigneur Guay and in alienating the property he is required to alienate;

(4) himself for the fees paid for the passage of this Act, the obtaining of a certified copy thereof and the registration of that document.

5. The Roman Catholic Archbishop of Québec may reimburse La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi for all or part of the expense referred to in paragraph 1 of section 4 before disposing of the property he is required to alienate under the second paragraph of section 3.

In such a case, he is authorized to reimburse himself out of the proceeds of the sale of the property for the sums thus paid.

6. After making the reimbursements provided for in sections 4 and 5, the Roman Catholic Archbishop of Québec shall invest the residue of the proceeds of the sale of the property contemplated by the second paragraph of section 3 and use the income therefrom to support the poor of the parish of Saint-Joseph de Lévis, as the parish existed on 29 December 1901, which is the date of execution of the deed registered at the registry office of the registration division of Lévis under number 39839.

7. The Roman Catholic Archbishop of Québec may entrust the administration of all or part of the capital of the trust contemplated by this Act to one or more trust companies governed by the Act respecting trust companies and savings companies (1987, chapter 95) and make an agreement with them as to reasonable remuneration.

Where he administers all or part of the capital of the trust himself, he is entitled to a maximum compensation of 3.5% per year of the income derived from the property under his administration.

8. The Roman Catholic Archbishop of Québec may entrust the distribution of the income derived from the capital of the trust to fabriques, religious corporations, whether or not they are established under the Religious Corporations Act (R.S.Q., chapter C-71), or to non-profit organizations, whether or not they are legal persons.

To distribute the said income, he may also apply for the incorporation of a corporation in accordance with Part III of the Companies Act (R.S.Q., chapter C-38) or with the Roman Catholic Bishops Act (R.S.Q., chapter E-17).

9. If the income derived from the capital of the trust contemplated by this Act is less than \$20 000 and there is no reasonable hope of improvement in the near future, the Roman Catholic Archbishop of Québec is authorized to encroach upon the capital and to distribute all or part thereof in accordance with sections 6 and 8 until the capital is depleted.

The figure \$20 000 shall, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), be adjusted annually according to the rate of increase in the Pension Index determined by the said Act.

10. Registration of a true copy of this Act shall be made by deposit.

On effecting the registration, the registrar shall cancel the registration of the clause contained in the deed registered at the registry office of the registration division of Lévis under number 39839 and reproduced in Schedule C with respect to the immovables described in Schedules A and B.

11. This Act comes into force on 22 June 1989.

Notwithstanding the foregoing, section 2 has effect from 18 October 1988.

SCHEDULE A

(Sections 2 and 10)

Description of an immovable contemplated by the deed of transfer between the Institution Monseigneur Guay, transferor, and His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec, transferee, registered at the registry office of the registration division of Lévis under number 325275

Lot 1 of the subdivision of lot 3 of the subdivision of the original lot 16 (16-3-1) of the cadastre for the parish of Saint-Joseph, registration division of Lévis.

SCHEDULE B

(Sections 2 and 10)

Description of an immovable contemplated by the deed of transfer between the Institution Monseigneur Guay, transferor, and His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec, transferee, registered at the registry office of the registration division of Lévis under number 325275

Lot 1 of the subdivision of lot 3 of the subdivision of the original lot 15 (15-3-1) of the cadastre for the parish of Saint-Joseph, registration division of Lévis.

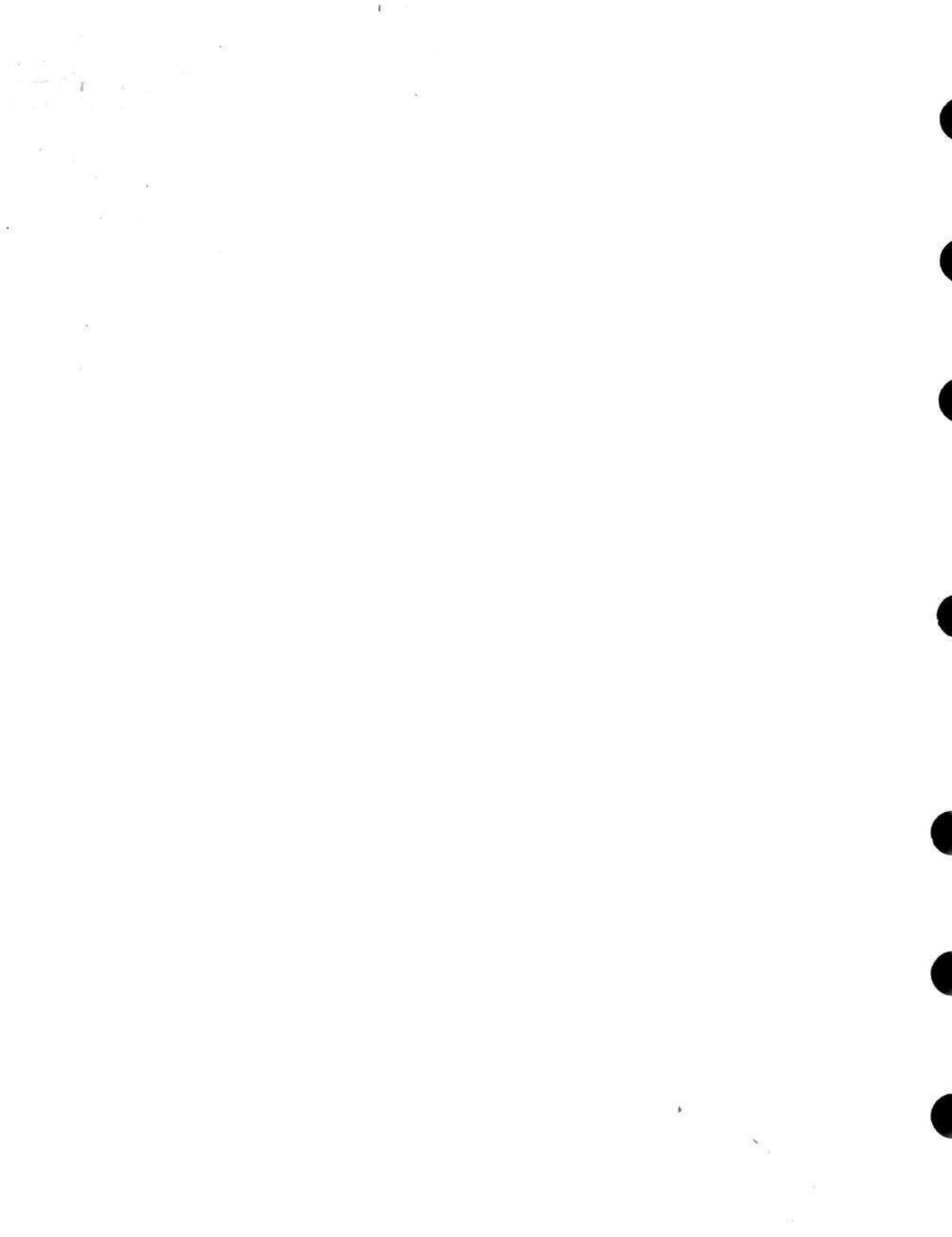
SCHEDULE C

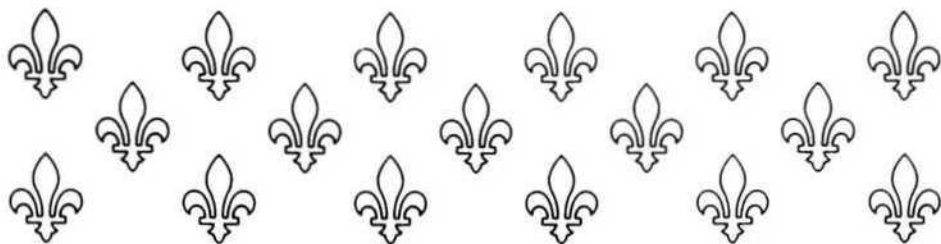
(Sections 1 and 10)

Clause contained in the deed of transfer registered at the registry office of the registration division of Lévis under number 39839
(TRANSLATION)

“(8) (...) However, if Monsignor Charles Guay were dead at that time, all the property would be entrusted to Archbishop L.N. Bégin, Archbishop of Québec, or to his successors who would entrust it to other nuns charged with pursuing the work. If, for the second time, the said hospital did not succeed, all movable and immovable property then forming part thereof would be sold by two persons appointed by the aforementioned Archbishop of Québec or his successors, and the proceeds of the sale would be capitalized and deposited with the

Séminaire de Québec, and the annual interest on the capital would be used to support the poor of the parish of Saint-Joseph de Lévis.”





NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 283
(Private)

**An Act respecting
The André Perry Group Inc.**

**Introduced 2 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989**

**Québec Official Publisher
1989**



Bill 283

(Private)

An Act respecting The André Perry Group Inc.

WHEREAS the company known as The André Perry Group Inc. was incorporated under the Companies Act (R.S.Q., 1964, chapter 271) by letters patent issued on 29 April 1974 under the corporate name of Studio Morin Heights Inc. and was continued under Part IA of the Companies Act (R.S.Q., chapter C-38) on 28 June 1983;

Whereas it acquired its present corporate name, The André Perry Group Inc., on 20 October 1986 pursuant to articles of amendment duly filed and issued;

Whereas its articles were amended on 17 January 1986, 30 April 1986 and 26 June 1986 pursuant to articles of amendment duly filed and issued;

Whereas, on 24 September 1987, its board of directors adopted a by-law numbered 1987-1 for the purpose of making major amendments to the articles of the company relative to the definition of majority shareholder contained in the articles of amendment of 26 June 1986;

Whereas the said by-law was ratified unanimously by the shareholders present or represented at a special general meeting held on 23 October 1987;

Whereas The André Perry Group Inc. or its representatives, inadvertently and without any bad faith on their part, omitted to file with the Inspector General of Financial Institutions the articles of amendment required to give effect to the decision of its board of directors and shareholders;

Whereas the Companies Act provides no mechanism or procedure to correct this type of omission;

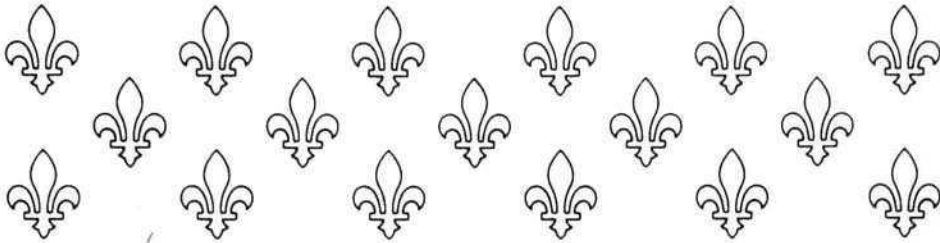
Whereas it is in the interest of The André Perry Group Inc. and of its directors and shareholders, that the decisions taken by its board of directors and contained in by-law number 1987-1 be given retroactive effect;

Whereas it is expedient to authorize The André Perry Group Inc. to amend its articles so as to give retroactive effect to the amendments adopted by way of by-law number 1987-1;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The company known as The André Perry Group Inc. is authorized to file with the Inspector General of Financial Institutions articles of amendment containing the amendments adopted by way of its by-law number 1987-1 and to specify in the said articles, as the date of their coming into force, any date not prior to 23 October 1987. The amendments shall take effect as of that date.

2. This Act comes into force on 22 June 1989.



NATIONAL ASSEMBLY

SECOND SESSION

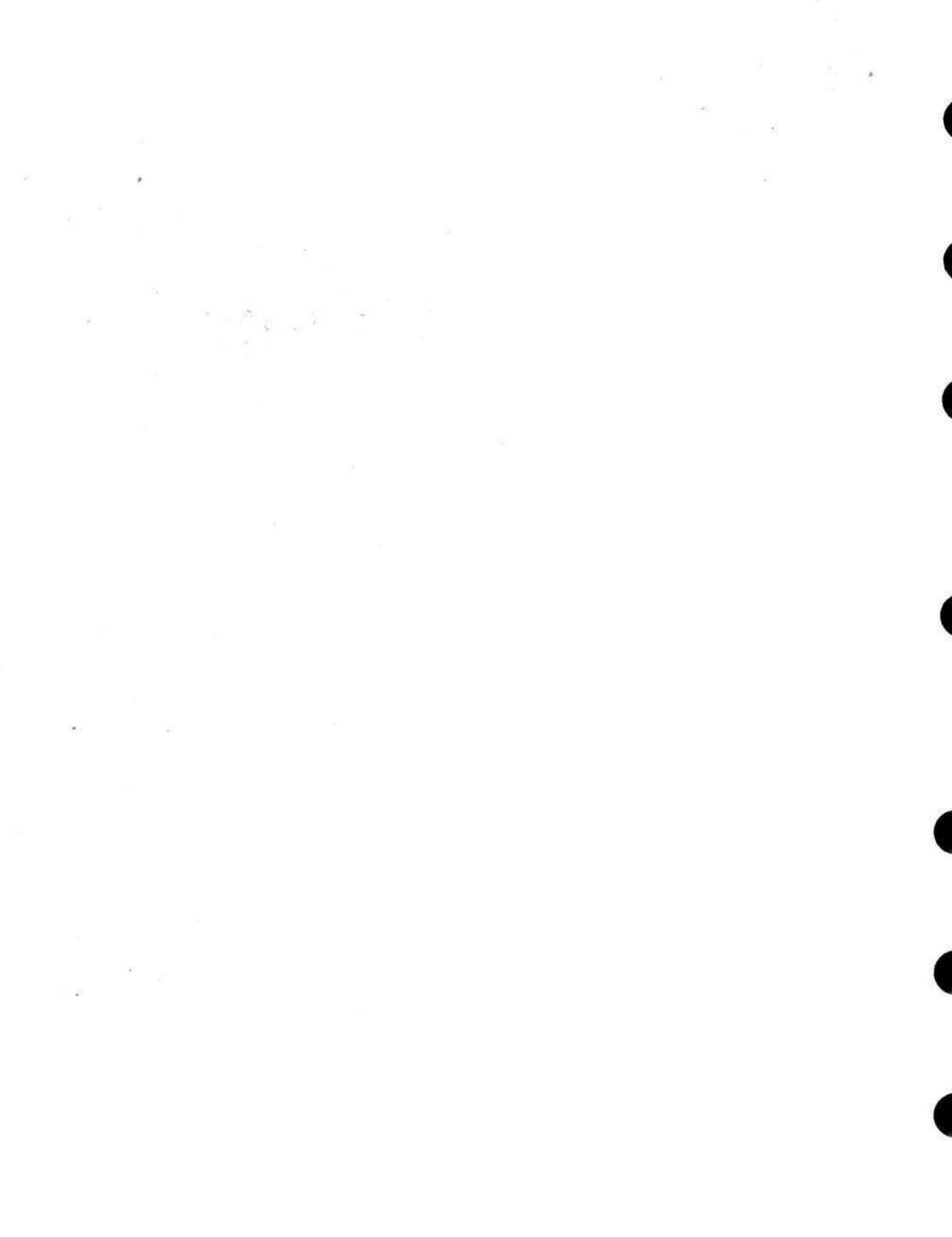
THIRTY-THIRD LEGISLATURE

Bill 286
(Private)

An Act respecting the town of Lac-Etchemin

Introduced 1 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989

**Québec Official Publisher
1989**



Bill 286

(Private)

An Act respecting the town of Lac-Étchemin

WHEREAS the book containing the minutes of the proceedings, votes and deliberations of the council of the town of Lac-Étchemin for the period extending from 24 October 1977 to 30 June 1988 was lost or destroyed and it is expedient that it be reconstituted;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The secretary-treasurer of the town of Lac-Étchemin may, by means of writings, photocopies of documents or declarations in writing by a person having knowledge of the facts, reconstitute the book containing the minutes of the proceedings, votes and deliberations of the town council for the period extending from 24 October 1977 to 30 June 1988.

Once the book is approved by resolution of the council, the secretary-treasurer shall give public notice of the resolution in accordance with section 345 of the Cities and Towns Act (R.S.Q., chapter C-19) and keep the book at his office.

2. Any judge of the Superior Court sitting in the judicial district of Beauce may, on a motion by the town and on such conditions as he determines, homologate the book.

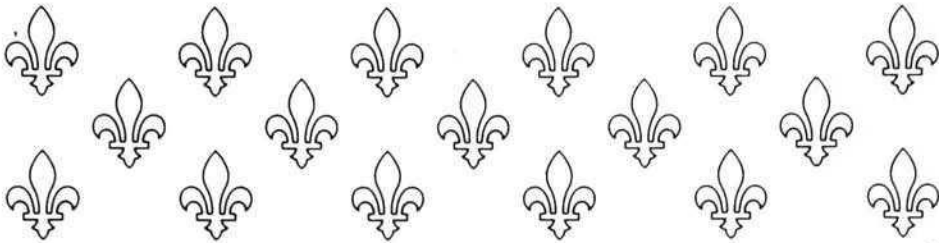
The book, once homologated, stands in lieu of the original book and is subject to the same preservation rules as the original book.

The motion of homologation may be granted only after publication in the *Gazette officielle du Québec* and in a newspaper distributed in the territory of the town of a notice of presentation of not less than 90 days indicating that the book containing the minutes, deliberations

and proceedings of the council of the town of Lac-Etchemin for the period extending from 24 October 1977 to 30 June 1988, reconstituted by the secretary-treasurer of the town, is kept at the office of the latter, that it may be examined during regular office hours and that any interested person may request that the court homologate the book only after the secretary-treasurer makes such corrections as may be ordered by the court or refuse the homologation.

3. Once the homologation is granted, the secretary-treasurer shall enter, at the beginning of the reconstituted book, the words "Homologated by judgment of the Superior Court rendered on in record No.".

4. This Act comes into force on 22 June 1989.



NATIONAL ASSEMBLY

SECOND SESSION

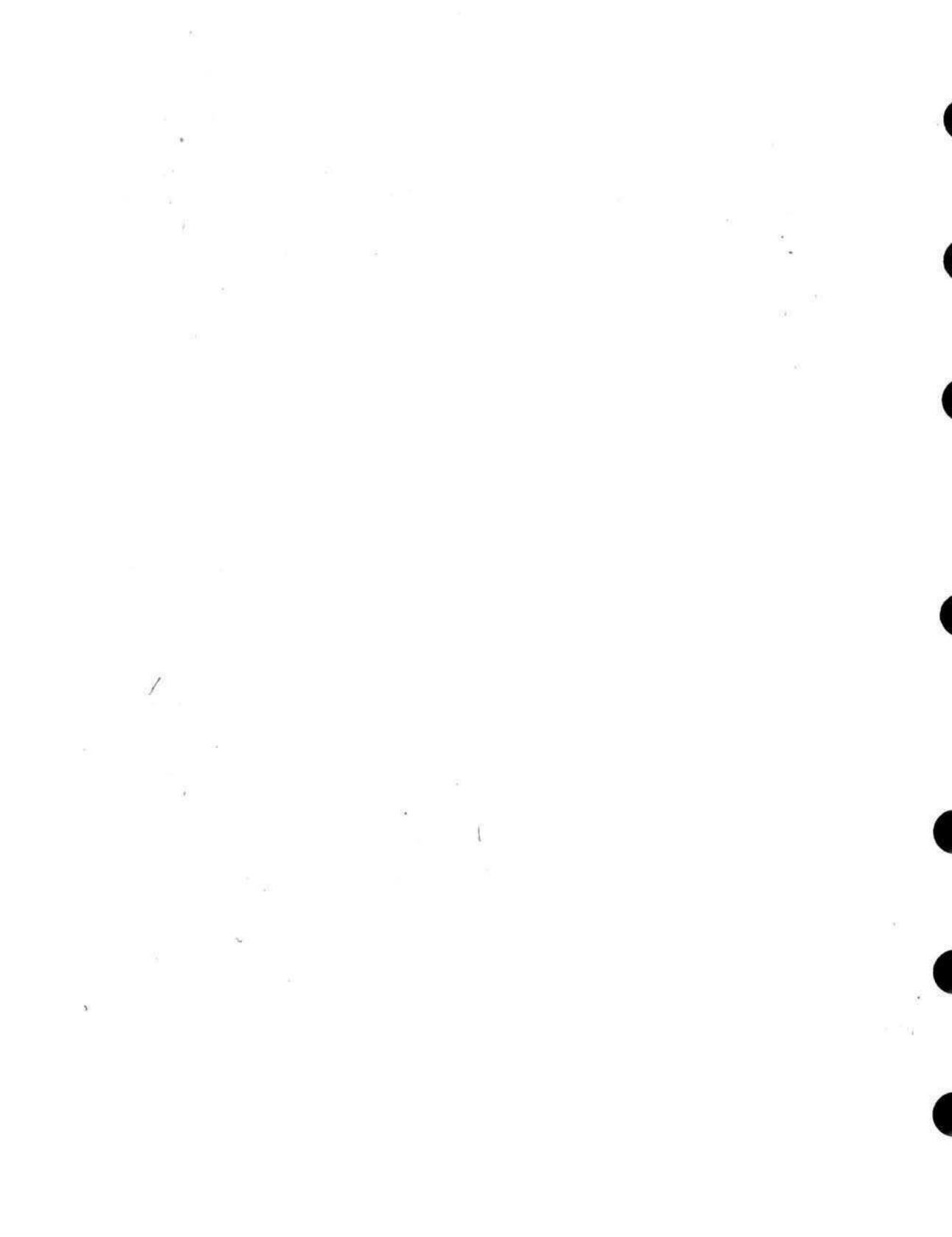
THIRTY-THIRD LEGISLATURE

Bill 287
(Private)

An Act to amend the Charter of the city of Québec

Introduced 6 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989

Québec Official Publisher
1989



Bill 287

(Private)

An Act to amend the Charter of the city of Québec

WHEREAS it is in the interest of the city of Québec that its Charter, chapter 95 of the statutes of 1929 and the Acts amending it, be again amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 336 of the Charter of the city of Québec (1929, chapter 95), amended by section 8 of chapter 122 of the statutes of 1930-31, by section 5 of chapter 104 of the statutes of 1931-32, by section 19 of chapter 111 of the statutes of 1935, by section 67 of chapter 102 of the statutes of 1937, by section 12 of chapter 104 of the statutes of 1938, by section 22 of chapter 102 of the statutes of 1939, by section 27 of chapter 74 of the statutes of 1940, by section 12 of chapter 50 of the statutes of 1943, by section 8 of chapter 47 of the statutes of 1944, by section 20 of chapter 71 of the statutes of 1945, by section 17 of chapter 51 of the statutes of 1948, by section 8 of chapter 63 of the statutes of 1951-52, by section 4 of chapter 36 of the statutes of 1952-53, by section 1 of chapter 67 of the statutes of 1955-56, by section 9 of chapter 50 of the statutes of 1957-58, by section 6 of chapter 96 of the statutes of 1960-61, by section 7 of chapter 66 of the statutes of 1963, by section 5 of chapter 69 of the statutes of 1964, by section 2 of chapter 85 of the statutes of 1966-67, by section 38 of chapter 86 of the statutes of 1969, by sections 29, 30 and 31 of chapter 68 of the statutes of 1970, by section 146 of chapter 55 of the statutes of 1972, by section 29 of chapter 75 of the statutes of 1972, by section 8 of chapter 80 of the statutes of 1973, by section 12 of chapter 97 of the statutes of 1974, by section 15 of chapter 54 of the statutes of 1976, by section 457 of chapter 72 of the statutes of 1979, by sections 23,

45 and 51 of chapter 42 of the statutes of 1980, by section 272 of chapter 63 of the statutes of 1982, by section 17 of chapter 64 of the statutes of 1982, by sections 22, 59 and 60 of chapter 61 of the statutes of 1984, by section 140 of chapter 27 of the statutes of 1985, by section 22 of chapter 116 of the statutes of 1986 and by section 17 of chapter 88 of the statutes of 1988, is again amended

(1) by striking out the words “, with or without gradation taking account of the area of the land contemplated,” in the seventh and eighth lines of the first paragraph of paragraph 204;

(2) by striking out the words “with or without gradation, taking account of the area of the land contemplated” in the fourth and fifth lines of the second paragraph of paragraph 204;

(3) by inserting, after the second paragraph of paragraph 204, the following paragraph:

“The by-law may provide for exemptions or for a gradation of the cession or payment which takes account of the factors set out in the said by-law.”

2. In exercising the powers assigned to it by the Charter of the city of Québec and the Act respecting municipal taxation (R.S.Q., chapter F-2.1) with respect to immovables situated in that part of the Parc technologique du Québec métropolitain which is situated in the territory of the city of Québec and is described in the schedule hereto, or with respect to the persons contemplated in section 232 of the Act respecting municipal taxation who carry on their activities there, the city of Québec may impose a real estate tax or a business tax at a rate different from that which applies elsewhere in its territory.

The city may, by by-law, prescribe the terms and conditions under which immovables or persons are subject to such a tax.

Such a tax shall not be imposed on any immovable entered on the real estate assessment roll after 31 December 1999 or on any person contemplated in section 232 of the Act respecting municipal taxation whose place of business is entered on the roll of rental values after the said date.

The city may exercise the powers assigned to it by this section from the fiscal year 1990 up until the fiscal year 2009. However, the exercise of the said powers shall not result in the imposition of a tax at a different rate on an immovable or a person contemplated in section 232 of the Act respecting municipal taxation for a period exceeding 10 years.

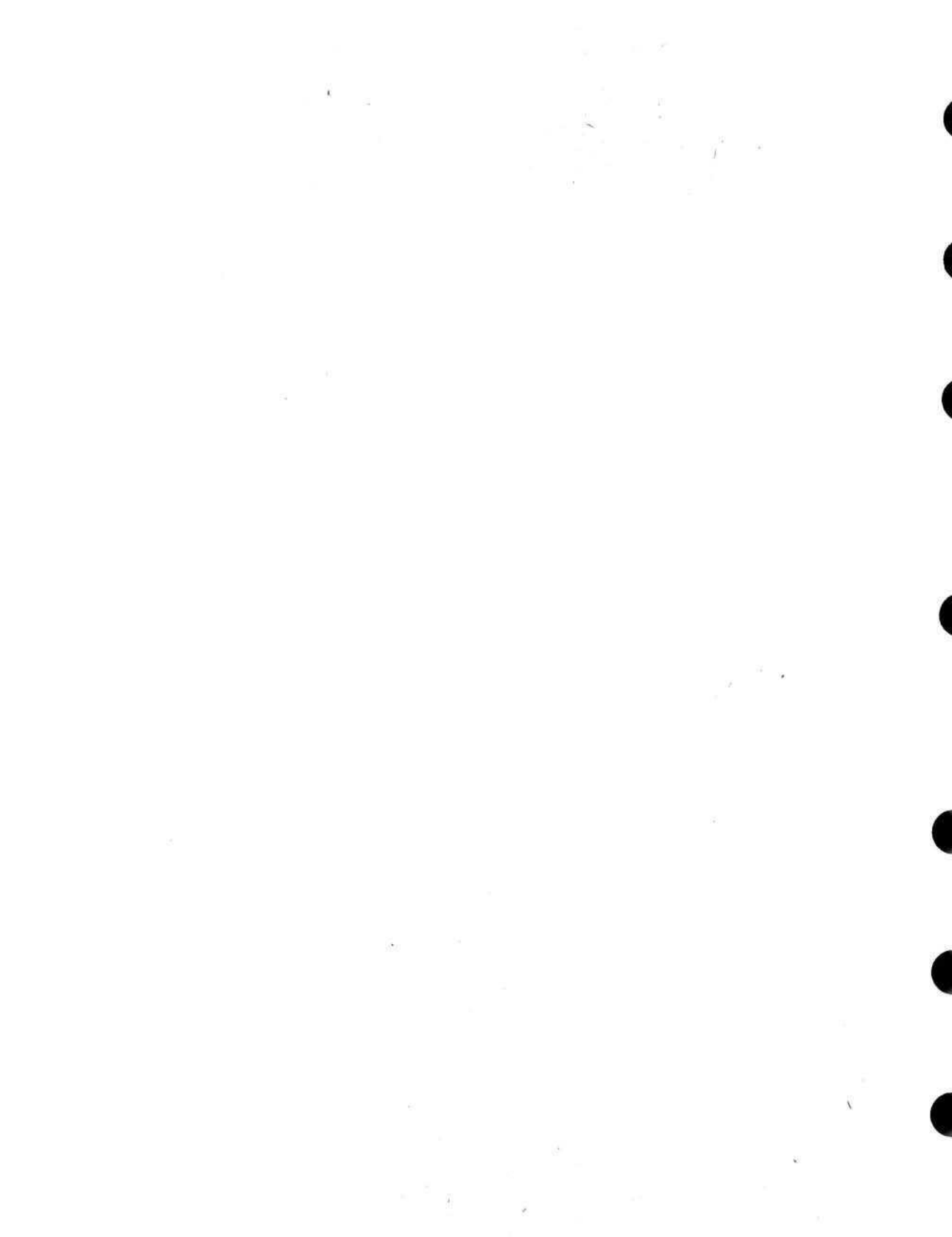
The city may, by by-law, amend the description appearing in the schedule hereto to reflect a modification in the territory in which the corporation of the Parc technologique du Québec métropolitain carries on its main activities. Such a by-law requires the approval of the Minister of Municipal Affairs and comes into force on the day of its publication in the *Gazette officielle du Québec*.

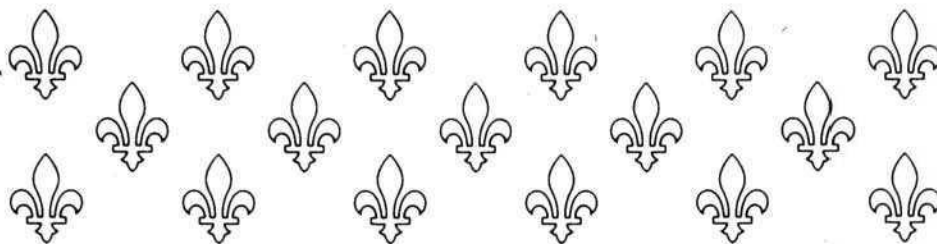
3. This Act comes into force on 22 June 1989.

SCHEDULE

The territory of the Parc technologique du Québec métropolitain situated in the territory of the city of Québec comprises, with reference to the cadastre of the parish of Ancienne-Lorette, part of lots 22, 23, 24 and 25, and is described as follows:

Starting from the intersection of the south right-of-way of Hamel boulevard and the dividing line of lots 21 and 22; thence, the said dividing line to the north side of the right-of-way of the Canadian Pacific railway; the north side of the said right-of-way westerly to its intersection with the northeast side of the right-of-way of Henri IV boulevard; the northeast side of the said right-of-way northwesterly to the southeast line of the properties situated on lot 25; northeasterly, the southeast line of the properties situated on lot 25 and the southeast line of lot 25-3 and its extension to the dividing line of lots 24 and 25; the said dividing line southeasterly to the southeast limit of a property situated on lot 24; the southeast limit of the said property to its intersection with the southwest line of lot 23-1; southeasterly, the southwest line of lots 23-1 and 23-3; northeasterly, the southeast line of lots 23-3 and 22-2 to the west right-of-way of the transmission line; to the north, the said west right-of-way, being the east line of lots 22-2 and 22-1, to the south side of the right-of-way of Hamel boulevard; finally, the south side of the said right-of-way to the starting point.





NATIONAL ASSEMBLY

SECOND SESSION

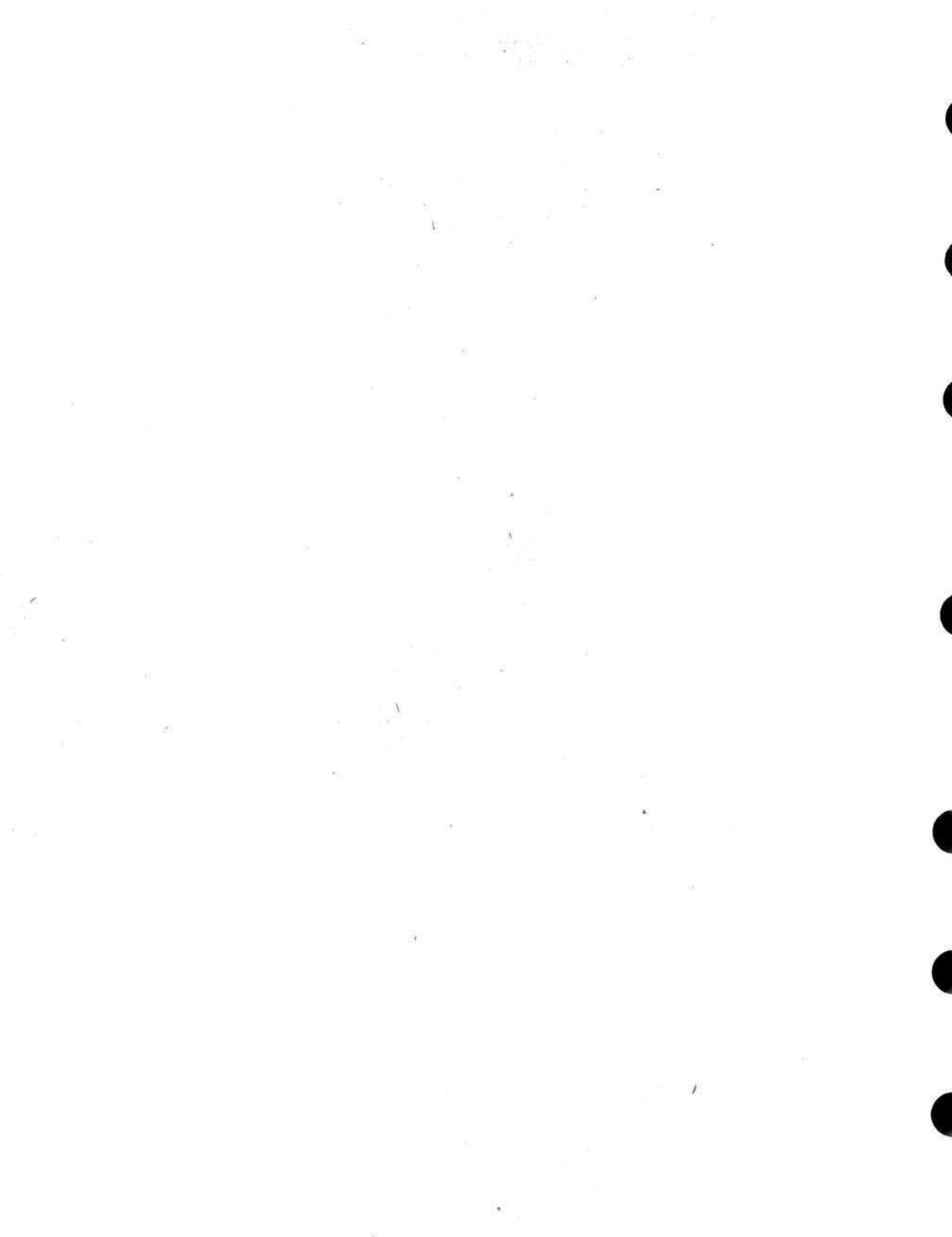
THIRTY-THIRD LEGISLATURE

Bill 290
(Private)

An Act to amend the Charter of the city of Beauport

Introduced 16 June 1989
Passage in principle 21 June 1989
Passage 21 June 1989
Assented to 22 June 1989

Québec Official Publisher
1989



Bill 290

(Private)

An Act to amend the Charter of the city of Beauport

WHEREAS it is in the interest of the city of Beauport that its Charter, enacted by section 1 of chapter 91 of the statutes of 1975, be amended;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Section 25 of the Charter of the city of Beauport, enacted by section 1 of chapter 91 of the statutes of 1975, is repealed.
- 2.** This Act comes into force on 22 June 1989.



Coming into force of Acts

Gouvernement du Québec

O.C. 1250-89, 2 August 1989

An Act to amend the Act to preserve agricultural land (1989, c. 7)

— **Coming into force**

COMING INTO FORCE of certain provisions of the Act to amend the Act to preserve agricultural land

WHEREAS the Act to amend the Act to preserve agricultural land (1989, c. 7) was passed on 6 April 1989 and assented to on 12 April 1989;

WHEREAS section 36 of that Act prescribes that the provisions of that Act will come into force on the date or dates fixed by the Government;

WHEREAS under Order in Council 1000-89 dated 28 June 1989, 1 July 1989 was fixed as the date for the coming into force of sections 1 and 4, paragraph 3 of section 19, sections 20, 21, 24, 25, 26, 29 and 31, the first paragraph of section 33 and section 35 of that Act;

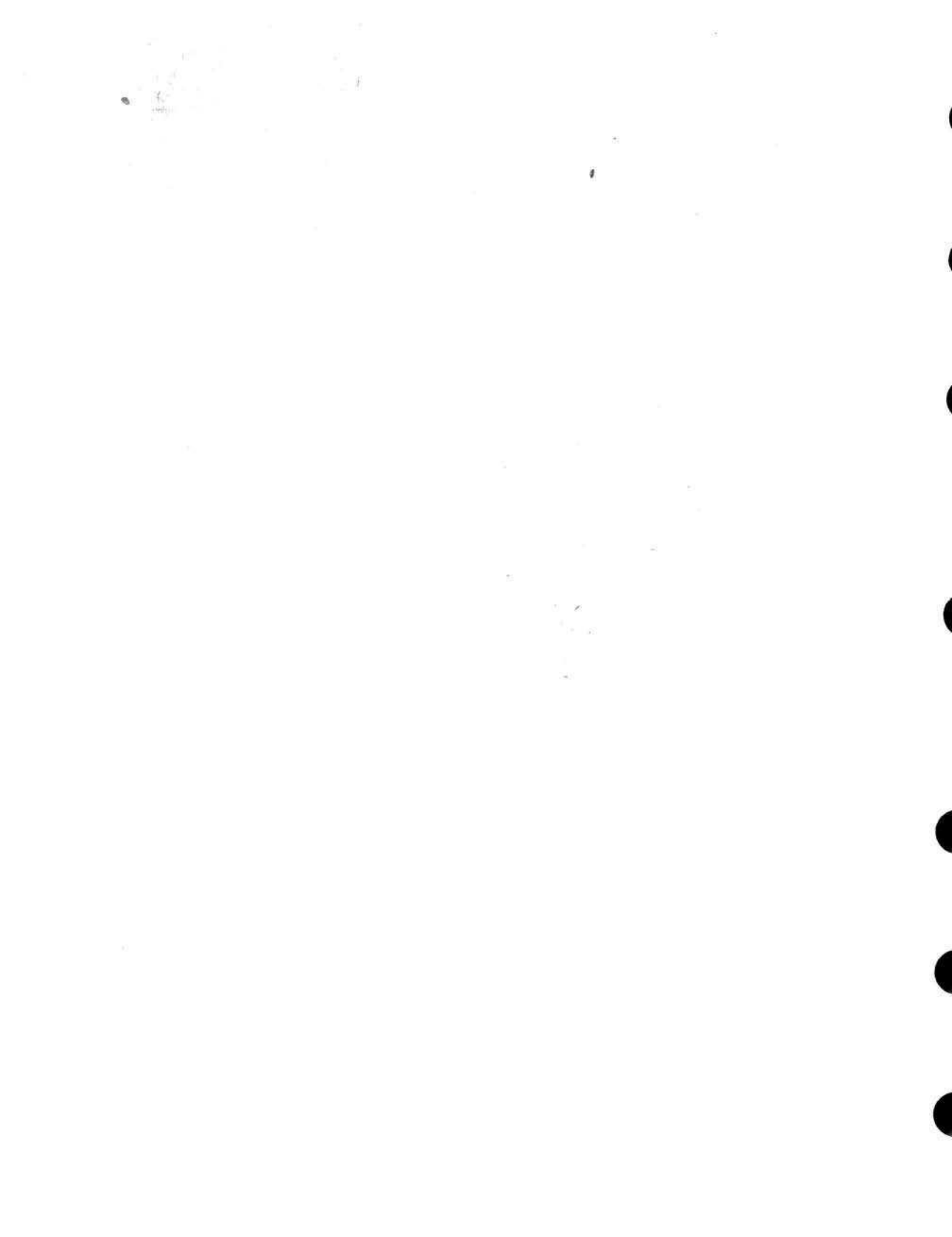
WHEREAS it is expedient to fix 2 August 1989 as the date for the coming into force of section 3, sections 5 to 18, paragraphs 1 and 2 of section 19, sections 22, 23, 27, 28, 30 and 32, the second and third paragraphs of section 33 and section 34 of that Act.

IT IS ORDERED, therefore, upon the recommendation of the Minister of Agriculture, Fisheries and Food:

THAT 2 August 1989 be fixed as the date for the coming into force of section 3, sections 5 to 18, paragraphs 1 and 2 of section 19, sections 22, 23, 27, 28, 30 and 32, the second and third paragraphs of section 33 and section 34 of the Act to amend the Act to preserve agricultural land (1989, c. 7).

BENOÎT MORIN,
Clerk of the Conseil exécutif

4107



Regulations

Gouvernement du Québec

O.C. 1224-89, 2 August 1989

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Amendment to Schedules I, II and III to the Act

Amendment to Schedules I, II and III to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

WHEREAS under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS under section 31 of the Act, employers contemplated in Schedule III must pay to the Commission administrative des régimes de retraite et d'assurances, at the same time as they remit the contributions of their employees, an amount equal to those contributions;

WHEREAS under section 220 of the Act, the Government may, by order in council, amend Schedules I, II, II.1, III and VI and such order in council may have effect 12 months or less before it is made;

WHEREAS it is expedient to amend Schedule I to the Act in order to provide that the Provincial Association of Protestant Teachers of Québec be subjected to the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS it is expedient to amend Schedule III to the Act in order that the Provincial Association of Protestant Teachers of Québec pay its own contribution to the Commission administrative des régimes de retraite et d'assurances at the same time as it remits the contributions of its employees and those contributions be deposited in the Caisse de dépôt et placement du Québec;

WHEREAS it is expedient to amend Schedule II to the Act in order to substitute the name "the Hôpital Ste-Monique (1988) inc." for the name "the Hôpital Ste-Monique (1970) inc.";

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and Chairman of the Conseil du trésor:

THAT the Amendment to Schedules I, II and III to the Act respecting the Government and Public Employees Retirement Plan, attached hereto, be made and published in the *Gazette officielle du Québec*.

BENOÎT MORIN,

Clerk of the Conseil exécutif

Amendment to Schedules I, II and III to the Act respecting the Government and Public Employees Retirement Plan

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by Orders in Council 1647-88 dated 2 November 1988, 1843-88 and 1844-88 dated 14 December 1988, by section 21 of Chapter 47 of the Statutes of 1988, by section 55 of Chapter 82 of the Statutes of 1988, by Orders in Council 767-89 dated 24 May 1989 and 889-89 dated 14 June 1989, is further amended in paragraph 1 by adding the words "the Provincial Association of Protestant Teachers of Québec" after the words "the Association pour la santé et la sécurité du travail, secteur Affaires sociales".

2. Schedule II to the Act, amended by section 669 of Chapter 84 of the Statutes of 1988, is further amended by substituting the words "the Hôpital Ste-Monique (1988) inc." for the words "the Hôpital Ste-Monique (1970) inc.".

3. Schedule III to the Act, amended by Orders in Council 1647-88 dated 2 November 1988, 1843-88 and 1844-88 dated 14 December 1988, by section 22 of Chapter 47 of the Statutes of 1988 and by section 57 of Chapter 82 of the Statutes of 1988, is further amended in paragraph 1 by adding the words "the Provincial Association of Protestant Teachers of Québec" after the words "the Association pour la santé et la sécurité du travail, secteur Affaires sociales".

4. Sections 1 and 3 come into force on 1 July 1989 and section 2 comes into force on the day of its adoption, but has effect from 5 August 1988.

4108

Gouvernement du Québec

O.C. 1225-89, 2 August 1989

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10)

Amendment to Schedule VI to the Act

Amendment to Schedule VI to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under section 217 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the interest payable under the Act is that provided for in Schedule VI in respect of the period indicated therein;

WHEREAS under section 220 of the Act, the Government may, by order in council, amend Schedules I, II, II.1, III and VI and such order in council may have effect 12 months or less before it is made;

WHEREAS, by Order in Council 967-88 dated 22 June 1988, the Government amended Schedule VI to provide for the interest payable under the Act from 1 May 1988;

WHEREAS it is expedient to amend Schedule VI in order to provide for the interest payable under the Act from 1 May 1989;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and Chairman of the Conseil du trésor:

THAT the Amendment to Schedule VI to the Act respecting the Government and Public Employees Retirement Plan, attached hereto, be made and published in the *Gazette officielle du Québec*.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Amendment to Schedule VI to the Act respecting the Government and Public Employees Retirement Plan

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 220)

1. Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), amended by Order in Council 967-88 dated 22 June 1988, is further amended:

(1) by substituting "1 May 1988 to 30 April 1989" for "from 1 May 1988" in the last line;

(2) by adding "9.33 % from 1 May 1989" at the end.

2. This Amendment comes into force on the day of its adoption by the Government and has effect from 1 May 1989.

4108

Gouvernement du Québec

O.C. 1229-89, 2 August 1989

Professional Code
(R.S.Q., c. C-26)

Chemists

— Standards for equivalence of training for the issuing of a specialist's certificate in clinical biochemistry

Regulation respecting the standards for equivalence of training for the issuing of a specialist's certificate in clinical biochemistry by the Ordre des chimistes du Québec

WHEREAS under paragraph *g* of section 94 of the Professional Code (R.S.Q., c. C-26), the Bureau may, by regulation, fix the standards for recognizing, for the issuing of a permit or a specialist's certificate, the equivalence of the training of a person who does not hold a diploma otherwise required for such purposes;

WHEREAS under that section, the Bureau has made a Regulation respecting the standards for equivalence of training for the issuing of a specialist's certificate in clinical biochemistry by the Ordre des chimistes du Québec;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation attached hereto was published in Part 2 of the *Gazette officielle du Québec* dated 29 March 1989, with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS in accordance with the second paragraph of section 12 of the Professional Code, the Office des professions du Québec has made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation attached hereto be approved.

BENOÎT MORIN,
Clerk of the Conseil exécutif

Regulation respecting the standards for equivalence of training for the issuing of a specialist's certificate in clinical biochemistry by the Ordre des chimistes du Québec

Professional Code
(R.S.Q., c. C-26, s. 94, par. g)

DIVISION I GENERAL

1. In this Regulation, unless the context indicates otherwise:

"credit" means the quantitative value attributed to a student's mandatory work-load, one credit representing 45 hours of attendance at a course and personal work.

DIVISION II STANDARDS FOR EQUIVALENCE OF TRAINING

2. For the purposes of determining whether training is equivalent to that acquired by the holder of a diploma recognized by the Government under paragraph *a* of section 184 of the Professional Code (R.S.Q., c. C-26) as giving access to a specialist's certificate in clinical biochemistry, the Bureau shall evaluate that training in terms of the standards described in section 3.

3. A candidate shall be granted an equivalence for training where he shows that he possesses a level of knowledge equivalence to that acquired to earn a diploma upon completing post-graduate university studies including:

(1) not less than nine credits in post-graduate level biochemistry courses or in a related field recognized by the Bureau;

(2) not less than thirty-six months of studies and research at a university in biochemistry;

(3) the writing and defence of a doctoral thesis based on research the candidate carries out.

DIVISION III PROCEDURE FOR RECOGNITION OF EQUIVALENCE

4. After considering the file, the Bureau shall decide, in accordance with this Regulation, whether it recognizes an application for equivalence of training and shall inform the candidate in writing of its decision.

5. Within 15 days following its decision not to recognize an application for the equivalence of training referred to in Division II, the Bureau shall inform the candidate in writing of the program of studies, training periods or examinations whose successful completion, considering his current level of knowledge, would permit him to receive that equivalence.

6. The candidate must pay the fees that the Bureau sets by resolution, under the Professional Code.

DIVISION IV FINAL

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

4109

Draft Regulations

Draft Regulation

Archives Act
(R.S.Q., c. A-21.1)

Accreditation of private archival agencies

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 38 of the Archives Act (R.S.Q., c. A-21.1), that the "Regulation respecting accreditation of private archival agencies", the text of which appears below, may be made by the Government at the expiry of 60 days from this publication.

Any person having comments to make respecting this matter is asked to send them in writing before the expiry of the 60-day period to the Minister of Cultural Affairs, 225, Grande-Allée est, 1^{er} étage, Québec (Québec), G1R 5G5.

LISE BACON,
Minister of Cultural Affairs

Regulation respecting accreditation of private archival agencies

Archives Act
(R.S.Q., c. A-21.1, s. 37, subpars. 4 and 5)

DIVISION I CLASSES OF PERSONS OR BODIES

1. A person or body may apply to the Minister of Cultural Affairs for accreditation as a private archival agency only where the agency comprises the following elements which are located within a single building:

- (1) private archives concerning the history of Québec;
- (2) a preservation area for the archives and a furnished area for consultation thereof;
- (3) apparatus and furnishings for consultation and reproduction of the archives;
- (4) at least one person in charge of preservation and consultation of the archives.

In addition, that agency shall have been operating for at least 12 months preceding the date of the application for accreditation.

DIVISION II APPLICATION FOR ACCREDITATION

2. A person or body wishing to apply for accreditation for a private archival agency shall forward to the Minister the following information in writing which shall be up to date at the time of the application:

- (1) the name of the person or body making the application, his or its address and, in the case of a legal person, the address of its head office;
- (2) the name of the agency for which the application for accreditation is made and its address;
- (3) a statement that the person or body owns the premises where the agency is located, or a statement explaining in what capacity and under what conditions he or it occupies those premises;

(4) a description of the collections preserved in the private archives;

(5) a description of the method and the state of classification in the private archives and the classification system used therein, if any;

(6) the quantity of the archives transferred to, deposited with or loaned to the agency during the 12 months preceding the date of the application;

(7) a list of the research instruments providing access to the archives;

(8) a list of all activities related to the private archives intended to inform and educate the public and increase public awareness and involvement, undertaken or completed during the 12 months preceding the date of the application, and a list of all projects planned for the 12 months following that date;

(9) the conditions that persons wishing to consult the archives must fulfil;

(10) the periods when the agency has been open during the 12 months preceding the date of the application and a description of the services which have been offered to the public;

(11) statistics on clientele use of the agency during the 12 months preceding the date of the application;

(12) the level of training of each person working in the agency, his employment status, whether regular, casual, contractual or volunteer, the number of years of experience working in a private archival agency and in that agency in particular, specifying whether the work was full time or part time;

(13) a physical description of the agency including the dimensions and the capacity of the preservation area, the consultation area and any other areas used by the agency, as well as a description of the construction materials in the walls, floors and ceilings of those areas;

(14) an inventory and a technical description of the apparatus and furnishings used for consultation, preservation and reproduction by the agency;

(15) a technical description of any devices used for controlling temperature and humidity and for protection against theft, fire, flooding and rodents; and

(16) the balance sheet of the agency for its most recent fiscal year and its budget estimates for the current year.

3. Where a person or a body applying for accreditation is a legal person, it shall also forward to the Minister the following documents:

(1) a certified copy of the resolution by the board of directors authorizing the signing and the presentation of the application for accreditation or generally authorizing a person to sign or present such an application;

(2) a copy of its letters patent, its charter or its articles of incorporation.

Where the person or body is a partnership, it shall also forward the authorization by the members to sign and present the application and a copy of the declaration of partnership.

4. A person or body applying for accreditation shall certify by means of a signed and dated statement that the information contained in the application and in the documents accompanying it is true to the best of his or its knowledge.

DIVISION III

DURATION OF ACCREDITATION AND PROCEDURES FOR MAINTENANCE OF ACCREDITATION

5. Accreditation is valid for a period of two years from the date of the issue of the certificate.

6. The holder of accreditation may not assign or transfer it.

7. During the period of accreditation, the holder of accreditation shall:

(1) continue to belong to the same class of persons or bodies defined in section 1;

(2) continue to fulfil any conditions fixed by the Minister at the time of accreditation;

(3) post up in public view in the agency the certificate of accreditation;

(4) post up in public view the times when the agency is open and keep it open during those times;

(5) forward to the Minister, 12 months after the date of the issue of the certificate of accreditation and at its expiry, an annual report on the activities of the agency and an updating of the information forwarded under section 2.

DIVISION IV

APPLICATION FOR RENEWAL OF ACCREDITATION

8. Where the holder of accreditation wishes to renew that accreditation, he shall submit an application to that effect to the Minister no later than 90 days before the date of expiry of the accreditation.

9. The holder of accreditation for an agency shall, in the application for renewal, state that he or it still belongs to the class of persons or bodies defined in section 1 and still fulfils any conditions fixed by the Minister.

He or it shall also include with the application a report on the activities of the agency and an updating of the information forwarded under section 2.

DIVISION V

FINAL

10. Anyone who commits an infraction against section 6 or 7 is guilty of an offence.

11. Once it has been made by the Government, this Regulation comes into force on the fifteenth day following its date of publication in the *Gazette officielle du Québec* or on any later date determined therein.

Decisions

Decision 4963, 11 July 1989

Farm Products Marketing Act
(R.S.Q., c. M-35)

Cattle buyers

— Financial liability

— Order, Amendment

WHEREAS under section 91.1 of the Farm Products Marketing Act (R.S.Q., c. M-35), the Régie des marchés agricoles du Québec may, by order, make rules respecting the matters mentioned therein;

WHEREAS the Board made by Decision 4907 dated 23 May 1989 the Order respecting the financial liability security of cattle buyers;

WHEREAS a clerical error appeared in the first paragraph of section 4 of Schedule II of the Order and it is expedient to correct it;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as prescribed by section 8 of the Act, if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under section 18 of the Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS under sections 13 and 18 of the Act, the reason warranting the absence of prior publication and such coming into force must be published with the Regulation;

WHEREAS, in the opinion of the Board, it is vital that the correction come into force immediately so that the text of the Order designate clearly the persons and agencies covered;

IT IS ORDERED, therefore:

THAT the Order respecting the financial liability security of cattle buyers (Amendment), attached hereto, be made.

CLAUDE RÉGNIER,
Secretary

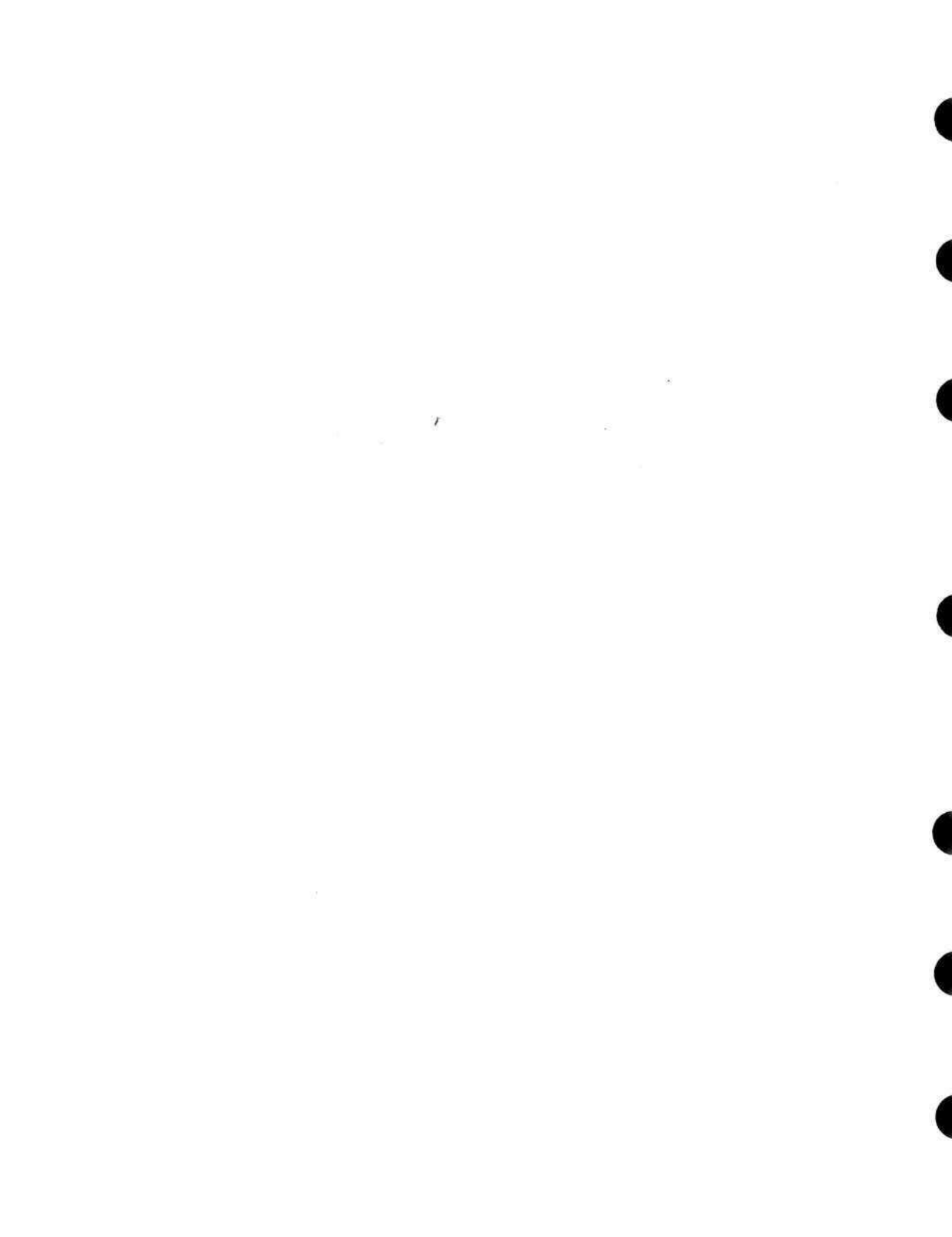
Order respecting the financial liability security of cattle buyers (Amendment)

Farm Products Marketing Act
(R.S.Q., c. M-35, s. 91.1 enacted by Chapter 28 of the Statutes of 1988)

1. The Order respecting the financial liability security of cattle buyers, made by Decision 4907, dated 23 May 1989 is amended by substituting in the first paragraph of section 4 of Schedule II the words "Fédération des producteurs de bovins" for the words "Fédération des acheteurs de bovins".

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

4106



Erratum

An Act to incorporate the Corporation of Professional Librarians of Quebec
(1969, c. 105)

Professional Librarians

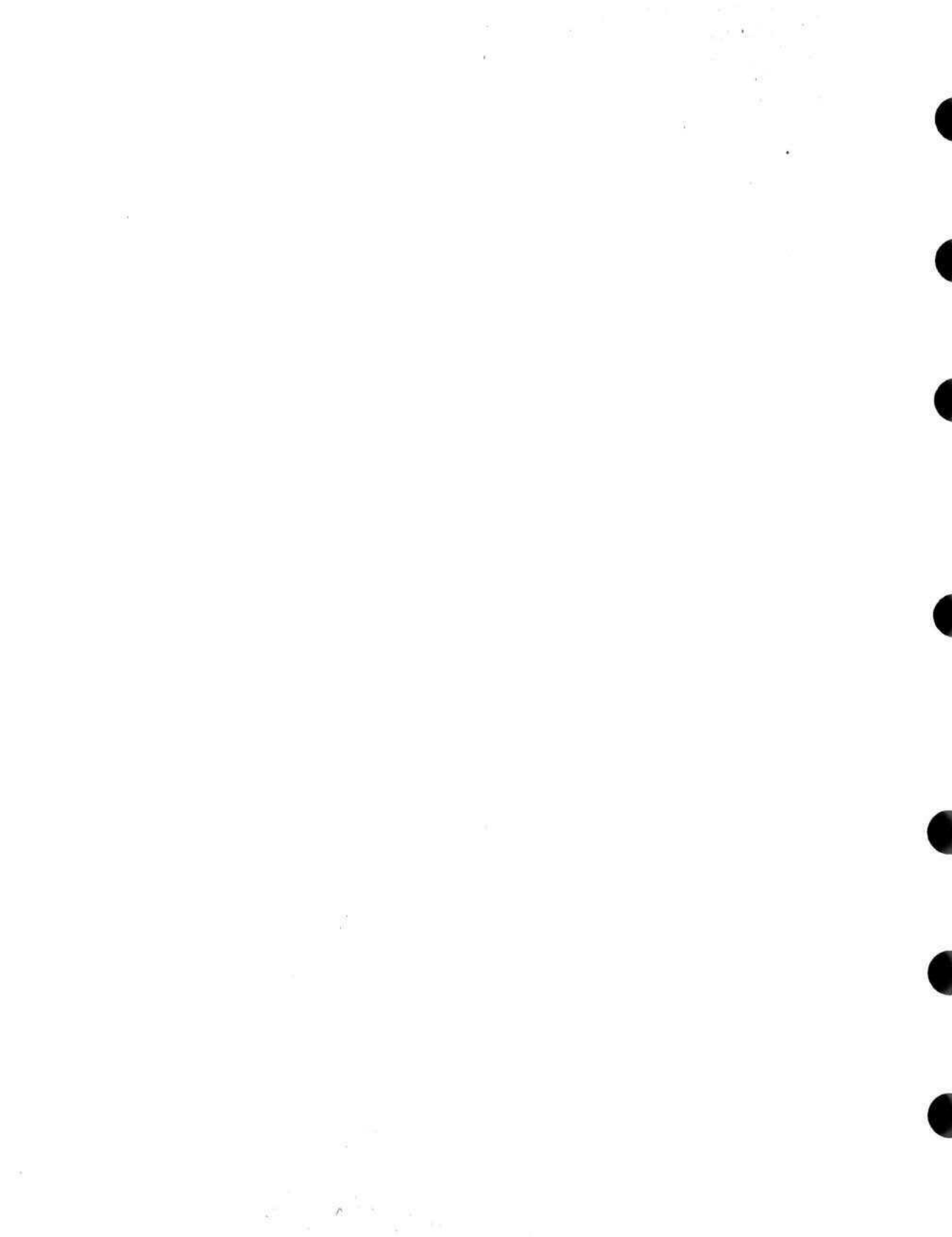
— Members

— Amendment

The notice with the Draft Regulation of the By-law respecting members Amendment published in Part 2 of the *Gazette officielle du Québec*, July 19 - 1989, page 3538 should be read with the addition at the end of the following paragraph:

"Any person having comments to make on the Draft Regulation is asked to send them in writing, before the expiry of the 45-day period to Mr. Richard Boivin, President, Corporation of Professional Librarians of Quebec, 307, Sainte-Catherine West, suite 320, Montréal, Québec, H2X 2A3.

4111



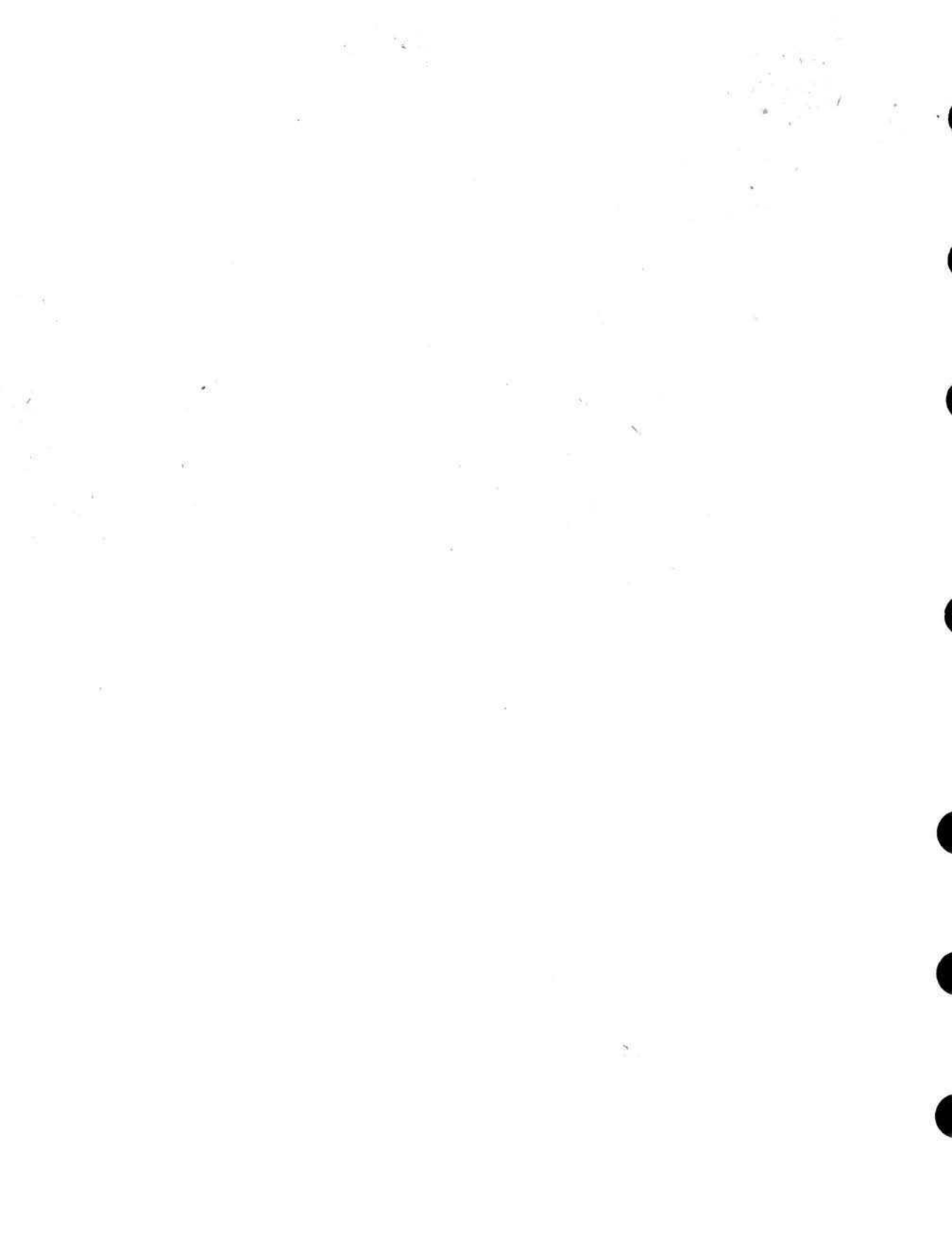
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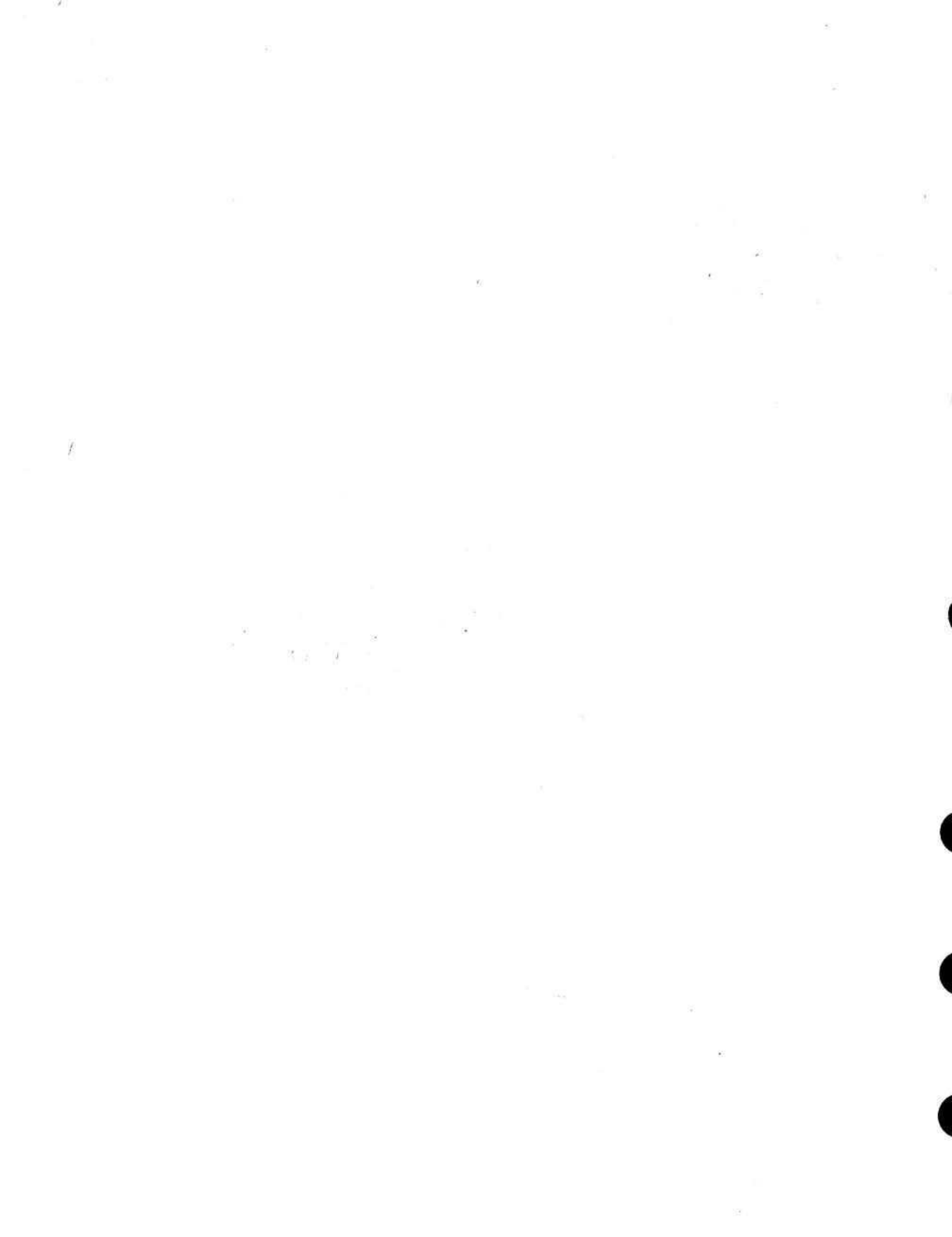
Abbreviations: A: Abrogated, N: New, M: Modified

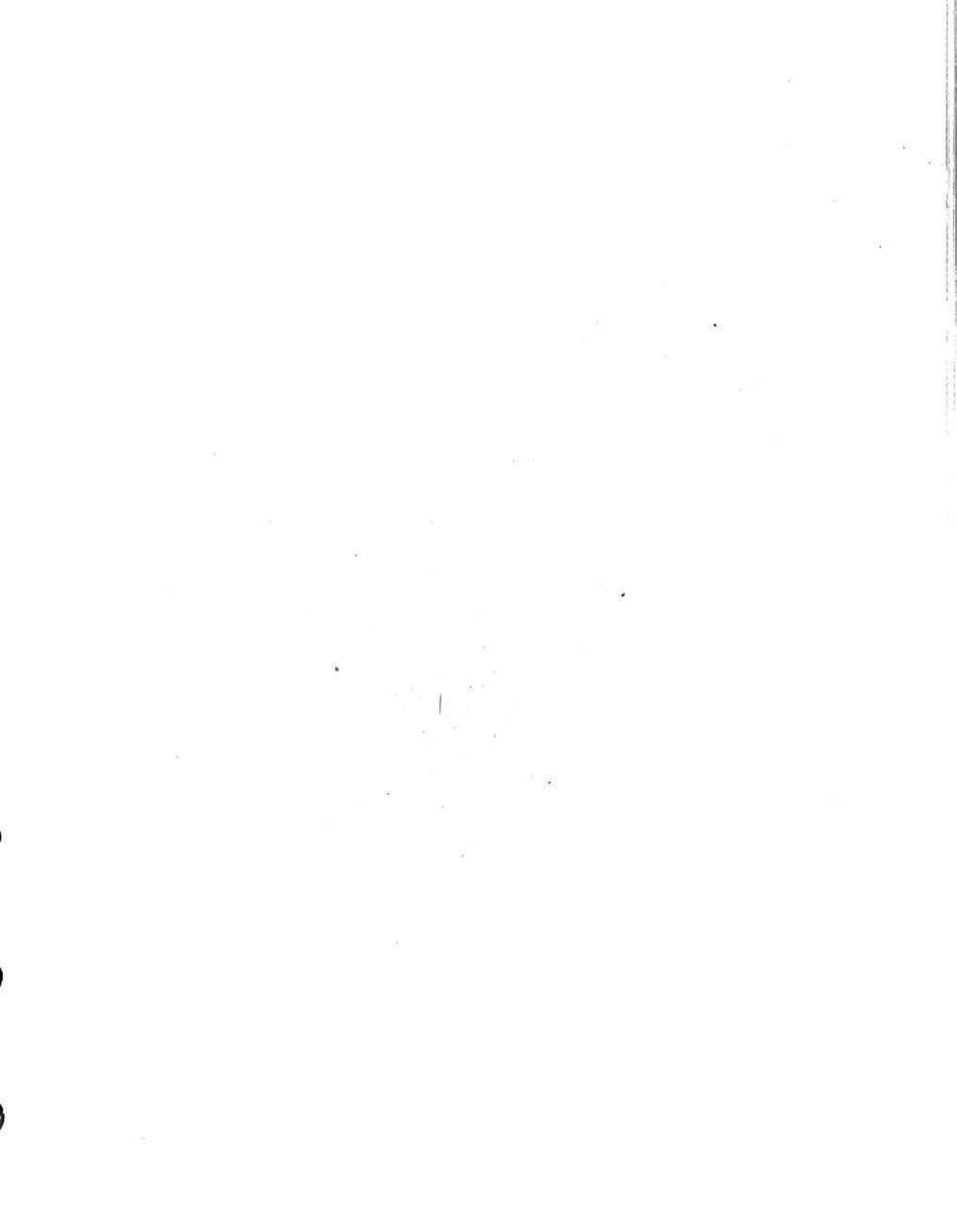
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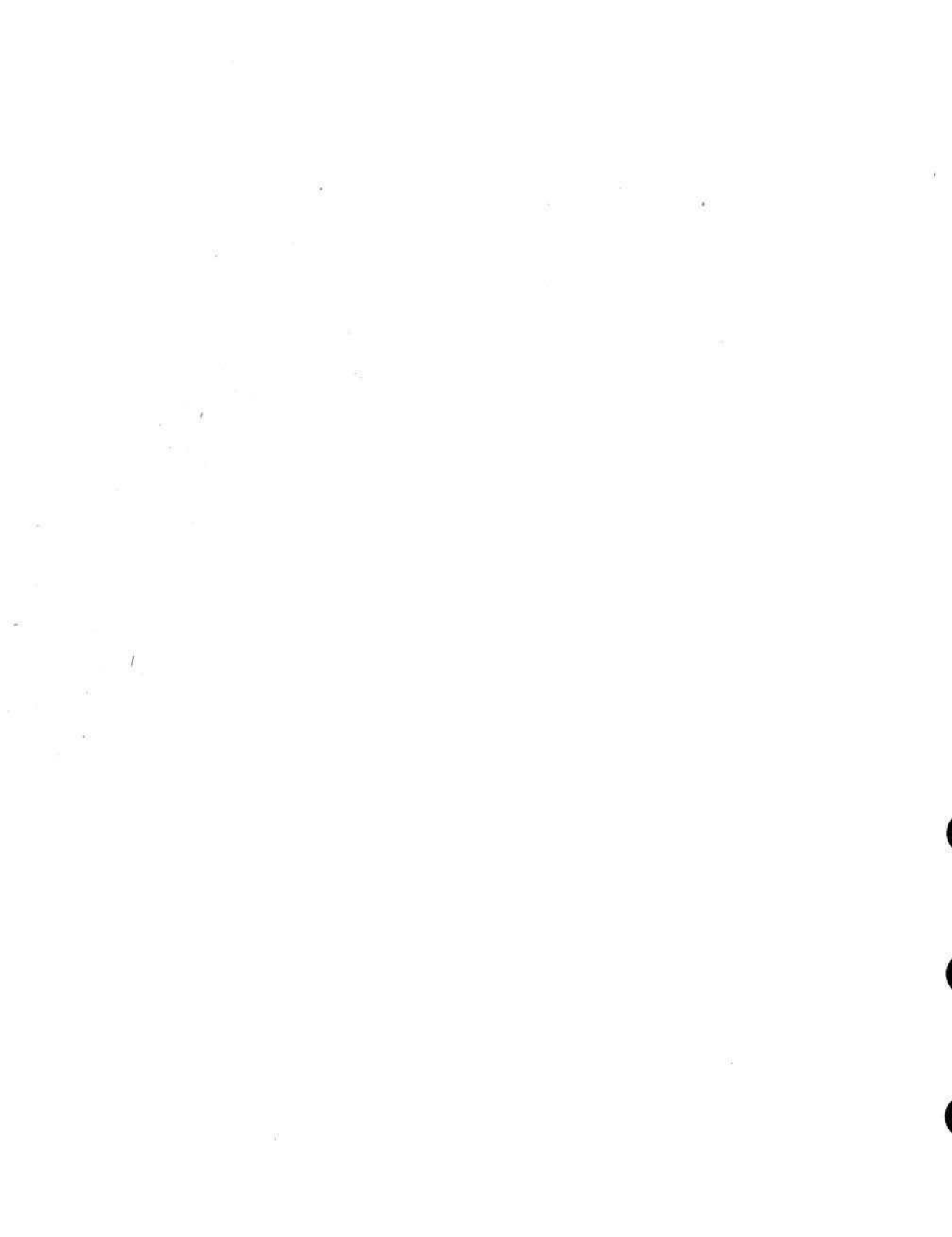
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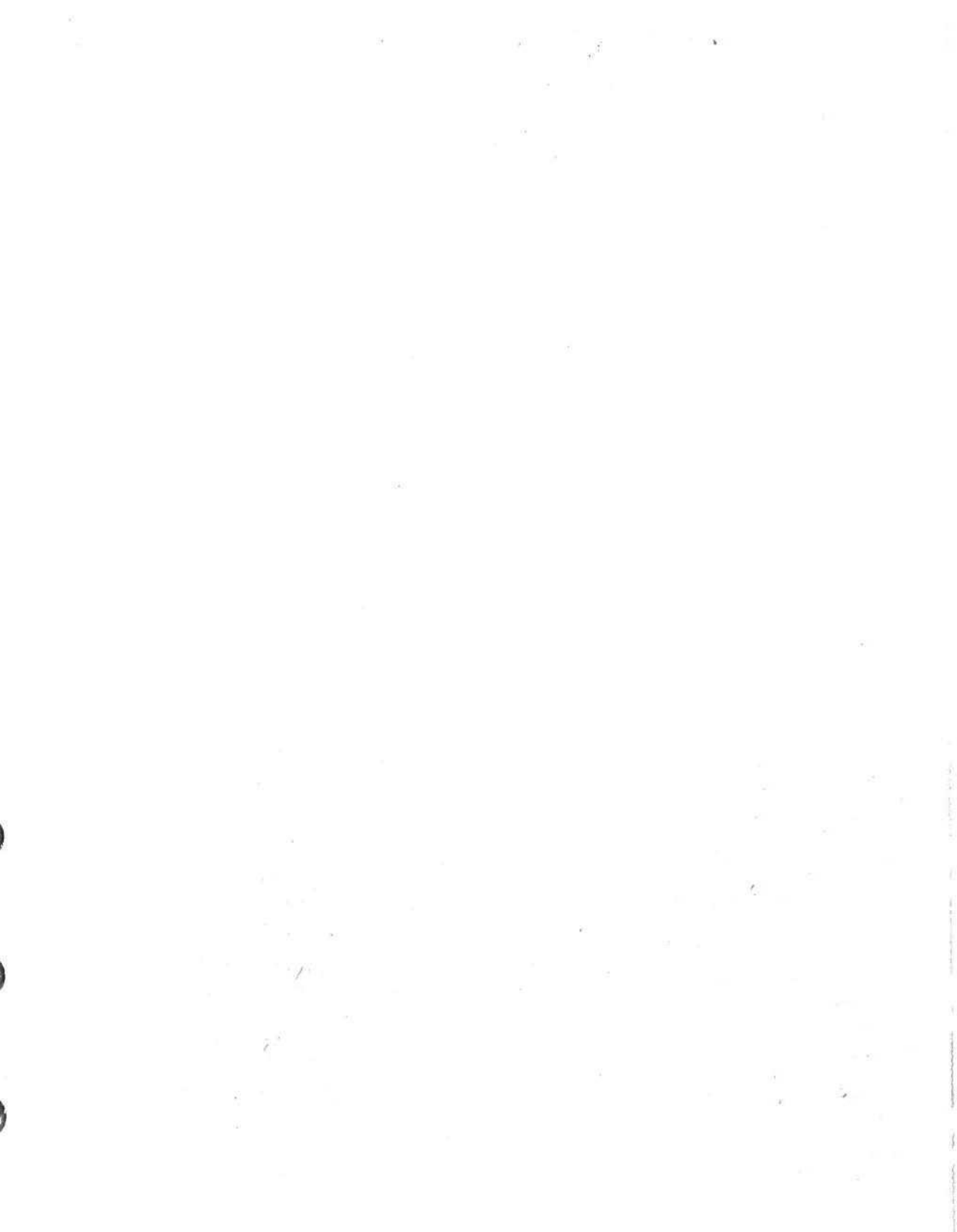
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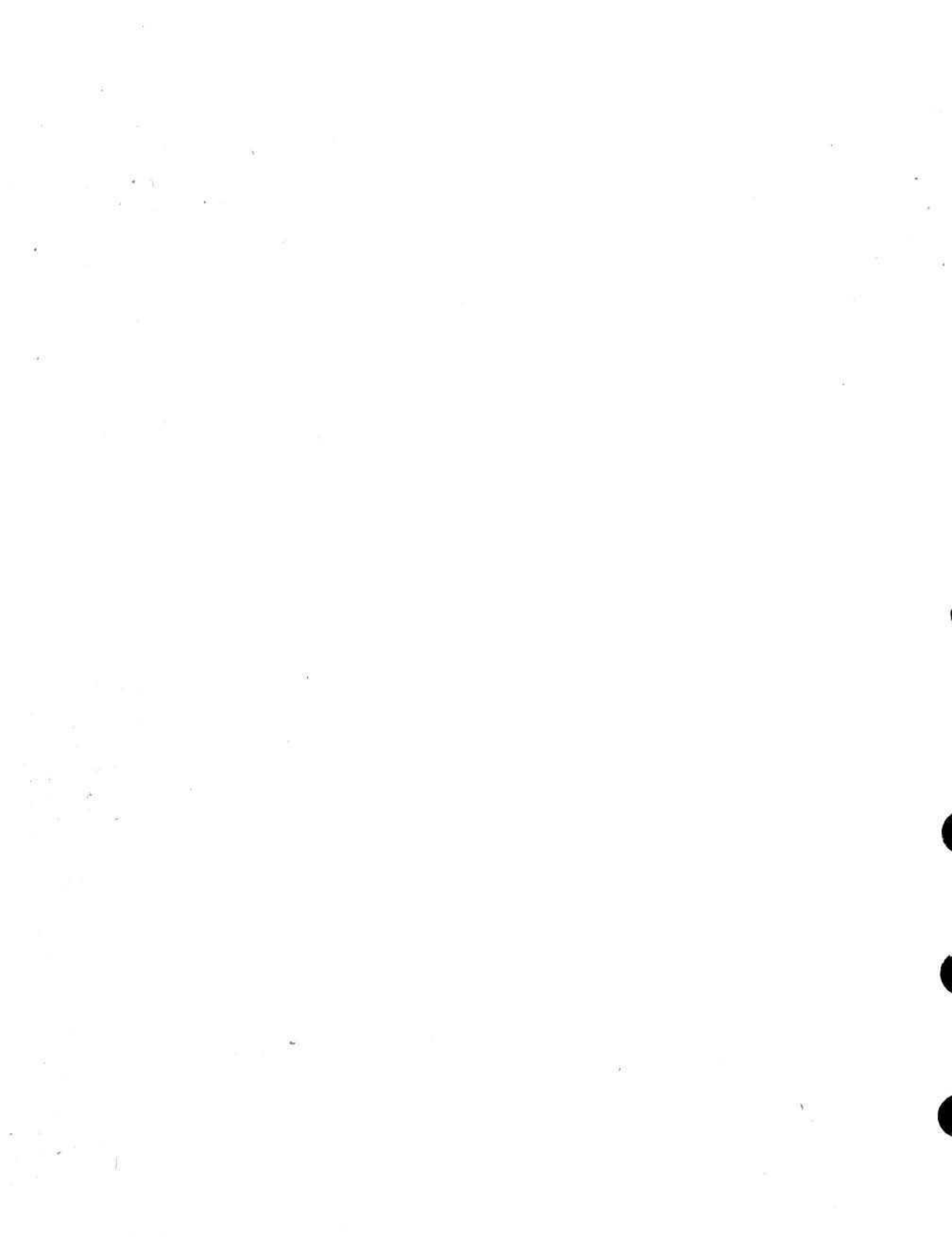












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