Gazette officielle du Québec

(English Edition)

Part 2 Laws and Regulations

Volume 114

8 September 1982
No. 41

Éditeur officiel
Québec

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Part 2
Laws and Regulations

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Legal deposit — 1st Quaterly 1968
Bibliothèque nationale du Québec
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1. Acts assented to, before their publication in the annual collection of statutes;

2. proclamations of Acts;

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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.

2. The English edition

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The English version contains the English text of the documents described in paragraphs 1, 2, 3, 5, 6 and 7 of section 1.

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Separate numbers of the *Gazette officielle du Québec*, except the publication mentioned in paragraph 2, sell for 4 $ a copy.

4. Publication rates

The publication rate is 0,60 $ per agate line regardless of the number of insertions.

For information concerning the publication of notices, please call:

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Gazette officielle du Québec
Tél.: (418) 643-5195

Offprints or subscription rates only:

Service de la diffusion des publications
Tél.: (418) 643-5150

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L'Éditeur officiel du Québec

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THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 190

An Act respecting the Common of the Seigniory of Yamaska

First reading 2 December 1981

Second reading 1 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 190

An Act respecting the Common of the Seigniory of Yamaska

WHEREAS, on 10 January 1713, seigneur Pierre Petit gave as a common, to the inhabitants of the Seigniory of Yamaska, a certain territory forming part of that seigniory;

Whereas the Gouvernement du Québec wishes to acquire the lots forming part of the Common of Yamaska described in the Schedule so as to become the sole and absolute owner of the lots;

Whereas the proprietor of the right of ownership to the soil, subsoil and accessory rights is unknown and untraceable;

Whereas the lots described in the Schedule are acquired in view of establishing a sanctuary for wildlife, especially migratory birds;

Whereas the offer to purchase made by the Gouvernement du Québec has been accepted by a majority of the holders of rights in the common;

Whereas it is expedient to grant to the corporation known as the "Chairman and trustees of the common of the Seigniory of Yamaska" the powers necessary to collect and distribute the sums granted for and in the names of the holders of rights in the common;

Whereas the "Act to enable the Inhabitants of the Seigniory of Yamaska to provide for the better regulation of the Common of the said Seigniory" (3 Geo. IV, chapter 18) incorporated the "Chairman and trustees of the common of the Seigniory of Yamaska";

Whereas the passing of an Act is the only juridical means of obtaining an undisputable title of ownership;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The "Chairman and trustees of the common of the Seigniory of Yamaska", hereinafter referred to as "the corporation", is authorized to dispose in favour of the Gouvernement du Québec, without any restriction or reserve, in its corporate name, in the place and stead of the holders, the shares and rights of every holder in the common, receive the price therefor, grant and give, upon payment of the amount thereof, valid discharge for the same and grant and sign any deed of transfer.

2. Within ninety days after the coming into force of this Act, the corporation shall:

(*a*) prepare and fill out a statement of distribution of the total price, showing the names and addresses of the persons entitled to a fraction of that price;

(*b*) satisfy itself that the holders of rights establish their titles;

(*c*) give notice once, in the *Gazette officielle du Québec* and in a daily newspaper circulated in the parish municipality of Saint-Michel-d'Yamaska, that such statement has been prepared, filled out and deposited at the corporate seat of the corporation where it may be examined by any person interested within ninety days after publication of the notice.

3. During the ninety days following publication of the notice mentioned in section 2, every person interested may apply to the corporation and request that the statement be reviewed to have his rights taken into account.

The decision of the corporation must be rendered within thirty days, reasons therefor must be given in writing and a copy thereof must be served immediately on the person interested, by registered or certified mail.

4. Within thirty days after the mailing of the decision of the corporation, every interested person may apply to the Superior Court of the district of Richelieu and request that the decision be reviewed.

The court may confirm, quash or amend the decision of the corporation and the judgment is final.

5. If no contestation or request is made in connection with the statement within the period provided in section 3 or, where a review has been requested under section 4, within fifteen days of

the judgment of the court, the corporation may apply to the Superior Court of the district of Richelieu to have the statement homologated, with or without amendment.

The application for homologation must be preceded by a notice, stating the date of its filing, published in a daily newspaper circulated in the parish municipality of Saint-Michel-d'Yamaska.

6. The homologated statement is deemed to have been made in accordance with this Act and shall be used as the basis for the apportionment and payment provided for in this Act.

7. Within sixty days after the homologation of the statement, the corporation shall pay the sums provided for to every holder of rights according to his share.

If a person is unknown or untraceable, the sums shall be deposited in the office of the Minister of Finance, in conformity with section 17 of the Deposit Act (R.S.Q., chapter D-5).

8. Every advance paid to the holders of rights before the coming into force of this Act is deemed to form an integral part of the statement prepared under section 2.

9. Marcel Cardin may apply to the Superior Court of the district of Richelieu to determine if he has suffered any damage following the sale of the common and the loss of his right of pasture. If such is the case, the Superior Court shall determine the extent of the damage.

If the Superior Court decides that the sums offered to Marcel Cardin under sections 7 and 8 are insufficient to compensate him for the damage he has suffered, it shall determine the supplementary sum that should be added for full compensation.

Marcel Cardin may claim such supplementary sum from the Governement du Québec.

10. The sum to which Marcel Cardin may be entitled under section 9 is distinct from the sale price contemplated in section 1 and it shall not be taken out of that price.

11. Upon proof deemed sufficient by the Minister of Financial Institutions and Cooperatives that the corporation has no debt or obligation and has disposed of its property, the Minister may declare the corporation dissolved from the publication of a notice in the *Gazette officielle du Québec*.

12. The lots described in the Schedule, as well as the subsoil and any related accessory right not yet reserved by the Crown, are

deemed to be owned by the Gouvernement du Québec in the same manner as if it had been put in definitive possession.

Registration of this Act and Schedule by deposit or memorial confers definitive and absolute title of ownership on the Gouvernement du Québec.

13. This Act comes into force on the day of its sanction.

SCHEDULE

DESCRIPTION OF THE COMMON OF YAMASKA

1. A parcel of land situated in the parish municipality of Saint-Michel-d'Yamaska, being original lot number 764 of the official cadastre of the parish of Saint-Michel (Saint-Jean island in the Yamaska river).

2. A parcel of land situated in the parish municipality of Saint-Michel-d'Yamaska, being part of original lot number 762 (common) of the cadastre of the parish of Saint-Michel and bounded as follows: on the northwest by lots 762-378 and 762-438 to 762-492; on the southwest by lot 762-496 (street) "chemin du 5e rang" and by lot 762-492; on the northwest by the cadastre of the parish of Sainte-Anne; on the northeast by the cadastre of the parish of Saint-François-du-Lac; on the east by the Yamaska river; on the southeast by lot 359 (Île du Domaine est), lot 442 (Île du Domaine ouest), the little channel, the clearance and lots 762-247 to 762-290; on the southwest by lots 762-291 and 762-298 to 762-378.

Containing in area, according to the cadastre, three thousand one hundred and ninety-one square arpents, fourteen square rods and one hundred and thirty-two square feet (3 191 sq. arp., 14 sq. rods and 132 sq. ft), French measure.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 191

An Act to amend the Act respecting the town of Acton Vale

First reading 2 December 1981

Second reading 1 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1 9 8 2

EXPLANATORY NOTE

The object of this bill is to correct the list of the lots contemplated in the Act respecting the town of Acton Vale.

Bill 191

An Act to amend the Act respecting the town of Acton Vale

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The Schedule to the Act respecting the town of Acton Vale (1980, chapter 51) is amended

(1) by replacing the figure "393" in the second line of paragraph 1 of subdivision A of Division I by the figure "392";

(2) by replacing the figures "20" and "17" in the second line of paragraph 5 of subdivision A of Division I by the figures "29" and "37", respectively.

2. This Act comes into force on the day of its sanction but has effect from 19 December 1980.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 192

An Act to amend the Act respecting the Confédération des caisses populaires et d'économie Desjardins du Québec

First reading 10 June 1982

Second reading 11 June 1982

Third reading 21 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

EXPLANATORY NOTES

This bill amends the Act respecting the Confédération des caisses populaires et d'économie Desjardins du Québec (1971, chapter 80); these amendments concern La Caisse centrale Desjardins du Québec.

The bill amends the provisions concerning the appointment of officers of the Caisse centrale, the holding of meetings of the board of directors of the Caisse centrale and the investment powers of the Caisse centrale.

The bill grants additional powers to the Caisse centrale with respect to the guarantees of financial liabilities that it may give.

Lastly, the bill introduces provisions respecting the eligibility of evidences of indebtedness of the Caisse centrale as investments for companies governed by the provisions of the Act respecting insurance (R.S.Q., chapter A-32), the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2) and the Act respecting supplemental pension plans (R.S.Q., chapter R-17), subject to certain restrictions for insurance and trust companies which are members of the Confederation.

Bill 192

An Act to amend the Act respecting the Confédération des caisses populaires et d'économie Desjardins du Québec

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The Act respecting the Confédération des caisses populaires et d'économie Desjardins du Québec (1971, chapter 80) is amended by replacing the expression "the central union" wherever it appears in the English text, by the expression "the Caisse centrale".

2. Section 26 of the said Act, enacted by section 2 of chapter 46 of the statutes of 1979 and amended by section 20 of chapter 60 of the statutes of 1980, is again amended by replacing the second paragraph by the following paragraph:

"Paragraph *d* of section 4, paragraph *d* of section 43, sections 54 to 66 and 69 to 74, paragraph *g* of section 83, sections 84, 86 to 88, 93 to 105 and 129 of the said Act do not apply to the Caisse centrale."

3. Section 27 of the said Act, enacted by section 2 of chapter 46 of the statutes of 1979 and amended by section 21 of chapter 60 of the statutes of 1980, is again amended by replacing paragraph *i* by the following paragraph:

"(*i*) guarantee the financial liabilities of its members and of the governments and persons from whom it may receive deposits to the extent that the total of the liabilities so guaranteed does not exceed ten per cent of its unimpaired capital and accumulated reserves;".

4. The said Act is amended by inserting, after section 27, the following sections:

"**27.1** For the purposes of the acquisition and holding by an insurer of bonds or other evidences of indebtedness issued by the

Caisse centrale, the Caisse centrale and its members mentioned in the first paragraph of section 31 are deemed, for the purposes of the Act respecting insurance (R.S.Q., chapter A-32), to be corporations and their shares are deemed to be common shares.

"**27.2** 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 the first paragraph of section 31 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.

"**27.3** 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 the first paragraph of section 31 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.

"**27.4** The Caisse centrale shall not issue bonds or other evidences of indebtedness to an insurance company or a trust company referred to in Schedule A or offer for sale or distribute to such a company bonds or other evidences of indebtedness issued by the Caisse centrale.

Before issuing bonds or other evidences of indebtedness, or before offering for sale or distributing to the public its bonds or other evidences of indebtedness, the Caisse centrale shall file with the Minister an undertaking by each insurance company and by each trust company referred to in Schedule A, not to acquire or hold such bonds or other evidences of indebtedness except with the authorization of the Minister.

"**27.5** The Minister may, however, on the conditions that he determines, permit the Caisse centrale to issue, offer for sale or distribute its bonds or other evidences of indebtedness to an insurance company or a trust company referred to in Schedule A and permit such company to acquire and to hold such bonds or other evidences of indebtedness."

5. Subparagraph *a* of the first paragraph of section 83 of the Savings and Credit Unions Act (R.S.Q., chapter C-4), replaced for La Caisse centrale Desjardins du Québec by section 22 of chapter 60 of the statutes of 1980, is replaced by the following subparagraph:

"(*a*) in bonds or other evidences of indebtedness issued or guaranteed by a government or one of its agencies, by a municipal or

school corporation in Canada, by the School Council of the Island of Montreal, by a *fabrique* in Québec, or by an ecclesiastical, religious or cemetery corporation in Québec;".

6. The Act respecting the Confédération des caisses populaires et d'économie Desjardins du Québec is amended by inserting, after section 38, the following section:

"**38.1** The board of directors, at its first sitting after the annual meeting or during such meeting, shall choose from among the directors a chairman of the board, one or several vice-chairmen of the board and a secretary of the board. The chairman of the board shall also be the president of the Caisse centrale; the board of directors, if authorized to do so by by-law, may choose from among the directors a president of the Caisse centrale who is not the chairman of the board of directors.

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 creation of offices of vice-presidents of the Caisse centrale and of any other offices and determine the powers and duties of their holders and the conditions of their eligibility. The holder of every such office shall be appointed by the board of directors."

7. The said Act is amended by inserting, after section 39.5, the following section:

"**39.6** The directors may, if all the directors consent, participate in a meeting of the board of directors by such means, particularly by telephone, as permit all persons participating in the meeting to hear each other. They are then deemed to be present at the meeting.

The first paragraph applies, *mutatis mutandis*, to the meetings of the executive committee and of any special committee."

8. This Act comes into force on the day of its sanction, except sections 27.4 and 27.5 of the Act respecting the Confédération des caisses populaires et d'économie Desjardins du Québec (1971, chapter 80) added by section 4, which will come into force on the later date fixed by proclamation of the Government.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 200
(PRIVATE)

An Act to amend the Charter of the city of Montréal

First reading 30 November 1981

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

M. PATRICE LAPLANTE

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 200
(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 1959-1960, be amended;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The Charter of the city of Montréal (1959-1960, chapter 102) is amended by inserting, after article 34, the following heading and article:

"DIVISION 2

"ELECTORAL DISTRICTS

"**35.** The council may give names to the electoral districts of the city."

2. Article 36 of the said charter, amended by section 1 of chapter 90 of the statutes of 1968, is replaced by the following articles:

"**36.** The head of the competent department shall cause the streets, lanes, highways and public squares acquired in whole or in part by the city or open for public use for five years or more to be described and recorded in a register to be kept exclusively for such purpose. Such of these streets, lanes, highways or public squares as are public in part only shall be registered and described for such part alone.

Upon such registration, such streets, lanes, highways and squares shall be deemed to be public.

"**36***a*. The city becomes the owner of the streets, lanes, highways and squares deemed public under article 36, and of the lots or parts of lots shown on the official plan of the cadastre as streets or lanes, upon complying with the following formalities:

(*a*) the adoption of a resolution of the executive committee approving the description of the immoveable;

(*b*) the publication of a notice to that effect, once a week for three consecutive weeks, in a French daily newspaper and in an English daily newspaper published in Montréal;

(*c*) the registration, at the registry office of the registration division of Montréal, of a notice to the same effect, signed by the clerk and stating that the formalities referred to in subparagraphs *a* and *b* have been complied with. Registration is made by deposit and the registrar is bound to receive the notice and enter a reference thereto in the index of immoveables.

The right to an indemnity in respect of such acquisition must be exercised by a motion in the Expropriation Tribunal within the year following the last publication of the notice in the newspapers.

"**36***b*. The city is freed from the restrictions affecting its titles on the future use of a street, lane, highway or public square as soon as, on resolution of the executive committee, the following formalities are complied with:

(*a*) the publication of a notice to that effect in the newspapers with a sketch of the parcels of land contemplated;

(*b*) the payment of the indemnity fixed by the Tribunal where, within twelve months from the publication of the notice, the donor or his assigns or successors have exercised their recourses, except that the city is automatically freed if the recourse is not exercised within the prescribed time; and

(*c*) the registration in the registry office of the registration division of Montréal of a notice signed by the clerk and stating that the formalities have been complied with.

The registration mentioned in subarticle *c* of the first paragraph is made by deposit and the registrar is bound to receive the notice and enter a reference thereto in the index of immoveables."

3. 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 and by section 2 of chapter 41 of the statutes of 1980, is amended by replacing paragraph *q* by the following paragraph:

"(*q*) sell any corporeal moveable belonging to the city the value whereof does not exceed $10 000; authorize the head of the competent department to sell, at public auction or by calling for public tenders, any corporeal moveable, whatever may be its value;".

4. Article 132 of the said charter, replaced by section 28 of chapter 77 of the statutes of 1977, is replaced by the following article:

"**132.** The council may establish, by by-law, the city departments and services entrusted by it to apply this Act; it may amalgamate, abolish or replace any such department or service, except that it shall not amalgamate, replace or abolish the auditor's office.

Any specific reference to a department head, department or service, in this Act, in any by-law or resolution made under this Act and in any agreement, contract, form or document made under this Act, includes, where such is the case, any other department head, department or service the council may, under the first paragraph, have entrusted with the application of the provision to which such reference is made.

For administrative purposes, the auditor's office, the electrical commission and the civil service commission are considered departments, and the city auditor, the chairman of the electrical commission and the chairman of the civil service commission rank with the department heads of the city."

5. Article 172 of the said charter, replaced by section 14 of chapter 96 of the statutes of 1971, is replaced by the following article:

"**172.** The council may establish, by by-law, supplemental pension plans for the permanent officers and employees of the city, to which they must contribute. The plans shall be administered by committees composed of representatives of the employer and representatives of the employees.

The by-law must determine the required age and number of years of service a person must have to be authorized to receive a pension.

Every by-law to amend a by-law establishing a plan must have previously been the object of a recommendation by the majority of each of the two groups of representatives present at the committee meeting when the proposed amendment is voted on. However, unless the representatives of the employees have unanimously approved the amendment, the by-law may be passed only after being approved by the majority of the employees by a referendum held for that purpose."

6. Articles 174 and 178 of the said charter are repealed. However, the by-laws and resolutions made under those provisions remain in force until the pensions, annuities, indemnities or allowances provided for therein cease to be exigible.

7. Article 243 of the said charter is replaced by the following article:

"**243.** The returning officer shall deliver to each deputy returning-officer, within forty-eight hours before the voting, a ballot-box to receive the ballot papers of the electors."

8. Article 288 of the said charter is amended by adding the following paragraph:

"A school board and any establishment constituted under the Act respecting health services and social services (R.S.Q., chapter S-5) must grant free use of their premises for the setting up of polls."

9. Article 304 of the said charter, replaced by section 19 of chapter 86 of the statutes of 1966-1967, is replaced by the following article:

"**304.** When a deputy returning-officer knows or has reason to believe that a person presenting himself to vote may, in doing so, infringe a provision of articles 385, 399, 401 and 406, or when he is required to do so for the same reasons by a person present, he shall require an answer, under oath or affirmation, to the question in Form 22.

In order to obtain his ballot-paper, such person must have answered in the affirmative to the first two questions in such form and in the negative to the other three."

10. The said charter is amended by inserting, after article 450, the following:

"TITLE VII*a*

"CO-CANDIDATES

"**450***a*. Notwithstanding the repeal of the provisions of the Act respecting the 1978 elections in certain municipalities and amending the Cities and Town Act (1978, chapter 63) regarding co-candidates, those provisions apply to a general election, *mutatis mutandis*."

11. Article 460 of the said charter is replaced by the following article:

"**460.** The city may, when it deems it expedient, revise or consolidate the whole or any part of its by-laws so as to unite them in one or more volumes, and to that end repeal, amend or modify them.

For the purposes of the first paragraph the council may determine the terminology and set forth rules respecting the drafting, reference to and publication of the revised by-laws; it may also set forth all the rules necessary in respect of the coming into force of the revised by-laws and provide for an annual up-dating method that will allow for continuous consolidation.

Nothing in this article may be construed as affecting any matter or thing done or required to be done, or any resolutions, decisions, orders or other proceedings of the council, or any debentures, bonds, notes or other titles of indebtedness issued, or any collection rolls of special taxes, or the rights and duties of municipal officials, which shall continue to be regulated by the previous by-laws until the expiry of the term fixed."

12. Article 462 of the said charter, amended by section 25 of chapter 97 of the statutes of 1960-1961, by section 51 of chapter 59 of the statutes of 1962, by section 2 of chapter 91 of the statutes of 1969, by section 18 of chapter 96 of the statutes of 1971 and by section 56 of chapter 77 of the statutes of 1973, is replaced by the following article:

"**462.** The council may impose, for each infringement of a by-law within its competence, a fine, with or without judicial costs, or imprisonment.

If the penalty is a fine, the by-law may prescribe imprisonment for failure to pay the amount of the condemnation within the period fixed by the court.

The prescribed period may in no case exceed ninety days but the court may, before or after the end of the prescribed period, on request of the defendant and with the consent of the plaintiff, grant an additional period of not more than ninety days.

Subject to any contrary provision of this charter, the fine shall not exceed three hundred dollars; however, the council, in cases of several infringements of the same provision of one of the hereinafter mentioned by-laws, committed by the same person within a period of twelve months, may impose a fine not exceeding, in addition to judicial costs, the following limits:

(*a*) for a second infringement, not less than one hundred dollars and not more than five hundred dollars;

(*b*) for any additional infringement, not less than five hundred dollars and not more than one thousand dollars.

Subject to any contrary provision of this charter, imprisonment may in no case exceed sixty days."

13. Article 463 of the said charter, replaced by section 3 of chapter 91 of the statutes of 1969, is repealed.

14. Article 465 of the said charter, replaced by section 4 of chapter 90 of the statutes of 1968, is replaced by the following article:

"**465.** Notwithstanding article 462, the council may impose, for failure to hold a permit or licence required under a by-law, the following penalties, in addition to judicial costs:

(*a*) for a first offence, a fine equal to not less than the amount of the special tax imposed for the object of the permit or licence or, failing that, to the cost of the permit or licence; in no case, however, may the fine exceed five hundred dollars;

(*b*) for a second offence against the same provision of a by-law committed within twelve months from the first offence, a fine equal to not less than twice the minimum fine provided for a first offence; in no case, however, may the fine be less than one hundred nor more than five hundred dollars;

(*c*) for every subsequent offence against the same provision of a by-law committed within the same period, a fine equal to not less than twice the minimum fine provided for a second offence; in no case, however, may the fine be less than two hundred dollars nor more than one thousand dollars.

The execution of the judgment against the offender does not exempt him from the obligation to pay the special tax or to obtain the permit or licence required, if he is entitled thereto."

15. The said charter is amended by adding, after article 465, the following article:

"**466.** The council may provide, by by-law, that if an offender who contravenes a by-law it specifies is a corporation, the fine that may be imposed by a judge as a penalty for the offence, in the case of a minimum fine, must be twice the amount of that fine and, in the case of a maximum fine, twice the amount of that fine."

16. Article 468 of the said Charter is replaced by the following article:

"**468.** Whenever an infringement of a provision of this charter or of a city by-law is committed by a corporation, an associa-

tion, a society or a club, even if its name is not registered, its president, manager or agent, as well as any other person who, at the time of the infringement, had the charge, management or supervision of the immoveable, premises or vehicle respecting which such infringement took place, shall be personally liable to the penalty enacted as regards natural persons and may be prosecuted accordingly."

17. Article 520 of the said charter, amended by section 26 of chapter 97 of the statutes of 1960-1961, 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 and by section 45 of chapter 77 of the statutes of 1977, is amended:

(1) by replacing paragraph 81 by the following paragraph:

"(81) Compel the owners, lessees or occupants of lands or buildings to remove therefrom all harmful substances and provide for their removal by the city at the expense of the owner, lessee or occupant if he fails to comply with the orders received or is untraceable;"; and

(2) by adding the following paragraph:

"(85) Require, whenever the city ascertains the presence of rats, mice or noxious insects in a building, that the owner or occupant has, upon the order and as directed by the competent department, someone proceed with the fumigation of the premises or with any other operation to exterminate the vermin and desinfect the premises within the time prescribed, and report thereon to the department; authorize the head of the department to satisfy himself that the operations comply with the directives; and prescribe that, where the operations do not comply with the directives or if the owner refuses or fails to comply, the city shall itself have someone proceed with the operations at the expense of the owner of the building, with the guarantees provided for in paragraph 84."

18. Article 521 of the said charter, amended by section 148 of chapter 55 of the statutes of 1972, by section 46 of chapter 77 of the statutes of 1977 and by sections 9 of chapter 40 and 8 of chapter 41 of the statutes of 1980, is amended by replacing paragraph 11 by the following paragraphs:

"11. (*a*) Authorize or regulate the posting and sale of bills, placards or advertisements;

(*b*) Provide requirements on where it is allowed or prohibited to post or have them posted or maintained;

(*c*) Require that the persons who made them or for whom they are posted, maintained, sold or made be specifically mentioned thereon;

(*d*) Order, where a by-law has not been complied with, that they be removed and that the premises be restored to their original condition within the time prescribed;

(*e*) Require the persons responsible for the distribution or posting of the bills, placards or advertisements to use reasonable diligence to ascertain that the requirements of the by-law are observed;

"(11*a*) Regulate or prohibit graffiti, drawings, paintings, engravings or photographs on trees, walls, fences, posts, sidewalks, pavements or any other similar structure and apply the measures provided for in subparagraph *d* of paragraph 11, in case of infringement;".

19. The said charter is amended by adding, after article 521, the following article:

"**521***a*. No by-law respecting bills, placards or signs made under this charter, a general law or a special Act shall apply to prohibit or limit the use of bills, placards or signs in connection with an election or a referendum held under an Act of the Legislature."

20. Article 522 of the said charter, amended by section 27 of chapter 97 of the statutes of 1960-1961, 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 statute of 1964, by section 23 of chapter 86 of the statutes of 1966-1967, by section 47 of chapter 77 of the statutes of 1977 and by section 16 of chapter 22 of the statutes of 1979, is amended

(1) by replacing paragraph 4 by the following paragraph:

"4. (*a*) Specify the requirements respecting fences and hedges, namely:

(1) their distance from public highways;

(2) their maximum and minimum height;

(3) the places where they may or must be located;

(4) the material of which they must be made and the manner in which they must be erected and maintained according to requirements of preservation and architecture;

(*b*) Provide for the bringing into conformity of fences and hedges, for their removal and, if necessary, the restoration of the

premises, or for the installation of fences or hedges within a prescribed time;

(*c*) Provide, in case of failure to comply with any requirement of the by-law respecting public safety, whether the offender refuses or fails to comply or cannot be found, that such fences or hedges be corrected, removed or installed by the city at the expense of the offender; the costs of such correction, removal or installation, in addition to any recourse provided by law to recover such costs, may, after registration of a notice of the clerk received in authentic form before a notary and bearing the number of his minutes, constitute a charge against the immoveable where the offence takes place, assimilated to a municipal tax and privileged at the same rank;";

(2) by striking out paragraph 5;

(3) by replacing paragraph 33 by the following paragraph:

"33. Compel the owner of a bicycle or any other cycle to carry on his vehicle a registration plate in conformity with the by-law; specify the classes of vehicles subject to that requirement; provide for the payment of registration duties; authorize the seizure by a peace officer or any employee of the city designated for that purpose, of any bicycle or other cycle used on public property without the required registration plate, except if the owner of the vehicle resides in another municipality; prescribe the impounding, at the expense of the owner, of any vehicle so seized, for a period determined and until proof of ownership is given and the vehicles are registered;"; and

(4) by adding the following paragraphs:

"43. Prescribe the requirements respecting traffic and parking, the stopping of vehicles in parking lots with a view to ensuring public safety and facilitate access to persons who must use a wheelchair or orthopedic devices;

"44. Prohibit the drivers of vehicles from parking or leaving their vehicles on private property without the authorization of the owner or occupant of the land, or on a lot owned by the city or any of its agencies wherever public parking is not authorized; provide for the towing and impounding of the vehicles at the expense of their owners; require the prior lodging of an information on the offence by the owner or occupant of the lot or his representative.".

21. 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 1966-1967, by section 7 of chapter 90 and by section 1 of chapter 91 of the statutes of 1968, by section 21 of chapter 96 of the stat-

utes 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 and by section 10 of chapter 40 of the statutes of 1980, is amended by replacing

(1) paragraph 1 by the following paragraph:

"1. Regulate and determine differently according to the location, in certain streets, parts or sections of certain streets or at any place, the architecture and the number of stories of buildings as well as the dimensions, situation, layout, salubrity, the method of construction and the materials of buildings or any part thereof and especially of buildings, cellars, basements, drains, sewer pipes, chimneys, heating systems and walls whether they be party walls, interior walls or outside walls; require, to such extent and according to such modalities and criteria as it may determine, that the builders or owners of buildings provide and maintain inside or outside parking places; provide for exemptions, as regards certain territories or kinds of buildings or certain uses, from the obligation to provide and maintain parking units; compel every owner to have an opening made in the main outer door of any house, even already built, to enable the postman to insert the mail; compel anyone who wishes to execute a construction, reconstruction, repair, alteration or enlargement to submit the plan thereof to the head of the competent department and to previously obtain from him a written certificate of approval; prohibit any construction, reconstruction, repair, alteration or enlargement not conforming thereto, order it halted and even provide for its demolition; require any person who wishes to alter, restore or enlarge a building or part of a building of such category as the council may determine, to carry out work that facilitates access to the building to persons restricted in their movements, such requirement to be limited to a cost of not over 10% of the value of the alteration, restoration or enlargement work, and enable the head of the competent department to determine that the work required to facilitate access is carried out in conformity with the building by-laws;";

(2) paragraph 6 by the following paragraph:

"6. Subject to article 610*a*, determine the conditions which the executive committee shall set for its approval or refusal of any modification to cadastral plans and define the nature of the works which the executive committee may require and the servitudes necessary for the installation of the public services which must be granted before a plan is approved; authorize the executive committee to refuse to approve the modification whenever public utility services are not installed at the place contemplated in the modification;".

22. Article 526 of the said charter, amended by section 26 of chapter 86 of the statutes of 1966-1967, by section 5 of chapter 76 of

the statutes of 1972 and by section 466 of chapter 72 of the statutes of 1979, is amended by replacing paragraph 5 by the following paragraph:

"5. Provide hydrometers and place them in the buildings of consumers to measure the quantity of water used, fix the price of such water, the rent of the hydrometers and the manner in which the same shall be paid;".

23. Article 528 of the said charter, amended by section 56 of chapter 59 of the statutes of 1962, section 9 of chapter 90 of the statutes of 1968, section 1 of chapter 92 of the statutes of 1968, section 22 of chapter 96 of the statutes of 1971, section 53 of chapter 77 of the statutes of 1977 and section 12 of chapter 40 of the statutes of 1980, is again amended by replacing subparagraphs 3, 3*a* and 4 by the following subparagraphs:

"3. Authorize the construction of libraries, arts centres and museums or take part in their establishment, maintenance, fitting-up and interior or exterior maintenance; give subsidies to agricultural, industrial or international exhibitions;

"*Activities on Ste-Hélène and Notre-Dame islands*

"4. Organize cultural, recreational and touristic activities on Ste-Hélène and Notre-Dame islands; erect immoveables thereon for that purpose or allow immoveables to be erected thereon by third persons, and assign to them for that purpose all or part of the site by emphyteutic lease or surface rights; assign all or part of the rights of the city on those premises to a non-profit association established on an application by the city.

The application must indicate the name of the association, the location of its head office, its powers, rights and privileges, the rules relating to the exercise thereof, and to the mode of appointment of its members and directors. Notice of the issue of letters patent must be published in the *Gazette officielle du Québec*.

Article 964*f* applies to that association."

24. Article 528*b* of the said charter, amended by section 24 of chapter 84 of the statutes of 1965, is replaced by the following article:

"**528***b*. The council may also exercise by resolution the powers provided in paragraph 5 of article 520, in paragraphs 34 and 35 of article 522, in paragraph 10 of article 526, in paragraph 9 of article 527 and in paragraphs 3, 4, 6 and 11 of article 528."

25. Article 541 of the said charter is replaced by the following article:

"**541.** The signs, placards and other similar objects existing on 1 July 1977 and not in conformity with the by-law passed under No. 5128 must, before 1 July 1983, be removed or brought into conformity with the by-laws then in force.

The signs, placards and other similar objects installed before 1 January 1982 and in conformity with by-law No. 5128 or installed after 1 January 1982 and in conformity with the by-laws in force when they were installed, must, not later than ten years after the coming into force of any by-law which they infringe, be removed or brought into conformity with the by-laws in force at the end of that period.

Whenever the signs, placards and other similar objects are not brought into conformity within the period prescribed in this article, the city may remove them after a six month notice has been sent to the owner, subject to its right to remove them at any time when required for public safety."

26. Article 543*b* of the said charter, enacted by section 11 of chapter 41 of the statutes of 1980, is replaced by the following article:

"**543***b*. (1) The council may, by by-law, define the limits of a commercial zone within which a single commercial district comprising at least 50 places of business and more than 50% of the places of business in that zone may be formed, and provide for the establishment of an initiatives and development association having jurisdiction in that district.

(2) In the pursuit of the objects for which it is established, the association has the rights, privileges and obligations of a corporation within the meaning of the Civil Code and of Part III of the Companies Act (R.S.Q., chapter C-38).

(3) It may, in particular, promote the economic development of the district, establish joint services for its members and their customers, operate a business in the district, erect and manage a parking garage or parking lot and carry out work on public property or private property with the consent of the owner.

(4) The association may be formed on the application of five ratepayers having a place of business in the district. The application shall be submitted to the executive committee of the city.

(5) On receiving the application, the executive committee shall order the clerk to send a notice by registered mail to every ratepayer having a place of business in the district, or cause it to be served on him, informing him that a register will be open, at the place indicated, to receive the signatures of the ratepayers who oppose the formation of the association.

(6) The place where the register is to be open must be situated in the district or at a distance of not over two kilometres from the perimeter of the district.

(7) The clerk shall accompany the notice with an indication of the limits of the district, the name and address of each ratepayer to whom the notice is being sent or on whom it is being served, and the text of this section and of any by-law relating thereto.

(8) The register is to be open from 9 o'clock in the morning to 7 o'clock in the evening on the first Tuesday following the expiry of fifteen days from the sending or service of the notice or, if that day is a holiday, on the next working day.

(9) A ratepayer who has not received the notice from the clerk may sign the register if he proves that he has a place of business in the district.

(10) Not more than one signature may be registered for each place of business.

(11) If more than 50% of the ratepayers having places of business in the district sign the register, the application is denied and no new application may be filed before a period of six months has expired.

(12) If fewer than 33% of the ratepayers sign the register, the council may by resolution authorize the establishment of the association.

(13) If not fewer than 33% nor more than 50% of such persons sign the register, the clerk shall send a notice by registered mail to every ratepayer having a place of business in the district, or cause it to be served on him, informing him that a poll is to be held within ninety days of the filing of the application; the rules provided for the keeping of the register apply to the holding of the poll.

(14) If more than 50% of the ratepayers who voted indicated that they are in favour, the council may, by resolution, authorize the establishment of the association; otherwise the application is denied and no new application may be filed before a period of six months has expired.

(15) The resolution establishing the association shall indicate the name of the association and the limits of the district in which it is to have jurisdiction. Notice of the resolution shall be published in the *Gazette officielle du Québec* and sent to the Minister of Financial Institutions and Cooperatives.

(16) All the ratepayers having a place of business in the district are members of the association and, subject to subarticle 17, have the right to vote at its meetings; they are entitled to one vote for each place of business.

(17) Where all or part of an assessment becomes exigible, only the members who have paid their assessment may be elected to the board of directors and exercise their right to vote.

(18) The board of directors is composed of nine persons, of whom seven are elected from among the members by the general meeting of the members and two are appointed from among the members by the executive committee.

(19) The general assembly of the members shall appoint an auditor.

(20) At a general meeting specially convened for that purpose, the association shall adopt its operating budget, as well as any project involving capital expenditures that may be financed by a loan with the authorization of the city.

(21) The city may, by a by-law subject to all the formalities of a loan by-law, guarantee the repayment of loans contracted for by the association.

(22) On receiving the operating budget, the council may approve it after ascertaining that all the formalities for its adoption have been complied with and may order by by-law an assessment for which it shall determine the number of payments and the mode of computation, specifying whether the place of business is situated in different parts of the district or on different stories of an immoveable.

(23) The rules governing the computation of the assessments of the members and the payments are the same for every association. The rules may provide a maximum limit to the amount or share of the assessments that the members may be required to pay.

(24) The assessments are ordered on the ratepayers having a place of business on the first day of the fiscal period for which the budget is deposited.

(25) A ratepayer who acquires a place of business in the district of an association during a fiscal period becomes a member and, in the case of an existing place of business, succeeds to the rights and obligations of the preceding ratepayer, who then ceases to be a member.

(26) The new member must notify the board of directors of the association in writing that from that time forward he represents that place of business.

(27) An assessment ordered under this section is deemed a special business tax for the purposes of its collection and the head of the competent department has all the powers vested in him in that respect by this Act. The assessments collected are remitted to the association.

(28) On the application of the board of directors of an association, the council may, by resolution, change the limits of the district of the association.

(29) The application is filed with the executive committee, which shall order a consultation of members who have paid the exigible part of their assessment, if any, in accordance with the modalities that the council may establish by by-law.

(30) Furthermore, where an expansion of the district is planned, the ratepayers having a place of business in the territory to be included in the district must also be consulted.

(31) Before the application is granted, it must be approved by a majority of the persons so consulted. In the case of an expansion, the application must be approved by a majority of the members and a majority of the ratepayers having a place of business in the territory to be added to the district.

(32) No application to change the limits of a district is receivable if the change results in reducing the number of members of the association to less than fifty.

(33) The council resolution granting the application of an association extends or limits the jurisdiction of the association to the district thus changed.

(34) Subsection 28 does not prevent an association from providing, according to the modalities and on the conditions established in its by-laws, for the voluntary membership of persons having a place of business in the zone.

(35) The council may, by by-law, on the conditions it determines, make grants to the associations that, in each case, may be in an amount equivalent to that part of the revenues of the association estimated in its budget as derived from members' assessments or an amount not greater than the maximum amount established by the by-law.

(36) If a special general meeting is called at the request of the members to deal with a particular subject, no second meeting may be held to deal with the same subject within the same fiscal period, except with the consent of the board of directors.

(37) Subject to this article, the by-law determines the formalities to be followed for the formation of an association, its composition, the respective responsibilities of the general meeting of the members and of the board of directors, the modalities of establishing, collecting and repaying the assessment and, generally, any matter relating to the operation and winding-up of the association.

Every by-law passed under the preceding paragraph must be submitted for approval to the Minister of Financial Institutions and Cooperatives and it comes into force on the date of that approval.

(38) For the purposes of this section, the expression "place of business" includes any premises or establishment where an economic or administrative activity in matters of finance, trade, industry or services, a calling, an art, a profession or any other activity constituting a means of profit, gain or livelihood, is carried on, except an employment or charge."

27. Articles 608, 609 and 610 of the said charter are repealed.

28. The said charter is amended by inserting, after article 610*c*, the following article:

"**610***d*. (1) The council may, by by-law, exempt any person proposing to erect a building for which parking units must under another by-law be provided and maintained, from the obligation to provide and maintain parking units, to such extent as the council may determine in each case.

(2) The by-law must provide that the exemption is granted upon compensatory payment of a sum established in accordance with a computing formula prescribed under paragraph 4.

(3) The sums collected in application of paragraph 2 are accounted for in view of using them to establish or erect public parking garages or parking lots.

(4) The council shall determine, by by-law, the terms and conditions of applications for exemption and prescribe the formulas for computing the compensation; the formulas may differ according to the categories of units.

(5) In the case of a compensation not effected in cash, the clerk shall deposit in the registry office of the registration division of Montréal a certified copy of the by-law granting exemption for the immoveable referred to in such by-law; the registration shall be made by deposit and the registrar is bound to accept it and make mention of it in the index of immoveables.

The registration constitutes, up to the amount of compensation fixed in the by-law, a charge against the immoveable, assimilated to a municipal tax and privileged at the same rank."

29. Article 611 of the said charter, replaced by article 60 of chapter 59 of the statutes of 1962 and amended by section 29 of chapter 86 of the statutes of 1966-1967, is replaced by the following article:

"**611.** No building, improvement or enlargement permit, except for repairs, shall be granted for an immoveable from the date of the resolution of the executive committee reserving the

immoveable for municipal purposes, or of a resolution of the council ordering its expropriation.

Such prohibition shall cease after one year from the date of the resolution, except if proceedings for the imposition of a reserve or for expropriation are commenced before the expiry of the prescribed period."

30. Article 611*a* of the said charter, enacted by section 26 of chapter 84 of the statutes of 1965 (1st session), is repealed.

31. Article 612 of the said charter, amended by section 27 of chapter 84 of the statutes of 1965 (1st session), section 30 of chapter 86 of the statutes of 1966-1967, section 11 of chapter 90 of the statutes of 1968, section 28 of chapter 96 of the statutes of 1971 and section 6 of chapter 76 of the statutes of 1972, and replaced by section 17 of chapter 22 of the statutes of 1979, is again amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

"(*b*) unless the public waterworks and sewer services have been installed in the street bordering which it is intended to erect the proposed construction, or unless the executive committee has decided to recommend to the council that appropriations be voted for that purpose;".

32. Article 612*a* of the said charter, replaced by section 17 of chapter 40 of the statutes of 1980, is amended

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

"**612***a*. The council may, by by-law, approve a plan of construction or alteration or allow the occupancy of one or more buildings or other works under, above or on any area of land, in favour of any person whose title includes the right to construct or occupy buildings thereon, provided that such land has a continuous area of at least 8000 m² for an industrial project, 4000 m² for a commercial or a commercial and housing project and 2000 m² for a housing project; these area requirements do not apply in the case of projects for the erection of educational establishments, of any establishment contemplated in the Act respecting health services and social services (R.S.Q., chapter S-5), of public administration or public service buildings, of residential buildings under a municipal or governmental housing program, of abandoned public buildings and of buildings classified or recognized as cultural property or situated wholly or in part in the protected area of a classified cultural property, in a historic or natural district or on a classified historic site."; and

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

"This article does not prevent the council from approving projects proposed by owners who joined together to form the area required by this article, if the proposed project is intended to form an architectural complex constituting a better urban development than that allowed by the by-law, and if each owner gives the city a written document stating that he was informed that from the coming into force of the by-law approving the project, any alteration to the construction or destination of the building contemplated in the by-law and derogating from the by-law will be subject to the approval of the council."

33. Article 619 of the said charter, replaced by section 18 of chapter 40 of the statutes of 1980, is replaced by the following article:

"**619.** The roll of rental values or the collection roll of the water and service tax shall not be altered and no water and service tax shall be levied, for residential premises, on any person who, during the same fiscal period, occupied other residential premises in the city in respect of which he has paid that tax in full to the city.

Notwithstanding the first paragraph, the roll of rental values or the collection roll of the water and service tax shall be altered and the water and service tax shall be levied on any person who, during the same year, leaves residential premises in respect of which the owner is bound to pay such tax, and occupies another immoveable in respect of which he is bound to make such payment.

Such person is bound to pay the tax proportionately to the unexpired portion of the fiscal period at the time the occupation begins."

34. Article 620 of the said charter, replaced by section 19 of chapter 40 of the statutes of 1980, is replaced by the following article:

"**620.** The roll of rental values or the collection roll of the water and service tax shall not be altered in the course of a fiscal period and no water and service tax shall be refunded to a person who leaves residential premises to occupy others in the city.

Notwithstanding the first paragraph, the water and service tax may be reimbursed to any person who, during the same year, leaves residential premises where he is bound to pay such tax and occupies another immoveable in respect of which the owner is bound to pay such tax.

The reimbursement is proportionate to the unexpired portion of the fiscal period at the time when the occupancy of the residential premises in respect of which the person has paid tax to the city ceases. The reimbursement shall be made upon request of the person entitled thereto, upon presentation of vouchers, namely the receipt from the city and a copy of the new lease."

35. Article 621 of the said charter, replaced by section 20 of chapter 40 of the statutes of 1980, is again replaced by the following article:

"**621.** Premises used as parking space on which a water and service tax is imposed may be entered on the roll of rental values or on the collection roll of the water and service tax in the name of the occupant or of the owner.

The roll of rental values or the collection roll of the water and service tax shall not be altered in the course of a fiscal period and no water and service tax shall be imposed or any refund made, with respect to such premises, in any building entered on the roll."

36. Article 634 of the said charter, replaced by section 9 of chapter 76 of the statutes of 1972, is replaced by the following article:

"**634.** The owner of any building occupied by more than one tenant, subtenant or family shall be liable for payment of the water and service tax and his name shall be entered on the roll of rental values or on the collection roll of the water and service tax, as an occupant, except in the case of a tenant under a written lease for one year or longer when the owner has installed a separate supply pipe for each apartment so occupied, so that the city may, at any time, establish the supply of water to each occupant."

37. Article 635 of the said charter, replaced by section 24 of chapter 40 of the statutes of 1980, is replaced by the following article:

"**635.** (1) The city, by by-law, may hold the proprietor of an immoveable containing a total of ten or more dwellings or representing a total rental value of dwellings that exceeds the value determined annually under the by-law, liable for the payment of the water and service tax for all the dwellings. The proprietor's name shall be entered on the roll of rental values or on the collection roll of the water and service tax as the occupant of all the dwellings.

(2) For the purposes of the by-law, the council may use any combination of the two criteria, namely, the total number of dwellings and the total of rental values of the dwellings.

(3) The roll of rental values shall indicate the rental value of each dwelling and, opposite the name of the proprietor, the total rental value of all the dwellings.

The collection roll of the water and service tax shall indicate the name of the proprietor and the number of dwellings.

(4) Only a fixed reduction equivalent to 10% of the total amount of the water and service tax imposed for the dwellings of the immoveable shall be granted to the proprietor to take account of losses resulting from vacancies or other causes.

(5) No refund of the water and service tax is granted to a proprietor being the presumed occupant of all the dwellings who assigns his immoveable, and the assignee becomes liable for payment of the tax in the same manner as the assignor.

(6) However, if the immoveable is demolished or burnt down, the proprietor is liable for payment of the water and service tax of the destroyed dwellings only in proportion to that part of the year that has elapsed, subject to article 638.

(7) In the case of a new immoveable or an immoveable newly divided into several dwellings, the liability of the proprietor for payment of the water and service tax applies only in respect of the dwellings actually occupied and only from the date of occupancy of each dwelling to the end of the fiscal period during which 90% of the dwellings of the immoveable are leased or occupied.

(8) The head of the competent department shall mention on the collection roll of real estate taxes any amount of the water and service tax due by the proprietor for the current fiscal period under this article. That amount is then regarded as a real estate tax encumbering the immoveable for which it is entered.

(9) Where the lease of a dwelling situated in a building contemplated in this article does not include any provision regarding the obligation to pay the water and service tax, or where it prescribes that the tax must be paid by the tenant, the latter must pay to the proprietor the amount of the tax for his dwelling before deduction of the reduction contemplated in subarticle 4 for the period commencing on 1 January to the expiry date of the lease or to 31 December, whichever comes first, within fifteen days of receipt of a notice from the proprietor to which a copy of the city's account is attached. This subarticle does not apply when the amount of the rent already includes the repayment of the tax.

(10) Where an immoveable is, as regards any fiscal period, contemplated in a by-law enacted under this article, the payment of the water and service tax continues, for subsequent fiscal periods, to be the responsibility of the proprietor of the immoveable even though it no longer meets the criteria established by the annual taxation by-law imposing that tax."

38. Article 649*a* of the said charter, enacted by section 31 of the chapter 40 of the statutes of 1980, is replaced by the following article:

"**649***a*. Notwithstanding any zoning by-law, the executive committee, on the conditions it imposes in each case, may grant, after consulting the competent departments, a personal and untransferable authorization to lay out and operate a parking lot. The executive committee may revoke that authorization at any time, after a thirty day notice has been given in writing to the owner by the clerk."

39. Article 653 of the said charter, amended by section 22 of chapter 70 of the statutes of 1963, by section 66 of chapter 77 of the statutes of 1973 and by section 33 of chapter 40 of the statutes of 1980, is replaced by the following article:

"**653.** For the purposes of paragraph *a* of article 652, the head of the competent department shall calculate the probable revenue of the municipal real estate tax on the basis of the rate for the current fiscal period and the valuation fixed for the next fiscal period; he shall add thereto the probable amount of the water-rates and the service and business taxes computed by using, as the case may be, the fixed rate for the current fiscal period or the rate for the current fiscal period based on the probable rental value for the next fiscal period, such value to be provided by the valuation commissioner. In the case of a change of rates at or before adoption of the budget, the head of the competent department shall increase or decrease accordingly the amount obtained by such calculations. He shall provisionally estimate the probable revenue of the school tax, subject to correction when the rates of such tax are known for the next fiscal period."

40. Article 666 of the said charter is replaced by the following article:

"**666.** The executive committee may add to the probable revenue of the next fiscal period the whole or part of any surplus of the general fund established by the head of the competent department in his last annual report and still unappropriated for the current fiscal period under article 667.

However, upon the recommendation of the executive committee, the council may add the whole or part of the declared surplus still unappropriated under article 667, to the revenue of the current fiscal period, and amend the budget of the current period accordingly."

41. Article 667 of the said charter is replaced by the following article:

"**667.** The executive committee may add to the probable revenue of the next fiscal period the whole or part of any surplus of the current fiscal period, as estimated by the head of the competent department."

42. Article 668 of the said charter is repealed.

43. Article 669 of the said charter, replaced by section 14 of chapter 41 of the statutes of 1980, is replaced by the following article:

"**669.** Not later than 1 December each year, the executive committee shall approve the budget and the draft by-laws required for the imposition of the taxes for the next fiscal period."

44. Article 670 of the said charter, amended by section 37 of chapter 97 of the statutes of 1960-1961, by section 11 of chapter 76 of the statutes of 1972, by section 27 of chapter 22 of the statutes of 1979 and by section 15 of chapter 41 of the statutes of 1980, is amended by replacing paragraph *a* by the following paragraph:

"*a*) the draft by-laws made in application of article 669;".

45. The said charter is amended by inserting, after article 670, the following articles:

"**670***a*. In the year of a general election, the approval of the budget and of the draft by-laws for the imposition of taxes by the executive committee, and their deposit in the clerk's office in conformity with article 670, may be made after 1 December but not later than three months after the date of the elections.

"**670***b*. Where delays are incurred under article 670*a*, the head of the competent department, until 31 March of the year following that of the general election, may deliver certificates of available funds as if, on 1 January of the year following that of the elections, three-quarters of the budget of the fiscal period in which the election is held had been adopted."

46. Article 675 of the said charter, replaced by section 35 of chapter 40 of the statutes of 1980, is amended by adding the following paragraph:

"Notwithstanding the first paragraph, in the case of article 670*a*, the budget, by-laws and resolutions referred to in article 670, which have not been adopted within fifteen days after their deposit in the clerk's office, become automatically in force on the first day of the month following the month during which the fifteenth day falls after the deposit."

47. Article 708 of the said charter is replaced by the following article:

"**708.** The head of each department is responsible for the management of the appropriations put at the disposal of his department, as prescribed by this charter, under the authority of the executive committee and the council."

48. Article 709 of the said charter is replaced by the following article:

"**709.** The executive committee shall establish the rules governing the transfer of appropriations within a program of the budget; those rules may provide that the chairman of the executive committee may authorize transfers of appropriations within a subprogram."

49. Article 710 of the said charter, replaced by section 82 of chapter 77 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

"**710.** The executive committee shall not transfer the appropriations voted under one item of the budget to another item or those voted under one program of the budget to another program, except with the approval of the council."

50. Article 711 of the said charter is repealed.

51. Article 717*a* of the said charter, enacted by section 35 of chapter 96 of the statutes of 1971, is replaced by the following article:

"**717***a*. Notwithstanding any inconsistent legislative or regulatory provision, the city is authorized to use, by resolution of the executive committee, the actual revenue from any fiscal period as estimated or established by the head of the competent department, for the purposes of meeting any expenses it is authorized to incur."

52. Article 721 of the said chapter, amended by section 85 of chapter 77 of the statutes of 1977, is amended by adding, at the end of the first paragraph, the following sentence:

"However, such approval is not necessary in the case of an agreement compelling the city to pay fees for professional services."

53. Article 730 of the said charter, amended by section 31 of chapter 22 of the statutes of 1979, is amended by replacing the third paragraph by the following paragraphs:

"Before 30 April, he shall further forward to the Minister of Municipal Affairs a financial report for the last completed fiscal period. The report must include:

(*a*) the financial statements;

(*b*) the report of the city auditor, on such financial statements;

(*c*) the report prepared in conformity with article 734 by the auditor appointed under that article; and

(*d*) any other information required by the Minister.

Upon request of the city, the Minister may extend the period provided for in the third paragraph.

However, if the director does not forward the report within the prescribed period, the Minister may have a report prepared for any period, at the expense of the city, by an officer of the Ministère des Affaires municipales or any other person authorized to do so by law.

Where the report contemplated in the fifth paragraph is prepared by a person who is not an officer of the Ministère des Affaires municipales, his fees must be paid by the city unless the Minister decides to make the payment, in which case he may be reimbursed by the city.

The director also shall prepare for general distribution a balance sheet and a summary statement of revenue and expenditure showing the financial situation of the city, and the revenue and expenditure for the fiscal period."

54. Article 733 of the said charter, replaced by section 90 of chapter 77 of the statutes of 1977, amended by sections 32 and 82 of chapter 22 of the statutes of 1979 and section 37 of chapter 40 of the statutes of 1980, is amended by replacing subarticle 10 by the following subarticle:

"(10) The auditor has the same duties and exercises the same powers in respect of the bodies, corporations or persons whose affairs he is charged by the charter or by the city with auditing, in respect of any corporation or association established under paragraph 4 of article 528, and under articles 964*b*, 964*c* and 964*d*."

55. Articles 734 to 740 of the said charter are replaced by the following articles:

"**734.** Every three years the council, on the report of the executive committee, shall appoint an outside auditor who is neither a

member of the council nor an employee of the city, to make each year a report on the accounts of the city and on the balance sheet and statement of revenue and expenditure prepared by the head of the competent department according to the provisions of article 730 for each of the fiscal periods comprised in the three years commencing on 1 January following his appointment.

Only an accountant who has practised his profession in the Province of Quebec for at least five years before the date of his appointment and who is a member in good standing of an institute, association or corporation of accountants incorporated by a statute of Quebec may be appointed outside auditor.

If such office becomes vacant, the council, upon the report of the executive committee, shall fill it at its next regular meeting or before.

Any outside auditor may be reappointed as such on the expiration of his term of office.

The council, upon the report of the executive committee, shall fix the remuneration of the outside auditor at the time of his appointment, but if a vacancy occurs during the term of office of an outside auditor and he is replaced, such remuneration shall be divided between him and his successor in the proportion determined by the executive committee.

"**735.** The outside auditor must state in the report mentioned in article 734,

a. whether or not he has obtained the information and explanations he has required;

b. whether, in his opinion, the balance sheet and statements mentioned in the report prepared by the head of the competent department are drawn up so as to exhibit a true and correct view of the city's affairs according to the best of his information and as shown by the books of the city and the information and explanations given to him.

"**736.** The report of the outside auditor shall be deposited in the office of the clerk within thirty days after the deposit under article 730 of the report of the head of the competent department. Such report shall be a public document.

"**737.** The outside auditor shall have access to the books, accounts, cash, securities, documents and vouchers, and shall be entitled to require from the officials and employees of the city the information and explanations necessary for the performance of his duties.

The auditor of the city shall put at the disposal of the outside auditor all the books, statements and other documents he has prepared or used in making his audit under article 732.

"**738.** If the budget of any fiscal period has not been prepared and adopted in conformity with the provisions of articles 661, 663, 664, 665, 666, 667, 669, 670, 673 and 674, the outside auditor, within four months of its adoption, shall inform the executive secretary of the city, who shall report to the executive committee.

If, during a fiscal period, the executive committee and the council, authorized for such purposes by this provision, have not, as the case may be, amended the budget to bring it into conformity with the said articles, or if they have not made, for the next fiscal period, the estimates that should have been included therein for the current fiscal period, the outside auditor must report that fact to the Commission municipale du Québec.

"**739.** He shall also inform the executive secretary of the city who shall report to the executive committee, if, during any fiscal period,

a. without the approval of the Commission municipale du Québec and contrary to articles 721 to 749, the city contracts any loan, or makes any contract or deal for a term exceeding one year entailing an expenditure chargeable against the revenue of a subsequent fiscal period; or

b. the surplus of the general fund, or the surplus of the current fiscal period, as estimated by the head of the competent department, is used otherwise than in accordance with the provisions of articles 666 and 667; or

c. an appropriation voted for capital expenditure, or for the redemption of securities in addition to those which the city must redeem, is used otherwise than in accordance with the provisions of articles 712, 714 and 715.

If, within ninety days following the receipt of such report by the executive secretary of the city, the executive committee and the council, who are authorized for such purpose, have not corrected such situation, the outside auditor shall report the fact to the Commission municipale du Québec.

"**740.** If the outside auditor makes a report to the Commission municipale du Québec pursuant to the provisions of articles 738 and 739, the commission may require the city in writing to take within ninety days such action as the commission may specify to remedy the situation."

56. Article 746*a* of the said charter, enacted by section 26 of chapter 70 of the statutes of 1970, replaced by section 94 of chapter 77 of the statutes of 1977, is replaced by the following article:

"**746***a*. The city may, by resolution of the council,

(*a*) borrow, for a term not exceeding four years, the sums required to defray the cost of the expenses involved in holding the general election;

(*b*) defray the cost out of the general fund and defer part of those expenses by charging it to the budgetary appropriations of the three fiscal periods following the year of the election."

57. Article 755 of the said charter, replaced by section 100 of chapter 77 of the statutes of 1977, is amended by replacing the first paragraph by the following paragraph:

"**755.** The evidences of indebtedness issued by the city for short or long term loans shall be signed by the mayor or by a person authorized in accordance with article 67, and by the head of the competent department."

58. Articles 787*a* to 787*h* of the said charter are replaced by the following articles:

"**787***a*. The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant subsidies for the following purposes:

(*a*) the demolition of buildings beyond repair, unfit for their intended purposes or incompatible with their surroundings;

(*b*) the renovation, restoration and enlargement of buildings and the construction and reconstruction of residential buildings as well as the conversion of buildings into residential buildings;

(*c*) landscaping; and

(*d*) alterations in the connection of electric power lines and accessories on burying electric cables or moving them off the street.

The maximum amount of any subsidy may in no case exceed the actual cost of the work.

"**787***b*. The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant, for the buildings or parts of buildings reconstructed, renovated, restored, enlarged or converted in conformity with any by-law made under article 787*a*, subsidies to compensate for the increase of the real estate taxes that might result from the reassessment of such buildings after the end of the work.

The amount of such subsidies may in no case exceed the following sums:

(*a*) for the fiscal period during which the works were completed and the following fiscal period, the amount of the subsidy shall be equal to not more than the difference between the amount of the real estate taxes that would be due if the assessment of the building had not been changed, and the amount of the taxes actually due; and

(*b*) for the second fiscal period following the fiscal period during which the works were completed, the amount of the subsidy shall be equal to not more than fifty per cent of the difference between the amount of the real estate taxes that would be due if the value of the building had not been reassessed, and the amount of the taxes actually due.

If the assessment of a building that may be subsidized under this section is contested, the subsidy is paid only when the final decision on the contestation has been rendered.

In the case of residential buildings, the subsidies shall be paid only if the proprietor shows, in the manner prescribed by by-law, that the rent paid by his tenants was not increased by reason of an increase of the real estate taxes."

59. The title of Division 4 of Chapter I of title XI is replaced by the following title:

"WATER-RATE AND SERVICE TAXES".

60. Article 808 of the said charter, replaced by section 17 of chapter 76 of the statutes of 1972, is replaced by the following article:

"**808.** (1) To compensate for the cost of water service and the other services identified by by-law, the council may, by by-law, impose a water-rate and service tax or any of those taxes separately, decide the method of payment, when the tax is payable and the manner in which it may be imposed or collected. The by-law must specify the portion of the receipts of that tax to be allotted to each of the services it finances.

(2) Where the council imposes a tax provided for in paragraph 1, it may, according to the various categories of occupation, based on any of the following criteria or on a combination of the latter:

(*a*) a fixed rate;

(*b*) a rate established according to consumption;

(*c*) the rental value of a place of business or premises.

For the purposes of this article, the word "premises" means only an immoveable or part of an immoveable subject to a tax provided for in paragraph 1 but not subject to the business tax imposed under section 232 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) and not contemplated in section 236 of the said Act."

61. The said charter is amended by inserting, after the title of Division 1 of Chapter II of Title XI, the following article:

"**818.** Notwithstanding section 32 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), a building must be entered on the roll when three years have elapsed from the beginning of the work, if the sums spent or committed in the first two years amount to at least fifty million dollars.

However, if such a building is substantially completed or occupied before the three years have elapsed, the building is entered on the roll."

62. Article 850 of the said charter, amended by section 34 of chapter 70 of the statutes of 1963 (1st session), by section 41 of chapter 86 of the statutes of 1966/1967, by section 44 of chapter 96 of the statutes of 1971 and by section 125 of chapter 77 of the statutes of 1977, is replaced by the following article:

"**850.** (1) The collection roll of personal taxes may be divided into two parts: one part for taxes based on rental value and the remaining part for taxes imposed at a fixed rate.

(2) The part of the collection roll based on rental value is kept up to date according to the rules governing the roll of rental value in that respect. The part of the collection roll dealing with premises where a personal tax is imposed at a fixed rate is kept up to date in accordance with the rules that follow.

(3) The head of the competent department shall prepare the collection roll of all the premises on which a personal tax at a fixed rate may be imposed.

(4) Subject to the provisions of this charter, the provisions of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) respecting the preparation and the keeping up to date of the roll of rental value apply, *mutatis mutandis*, to the preparation and keeping up to date of the collection roll of personal taxes at a fixed rate.

(5) Within 60 days of the sending of a bill for a personal tax at a fixed rate, any person having an interest in contesting the accuracy, presence or absence of an entry on the roll may formulate a complaint in that respect and address it to the clerk. The bill or the notice accompanying it must include an indication to that effect.

The clerk shall send the complaint to the head of the competent department, and he shall make the required corrections and notify the plaintiff thereof."

63. The said charter is amended by inserting, after article 850, the following article:

"**851.** The city may, by by-law, provide that the payment of a personal tax may be made by instalments and determine the minimum amount that the account relating to that tax must attain to entitle the debtor to pay by instalments; prescribe that the interest and the time limits applicable to that tax apply to each instalment, that the balance of the account becomes payable whenever an instalment has not been made when due, and establish any other terms and conditions of application."

64. Article 903 of the said charter, amended by section 19 of chapter 90 of the statutes of 1968, is replaced by the following article:

"**903.** Except on behalf of the city, no employee of the city shall directly or indirectly bid at a sale of any immoveable for taxes, or become the purchaser of such an immoveable, on pain of the nullity of such bid or adjudication."

65. Article 958*a* of the said charter is repealed.

66. Article 964*g* of the said charter, enacted by section 26 of chapter 40 of the statutes of 1980, is replaced by the following article:

"**964***g*. Any corporation constituted pursuant to article 964*b*, 964*c* or 964*d* which owns an immoveable must pay in respect thereof any tax that may be exigible from a real estate owner in the city, to the exclusion of any surtax that may be imposed by reason of the amount of the assessment."

67. The said charter is amended by inserting, after article 964*g*, the following article:

"**964***h*. The city may, with the authorization of the Minister of Industry, Commerce and Tourism and the Minister of Municipal affairs,

(*a*) acquire by agreement or expropriation any immoveable for industrial purposes;

(*b*) sell, lease or otherwise alienate for industrial or commercial purposes any immoveable acquired under subparagraph *a*;

(*c*) on proof that an immoveable acquired under one of its powers, including an immoveable acquired under article 964*b*, may be more adequately used for industrial purposes, sell, lease or otherwise alienate it for industrial purposes, on such conditions as it may determine;

(*d*) on proof that an immoveable acquired under subparagraph *a* cannot be adequately used for industrial or commercial purposes, use it or dispose of it for other purposes.

If the city takes back an immoveable that has been sold, leased or otherwise alienated under subparagraphs *b* and *c* of the first paragraph to protect its claim or to exercise certain privileges contained in the contract, the city may then dispose thereof with the same authorizations and for the same purposes as those provided for in this article.

The city is not subject to the Industrial Funds Act (R.S.Q., chapter F-4).

The land acquired by the city under the Industrial Funds Act is deemed to have been acquired pursuant to subparagraph *a* of the first paragraph and any money from sales or rentals under the said Act is paid into the general fund of the city."

68. The said charter is amended by adding, after article 1038, the following article:

"**1038***a*. The executive committee may adopt improvement programs and, with the consent of the owner, make improvements on private property. The cost of such improvements may be assumed in full by the city or charged to the owner, according to the terms and conditions fixed for the program by the executive committee."

69. Article 1051 of the said charter, replaced by section 34 of chapter 41 of the statutes of 1980, is replaced by the following article:

"**1051.** Local improvement taxes are payable in a lump sum or by yearly instalments over a period not exceeding twenty years.

The executive committee may order that the balances due on local improvement taxes shall be apportioned in the future in the form of yearly instalments covering any period not exceeding twenty years from the first date of their exigibility.

The executive committee may order the readjustment of the interest on the instalments every five years from the date of the imposition of the taxes or of their conversion into instalments."

70. Article 1126 of the said charter, replaced by section 167 of chapter 77 of the statutes of 1977, is replaced by the following article:

"**1126.** The summonses, warrants for imprisonment and writs of seizure in execution and every notice emanating from the Municipal Court that are required to be sent under an Act, regulation or by-law shall bear the signature of the judge or of the clerk. Such signature may be affixed by any method approved by a by-law of the council.

Warrants of arrest and search warrants shall bear the handwritten signature of the judge."

71. Article 1129*a* of the said charter, enacted by section 55 of chapter 40 of the statutes of 1980, is amended by adding the following subarticle:

"(4) A copy of the infraction ticket may be served either to the offender or any reasonable person living at his residence or in charge of his place of business, or by depositing the ticket in any place intended for his mail."

72. Article 1129*b* of the said charter, enacted by section 55 of chapter 40 of the statutes of 1980, is amended by replacing:

(1) subarticle 1 by the following subarticle:

"**1129***b*. (1) Any person to whom a notice of summons, an infraction ticket or a summons has been issued may free himself of any penalty relating to such violation by paying as fine and costs, at the place and within the period determined by the executive committee, the amount fixed by the council and shown on the document delivered or sent to him.";

(2) subarticle 8 by the following subarticle:

"(8) Each time an offender fails to appear, after he has been assigned or summoned to do so, the judge or the clerk acting under the authority of the chief judge may condemn him for the offence described on the infraction ticket or the summons and it shall not be necessary to prove the violation or the officer's signature or his appointment."

73. Article 1131 of the said charter is replaced by the following article:

"**1131.** (1) The service of any document of procedure issued by the court, a judge or the clerk of the court shall be made by delivering a copy of the document, by bailiff, to its recipient, at the last known address of his residence or place of business, or to a reasona-

ble person living at his residence or in charge of his place of business.

(2) Such service may also be made by sending a copy of the document by registered or certified mail together with a reception or delivery notice.

(3) The service is deemed to have been made on the date on which the reception or delivery notice has been signed by the recipient or a reasonable person living at his residence or in charge of his place of business.

(4) Whenever service cannot be made in any such manner, the judge, upon report of the bailiff charged with the delivery or of the clerk of the court, may prescribe any other means of service he deems expedient."

74. The said charter is amended by inserting after article 1138, the following articles:

"**1138***a*. In any prosecution relating to a proceeding brought before the Municipal Court or any of its judges, for an offence against a city by-law respecting traffic or the use of a motor vehicle or its accessories, or for any offence against the Highway Code (R.S.Q., chapter C-24), the Highway Safety Code (1981, chapter 7) or the Transport Act (R.S.Q., chapter T-12) or any regulation made under such Acts, the filing of a document containing any information transmitted electronically by the Régie de l'assurance automobile du Québec and stating that the prosecuted person is the owner of a vehicle the number of the registration plate of which is given in the denunciation, the notice of summons or the summons, is proof of the fact in the absence of proof to the contrary.

To be admissible as proof, an employee of the city or a member of the police department of the Communauté urbaine de Montréal need only attest that the document emanates from the Régie de l'assurance automobile du Québec.

"**1138***b*. In any complaint or summons relating to an offence against a city by-law or a by-law of the Communauté urbaine de Montréal, the allegation that the defendant is the owner, tenant or occupant of an immoveable or is a corporation or the president of a corporation is proof of that capacity in the absence of proof to the contrary."

75. Article 1139 of the said charter, replaced by section 88 of chapter 77 of the statutes of 1973 and amended by section 169 of chapter 77 of the statutes of 1977, is amended by replacing subarticle 1 by the following subarticle:

"**1139.** (1) In the case of a violation of any Act or by-law of the city relating to traffic or the use of a vehicle or of any accessory to such a vehicle

(*a*) the peace officer who notices the offence may fill out on the spot an infraction ticket stating the nature of the offence; he shall issue a copy thereof to the offender or deposit it in a conspicuous place on the vehicle and bring the original thereof to the police department;

(*b*) the peace officer may also, when it is not a parking violation, fill out, on the spot, a notice of summons; he shall issue a copy to the offender, which issue shall constitute legal service of such notice.

Another copy must be sent to the clerk of the Municipal Court within the ensuing forty-eight hours.

On the day set for appearance, unless payment in full has been made, the clerk shall open a file and deposit in it such document which shall constitute a summons duly authorized and served, within the meaning of the Summary Convictions Act (R.S.Q., chapter P-15), and returnable on the date fixed."

76. Article 1140 of the said charter, replaced by article 177 of chapter 77 of the statutes of 1977, is amended by replacing

(1) the first paragraph by the following paragraph:

"**1140.** Any person to whom an infraction notice or ticket, a notice of summons or a summons has been sent or served for a violation of any Act or by-law relating to traffic, or the use of a motor vehicle or of any accessory to such a vehicle, may free himself of any penalty relating to such violation by paying as a fine and as costs, at the place and within the time limit determined by the executive committee, the amount fixed by the council and shown on the document delivered to him. However, such payment shall cover only a first violation within a period of twelve months, except in cases relating to parking."; and

(2) the fourth paragraph by the following paragraph:

"With respect to the issue of a writ of summons for a violation of any Act or by-law relating to traffic or the use of a motor vehicle or of any accessory to such a vehicle, the filing of a complaint is not required and the writ may be issued on information supplied in the manner determined by the chief attorney and approved by the executive committee."

77. Article 1140*b* of the said charter, replaced by section 89 of chapter 77 of the statutes of 1973 and amended by section 171 of chapter 77 of the statutes of 1977, is replaced by the following articles:

"**1140***b*. (1) Notwithstanding any general law or special Act, when a peace officer observes a violation of any law or by-law relating to traffic or the use of a vehicle or of any accessory to such a vehicle and has reasonable ground to believe that the offender will elude justice, the officer may remit a summary notice to the driver. The notice may also be remitted to the person assisting a learner driver.

(2) The summary notice orders the offender to appear before the competent court at the time and place indicated. This notice is made in the form prescribed by by-law and states, in particular,

1. the surname, given name, address and number of the driver's licence or learner driver's licence of the offender;

2. the make, model and identification number of the vehicle;

3. the nature, date, time and place of the infraction;

4. the amount of the minimum fine and, if necessary, the number of demerit points entailed by a condemnation; and

5. if need be, the amount of the security furnished by the offender.

(3) On remitting a summary notice, the peace officer must require security for an amount fixed by by-law of the council.

(4) If the offender refuses or is unable to furnish the security, the peace officer may have the vehicle impounded until a judge or the court, on a motion of the offender or of the peace officer, authorizes it to be returned with or without security. The motion is heard and decided by preference.

However, as soon as the amount of the minimum fine provided for the infraction alleged and that of the costs incurred, including the costs for towing and impounding the vehicle, are paid, the offender is authorized to resume possession of his vehicle.

(5) The summary notice constitutes a summons duly authorized and served, returnable on the date fixed therein.

(6) A copy of the summary notice and, where such is the case, the security, must be sent to the clerk of the court within forty-eight hours of the issue of the notice.

(7) Any peace officer or any employee designated by the head of the competent department may immobilize and have towed and impounded any vehicle for which more than three parking infractions have been reported and remain unpaid.

(8) The provisions of subarticle 4 respecting the conditions for resuming possession of a vehicle apply, *mutatis mutandis*, to any case of application of a measure provided for in subarticle 7.

"**1140***c*. The clerk of the Municipal Court must comply with the requirements of the Highway Safety Code (1981, chapter 7) as regards the notice to be sent to the Régie de l'assurance automobile du Québec in the application of a system of demerit points, of the suspension or revocation of a driver's licence, and he may affix his signature thereto according to the same means.

"**1140***d*. (1) Whenever a person commits an offence against section 32, 87 or 89 of the Highway Safety Code (1981, chapter 7), the peace officer may deliver a notice to him requiring him to furnish, within forty-eight hours, proof that he was the holder of the required documents at the time of the arrest. Should the offender fail to furnish such proof to a peace officer within that period, the notice constitutes an infraction ticket under any of such sections.

(2) Whenever a person commits an offence against section 28, 29, 31, 195, 196, 197, 200 to 203, 208, 209, 211, 213 to 217, 222, 231, 241 to 247, 250 or 251 of that Code, the peace officer may deliver to him a notice requiring him to make or have made the necessary repairs or alterations within forty-eight hours. Should the offender fail to have such repairs or alterations made, and furnish proof thereof to a peace officer within that period, the notice constitutes an infraction ticket under any of such sections.

"**1140***e*. (1) Whenever a peace officer or an employee designated by the head of the competent department immobilizes a vehicle referred to in paragraph 7 of article 1140*b*, he shall deposit a notice in a conspicuous place on the vehicle to warn the driver that the vehicle has been immobilized, that any attempt to move it might damage it; the notice indicates the measures to be taken to remove the immobilizing device.

(2) Whenever a person resumes possession of a vehicle that was so immobilized, the city may require the payment of an additional sum to be fixed by by-law but not exceeding twenty-five dollars.

(3) Any vehicle immobilized may be towed and impounded at any time; if the owner of the vehicle or his authorized representative has not claimed the vehicle or complied with the obligations provided for in article 1140*b*, within sixty days of the towing, the city may dispose of the vehicle in conformity with article 1176."

78. Article 1149*a* of the said charter, replaced by section 90 of chapter 77 of the statutes of 1973, is replaced by the following article:

"**1149***a*. On recommendation of the chief attorney, the executive committee may authorize the destruction of files closed for

more than three years relating to violations of the statutes of Québec or municipal by-laws.

The executive committee may also authorize the destruction of files closed for more than five years, whenever they relate to the prosecution of criminal offences by summary conviction."

79. Article 1160 of the said charter is replaced by the following article:

"**1160.** Whenever a corporation is condemned to a fine, such fine may be levied, with costs, by the seizure and sale of the moveable and immoveable property of the party condemned, by means of a writ of execution issued by the court. The execution of such writ shall be subject to the rules of the Code of Civil Procedure."

80. Article 1162 of the said charter, replaced by section 22 of chapter 76 of the statutes of 1972 and amended by section 91 of chapter 77 of the statutes of 1973, by section 173 of chapter 77 of the statutes of 1977 and by section 56 of chapter 40 of the statutes of 1980, is amended by replacing the third and fourth paragraphs by the following paragraphs:

"However, in the case of a parking or traffic violation, when, by error, a person has received a ticket, has been sued, has been convicted or has paid an amount, or proceedings have been taken subsequent to the payment of the amount due, on an affidavit to that effect signed personally by the head of the police department or the head of the competent department, or by an officer or assistant authorized by one of them, respectively, in writing to that effect, and filed in the Municipal Court, the proceedings, judgments and debts shall be cancelled from the date of such filing and, as the case may be, such court or one of its judges shall certify the cancellation and the head of the competent department shall write off the account and remit any amount paid. The affidavit issued by a department head or his representative is valid only in the case of a ticket or of the proceeding arising from a violation ascertained by a member of such department.

When a person has been condemned by default for a parking or traffic violation, the filing in the office of the court, or the delivery to any peace officer detaining him of a mere written declaration by such person, supported by an affidavit, that he requests that the judgment be reviewed either because he had a good defense on the merits which he had no opportunity to present or because he was not aware, without any negligence on his part, that proceedings against him had been instituted, shall stay the order or suspend any execution of the judgment and constitute a motion for revision. If the person is detained, he must be released immediately and the person detaining him and receiving such declaration must file it in the office

of the court within seventy-two hours. At the diligence of the person so condemned, such motion for revision must be presented within three days to a judge of the court, failing which it shall become null and void.

The judge to whom the motion for revision of the judgment is presented shall hear the proof submitted under oath by the applicant in support of the allegations contained in his motion. If the judge is satisfied that the applicant had a good defense on the merits which he had no opportunity to present, the judge shall quash the condemnation and order a trial to be held on the date he determines. If the judge is of opinion that the applicant does not have a good defense to present, he shall maintain the declaration of guilt but he may change the condemnation as regards the costs, by reducing them to what they should have been, whenever the applicant proves to his satisfaction that the costs are too high without its being his fault."

81. Article 1162*a* of the said charter, enacted by section 174 of chapter 77 of the statutes of 1977, is replaced by the following article:

"**1162***a*. In addition to his powers under article 1162, the Chief Judge of the Municipal Court may, on the substantiated motion of the head of the police department, of the head of the competent department or the clerk of the Municipal Court,

(1) cancel the uncollected portion of the fine and costs incurred for its recovery and annul the warrant for imprisonment issued therefor when it proves impossible or useless to proceed;

(2) annul any warrant for imprisonment or writ of seizure in execution issued by the clerk or a municipal judge, in connection with a violation of a municipal by-law or a law of the province of Québec, when it has been impossible to execute the warrant within five years after the date on which it was issued."

82. Article 1172 of the said charter, replaced by section 175 of chapter 77 of the statutes of 1977, is replaced by the following article:

"**1172.** Subject to article 1126 respecting the documents emanating from the Municipal Court, the executive committee may authorize any officer he designates to sign, by means of a stamp bearing a facsimile of his signature the certificates, notices and other documents issued or signed pursuant to any provision of this charter or a by-law. The stamp must be previously approved by the executive committee and used only for that purpose.

The signature so stamped shall be as valid as a handwritten signature."

83. The said charter is amended by replacing the heading "Clubs" following article 1178 by the following heading and article:

"Bad cheques

"1179. Whenever a cheque or another order for payment is remitted to the city as a payment and is refused by a financial institution on which the instrument is drawn, administration costs may be charged by the city to the debtor, at a rate the executive committee shall fix and that must in no case be more than ten dollars."

84. Form 22 of the said charter, amended by section 68 of chapter 86 of the statutes of 1966-1967 and by section 30 of chapter 70 of the statutes of 1970, is replaced by the following article:

"22. — (Article 304)

Oath of an elector

You swear (*or* solemnly affirm, *as the case may be*) to answer the truth and nothing but the truth to the questions which will be put to you.

So help you God.

1. Are you a Canadian citizen?

2. Are you of the full age of eighteen years?

3. Have you already voted to-day at this election for mayor (*or* councillor, *as the case may be*), at this or any other poll?

4. Has any promise been made to you, or, to your knowledge, to your spouse or to any of your relations or friends or to other persons, to induce you to vote or not to vote at this election?

5. Have you received anything, either personally or through your spouse or through any member of your family, or in any other manner, to induce you to vote or not to vote at this election?"

85. The territories described in Schedule I are detached from the city of Côte Saint-Luc and attached to the city of Montréal on the following conditions:

(1) The city of Montréal shall pay to the city of Côte Saint-Luc the sum of ten million dollars, seven million of which is to be paid on 31 December 1982 and the remainder, in annual payments of one million dollars on 1 June of each of the years from 1983 to 1985;

(2) The city of Montréal shall undertake to extend Jean-Talon street in its territory up to Kildare road extended by the city of Côte Saint-Luc to its boundaries, and to construct the tunnels or viaducts required to cross the Canadian Pacific Railway tracks in its territory;

(3) If the works mentioned in paragraph 2 have not begun within four years from the date of the annexation, the Commission municipale may, on the application of the city of Côte Saint-Luc, order the carrying out of the works, and if the city of Montréal fails to comply within the time fixed by the Commission, the Commission may carry out the works with the same result for the city as if it had carried out the works itself;

(4) From the fiscal period 1983, the city of Montréal shall reimburse to the city of Côte Saint-Luc, within thrity days of receipt of the account, the amount of the annual payments in capital and interest made by the city of Côte Saint-Luc on loans contracted for purposes of local improvements under its by-laws 632, 882 and 1516. The city of Montréal shall levy, from the fiscal period 1983, the local improvement taxes imposed by those by-laws on the immoveables included in the territories described in Schedule I with the same rights as if those by-laws had been prepared under its charter;

(5) The rate of the general real estate tax in those territories for the fiscal periods 1983 to 1986 will be based on that of the city of Côte Saint-Luc for the fiscal period 1982, including the portion identified as the tax of the Communauté urbaine de Montréal, increased each year starting with 1983 to be brought into line with the rate of the general real estate tax of the city of Montréal in 1987.

Each annual increase in the rate of that tax is computed by deducting from the rate of the general real estate tax for the city of Montréal for the current fiscal period the rate of the general real estate tax that applies in that territory for the preceding fiscal period and by dividing it by the factor 5 for the year 1983 and by reducing the factor by one unit each subsequent year;

(6) Any other tax or surtax based on the real estate value is imposed in those territories for the fiscal periods 1983 to 1986 only to the extent that such tax or surtax is imposed by the city of Côte Saint-Luc in its territory for each of its fiscal periods.

86. The territory described in Schedule II is detached from the city of Hampstead and attached to the city of Montréal.

The city of Montréal shall pay to the city of Hampstead the sum of six hundred and twenty-five thousand dollars on 31 December 1982.

87. The following transitional provisions apply to the territories annexed by this Act:

(*a*) the taxes for the 1982 fiscal period or a part of that year in those territories belong to the municipality whose territory is annexed and that municipality shall possess, notwithstanding the annexation, all the powers necessary to collect those taxes;

(*b*) Section 44 of the Cities and Towns Act (R.S.Q., chapter C-19) applies, *mutatis mutandis*, to those territories;

(*c*) In view of the general elections in 1982, the city of Montréal must, by by-law, change the boundaries of its electoral divisions in order to incorporate those territories.

88. Any sum owing by the city of Montréal to one of the municipalities mentioned in sections 85 and 86 and not paid when due bears interest from the due date at the rate fixed by the municipality concerned for tax arrears.

89. The by-law exempting certain immoveables from the special olympics tax imposed under section 553 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted under number 5765 of the by-laws of the city of Montréal, adopted on 26 October 1981, is ratified.

This section has effect from 1 January 1980.

90. The clerk, within the meaning of section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is the person on whom the council confers the power to act in that capacity.

91. The city is authorized to purchase from the Commission des écoles catholiques de Montréal lot 10-2212 in the official cadastre of the Village de la Côte Saint-Louis with the buildings erected thereon and to free itself from the restrictions in the titles of the Commission des écoles catholiques de Montréal in respect of the use of those immoveables by following the procedure described in article 36*b* of the Charter of the City of Montréal.

92. For the fiscal periods 1983 and 1984, the city of Montréal may, by by-law, impose and levy annually a surtax of $0.435 per one hundred dollars of assessment on the immoveables the taxable value of which entered on the assessment roll exceeds $100 000,

which immoveables are classified in categories I and II determined and defined by regulation 1976-I of the Commission municipale du Québec adopted on 29 December 1976 and amended by regulation 1977-I of the Commission adopted on 21 January 1977 under the Act respecting the Olympics deficit of the City of Montréal and amending the Charter of the City of Montréal (1976, chapter 52). This surtax applies only to the amount of the taxable value that exceeds $100 000.

The city may determine the sectors where it intends to levy such tax in the case of immoveables of category I.

This surtax is secured by privilege upon those immoveables and the owners are personally liable therefor.

93. Article 34 becomes effective from 1 January 1981.

94. Articles 26, 37 and 61 become effective on 1 January 1982.

95. The Minister of Financial Institutions and Cooperatives shall, upon receipt of three certified copies of a resolution constituting a commercial streets initiatives and development association before the coming into force of section 26, register a certified copy of the resolution in accordance with the Companies Act (R.S.Q., chapter C-38) and forward a copy of the resolution and an attestation of its registration to the association or its authorized representative.

The registration is deemed to have been made on the date of adoption of the resolution and the attestation of the Minister may bear that date.

By-law 5641 of the city of Montréal on commercial streets initiatives and development associations is deemed to have been approved by the Minister of Financial Institutions and Cooperatives in accordance with paragraph 37 of article 543*b* of the Charter of the city of Montréal, enacted by section 26, on the date of its adoption.

However, any amendment concerning the matters contemplated in subarticle 37 of the said article 543*b* must be approved by the Minister of Financial Institutions and Cooperatives in accordance with this paragraph.

96. This Act comes into force on the day of its sanction.

SCHEDULE I

(1) Starting from the point of intersection of the dividing line between lots 75 and 76 of the cadastre of the parish municipality of Montréal with the dividing line between the cadastres of the parish

municipality of Montréal and of the parish of Saint-Laurent; thence, successively, the following lines: the said dividing line between cadastres and the dividing line between the cadastres of the parish municipality of Montréal and the village of Côte-des-Neiges to the line dividing lot 75 from lots 73 and 74 of the cadastre of the parish municipality of Montréal; the said dividing line between lots and the dividing line between lots 75 and 76 of the said cadastre to the starting point.

(2) Starting from the point of intersection of the northwest line of lot 45-19 of the cadastre of the parish municipality of Montréal with the west line of lot 4712 (right of way of the Canadian Pacific Railway) of the said cadastre; thence, successively, the following lines: the dividing line between the cadastres of the village of Côte-des-Neiges and of the parish municipality of Montréal, to the northeast line of lot 45-1 of the cadastre of the parish municipality of Montréal; with reference to that cadastre, the northeast line of lots 45-1, 45-2, 45-3, 45-4 and 45-5; a broken line dividing original lots 45 and 4883 from original lots 46, 50, 51, 65, 68, 69, 72 and 73 to the east line of lot 4712 (right of way of the Canadian Pacific Railway); the east line of the said lot to the line across that lot and perpendicular to the point of intersection between the northwest line of lot 45-19 and the west line of the said lot 4712; finally, the said perpendicular line to the starting point.

SCHEDULE II

Starting from the apex of the west angle of lot 76 of the cadastre of the parish municipality of Montréal; thence, successively, the following lines and limits: with reference to the cadastre of the said parish municipality, the northeast line of the said lot 76; part of the northwest line of lot 74 and the northwest line of lot 73; part of the northeast line of lot 73 and its extension to the east line of lot 4712 (railway right of way); the said east line, southerly, to the extension of the southwest line of lot 81; the said extension and part of the said southwest line to the northwest line of the said lot 81; the said northwest line and part of the northwest line of lot 80 to the southwest line of lot 77; the said southwest line; finally, the northwest line of lots 77 and 76 to the starting point.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 202
(PRIVATE)

An Act respecting the town of Montreal East

First reading 20 May 1982
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 202
(PRIVATE)

An Act respecting the town of Montreal East

WHEREAS it is in the interest of the town of Montreal East that certain powers be granted to it;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The town of Montreal East is authorized to acquire, by agreement or expropriation, any immoveable the acquisition of which is considered appropriate for the purposes of a land or housing bank and for works related to those purposes, or any immoveable that is obsolete or the occupancy of which is harmful.

The town may exercise the power provided for in the first paragraph in any part of its territory.

This section applies subject to the Act to preserve agricultural land (R.S.Q., chapter P-41.1).

This section does not apply to the acquisition of immoveables for industrial purposes.

2. The town is authorized to hold, lease and manage the immoveables acquired under section 1. It may equip those immoveables and instal therein the necessary public services; it may also demolish or restore buildings and other works erected thereon or construct thereon new buildings for purposes of housing, recreation, amusement and other accessory purposes.

The town is authorized to exercise the powers provided for in the first paragraph with respect to immoveables of which it is already the owner.

The town may alienate the immoveables on such conditions as it may determine, with the approval of the Commission municipale du

Québec, provided that the price of alienation is sufficient to cover all the expenses relating to the immoveable concerned, including those incurred for restoration, demolition and construction, where such is the case.

The town may alienate, gratuitously or for a price less than the price provided for in this section, such an immoveable or building in favour of the Government, a government agency, a school corporation or its municipal housing bureau or any other non-profit body; in the latter case, the authorization of the Commission municipale du Québec is required.

3. The town may, by resolution, sell at a price approved by the Commission municipale du Québec, to a corporation created under section 5, any immoveable that it has acquired under this Act or that it already possesses.

4. The town may borrow, by a by-law approved in the same manner as a loan by-law pursuant to the Act that governs the municipality, the necessary sums and apply for the subsidies provided for by law for the exercise of those powers and for the purposes of making a loan to the corporation formed under this Act.

5. On an application by the town, the Government may issue, on such conditions as it may determine, letters patent under the Great Seal of Québec incorporating a person as a non-profit corporation having as its object the acquisition of housing for persons or families of other than low or moderate income contemplated in section 57 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) and the exercise of the other powers that this Act confers on the town.

6. The letters patent must mention the name of the corporation, the location of its head office, its powers, rights and privileges, the rules respecting the exercise of its powers and the appointment of its members and directors.

7. Notice of the issuance of the letters patent must be published in the *Gazette officielle du Québec*.

8. On an application by the corporation established under the authority of this Act, the Government may issue supplementary letters patent for the purpose of amending the content of the letters patent contemplated in section 6. Notice of the issuance of the supplementary letters patent must be published in the *Gazette officielle du Québec*.

9. A corporation so constituted has, among other powers, those of a corporation constituted by letters patent under the Great Seal of Québec, is a mandatary of the town and is deemed a municipal corporation for the purposes of the Act respecting the Ministère des affaires intergouvernementales (R.S.Q., chapter M-21).

10. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 203
(PRIVATE)

An Act respecting the town of Anjou

First reading 2 June 1982
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 203
(PRIVATE)

An Act respecting the town of Anjou

WHEREAS it is in the interest of the town of Anjou that certain powers be granted to it;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The territorial limits of the town of Anjou and of the city of Montréal may be amended by a by-law passed by the town council of Anjou within twelve months from the date of the coming into force of this Act, and approved by the executive committee of the city of Montréal and the Minister of Municipal Affairs.

Before the by-law is approved, the Commission municipale du Québec must hold a public hearing to inquire into the advisability of approving the by-law.

The Minister may approve the by-law with the amendments it considers appropriate.

The conditions established by the Minister are effective notwithstanding any inconsistent legislative provision governing the municipal corporations concerned.

The Minister shall publish in the *Gazette officielle du Québec* a notice of the approval of the by-law, which comes into force from the date of publication of the notice or on any later date indicated in the notice.

The notice must contain a description of the territories concerned.

2. Section 412 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the town of Anjou

(1) by replacing paragraph 17 by the following paragraph:

"17. To regulate or prohibit the keeping of animals or certain categories of animals and limit the number of such animals a person may keep on or in his immoveable; to require from the owner or keeper of such animals a licence; to prevent the straying of such animals in the town and authorize their elimination in a summary manner or the impounding and sale thereof for the benefit of the city or of any society or person the town may designate; to require the owner or keeper of such animals to remove their excrements both on public and private property and determine the manner of disposing thereof; to compel him to keep at all times the implements required therefor; to enable the town to make agreements with any person or body authorizing such person or body to collect the cost of animal licences and apply any municipal by-law respecting animals; for that purpose, the persons or agencies with whom or with which the council has made an agreement and, where such is the case, their employees, are deemed to be municipal officers;";

(2) by inserting, after paragraph 23.1, the following paragraph:

"23.2 To regulate the installation and operation of alarm systems and require a permit for that purpose on such conditions as are fixed by the council; to enable the town to require the repayment of the costs it has incurred in cases of any defect or misfunctioning of such systems.

To make special arrangements with the interested ratepayers to connect their alarm systems to a control centre located in a municipal building and to authorize an appropriate charge for this service;".

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

(1) by replacing subparagraph *a* of paragraph 9 by the following subparagraph:

"9*a*. To prescribe and regulate the laying out and use of cycle lanes on any street, lane or public place.

To order the laying out of pedestrian paths or cycle lanes on any street, lane or public place or any other place on which the town has rights or servitudes and regulate their construction and use, and authorize the town's appointees to see to the enforcement of the by-law;";

(2) by inserting, after paragraph 30, the following paragraph:

" 30.1 To regulate or prohibit the parking of vehicles on any land or in any building intended for parking determined by by-law after making an agreement with the owner;".

4. The said Act is amended for the town by adding, after section 642, the following section:

"**642.1** The council by resolution may authorize the destruction of records closed for more than five years relating to offences against the Acts of Québec, the municipal by-laws or any other legislation in force in the territory of the town."

5. Section 1 of the Act respecting the town of Anjou (1979, chapter 113) is amended by striking out the second paragraph.

6. Section 6 of the said Act is amended by adding the following paragraphs:

"On an application by the corporation established under this Act, the Government may issue supplementary letters patent for the purpose of amending the content of the letters patent contemplated in section 5. Notice of the issuing of the supplementary letters patent must be published in the *Gazette officielle du Québec*.

The town may dissolve the corporation by a notice published in the *Gazette officielle du Québec*. In the case of winding-up, the property of the corporation, after payment of its obligations, is vested in the town."

7. The schedule to the said Act is repealed.

8. The town is authorized to hold and alienate shares of the capital stock of Falcon Promotions Ltd and, with the prior authorization of the Minister of Municipal Affairs, it may exercise the powers attached to such shares.

The town is also authorized to hold and alienate the immoveable described in the Schedule.

The town must alienate the property held under the first and second paragraphs within 24 months of the coming into force of this Act. However, the Minister of Municipal Affairs may grant an extension, at the request of the council, for such reasons as he may deem satisfactory.

9. Notwithstanding the Act to amend the Municipal Code and the Cities and Towns Act in their applicability to intermunicipal agreements (1979, chapter 83), the town of Anjou is authorized to make an agreement of mutual assistance in respect of fire protection with the towns of Montreal East and Pointe-aux-Trembles and with petroleum refineries or petrochemical companies operating in the territory of such municipalities.

10. Any restrictive clause concerning any division or any undivided part of lots 424 to 435 of the cadastre of the parish of Longue-Pointe to the effect that the immoveables or part thereof cannot be used for industrial or commercial purposes but only for residential purposes and which constitutes a conventional servitude encumbering the immoveables or part thereof is abolished in every contract or deed whatever relating to such sites.

If any natural or artificial person or partnership would, but for this section, be entitled to sue for any real right on the whole or any part of the immoveables contemplated in this section, the claim is converted into a personnal claim against the town of Anjou for an amount equal to the value of the real right, computed on the date of sanction of this Act.

Every such claim will be prescribed on the same day as the claim regarding the real right which it replaces would have been, had it not been so converted; in no case does the amount of the claim or the claim itself constitute a real right or a charge respecting such lots or any part thereof, the whole without prejudice to any action in warranty by the present owner or his assigns against any natural or artificial person or partnership that may be bound to the payment of the claim.

11. Section 3 of chapter 113 of the statutes of 1979 is replaced by the following section:

"**3.** The town may, by resolution, sell at cost price to the corporation established under section 5 any immoveable that it has acquired under this Act or that it already owns."

12. This Act comes into force on the day of its sanction.

SCHEDULE

An immoveable comprising with reference to the cadastre of the parish of Saint-Boniface, the lots and parts of lots hereinafter described, to wit:

1 — Lots 17 to 32, 34 to 38, 40 to 50 and 134 to 141;

2 — A parcel of land forming part of lot 16, having an area of one acre, through which runs a stream, as marked by Burrill Lumber Co. or as it will be marked by G.C. Piché or his representatives, under the terms of a deed of sale by Benjamin Lavergne and Napoléon Lavergne to V. Burrill, made by E.H. Tremblay, notary, on 10 June 1898 and registered in the registry office of the registration division of Trois-Rivières under number 39489, that part of the lot

being bounded on the northwest by the property then owned by V. Burrill, on the southeast, northeast and southwest by the residue of the property then owned by Benjamin Lavergne and Napoléon Lavergne;

3. — A road or way thirty feet wide chosen by V. Burrill, at the most advantageous location, under the terms of a deed of sale by Benjamin Lavergne and Napoléon Lavergne to V. Burrill, dated 10 June 1898, for the use of V. Burrill or his successors to allow access, on foot or by vehicle, from the lots described in paragraphs 1 and 2, to the Great Northern Railway, as stated in the deed of sale; that way forms part of lots 15 and 16 and is bounded on the north by the land described in paragraph 2 and extends in a southerly direction to the land of G.C. Piché, representing V. Burrill;

4 — A strip of land serving as road or way, thirty feet wide, and chosen by V. Burrill or which, on his behalf, G.C. Piché is entitled to choose and locate under the terms of a deed of sale by Onésime Lafrenière to V. Burrill, made by E.H. Tremblay, notary, on 10 June 1898 and registered in the registry office of the registration division of Trois-Rivières under number 39490, to allow access, from the lots owned by V. Burrill or his representatives, to the public road in the Third Range; that strip of land forms part of lot 52 and is enclosed on each side by the property of Onésime Lafrenière and is subject to the conditions stated in the deed of sale;

5 — A strip of land to be used as a road or way, thirty feet wide, and chosen by V. Burrill or that G.C. Piché or his representatives are entitled to choose under the terms of a deed of sale by L. Lamy and A. Lamy to V. Burrill, made before E.H. Tremblay, notary, on 10 June 1898 and registered in the registry office of the registration division of Trois-Rivières under number 39491, to allow access, from the lots owned by V. Burrill or his representatives, to the public road in the Third Range; that strip of land or road forms part of lots 52, 53 and 54 and is enclosed on each side by the property of L. Lamy, Z. Lamy and A. Lamy;

6 — A parcel of land forming part of lots 53 and 54 and measuring four arpents in width by ten arpents in depth, more or less, bounded at one end by the line of the Second Range, at the other end by a waterway, on one side, to the north, by Onésime Lafrenière and on the other side, in part by the public road and in part by the right of way of the railway of the Great Northern Railway, with buildings and appurtenances;

7 — A parcel of land forming part of lots 53 and 54, measuring seven hundred feet in length between the posts along the Great Northern Railway, marked 896 and 903, respectively, by one hun-

dred and fifty feet in depth from the railroad; the parcel of land being bounded on the southeast by the right of way of the railroad and, on the other sides, by the property of Z.R. Lamy and A. Lamy with buildings and appurtenances;

8 — Another parcel of land, of irregular shape, forming part of lots 53,54 and 55, seven hundred and fifty feet long on the southeast side of the right of way of the Great Northern Railway and having an area of one acre, more or less; that parcel of land is bounded on the northwest by the right of way of the railroad, to the southeast by the public road in the Third Range, to the northeast by the line of the Second Range and ending in a point to the southwest; the parcels of land described in paragraphs 6, 7 and 8 constitute the right of way of the Great Northern Railway and are described in a deed of sale of G.C. Piché, dated 13 January 1921, made before Louis Bertrand, notary, at Shawinigan;

9 — Lot 51, with buildings, except and excluding a parcel of land forming an irregular point, having an area of about one arpent and one-half and bounded at one end by the crest of a slope situated at about one arpent and one-half from the line of the Fourth Range, at the other end and on one side by Henri Beausoleil and, on the other side, by Jos Lafrenière;

10 — A parcel of land forming part of lot 52, having an area of about fifteen arpents and bounded at one end by the line between the Second and Third Ranges, at the other end by Jos Lafrenière, that is, the foot of the mountain, north side, on one side by Henri Beausoleil and, on the other side, part by V. Burrill and part by Hector Auger.

With all buildings thereon erected, including appurtenances.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 204
(PRIVATE)

An Act respecting the town of Kirkland

First reading 17 December 1981
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 204
(PRIVATE)

An Act respecting the town of Kirkland

WHEREAS it is in the interest of the town of Kirkland that its charter, chapter 131 of the statutes of 1960-1961, and the Acts amending it, be again amended;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The clause respecting the use of transferred parcels of land, contained in the deed of transfer registered on 24 September 1973 in the registry office of the registration division of Montréal under number 2462217, is cancelled, so far as it refers to the lots described on the date of the registration as being subdivision number 87 of lot number 156 and subdivision number 20 of lot number 157 on the official plan and book of reference of the cadastre of the parish of Pointe-Claire.

2. The town is authorized to acquire, by agreement or expropriation, any part of lot 171 of the cadastre of the parish of Pointe-Claire, and dispose of it in accordance with paragraph 2 of subsection 1 of section 28 of the Cities and Towns Act (R.S.Q., chapter C-19).

3. Section 412 of the Cities and Touns Act (R.S.Q., chapter C-19) is amended for the town of Kirkland by replacing paragraph 17 by the following paragraph:

"17. To regulate or prohibit the keeping of animals or certain categories of animals and limit the number of such animals a person may keep on or in his immoveable; to require a licence of the owner or keeper of such animals; to prevent the straying of such animals in the town and authorize their elimination in a summary manner or the impounding and sale thereof for the benefit of the

city or of any society or person the town may designate; to require the owner or keeper of such animals to remove their excrements both on public and private property and determine the manner of disposing thereof; to compel him to keep at all times the implements required therefor; to enable the town to make agreements with any person or body authorizing such person or body to collect the cost of animal licences and apply any municipal by-law respecting animals; for that purpose, the persons or agencies with whom or with which the council has made an agreement and, where such is the case, their employees, are deemed to be municipal officers;".

4. Section 460 of the said Act is amended, for the town,

(1) by replacing paragraph 3 by the following paragraph:

"(3) To license, regulate, or prohibit pin-ball machines, electronic games, billiards, pool, pigeon-hole tables, bowling alleys, bagatelle boards, shooting galleries and games arcades;";

(2) by adding, after paragraph 23, the following paragraphs:

"(24) To regulate shops where articles of an erotic character are sold or offered for sale;

"(25) To regulate massage parlours."

5. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 207

(PRIVATE)

An Act respecting the Jean-Louis Brissette estate

First reading 18 December 1981

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 207
(PRIVATE)

An Act respecting the Jean-Louis Brissette estate

WHEREAS Jean-Louis Brissette died on 4 June 1954 leaving a will dated 7 March 1953 made in the form derived from the laws of England and probated by the Superior Court of the district of Terrebonne on 29 June 1954, copy of which was deposited in the office of the registration division of Terrebonne under number 209969;

Whereas the will creates a trust for the purpose, in particular, of providing to Claire Sigouin, surviving spouse of the deceased, from the age of majority of her daughter Jocelyne, an annual pension of six thousand dollars;

Whereas the pension has become insufficient to ensure a proper standard of living to the beneficiary and whereas it is expedient that the pension be increased from six thousand dollars to fifteen thousand dollars, adjusted annually;

Whereas, furthermore, the revenues of the estate are sufficient to provide for the increase and the adjustment;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Notwithstanding the will of Jean-Louis Brissette dated 7 March 1953 made in the form derived from the laws of England and probated by the Superior Court of the district of Terrebonne on 29 June 1954, copy of which was deposited in the office of the registration division of Terrebonne under number 209969, the annual pension payable to Claire Sigouin, surviving spouse of the testator, is increased from six thousand dollars to fifteen thousand dollars and is adjusted in accordance with the annual Pension Index established in accordance with section 119 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9) as of the date of the sanction of this Act.

2. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 208

(PRIVATE)

An Act respecting the Robert Meighen estate

First reading 18 December 1981

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 208
(PRIVATE)

An Act respecting the Robert Meighen estate

WHEREAS Robert Meighen died on 13 July 1911, leaving a last will and testament passed on 7 December 1910;

The said last will and testament bequeathed to the testator's wife, during her lifetime, the net annual income derived from his residuary estate;

The testator's wife died on 12 July 1917;

The said last will and testament established a trust on the death of the testator's wife for the benefit of his daughter Margaret Isabella Smith Meighen, wife of Richard Osborn Harley, and her children and grandchildren;

The said trust may conceivably continue for a long time;

The said last will and testament confers upon the executors appointed thereby or thereunder the power "To invest all sums which ought to be invested in such securities as they may deem proper, avoiding industrials and seeking safety of the Capital, rather than a high rate of Interest and choosing by preference such securities as Municipal Bonds and those of first class Railways and Mortgages...";

The restrictions which that clause places upon the investment powers of the executors may have been advisable at the time of the making of the last will and for some time thereafter, but are unrealistic under present economic conditions;

The said clause, particularly the expression "industrials", is more and more difficult to interpret and apply;

It is in the interest of the beneficiaries that the executors be enabled to invest the trust property in conformity with article 981*o* of the Civil Code;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Notwithstanding the last will and testament of Robert Meighen, passed before Édouard Cholette and William de M. Marler, notaries, on 7 December 1910 under number 29024 of the latter's minutes, and registered in the registry office for the registration division of Montreal West under number 151528, the executors appointed thereby or thereunder are authorized to invest the property of the trust created thereby in conformity with article 981*o* of the Civil Code.

2. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 210
(PRIVATE)

An Act respecting the Louis Fortier estate

First reading 2 June 1982
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 210
(PRIVATE)

An Act respecting the Louis Fortier estate

WHEREAS by his will made on 9 August 1960 and amended by a codicil made on 16 March 1961, Louis Fortier, died on 30 December 1968, bequeathed all his property to trustees subject to the obligation of leaving to his wife the enjoyment and usufruct of the residuary property of the estate, during her lifetime, with the power to break into the capital in case of insufficiency, and, upon her death, using the property or the residue and revenue thereof for the purposes of a permanent foundation according to the modalities described therein;

Whereas one of the objects of the foundation is that the immoveable of the estate situated in Woodland, town of Léry, be used as a health and holiday resort for nurses of the Hôpital Notre-Dame de Montréal having ten or more years of service at the hospital, and the other objects being the awarding of scholarships or prizes for clinical medical studies;

Whereas the testator provided that the immoveable may, after the foundation has taken effect, be sold either to acquire another immoveable for the same purposes, or, if such a centre no longer appears desirable to a sufficient number of nurses, use the proceeds thereof for the other purposes of the foundation;

Whereas, the testator's wife being still living, it appears that, even before the foundation takes effect the residue of the capital of the estate and revenue therefrom will be insufficient to provide, as required, for the maintenance costs and other charges of such a centre;

Whereas the testator's wife no longer resides on the immoveable;

Whereas the net income derived from leasing the immoveable and other property is clearly insufficient to meet the needs of the testator's wife, and whereas the capital of the other property is being exhausted by being broken into;

Whereas, moreover, the immoveable requires high maintenance costs;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Notwithstanding the will of Louis Fortier and its codicil, made on 9 August 1960 and 16 March 1961, respectively, before Yvan Desjardins, notary, and registered in Montréal under numbers 2221284 and 2221285, respectively, the trustees of the Louis Fortier estate are authorized to sell, even before the death of the testator's wife, the immoveable that belongs to the estate situated in Woodland, town of Léry, and are freed from any possible obligation to acquire another immoveable for the purposes of setting up a health and resort centre.

2. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 212
(PRIVATE)

An Act to amend the charter of the city of Vanier

First reading 25 May 1982

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUEBEC OFFICIAL PUBLISHER

1982

Bill 212
(PRIVATE)

An Act to amend the charter of the city of Vanier

WHEREAS it is in the interest of the city of Vanier that its charter, chapter 61 of the statutes of 1916 (1st session), be amended;

HER MAJESTY, with the advice and consent of the National Assembly 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 Vanier by replacing paragraph 17 by the following paragraph:

"(17) To regulate or prohibit the keeping of animals or certain categories of animals and limit the number of such animals a person may keep on or in his immoveable; to require a licence of the owner or keeper of such animals; to prevent the straying of such animals in the city and authorize their elimination in a summary manner or the impounding and the sale of those animals for the benefit of the city or of any society or person the city may designate; to require the owner or keeper of such animals to remove their excrements both on public and private property and determine the manner of disposing thereof; to compel him to keep at all times the implements required therefor; to enable the city to make agreements with any person or body authorizing such person or body to collect the cost of animal licences and apply any municipal by-law respecting animals; for that purpose, the persons or agencies with whom or with which the council has made an agreement and, where such is the case, their employees, are deemed to be municipal officers;".

2. Section 415 of the said Act is amended for the city by inserting, after paragraph 6, the following paragraph:

"(6.1) To regulate or prohibit parking on grounds owned by the city and in any parking lot or any building intended for parking, after an agreement has been reached with the owner;".

3. Section 460 of the said Act is amended for the city by replacing paragraph 3 by the following paragraph:

"(3) To license, regulate, or prohibit, within the boundaries of the municipality, pin-ball machines, electronic games, billiards, pool, pigeon-hole tables, bowling alleys, bagatelle boards, shooting galleries and games arcades;".

4. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 213

(PRIVATE)

An Act respecting the Fabrique de la Paroisse du Sacré-Coeur de Jésus

First reading 1 June 1982

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 213
(PRIVATE)

An Act respecting the Fabrique de la Paroisse du Sacré-Coeur de Jésus

WHEREAS, under the terms of a deed of gift executed on 23 December 1870, a parcel of land was given to the Roman Catholic Archiepiscopal Corporation of Québec;

Whereas the deed stipulates that "the gift is made... on the sole condition that the land given as above serve and be used for the construction of a chapel for catholic worship in that part of the said township of Broughton presently ministered to as a separate mission." (Translation);

Whereas the Corporation transferred that parcel of land on 10 April 1883, except one part given to the school commissioners of the school municipality of Sacré-Coeur de Jésus, to the Oeuvre et Fabrique de la Paroisse du Sacré-Coeur de Jésus in the township of Broughton, "to promote worship according to the Roman Catholic Church in the said parish and to carry out the wishes of the donors of the land..." (Translation);

Whereas it is expedient that the stipulations pertaining to the use of the land have no effect;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The stipulation pertaining to the use of the land given, contained in the deed of gift executed before L.G.A. Legendre, notary, and registered in the registry office of the registration division of Beauce on 20 May 1871 under number 8564, and the stipulation pertaining to the use of the land conveyed, contained in the deed of conveyance executed before Jean-Alfred Charlebois, notary, and registered in the registry office of the registration division of Beauce on 17 April 1883 under number 21920, are rescinded.

2. The stipulations contemplated in section 1 are cancelled upon registration of a true copy of this Act.

3. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 216
(PRIVATE)

An Act respecting The Union Life

First reading 30 November 1981
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 216
(PRIVATE)

An Act respecting The Union Life

WHEREAS The Union Life was incorporated by chapter 165 of the statutes of 1956-1957;

Whereas the by-laws that governed its operation from 21 April 1958 to 16 April 1979 were not ratified by the members assembled in an annual or in a special general meeting and it is expedient to remedy this situation;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The by-laws of The Union Life passed by the directors from 21 April 1958 to 16 April 1979 are deemed to have been ratified by the members assembled in an annual or special general meeting.

Acts done, contracts entered into and commitments and transactions made by The Union Life from 28 April 1958 to 16 April 1979 are ratified to the extent that they were done, entered into or made in accordance with the by-laws then passed.

2. This Act comes into force on the date of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 218

(PRIVATE)

An Act respecting the Isidore H. Munz estate

First reading 8 December 1981

Second reading 20 May 1982

Third reading 20 May 1982

Assented to 11 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 218
(PRIVATE)

An Act respecting the Isidore H. Munz estate

WHEREAS Isidore H. Munz, deceased on 1 July 1975, by his will made on 25 January 1962, constituted his two sons, Marek and Eugene, coproprietors in undivided ownership of equal shares of a parcel of land and of a house built thereon;

Whereas the testator granted a right of use and habitation to Eugene and prohibited the alienation of the whole until the death of the latter;

Whereas Marek wishes to alienate the immoveables, and it is in his interest, in order to do so, that the prohibition to alienate be annulled;

Whereas Eugene is unable to exercise his right of use and habitation, whereas there is no reasonable hope that he will ever be able to do so, and whereas his curator agrees to the passing of this Act;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The prohibition to alienate the land described in the Schedule and the house built thereon, contained in the will of Isidore H. Munz, registered on 19 February 1976 in the registry office of the registration division of Montréal under number 2669001, is annulled.

2. The right of use and habitation conferred on Eugene Munz by the said will is annulled.

3. This Act comes into force on the day of its sanction.

SCHEDULE

Description of part of subdivision number 82 of original lot 120 of the cadastre of the village of Côte-des-Neiges, registration division of Montréal

Rectangular in shape;

bounded, at the front, on the northwest, by de la Peltrie street; at the rear, on the southeast, by subdivision number 1 of original lot number 120; on one side, on the northeast, by subdivision number 81 of original lot number 120, and, on the other side, on the southwest, by the remainder of subdivision number 82 of original lot number 120, the dividing line between the two parts of subdivision number 82 being in the centre of the common wall separating them;

measuring twenty-seven feet six inches in width, by one hundred and seven feet in depth, English measure, more or less;

with, built thereon, a brick house comprising two family dwelling units, situated at 4616 and 4618 de la Peltrie street, Montréal, and the southwest wall of which is a common wall.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 220
(PRIVATE)

An Act to amend the charter of the city of Longueuil

First reading 2 June 1982
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 220
(PRIVATE)

An Act to amend the charter of the city of Longueuil

WHEREAS it is in the interest of the city of Longueuil that its charter and the Acts amending it be again amended;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Section 47 of the Cities and Towns Act (R.S.Q., chapter C-19) is replaced for the city of Longueuil by the following section:

"**47.** The city shall be represented and its affairs administered

(*a*) by a council consisting of the mayor and the councillors;

(*b*) by an executive committee consisting of the mayor as chairman and four councillors, one of whom acts as vice-chairman."

2. The said Act is amended for the city by inserting, after section 47, the following section:

"**47.1** The council may

(*a*) adopt the budgets and vote the appropriations necessary for the administration of the city, submitted by the executive committee;

(*b*) award contracts of the city in cases where the executive committee cannot do so;

(*c*) make every by-law of the city;

(*d*) create by by-law the different departments of the city and determine the scope of their activities;

(*e*) request reports from the executive committee on any matter respecting the administration of the city, the executive

committee being then required to submit the reports within thirty days after the resolution is passed;

(*f*) approve the job-classification plan and the scales of related wages and allowances."

3. The said Act is amended for the city by replacing section 52 by the following sections:

"**52.** (1) At the first sitting following a general election, the clerk presiding, the council shall elect one of its members to chair the sittings of the council.

If the vote for the election of the chairman is tied, the mayor shall have a casting vote.

Immediately after the election of the chairman of the council, the mayor may appoint the four councillors to the executive committee, one of whom is to act as vice-chairman. If he does not exercise such right, they shall be appointed by vote; each councillor must, under pain of nullity of his ballot, vote for four councillors as members of the executive committee.

The ballot, prepared and initialed by the clerk, shall be a printed, alphabetical list of the names of the councillors.

For the vote, the clerk shall give each councillor such ballot after striking out the name of the chairman. The councillor shall retire to a booth and mark a cross in the square printed for that purpose opposite the name of each councillor for whom he votes.

Each of the ballots must be initialed by the clerk and remitted to him in a sealed envelope. Such envelopes shall be opened only at the counting of the votes, where the vote for each councillor shall be made public; if a single additional vote would entitle a councillor in a tie-vote to be declared elected, the chairman of the council may either request a new poll or give a casting vote.

The council shall not suspend or adjourn the sitting until the members of the executive committee are elected.

(2) If the chairman is absent or if the office of chairman is vacant, all the powers vested in the chairman by law shall be exercised by the vice-chairman.

(3) The city clerk is the secretary of the executive committee.

(4) Any vacancy on the executive committee other than the office of chairman shall be filled by the mayor for the next meeting of the committee. During such vacancy, the remaining members, if a quorum, may act.

(5) The executive committee must make rules for its administration and internal management and may amend them whenever it

deems it expedient; however, in no case may such rules and amendments be contrary to those of the council or inconsistent with this Act.

(6) Each member of the committee is entitled to one vote.

Three members constitute a quorum at the meetings of the committee.

The chairman of the committee presides at the meetings; if he is absent or if the office of chairman is vacant, the vice-chairman presides at the meetings; if the latter is absent or unable to act, the members present shall designate a chairman from among themselves.

(7) The councillors appointed or elected members of the executive committee retain their seat on the council and are entitled to vote on any motion, question or report submitted to the council.

(8) Notwithstanding section 51, the members of the executive committee shall remain in office until they are replaced in accordance with this charter.

(9) The committee shall sit *in camera* unless it considers that, in the interest of the city, its proceedings must be held in public.

(10) The term of office of a councillor as a member of the executive committee shall terminate if he has failed to attend the sittings of the executive committee for forty-five consecutive days following the last sitting which he attended; if he has not attended any sitting since he has become a member of the executive committee, the time shall be computed from the first sitting which he could legally have attended; the term of office shall end at the closing of the first sitting after such forty-five days, unless, at such sitting, the executive committee is of opinion that it was in fact impossible for the person concerned to attend the sittings. Nevertheless, if the person concerned does not attend any sitting of the executive committee within thirty days following the sitting at which the executive committee expressed such opinion, his term of office shall terminate on the thirtieth day; the clerk shall so inform the council at the first sitting following such thirtieth day.

"**52.1** The executive committee shall exercise the executive duties of city government which consist mainly in preparing and submitting to the council

(*a*) every report on any matter within the jurisdiction of the council;

(*b*) its decisions and suggestions by means of reports signed by its chairman;

(*c*) every by-law;

(*d*) the annual budget of revenues and expenses, not later than 1 December each year, including the by-laws imposing taxes, licences, permits or other municipal dues;

(*e*) every demand for the allocation of the proceeds of loans or for any other appropriation required;

(*f*) every demand for the transfer of funds or appropriations already voted;

(*g*) every report recommending the granting of franchises and privileges;

(*h*) every report respecting the alienation of any moveable or immoveable belonging to the city and, in addition, the leasing of its moveables or immoveables, where the term of the lease exceeds one year;

(*i*) any other demand the object of which is not declared to be of the exclusive jurisdiction of the executive committee;

(*j*) any job-classification plan and the salaries related thereto.

"**52.2** Every demand, by-law or report submitted by the executive committee must, unless otherwise prescribed, be approved, rejected, amended or returned by the vote of the majority of the members of the council present at the sitting.

"**52.3** After having taken account of the estimates of revenues of the city and after having studied the estimates of expenditures submitted by the heads of departments and their reports and suggestions as presented by the manager, the executive committee shall prepare and submit the budget for the next fiscal year; it shall also prepare and submit the by-laws and resolutions imposing taxes, permits and licences for payment of expenditures, taking into account all the other revenues of the city.

"**52.4** Unless otherwise prescribed, the appropriations voted by the council, by way of a budget, out of the proceeds of loans, or otherwise, must remain at the disposal of the executive committee, which shall see that they are used for the purposes for which they have been voted, without any other approval by the council.

"**52.5** The executive committee may award any contract involving an expenditure that is less than that requiring public tenders by complying with section 573.1 in the case of a contract contemplated in the said section.

"**52.6** Every contract must be signed, in the name of the city, by the mayor and the clerk. The mayor may, however, in writing,

generally or specially, authorize another member of the executive committee to sign the contracts in his place.

"**52.7** The executive committee may, without the consent of the council, cause to be carried out by day labour work the cost of which does not exceed the amount requiring the formality of public tenders; however, the council may authorize the executive committee to cause to be carried out by day labour specified work of any nature the cost of which exceeds the said amount.

"**52.8** The executive committee must see that the law, and the by-laws, resolutions and contracts of the city are faithfully observed.

"**52.9** The executive committee shall see to the preparation of plans and specifications and to the calling for tenders.

"**52.10** The executive committee shall authorize the payment of all sums due by the city, observing the formalities, restrictions and conditions prescribed by law.

"**52.11** Every communication between the council and the departments shall be through the executive committee; in its dealings with the executive committee, the council must always act by resolution.

"**52.12** The executive committee may, at any time, call before it any head of a department to obtain the information it desires.

"**52.13** The clerk, the treasurer and the heads of departments and their assistants, except the manager, shall be appointed by the council on report of the committee. Such report may be altered or rejected by the majority of all the members of the council. On report of the executive committee, the council may, by the majority vote of all its members, suspend such officers, reduce their salary or dismiss them.

The council shall also appoint, upon report of the committee, the other officers or permanent employees.

Temporary employees shall be appointed by the executive committee.

"**52.14** Every member of the executive committee must take the oath of office."

4. Section 112 of the said Act is replaced for the city by the following section:

"**112.** The council may, by the majority vote of all its members, appoint the manager and fix his salary.

The manager must devote his time to the duties of his office on a full time basis and is prohibited from hiring his services or working for any other employer but the city.

The council alone has, by the majority vote of all its members, the right to suspend or dismiss the manager or reduce his salary."

5. Section 113 of the said Act is replaced for the city by the following section:

"**113.** The manager has the following powers and duties:

(*a*) to administer the affairs of the city under the supervision of the executive committee;

(*b*) to exercise authority, as the mandatary of the executive committee, over the heads of departments, except over the clerk and the head of the legal department;

(*c*) to ensure communications between the executive committee and the heads of departments and supervise the work in the departments;

(*d*) to forward to the executive committee any communication he receives from the city departments and add his recommendations;

(*e*) to attend the meetings of the executive committee and take part in the deliberations, but without the right to vote;

(*f*) to add his own conclusions, if he deems it proper, in the record of any affair submitted to the executive committee or the council;

(*g*) to attend the meetings of the council and give it all information and advice it requires from him;

(*h*) to report to the council on any matter on which, in his opinion, he must inform the council;

(*i*) to have access to all the records of the city;

(*j*) to compel any officer or employee of the city to give him all the information and documents he has required;

(*k*) to provide to the councillors all information they may require;

(*l*) to ensure the carrying out of the plans and programs of the city, under the authority of the executive committee;

(*m*) to have the plans and programs for the repair and maintenance of buildings and equipment of the city prepared under the authority of the executive committee;

(*n*) to have the plans and programs to improve the operation and efficiency of the departments of the city prepared and ensure their carrying out;

(*o*) to obtain, study and forward to the executive committee, and even to the council, if he deems it expedient, the plans prepared by the heads of department on any matter requiring the approval of the executive committee or that of the council, and recommend to the executive committee or the council to take, within the scope of their respective jurisdictions, such measures as he deems in the interest of the city;

(*p*) to coordinate the budgetary estimates of the various departments and submit them to the executive committee and, if he deems it proper, make to the executive committee or even to the council such recommendation as he deems necessary;

(*q*) to ensure the efficiency of every department of the city;

(*r*) to ensure that the moneys of the city are used in conformity with the appropriations specified in the budget, by-laws and resolutions;

(*s*) to forward without delay to the executive committee the list of the accounts to be paid."

6. Section 412 of the said Act is amended for the city by replacing paragraph 14 by the following paragraph:

"(14) To regulate or prohibit games or amusements on or in streets, alleys, sidewalks, public squares and public property;".

7. Section 19 of chapter 101 of the statutes of 1971 is amended by replacing paragraph 4 of the fourth paragraph by the following paragraph:

"(4) The notice provided for in paragraph 3 shall, during the month following each of its publications in the *Gazette officielle du Québec*, be inserted in a daily or weekly newspaper circulated in the city."

8. Section 30 of chapter 101 of the statutes of 1971 is replaced by the following section:

"**30.** (1) The council, by by-law, may establish a fund called the "snow removal expenses stabilization fund" to place at its disposal the amounts which it may need to meet snow removal expenses.

(2) For this purpose, the council shall prepare a five-year budget of snow removal expenses and appropriate each year, out of

the revenues derived from the general real estate tax, an amount equal to the portion established in such five-year budget to pay the expenses provided for the year concerned.

(3) For the purposes of this section, the expression "snow removal expenses" includes all direct expenses incurred for snow removal and street and sidewalk maintenance during the period from the first of October in any year to the first of May the next year.

In particular, such expenses include

(*a*) salaries and social benefits of employees;

(*b*) purchase of material, supplies and fuel;

(*c*) lease of equipment and tools;

(*d*) job contracts;

(*e*) cost of repairing and maintaining of vehicles and equipment;

(*f*) other expenses relating to the use of vehicles and equipment;

(*g*) annual payment into the working fund for renewal and purchase of equipment and tools;

(*h*) debt service of the loans contracted for the purchase of equipment and tools;

(*i*) claims for damage to persons and property during snow removal.

(4) Any annual surplus or deficit is carried forward from one year to the next, until the five-year budget expires.

At the end of such period, the accumulated surplus or deficit forms part of the general budget for the next year."

9. Section 10 of chapter 82 of the statutes of 1977 is replaced by the following section:

"**10.** (1) The council, by by-law, may establish a fund called the "stabilization fund for the purchase and replacement of machinery and vehicles" to place at its disposal the amounts which it may need to meet expenses for the purchase and replacement of machinery and vehicles.

(2) For this purpose, the council shall prepare a five-year budget of expenses for the purchase and replacement of machinery and vehicles and appropriate each year, out of the revenues derived from the general real estate tax, an amount equal to the portion

established in such five-year budget to pay for the expenses provided for the year concerned.

(3) Any annual surplus or deficit is carried forward from one year to the next, until the five-year budget expires. At the end of such period, the accumulated surplus or deficit forms part of the general budget for the next year."

10. Notwithstanding section 5 of the Industrial Funds Act (R.S.Q., chapter F-4), the sale made between the city of Longueuil and the Entreprises de Constructions de Mackayville Limitée on 5 May 1977 before J.-P. Hardy, notary, is validated on being approved by the Minister of Municipal Affairs.

11. (1) The business tax imposed by by-law 73-412 of the city regarding the business tax and the annual dues imposed on businesses, occupations or activities carried on or operated in the city as amended by by-laws 75-630, 76-773, 77-1063, 78-1108, 78-1149, 79-1374 and 79-1440 is deemed to have been imposed on all categories or classes.

(2) In no case may the business tax imposed by the city for the financial years 1980 and 1981 be declared null on the ground that its rate was fixed annually by resolution.

(3) Subsections 1 and 2 have effect from the coming into force of those by-laws, but do not affect pending cases, if any.

12. The council may establish, out of the revenues provided for in each annual budget, a reserve fund of up to five million dollars for the purposes of financing its self-insurance program; the annual amounts to be levied must not exceed 1% of the annual budget.

13. The council of the city of Longueuil, by by-law, may grant to every person who has held office as a member of the council for eight years or more on 31 December 1974, who was a member of the council on that date and ceased to hold that office from that date, an annual pension of $12 000 in the case of the mayor and $6 000 in the case of the other members of the council, payable at 60 years of age in equal and consecutive instalments. The repeal of such a by-law cannot be set up against persons respecting whom it applies or has already applied.

The council, by by-law, may grant to every person who has held office as a member of the council for eleven years or more on 31 December 1974, who was a member of the council on that date and ceased to hold that office from that date, an annual pension of $12 000 in the case of the mayor and $6 000 in the case of the other members of the council, payable in equal and consecutive instalments on the first day of each month. The repeal of such a by-law

cannot be set up against persons respecting whom it applies or has already applied.

The payment of such pension shall be suspended during any period when the beneficiary holds, temporarily or permanently, any charge, office or situation involving remuneration paid by the municipality.

In computing any such period of eight or eleven years, a part of a year shall be counted as a full year; any year or part of a year before or after 31 December 1974 must be included in the computation.

14. The council may grant, by by-law, to every person who held office as mayor or as member of the council for not less than eight years and who has ceased to hold that office after the coming into force of this Act an annual pension equal to fifty per cent of his annual remuneration. The pension shall be payable at sixty years of age, in equal and consecutive instalments, on the first day of each month.

In order to benefit from such pension payments, the members of the council must pay into the general administration fund a contribution equal to five per cent of their annual remuneration for each year during which the members of the council have been in office.

If a member does not hold office for eight years, the amounts paid shall be reimbursed to him without interest.

In computing any such period of eight years, a part of a year shall be counted as a full year.

The payment of the pension is suspended during any period when the beneficiary holds, temporarily or permanently, any charge, office or employment involving remuneration paid by the municipality.

If the beneficiary dies after acquiring the right to a pension but has collected pension payments for fewer than fifteen years, the city shall pay the pension to the heirs until that period of fifteen years expires. The pension granted is payable in advance in equal monthly instalments on the first day of each month. To entitle the heirs to benefit from pension payments, the members of the council must pay into the general administration fund a total contribution equal to six per cent of their annual remuneration for each year they have been in office.

This section does not, however, apply to persons who have become members of the council after 31 December 1974.

The council members contemplated by this section may avail themselves of it by notifying the council thereof in writing. In such a case, section 13 of this Act does not apply to them.

15. Section 1 of chapter 82 of the statutes of 1945, amended by section 1 of chapter 65 of the statutes of 1958-1959, is repealed. Furthermore, the by-laws of the city creating and increasing its working fund cannot be declared null on the ground that they were passed or amended under the charter of the city or the Cities and Towns Act (R.S.Q., chapter C-19).

16. The following sections and paragraphs are repealed:

(*a*) section 16 of chapter 102 of the statutes of 1950;

(*b*) section 4 of chapter 85 of the statutes of 1956-1957;

(*c*) paragraphs *d* and *e* of section 4 and section 7 of chapter 101 of the statutes of 1971.

17. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 223
(PRIVATE)

An Act respecting the Citicorp Trust Company

First reading 26 May 1982
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

QUEBEC OFFICIAL PUBLISHER

1982

Bill 223
(PRIVATE)

An Act respecting the Citicorp Trust Company

WHEREAS it is in the interest of Citicorp Trust Company, a corporation constituted under the name Mercantile Trust Company by letters patent dated 4 February 1960 and issued under the Trust Companies Act, to be converted into a trust company under federal jurisdiction and subsequently be converted into a bank governed by the banks and banking law;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Citicorp Trust Company may, provided it is authorized to do so by the Trust Companies Act (R.S.C., 1970, chapter T-16) or the Banks and Banking Law Revision Act, 1980 (S.C. 1980-1981-1982 chapter 40) or the Canada Business Corporation Act (S.C. 1974-1975-1976, chapter 33) or any other Act of the Parliament of Canada, apply to be converted, continued, extended and constituted a corporation governed by one or the other of these Acts as if it had initially been incorporated under one or the other of these Acts.

2. From the date on which the company is converted, continued, extended or constituted under one or the other of these Acts, Citicorp Trust Company ceases to be governed by the Trust Companies Act (R.S.Q., chapter C-41) and it must file with the Minister of Financial Institutions and Cooperatives a certified copy of the letters patent or, as the case may be, the document certifying that it has been converted, continued, extended or incorporated.

3. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 224
(PRIVATE)

An Act to amend the charter of the city of Shawinigan

First reading 2 June 1982
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 224
(PRIVATE)

An Act to amend the charter of the city of Shawinigan

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

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. (1) The council may, by by-law, define the limits of a commercial zone within which a single commercial district may be formed, comprising at least 50 places of business and more than 50% of the places of business in that zone, and provide for the establishment of an initiatives and development association having jurisdiction in that district.

(2) Such an association may promote the economic development of the district, establish joint services for its members and their customers, operate a business in the district, erect and manage a parking garage or parking lot and carry out work on public property or private property with the consent of the owner.

(3) The association may be formed on the application of five ratepayers having a place of business in the district. The application shall be submitted to the executive committee of the city.

(4) On receiving the application, the executive committee shall order the clerk to send a notice to every ratepayer having a place of business in the district, or cause it to be served on him, informing him that a register will be open, at the date and place indicated, to receive the signatures of the ratepayers who oppose the formation of the association.

(5) The place where the register is to be open must be situated in the district or at a distance of not over two kilometres from the perimeter of the district.

(6) The clerk shall accompany the notice with an indication of the limits of the district, the name and address of each ratepayer to

whom the notice is being sent or on whom it is being served, and the text of this section and of any by-law relating thereto.

(7) The register is to be open from 9 o'clock in the morning to 7 o'clock in the evening on the first Tuesday following the expiry of fifteen days from the sending or service of the notice or, if that day is a holiday, on the next working day.

(8) A ratepayer who has not received the notice from the clerk may sign the register if he proves that he has a place of business in the district. The procedure of registering signatures is not invalidated merely because one or several ratepayers having a place of business in the district did not receive the notice or the date of opening of the register follows the date of reception of the notice by a shorter period than the period mentioned in subsection 7.

(9) Not more than one signature may be registered for each place of business.

(10) If more than 50% of the ratepayers having places of business in the district sign the register, the application is denied and no new application may be filed before a period of six months has expired.

(11) If fewer than 33% of the ratepayers sign the register, the council may by resolution authorize the establishment of the association.

(12) If not fewer than 33% nor more than 50% of such persons sign the register, the clerk shall send a notice by registered or certified mail to every ratepayer having a place of business in the district, or cause it to be served on him, informing him that a poll is to be held within ninety days of the filing of the application; the rules provided for the keeping of the register apply to the holding of the poll.

(13) If more than 50% of the ratepayers who voted indicated that they are in favour, the council may, by resolution, authorize the establishment of the association; otherwise, the application is denied and no new application may be filed before a period of six months has expired.

(14) The resolution authorizing the establishment of the association shall indicate the corporate name of the association and the limits of the commercial district in which it is to have jurisdiction.

(15) The head office of the association must be situated within the limits of the city.

(16) The clerk shall transmit to the Minister of Financial Institutions and Cooperatives three certified copies of the resolution authorizing the establishment of the association. The Minister shall, on receiving the three copies of the resolution,

— register one certified copy in accordance with the Companies Act (R.S.Q., chapter C-38),

— transmit to the clerk and the association or its authorized representative a copy of the resolution and proof of its registration, and

— publish, at the cost of the city, a notice of registration of the resolution in the *Gazette officielle du Québec*.

(17) From the date of registration, the association is a corporation within the meaning of the Civil Code.

(18) To the extent that it is applicable, Part III of the Companies Act, particularly the provisions relating to dissolution, govern the association, subject to this section and the by-law approved by the Minister of Financial Institutions and Cooperatives.

However, sections 98, except paragraphs *j* and *k* of subsection 3, 103, except subsection 3, 113, 114 and 123 of Part I of the said Act apply, *mutatis mutandis*, subject to this section and the by-laws of the council approved by the Minister of Financial Institutions and Cooperatives.

(19) The council may, by by-law, provide the formalities of application to form an association, its composition, the responsibilities of the general meeting of members and of the board of directors, respectively, and any matter related to its organization, operation and dissolution.

Any by-law passed under the preceding paragraph must be submitted to the Minister of Financial Institutions and Cooperatives and comes into force on the date of its approval.

(20) The council shall establish by by-law any other matter relating to the association, in particular, the terms and conditions respecting the establishment, collection and repayment of assessments.

It shall also approve the internal management by-laws of the association.

(21) Within fifteen days following the date of the organization meeting, the association shall transmit to the Minister of Financial Institutions and Cooperatives a notice of the address of the head office and a list of its directors.

(22) All the ratepayers having a place of business in the district are members of the association and, subject to subsection 23, have the right to vote at its meetings; they are entitled to one vote for each place of business.

(23) Where all or part of an assessment becomes exigible, only the members who have paid their assessment may be elected to the board of directors and exercise their right to vote.

(24) The board of directors is composed of nine persons, of whom seven are elected from among the members by the general meeting of the members and two are appointed from among the members by the executive committee.

(25) At a general meeting specially convened for that purpose, the association shall adopt its operating budget, as well as any project involving capital expenditures that may be financed by a loan with the authorization of the city.

(26) The city may, by a by-law subject to all the formalities of a loan by-law, guarantee the repayment of loans contracted for by the association.

(27) On receiving the operating budget, the council may approve it after ascertaining that all the formalities for its adoption have been complied with and may order by by-law an assessment for which it shall determine the mode of computation and the number of payments.

(28) The rules governing the computation of the assessments of the members, the payments and the dates they become due are established by by-law and are the same for every association. The rules may provide a maximum limit to the amount or share of the assessments that the members may be required to pay.

(29) The assessments are ordered on the ratepayers having a place of business on the first day of the fiscal period for which the budget is deposited.

(30) A ratepayer who acquires a place of business in the district of an association during a fiscal period becomes a member and, in the case of an existing place of business, succeeds to the rights and obligations of the preceding ratepayer, who then ceases to be a member.

(31) The new member must notify the board of directors of the association in writing that from that time forward he represents that place of business. The new member succeeds to the rights and obligations of the preceding ratepayer even if he has not given the notice prescribed by this subsection.

(32) An assessment ordered under this section is deemed a special business tax for the purposes of its collection and the head of the competent department has all the powers vested in him in that respect by this Act. The assessments collected, minus collection costs, are remitted to the association.

(33) On the application of the board of directors of an association, the council may, by resolution, change the limits of the district of the association.

(34) The application is filed with the executive committee, which shall order a consultation of members who have paid the exigible part of their assessment, if any, in accordance with the modalities that the council may establish by by-law.

(35) Furthermore, where an expansion of the district is planned, the ratepayers having a place of business in the territory to be included in the district must also be consulted.

(36) Before the application is granted, it must be approved by a majority of the persons so consulted. In the case of an expansion, the application must be approved by a majority of the members and a majority of the ratepayers having a place of business in the territory to be added to the district.

(37) No application to change the limits of a district is receivable if the change results in reducing the number of members of the association to less than fifty.

(38) The council resolution granting the application of an association extends or limits the jurisdiction of the association to the district thus changed.

(39) Subsection 33 does not prevent an association from providing, according to the modalities and on the conditions established in its by-laws, for the voluntary membership of persons having a place of business outside the limits of the district.

(40) The resolution changing the limits of the district of the association must be transmitted to the Minister of Financial Institutions and Cooperatives in three certified copies. On receiving the copies of the resolution, the Minister shall observe the procedures prescribed in subsection 16, *mutatis mutandis*.

(41) The change takes effect from the date of registration of the resolution.

(42) The council may, by by-law, on the conditions it determines, make grants to the associations that, in each case, may be in an amount equivalent to that part of the revenues of the association estimated in its budget as derived from members' assessments or an amount not greater than the maximum amount established by the by-law.

(43) If a special general meeting is called at the request of the members to deal with a particular subject, no second meeting may be held to deal with the same subject within the same fiscal period, except with the consent of the board of directors.

(44) For the purposes of this section, the expression "place of business" includes any premises or establishment where an economic or administrative activity in matters of finance, trade, industry or services, a calling, an art, a profession or any other activity constituting a means of profit, gain or livelihood is carried on, except an employment or a charge.

2. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 226
(PRIVATE)

An Act respecting the estate of Edmond Laliberté senior

First reading 24 February 1982
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1 9 8 2

Bill 226
(PRIVATE)

An Act respecting the estate of Edmond Laliberté senior

WHEREAS Edmond Laliberté senior, by his will made on 7 July 1922, constituted his sons Edmond junior and Jean-Paul his universal residuary legatees;

Whereas the testator bequeathed to Edmond the seigniory Île Madame, situated in the St Lawrence river and encumbered it with a prohibition to sell in perpetuity and a substitution from father to son;

Whereas the testator bequeathed to Jean-Paul his land and the structures thereon erected, situated at lake du Sud-Ouest, the whole encumbered with the same prohibition and the same substitution;

Whereas since 1931 three curators to the person and property of Jean-Paul have succeeded one another;

Whereas the two universal legatees, now 75 and 76 years of age, are no longer able to see to the operation of the two properties, which have an area of approximately one thousand four hundred acres;

Whereas Edmond junior has only one living son, Jean, who does not intend to operate the properties, not having the training or knowledge required to do so adequately;

Whereas neither the estate of Edmond Laliberté senior nor the universal legatees of the estate on a personal basis are financially capable of profitably maintaining and operating the property bequeathed to them;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The prohibition to alienate and the substitution stipulated in the will of Edmond Laliberté senior, made on 7 July 1922 before Louis Leclerc, notary, under number 45602 of his minutes and registered under number 193 583 of volume B 360 in the registry office of the registration division of Québec and under number 6580 in the registry office of the registration division of Île d'Orléans at Saint-Laurent, are cancelled.

2. The registration of the stipulations contemplated in section 1 is cancelled on the filing of a true copy of this Act.

3. The costs for the passing of this Act shall be borne by the capital of the estate.

4. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 232

(PRIVATE)

An Act respecting the "Soeurs de la Charité de l'Hôtel-Dieu de St-Hyacinthe" becoming the "Soeurs de la Charité de Saint-Hyacinthe"

First reading 18 December 1981

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

M. MAURICE DUPRÉ

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 232
(PRIVATE)

An Act respecting the "Soeurs de la Charité de l'Hôtel-Dieu de St-Hyacinthe" becoming the "Soeurs de la Charité de Saint-Hyacinthe"

WHEREAS the corporation "Soeurs de la Charité de l'Hôtel-Dieu de St-Hyacinthe" was incorporated by the Act 9 Victoria, chapter 99, amended by chapters 68 of the statutes of 1889 and 144 of the statutes of 1939;

Whereas it is expedient to revise its charter to better define its objects, powers and the quality of member of the corporation as well as its internal management;

Whereas it has prayed for the passing of this bill on a joint resolution of its superior general and its council of advisors;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The corporation "Soeurs de la Charité de l'Hôtel-Dieu de St-Hyacinthe" is continued in existence under the name of "Soeurs de la Charité de Saint-Hyacinthe".

2. The corporate seat of the corporation is in the city of Saint-Hyacinthe, district of Saint-Hyacinthe, at the place determined by the corporation.

3. The persons who are or will become members of the congregation are members of right of the corporation as long as they remain members of the congregation.

4. The objects of the corporation are religion, charity, welfare and education.

5. The corporation has the powers, rights and privileges of ordinary corporations and may, in particular:

(*a*) have a seal and alter it at will;

(*b*) appear before the courts;

(*c*) acquire, establish, maintain, administer and manage any work or undertaking related to its objects;

(*d*) acquire, establish, possess, maintain, administer and manage residences for nuns, juniorates, scholasticates, novitiates, chapels, retreats, refuges, rest homes, homes for the elderly, summer camps, day nurseries, workrooms, asylums, centres, teaching, educational or rehabilitation establishments, libraries, recreation centres, playgrounds and infirmaries to receive its members or followers;

(*e*) bind itself and bind others towards it in any legal manner and especially by bill of exchange, note or other negotiable instrument;

(*f*) borrow money on its credit by any method recognized by law;

(*g*) hypothecate or pledge its immoveables, give in security or otherwise encumber its moveable property to secure the repayment of its loans or the carrying out of its obligations;

(*h*) issue bonds or other titles of indebtedness or securities and sell, exchange, mortgage or pledge the same;

(*i*) notwithstanding the provisions of the Civil Code, hypothecate, mortgage or pledge, while retaining possession thereof, moveable and immoveable property, present or future, to secure the payment of the bonds or securities issued, give a part only of such guarantees for the same objects, and constitute such hypothec, mortgage or pledge by trust deed in accordance with the Special Corporate Powers Act (R.S.Q., chapter P-16) or any Act that may replace it;

(*j*) invest its funds in any manner deemed suitable, either in its own name or in the name of trustees;

(*k*) assist any person pursuing any object similar to one of its own, cede any property gratuitously or not and lend money to such person and secure or guarantee his obligations and commitments;

(*l*) accept any gift, legacy or other liberality;

(*m*) acquire, possess, administer, lease and alienate any moveable or immoveable property, by all legal methods and under any title;

(*n*) establish and maintain cemeteries and erect vaults in its chapels for the disposal of the mortal remains of its members, benefactors or any person connected in any way with the corporation, in conformity with the Burial Act (R.S.Q., chapter I-11) and cause

to be kept the registers of civil status for such burials, and disinterments by the minister of religion designated by the clergyman acting as Roman Catholic bishop of the diocese where the corporate seat of the corporation is situated;

(*o*) erect, hold, repair, equip, improve, transform and utilize any buildings and works suitable for the pursuit of its objects whether they are immoveables owned by the corporation or those of which it has the enjoyment only, and contribute to or aid in any manner in the erection, equipment and maintenance of such works and buildings;

(*p*) provide for the education, instruction, sustenance and support of its members, of persons in its service, and of those connected with it;

(*q*) cede or otherwise alienate all or any part of its undertakings and works gratuitously, or dispose of or sell the same for any consideration deemed sufficient;

(*r*) make with any public authority arrangements calculated to further the pursuit of its objects, carry out the same and exercise the rights and privileges and fulfil the obligations resulting therefrom;

(*s*) solicit, promote and obtain any statute, ordinance, order, regulation or other authorization or provision, legislative or administrative, calculated to benefit it directly or indirectly and oppose any proceeding or application of such a nature as directly or indirectly to prejudice its interests;

(*t*) make with any person, society or corporation carrying on or intending to carry on enterprises, works or operations which may be advantageous to it, agreements for mutal co-operation and for any other similar purposes; join any group or become a member of any association or corporation or become a shareholder of any company pursuing undertakings or activities calculated to assist it in the exercise of its powers;

(*u*) associate itself with any corporation pursuing undertakings and works connected with its objects;

(*v*) do any other things related or conducive to the pursuit of its objects and the exercise of its powers.

6. The value of the immoveables owned by the corporation and in its possession for revenue purposes shall not exceed four million dollars.

7. The corporation may make, amend and repeal by-laws respecting:

(*a*) its internal management;

(*b*) the appointment, functions, duties and powers of its officers, agents and servants;

(*c*) the setting up, appointment and management of executive committees, special committees, bodies and titulars that may be established or appointed for the pursuit of its objects and entrusted with the carrying out of all or part of its powers;

(*d*) the management, administration and supervision of its property, organizations and undertakings;

(*e*) generally the pursuit of its objects.

8. The corporation may accept endowments for religious, charitable, educational or welfare purposes and accordingly receive, as depositary, trustee, legatee and donee the property given or transmitted by gift, will or otherwise by the donor and bind itself, as such, to carry out the charges established by the donor, the corporation being bound to carry out the same with the property of the endowment only and not with its own assets.

The property of each endowment constitutes a distinct patrimony which must be managed and administered separately and for which separate accounts shall be kept. The corporation shall exercise the rights of an owner in respect of each such patrimony.

9. Settlements constituted by or for its members shall be considered as endowments made under section 8, as long as they have not become the permanent property of the corporation.

10. The Minister of Financial Institutions and Cooperatives, on an application of the corporation, may change its name, the place of its corporate seat in the Province or the maximum amount of the value of the immoveables it may own for revenue purposes. Such changes come into force on the day a notice to that effect is published in the *Gazette officielle du Québec*.

11. The corporation must establish a sinking-fund for all issues of its bonds or debentures not payable by annual instalments.

The corporation must keep at its corporate seat an authentic copy of every trust deed to which it has become a party, and any person interested may refer to such copy and make extracts therefrom at any time and without cost.

12. Any member of the corporation and the postulants, novices, professed nuns and nuns under simple vows of the congregation may agree to engage their activities gratuitously in the service of the corporation and agree to convey to it any wage, remuneration

or any other benefit from their work as long as they remain members of the corporation, postulants, novices, nuns under simple vows or professed nuns.

13. The corporation represents its members and may, in its name but for their benefit, exercise their civil rights respecting the property they may own or acquire; it may, either as plaintiff or as defendant or in any other capacity,

(*a*) exercise their judicial recourse when proceedings have not already been instituted;

(*b*) of its own motion and at any stage of the proceedings, continue any suit commenced by them, despite their capacity to continue the same.

The corporation may also exercise for its benefit and in conjunction with the other beneficiaries, if any, the recourses provided by law in case of the accidental death of any of its members.

14. The rights and powers of the corporation shall be exercised by the superior general of the congregation who may however delegate the exercise thereof to one or more members of its council of advisors, with the agreement of that council.

However, the corporation must be authorized by its council of advisors, before exercising its regulating powers provided for in section 7 and carrying on the deeds subject, under those by-laws, to such authorization.

The council of advisers is composed of the assistant general and the other nuns forming part of the council of the superior general of the congregation, and the members who will be appointed from time to time as advisers of the corporation in conformity with its by-laws.

15. The corporation must keep at its corporate seat one or more registers containing

(*a*) a copy of this Act;

(*b*) the by-laws made in virtue of the powers conferred by this Act;

(*c*) the surname, given names, nationality and domicile of every member of the corporation indicating, as regards each, her name in religion, the date of her admission to the corporation and the date when she ceased to be a member thereof;

(*d*) the surname, given names and occupation of every member of its board of management indicating, as regards each, the date of her entry into office and the date when she ceased to hold it;

(*e*) a summary of the provisions of the endowments and settlements accepted under sections 8 and 9;

(*f*) the debts secured by hypothec on its immoveables, indicating for each, the principal, a summary description of the immoveables hypothecated and the name of the creditor or, as regards bond issues, the name of the trustee.

Such registers shall make *prima facie* proof of their contents, as shall extracts under the seal of the corporation and certified by the secretary of the corporation.

Any person interested may consult them and obtain a certified extract therefrom at his own expense.

16. A certificate of the chancellor of the diocese where the corporate seat of the corporation is situated shall constitute proof for all purposes that a person is a member of the corporation or a member of its council of advisers or holds an office contemplated by this Act or the by-laws of the corporation.

17. The Minister of Financial Institutions and Cooperatives, on a petition by the superior general authorized by her council of advisers, may declare the corporation dissolved.

Such dissolution takes effect from the date mentioned in the notice published by the Minister in the *Gazette officielle du Québec*.

In case of dissolution, except as regards the reserve or retirement funds established to meet any justified future need of the members, no member of the corporation may participate in the partition of the property of the corporation and such property must vest in the non-profit corporation designated in the petition for dissolution.

The corporation which has accepted the property so vested is seized, from the date of the dissolution, of the rights, property and obligations of the dissolved corporation, and all proceedings that might have been commenced or continued by or against the dissolved corporation may be commenced or continued by or against the succeeding corporation.

The succeeding corporation shall cause to be registered in conformity with the laws governing registration, at the registry offices of the places where the immoveables are situated, a declaration showing the transmission of immoveables resulting from these sections and describing according to law the immoveables so transmitted.

18. The corporations constituted under the laws of the Province are authorized to grant and to make to the corporation such

gifts as they deem expedient and to pay the proceeds thereof to help defray the cost of construction and maintenance of its establishments, dependencies and branches, and this by resolution passed by a majority of the directors present at a meeting called for the purpose, provided that there be a quorum at such meeting.

19. This Act is not to the effect of granting the corporation the power to operate an establishment within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5) or an educational institution within the meaning of the Act respecting private education (R.S.Q., chapter E-9) otherwise than in conformity with the said Acts and the regulations thereunder and any other Act or regulation applicable.

20. The change of name made by section 1 does not entail any changes to the rights and obligations of the corporation and proceedings to which it is a party may be continued under its new name without procedure by way of continuance of suit.

21. This Act replaces the Act 9 Victoria, chapter 99, and chapters 68 of the statutes of 1889 and 144 of the statutes of 1939.

22. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 233
(PRIVATE)

An Act respecting certain lands bequeathed to Horace Bérubé

First reading 1 June 1982

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 233
(PRIVATE)

An Act respecting certain lands bequeathed to Horace Bérubé

WHEREAS André Bérubé and his wife, Rose-Anna Gagnon, intervened in the marriage contract between their son Horace and Carmelle Lizotte, by deed made on 7 June 1938, and bequeathed to him certain moveables and immoveables most of which are fully and adequately described therein;

Whereas it is provided in the contract that, should the husband die before the wife, with no surviving children born of their marriage, the property would revert to the patrimony of the donor;

Whereas it is also provided in the contract, on the one hand, that, should the husband die before his wife, leaving surviving children, the property would then devolve to the legal heirs of the husband. On the other hand, should the wife be appointed universal legatee to the property left by her husband, she could then dispose of the property in her lifetime or upon her death, though only in favour of the children born of their marriage;

Whereas both spouses are living and seventeen children were born of their marriage;

Whereas Horace sold to his son Denis the land which he had received from his father, under a deed made on 14 May 1981 before Yvan Thériault, notary, bearing number 369 of his minutes and recorded in the registry office of the registration division of Kamouraska on 1 June 1981 under number 125 134;

Whereas the conditional substitutions created by the deed of 7 June 1938 prevent, or at least are unfavorourable to, the development of the land of Denis Bérubé, who appears to hold only precarious title thereto;

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 234

(PRIVATE)

An Act respecting "La Corporation des Soeurs de Sainte-Croix et des Sept-Douleurs" becoming "Les Soeurs de Sainte-Croix"

First reading 18 December 1981

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

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Whereas it is expedient to remove the conditional substitutions stipulated in the deed of 1938;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The conditional fiduciary substitutions stipulated in the gift made by André Bérubé and his wife Rose-Anna Gagnon, in favour of their son Horace, under the marriage contract of the latter with Carmelle Lizotte, made on 7 June 1938 before Gaston Dufour, notary, under number 264 of his minutes and recorded in the registry office of the registration division of Kamouraska on 3 August 1938 under number 54 635, are cancelled.

2. The substitutions contemplated in section 1 are cancelled upon registration of a true copy of this Act.

3. This Act comes into force on the day of its sanction.

Bill 234
(PRIVATE)

An Act respecting "La Corporation des Soeurs de Sainte-Croix et des Sept-Douleurs" becoming "Les Soeurs de Sainte-Croix"

WHEREAS La Corporation des Soeurs de Sainte-Croix et des Sept-Douleurs was incorporated by the Act 12 Victoria, chapter 137, amended by chapters 32 of the statutes of 1877-1878, 87 of the statutes of 1893-1894, 135 of the statutes of 1907 and 92 of the statutes of 1946;

Whereas it is expedient to revise its charter to better define its objects, powers and the quality of member of the corporation as well as its internal management;

Whereas it has prayed for this bill upon a resolution of its council;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. La Corporation des Soeurs de Sainte-Croix et des Sept-Douleurs is continued in existence under the name of "Soeurs de Sainte-Croix".

2. The corporate seat of the corporation is in the city of Saint-Laurent, district of Montréal, at the place determined by a resolution of the board of management.

3. The persons who are or will become members of the congregation are members of right of the corporation as long as they remain members of the congregation.

4. The objects of the corporation are religion, charity, welfare and education.

5. The corporation has the powers, rights and privileges of ordinary corporations and may, in particular,

(*a*) have a seal and alter it at will;

(*b*) appear before the courts;

(*c*) acquire, establish, maintain, administer and manage any work or undertaking related to its objects;

(*d*) acquire, establish, possess, maintain, administer and manage residences for nuns, juniorates, scholasticates, novitiates, chapels, retreats, homes, rest homes, homes for the elderly, summer camps, day nurseries, workrooms, asylums, centres, teaching, educational or rehabilitation establishments, libraries, recreation centres, playgrounds and infirmaries to receive its members or followers;

(*e*) bind itself and bind others towards it in any legal manner and especially by bill of exchange, note or other negotiable instrument;

(*f*) borrow money on its credit by any method recognized by law;

(*g*) hypothecate or pledge its immoveables, give in security or otherwise encumber its moveable property to secure the repayment of its loans or the carrying out of its obligations;

(*h*) issue bonds or other titles of indebtedness or securities and sell, exchange, mortgage or pledge the same;

(*i*) notwithstanding the provisions of the Civil Code, hypothecate, mortgage or pledge, while retaining possession thereof, moveable and immoveable property, present or future, to secure the payment of the bonds or securities issued, give a part only of such guarantees for the same objects, and constitute such hypothec, mortgage or pledge by trust deed in accordance with the Special Corporate Powers Act (R.S.Q., chapter P-16) or any Act that may replace it;

(*j*) invest its funds in any manner deemed suitable, either in its own name or in the name of trustees;

(*k*) assist any person pursuing any object similar to one of its own, cede any property gratuitously or not and lend money to such person and secure or guarantee his obligations and commitments;

(*l*) accept any gift, legacy or other liberality;

(*m*) acquire, possess, administer, lease and alienate any moveable or immoveable property, by all legal methods and under any title;

(*n*) establish and maintain cemeteries and erect vaults in its chapels for the disposal of the mortal remains of its members, benefactors or any person connected in any way with the corporation, in conformity with the Burial Act (R.S.Q., chapter I-11) and cause

to be kept the registers of civil status for such burials, and disinterments by the minister of religion designated by the clergyman acting as Roman Catholic bishop of the diocese where the corporate seat of the corporation is situated;

(*o*) erect, hold, repair, equip, improve, transform and utilize any buildings and works suitable for the pursuit of its objects whether they are immoveables owned by the corporation or those of which it has the enjoyment only, and contribute to or aid in any manner in the erection, equipment and maintenance of such works and buildings;

(*p*) provide for the education, instruction, sustenance and support of its members, of persons in its service, and of those connected with it;

(*q*) cede or otherwise alienate all or any part of its undertakings and works gratuitously, or dispose of or sell the same for any consideration deemed sufficient;

(*r*) make with any public authority arrangements calculated to further the pursuit of its objects, carry out the same and exercise the rights and privileges and fulfil the obligations resulting therefrom;

(*s*) solicit, promote and obtain any statute, ordinance, order, regulation or other authorization or provision, legislative or administrative, calculated to benefit it directly or indirectly and oppose any proceeding or application of such a nature as directly or indirectly to prejudice its interests;

(*t*) make with any person, society or corporation carrying on or intending to carry on enterprises, works or operations which may be advantageous to it, agreements for mutal co-operation and for any other similar purposes; join any group or become a member of any association or corporation or become a shareholder of any company pursuing undertakings or activities calculated to assist it in the exercise of its powers;

(*u*) associate itself with any corporation pursuing undertakings and works connected with its objects;

(*v*) do any other things related or conducive to the pursuit of its objects and the exercise of its powers.

6. The corporation must dispose, within a reasonable time, of immoveables which, for a period of seven consecutive years, have not been used for the pursuit of its objects.

7. The corporation may make, amend and repeal by-laws respecting:

(*a*) its internal management;

(*b*) the appointment, functions, duties and powers of its officers, agents and servants.

8. The corporation may accept endowments for religious, charitable, educational or welfare purposes and accordingly receive, as depositary, trustee, legatee and donee the property given or transmitted by gift, will or otherwise by the donor and bind itself, as such, to carry out the charges established by the donor, the corporation being bound to carry out the same with the property of the endowment only and not with its own assets.

The property of each endowment constitutes a distinct patrimony which must be managed and administered separately and for which separate accounts shall be kept. The corporation exercises the rights of an owner in respect of each such patrimony.

9. Settlements constituted by or for its members shall be considered as endowments made under section 8, as long as they have not become the permanent property of the corporation.

10. The Minister of Financial Institutions and Cooperatives, on an application of the corporation, may change its name or the place of its corporate seat in the Province. Such changes come into force on the day a notice to that effect is published in the *Gazette officielle du Québec*.

11. The corporation must establish a sinking-fund for all issues of its bonds or debentures not payable by annual instalments.

The corporation must keep at its corporate seat an authentic copy of every trust deed to which it has become a party, and any person interested may refer to such copy and make extracts therefrom at any time and without cost.

12. Any member of the corporation and the aspirants, postulants, novices, professed nuns and nuns under simple vows of the congregation may engage their activities gratuitously in the service of the corporation and agree to convey to it any wage, remuneration or any other benefit from their work as long as they remain members of the corporation, postulants, novices, nuns under simple vows or professed nuns.

13. The corporation represents its members and may, in its name but for their benefit, exercise their civil rights respecting the property they may own or acquire; it may, either as plaintiff or as defendant or in any other capacity,

(*a*) exercise their judicial recourse when proceedings have not already been instituted;

(*b*) of its own motion and at any stage of the proceedings, continue any suit commenced by them, despite their capacity to continue the same.

The corporation may also exercise for its benefit and in conjunction with the other beneficiaries, if any, the recourses provided by law in case of the accidental death of any of its members.

14. The rights and powers of the corporation shall be exercised by its board of management.

The number, qualifications required, appointment, election, term of office, powers and duties of the members of such board shall be determined by the by-laws of the corporation.

The superior general and the members of the general council of the congregation are the members of the board of management of the corporation until a board of management is in office in accordance with the by-laws made by the corporation.

15. The corporation must keep at its corporate seat one or more registers containing:

(*a*) a copy of this Act;

(*b*) the by-laws made in virtue of the powers conferred by this Act;

(*c*) the surname, given names, nationality and domicile of every member of the corporation indicating, as regards each, her name in religion, the date of her admission to the corporation and the date when she ceased to be a member thereof;

(*d*) the surname, given names and occupation of every member of its board of management indicating, as regards each, the date of her entry into office and the date when she ceased to hold it;

(*e*) a summary of the provisions of the endowments and settlements accepted under sections 8 and 9;

(*f*) the debts secured by hypothec on its immoveables, indicating for each, the principal, a summary description of the immoveables hypothecated and the name of the creditor or, as regards bond issues, the name of the trustee.

Such registers shall make *prima facie* proof of their contents, as shall extracts under the seal of the corporation and certified by the secretary of the corporation.

Any person interested may consult them and obtain a certified extract therefrom at his own expense.

16. A certificate of the chancellor of the diocese where the corporate seat of the corporation is situated constitutes proof for all purposes that a person is a member of the corporation or a member of its board of management or holds an office contemplated by this Act or the by-laws of the corporation.

17. The Minister of Financial Institutions and Cooperatives, on a petition by the corporation, may declare such corporation dissolved.

Such dissolution takes effect from the date mentioned in the notice thereof published by the Minister in the *Gazette officielle du Québec*.

In case of dissolution, except as regards the reserve or retirement funds established to meet any justified future need of the members, no member of the corporation may participate in the partition of the property of the corporation and such property shall vest in the non-profit corporation designated in the petition for dissolution.

The corporation which has accepted the property so vested is seized, from the date of the dissolution, of the rights, property and obligations of the dissolved corporation, and all proceedings that might have been commenced or continued by or against the dissolved corporation may be commenced or continued by or against the succeeding corporation.

The succeeding corporation shall cause to be registered in conformity with the laws governing registration, at the registry offices of the places where the immoveables are situated, a declaration showing the transmission of immoveables resulting from these sections and describing according to law the immoveables so transmitted.

18. The corporations constituted under the laws of the Province are authorized to grant and to make to the corporation such gifts as they deem expedient and to pay the proceeds thereof to help defray the cost of construction and maintenance of its establishments, dependencies and branches, and this by resolution passed by a majority of the directors present at a meeting called for the purpose, provided that there be a quorum at such meeting.

19. This Act is not to the effect of granting the corporation the power to operate an establishment within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5) or an educational institution within the meaning of the Act respecting private education (R.S.Q., chapter E-9) otherwise than in conformity with the said Acts and the regulations thereunder and any other Act or regulation applicable.

20. The change of name made by section 1 does not entail any changes to the rights and obligations of the corporation and proceedings to which it is a party may be continued under its new name without procedure by way of continuance of suit.

21. This Act replaces the Act 12 Victoria, chapter 137, and chapters 32 of the statutes of 1877-1878, 87 of the statutes of 1893-1894, 135 of the statutes of 1907 and 92 of the statutes of 1946.

22. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 235
(PRIVATE)

An Act respecting the town of Val d'Or

First reading 17 December 1981

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 235
(PRIVATE)

An Act respecting
the town of Val d'Or

WHEREAS it is in the interest of the town of Val d'Or that certain powers be granted to it;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The town of Val d'Or is authorized to acquire, by agreement or expropriation, any immoveable the acquisition of which is considered appropriate for land bank or housing purposes and for works related to those purposes, and any immoveable that is obsolete or the occupancy of which is harmful.

The town may exercise the power provided for in the first paragraph within its territory.

This section applies subject to the Act to preserve agricultural land (R.S.Q., chapter P-41.1).

This section does not apply to the acquisition of immoveables for industrial purposes.

2. The town is authorized to hold, lease and manage the immoveables acquired under section 1. It may equip those immoveables and instal therein the necessary public services; it may also demolish or restore buildings and other works erected thereon or construct thereon new buildings for purposes of housing, recreation, amusement and other accessory purposes.

The town is authorized to exercise the powers provided for in the first paragraph with respect to immoveables of which it is already the owner.

The town may alienate the immoveables on such conditions as it may determine, with the approval of the Commission municipale du Québec, provided that the price of alienation is sufficient to cover all the expenses relating to the immoveable concerned including those incurred for restoration, demolition and construction, where such is the case.

The town may alienate, gratuitously or for a price less than the price provided for in this section, such an immoveable or building in favour of the Government, a government agency, a school corporation or its municipal housing bureau or any other non-profit body; in the latter case, the authorization of the Commission municipale du Québec is required.

3. The town may, by resolution, sell at a price approved by the Commission municipale du Québec, to a corporation created under section 5, any immoveable that it has acquired under this Act or that it already possesses.

4. The town may borrow, by a by-law approved in the same manner as a loan by-law pursuant to the Act that governs the municipality, the necessary sums and apply for the subsidies provided for by law for the exercise of those powers and for the purposes of making a loan to the corporation formed under this Act.

5. On an application by the town, the Government may issue, on such conditions as it may determine, letters patent under the Great Seal of Québec incorporating a person as a non-profit corporation having as its object the acquisition of housing for persons or families of other than low or moderate income contemplated in section 57 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) and the exercise of the other powers that this Act confers on the town.

6. The letters patent must mention the name of the corporation, the location of its head office, its powers, rights and privileges, the rules respecting the exercise of its powers and the appointment of its members and directors.

7. Notice of the issuance of the letters patent must be published in the *Gazette officielle du Québec*.

8. On an application by the corporation established under the authority of this Act, the Government may issue supplementary letters patent for the purpose of amending the content of the letters patent contemplated in section 6. Notice of the issuance of the supplementary letters patent must be published in the *Gazette officielle du Québec*.

9. A corporation so constituted has, among other powers, those of a corporation constituted by letters patent under the Great Seal of Québec, is a mandatary of the town and is deemed a municipal corporation for the purposes of the Act respecting the Ministère des affaires intergouvernementales (R.S.Q., chapter M-21).

10. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 238

(PRIVATE)

An Act to amend the Charter of the city of Québec

First reading 18 May 1982

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 238
(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;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Section 15 of the Charter of the city of Québec (1929, chapter 95), replaced by section 98 of chapter 16 of the statutes of 1980, is replaced by the following section:

"**15.** The city shall pay each year to the chairman of the council, in addition to what it pays to him in any other capacity, a salary of $3 747 and an expense allowance of $1 873."

2. Section 182 of the said charter, replaced by section 8 of chapter 54 of the statutes of 1976, is replaced by the following section:

"**182.** The annual salary of the fire commissioner of the city of Québec and the terms and conditions of payment of the said salary are fixed by resolution of the council. Such resolution must be approved by the Government."

3. Section 303 of the said charter, replaced by section 24 of chapter 68 of the statutes of 1970, is amended by adding the following paragraph:

"The city may also borrow money, where it decides to provide assistance or grant a subsidy or contribution under this charter, by issuing bonds or otherwise, if the assistance, subsidy or contribution is used to pay for capital expenditures."

4. The said charter is amended by adding, after section 453*f*, the following section:

"**453***g*. (1) The council may, by by-law, define the limits of a commercial zone within which a single commercial district may be formed, comprising at least 50 places of business and more than 50% of the places of business in that zone, and provide for the establishment of an initiatives and development association having jurisdiction in that district.

(2) Such an association may promote the economic development of the district, establish joint services for its members and their customers, operate a business in the district, erect and manage a parking garage or parking lot and carry out work on public property or private property with the consent of the owner.

(3) The association may be formed on the application of five ratepayers having a place of business in the district. The application shall be submitted to the executive committee of the city.

(4) On receiving the application, the executive committee shall order the clerk to send a notice to every ratepayer having a place of business in the district, or cause it to be served on him, informing him that a register will be open, at the date and place indicated, to receive the signatures of the ratepayers who oppose the formation of the association.

(5) The place where the register is to be open must be situated in the district or at a distance of not over two kilometres from the perimeter of the district.

(6) The clerk shall accompany the notice with an indication of the limits of the district, the name and address of each ratepayer to whom the notice is being sent or on whom it is being served, and the text of this section and of any by-law relating thereto.

(7) The register is to be open from 9 o'clock in the morning to 7 o'clock in the evening on the first Tuesday following the expiry of fifteen days from the sending or service of the notice or, if that day is a holiday, on the next working day.

(8) A ratepayer who has not received the notice from the clerk may sign the register if he proves that he has a place of business in the district. The procedure of registering signatures is not invalidated merely because one or several ratepayers having a place of business in the district did not receive the notice or the date of opening of the register follows the date of reception of the notice by a shorter period than the period mentioned in subsection 7.

(9) Not more than one signature may be registered for each place of business.

(10) If more than 50% of the ratepayers having places of business in the district sign the register, the application is denied and no new application may be filed before a period of six months has expired.

(11) If fewer than 33% of the ratepayers sign the register, the council may by resolution authorize the establishment of the association.

(12) If not fewer than 33% nor more than 50% of such persons sign the register, the clerk shall send a notice by registered or certified mail to every ratepayer having a place of business in the district, or cause it to be served on him, informing him that a poll is to be held within ninety days of the filing of the application; the rules provided for the keeping of the register apply to the holding of the poll.

(13) If more than 50% of the ratepayers who voted indicated that they are in favour, the council may, by resolution, authorize the establishment of the association; otherwise, the application is denied and no new application may be filed before a period of six months has expired.

(14) The resolution authorizing the establishment of the association shall indicate the corporate name of the association and the limits of the commercial district in which it is to have jurisdiction.

(15) The head office of the association must be situated within the limits of the city.

(16) The clerk shall transmit to the Minister of Financial Institutions and Cooperatives three certified copies of the resolution authorizing the establishment of the association. The Minister shall, on receiving the three copies of the resolution,

— register one certified copy in accordance with the Companies Act (R.S.Q., chapter C-38),

— transmit to the clerk and the association or its authorized representative a copy of the resolution and proof of its registration, and

— publish, at the cost of the city, a notice of registration of the resolution in the *Gazette officielle du Québec*.

(17) From the date of registration, the association is a corporation within the meaning of the Civil Code.

(18) To the extent that it is applicable, Part III of the Companies Act, particularly the provisions relating to dissolution, govern the association, subject to this section and the by-law approved by the Minister of Financial Institutions and Cooperatives.

However, sections 98, except paragraphs *j* and *k* of subsection 3, 103, except subsection 3, 113, 114 and 123 of Part I of the said Act apply, *mutatis mutandis*, subject to this section and the by-laws of the council approved by the Minister of Financial Institutions and Cooperatives.

(19) The council may, by by-law, provide the formalities of application to form an association, its composition, the responsibilities of the general meeting of members and of the board of directors, respectively, and any matter related to its organization, operation and dissolution.

Any by-law passed under the preceding paragraph must be submitted to the Minister of Financial Institutions and Cooperatives and comes into force on the date of its approval.

(20) The council shall establish by by-law any other matter relating to the association, in particular, the terms and conditions respecting the establishment, collection and repayment of assessments.

It shall also approve the internal management by-laws of the association.

(21) Within fifteen days following the date of the organization meeting, the association shall transmit to the Minister of Financial Institutions and Cooperatives a notice of the address of the head office and a list of its directors.

(22) All the ratepayers having a place of business in the district are members of the association and, subject to subsection 23, have the right to vote at its meetings; they are entitled to one vote for each place of business.

(23) Where all or part of an assessment becomes exigible, only the members who have paid their assessment may be elected to the board of directors and exercise their right to vote.

(24) The board of directors is composed of nine persons, of whom seven are elected from among the members by the general meeting of the members and two are appointed from among the members by the executive committee.

(25) At a general meeting specially convened for that purpose, the association shall adopt its operating budget, as well as any project involving capital expenditures that may be financed by a loan with the authorization of the city.

(26) The city may, by a by-law subject to all the formalities of a loan by-law, guarantee the repayment of loans contracted for by the association.

(27) On receiving the operating budget, the council may approve it after ascertaining that all the formalities for its adoption have been complied with and may order by by-law an assessment for which it shall determine the mode of computation and the number of payments.

(28) The rules governing the computation of the assessments of the members, the payments and the dates they become due are

established by by-law and are the same for every association. The rules may provide a maximum limit to the amount or share of the assessments that the members may be required to pay.

(29) The assessments are ordered on the ratepayers having a place of business on the first day of the fiscal period for which the budget is deposited.

(30) A ratepayer who acquires a place of business in the district of an association during a fiscal period becomes a member and, in the case of an existing place of business, succeeds to the rights and obligations of the preceding ratepayer, who then ceases to be a member.

(31) The new member must notify the board of directors of the association in writing that from that time forward he represents that place of business. The new member succeeds to the rights and obligations of the preceding ratepayer even if he has not given the notice prescribed by this subsection.

(32) An assessment ordered under this section is deemed a special business tax for the purposes of its collection and the head of the competent department has all the powers vested in him in that respect by this Act. The assessments collected, minus collection costs, are remitted to the association.

(33) On the application of the board of directors of an association, the council may, by resolution, change the limits of the district of the association.

(34) The application is filed with the executive committee, which shall order a consultation of members who have paid the exigible part of their assessment, if any, in accordance with the modalities that the council may establish by by-law.

(35) Furthermore, where an expansion of the district is planned, the ratepayers having a place of business in the territory to be included in the district must also be consulted.

(36) Before the application is granted, it must be approved by a majority of the persons so consulted. In the case of an expansion, the application must be approved by a majority of the members and a majority of the ratepayers having a place of business in the territory to be added to the district.

(37) No application to change the limits of a district is receivable if the change results in reducing the number of members of the association to less than fifty.

(38) The council resolution granting the application of an association extends or limits the jurisdiction of the association to the district thus changed.

(39) Subsection 33 does not prevent an association from providing, according to the modalities and on the conditions established in its by-laws, for the voluntary membership of persons having a place of business outside the limits of the district.

(40) The resolution changing the limits of the district of the association must be transmitted to the Minister of Financial Institutions and Cooperatives in three certified copies. On receiving the copies of the resolution, the Minister shall observe the procedures prescribed in subsection 16, *mutatis mutandis*.

(41) The change takes effect from the date of registration of the resolution.

(42) The council may, by by-law, on the conditions it determines, make grants to the associations that, in each case, may be in an amount equivalent to that part of the revenues of the association estimated in its budget as derived from members' assessments or an amount not greater than the maximum amount established by the by-law.

(43) If a special general meeting is called at the request of the members to deal with a particular subject, no second meeting may be held to deal with the same subject within the same fiscal period, except with the consent of the board of directors.

(44) For the purposes of this section, the expression "place of business" includes any premises or establishment where an economic or administrative activity in matters of finance, trade, industry or services, a calling, an art, a profession or any other activity constituting a means of profit, gain or livelihood is carried on, except an employment or a charge."

5. The said charter is amended by adding, after section 534, the following section:

"**534***a*. Notwithstanding any inconsistent provision of this charter, the city is not bound to impose a water rate. If the city does not impose a water rate, it retains all the powers required to fix the price of the water sold according to the quantity of water supplied."

6. Section 546 of the said charter, replaced by section 31 of chapter 74 of the statutes of 1940, amended by section 36 of chapter 75 of the statutes of 1972 and by section 56 of chapter 42 of the statutes of 1980, is amended by replacing the third and fourth paragraphs by the following paragraphs:

"Notwithstanding any provision to the contrary, the city may, by a resolution of its council, enact the maximum or minimum speed limit of vehicles in its territory, which may vary according to the

area. The resolutions come into force only after they are approved by the Minister of Transport.

The council may, for each contravention of the resolution, impose the penalty provided for in section 394, which becomes applicable as soon as signs are installed in the proper places. However, the fine imposed must be equal to the fine enacted for a contravention provided for under the Highway Safety Code (1981, chapter 7) for the same matter."

7. This Act comes into force on the day of its sanction, but section 1 has effect from 1 January 1982.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 240
(PRIVATE)

An Act respecting Consolidated Imperial Resources Limited (No Personal Liability)

First reading 26 May 1982

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 240
(PRIVATE)

An Act respecting Consolidated Imperial Resources Limited (No Personal Liability)

WHEREAS Consolidated Imperial Resources Limited (No Personal Liability) having its head office in Montréal, is a corporation constituted by letters patent issued on 15 July 1953, amended by supplementary letters patent of 10 December 1970, 1 March 1979 and 9 June 1982 and whereas its share capital comprises 25 000 000 common shares without par value and 10 000 000 preferred shares having a par value of $5 each, 8 021 000 common shares of which have been issued and whereas the corporation is governed by the Mining Companies Act (R.S.Q., chapter C-47);

Whereas, its business requires increased and flexible capital and, to ensure the continuity of its development and facilitate its administration, financing and operations, it would be to its advantage to be governed by Part IA of the Companies Act;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Notwithstanding section 123.131 of Part IA of the Companies Act (R.S.Q., chapter C-38), sections 1 and 2 of the Mining Companies Act (R.S.Q., chapter C-47) and any other inconsistent provision, the company called "Consolidated Imperial Resources Limited (No Personal Liability)" may continue its existence under Part IA of the Companies Act and, for that purpose, sections 123.132 to 123.139 of the said Act are applicable to it.

2. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 241
(PRIVATE)

An Act respecting Citicorp Ltd.

First reading 26 May 1982
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 241
(PRIVATE)

An Act respecting Citicorp Ltd.

WHEREAS it is in the interest of Citicorp Ltd., a corporation incorporated by letters patent under the name Citicorp Financial Services Canada Ltd. dated April 3, 1973 issued under Part I of the Companies Act, to be converted into a bank governed by the banks and banking law;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Citicorp Ltd. may, provided it is authorized to do so by the Banks and Banking Law Revision Act, 1980 (S.C. 1980-1981-1982, chapter 40) or the Canada Business Corporations Act (S.C., 1974-1975-1976, chapter 33) or any other Act of the Parliament of Canada, apply to be converted, continued, extended or constituted a corporation governed by those Acts as if it had initially been incorporated under those Acts.

2. From the date on which the company is converted, continued, extended or incorporated under any of those Acts, Citicorp Ltd. ceases to be governed by the Companies Act (R.S.Q., chapter C-38) and must file with the Minister of Financial Institutions and Cooperatives a certified copy of the letters patent or, as the case may be, the document certifying that it has been converted, continued, extended or incorporated.

3. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 242
(PRIVATE)

An Act to amend the Act to incorporate the "Argenteuil Hospital"

First reading 30 November 1981

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 242
(PRIVATE)

An Act to amend the Act to incorporate the "Argenteuil Hospital"

WHEREAS under its charter the Argenteuil hospital does not have the power to establish, maintain, organize and administer a reception centre and whereas it is expedient that such power be granted to it;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The Act to incorporate the "Argenteuil Hospital" (1951-1952, chapter 118) is amended by adding, to section 3, the following paragraph:

"*e*. To establish, maintain, organize, extend, develop and administer a reception centre within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5)."

2. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 243
(PRIVATE)

An Act respecting the Edward Scallon estate

First reading 30 November 1981
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

M. GUY CHEVRETTE

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 243
(PRIVATE)

An Act respecting the Edward Scallon estate

WHEREAS by his will made in 1862, Edward Scallon left property to the Roman Catholic Episcopal Corporation of Montréal for "the construction of a home in the said Village of Industrie for the benefit of the poor of that village", and all the property so bequeathed may be used "for the support of the said Industrie Home, the whole to be under the administration and direction of the said Roman Catholic Episcopal Corporation of Montréal, as it may seem fit to and at the discretion of the said bishop of Montréal and his successors, as regards both the establishment and construction of the said Industrie Home and the support of the poor who will be admitted thereto, out of the legacy made hereinabove" [translation];

Whereas the testator stipulated, furthermore, that the property bequeathed to the Roman Catholic Episcopal Corporation of Montréal "is to be administered by the new Roman Catholic Episcopal Corporation in the diocese in which the Village of Industrie is located" in the case where the Village of Industrie, now the city of Joliette, should become located in another diocese;

Whereas the Roman Catholic Episcopal Corporation of Joliette was constituted on 27 January 1904;

Whereas on 21 July 1906 the latter corporation conveyed to the Communauté des Soeurs de Charité de la Providence the usufruct of the immoveables that it had acquired with the property from the Edward Scallon estate and whereas, on 24 June 1927, the Corporation granted to the same community an emphyteutic lease for a term of ninety-nine years on the said immoveables;

Whereas that community has erected new buildings on the leased immoveables;

Whereas, in accordance with the Act respecting health services and social services (R.S.Q., chapter S-5), those immoveables constitute an establishment within the meaning of the said Act, known under the name of "Providence Saint-Joseph" which is to be conveyed to a new corporation constituted under the said Act;

Whereas the Roman Catholic Episcopal Corporation of Joliette agrees to convey the rights of ownership that it possesses on the immoveables on which the said establishment is erected on condition that it be released from the obligations that are incumbent on it by virtue of the will of Edward Scallon;

Whereas the immoveable complex that is to be the subject of the transaction comprises a parcel of land on which is erected a chapel called "de Saint-Joseph" or "des Irlandais" and located at 780 Mgr Forbes boulevard;

Whereas the parcel of land measuring approximately sixty feet by one hundred feet was effectively conveyed to the Roman Catholic Episcopal Corporation of Montréal on 24 February 1876 for the purpose of erecting on the said parcel of land a chapel dedicated to Saint-Joseph, as a "place of pilgrimage";

Whereas the said chapel has long been part of the reception centre surrounding it and is no longer a place of pilgrimage and whereas as early as 1906 the chapel was already administered and maintained by the Communauté des Soeurs de Charité de la Providence;

Whereas the Roman Catholic Episcopal Corporation of Joliette also agrees to convey the said immoveable on the condition that it have lawful title thereto;

Whereas the Roman Catholic Episcopal Corporation of Montréal and the Communauté des Soeurs de la Charité de la Providence give their consent to this bill;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The Roman Catholic Episcopal Corporations of Montréal and Joliette are released from the obligations imposed on them by the will of Edward Scallon made on 13 August 1862 before Barthélemy Vézina, notary public, under number 2172 of his minutes.

2. The Roman Catholic Episcopal Corporation of Joliette is declared the owner of the following immoveable:

"part of lot five hundred and thirteen (513) of the plan and books of reference of the town of Joliette, bounded on the northwest by another part of lot 513, on the southeast by Mgr Forbes boulevard, on the southwest by the residue of the said lot 513 and on the northeast by Gaspard street, and measuring approximately 100 feet along its southwest and northeast lines and approximately 60 feet along its northwest and southeast lines.

The whole as presently found with the buildings thereon erected."

3. The owner of the immoveable described in section 2 shall not be required to erect or maintain a chapel on the immoveable.

4. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 246
(PRIVATE)

An Act respecting the town of Saint-Basile-le-Grand

First reading 17 December 1981

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 246
(PRIVATE)

An Act respecting the town of Saint-Basile-le-Grand

WHEREAS it is in the interest of the town of Saint-Basile-le-Grand that certain powers be granted to it;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Section 460 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the town

(1) by replacing paragraph 3 by the following paragraph:

"(3) To license, regulate, or prohibit pin-ball machines, billiards, pool, pigeon-hole tables, bowling alleys, bagatelle boards, shooting galleries, electronic games and game arcades;";

(2) by adding, after paragraph 23, the following paragraphs:

"(24) To regulate shops where articles of an erotic character are sold or offered for sale;

"(25) To regulate massage parlours."

2. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 247
(PRIVATE)

An Act respecting the city of Verdun

First reading 17 December 1981
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1 9 8 2

Bill 247
(PRIVATE)

An Act respecting the city of Verdun

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

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The city of Verdun is authorized to acquire, by agreement or expropriation, any immoveable the acquisition of which is considered appropriate for land bank or housing purposes and for works relating thereto, and any immoveable that is obsolete or the occupancy of which is harmful.

The city may exercise the power provided for in the first paragraph on any part of its territory.

This section applies subject to the Act to preserve agricultural land (R.S.Q., chapter P-41.1).

This section does not apply to the acquisition of immoveables for industrial purposes.

2. The city is authorized to hold, lease and manage the immoveables acquired under section 1. It may equip those immoveables and instal therein the necessary public services; it may also demolish or restore buildings and other works erected thereon or construct thereon new buildings for purposes of housing, recreation, amusement and other accessory purposes.

The city is authorized to exercise the powers provided for in the first paragraph in respect of immoveables already owned by it.

The city may alienate the immoveables on such conditions as it may determine, with the approval of the Commission municipale du Québec, provided that the price of alienation is sufficient to cover all

the expenses relating to the immoveable concerned, including those incurred for restoration, demolition and construction, where such is the case.

The city may alienate, gratuitously or for a price less than the price provided for in this section, such an immoveable or building in favour of the Government, a government agency, a school corporation or its municipal housing bureau or any other non-profit body; in the last case, the authorization of the Commission municipale du Québec is required.

3. The city may, by resolution, sell at a price approved by the Commission municipale du Québec, to the corporation created under section 5, any immoveable that it has acquired under this Act or that it already possesses.

4. The city may borrow, by a by-law approved in the same manner as a loan by-law pursuant to the Act that governs the municipality, the necessary sums and apply for the subsidies provided for by law for the exercise of those powers and for the purposes of making a loan to the corporation formed under this Act.

5. On an application by the city, the Government may issue, on such conditions as it may determine, letters patent under the Great Seal of Québec incorporating a person as a non-profit corporation having as its object the acquisition of housing for persons or families of other than low or moderate income contemplated in section 57 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) and the exercise of the other powers that this Act confers on the city.

6. The letters patent must mention the name of the corporation, the location of its head office, its powers, rights and privileges, the rules respecting the exercise of its powers and the appointment of its members and directors.

7. Notice of the issuance of the letters patent must be published in the *Gazette officielle du Québec*.

8. On an application by the corporation established under the authority of this Act, the Government may issue supplementary letters patent for the purpose of amending the content of the letters patent contemplated in section 6. Notice of the issuance of the supplementary letters patent must be published in the *Gazette officielle du Québec*.

9. A corporation so constituted has, among other powers, those of a corporation constituted by letters patent under the Great Seal of Québec, is a mandatary of the city and is deemed a municipal

corporation for the purposes of the Act respecting the Ministère des Affaires intergouvernementales (R.S.Q., chapter M-21).

10. (1) The council may, by by-law, define the limits of a commercial zone within which a single commercial district may be formed, comprising at least 50 places of business and more than 50% of the places of business in that zone, and provide for the establishment of an initiatives and development association having jurisdiction in that district.

(2) Such an association may promote the economic development of the district, establish joint services for its members and their customers, operate a business in the district, erect and manage a parking garage or parking lot and carry out work on public property or private property with the consent of the owner.

(3) The association may be formed on the application of five ratepayers having a place of business in the district. The application shall be submitted to the executive committee of the city.

(4) On receiving the application, the executive committee shall order the clerk to send a notice to every ratepayer having a place of business in the district, or cause it to be served on him, informing him that a register will be open, at the date and place indicated, to receive the signatures of the ratepayers who oppose the formation of the association.

(5) The place where the register is to be open must be situated in the district or at a distance of not over two kilometres from the perimeter of the district.

(6) The clerk shall accompany the notice with an indication of the limits of the district, the name and address of each ratepayer to whom the notice is being sent or on whom it is being served, and the text of this section and of any by-law relating thereto.

(7) The register is to be open from 9 o'clock in the morning to 7 o'clock in the evening on the first Tuesday following the expiry of fifteen days from the sending or service of the notice or, if that day is a holiday, on the next working day.

(8) A ratepayer who has not received the notice from the clerk may sign the register if he proves that he has a place of business in the district. The procedure of registering signatures is not invalidated merely because one or several ratepayers having a place of business in the district did not receive the notice or the date of opening of the register follows the date of reception of the notice by a shorter period than the period mentioned in subsection 7.

(9) Not more than one signature may be registered for each place of business.

(10) If more than 50% of the ratepayers having places of business in the district sign the register, the application is denied and no new application may be filed before a period of six months has expired.

(11) If fewer than 33% of the ratepayers sign the register, the council may by resolution authorize the establishment of the association.

(12) If not fewer than 33% nor more than 50% of such persons sign the register, the clerk shall send a notice by registered or certified mail to every ratepayer having a place of business in the district, or cause it to be served on him, informing him that a poll is to be held within ninety days of the filing of the application; the rules provided for the keeping of the register apply to the holding of the poll.

(13) If more than 50% of the ratepayers who voted indicated that they are in favour, the council may, by resolution, authorize the etablishment of the association; otherwise, the application is denied and no new application may be filed before a period of six months has expired.

(14) The resolution authorizing the establishment of the association shall indicate the corporate name of the association and the limits of the commercial district in which it is to have jurisdiction.

(15) The head office of the association must be situated within the limits of the city.

(16) The clerk shall transmit to the Minister of Financial Institutions and Cooperatives three certified copies of the resolution authorizing the establishment of the association. The Minister shall, on receiving the three copies of the resolution,

— register one certified copy in accordance with the Companies Act (R.S.Q., chapter C-38),

— transmit to the clerk and the association or its authorized reresentative a copy of the resolution and proof of its registration, and

— publish, at the cost of the city, a notice of registration of the resolution in the *Gazette officielle du Québec*.

(17) From the date of registration, the association is a corporation within the meaning of the Civil Code.

(18) To the extent that it is applicable, Part III of the Companies Act, particularly the provisions relating to dissolution, govern the association, subject to this section and the by-law approved by the Minister of Financial Institutions and Cooperatives.

However, sections 98, except paragraphs *j* and *k* of subsection 3, 103, except subsection 3, 113, 114 and 123 of Part I of the said Act apply, *mutatis mutandis*, subject to this section and the by-laws of the council approved by the Minister of Financial Institutions and Cooperatives.

(19) The council may, by by-law, provide the formalities of application to form an association, its composition, the responsibilities of the general meeting of members and of the board of directors, respectively, and any matter related to its organization, operation and dissolution.

Any by-law passed under the preceding paragraph must be submitted to the Minister of Financial Institutions and Cooperatives and comes into force on the date of its approval.

(20) The council shall establish by by-law any other matter relating to the association, in particular, the terms and conditions respecting the establishment, collection and repayment of assessments.

It shall also approve the internal management by-laws of the association.

(21) Within fifteen days following the date of the organization meeting, the association shall transmit to the Minister of Financial Institutions and Cooperatives a notice of the address of the head office and a list of its directors.

(22) All the ratepayers having a place of business in the district are members of the association and, subject to subsection 23, have the right to vote at its meetings; they are entitled to one vote for each place of business.

(23) Where all or part of an assessment becomes exigible, only the members who have paid their assessment may be elected to the board of directors and exercise their right to vote.

(24) The board of directors is composed of nine persons, of whom seven are elected from among the members by the general meeting of the members and two are appointed from among the members by the executive committee.

(25) At a general meeting specially convened for that purpose, the association shall adopt its operating budget, as well as any project involving capital expenditures that may be financed by a loan with the authorization of the city.

(26) The city may, by a by-law subject to all the formalities of a loan by-law, guarantee the repayment of loans contracted for by the association.

(27) On receiving the operating budget, the council may approve it after ascertaining that all the formalities for its adoption

have been complied with and may order by by-law an assessment for which it shall determine the mode of computation and the number of payments.

(28) The rules governing the computation of the assessments of the members, the payments and the dates they become due are established by by-law and are the same for every association. The rules may provide a maximum limit to the amount or share of the assessments that the members may be required to pay.

(29) The assessments are ordered on the ratepayers having a place of business on the first day of the fiscal period for which the budget is deposited.

(30) A ratepayer who acquires a place of business in the district of an association during a fiscal period becomes a member and, in the case of an existing place of business, succeeds to the rights and obligations of the preceding ratepayer, who then ceases to be a member.

(31) The new member must notify the board of directors of the association in writing that from that time forward he represents that place of business. The new member succeeds to the rights and obligations of the preceding ratepayer even if he has not given the notice prescribed by this subsection.

(32) An assessment ordered under this section is deemed a special business tax for the purposes of its collection and the head of the competent department has all the powers vested in him in that respect by this Act. The assessments collected, minus collection costs, are remitted to the association.

(33) On the application of the board of directors of an association, the council may, by resolution, change the limits of the district of the association.

(34) The application is filed with the executive committee, which shall order a consultation of members who have paid the exigible part of their assessment, if any, in accordance with the modalities that the council may establish by by-law.

(35) Furthermore, where an expansion of the district is planned, the ratepayers having a place of business in the territory to be included in the district must also be consulted.

(36) Before the application is granted, it must be approved by a majority of the persons so consulted. In the case of an expansion, the application must be approved by a majority of the members and a majority of the ratepayers having a place of business in the territory to be added to the district.

(37) No application to change the limits of a district is receivable if the change results in reducing the number of members of the association to less than fifty.

(38) The council resolution granting the application of an association extends or limits the jurisdiction of the association to the district thus changed.

(39) Subsection 33 does not prevent an association from providing, according to the modalities and on the conditions established in its by-laws, for the voluntary membership of persons having a place of business outside the limits of the district.

(40) The resolution changing the limits of the district of the association must be transmitted to the Minister of Financial Institutions and Cooperatives in three certified copies. On receiving the copies of the resolution, the Minister shall observe the procedures prescribed in subsection 16, *mutatis mutandis*.

(41) The change takes effect from the date of registration of the resolution.

(42) The council may, by by-law, on the conditions it determines, make grants to the associations that, in each case, may be in an amount equivalent to that part of the revenues of the association estimated in its budget as derived from members' assessments or an amount not greater than the maximum amount established by the by-law.

(43) If a special general meeting is called at the request of the members to deal with a particular subject, no second meeting may be held to deal with the same subject within the same fiscal period, except with the consent of the board of directors.

(44) For the purposes of this section, the expression "place of business" includes any premises or establishment where an economic or administrative activity in matters of finance, trade, industry or services, a calling, an art, a profession or any other activity constituting a means of profit, gain or livelihood is carried on, except an employment or a charge.

11. Section 412 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended for the city of Verdun

(1) by replacing paragraph 17 by the following paragraph:

"(17) To regulate or prohibit the keeping of animals or certain categories of animals and limit the number of such animals a person may keep on or in his immoveable; to require a licence from the owner or keeper of such animals; to prevent the straying of such animals in the city and authorize their elimination in a summary manner or the impounding and sale thereof for the benefit of the city or of any society or person the city may designate; to require the owner or keeper of such animals to remove their excrements both on public and private property and determine the manner of disposing thereof; to compel him to keep at all times the implements required

therefor; to enable the city to make agreements with any person or body authorizing such person or body to collect the cost of animal licences and apply any municipal by-law respecting animals; for that purpose, the persons or agencies with whom or with which the council has made an agreement and, where such is the case, their employees, are deemed to be municipal officers;";

(2) by adding, after paragraph 19, the following paragraphs:

"(19.1) To establish pounds under the supervision and control of the council for the storage of cars and other moveable effects that may, in conformity with the law, be removed, seized, confiscated or towed.

The council may determine by resolution the location of such pounds and the fees for the storing, towing or carrying of such cars or other moveable effects;

"(19.2) The council may delegate the power to establish and administer municipal pounds to a third party;".

12. Section 461 of the said Act is amended for the city by adding the following paragraphs:

"The council may dispose of motor vehicles entrusted to the city's care, abandoned or found, and remaining unclaimed after thirty days in the case of motor vehicles manufactured more than seven years before. The time limit is twenty-four hours in the case of a vehicle which is motorless or in such a state that it can only be scrapped.

In such cases the municipality shall be responsible to the owner only for the proceeds of the sale, after deducting the costs of storage or sale, or any other expenses incurred by the municipality.

The council may delegate the power to dispose of those motor vehicles to a third party."

13. The said Act is amended for the city by adding, after section 617, the following section:

"**617.1** In the absence of the judge of the Municipal Court, the clerk of the Court may adjourn any case appearing on the roll of the Court, in accordance with the law; for that purpose, the clerk is deemed to be a justice of the peace.

Every time the signature of the clerk or deputy-clerk of the Municipal Court is legally required, his name may be engraved, lithographed or printed. However, warrants of arrest or search warrants must bear the handwritten signature of the judge."

14. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 250
(PRIVATE)

An Act respecting the town of Victoriaville

First reading 11 March 1982

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1 9 8 2

Bill 250
(PRIVATE)

An Act respecting the town of Victoriaville

WHEREAS the town of Victoriaville passed by-law number 250 n.s. creating a pension fund for its employees, but the widows of two of its former employees cannot benefit thereby;

Whereas the town was authorized, by chapter 75 of the statutes of 1970, to pay a monthly pension to them as from 1 January 1970;

Whereas it is expedient to increase the amount of the pension payable to such persons;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The town of Victoriaville may, by resolution, grant to the widow of Alexandre Boucher, during her lifetime, an annual pension of two thousand four hundred dollars payable out of the general funds of the municipality, from 1 January 1982.

2. The town may, by resolution, grant to the widow of Odilon Hamel, during her lifetime, an annual pension of one thousand nine hundred and eighty dollars payable out of the general funds of the municipality, from 1 January 1982.

3. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 255
(PRIVATE)

An Act respecting the town of Vaudreuil

First reading 2 June 1982
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 255
(PRIVATE)

An Act respecting the town of Vaudreuil

WHEREAS it is expedient to validate a deed to which the town of Vaudreuil was a party;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The deed registered in the registry office of the registration division of Vaudreuil under number 177654 and to which the town of Vaudreuil is a party, is declared valid and legal. It is ratified as regards the power of the town to acquire, own and alienate the immoveables designated in such deed. The town has and has always had the power to acquire and own such immoveables.

2. The town may, on such conditions as it may determine, sell or convey by agreement, for industrial or commercial purposes, the immoveables designated in the deed described in section 1, provided that the conveyance or sale price in cash is not less than the cost of the immoveable or the price of an instalment sale is sufficient to cover the cost of acquisition and interest.

The sales or conveyances contemplated by this section require the approval of the Commission municipale du Québec.

3. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 256

(PRIVATE)

An Act to amend the powers of the town of La Prairie

First reading 17 December 1981

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1 9 8 2

Bill 256
(PRIVATE)

An Act to amend the powers
of the town of La Prairie

WHEREAS it is in the interest of the town of La Prairie that certain powers be granted to it;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The town of La Prairie is authorized to acquire, by agreement or expropriation, any immoveable the acquisition of which is considered appropriate for land bank or housing purposes and for works related to those purposes, and any immoveable that is obsolete or the occupancy of which is harmful.

The town may exercise the power provided for in the first paragraph within its territory.

This section applies subject to the Act to preserve agricultural land (R.S.Q., chapter P-41.1).

This section does not apply to the acquisition of immoveables for industrial purposes.

2. The town is authorized to hold, lease and manage the immoveables acquired under section 1. It may equip those immoveables and instal therein the necessary public services; it may also demolish or restore buildings and other works erected thereon or construct thereon new buildings for purposes of housing, recreation, amusement and other accessory purposes.

The town is authorized to exercise the powers provided for in the first paragraph with respect to immoveables of which it is already the owner.

The town may alienate the immoveables on such conditions as it may determine, with the approval of the Commission municipale du Québec, provided that the price of alienation is sufficient to cover all the expenses relating to the immoveable concerned including those incurred for restoration, demolition and construction, where such is the case.

The town may alienate, gratuitously or for a price less than the price provided for in this section, such an immoveable or building in favour of the Government, a government agency, a school corporation or its municipal housing bureau or any other non-profit body; in the latter case, the authorization of the Commission municipale du Québec is required.

3. The town may, by resolution, sell at a price approved by the Commission municipale du Québec, to a corporation created under section 5, any immoveable that it has acquired under this Act or that it already possesses.

4. The town may borrow, by a by-law approved in the same manner as a loan by-law pursuant to the Act that governs the municipality, the necessary sums and apply for the subsidies provided for by law for the exercise of those powers and for the purposes of making a loan to the corporation formed under this Act.

5. On an application by the town, the Government may issue, on such conditions as it may determine, letters patent under the Great Seal of Québec incorporating a person as a non-profit corporation having as its object the acquisition of housing for persons or families of other than low or moderate income contemplated in section 57 of the Act respecting the Société d'habitation du Québec (R.S.Q., chapter S-8) and the exercise of the other powers that this Act confers on the town.

6. The letters patent must mention the name of the corporation, the location of its head office, its powers, rights and privileges, the rules respecting the exercise of its powers and the appointment of its members and directors.

7. Notice of the issuance of the letters patent must be published in the *Gazette officielle du Québec*.

8. On an application by the corporation established under the authority of this Act, the Government may issue supplementary letters patent for the purpose of amending the content of the letters patent contemplated in section 6. Notice of the issuance of the supplementary letters patent must be published in the *Gazette officielle du Québec*.

9. A corporation so constituted has, among other powers, those of a corporation constituted by letters patent under the Great Seal of Québec, is a mandatary of the town and is deemed a municipal corporation for the purposes of the Act respecting the Ministère des affaires intergouvernementales (R.S.Q., chapter M-21).

10. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 257
(PRIVATE)

An Act respecting certain lots of the cadastre of the parish of Saint-Augustin, registration division of Portneuf

First reading 30 November 1981

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1 9 8 2

Bill 257
(PRIVATE)

An Act respecting certain lots of the cadastre of the parish of Saint-Augustin, registration division of Portneuf

WHEREAS on 17 June 1713, Paul Augustin Juchereau, sieur Demaure, seigneur of the Fief Demaure, gave a parcel of land situated at Saint-Augustin to Thierry Hazeur in his capacity as pastor of the parish of Saint-Augustin, and to his successors in perpetuity, "for the enjoyment of the said sieur Hazeur and his successors as pastors of the said parish from this day forward in perpetuity, on condition that the said concession is not sold..." [Translation];

Whereas the deed allowed "the said pastors to exchange the said concession for a better one... and that is more convenient" [Translation];

Whereas the right to exchange was exercised by Pierre Auclair Desnoyers, the pastor then in office, and whereas the land that was the object of the exchange is known and designated, since the coming into force of the cadastre of 1 March 1879, as original lot 447 and its subdivisions, and subdivision 67 of original lot 537 of the cadastre of the parish of Saint-Augustin, registration division of Portneuf;

Whereas the land continues to be under a prohibition to alienate;

Whereas the object of the gift was to provide for the needs of the pastors of the parish in perpetuity, and this obligation is now assumed by the Fabrique de la paroisse de Saint-Augustin, the gift no longer has any object;

Whereas it is expedient that the prohibition to alienate stipulated in the deed be rescinded;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The immoveable received in exchange on 10 October 1733 by Pierre Auclair Desnoyers, the pastor then in office, by a deed executed before Jacques de Vaucour Pinguet, notary, which immoveable is now known as original lot number 447 and its subdivisions and subdivision number 67 of original lot number 537 of the cadastre of the parish of Saint-Augustin, registration division of Portneuf, is relieved of the objects for which it was granted, and the prohibition to alienate stipulated in the deed is rescinded.

2. The proceeds from the alienation of the lands and any revenue derived therefrom shall be paid into a special fund to be used by the fabrique only for its own purposes and in conformity with the Act respecting fabriques (R.S.Q., chapter F-1).

3. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 258
(PRIVATE)

An Act respecting the city of Grand' Mère

First reading 1 June 1982
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 258
(PRIVATE)

An Act respecting the city of Grand'Mère

WHEREAS it is in the interest of the city of Grand'Mère that certain powers be granted to it;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. To secure and amortize the loans contracted to finance the system of electric power distribution sold by the city to Hydro-Québec, the city of Grand'Mère must, by by-law, constitute a special fund and deposit therein the proceeds of the sale.

The fund and the revenue therefrom must be liquidated over a period of fifteen years in the manner determined by by-law and be allocated for the following purposes:

(1) for the fiscal year 1982, to the repayment into the general fund of inventory losses and net revenue losses provided for in the budget and related to the system;

(2) to the payment of the costs of selling the system and of establishing and operating the fund;

(3) to the payment of the indicated portion of the amount due annually, in capital and interest, on loans relating to the system and contracted under the by-laws indicated, as follows:

By-law no.	Percentage
164-A	17.2 %
184-A	7.0 %
193-A	7.61%
224-A	52.15%
241-A	3.20%
270-A	3.08%
275-A	8.83%
302-A	15.0 %
322-A	7.3 %
339-A	18.0 %
340-A	7.0 %
341-A	7.0 %
379-A	16.0 %
430-A	8.0 %
445-A	100.0 %
482-A.A.S.	33.0 %
498-A	100.0 %
520-A	19.0 %
544-A.S.	15.0 %

After payment of those expenses is ensured, the council shall allocate the balance of the available sums of the fund to amortization of the loans contracted to finance the capital expenditure that is to be repaid by means of a special general real estate tax.

The levying of the special taxes imposed in the by-laws referred to in the second and third paragraphs is reduced proportionally to the sums so used or allocated.

The available sums of the fund must be invested in conformity with section 99 of the Cities and Towns Act (R.S.Q., chapter C-19).

The operations of the fund must be entered in a special account of the town and appear in a special chapter of the annual financial statement.

2. The agreement signed on 11 May 1931 before Dakers Cameron, notary, by The Shawinigan Water and Power Company, Laurentide Company, Limited and the city of Grand'Mère, under number 15775 of his minutes, establishing an industrial fund, is hereby ratified.

The amendments made to the fund are ratified by

(1) an agreement signed on 28 June 1935 before the same notary, by The Shawinigan Water and Power Company, Consolidated Paper Corporation Limited and the city of Grand'Mère under number 17291 of his minutes;

(2) an agreement signed on 29 May 1941 by the same parties before the same notary, under number 19015 of his minutes;

(3) an agreement signed on 2 May 1952, between the same parties, before Henri Desaulniers, notary, under number 8903 of his minutes.

In no case may the deeds made, the contracts signed, the agreements entered into or the transactions effected by the city or its officers with respect to the fund be voided on the ground of lack of legislative ability, on the ground of omission of a formality, even a mandatory formality, or for failure to obtain any approval required by law.

The city may, by a by-law approved by the Minister of Municipal Affairs and the Minister of Industry, Commerce and Tourism and after an agreement is reached with the Shawinigan Water and Power Company and Consolidated Bathurst Inc., combine the fund with the industrial fund established by the city under by-law number 177-A adopted pursuant to the Industrial Funds Act (R.S.Q., chapter F-4). The by-law may provide that the committee set up under the agreements relating to such fund will be converted into an industrial advisory committee.

Until the funds are combined or until the expiry of twelve months from the coming into force of this Act, the city may continue to operate the fund referred to in section 1 in conformity with the agreements entered into and with the sole approval of the committee provided for therein.

Upon request of the council, the Minister of Municipal Affairs may, however, grant an extension for any reason he deems sufficient.

3. The city of Grand'Mère, the city of Shawinigan, the town of Shawinigan-Sud and the village of Saint-Georges may, by by-law, make a joint agreement to operate, manage and administer a public transport service to transport persons in their territories, and outside their territories, provided the point of departure or the point of arrival is situated in their territories.

Under the agreement, those municipalities may set up an intermunicipal committee and empower it to exercise their powers in respect of that competence.

The agreement must provide for the amount of the grants the municipalities shall pay to the intermunicipal committee under section 467 of the Cities and Towns Act (R.S.Q., chapter C-19).

The agreement requires no other approval than that of the Minister of Transport.

The agreement binds the municipalities and is effective till the date provided in the last paragraph of this section. The agreement may be amended only in the manner provided for its making or approval.

No agreement with the person who owns, possesses or holds property used directly or indirectly for a transport service may bind the municipalities for an amount greater than the amount approved under section 467 of the Cities and Towns Act.

The Transport Act (R.S.Q., chapter T-12), the regulations thereunder and the orders referred to in the second paragraph of section 89 of the said Act apply to the said municipalities, except as regards the obligation to hold a permit and determine the routes, time-tables and tariffs.

The intermunicipal committee is deemed to hold a public transport service permit of the Commission des transports du Québec for the purposes of the application of general order no. 17 (1969) respecting special or charter trips adopted on 19 March 1970 by the Régie des transports du Québec.

The intermunicipal committee may make a school bussing contract with any school board, private educational institution or general and vocational college authorized to organize the transport of its users. From 15 May 1982, the committee and such educational institutions may also, before the opening of public tenders, make by agreement school bussing contracts involving not more than seventeen vehicles.

Any municipality the territory of which is contiguous to any of the municipalities mentioned in the first paragraph may, with the authorization of the Minister of Transport and on the conditions he determines, become a party to the agreement made under this section.

No deeds made, no contracts signed, no agreements entered into nor any transactions made from 1 June 1981 by the said municipalities or their officers with respect to a transport service may be declared void on the ground of lack of legislative ability, or on the ground of omission of a formality, even a mandatory formality, or for failure to obtain any approval required by law.

This section ceases to have effect on the date fixed by order of the Government or, at the latest, on 30 June 1983.

4. Section 415 of the said Act is amended for the city by adding the following paragraph:

"(40) To regulate or prohibit, after agreement with the owner, traffic or parking of road vehicles on any land or in any building intended for parking to which the public has access."

5. The following sections and paragraphs are repealed:

(1) sections 39 and 55 of chapter 54 of the statutes of 1910;

(2) section 5791*b* of the Revised Statutes, 1909, added for the city by section 53 of chapter 54 of the statutes of 1910;

(3) sections 8, 11 and 12 of the statutes of 1912 (2nd session);

(4) sections 3 and 6 of chapter 75 of the statutes of 1952-1953.

6. Section 3 has effect from 15 December 1981.

7. This Act comes into force on the day of its sanction.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 261
(PRIVATE)

An Act respecting the town of Ville-Marie

First reading 17 December 1981

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 261
(PRIVATE)

An Act respecting the town of Ville-Marie

WHEREAS it is in the interest of the town of Ville-Marie that certain powers be granted to it and certain deeds to which it was a party be ratified;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Notwithstanding any contrary Act, the town of Ville-Marie is authorized to acquire, by agreement or expropriation, any immoveable the acquisition of which is considered appropriate for land bank or housing purposes and for works related to those purposes.

The town is authorized to hold, lease and manage the immoveables acquired under the first paragraph. It may also equip those immoveables and instal therein the necessary public services. It may further alienate them on such conditions as it may determine, with the approval of the Commission municipale du Québec, provided that the price of alienation is at least equal to the value of such immoveables and not lower than the cost price.

This section does not apply to the acquisition of immoveables for industrial purposes. Its application is subject to the Act to preserve agricultural land (R.S.Q., chapter P-41.1).

The city may alienate, gratuitously or for a price lower than the price provided for in this section, such an immoveable in favour of the Government, a government agency or a school corporation.

The city must pay, in respect of the immoveables held by it under this section, all the taxes that are payable by a real estate owner in the municipality.

2. The deeds registered in the registry office of the registration division of Témiscamingue under the numbers mentioned in the Schedule are validated and confirmed from their respective dates.

3. This Act comes into force on the day of its sanction.

SCHEDULE

21590	77235	80681	83237	85228
37838	77236	80686	83314	85229
43812	77542	81354	83367	85232
44227	77577	81610	83368	85233
73864	77687	81611	83489	85298
74269	77707	81697	83557	85323
74362	77755	81723	83570	85331
74465	77805	81746	83702	85335
74545	77937	81847	83746	85412
74546	78031	82331	83876	85489
74630	78141	82374	83908	85552
74781	78156	82381	83951	85588
74989	78213	82519	84116	85613
75107	78299	82531	84124	85677
75108	78379	82544	84345	85821
75173	78817	82641	84346	85861
75196	78862	82646	84689	85981
75513	79228	82718	84711	85986
75749	79331	82798	84741	86239
75809	79488	82805	84743	86249
75812	79975	82851	84749	86250
75993	79928	82859	84802	86262
76018	80107	82860	84911	86471
76391	80108	82861	84913	86730
76458	80243	82893	85066	86784
76640	80331	82955	85119	86833
76641	80342	83072	85148	86836
76651	80379	83090	85158	86855
76733	80459	83200	85185	86928
76746	80667	83230	85210	86980

87000	87466	88602	89859	91673
87002	87473	88678	90200	91792
87047	87491	88860	91106	91833
87062	87540	88915	91293	91971
87063	87548	89310	91294	91973
87103	87620	89337	91300	92092
87156	88057	89491	91329	92141
87195	88255	89500	91384	92251
87215	88256	89707	91652	92331
87327	88492	89816	91659	

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 264
(PRIVATE)

An Act to amend the charter of the city of Trois-Rivières

First reading 17 December 1981

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 264
(PRIVATE)

An Act to amend the charter
of the city of Trois-Rivières

WHEREAS it is in the interest of the city of Trois-Rivières that certain powers be granted to it;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. Section 28 of chapter 94 of the statutes of 1965 (1st session), rendered inconsistent by section 3 of chapter 48 of the statutes of 1974, is replaced by the following section:

"**28.** (1) The council of the city of Trois-Rivières may grant, by by-law, to every person who was a member of the council on 31 December 1974, who held that office for not less than eight years and has ceased to hold office since that date, an annual pension of $8 000 in the case of the mayor and $4 000 in the case of the other members of the council, payable at sixty years of age in equal and consecutive monthly instalments. The repeal of the by-law cannot be set up against persons respecting whom it applies or has already applied.

The payment of the pension is suspended during the period when the beneficiary holds, temporarily or permanently, any charge, office or employment involving remuneration paid by the municipality.

In computing any period of eight years, every part of a year shall be counted as a full year; every year or part of a year, either before or after 31 December 1974, must be counted in the computation.

(2) The council may grant, by by-law, to every person who was a member of the council on 31 December 1974 and held office as

mayor or as member of the council for not less than twelve years and who has ceased to hold that office after the first day of the month following the month during which the by-law is passed, an annual pension equal to fifty per cent of his annual remuneration. The pension shall be payable at sixty years of age, in equal and consecutive instalments, on the first day of each month.

In order to benefit from such pension payments, the members of the council must pay into the general administration fund a contribution equal to five and a half per cent of their annual remuneration for each year during which the members of the council have been in office.

If a member of the council does not hold office for twelve years, the amounts paid shall be reimbursed to him without interest.

In computing any such period of twelve years, every part of a year shall be counted as a full year.

The council may also, by by-law, grant to any person who has been a council member for more than twelve years and ceases to hold that office after the first day of the month following the month during which the by-law is passed, an additional annual pension of $ 200 for each such additional year. The repeal of such by-laws cannot be set up against persons respecting whom they apply or have already applied.

However, the pension paid to the members of the council under this section shall in no case exceed sixty per cent of the remuneration to which they are entitled in their last year in office.

The payment of the pension is suspended during any period when the beneficiary holds, temporarily or permanently, any charge, office or employment involving remuneration paid by the municipality.

If the beneficiary dies after acquiring the right to a pension but has collected pension payments for fewer than fifteen years, the city shall pay the pension to the heirs until that period of fifteen years expires. The pension granted is payable in advance in equal monthly instalments on the first day of each month. To entitle the heirs to benefit from pension payments, the members of the council must pay into the general administration fund a total contribution equal to six and a half per cent of their annual remuneration for each year they have been in office.

All the council members elected before 1 January 1975 may avail themselves of this section by notifying the council of it in writing. In such a case, section 28.1 does not apply to them."

2. Section 415 of the Cities and Towns Act (R.S.Q., chapter C-19), is amended, for the city, by adding the following subparagraphs to paragraph 6:

"To require from the person applying for a building permit, instead of the parking space required by the zoning by-law, the payment of a sum of money for an amount obtained by multiplying the required parking area by a determined factor; the sum of money must not exceed $1 000.

The proceeds from such payment must be paid into a special fund to be used exclusively for the purchase or layout of areas, structures or spaces permanently reserved and laid out for off-street parking of vehicles;".

3. The said Act is amended for the city by inserting, after section 617, the following section:

"**617.1** In the absence of the judge of the Municipal Court, the clerk of the court may adjourn any case appearing on the roll of the court, in accordance with the law; for that purpose, the clerk is deemed to be a justice of the peace.

Every time the signature of the clerk or deputy-clerk of the Municipal Court is legally required, his name may be engraved, lithographed or printed. However, warrants of arrest and search warrants must bear the handwritten signature of the judge."

4. The said Act is amended for the city by inserting, after section 653, the following section:

"**653.1** The council, by resolution, may authorize the destruction of records of the Municipal Court closed for more than five years relating to offences against a statute of Québec, the municipal by-laws or any other legislation in force in the territory of the city."

5. Section 1 of chapter 84 of the statutes of 1977 is amended by replacing paragraph *a* by the following paragraph:

"(*a*) operate and administer any horse race track, including any pari mutuel system, and more specifically, the race track now situated on its own land;".

6. (1) The city of Trois-Rivières is authorized to acquire, by agreement or expropriation, any immoveable whose acquisition is considered appropriate for land bank or housing purposes or for works relating thereto, and any obsolete immoveable and any immoveable whose occupancy is considered harmful.

The city is also authorized to acquire, by agreement or expropriation, the immoveable described in the Schedule.

The city may exercise the powers provided for in the first paragraph within its territory.

This section applies subject to the Act to preserve agricultural land (R.S.Q., chapter P-41.1).

This section does not apply to the acquisition of immoveables for industrial purposes.

(2) The city is authorized to hold, lease and administer any immoveable acquired under subsection 1. It may also equip these immoveables and install therein the required public services; it may, furthermore, demolish or restore the buildings and other works thereon erected and erect thereon new buildings for housing, leisure, recreation, parking and any other related purposes. The city is also authorized to erect on the immoveable acquired under the second paragraph of subsection 1 new buildings for commercial and parking purposes.

The city is authorized to exercise the powers provided for in the first paragraph in respect of immoveables already owned by it.

It may alienate them on such conditions as it may determine with the approval of the Commission municipale du Québec, provided the alienation cost be sufficient to meet all the expenses in connection with the immoveable concerned, including the expenses incurred for restoration, demolition and construction, as the case may be.

The city may alienate such an immoveable or building, gratuitously or for a lower price than that provided for in this section, in favour of the Government, a government body, a school corporation or a municipal housing bureau, or any other non-profit body; in the last case, the authorization of the Commission municipale du Québec is required.

7. (1) The council may, by by-law, define the limits of a commercial zone within which a single commercial district may be formed, comprising at least 50 places of business and more than 50% of the places of business in that zone, and provide for the establishment of an initiatives and development association having jurisdiction in that district.

(2) Such an association may promote the economic development of the district, establish joint services for its members and their customers, operate a business in the district, erect and manage a parking garage or parking lot and carry out work on public property or private property with the consent of the owner.

(3) The association may be formed on the application of five ratepayers having a place of business in the district. The application shall be submitted to the executive committee of the city.

(4) On receiving the application, the executive committee shall order the clerk to send a notice to every ratepayer having a place of

business in the district, or cause it to be served on him, informing him that a register will be open, at the date and place indicated, to receive the signatures of the ratepayers who oppose the formation of the association.

(5) The place where the register is to be open must be situated in the district or at a distance of not over two kilometres from the perimeter of the district.

(6) The clerk shall accompany the notice with an indication of the limits of the district, the name and address of each ratepayer to whom the notice is being sent or on whom it is being served, and the text of this section and of any by-law relating thereto.

(7) The register is to be open from 9 o'clock in the morning to 7 o'clock in the evening on the first Tuesday following the expiry of fifteen days from the sending or service of the notice or, if that day is a holiday, on the next working day.

(8) A ratepayer who has not received the notice from the clerk may sign the register if he proves that he has a place of business in the district. The procedure of registering signatures is not invalidated merely because one or several ratepayers having a place of business in the district did not receive the notice or the date of opening of the register follows the date of reception of the notice by a shorter period than the period mentioned in subsection 7.

(9) Not more than one signature may be registered for each place of business.

(10) If more than 50% of the ratepayers having places of business in the district sign the register, the application is denied and no new application may be filed before a period of six months has expired.

(11) If fewer than 33% of the ratepayers sign the register, the council may by resolution authorize the establishment of the association.

(12) If not fewer than 33% nor more than 50% of such persons sign the register, the clerk shall send a notice by registered or certified mail to every ratepayer having a place of business in the district, or cause it to be served on him, informing him that a poll is to be held within ninety days of the filing of the application; the rules provided for the keeping of the register apply to the holding of the poll.

(13) If more than 50% of the ratepayers who voted indicated that they are in favour, the council may, by resolution, authorize the establishment of the association; otherwise, the application is denied and no new application may be filed before a period of six months has expired.

(14) The resolution authorizing the establishment of the association shall indicate the corporate name of the association and the limits of the commercial district in which it is to have jurisdiction.

(15) The head office of the association must be situated within the limits of the city.

(16) The clerk shall transmit to the Minister of Financial Institutions and Cooperatives three certified copies of the resolution authorizing the establishment of the association. The Minister shall, on receiving the three copies of the resolution,

— register one certified copy in accordance with the Companies Act (R.S.Q., chapter C-38),

— transmit to the clerk and the association or its authorized representative a copy of the resolution and proof of its registration, and

— publish, at the cost of the city, a notice of registration of the resolution in the *Gazette officielle du Québec*.

(17) From the date of registration, the association is a corporation within the meaning of the Civil Code.

(18) To the extent that it is applicable, Part III of the Companies Act, particularly the provisions relating to dissolution, govern the association, subject to this section and the by-law approved by the Minister of Financial Institutions and Cooperatives.

However, sections 98, except paragraphs *j* and *k* of subsection 3, 103, except subsection 3, 113, 114 and 123 of Part I of the said Act apply, *mutatis mutandis*, subject to this section and the by-laws of the council approved by the Minister of Financial Institutions and Cooperatives.

(19) The council may, by by-law, provide the formalities of application to form an association, its composition, the responsibilities of the general meeting of members and of the board of directors, respectively, and any matter related to its organization, operation and dissolution.

Any by-law passed under the preceding paragraph must be submitted to the Minister of Financial Institutions and Cooperatives and comes into force on the date of its approval.

(20) The council shall establish by by-law any other matter relating to the association, in particular, the terms and conditions respecting the establishment, collection and repayment of assessments.

It shall also approve the internal management by-laws of the association.

(21) Within fifteen days following the date of the organization meeting, the association shall transmit to the Minister of Financial Institutions and Cooperatives a notice of the address of the head office and a list of its directors.

(22) All the ratepayers having a place of business in the district are members of the association and, subject to subsection 23, have the right to vote at its meetings; they are entitled to one vote for each place of business.

(23) Where all or part of an assessment becomes exigible, only the members who have paid their assessment may be elected to the board of directors and exercise their right to vote.

(24) The board of directors is composed of nine persons, of whom seven are elected from among the members by the general meeting of the members and two are appointed from among the members by the executive committee.

(25) At a general meeting specially convened for that purpose, the association shall adopt its operating budget, as well as any project involving capital expenditures that may be financed by a loan with the authorization of the city.

(26) The city may, by a by-law subject to all the formalities of a loan by-law, guarantee the repayment of loans contracted for by the association.

(27) On receiving the operating budget, the council may approve it after ascertaining that all the formalities for its adoption have been complied with and may order by by-law an assessment for which it shall determine the mode of computation and the number of payments.

(28) The rules governing the computation of the assessments of the members, the payments and the dates they become due are established by by-law and are the same for every association. The rules may provide a maximum limit to the amount or share of the assessments that the members may be required to pay.

(29) The assessments are ordered on the ratepayers having a place of business on the first day of the fiscal period for which the budget is deposited.

(30) A ratepayer who acquires a place of business in the district of an association during a fiscal period becomes a member and, in the case of an existing place of business, succeeds to the rights and obligations of the preceding ratepayer, who then ceases to be a member.

(31) The new member must notify the board of directors of the association in writing that from that time forward he represents that place of business. The new member succeeds to the rights and

obligations of the preceding ratepayer even if he has not given the notice prescribed by this subsection.

(32) An assessment ordered under this section is deemed a special business tax for the purposes of its collection and the head of the competent department has all the powers vested in him in that respect by this Act. The assessments collected, minus collection costs, are remitted to the association.

(33) On the application of the board of directors of an association, the council may, by resolution, change the limits of the district of the association.

(34) The application is filed with the executive committee, which shall order a consultation of members who have paid the exigible part of their assessment, if any, in accordance with the modalities that the council may establish by by-law.

(35) Furthermore, where an expansion of the district is planned, the ratepayers having a place of business in the territory to be included in the district must also be consulted.

(36) Before the application is granted, it must be approved by a majority of the persons so consulted. In the case of an expansion, the application must be approved by a majority of the members and a majority of the ratepayers having a place of business in the territory to be added to the district.

(37) No application to change the limits of a district is receivable if the change results in reducing the number of members of the association to less than fifty.

(38) The council resolution granting the application of an association extends or limits the jurisdiction of the association to the district thus changed.

(39) Subsection 33 does not prevent an association from providing, according to the modalities and on the conditions established in its by-laws, for the voluntary membership of persons having a place of business outside the limits of the district.

(40) The resolution changing the limits of the district of the association must be transmitted to the Minister of Financial Institutions and Cooperatives in three certified copies. On receiving the copies of the resolution, the Minister shall observe the procedures prescribed in subsection 16, *mutatis mutandis*.

(41) The change takes effect from the date of registration of the resolution.

(42) The council may, by by-law, on the conditions it determines, make grants to the associations that, in each case, may be in an amount equivalent to that part of the revenues of the association

estimated in its budget as derived from members' assessments or an amount not greater than the maximum amount established by the by-law.

(43) If a special general meeting is called at the request of the members to deal with a particular subject, no second meeting may be held to deal with the same subject within the same fiscal period, except with the consent of the board of directors.

(44) For the purposes of this section, the expression "place of business" includes any premises or establishment where an economic or administrative activity in matters of finance, trade, industry or services, a calling, an art, a profession or any other activity constituting a means of profit, gain or livelihood is carried on, except an employment or a charge.

8. (1) The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy for the restoration of all the residential parts of a building not in conformity with the standards of habitability prescribed by the laws and by-laws in force or for the conversion, for residential purposes, of all the parts of a building that could be so converted.

The amount of such subsidy shall not in any case exceed fifty per cent of the actual cost of the restoration or conversion work or one-quarter of the actual value of the restored or converted building as entered for the first time on the valuation roll.

(2) The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy for demolition-reconstruction, that is, the demolition of any partly or wholly residential building deemed unfit for habitation and the construction of a new building having a floor area intended for residential purposes equal to or greater than the floor area of the building demolished.

The amount of the subsidy shall not in any case exceed the value of the building to be demolished as shown on the real estate valuation roll, or one-sixth of the actual value of the new building, as entered for the first time on the valuation roll.

(3) The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy for demolition and clearing of any main or secondary building beyond repair, unfit for its intended purpose or incompatible with its surroundings and for the reconstruction and landscaping works rendered necessary by such demolition.

The amount of the subsidy shall not exceed the actual cost of the works authorized.

(4) The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant a subsidy for the demolition of any building deemed unfit for its intended purpose or contrary to the intended purpose of its site and for the construction of a new building.

The amount of the subsidy shall not in any case exceed one-half of the value of the building to be demolished as entered on the real estate valuation roll or one-sixth of the actual value of the new building as entered for the first time on the valuation roll.

(5) The council may, by by-law, on such conditions and in such sectors of the city as it may determine, order that the city grant to the proprietor of any restored or reconstructed building, in accordance with subsections 1 and 2 or any public housing restoration program initiated by by-law of the council, a subsidy to compensate for the increases of the real estate taxes resulting from the new valuation of the restored or reconstructed building.

For the first fiscal period following such works, the amount of the subsidy shall be equal to the difference between the amount of the real estate taxes that would be due if the valuation of the building had not been changed, and the amount of the taxes actually due.

For the second fiscal period following the works, the amount of the subsidy shall be equal to fifty per cent of the difference between the amount of the real estate taxes that would be due if the valuation of the building had not been changed, and the amount of the taxes actually due.

From the third fiscal period following completion of the works, no subsidy shall be granted.

Subsidies shall be paid only if the proprietor shows, in the manner prescribed by by-law, that the rent paid by his tenants was not increased by reason of an increase of the real estate taxes.

9. This Act comes into force on the day of its sanction.

SCHEDULE

Lots 737-2, 736-2, 735-2, 734-2, 742-4, 742-3, 733-2, 732-2, 742-2 and 731 of the revised official cadastre for the city of Trois-Rivières.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 268
(PRIVATE)

An Act respecting the town of Fermont

First reading 30 November 1981
Second reading 22 June 1982
Third reading 22 June 1982
Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 268
(PRIVATE)

An Act respecting the town of Fermont

WHEREAS it is in the interest of the town of Fermont that its powers be increased to allow it to preserve, guarantee and further the socioeconomic interests of the population of this northern town, considering its special geopolitical context;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The town of Fermont, hereinafter called "the town", is authorized to acquire and equip immoveables for the administration, management and operation of a commercial and administrative centre forming an integral part of the real estate complex commonly designated as Place Daviault and whose description appears in the Schedule annexed hereto; for such purposes, it may, by by-law requiring only the approval of the Minister of Municipal Affairs and the Commission municipale du Québec, contract loans, by promissory note or by an issue of bonds, of up to $5 000 000.

The said by-law must include, among other provisions, a provision by which the town shall allocate to payments in capital and interest due on the loan, the sums to be paid to it under paragraph *b* of section 6, to reduce the amount of the special tax imposed by the said by-law.

The town is also authorized by mere resolution to be surety for the loans contracted by the corporation created under this Act, if the corporation acquires the commercial or administrative centre referred to in the first paragraph, with the same approvals and up to the same amount.

2. A corporation, hereinafter called "the corporation", is created under the name of "Place Fermont".

The town is the only shareholder of the corporation. The authorized capital of the corporation consists of one share of a par value of one dollar.

3. Place Fermont is a corporation within the meaning of the Civil Code and has the general powers of such a corporation and the special powers conferred upon it by this Act.

4. The corporation may acquire the commercial and administrative centre referred to in section 1.

If the city acquires the centre, it must entrust the administration, management and operation thereof to the corporation.

For the purposes of the first and second paragraphs, the object of the corporation is the administration, management and operation of the commercial and administrative centre.

Furthermore, the corporation may provide services pertaining to the knowledge and experience it has acquired in fields connected with its activities.

5. In the case of the first paragraph of section 4, the town is authorized to enter into an agreement with the corporation. That agreement shall not exceed a term of ninety-nine years. Such an agreement, if it entails deficit sharing for the town, must limit the annual amounts of such sharing to the annual amount not exceeding the general and special real estate taxes imposed on the centre; in that case, the agreement must also provide that, if there is any profit, the share of the town must not be less than fifty per cent of the latter, less the deficits of previous years, if such is the case.

6. In the case of the second paragraph of section 4, the town shall enter into an agreement with the corporation; that agreement shall

(*a*) be for a term not exceeding ninety-nine years;

(*b*) provide that the corporation shall pay to the town the payments due in capital and interest on the loan contracted for the acquisition of the centre contemplated in section 1 and all the costs relating to the ownership of the immoveable and all the costs of administration, management and operation of the centre;

(*c*) if it entails deficit sharing for the town, limit the annual amounts of such sharing to an annual amount not exceeding the general and special real estate taxes imposed on the centre.

7. The town, once all the sums required for the acquisition, equipping or improvement of the commercial and administrative centre have been repaid in full, both in principal and in interest, may

cede and transfer ownership of the commercial centre to the corporation created under this Act for such consideration as may be approved by the Commission municipale du Québec and the Minister of Municipal Affairs.

8. The corporation may do anything useful for the achievement of its aims and may, in particular,

(*a*) acquire, lease, own, improve, maintain and administer immoveables and alienate them;

(*b*) make loans by notes, bonds or other obligations, at such rates of interest and on such other conditions as are determined by the Commission municipale du Québec and the Minister of Municipal Affairs;

(*c*) make by-laws respecting the exercise of its powers, its internal management and the powers and duties of its personnel;

(*d*) establish, by by-law, committees to examine such questions as it may determine and, if necessary, confer on them the exercise of certain powers.

9. The property administered, managed and operated by the corporation, until transferred, ceded or conveyed to the latter, shall belong to the town.

The corporation binds none but itself when it acts in its own name.

10. The corporation shall have its corporate seat in the town. The board of directors shall not hold its meetings elsewhere unless the members of the board of directors agree thereto unanimously.

11. The board of directors of the corporation shall be composed of five members appointed by resolution of the council of the town. Three members of the municipal council must be members of the board of directors; the remaining members who are not members of the municipal council must have resided in the town for at least six months.

12. The members of the board of directors of the corporation shall receive no salary as such; they may be indemnified, in conformity with the by-laws made by the corporation, for the expenses incurred by them to attend the meetings.

13. The chairman and vice-chairman are elected by the board of directors from among its members.

The term of office of the members of the board of directors of the corporation is two years from the date on which they are appointed.

14. Any member of the board of directors having a direct or indirect interest in an undertaking causing that interest to be in conflict with that of the corporation must, under pain of forfeiture of office, disclose the interest to the secretary in writing and abstain from participating in any decision regarding the undertaking in which he has that interest.

15. If the chairman is absent, he shall be replaced by the vice-chairman.

16. If a member of the board of directors of the corporation is absent or unable to act, or if a member appointed as a resident pursuant to section 11 establishes his residence in a place outside the boundaries of the territory of the town, the council of the town shall appoint a new member.

17. Three members are a quorum at meetings of the board of directors, and the chairman or, if he is absent, the vice-chairman must be present. In the case of a tie-vote, the chairman or, in his absence, the vice-chairman has a casting vote.

18. This Act comes into force on the day of its sanction.

SCHEDULE

DESCRIPTION OF PLACE FERMONT

The commercial centre and the Hotel Fermont are situated on le Carrefour in downtown Fermont. They form an integral part of a building owned by the Compagnie Minière Québec Cartier and designated as the linear design building.

Those buildings are erected on the lots designated as lots B-207-1, B-382, B-585 and B-586 of the official cadastre of the township of Lislois in the registration division of Saguenay.

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 279

(PRIVATE)

An Act respecting the Soeurs Franciscaines missionnaires de l'Immaculée-Conception

First reading 18 December 1981

Second reading 22 June 1982

Third reading 22 June 1982

Assented to 23 June 1982

QUÉBEC OFFICIAL PUBLISHER

1982

Bill 279
(PRIVATE)

An Act respecting the Soeurs Franciscaines missionnaires de l'Immaculée-Conception

WHEREAS the corporation called "Soeurs Franciscaines missionnaires de l'Immaculée-Conception" was incorporated by chapter 135 of the statutes of 1919;

Whereas it is expedient to revise its charter to better define the objects, powers and internal organization of the corporation;

Whereas it has prayed for the passing of this bill on a resolution of its board of management;

HER MAJESTY, with the advice and consent of the National Assembly of Québec, enacts as follows:

1. The corporation called "Soeurs Franciscaines missionnaires de l'Immaculée-Conception" is continued in existence under the same name.

2. The corporate seat of the corporation is in the city of Montréal, at the place determined by a resolution of the board of management.

3. The persons who are or will become members of the congregation are members of right of the corporation as long as they remain members of the congregation.

4. The objects of the corporation are religion, charity, welfare and education.

5. The corporation has the powers, rights and privileges of ordinary corporations and may, in particular,

(*a*) have a seal and alter it at will;

(*b*) appear before the courts;

(*c*) acquire, establish, maintain, administer and manage any work or undertaking related to its objects;

(*d*) acquire, establish, possess, maintain, administer and manage residences for nuns, juniorates, scholasticates, novitiates, chapels, retreat houses, refuges, rest homes, homes for the elderly, summer camps, day nurseries, workrooms, asylums, centres, teaching, educational or rehabilitation establishments, libraries, recreation centres and playgrounds, and infirmaries to receive its members or followers;

(*e*) bind itself and bind others towards it in any legal manner and especially by bill of exchange, note or other negotiable instrument;

(*f*) borrow money on its credit by any method recognized by law;

(*g*) hypothecate or pledge its immoveables, give in security or otherwise encumber its moveable property to secure the repayment of its loans or the carrying out of its obligations;

(*h*) issue bonds or other titles of indebtedness or securities and sell, exchange, mortgage or pledge the same;

(*i*) notwithstanding the provisions of the Civil Code, hypothecate, mortgage or pledge, while retaining possession thereof, moveable and immoveable property, present or future, to secure the payment of the bonds or securities issued, give a part only of such guarantees for the same objects, and constitute such hypothec, mortgage or pledge by trust deed in accordance with the Special Corporate Powers Act (R.S.Q., chapter P-16) or any Act that may replace it;

(*j*) invest its funds in any manner deemed suitable, either in its own name or in the name of trustees;

(*k*) assist any person pursuing any object similar to one of its own, cede any property gratuitously or not and lend money to such person and secure or guarantee the obligations and commitments of such person;

(*l*) accept any gift, legacy or other liberality;

(*m*) acquire, possess, administer, lease and alienate any moveable or immoveable property, by all legal methods and under any title;

(*n*) establish and maintain cemeteries and erect vaults in its chapels for the disposal of the mortal remains of its members, benefactors or any person connected in any way with the corporation, in conformity with the Burial Act (R.S.Q., chapter I-11) and cause

to be kept the registers of civil status for such burials, and disinterments by the minister of religion designated by the clergyman acting as Roman Catholic bishop of the diocese where the corporate seat of the corporation is situated;

(*o*) erect, hold, repair, equip, improve, transform and utilize any buildings and works suitable for the pursuit of its objects whether they are immoveables owned by the corporation or those of which it has the enjoyment only, and contribute to or aid in any manner in the erection, equipment and maintenance of such works and buildings;

(*p*) provide for the education, instruction, sustenance and support of its members, of persons in its service, and of those connected with it;

(*q*) cede or otherwise alienate all or any part of its undertakings and works gratuitously, or dispose of or sell the same for any consideration deemed sufficient;

(*r*) make with any public authority arrangements calculated to further the pursuit of its objects, carry out the same and exercise the rights and privileges and fulfil the obligations resulting therefrom;

(*s*) solicit, promote and obtain any statute, ordinance, order, regulation or other authorization or provision, legislative or administrative, calculated to benefit it directly or indirectly and oppose any proceeding or application of such a nature as directly or indirectly to prejudice its interests;

(*t*) make with any person, society or corporation carrying on or intending to carry on enterprises, works or operations which may be advantageous to it, agreements for mutual co-operation and for any other similar purposes; join any group or become a member of any association or corporation or become a shareholder of any company pursuing undertakings or activities calculated to assist it in the exercise of its powers;

(*u*) associate itself with any corporation pursuing undertakings and works connected with its objects;

(*v*) do any other things related or conducive to the pursuit of its objects and the exercise of its powers.

6. The corporation must dispose, within a reasonable time, of immoveables which, for a period of seven consecutive years, have not been used for the pursuit of its objects.

7. The corporation may make, amend and repeal by-laws respecting

(*a*) its internal management;

(*b*) the appointment, functions, duties and powers of its officers, agents and servants.

8. The corporation may accept endowments for religious, charitable, educational or welfare purposes and accordingly receive, as depositary, trustee, legatee and donee the property given or transmitted by gift, will or otherwise by the donor and bind itself, as such, to carry out the charges established by the donor, the corporation being bound to carry out the same with the property of the endowment only and not with its own assets.

The property of each endowment constitutes a distinct patrimony which must be managed and administered separately and for which separate accounts shall be kept. The corporation shall exercise the rights of an owner in respect of each such patrimony.

9. Settlements constituted by or for its members shall be considered as endowments made under section 8, as long as they have not become the permanent property of the corporation.

10. The Minister of Financial Institutions and Cooperatives, on an application of the corporation, may change its name or the place of its corporate seat in the Province. Such changes come into force on the day a notice to that effect is published in the *Gazette officielle du Québec*.

11. The corporation must establish a sinking-fund for all issues of its bonds or debentures not payable by annual instalments.

The corporation must keep at its corporate seat an authentic copy of every trust deed to which it has become a party, and any person interested may refer to such copy and make extracts therefrom at any time and without cost.

12. Any member of the corporation and the postulants, novices, nuns under simple vows and professed nuns of the congregation may engage their activities gratuitously in the service of the corporation and agree to convey to it any wage, remuneration or other benefit from their work as long as they remain members of the corporation, postulants, novices, nuns under simple vows or professed nuns.

13. The corporation represents its members and may, in its name but for their benefit, exercise their civil rights respecting the property they may own or acquire; it may, either as plaintiff or as defendant or in any other capacity,

(*a*) exercise their judicial recourse when proceedings have not already been instituted;

(*b*) of its own motion and at any stage of the proceedings, continue any suit commenced by them, despite their capacity to continue the same.

The corporation may also exercise for its benefit and in conjunction with the other beneficiaries, if any, the recourses provided by law in case of the accidental death of any of its members.

14. The rights and powers of the corporation shall be exercised by its board of management.

The number, qualifications required, appointment, election, term of office, powers and duties of the members of such board shall be determined by the by-laws of the corporation.

The members of the council of the province of Notre-Dame-de-Lourdes of the congregation are the members of the board of management of the corporation until a board of management is in office in accordance with the by-laws to be made by the corporation.

15. The corporation must keep at its corporate seat one or more registers containing

(*a*) a copy of this Act;

(*b*) the by-laws made in virtue of the powers conferred by this Act;

(*c*) the surname, given names, nationality and domicile of every member of the corporation indicating, as regards each, her name in religion, the date of her admission to the corporation and the date when she ceased to be a member thereof;

(*d*) the surname, given names and occupation of every member of its board of management indicating, as regards each, the date of her entry into office and the date when she ceased to hold it;

(*e*) a summary of the provisions of the endowments and settlements accepted under sections 8 and 9;

(*f*) the debts secured by hypothec on its immoveables, indicating for each, the principal, a summary description of the immoveables hypothecated and the name of the creditor or, as regards bond issues, the name of the trustee.

Such registers shall make *prima facie* proof of their contents, as shall extracts under the seal of the corporation and certified by the secretary of the corporation.

Any person interested may consult them and obtain a certified extract therefrom at his own expense.

16. A certificate of the chancellor of the diocese where the corporate seat of the corporation is situated constitutes proof for all purposes that a person is a member of the corporation or a member of its board of management or holds an office contemplated by this Act or the by-laws of the corporation.

17. The Minister of Financial Institutions and Cooperatives, on a petition by the corporation, may declare such corporation dissolved.

Such dissolution takes effect from the date mentioned in the notice thereof published by the Minister in the *Gazette officielle du Québec*.

In case of dissolution, except as regards reserve or retirement funds established to meet any justified future need of the members, no member of the corporation may participate in the partition of the property of the corporation and such property shall vest in the non-profit corporation designated in the petition for dissolution.

The corporation which has accepted the property so vested is seized, from the date of the dissolution, of the rights, property and obligations of the dissolved corporation, and all proceedings that might have been commenced or continued by or against the dissolved corporation may be commenced or continued by or against the succeeding corporation.

The succeeding corporation shall cause to be registered in conformity with the laws governing registration, at the registry offices of the places where the immoveables are situated, a declaration showing the transmission of immoveables resulting from this section and describing according to law the immoveables so transmitted.

18. The corporations constituted under the laws of the Province are authorized to grant and to make to the corporation such gifts as they deem expedient and to pay the proceeds thereof to help defray the cost of construction and maintenance of its establishments, dependencies and branches, and this by resolution passed by a majority of the directors present at a meeting called for the purpose, provided that there be a quorum at such meeting.

19. This Act is not to the effect of granting the corporation the power to operate an establishment within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5) or any educational institution within the meaning of the Act respecting private education (R.S.Q., chapter E-9) otherwise than in conformity with the said Acts and the regulations thereunder or any other Act or regulation applicable.

20. This Act replaces chapter 135 of the statutes of 1919. Notwithstanding section 2 of the said Act, all acquisitions of immoveables made by the corporation prior to the coming into force of this Act are not invalid for the sole reason that the price of the immoveables acquired by the corporation then exceeded $300 000.

21. This Act comes into force on the day of its sanction.

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Abbreviations: **A:** Abrogated, **N:** New, **M:** Modified

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