

chapter C-11.4

**CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC**

AS the Government intends to establish the “Montréal Reflex”, that is, to add a “Montréal chapter” in all policies affecting the metropolis, and to ensure that the characteristics specific to Ville de Montréal due to its special metropolis status are taken into account in the drafting of laws, regulations, programs, policies and directives that concern the metropolis, and as the Government intends to consult the city in a timely manner for that purpose;

AS Ville de Montréal’s economic, social and cultural attributes bestow on it the status of metropolis of Québec and enable it to play its special role as such at the national and international levels on behalf of all of Québec;

AS Ville de Montréal, with nearly two-thirds of Québec’s exporting businesses, some 60 international organizations, including certain UN organizations, and more than 80 foreign consulates, is the second largest consular city in North America and the main centre for international commerce and dialogue within Québec;

AS Ville de Montréal must see to it that quality affordable, social or family housing is available to all its residents, in particular to young families, modest-income households and newcomers;

AS Ville de Montréal, as a cosmopolitan metropolis and crucible of intercultural relations, faces unique challenges in Québec with respect to the reception, integration and francization of the immigrant population;

AS a large part of the heritage property in the territory of Ville de Montréal bears witness to its rich history and its decisive role in Québec’s past, present and future development;

2017, c. 16, s. 2.

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## CHAPTER I

### CONSTITUTION OF THE MUNICIPALITY

- 1.** A city is hereby constituted under the name “Ville de Montréal”.

Montréal is a French-speaking city.

Montréal is the metropolis of Québec and one of its key actors as regards economic development.

2000, c. 56, Sch. I, s. 1; 2008, c. 19, s. 2.

- 2.** The city is a legal person.

2000, c. 56, Sch. I, s. 2.

- 3.** The territory of the city is the territory described in Schedule A.

2000, c. 56, Sch. I, s. 3.

- 4.** Subject to any other provision of this Act or of any order of the Government made under section 9, the city is a municipality governed by the Cities and Towns Act (chapter C-19).

2000, c. 56, Sch. I, s. 4.

- 5.** The city succeeds to the rights, obligations and charges of the Communauté urbaine de Montréal and to those of the following municipalities as they existed on 31 December 2001 : Ville d’Anjou, Ville de Baie-d’Urfé, Ville de Beaconsfield, Cité de Côte-Saint-Luc, Ville de Dollard-des-Ormeaux, Cité de Dorval, Ville de Hampstead, Ville de Kirkland, Ville de Lachine, Ville de LaSalle, Ville de L’Île-Bizard, Ville de L’Île-Dorval, Ville de Montréal, Ville de Montréal-Est, Ville de Montréal-Nord, Ville de Montréal-Ouest, Ville de Mont-Royal, Ville d’Outremont, Ville de Pierrefonds, Ville de Pointe-Claire, Ville de Roxboro, Ville de Sainte-Anne-de-Bellevue, Ville de Sainte-Geneviève, Ville de Saint-Laurent, Ville de Saint-Léonard, Village de Senneville, Ville de Verdun and Ville de Westmount.

The city becomes, without continuance of suit, a party to every suit, in the place of the urban community or, as the case may be, of every municipality to which the city succeeds.

2000, c. 56, Sch. I, s. 5; 2001, c. 25, s. 236.

- 6.** The by-laws, resolutions, minutes, assessment roll, collection roll and other acts of each of the municipalities that are consistent with the provisions of this Act and of any order of the Government made under section 9 shall remain in force in the territory for which they were made until their objects are attained or until they are replaced or repealed in accordance with this Act. They are deemed to be acts of the city or, according to the field of jurisdiction to which they relate, of the borough council within which that territory is situated.

2000, c. 56, Sch. I, s. 6; 2001, c. 25, s. 237.

- 7.** The officers and employees of the Communauté urbaine de Montréal and of the municipalities referred to in section 5 shall become, without reduction in salary, officers and employees of the city, and shall retain their seniority and employee benefits and, in particular, continue to be members of the pension plan of which they were members prior to the constitution of the city.

The officers and employees of the Communauté urbaine de Montréal who, on 31 December 2001, exercise their functions within the scope of the jurisdiction of the Community as regards land use planning or powers of the Community transferred to the Communauté métropolitaine de Montréal on 1 January 2002, may be reassigned to the Communauté métropolitaine de Montréal by any order of the Government made under section 9.

No officer or employee to whom this section applies, other than an officer or employee having entered into employment with the urban community or any of the municipalities after 15 November 2000 may be laid off or dismissed solely by reason of the constitution of the city.

2000, c. 56, Sch. I, s. 7.

**8.** The expenditures related to any debt of a municipality referred to in section 5 shall continue to be financed by revenues derived exclusively from the territory of the municipality or a part thereof. Any surplus of such municipality shall remain for the exclusive benefit of the inhabitants and ratepayers in its territory or a part thereof. To determine if the financing or surplus should burden or be credited to just a part of the territory, the rules applicable on 31 December 2001 respecting the financing of expenditures related to the debt or the source of the revenues that have generated the surplus shall be considered.

Where expenditures related to a debt of a municipality referred to in section 5, for the 2001 fiscal year, were not financed by the use of a specific source of revenue, the city may continue to finance them by using revenues not reserved for other purposes that come from the territory of the municipality. Notwithstanding section 6, the foregoing also applies where those expenditures were financed, for that fiscal year, by the use of revenues from a tax levied for that purpose on all taxable immovables situated in that territory.

If it avails itself of the power provided for in the second paragraph in respect of a debt, the city may not, to establish the tax burden provided for in section 150.1, charge to the revenues derived from the taxation specific to the non-residential sector that come from the territory a percentage of the financing of the expenditures related to that debt greater than the percentage corresponding to the quotient obtained by dividing the total of those revenues by the total revenues provided for in section 8.6 and coming from that territory. If the tax burden is established for the 2002 fiscal year or a subsequent fiscal year, the revenues of the preceding fiscal year shall be considered for that division.

For the purposes of the third paragraph, the revenues of a fiscal year are those provided for in the budget adopted for that fiscal year. However, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several statements are filed successively, the last one shall be considered.

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

- (1) revenues from the business tax;
- (2) *(subparagraph repealed)*;
- (3) revenues from the general property tax that are not considered in establishing the aggregate taxation rate when, under section 244.29 of the Act respecting municipal taxation (chapter F-2.1), several rates for that tax are fixed;
- (4) *(a)* revenues from the tax provided for in section 101 of Schedule C, where the occupants of residential immovables are, under the third paragraph of that section, exempt from the payment of that tax or where the tax is levied in accordance with the sixth paragraph of that section;
- (b)* *(subparagraph repealed)*; and
- (5) revenues from the amount in lieu of a tax referred to in any of subparagraphs 1 to 4 that must be paid either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or one of its mandataries, except, if the amount stands in lieu of the general property tax, revenues that would be considered in establishing the aggregate taxation rate if it was the tax itself.

Are deemed to constitute expenditures related to a debt of a municipality referred to in section 5 and financed by revenues derived from its entire territory the amounts required after 31 December 2001, in relation to a sum determined pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (chapter R-15.1) in respect of a pension plan to which that municipality was a party or in relation to the amortization of any unfunded actuarial liability of such a plan. The foregoing also applies to the contributions paid after 31 December 2001, in relation to the obligations arising from a pension plan not subject to the Supplemental Pension Plans Act to which a municipality referred to in section 5 was a party, in respect of years of past service before 1 January 2002.

The date of the determination of a sum pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act or of an unfunded actuarial liability provided for in the sixth paragraph must be earlier than 21 June 2001. In addition, in the case of an improvement unfunded actuarial liability, the amendment must have been made before 1 January 2002. However, if a pension plan still has such a sum or unfunded actuarial liability on the date of its division, merger or termination, the contributions paid by the city for that purpose after that date are deemed to be paid in respect of any sum or the amortization of any liability to which the sixth paragraph refers.

Are deemed to constitute a surplus or expenditures related to a debt of a municipality referred to in section 5, respectively, the revenues or costs in relation to legal proceedings or a dispute to which such a municipality or, as the case may be, the city is a party in respect of an event prior to 1 January 2002 that concerns the municipality. The expenditures necessary to make up the negative balance of the assets of Corporation Anjou 80, as established at 31 December 2001, are deemed to be expenditures relating to a debt of Ville d'Anjou and financed by revenues derived from the whole territory of Ville d'Anjou. The proceeds from the alienation of Parc de l'Île-Notre-Dame pursuant to the city contract entered into in 2003 between Ville de Montréal and the Government are deemed to constitute a surplus of Ville de Montréal as it existed on 31 December 2001.

2000, c. 56, Sch. I, s. 8; 2001, c. 25, s. 238; O.C. 1308-2001, s. 1; 2001, c. 68, s. 116; 2002, c. 77, s. 12; 2003, c. 3, s. 1; 2004, c. 20, s. 53.

**8.1.** Every intermunicipal agreement, other than the agreement referred to in section 203, providing for the establishment of an intermunicipal management board composed exclusively of municipalities referred to in section 5 shall terminate on 31 December 2001, notwithstanding any inconsistent provision mentioned in the agreement.

Notwithstanding sections 468.48 and 468.49 of the Cities and Towns Act (chapter C-19), an intermunicipal management board referred to in the first paragraph shall cease its activities and is dissolved on the date set out in that paragraph.

2001, c. 25, s. 239.

**8.2.** The city succeeds to the rights, obligations and charges of a management board referred to in section 8.1. In such a case, the second paragraph of section 5 and sections 6 and 8 apply, with the necessary modifications and, in the case of section 8, as regards the debts, having regard to the apportionment determined by the agreement establishing the management board in respect of capital expenditures.

2001, c. 25, s. 239.

**8.3.** In the case of an intermunicipal agreement providing for the establishment of an intermunicipal management board composed in part of municipalities referred to in section 5, the city may request the Minister of Municipal Affairs, Regions and Land Occupancy to terminate the agreement on a date other than the date provided for in the agreement to enable the management board to be dissolved. If the Minister accepts the request, sections 468.48 and 468.49 of the Cities and Towns Act (chapter C-19) apply, with the necessary modifications, from the date a copy of the Minister's acceptance is transmitted to the intermunicipal management board and the municipalities that are members thereof.

Section 8 applies in respect of the debts arising from an agreement referred to in the first paragraph, having regard to the apportionment determined by the agreement establishing the management board in respect of capital expenditures.

2001, c. 25, s. 239; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

**8.4.** An intermunicipal agreement providing for a mode of operation other than an intermunicipal management board and entered into exclusively by municipalities referred to in section 5 shall terminate on 31 December 2001. Such an agreement entered into between such a municipality and another municipality shall terminate on 31 December 2002, except in the case of an agreement under Division II of Chapter II of the Act respecting municipal courts (chapter C-72.01). Section 8 applies to the debts arising from such an agreement, having regard to the apportionment determined by the agreement in respect of capital expenditures.

2001, c. 25, s. 239; 2001, c. 68, s. 117.

**8.5.** The sums derived from the operation or leasing by the city of an industrial immovable, after deduction of related administration and maintenance costs, or from the alienation of the immovable, must be used to discharge the engagements made in respect of the immovable by any municipality referred to in section 5.

If the industrial immovable referred to in the first paragraph was the subject of an agreement under section 13.1 of the Act respecting municipal industrial immovables (chapter I-0.1) which provided for terms and conditions relating to the apportionment of expenditures among the municipalities, the discharge pursuant to the first paragraph of the engagements made must be consistent with those terms and conditions as regards any part of the territory of the city that corresponds to the territory of any such municipality.

2001, c. 25, s. 239; O.C. 1308-2001, s. 2.

**8.6.** The revenues to be used for the purposes of the division under the third paragraph of section 8 are

(1) the revenues derived from the general property tax, except the revenues not taken into account in establishing the aggregate taxation rate of the city;

(2) the revenues derived from any special tax imposed on all the immovables in the territory of the city on the basis of their taxable value;

(3) the revenues derived from any amount in lieu of a tax referred to in subparagraph 1 or 2 that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (chapter F-2.1) or the first paragraph of sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries, except, in the case where the amount is in lieu of the general property tax, the revenues that would be covered by the exception provided for in subparagraph 1 if it were the tax itself;

(4) the revenues derived from the source provided for in section 244.1 of the Act respecting municipal taxation and considered in establishing the aggregate taxation rate of the city, except revenues that, under section 244.9 of that Act, are used specifically to finance expenditures related to debts;

(5) the revenues derived from the business tax and any other tax imposed on the basis of the rental value of an immovable;

(6) the revenues covered by the exception under subparagraph 1 or 3;

(7) the revenues derived from any amount in lieu of a tax, other than an amount referred to in subparagraph 3, that must be paid by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation or sections 254 and 255 of that Act or by the Crown in right of Canada or by one of its mandataries;

(8) *(subparagraph repealed)*.

2001, c. 25, s. 239; O.C. 1308-2001, s. 3; 2004, c. 20, s. 54.

**9.** The Government may, by order, from among the special legislative provisions that govern the urban community or any municipality referred to in section 5 on 31 December 2001, determine the provisions, if any, that are to apply to all or any part of the territory of the city determined in the order.

An order under the first paragraph may also, in relation to all or any part of the territory of the city, contain any rule

(1) prescribing the conditions under which a special legislative provision referred to in the first paragraph is to apply ;

(2) providing for any omission for the purpose of ensuring the application of this Act ;

(3) derogating from any provision of an Act for which the Minister of Municipal Affairs, Regions and Land Occupancy is responsible, of this Act, of a special Act governing a municipality referred to in section 5, or of an instrument made under any of those Acts.

Any order of the Government made pursuant to this section must be made before 4 November 2001 and comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

2000, c. 56, Sch. I, s. 9; 2001, c. 68, s. 118; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

## CHAPTER II

### ORGANIZATION OF THE MUNICIPALITY

#### DIVISION I

##### DIVISION OF TERRITORY

**10.** The territory of the city is, for the exercise of certain of its fields of jurisdiction, divided into 19 boroughs described in Schedule B.

The city council may, by by-law, number the boroughs.

2000, c. 56, Sch. I, s. 10; 2003, c. 19, s. 59; O.C. 1213-2005, s. 1.

**10.1.** Any request made to the Government to have the boundaries of a borough modified shall be made by the city council and the council of any borough whose boundaries are the subject of the request.

In any borough whose boundaries are the subject of the request, a public consultation meeting shall be conducted by the borough mayor or any other member of the borough council designated by the mayor.

The secretary of the borough shall give public notice of the public meeting at least eight clear days before the meeting is held. The notice shall indicate the place, date, time and subject of the meeting. The notice shall also indicate that a copy of the request to change the boundaries of the borough is available for consultation at the borough office.

During the public meeting, the person conducting the meeting must explain the request to change the boundaries of the borough and hear the persons and organizations that wish to express themselves.

2003, c. 28, s. 1.

**11.** The borough of Pierrefonds-Roxboro is deemed to be recognized in accordance with section 29.1 of the Charter of the French language (chapter C-11).

The borough shall retain that recognition until, at its request, the recognition is withdrawn by the Government pursuant to section 29.1 of that Charter.

Officers or employees of the city who exercise their functions or perform work in connection with the powers of the borough referred to in the first paragraph or recognized under section 29.1 of the Charter of the French language are, for the purposes of sections 20 and 26 of that Charter, deemed to be officers or employees of that borough.

2000, c. 56, Sch. I, s. 11; 2001, c. 25, s. 240; O.C. 1213-2005, s. 2; 2006, c. 60, s. 6.

## **DIVISION II**

### **CITY COUNCIL AND BOROUGH COUNCILS**

**12.** The affairs of the city shall be administered, in accordance with the apportionment of the powers and jurisdiction provided by this Act, by the city council or, as the case may be, by each borough council.

2000, c. 56, Sch. I, s. 12.

**13.** Subject to any other provision of this Act or any order of the Government made under section 9, the borough council is, as regards the exercise of its jurisdiction, subject to the rules provided for by the Cities and Towns Act (chapter C-19) in respect of the council of a municipality, in particular the rules relating to the requirement that council meetings be open to the public.

2000, c. 56, Sch. I, s. 13.

#### *§ 1. — City council*

**14.** The city council is composed of the mayor and 64 city councillors.

2000, c. 56, Sch. I, s. 14; 2001, c. 25, s. 241; O.C. 1213-2005, s. 3.

**15.** *(Repealed).*

2000, c. 56, Sch. I, s. 15; 2005, c. 28, s. 26.

**16.** Each borough is represented on the city council by the number of city councillors prescribed by Schedule B in its regard.

2000, c. 56, Sch. I, s. 16; 2001, c. 25, s. 242; 2005, c. 28, s. 27.

#### *§ 2. — Borough council*

**17.** A borough council is made up of the borough mayor, any other city councillor and, as required, any borough councillor.

In the case of the borough of Ville-Marie, the city mayor is the borough mayor.

The borough council shall hold at least 10 regular meetings each year.

2000, c. 56, Sch. I, s. 17; 2001, c. 25, s. 243; 2003, c. 28, s. 2; 2008, c. 19, s. 3.

**17.1.** Despite section 70 of the Cities and Towns Act (chapter C-19), the city council may appoint a borough councillor to a committee of the city.

2006, c. 31, s. 5.

**18.** *(Repealed).*

2000, c. 56, Sch. I, s. 18; 2001, c. 25, s. 244; 2002, c. 37, s. 42; 2003, c. 28, s. 3; O.C. 1213-2005, s. 4.

**19.** *(Repealed).*

2000, c. 56, Sch. I, s. 19; 2001, c. 25, s. 245; 2003, c. 28, s. 4; 2005, c. 28, s. 28.

**20.** The borough mayor has, with respect to the fields of jurisdiction of the borough council, the powers, rights and obligations assigned to the mayor of a local municipality by the Cities and Towns Act (chapter C-19) or any other Act.

2000, c. 56, Sch. I, s. 20; 2001, c. 25, s. 246; 2003, c. 28, s. 4; 2005, c. 28, s. 29; 2005, c. 50, s. 3.

**20.1.** Where a vote taken by a borough council results in a tie-vote, the vote of the borough mayor cast and forming part of the tie-vote becomes the casting vote.

2001, c. 68, s. 119; 2003, c. 28, s. 5.

**20.2.** A borough council may designate an acting mayor of the borough from among its members.

Section 56 of the Cities and Towns Act (chapter C-19) applies, with the necessary modifications.

2003, c. 28, s. 6.

**21.** *(Repealed).*

2000, c. 56, Sch. I, s. 21; 2001, c. 25, s. 247; 2003, c. 28, s. 7.

### **DIVISION III**

#### **EXECUTIVE COMMITTEE**

**22.** The executive committee of the city is composed of the mayor and the council members designated by the mayor.

The mayor may replace a member of the executive committee at any time.

2000, c. 56, Sch. I, s. 22; 2014, c. 19, s. 1.

**23.** The mayor shall designate the chair and two vice-chairs of the executive committee from among the members of the executive committee.

2000, c. 56, Sch. I, s. 23; 2001, c. 68, s. 120; 2017, c. 16, s. 3.

**24.** Any designated member of the executive committee may resign from the executive committee by sending a written notice to that effect, signed by the member, to the clerk. The resignation takes effect on the date the clerk receives the notice, or on any later date specified in the notice.

2000, c. 56, Sch. I, s. 24.

**25.** The meetings of the executive committee are held at the place, on the days and at the times fixed by the chair.

2000, c. 56, Sch. I, s. 25; 2003, c. 19, s. 60.

**26.** The chair of the executive committee shall convene and preside at meetings of the executive committee and ensure that they are properly conducted.

2000, c. 56, Sch. I, s. 26.

**27.** The chair may designate the vice-chair who shall replace the chair in the event that the chair is unable to act or if the office of chair is vacant. The designation may establish the order in which the vice-chairs are to replace the chair, on a periodic basis or according to any other criteria the chair determines.

The chair may designate a vice-chair to preside at any meeting of the executive committee.

2000, c. 56, Sch. I, s. 27; 2001, c. 68, s. 121.

**28.** Any member of the executive committee who is not present at the place where a meeting is held may take part in the meeting by means of electronic communications equipment.

However, the communications equipment must enable every person using the equipment or attending the meeting to hear clearly everything that is said by another person in an audible and intelligible voice.

Every member participating in such manner in a meeting is deemed to be present at the meeting.

2000, c. 56, Sch. I, s. 28.

**29.** The meetings of the executive committee are closed to the public.

However, the executive committee sits in public

(1) in the cases provided for in the internal management by-laws of the city ; and

(2) for all or part of a meeting if the executive committee so decides.

2000, c. 56, Sch. I, s. 29.

**30.** A majority of members constitutes a quorum at meetings of the executive committee.

2000, c. 56, Sch. I, s. 30.

**31.** Each member of the executive committee present at a meeting has one vote.

2000, c. 56, Sch. I, s. 31.

**32.** Each decision is made by a simple majority vote.

2000, c. 56, Sch. I, s. 32.

**33.** The executive committee shall prepare and submit to the council the following documents :

(1) the city's annual budget ;

(2) any request for the allocation of the proceeds of loans and for any other moneys required ;

(3) any request in relation to the adoption, amendment or replacement of a planning program ;

- (4) draft by-laws ;
- (5) any request for the transfer of funds or moneys already voted ;
- (6) any report on taxes, permits or licences to be imposed ;
- (7) any report recommending the granting of franchises or privileges ;
- (8) any report concerning exchanges or emphyteusis in respect of an immovable belonging to the city, and the leasing of the city's movable or immovable property where the term of the lease exceeds one year ;
- (9) any report on any other subject submitted to it by the council that falls within the council's jurisdiction ;
- (10) *(subparagraph repealed)*.

In addition, the executive committee acts for the city in all cases in which a provision of the internal management by-laws assigns the power to perform the act to the executive committee. The executive committee may grant any contract involving an expenditure that does not exceed \$100,000.

The executive committee shall give the council its opinion on any matter, where required to do so under a provision of the by-laws, at the request of the council or on its own initiative.

The opinion of the executive committee does not bind the council. Failure to submit an opinion required under the internal management by-laws or requested by the council does not limit the council's power to consider and vote on the matter.

2000, c. 56, Sch. I, s. 33; 2003, c. 28, s. 8.

**34.** The council may, in the internal management by-laws, determine any act within its jurisdiction which it has the power or the duty to perform, that it delegates to the executive committee, and prescribe the terms and conditions of the delegation.

However, the following powers may not be delegated:

(1) the power to adopt a budget, a three-year program of capital expenditures or a document required under the Act respecting land use planning and development (chapter A-19.1), the Act respecting municipal courts (chapter C-72.01), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Act respecting municipal territorial organization (chapter O-9);

(1.1) the power to pass a heritage identification or recognition by-law referred to in Chapter IV of the Cultural Heritage Act (chapter P-9.002);

(2) the power to designate a person to a position that may only be held by a member of the council;

(3) the power to appoint, dismiss, suspend without pay or reduce the salary of the director general, the clerk, the treasurer, the deputy clerk, the deputy treasurer or any person the appointment of whom is provided by the law by the council at a majority that is not the simple majority; and

(4) the power to create the various departments within the city and determine the scope of their activities;

(5) *(subparagraph repealed)*.

The council may also, in the internal management by-laws, determine any matter on which the executive committee must give its opinion to the council, and prescribe the terms and conditions of consultation. The internal management by-laws may also prescribe the manner in which a member of the council may request

the executive committee to report to the council on any matter within the jurisdiction of the executive committee.

2000, c. 56, Sch. I, s. 34; 2001, c. 25, s. 248; O.C. 1308-2001, s. 4; 2003, c. 28, s. 9; 2011, c. 21, s. 217.

**34.1.** In addition to the powers that the city council may delegate to the executive committee under section 34, the following powers of the city council may be exercised by the executive committee:

(1) awarding, after a call for tenders, any contract within the jurisdiction of the city council where the price does not exceed the amount made available to the executive committee for that purpose, except a contract for which only one conforming tender was received;

(2) granting a subsidy or any other form of assistance the amount or value of which does not exceed \$150,000;

(3) acquisition and alienation of immovables the value of which is \$150,000 or less;

(4) in matters of expropriation,

(a) the payment of the provisional indemnity;

(b) the payment of the final indemnity or the acquisition by mutual agreement to the extent that the amount of the payment does not exceed the appropriations voted by the city council;

(c) the making, following the expropriation order, of an act recognizing a servitude for the benefit of a public utility;

(5) in matters of human resources management,

(a) the negotiation of collective agreements except where matters referred to in section 49.2 are concerned;

(b) the other powers except those provided for in the second paragraph of section 34 and in sections 47 to 49;

(6) the power to sue and be sued;

(7) in matters of financial management,

(a) expenditure authorizations;

(b) transfers of credits, with the exception of transfer of credits from the allotment of a borough council to another borough council or between the allotment of a borough council and the budget of an administrative unit under the authority of the city council; and

(c) the amending of the budget of the city to take into account any unexpected sums received for the carrying out of work.

O.C. 1308-2001, s. 5; 2002, c. 37, s. 43; 2003, c. 28, s. 10; 2005, c. 28, s. 196; 2005, c. 6, s. 154; 2009, c. 26, s. 109; 2016, c. 17, s. 7; 2017, c. 16, s. 4.

**34.2.** The executive committee must, at least once a year, invite each borough council to submit advice and recommendations on the administration of the affairs of the city.

On the same occasion, the borough council shall report on the administration of the affairs of the borough.

2003, c. 28, s. 11.

**35.** The executive committee may adopt an internal management by-law concerning its meetings and the conduct of its affairs. The by-law may, with respect to a power provided for in section 34.1 or Schedule C and, to the extent permitted by the internal management by-laws of the city, with respect to a power of the city council delegated to the executive committee under the first paragraph of section 34, provide for the delegation of those powers to any officer or employee of the city and determine the conditions and procedures for the exercise of the delegated power.

2000, c. 56, Sch. I, s. 35; 2001, c. 25, s. 249; O.C. 1308-2001, s. 6; 2001, c. 68, s. 122.

**36.** *(Repealed).*

2000, c. 56, Sch. I, s. 36; O.C. 1308-2001, s. 7.

## DIVISION IV

### PROVISIONS CONCERNING ELECTIONS

**37.** *(Repealed).*

2000, c. 56, Sch. I, s. 37; 2001, c. 25, s. 250; 2003, c. 28, s. 12; O.C. 1213-2005, s. 5.

**38.** Every borough whose council is composed exclusively of city councillors besides the mayor of the borough shall be divided into districts.

2000, c. 56, Sch. I, s. 38; 2001, c. 25, s. 250; 2003, c. 28, s. 13.

**39.** In every borough whose council includes only one borough councillor, all the councillors shall be elected by all the electors of the borough.

Every borough whose council includes two or more borough councillors must be divided into districts for the purposes of those offices of borough councillor.

2000, c. 56, Sch. I, s. 39; 2001, c. 25, s. 251; 2003, c. 28, s. 14.

**39.1.** Not later than 1 December 2004 or any other date set by the Government, the city council shall report to the Minister of Municipal Affairs, Regions and Land Occupancy on the number of borough councillors each borough council should include, the division of the borough territories for the purposes of the first general election to be held after that of 4 November 2001, and the manner in which city councillors and borough councillors should be elected in that election.

To provide for the application of a proposal made by the city council in its report, the Government may, by order, make a rule derogating from a provision of this Charter, an Act for which the Minister of Municipal Affairs, Regions and Land Occupancy is responsible, a special Act that applies to the city or an instrument made under any of those Acts.

An order of the Government made under the second paragraph comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the order.

2001, c. 25, s. 252; 2003, c. 19, s. 250; 2003, c. 28, s. 15; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

**40.** *(Repealed).*

2000, c. 56, Sch. I, s. 40; 2005, c. 28, s. 28.

**41.** *(Repealed).*

2000, c. 56, Sch. I, s. 41; 2005, c. 28, s. 28.

**41.1.** For the purposes of sections 59, 101.1, 109.1 and 157 of the Act respecting elections and referendums in municipalities (chapter E-2.2), a borough that is not divided into electoral districts for the purpose of an election for the office of city councillor is considered to be an electoral district.

2001, c. 25, s. 253.

**42.** *(Repealed).*

2000, c. 56, Sch. I, s. 42; 2005, c. 28, s. 28.

## **DIVISION V**

### **SALARY, ALLOWANCE AND PENSION PLAN OF BOROUGH COUNCILLORS**

**43.** The borough council shall fix the remuneration and allowance of borough councillors in accordance with the Act respecting the remuneration of elected municipal officers (chapter T-11.001). It may also fix additional remuneration relating to any special position held by a city councillor on that council or on any committee of the council.

2000, c. 56, Sch. I, s. 43; 2003, c. 28, s. 16; 2017, c. 13, s. 28; 2018, c. 8, s. 14.

**44.** For the purposes of the Act respecting the Pension Plan of Elected Municipal Officers (chapter R-9.3), borough councillors are deemed to be members of the city council.

2000, c. 56, Sch. I, s. 44.

## **DIVISION VI**

### **OFFICERS AND EMPLOYEES**

**45.** The city is the employer of all its officers and employees, whether they exercise their functions or perform work in connection with responsibilities under the authority of the city or in connection with responsibilities under the authority of a borough council.

Subject to section 49.2, the negotiation of the conditions of employment of officers and employees who are employees within the meaning of the Labour Code (chapter C-27) and the determination of the conditions of employment of officers and employees who are not employees represented by a certified association within the meaning of that Code are within the authority of the city council.

2000, c. 56, Sch. I, s. 45; 2003, c. 28, s. 17.

**46.** The city council may establish rules relating to the hiring and dismissal of officers and employees.

2000, c. 56, Sch. I, s. 46; O.C. 1308-2001, s. 8; 2003, c. 28, s. 18.

**47.** The borough council shall make the decisions relating to the hiring and dismissal of officers and employees who exercise their functions or perform work in connection with the powers of a borough council in a manner consistent with the rules established by the city council under section 46.

It shall also determine the assignment and the responsibilities of the officers and employees.

2000, c. 56, Sch. I, s. 47; 2003, c. 28, s. 18.

**48.** Subject to the second paragraph, the borough council shall appoint a borough director on the recommendation of a selection committee of which the director general of the city is a member.

The director general of the city shall act as director of the borough of Ville-Marie.

The borough director shall report directly to the borough council as regards matters under the jurisdiction of the borough council.

Subject to section 57.1, the borough director has, in respect of the officers and employees who exercise their functions or perform work in connection with the powers of a borough council, the powers and obligations assigned to the director general of a municipality by the Cities and Towns Act (chapter C-19), with the necessary modifications.

2000, c. 56, Sch. I, s. 48; 2003, c. 28, s. 18; 2008, c. 19, s. 4.

**49.** The borough council may create various departments within the borough, determine the scope of their activities and appoint the department heads and assistant heads.

Despite the third paragraph of section 130, that power may not be delegated to an officer or employee.

2000, c. 56, Sch. I, s. 49; 2003, c. 28, s. 18.

**49.1.** The city council shall define a plan for the classification of positions and related salaries, as well as for the staffing methods used to fill positions, and determine the conditions and the procedures for the identification, placing on reserve and assignment of officers and employees having permanent tenure who are surplus to requirements.

Borough staffing must be effected in a manner consistent with the rules set out in the first paragraph and give priority to the employees in the borough who meet the criteria set out in those rules and in the provisions of any applicable collective agreement.

2003, c. 28, s. 18.

**49.2.** The borough council shall negotiate and agree to the clauses of a collective agreement that relate to the following matters:

- (1) release for union activities for local purposes, except quantum;
- (2) union posting;
- (3) information to be sent to the union;
- (4) the labour relations or industrial relations committee;
- (5) subject to the rules established by the city council, the filling of positions and the movement of workforce within a borough;
- (6) leave without pay, except parental leave;
- (7) training, advanced training and technological changes;
- (8) overtime work, except remuneration;
- (9) work schedules, except duration of work;
- (10) annual vacation, except quantum and remuneration;
- (11) statutory and floating holidays, except quantum and remuneration;
- (12) acquired rights;
- (13) the terms and conditions relating to parking, except fees;

(14) contract work;

(15) statuses not governed by the collective agreement, in particular probationary employees, students and volunteers;

(16) disciplinary measures;

(17) local occupational health and safety committees.

The borough council may delegate the powers provided for in the first paragraph to the executive committee.

2003, c. 28, s. 18; 2007, c. 3, s. 72.

**49.3.** The negotiation by the borough council of the clauses relating to the matters referred to in section 49.2 may not begin before the certified association and the city make an agreement on matters other than those referred to in section 49.2.

The agreement shall be filed with the Minister of Labour in accordance with the first paragraph of section 72 of the Labour Code (chapter C-27). The agreement shall take effect in accordance with the second paragraph of that section.

2003, c. 28, s. 18; 2006, c. 58, s. 60.

**50.** Strikes and lock-outs are prohibited in respect of any matter referred to in section 49.2.

2000, c. 56, Sch. I, s. 50; 2003, c. 28, s. 19.

**51.** Clauses negotiated and agreed by a certified association and a borough council also bind the city.

2000, c. 56, Sch. I, s. 51.

**52.** An agreement on a matter referred to in section 49.2 shall be filed with the Minister of Labour in accordance with the first paragraph of section 72 of the Labour Code (chapter C-27). The agreement shall take effect in accordance with the second paragraph of that section.

2000, c. 56, Sch. I, s. 52; 2001, c. 26, s. 181; 2003, c. 28, s. 20; 2006, c. 58, s. 61.

**53.** If no agreement is reached on a matter referred to in section 49.2, one party may request the Minister of Labour to appoint a mediator-arbitrator with a view to settling their disagreement.

2000, c. 56, Sch. I, s. 53; 2003, c. 28, s. 21.

**54.** The mediator-arbitrator shall endeavour to bring the parties to settle their disagreement. For that purpose, the mediator-arbitrator shall meet with the parties and, in case of refusal to attend a meeting, give them an opportunity to present their observations.

2000, c. 56, Sch. I, s. 54.

**55.** If a disagreement subsists 60 days after the appointment of the mediator-arbitrator, one party may request the mediator-arbitrator to rule on the subject of the disagreement. If the mediator-arbitrator is of the opinion that a settlement is not likely to be reached by the parties, the mediator-arbitrator shall rule on the question and inform the parties of the decision.

The decision of the mediator-arbitrator is deemed to be an agreement within the meaning of section 52.

2000, c. 56, Sch. I, s. 55.

**56.** Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised, and no provisional remedy may be ordered against the mediator-arbitrator appointed under section 53.

2000, c. 56, Sch. I, s. 56; I.N. 2016-01-01 (NCCP).

**56.1.** A borough council and a certified association may, at any time, negotiate and agree on the replacement, amendment, addition or repeal of a clause of the collective agreement relating to a matter referred to in section 49.2.

In no case, however, may a negotiation under the first paragraph give rise to a dispute.

2003, c. 28, s. 22.

**57.** A clause negotiated and agreed on by the borough council is without effect where it alters the scope of a clause negotiated and agreed on by the city council on a matter other than those referred to in section 49.2.

The same rule applies to any decision made by a person appointed to rule on the subject of a disagreement under section 55.

Where a clause ceases to have effect by reason of the application of this section, the parties shall negotiate in order to replace it.

If the parties fail to agree, sections 53 to 56 apply.

2000, c. 56, Sch. I, s. 57; 2003, c. 28, s. 22.

**57.1.** The authority of the director general of the city is exercised over officers or employees whose job or work is connected with the powers of a borough council only when they are carrying out a function that is under the authority of the city council or the executive committee or is connected with a strategic operation.

2003, c. 28, s. 22.

## **DIVISION VI.0.1**

### **INSPECTOR GENERAL**

2014, c. 3, s. 1.

#### **§ 1. — *Appointment***

2014, c. 3, s. 1.

**57.1.1.** The city shall appoint an inspector general and fix his or her salary.

The inspector general is appointed by the regular city council.

The resolution appointing the inspector general must be adopted, on the recommendation of the mayor, by a two-thirds majority vote of the council members.

A two-thirds majority vote of the council members is also required to dismiss the inspector general or suspend him or her without pay.

2014, c. 3, s. 1.

**57.1.2.** To be appointed inspector general and remain as such, a person must, as a minimum,

(1) have been a member of the Barreau du Québec or the Chambre des notaires du Québec for at least 10 years, provided that disciplinary action has not been or is not being taken against the person; and

(2) not have been found guilty anywhere of an offence for an act or omission that is either an offence under the Criminal Code (R.S.C. 1985, chapter C-46) or an offence, referred to in section 183 of that Code, under any of the Acts listed in that section and that is related to the employment.

2014, c. 3, s. 1.

**57.1.3.** The following persons may not act as inspector general:

(1) a member of a council of the city or the council of a reconstituted municipality, or a former member of any of those councils, in the latter case before the expiry of 12 months following the end of that member's term of office;

(2) an associate of a member mentioned in paragraph 1;

(3) a person who, personally or through an associate, has any direct or indirect interest in a contract with the city or with a legal person described in subparagraph 1 of the fifth paragraph of section 57.1.9.

2014, c. 3, s. 1.

**57.1.4.** The inspector general is appointed for a non-renewable five-year term and shall remain in office until a successor is appointed.

2014, c. 3, s. 1.

**57.1.5.** The inspector general shall perform the duties of office exclusively and on a full-time basis.

2014, c. 3, s. 1.

**57.1.6.** If the inspector general is unable to act or if the office of inspector general is vacant, the council shall,

(1) not later than at the sitting following the inability to act or the vacancy, designate, for a period of not more than 180 days, a person qualified to replace the inspector general; or

(2) not later than at the sitting following the inability to act or the vacancy, or not later than at the sitting following the expiry of the period fixed under paragraph 1, appoint a new inspector general in accordance with section 57.1.1.

2014, c. 3, s. 1.

**57.1.7.** Despite section 113 of the Cities and Towns Act (chapter C-19), the director general of the city does not have authority over the inspector general, who reports directly to the council.

2014, c. 3, s. 1.

§ 2. — *Mandate*

2014, c. 3, s. 1.

**57.1.8.** The mandate of the inspector general is to oversee contracting processes and the carrying out of contracts by the city or by a legal person described in subparagraph 1 of the fifth paragraph of section 57.1.9.

The inspector general shall recommend to the council any measure aimed at preventing a breach of integrity in the making of contracts by the city or the carrying out of such contracts. The inspector general shall also recommend to the council any measure designed to foster compliance with the applicable legal

provisions and with the city's requirements regarding contracting or the carrying out of contracts. In addition, the inspector general shall verify, within the city, the implementation of such measures adopted by any council.

A further mandate of the inspector general is to train the members of the councils as well as the officers and employees to recognize and prevent any breach of integrity or of the applicable rules in the making of contracts by the city or the carrying out of such contracts.

The inspector general shall carry out his or her mandate with regard to contracts that come under an urban agglomeration power as well as those that come under a local power. The inspector general may make recommendations to any council of the city and shall verify the measures adopted by any such council, and the training he or she provides may be intended for the members of any council as well as all officers and employees of the city.

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2014, c. 3, s. 1.

**57.1.9.** In the performance of his or her duties, the inspector general is entitled to examine any book, register or record or obtain any information relevant to his or her mandate from the city, any city officer or employee, any member of a city council or a selection committee, the office of a city mayor or of a designated councillor within the meaning of section 114.5 of the Cities and Towns Act (chapter C-19) or any staff member of such an office or of a person described in the fifth paragraph or a representative of that person. The inspector general may make copies of them.

The inspector general may, at any reasonable hour, enter a building or on land to conduct the examination provided for in the first paragraph. The inspector general may require the owner or occupant and any other person on the premises visited to give him or her reasonable assistance.

The inspector general may also use any computer or material or any other thing found on the premises visited to access data relevant to his or her mandate and contained in an electronic device, computer system or other medium or to inspect, examine, process, copy or print out such data.

The inspector general may determine the reasonable terms according to which the documents or information mentioned in the first paragraph are to be transmitted to him or her.

The person referred to in the first paragraph is

- (1) a legal person
  - (a) that is part of the reporting entity defined in the city's financial statements;
  - (b) of which the city or a mandatary of the city appoints more than 50% of the members of the board of directors; or
  - (c) of which the city or a mandatary of the city holds more than 50% of the outstanding voting shares or units;
- (2) a person that has a contractual relationship with the city or with a legal person described in subparagraph 1; or
- (3) a subcontractor of the person referred to in subparagraph 2 in relation to the principal contract referred to in that subparagraph.

The inspector general shall, on demand, provide identification and produce for the owner or occupant or any other person on the premises visited under the second paragraph a certificate of authority signed by the city clerk.

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2014, c. 3, s. 1.

**57.1.10.** The inspector general may cancel any contracting process involving a contract of the city or of any legal person described in subparagraph 1 of the fifth paragraph of section 57.1.9, or rescind or suspend the carrying out of such a contract if the inspector general

(1) finds that any of the requirements specified in a document of the call for tenders or a contract has not been met or that the information provided in the contracting process is false; and

(2) is of the opinion that the seriousness of the breach observed justifies the cancellation, rescinding or suspension.

The inspector general's decision must include reasons and be sent immediately to the clerk and the mayor of the city. If the decision concerns the contract of a legal person referred to in the first paragraph, it must be sent immediately to the secretary of the legal person.

On receipt of the decision, the clerk shall immediately send it to the contracting party concerned.

Any decision received by the clerk under the second paragraph must be tabled before the city council concerned or, in the case of a decision regarding a contract of a legal person referred to in the first paragraph, before the council having jurisdiction over the mandate of the legal person, at the first sitting of the council following receipt of the decision.

Any decision received under the second paragraph by the secretary of a legal person referred to in the first paragraph must be tabled at the first meeting of its board of directors following receipt of the decision.

2014, c. 3, s. 1.

**57.1.11.** A decision by the inspector general to cancel a contracting process takes effect immediately and ceases to have effect the day it is reversed under section 57.1.12.

A decision by the inspector general to suspend the carrying out of a contract takes effect immediately and ceases to have effect on the 91st day following the day it is received by the city clerk or the secretary of the legal person described in subparagraph 1 of the fifth paragraph of section 57.1.9 or, as applicable, the day it is reversed under section 57.1.12.

If not reversed under section 57.1.12, a decision by the inspector general to rescind a contract takes effect on the 46th day following the day it is received by the city clerk or the secretary of the legal person described in subparagraph 1 of the fifth paragraph of section 57.1.9 or the day it is confirmed by the city council concerned, if applicable.

2014, c. 3, s. 1.

**57.1.12.** The city council concerned or, as the case may be, the council having jurisdiction over the mandate of the legal person concerned may reverse a decision of the inspector general.

In the case of a contract of a legal person, the council cannot reverse a decision without considering the recommendation of the board of directors of the legal person. Consequently, any legal person concerned by a decision of the inspector general must send to the council having jurisdiction over its mandate, not later than the 15th day following receipt of the decision, its recommendation as to whether or not to reverse the decision. The recommendation must give reasons.

For the purposes of the second paragraph, if no recommendation is sent within the prescribed period, the board of directors of the legal person concerned is presumed to be in favour of maintaining the inspector general's decision.

The recommendation required under the second paragraph must be sent to the city clerk, who shall, at the first sitting of the council following receipt of the recommendation or following the expiry of the period fixed

in the second paragraph, table it before the council having jurisdiction over the mandate of the legal person or inform the council of the absence of a recommendation.

A decision to reverse the cancellation of a contracting process or the rescinding of a contract must be made not later than the 45th day following the day the city clerk receives the inspector general's decision.

Any reversal decision regarding a contract of a legal person must be sent to the secretary of the legal person.

2014, c. 3, s. 1.

**57.1.13.** Any person may communicate any information to the inspector general that is relevant to the inspector general's mandate, except information regarding the health of a person or any of the following:

(1) information regarding the existence of an order whose publication is deferred under the Executive Power Act (chapter E-18) or the order itself;

(2) information regarding the existence of a decision resulting from the deliberations of the Conseil exécutif or the decision itself, information regarding the existence of a decision resulting from the deliberations of one of the cabinet committees of the Conseil exécutif or the decision itself, or information regarding the existence of a decision of the Conseil du trésor or the decision itself, before the expiry of 25 years from the date of the decision;

(3) information regarding the existence of information which, if disclosed, would reveal a budget policy of the Government before it is made public by the Minister of Finance or the information itself;

(4) a legal opinion concerning the application of the law to a particular case, or the constitutionality or validity of legislative or regulatory provisions, or a preliminary or final draft of a bill or regulation;

(5) a study, if its disclosure might well affect the outcome of judicial proceedings, unless those proceedings concern parties other than the Government, the Conseil exécutif, the Conseil du trésor, the government departments, and the persons, agencies and bodies referred to or described in the second and third paragraphs of section 3 or in section 4 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);

(6) a communication from the Conseil exécutif to one or more of its members, the Conseil du trésor or a cabinet committee, before the expiry of 25 years from the date of the communication;

(7) a communication from one or more members of the Conseil exécutif to one or more other members of the Conseil exécutif, to the Conseil exécutif itself, to the Conseil du trésor or to a cabinet committee, before the expiry of 25 years from the date of the communication;

(8) a recommendation from the Conseil du trésor or a cabinet committee to the Conseil exécutif, before the expiry of 25 years from the date of the recommendation;

(9) a recommendation from one or more members of the Conseil exécutif to the Conseil exécutif, the Conseil du trésor or a cabinet committee, before the expiry of 25 years from the date of the recommendation;

(10) a study, opinion or recommendation prepared within the Ministère du Conseil exécutif or the secretariat of the Conseil du trésor, or within another public body to the extent that it is released to the Ministère du Conseil exécutif, regarding a recommendation or request made by one or more ministers, a cabinet committee or a public body, or regarding a preliminary or final draft of a bill or regulation, before the expiry of 25 years from the date of the study, opinion or recommendation;

(11) a record or report of the deliberations of the Conseil exécutif or a cabinet committee, before the expiry of 25 years from the date of the record or report;

(12) a list of titles of documents containing recommendations to the Conseil exécutif or the Conseil du trésor, before the expiry of 25 years from the date of the list;

(13) the agenda of a meeting of the Conseil exécutif, the Conseil du trésor or a cabinet committee, before the expiry of 25 years from the date of the agenda;

(14) a document from the office of a Member of the National Assembly or a document produced for that Member by the services of the Assembly, unless the Member deems it expedient to send the document himself or herself or request that it be sent;

(15) a document from the office of the President of the Assembly or of a Member of the Assembly referred to in the first paragraph of section 124.1 of the Act respecting the National Assembly (chapter A-23.1) or a minister to which section 11.5 of the Executive Power Act (chapter E-18) applies;

(16) a preliminary or final draft of a bill or regulation, other than a draft by-law of the city or of a legal person described in subparagraph 1 of the fifth paragraph of section 57.1.9 of this Act, before the expiry of 10 years from the date of the draft;

(17) a study directly relating to a document referred to in subparagraph 16, other than a draft by-law of the city or of a legal person described in subparagraph 1 of the fifth paragraph of section 57.1.9 of this Act, unless the draft bill has been tabled in the National Assembly or the draft regulation has been made public in accordance with the law;

(18) an opinion or recommendation issued or made less than 10 years earlier by a member of a public body or of its personnel in the discharge of his or her duties, or issued or made less than 10 years earlier, at the request of a public body, by a consultant or an adviser on a matter within its jurisdiction, unless the opinion or recommendation emanates from the city or from a legal person described in subparagraph 1 of the fifth paragraph of section 57.1.9 of this Act or unless it is prepared at the request of the city or the legal person;

(19) an opinion or recommendation issued or made by an agency under the jurisdiction of a public body to a public body, or issued or made by an agency under the authority of a minister to the minister, if no final decision on the subject matter of the opinion or recommendation has been made public by the authority having jurisdiction and if the opinion or recommendation does not emanate from the city or from a legal person described in subparagraph 1 of the fifth paragraph of section 57.1.9 of this Act or has not been prepared at the request of the city or the legal person;

(20) a study prepared in connection with a recommendation made in the course of a decision-making process, until a decision is made on the recommendation or, if no decision is made, until five years have elapsed from the date the study was made, and if the study does not emanate from the city or from a legal person described in subparagraph 1 of the fifth paragraph of section 57.1.9 of this Act; or

(21) information regarding the existence of information or the information itself, if the information does not emanate from the city or from a legal person described in subparagraph 1 of the fifth paragraph of section 57.1.9 of this Act and if its disclosure would be likely to

(a) hamper an audit in progress;

(b) reveal an auditing program or operation plan;

(c) reveal a confidential source of information regarding an audit; or,

(d) seriously impair the power of appraisal granted to the Auditor General pursuant to sections 38, 39, 40, 42, 43, 43.1 and 45 of the Auditor General Act (chapter V-5.01).

A person who communicates information authorized under the first paragraph to the inspector general may do so despite the Act respecting Access to documents held by public bodies and the Protection of personal information, the Act respecting the protection of personal information in the private sector (chapter P-39.1),

any other communication restrictions under other laws of Québec and any duty of loyalty or confidentiality that may be binding on the person, in particular with respect to an employer or a client.

However, the lifting of professional secrecy authorized under the second paragraph does not apply to professional secrecy between a lawyer or a notary and a client.

2014, c. 3, s. 1; 2016, c. 34, s. 41; 2018, c. 3, s. 2.

**57.1.14.** The inspector general must take all necessary measures to protect the identity of persons who have communicated with him or her. Within the scope of his or her mandate, the inspector general may nonetheless communicate the identity of such persons to the police service of the city or to the Anti-Corruption Commissioner.

2014, c. 3, s. 1.

**57.1.15.** It is forbidden to take a reprisal against a person who has communicated with the inspector general or to threaten to take a reprisal against a person so that he or she will abstain from communicating with the inspector general.

In particular, the demotion, suspension, termination of employment or transfer of a person referred to in the first paragraph or any disciplinary or other measure that adversely affects the employment or working conditions of such a person is presumed to be a reprisal.

Any person who contravenes this section is guilty of an offence and is liable to a fine of

- (1) \$2,000 to \$20,000 in the case of a natural person; and
- (2) \$10,000 to \$250,000 in other cases.

For any subsequent offence, the amounts are doubled.

2014, c. 3, s. 1.

**57.1.16.** Any person who in any way hinders or attempts to hinder the performance of the inspector general's duties, misleads the inspector general by concealment or misrepresentation, refuses to hand over a document or information the inspector general may demand or examine, or conceals or destroys such a document or information is guilty of an offence and is liable to a fine of \$4,000 to \$20,000.

For any subsequent offence, the amounts are doubled.

2014, c. 3, s. 1.

**57.1.17.** Any person who, by an act or omission, helps or, by encouragement, advice, consent, authorization or order, induces another person to commit an offence under section 57.1.15 or 57.1.16 is guilty of an offence.

Any person who is found guilty under this section is liable to the same penalty as that prescribed for the offence the person helped or induced another person to commit.

2014, c. 3, s. 1.

**57.1.18.** If, in the opinion of the inspector general, a wrongdoing within the meaning of paragraph 1 of section 2 of the Anti-Corruption Act (chapter L-6.1) may have been committed, the inspector general must, without delay, make a disclosure to the Anti-Corruption Commissioner.

In addition, the inspector general shall send the Autorité des marchés financiers any information that may be relevant to its mandate under Chapter V.2 of the Act respecting contracting by public bodies (chapter C-65.1).

2014, c. 3, s. 1; 2018, c. 1, s. 46.

§ 3. — *Designation of representatives of the inspector general*

2014, c. 3, s. 1.

**57.1.19.** For the purposes of his or her mandate, the inspector general may designate, in writing, an assistant from among his or her personnel.

Only a person who meets the requirements set out in sections 57.1.2 and 57.1.3 may be designated as an assistant.

The designation is valid for a period of not more than five years and is non-renewable.

The assistant shall perform the duties of office exclusively and on a full-time basis.

The assistant has the same powers and rights as the inspector general and is subject to the same obligations.

In addition, the inspector general may designate, in writing, a person from among his or her personnel to perform the following duties:

- (1) the duties set out in the first and third paragraphs of section 57.1.8;
- (2) the verification of the implementation of the measures adopted under the second paragraph of section 57.1.8;
- (3) the duties set out in section 57.1.9.

In the performance of his or her duties, a person designated under the sixth paragraph is subject to the same obligations as the inspector general.

2014, c. 3, s. 1.

§ 4. — *Ethics requirement*

2014, c. 3, s. 1.

**57.1.20.** The inspector general must disclose in every report produced any situation that could cause a conflict between the inspector general's or his or her assistant's personal interest and their respective duties of office.

2014, c. 3, s. 1.

§ 5. — *Operating expenses*

2014, c. 3, s. 1.

**57.1.21.** The budget of the city must include an appropriation to provide for payment of a sum to the inspector general to cover the expenses relating to the performance of his or her duties.

The appropriation must be equal to or greater than the product obtained by multiplying the total of the other appropriations provided for in the city's budget for operating expenses by 0.11%.

The appropriation constitutes a mixed expenditure subject to the by-law provided for in section 69 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001).

2014, c. 3, s. 1.

**57.1.22.** The inspector general is responsible for the application of the city's policies and standards relating to the management of the human, material and financial resources assigned to the performance of his or her mandate.

2014, c. 3, s. 1.

§ 6. — *Reports, notices and recommendations*

2014, c. 3, s. 1.

**57.1.23.** Not later than 31 March each year, the inspector general shall send the city clerk and the mayor a report, to be tabled before the council at the first regular sitting following its receipt, presenting the results of the activities carried out under the inspector general's mandate and making recommendations, if applicable. The inspector general shall also send the report to the Anti-Corruption Commissioner and the Autorité des marchés financiers.

The inspector general may also, at any time, send the mayor and the clerk any report presenting findings or recommendations that, in the opinion of the inspector general, warrant being brought to the attention of the council. The mayor shall table the report before the council at the first regular sitting following its receipt.

The inspector general may include any notices or recommendations in these reports that, in his or her opinion, must be brought before the council.

In addition, the inspector general may, at any time, submit any notice or recommendation he or she considers necessary to any decision-making authority of the city.

2014, c. 3, s. 1.

§ 7. — *Protections*

2014, c. 3, s. 1.

**57.1.24.** Despite any general law or special Act, the inspector general and the employees under his or her direction or the professionals under contract may not be compelled to give testimony relating to any information obtained in the performance of their duties or to produce any document containing such information.

The inspector general and the employees under his or her direction may not be prosecuted for any act or omission in good faith in the performance of their duties.

No civil action may be instituted for the publication of a report of the inspector general prepared under this Act or the publication in good faith of an extract or summary of such a report.

Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised nor any injunction granted against the inspector general, the employees under his or her direction or the professionals under contract acting in their official capacity.

A judge of the Court of Appeal may, on an application, summarily annul any proceeding instituted or decision rendered contrary to the first paragraph.

2014, c. 3, s. 1; I.N. 2016-01-01 (NCCP).

§ 8. — *Audit of the accounts and affairs of the inspector general*

2014, c. 3, s. 1.

**57.1.25.** Despite section 107.8 of the Cities and Towns Act (chapter C-19), the auditing of the accounts and affairs of the inspector general does not include auditing for value-for-money.

2014, c. 3, s. 1.

## **DIVISION VI.1**

### **COMMISSION DE LA FONCTION PUBLIQUE DE MONTRÉAL**

2003, c. 28, s. 22.

**57.2.** A public service commission is hereby established under the name “Commission de la fonction publique de Montréal”.

2003, c. 28, s. 22.

**57.3.** The city council must determine, by by-law, the number of members constituting the public service commission.

2003, c. 28, s. 22.

**57.4.** In addition to the functions that the city council may assign to it, the public service commission must ascertain the impartiality and fairness of staffing rules to fill positions established by the city council under section 49.1 and the impartiality and fairness of the other workforce management policies established by the city.

2003, c. 28, s. 22; 2007, c. 3, s. 72.

**57.5.** The public service commission, on its own initiative or at the request of the city council, the executive committee or a borough council, may make any recommendation it considers appropriate.

2003, c. 28, s. 22.

**57.6.** The public service commission shall establish its internal management rules.

2003, c. 28, s. 22.

**57.7.** The city council shall appoint the members of the public service commission and designate a chair and one or two vice-chairs from among their number. The city council shall determine the term, the remuneration and the other conditions of employment of the members of the commission.

2003, c. 28, s. 22.

**57.8.** No member of the city council or of a borough council may be appointed a member of the public service commission.

2003, c. 28, s. 22.

**DIVISION VII**

*Repealed, 2007, c. 10, s. 3.*

2007, c. 10, s. 3.

**58.** *(Repealed).*

2000, c. 56, Sch. I, s. 58; 2001, c. 25, s. 254; 2007, c. 10, s. 3.

**59.** *(Repealed).*

2000, c. 56, Sch. I, s. 59; 2006, c. 60, s. 7; 2007, c. 10, s. 3.

**60.** *(Repealed).*

2000, c. 56, Sch. I, s. 60; 2007, c. 10, s. 3.

**61.** *(Repealed).*

2000, c. 56, Sch. I, s. 61; 2001, c. 25, s. 255; 2007, c. 10, s. 3.

**62.** *(Repealed).*

2000, c. 56, Sch. I, s. 62; 2007, c. 10, s. 3.

**63.** *(Repealed).*

2000, c. 56, Sch. I, s. 63; 2007, c. 10, s. 3.

**64.** *(Repealed).*

2000, c. 56, Sch. I, s. 64; 2007, c. 10, s. 3.

**65.** *(Repealed).*

2000, c. 56, Sch. I, s. 65; 2001, c. 25, s. 256; 2007, c. 10, s. 3.

**66.** *(Repealed).*

2000, c. 56, Sch. I, s. 66; 2007, c. 10, s. 3.

**67.** *(Repealed).*

2000, c. 56, Sch. I, s. 67; 2006, c. 60, s. 8; 2007, c. 10, s. 3.

**68.** *(Repealed).*

2000, c. 56, Sch. I, s. 68; 2007, c. 10, s. 3.

**69.** *(Repealed).*

2000, c. 56, Sch. I, s. 69; 2007, c. 10, s. 3.

**70.** *(Repealed).*

2000, c. 56, Sch. I, s. 70; 2007, c. 10, s. 3.

**71.** *(Repealed).*

2000, c. 56, Sch. I, s. 71; 2004, c. 29, s. 149; 2007, c. 10, s. 3.

**DIVISION VIII**

**PUBLIC SAFETY COMMITTEE**

**72.** A public safety committee under the name Commission de la sécurité publique de l'agglomération de Montréal is hereby established.

The committee is composed of nine members, one of whom is appointed by the Government; the eight other members, including a chair and two vice-chairs, are designated by the urban agglomeration council from among the members of the councils of the municipalities whose territory forms part of the urban agglomeration.

Among the members designated by the urban agglomeration council, two, including the chair or a vice-chair, are chosen from among the members of the councils of the municipalities other than the central municipality and one vice-chair is chosen from among the members of the council of the central municipality that are in the political party with the second largest number of councillors on that council.

The person designated by the Government is to receive from the central municipality the salary fixed by the Government, which also fixes the member's other conditions of employment and term of office.

2000, c. 56, Sch. I, s. 72; O.C. 1213-2005, s. 6; 2008, c. 19, s. 5.

**73.** The function of the committee is to examine any question concerning public safety and to make the recommendations it considers appropriate to the council. The committee shall carry out its function at the request of the council or the executive committee, or on its own initiative.

2000, c. 56, Sch. I, s. 73.

**74.** The committee must hold at least four meetings per year, at least two of which shall be public meetings.

2000, c. 56, Sch. I, s. 74.

**DIVISION IX**

**PUBLIC CONSULTATION OFFICE**

**75.** An Office to be known as "Office de consultation publique de Montréal" is hereby established.

2000, c. 56, Sch. I, s. 75.

**76.** The council shall designate, by a decision made by two-thirds of the members having voted, a president of the Office from among the candidates having special competence as regards public consultation, and may designate commissioners. The council may, in the same resolution, determine their remuneration and other conditions of employment, subject, where applicable, to a by-law made under section 79.

The president shall be appointed for a term not exceeding four years. The office of president is a full-time position.

The term of office of a commissioner shall be specified in the resolution appointing the commissioner and shall not exceed four years. Where the term is not mentioned in the resolution, it shall be four years.

2000, c. 56, Sch. I, s. 76; 2001, c. 25, s. 257.

**77.** The city council may, at the request of the president of the Office and by a decision made by two-thirds of the votes cast, appoint, for the period determined in the resolution, any additional commissioner chosen from a list prepared by the executive committee, and determine the president's remuneration and other conditions of employment.

The president may, annually, propose a list to the executive committee.

Only persons having special competence as regards public consultation may be entered on a list referred to in the first or second paragraph.

2000, c. 56, Sch. I, s. 77; 2001, c. 25, s. 258.

**78.** The members of the city council or of a borough council and the officers and employees of the city are disqualified from exercising the functions of president or commissioner.

2000, c. 56, Sch. I, s. 78.

**79.** The city council may, by a by-law adopted by two-thirds of the votes cast, fix the remuneration of the president and the commissioners. The president and the commissioners are entitled to reimbursement by the Office of authorized expenses incurred in the exercise of their functions.

2000, c. 56, Sch. I, s. 79; 2001, c. 25, s. 259, s. 260.

**80.** The president may retain the services of the personnel the president requires for the exercise of the functions of the Office and fix their remuneration. Employees of the Office are not city employees.

The city council may also assign any employee of the city it designates to the functions of the Office.

The treasurer of the city or the assistant designated by the treasurer is by virtue of office treasurer of the Office.

2000, c. 56, Sch. I, s. 80.

**81.** The fiscal year of the Office coincides with the fiscal year of the city, and the auditor of the city shall audit the financial statements of the Office, and, within 120 days after the end of the fiscal year, make a report of his or her audit to the council.

2000, c. 56, Sch. I, s. 81.

**82.** The council shall put the sums necessary for the exercise of the Office's functions at its disposal.

The council shall, by by-law, prescribe the minimum amount of the sums that are to be put at the Office's disposal each year. The treasurer of the city must include the amount so prescribed in the certificate the treasurer prepares in accordance with section 474 of the Cities and Towns Act (chapter C-19).

2000, c. 56, Sch. I, s. 82.

**83.** The functions of the Office shall be

(1) to propose a regulatory framework for the public consultations carried out by the official of the city in charge of such consultations pursuant to any applicable provision so as to ensure the establishment of credible, transparent and effective consultation mechanisms ;

(2) to hold a public consultation on any draft by-law revising the city's planning program;

(2.1) to hold a public consultation on any draft by-law amending the city's planning program, except those adopted by a borough council;

(2.2) to hold a public consultation on the draft by-law enacting the public participation policy provided for in section 80.1 of the Act respecting land use planning and development (chapter A-19.1), despite section 80.4 of that Act;

(3) to hold public hearings in the territory of the city, at the request of the city council or the executive committee, on any project designated by the council or the committee;

(4) to hold a public consultation on any element designated for that purpose in the public participation policy adopted under section 80.1 of the Act respecting land use planning and development.

However, subparagraph 2 of the first paragraph and sections 109.2 to 109.4 of the Act respecting land use planning and development (chapter A-19.1) do not apply to a draft by-law whose sole purpose is to amend the city's planning program in order to authorize the carrying out of a project referred to in subparagraph 4 of the first paragraph of section 89.

The Office shall report on its activities to the council at the request of the council or of the executive committee and in any case at least once a year. On that occasion, the Office may make any recommendation to the council.

2000, c. 56, Sch. I, s. 83; 2003, c. 19, s. 61; 2003, c. 28, s. 23; 2008, c. 19, s. 6; 2017, c. 13, s. 29.

## **DIVISION X**

*Repealed, 2017, c. 16, s. 5.*

2001, c. 25, s. 261; 2017, c. 16, s. 5.

### **83.1.** *(Repealed).*

2001, c. 25, s. 261; 2017, c. 16, s. 5.

### **83.2.** *(Repealed).*

2001, c. 25, s. 261; 2017, c. 16, s. 5.

### **83.3.** *(Repealed).*

2001, c. 25, s. 261; 2017, c. 16, s. 5.

### **83.4.** *(Repealed).*

2001, c. 25, s. 261; 2017, c. 16, s. 5.

### **83.5.** *(Repealed).*

2001, c. 25, s. 261; 2017, c. 16, s. 5.

### **83.6.** *(Repealed).*

2001, c. 25, s. 261; 2001, c. 68, s. 123; 2017, c. 16, s. 5.

### **83.7.** *(Repealed).*

2001, c. 25, s. 261; 2017, c. 16, s. 5.

### **83.8.** *(Repealed).*

2001, c. 25, s. 261; 2001, c. 68, s. 124; 2017, c. 16, s. 5.

**83.9.** *(Repealed).*

2001, c. 25, s. 261; 2017, c. 16, s. 5.

**83.10.** *(Repealed).*

2001, c. 25, s. 261; 2017, c. 16, s. 5.

**DIVISION XI**

*Repealed, 2017, c. 16, s. 5.*

O.C. 1308-2001, s. 9; 2017, c. 16, s. 5.

**83.11.** *(Repealed).*

O.C. 1308-2001, s. 9; 2017, c. 16, s. 5.

**83.12.** *(Repealed).*

O.C. 1308-2001, s. 9; 2017, c. 16, s. 5.

**83.13.** *(Repealed).*

O.C. 1308-2001, s. 9; 2017, c. 16, s. 5.

**83.14.** *(Repealed).*

O.C. 1308-2001, s. 9; 2017, c. 16, s. 5.

**DIVISION XII**

*Repealed, 2017, c. 16, s. 5.*

2009, c. 26, s. 6; 2017, c. 16, s. 5.

**83.15.** *(Repealed).*

2009, c. 26, s. 6; 2017, c. 16, s. 5.

**83.16.** *(Repealed).*

2009, c. 26, s. 6; 2017, c. 16, s. 5.

**83.17.** *(Repealed).*

2009, c. 26, s. 6; 2011, c. 11, s. 1; 2017, c. 16, s. 5.

**83.18.** *(Repealed).*

2009, c. 26, s. 6; 2017, c. 16, s. 5.

## DIVISION XIII

*Repealed, 2017, c. 16, s. 5.*

2009, c. 26, s. 6; 2017, c. 16, s. 5.

### **83.19.** *(Repealed).*

2009, c. 26, s. 6; 2017, c. 16, s. 5.

### **83.20.** *(Repealed).*

2009, c. 26, s. 6; 2017, c. 16, s. 5.

### **83.21.** *(Repealed).*

2009, c. 26, s. 6; 2017, c. 16, s. 5.

### **83.22.** *(Repealed).*

2009, c. 26, s. 6; 2017, c. 16, s. 5.

## CHAPTER III

### JURISDICTION

#### DIVISION I

##### GENERAL PROVISIONS

**84.** The city has jurisdiction in all matters within the jurisdiction of a local municipality, and shall exercise its powers and fulfil its obligations in respect thereof, subject to any provision of this Act or of any order made by the Government under section 9.

The city shall act through its council if the apportionment of jurisdiction provided by this Act does not implicitly or explicitly enable a determination to be made as to whether the power to act lies with the city council or with the borough council.

2000, c. 56, Sch. I, s. 84.

### **84.1.** *(Repealed).*

2001, c. 25, s. 262; 2003, c. 28, s. 24.

**85.** The city council may, subject to the conditions it determines, provide a borough council with a service related to a jurisdiction of the borough council; the resolution of the city council shall take effect on passage by the borough council of a resolution accepting the provision of services.

A borough council may, subject to the conditions it determines, provide the city council with a service related to a jurisdiction of the city council; the resolution of the borough council shall take effect on passage by the city council of a resolution accepting the provision of services.

2000, c. 56, Sch. I, s. 85; 2009, c. 26, s. 7.

**85.1.** A borough council may, on the conditions it determines, provide to the council of another borough any service related to one of its jurisdictions. The resolution offering such a provision of service becomes effective on the adoption of a resolution accepting the offer.

2001, c. 25, s. 263; 2009, c. 26, s. 8.

**85.2.** The city may ask a non-profit body for all or part of a subsidy used for another purpose than that for which it was granted by the city council or a borough council.

O.C. 1308-2001, s. 10; 2006, c. 60, s. 9.

**85.3.** The city council may submit opinions and make recommendations to a borough council on any matter within the latter's authority.

2003, c. 28, s. 25.

**85.4.** The city council may adopt a resolution setting out rules governing the establishment and updating of the allotment referred to in section 143 and rules governing the establishment of a development fund through which the city shall ensure, for a 10-year period, that the borough council receives 50% of the additional revenue generated as a result of new development projects carried out in the borough.

This resolution shall take effect as of the date on which the borough council adopts a resolution expressing its agreement with the city council resolution. It may not be amended or repealed without the agreement of the borough council.

Once the city council resolution takes effect, it is called a "borough contract".

2003, c. 28, s. 25.

**85.5.** If the city council considers it to be in the general interest of the city, it may declare, in respect of all the boroughs and for a period it determines, that the exercise of a jurisdiction or power assigned by law to all the borough councils is within its jurisdiction.

The resolution by which the council makes the decision is adopted by an absolute majority vote of the council members. However, the resolution is adopted by a two-thirds majority vote of the council members if the period for which the council declares its jurisdiction exceeds two years or if the resolution extends the application of a declaration of jurisdiction so as to render it applicable for a period exceeding two years.

2008, c. 19, s. 7.

**86.** In the event of incompatibility between a provision of a by-law of the city council and a provision of a by-law of the borough council, the former shall prevail.

2000, c. 56, Sch. I, s. 86.

**86.1.** To ensure good government and the general welfare of the people in the city's territory, the city council must adopt a Montréal charter of rights and responsibilities.

The purpose of the Montréal charter of rights and responsibilities is to define citizens' rights and responsibilities and to frame the city's commitments with respect to democratic, economic, social and cultural life, heritage, recreation, physical activity, sports, the environment, sustainable development, security and municipal services. It may not however serve as the basis for a judicial or jurisdictional remedy nor may it be cited in judicial or jurisdictional proceedings.

Amendments to the charter are made by by-law adopted by two-thirds of the votes cast.

2009, c. 26, s. 9.

## DIVISION II

### SPECIAL FIELDS OF JURISDICTION OF THE CITY

#### § 1. — *General provisions*

**87.** In addition to what is provided in section 84, the city has, to the extent provided by this Act or by the order of the Government made under section 9, special jurisdiction, obligations and powers in the following fields :

- (1) land use planning and development ;
- (2) economic promotion and community, cultural, economic, social, environmental and transportation development ;
- (3) recovery and recycling of residual materials ;
- (4) culture, recreation and parks ;
- (5) social housing ;
- (6) the arterial system ;
- (7) water purification ;
- (8) police services ;
- (9) road service and vehicle towing ; and
- (10) the municipal court.

2000, c. 56, Sch. I, s. 87; 2001, c. 25, s. 264; 2003, c. 28, s. 26.

#### § 2. — *Land use planning and development*

**88.** The city's planning program must include, in addition to the elements mentioned in section 83 of the Act respecting land use planning and development (chapter A-19.1), a document establishing the rules and criteria to be taken into account, in any by-law referred to in section 131, by the borough councils and requiring the borough councils to provide in such a by-law for rules at least as restrictive as those established in the complementary document.

The complementary document may include, in addition to the elements mentioned in the Act respecting land use planning and development, in relation to the whole or part of the city's territory, rules to ensure harmonization with any by-laws that may be adopted by a borough council under section 131 or to ensure consistency with the development of the city.

2000, c. 56, Sch. I, s. 88; 2001, c. 25, s. 265.

**89.** The city council may, by by-law, enable the carrying out of a project, notwithstanding any by-law adopted by a borough council, where the project relates to

- (1) shared or institutional equipment, such as cultural equipment, a hospital, public educational institution, college- or university-level educational institution, convention centre, house of detention, cemetery, regional park or botanical garden;
- (2) major infrastructures such as an airport, port, station, yard or shunting yard or a water treatment, filtration or purification facility;

(3) a residential, commercial or industrial establishment situated in the business district, or if situated outside the business district, a commercial or industrial establishment the floor area of which is greater than 15,000 m<sup>2</sup>;

(4) housing intended for persons requiring assistance, protection, care or lodging, particularly within the framework of a social housing program implemented under the Act respecting the Société d'habitation du Québec (chapter S-8);

(5) a heritage immovable classified or recognized under the Cultural Heritage Act (chapter P-9.002) or the planned site of which is situated on a heritage site classified or recognized as such or declared such within the meaning of that Act.

For the purposes of subparagraph 3 of the first paragraph, the business district comprises the part of the territory of the city bounded by Saint-Urbain street, from Sherbrooke Ouest street to Sainte-Catherine Ouest street, by Sainte-Catherine Ouest street to Clark street, by Clark street to René-Lévesque Ouest boulevard, by René-Lévesque Ouest boulevard to Saint-Urbain street, by Saint-Urbain street to Place d'Armes hill, by Place d'Armes hill to Place d'Armes, from Place d'Armes to Notre-Dame Ouest street, by Notre-Dame Ouest street to De La Montagne street, by De la Montagne street to Saint-Antoine Ouest street, by Saint-Antoine Ouest street to Lucien-Lallier street, by Lucien-Lallier street to René-Lévesque Ouest boulevard, by René-Lévesque Ouest boulevard to De La Montagne street, by De La Montagne street to the land fronting the north side of René-Lévesque boulevard, from the land fronting the north side of René-Lévesque boulevard to Drummond street, from Drummond street to Sherbrooke Ouest street and from Sherbrooke Ouest street to Saint-Urbain street.

The by-law referred to in the first paragraph may contain only the land planning rules necessary for the project to be carried out. The extent to which it amends any by-law in force adopted by the borough council must be set out clearly and specifically.

2000, c. 56, Sch. I, s. 89; 2001, c. 25, s. 265; 2002, c. 77, s. 13; 2003, c. 19, s. 62; 2012, c. 21, s. 2; 2011, c. 21, s. 218; 2017, c. 16, s. 6.

**89.1.** Notwithstanding the third paragraph of section 123 of the Act respecting land use planning and development (chapter A-19.1), the by-law adopted by the city council under section 89 is not subject to approval by referendum, except, subject to the fourth paragraph, where applicable, in the case of a by-law authorizing the carrying out of a project referred to in subparagraph 5 of the first paragraph of that section.

The draft version of a by-law referred to in the first paragraph of section 89 must be submitted to public consultation conducted by the Office de consultation publique de Montréal, which for that purpose must hold public hearings and report on the consultation in a report in which it may make recommendations.

The public consultation under the second paragraph replaces the public consultation provided for in sections 125 to 127 of the Act respecting land use planning and development. In the case of a by-law subject to approval by referendum, the filing with the council of the report of the Office de consultation publique replaces, for the purposes of section 128 of the Act respecting land use planning and development, the public meeting to be held pursuant to section 125 of that Act.

For the purposes of sections 130 to 137 of the Act respecting land use planning and development enabling a project referred to in subparagraph 5 of the first paragraph of section 89 to be carried out, if that project is situated in the declared heritage site of Vieux-Montréal,

(1) applications to take part in a referendum following the second draft by-law may originate in the whole borough in which the project is planned or from all the boroughs affected by the project;

(2) the public notice provided for in section 132 need not mention or contain a description of the zones or sectors of a zone in which an application may originate;

(3) the application provided for in section 133 need not clearly state in which zone or sector of a zone it originates;

(4) despite section 136.1 of that Act, a by-law adopted under section 136 of that Act must be approved by the qualified voters of either the borough or all the boroughs affected by the project.

However,

(1) the fourth paragraph does not apply to a by-law adopted to enable the carrying out of a project, referred to in subparagraph 5 of the first paragraph of section 89, planned by the Government or one of its ministers, mandataries or bodies;

(2) the second paragraph and sections 125 to 127 of the Act respecting land use planning and development do not apply to a draft by-law adopted solely to enable the carrying out of a project referred to in subparagraph 4 of the first paragraph of section 89.

2001, c. 25, s. 265; O.C. 1308-2001, s. 11; 2003, c. 19, s. 63; 2008, c. 18, s. 6; 2011, c. 21, s. 219.

**89.1.1.** For the purposes of sections 89 and 89.1, if the decision to carry out a project referred to in the first paragraph of section 89 or to authorize its carrying out, subject to the applicable planning rules, is part of the exercise of an urban agglomeration power provided for in the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), the reference to a by-law adopted by a borough council also includes a by-law adopted by the council of a municipality mentioned in section 4 of that Act.

The modification provided for in the first paragraph also applies to any other modification incidental to that Act, in particular the modifications whereby the reference to the city council is a reference to the urban agglomeration council and the reference to the territory of the city is a reference to the urban agglomeration. The latter modification applies in particular, in the case referred to in the first paragraph, for the purposes of the jurisdiction of the Office de consultation publique de Montréal referred to in the second paragraph of section 89.1.

O.C. 1213-2005, s. 7.

**89.1.2.** The city council shall adopt, for its whole territory, the public participation policy provided for in section 80.1 of the Act respecting land use planning and development (chapter A-19.1).

If the city's public participation policy complies with the requirements of the regulation made under section 80.3 of that Act, the instruments of the city that would otherwise be subject to approval by way of referendum are not so subject, whether adopted under the Act respecting land use planning and development or under this Charter.

2017, c. 13, s. 30; 2018, c. 8, s. 15.

**89.2.** The city council may, by by-law, determine in which cases a by-law adopted by a borough council and that is not a concordance by-law within the meaning of any of sections 59.5, 110.4 and 110.5 of the Act respecting land use planning and development (chapter A-19.1) need not be examined for conformity with the city's planning program.

2001, c. 25, s. 265.

**90.** For the purposes of paragraph 7 of section 119 of the Act respecting land use planning and development (chapter A-19.1), the city shall assign to each borough an officer responsible for the issuing of permits and certificates.

2000, c. 56, Sch. I, s. 90.

§ 3. — *Economic promotion and community, cultural, economic, social, environmental and transportation development*

2003, c. 28, s. 27.

**91.** The city must draw up a plan for the development of its territory that encompasses the environmental, transportation and community, cultural, economic and social development objectives pursued by the city.

The plan may also include objectives related to any other matter under municipal jurisdiction.

2000, c. 56, Sch. I, s. 91; 2001, c. 25, s. 267; 2003, c. 28, s. 28.

**91.1.** Subject to section 137, the city council shall exercise the jurisdiction of the city as regards economic promotion and development.

2003, c. 28, s. 28.

§ 4. — *Recovery and recycling of residual materials*

**92.** The city may exercise outside its territory its powers as regards residual materials management provided for in the Municipal Powers Act (chapter C-47.1).

2000, c. 56, Sch. I, s. 92; 2005, c. 6, s. 155.

**93.** *(Repealed).*

2000, c. 56, Sch. I, s. 93; 2005, c. 6, s. 171.

§ 5. — *Culture, recreation and parks*

**94.** The city council shall exercise the jurisdiction of the city as regards the parks and cultural, sports and recreational facilities listed in Schedule D.

The city council may decide that it will exercise the jurisdiction of the city as regards any other park or cultural, sports or recreational facility acquired or built by the city or a body under its authority after 18 December 2003 and identified in the resolution.

2000, c. 56, Sch. I, s. 94; 2001, c. 25, s. 268; 2003, c. 28, s. 29; 2005, c. 6, s. 156; 2005, c. 28, s. 30.

**95.** *(Repealed).*

2000, c. 56, Sch. I, s. 95; 2001, c. 25, s. 269; 2005, c. 6, s. 171.

**96.** *(Repealed).*

2000, c. 56, Sch. I, s. 96; 2005, c. 6, s. 171.

**97.** *(Repealed).*

2000, c. 56, Sch. I, s. 97; 2001, c. 25, s. 270; 2005, c. 6, s. 171.

**98.** *(Repealed).*

2000, c. 56, Sch. I, s. 98; 2001, c. 25, s. 271; 2005, c. 6, s. 171.

**99.** *(Repealed).*

2000, c. 56, Sch. I, s. 99; 2005, c. 6, s. 171.

**100.** The city and the Minister of Culture and Communications may enter into an agreement relating to the applicability of the Cultural Heritage Act (chapter P-9.002) to a park situated in whole or in part in a land area declared a heritage site within the meaning of that Act. The agreement shall contain a development plan for the whole or the part of the park situated in the land area declared a heritage site and may provide that an authorization required by section 64 or 65 of the Cultural Heritage Act is not necessary where the city carries out an operation referred to in one of those sections, if the city adheres to the development plan contained in the agreement.

Before entering into the agreement, the city shall consult the population on the draft agreement and transmit to the Minister of Culture and Communications a document setting forth the results of the consultation.

2000, c. 56, Sch. I, s. 100; 2002, c. 77, s. 14; 2011, c. 21, s. 258.

**101.** *(Repealed).*

2000, c. 56, Sch. I, s. 101; 2005, c. 6, s. 171.

**102.** The city may entrust the organization and management, on its behalf, of activities in a park under the management of the city council to non-profit bodies, and, for that purpose, enter into contracts with those bodies and grant them the sums required.

2000, c. 56, Sch. I, s. 102.

**103.** *(Repealed).*

2000, c. 56, Sch. I, s. 103; 2005, c. 6, s. 171.

§ 6. — *Social housing*

**104.** The city shall establish a social housing development fund.

The city shall pay into the fund annually an amount at least equal to the basic contribution required to build the housing allocated to its territory by the Société d'habitation du Québec.

The Société shall provide the city with the information necessary to determine the amount to be paid into the fund.

2000, c. 56, Sch. I, s. 104.

§ 7. — *Arterial system*

**105.** The city shall identify from among the streets and roads over which it has jurisdiction under the Municipal Powers Act (chapter C-47.1) those that form the arterial road system and those that form the system under the authority of the borough councils.

The city council shall exercise the jurisdiction of the city as regards roads, traffic signs and signals, traffic control and parking in the arterial road system. It may set standards by by-law for the harmonization of the rules governing roads, traffic signs and signals and traffic control in all the road systems referred to in the first paragraph.

2000, c. 56, Sch. I, s. 105; 2001, c. 25, s. 272; 2003, c. 28, s. 30; 2005, c. 6, s. 157.

§ 7.1. — *Water purification*

**105.1.** *(Repealed).*

2001, c. 25, s. 273; 2005, c. 6, s. 171.

**105.2.** The city may receive for treatment purposes, from a person other than a municipality, waste water or other substances from its territory or elsewhere.

Before making any contract for such purpose, the city shall obtain the consent of the local municipality in whose territory the waste water or other substances originate.

2001, c. 25, s. 273.

**105.3.** The city is authorized to supply other persons with any service, advice, matter, material and equipment relating to the study, construction, operation, supervision or management of a water purification system.

Every agreement made under this section requires the approval of the Minister of Sustainable Development, Environment and Parks.

2001, c. 25, s. 273; 2006, c. 3, s. 35.

§ 8. — *Police*

**106.** A department of the city is hereby established under the name “service de police de la Ville de Montréal” .

Subject to the provisions of this subdivision, the Police Act (chapter P-13.1) applies to the department.

2000, c. 56, Sch. I, s. 106.

**107.** The police department is composed of the chief of police, police officers and the other officers and employees necessary.

Subject to this Act, the members of the personnel of the police department shall exercise their functions under the authority of the chief of police.

2000, c. 56, Sch. I, s. 107.

**108.** The Government shall appoint the chief of police on the recommendation of the Minister of Public Security, who shall first consult the council and the public safety committee.

The chief of police shall take office on the date specified by the instrument of appointment, which shall be published in the *Gazette officielle du Québec* through the Minister of Public Security.

2000, c. 56, Sch. I, s. 108.

**109.** The chief of police is appointed for a term of at least five years, unless the Minister of Public Security recommends a different term ; the term is renewable.

Notwithstanding the expiry of his or her term, the chief of police shall remain in office until reappointed or replaced.

2000, c. 56, Sch. I, s. 109.

**110.** The Government may not dismiss the chief of police except on the recommendation of the Minister of Public Security, who must first obtain the opinion of the council and the public safety committee ; the public safety committee shall, for that purpose, hear the chief of police.

2000, c. 56, Sch. I, s. 110.

**111.** If the office of chief of police is vacant, the chief of police shall be replaced in the manner provided in section 108.

If the chief of police is absent or unable to act, the Government, on the recommendation of the Minister of Public Security, shall designate a person to temporarily exercise the functions of the chief of police.

2000, c. 56, Sch. I, s. 111.

**112.** Before taking office, the chief of police shall take the oaths set out in Schedules A and B to the Police Act (chapter P-13.1) before the mayor ; a police officer of the police department shall take the oaths before the chief of police.

2000, c. 56, Sch. I, s. 112.

**113.** The chief of police shall

(1) submit to the council, at such times as it may fix but at least every other month, a report of activities, in the form and in the manner determined by the council, to be transmitted by the mayor to the public safety committee;

(2) supply the council and the public safety committee with any information necessary for the exercise of their functions; and

(3) submit to the council, at its request, a detailed report on situations that disrupt order, disturb the peace or jeopardize public safety, or on the crime situation;

(4) *(paragraph repealed)*.

2000, c. 56, Sch. I, s. 113; O.C. 1308-2001, s. 12.

**114.** Subject to this Act, the chief of police is responsible for the management of the police department and the organization and conduct of its police operations.

2000, c. 56, Sch. I, s. 114.

**115.** The council exercises, over the police department, the chief of police and the personnel of the police department, the same authority as it exercises over the other departments of the city, the department heads and their personnel, subject to the Police Act (chapter P-13.1).

2000, c. 56, Sch. I, s. 115.

**116.** *(Repealed)*.

2000, c. 56, Sch. I, s. 116; O.C. 1308-2001, s. 13; 2017, c. 16, s. 7.

**117.** *(Repealed)*.

2000, c. 56, Sch. I, s. 117; 2017, c. 16, s. 7.

**118.** As regards discipline, the council shall, on the recommendation of the chief of police, rule in respect of police officers who are not employees within the meaning of the Labour Code (chapter C-27), subject to,

where the police officer has been in the service of the city for at least six months, their right of appeal under section 89 of the Police Act (chapter P-13.1).

2000, c. 56, Sch. I, s. 118.

**119.** Unless authorized by the Attorney General, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised nor any injunction granted against the city or the members of the council by reason of acts done by them when acting in their official capacities under this subdivision.

2000, c. 56, Sch. I, s. 119; I.N. 2016-01-01 (NCCP).

**120.** A judge of the Court of Appeal, on an application, may summarily annul any decision, order or injunction made or granted contrary to section 119.

2000, c. 56, Sch. I, s. 120; I.N. 2016-01-01 (NCCP).

**121.** Police officers who are not employees within the meaning of the Labour Code (chapter C-27) shall remain in office during good behaviour until the retirement age fixed for them by the council after consultation with the association representing the members of the superior staff.

They shall not be dismissed except by the council, acting on the recommendation of the chief of police, in the manner provided in sections 87 to 89 of the Police Act (chapter P-13.1).

2000, c. 56, Sch. I, s. 121.

**122.** *(Repealed).*

2000, c. 56, Sch. I, s. 122; 2017, c. 16, s. 7.

§ 9. — *Road service and vehicle towing*

**123.** The city may regulate road service and vehicle towing in any part of its territory not covered by a regulation made by the Government for that purpose under the Act respecting the Ministère des Transports (chapter M-28).

To regulate road service and vehicle towing, the city may, by by-law,

(1) require that the appropriate permit issued by the city be held by persons operating or using a road service vehicle in its territory;

(2) establish classes of permits based on the classes of road service vehicles established under subparagraph 6;

(3) determine the qualifications and knowledge required of applicants for a permit, the term and other conditions applying to the issue and renewal of permits, and the information and documents to be provided by applicants;

(4) determine the subject matter for the examinations to be taken by all permit applicants, the nature of the examinations and the pass mark;

(5) determine the grounds on which the issue or renewal of permits may be refused, or on which permits may be suspended or revoked;

(6) establish classes of road service vehicles and prescribe the characteristics of each class;

(7) prescribe, for each class of road service vehicle, the mandatory accessories, devices and equipment for the vehicles in that class;

(8) fix, according to the classes of towed vehicles it determines, the rates that may be charged by permit holders;

(9) prescribe the obligations of permit holders including, in particular, the manner in which permit holders are to conduct themselves when dealing with customers; and

(10) prescribe the books, registers and records to be kept by permit holders.

2000, c. 56, Sch. I, s. 123.

**124.** The city may enter into a contract with any person to entrust the person with the provision of road service and vehicle towing services, in any part of its territory not covered by a regulation made by the Government under section 12.1.1 of the Act respecting the Ministère des Transports (chapter M-28), in respect of any vehicle that obstructs traffic or constitutes a hazard on a public road.

Where a by-law adopted under section 123 is in force, the contract referred to in the first paragraph may be entered into only with a holder of the appropriate permit. The contract may, however, contain stipulations that depart from the provisions of the by-law adopted under subparagraphs 7 to 10 of the second paragraph of that section.

Road service and vehicle towing services that are covered by a contract entered into under this section may be provided, if the vehicle no longer obstructs traffic or no longer constitutes a hazard on the public road, by a person other than the person authorized under the contract.

2000, c. 56, Sch. I, s. 124.

**125.** An inspector responsible for the application of a by-law adopted under section 123 may, in performing his or her duties, enter a building or on land at any reasonable time and inspect any vehicle, accessory, device or equipment to which the by-law applies.

The inspector may examine the books, registers and records of any person operating or using a road service vehicle in any part of the territory of the city in which the by-law applies, and make copies of the books, registers and records. The inspector may, in addition, require any information to be furnished relating to the application of the by-law.

2000, c. 56, Sch. I, s. 125.

**126.** No person may hinder an inspector in the performance of his or her duties. In particular, no person may deceive or attempt to deceive an inspector by concealment or false declarations.

On demand, the inspector must produce identification and a certificate of appointment as an inspector, signed by the department head or the person responsible for the administrative unit to which the inspector is attached.

2000, c. 56, Sch. I, s. 126.

**127.** Every person who provides the road service or vehicle towing services covered by a contract under section 124 without being authorized to do so under such a contract is guilty of an offence.

2000, c. 56, Sch. I, s. 127.

**128.** The city may, by by-law, prescribe that an offence under section 126 or 127 entails the penalty prescribed in the by-law, which may not exceed the amounts fixed under the second paragraph of section 369 of the Cities and Towns Act (chapter C-19).

2000, c. 56, Sch. I, s. 128.

## DIVISION III

### JURISDICTION OF THE BOROUGH COUNCIL

#### § 1. — *General provisions*

**129.** The borough council may submit opinions and make recommendations to the city council on the budget, the establishment of budgetary priorities, the preparation or amendment of the planning program, amendments to planning by-laws, or any other subject submitted to it by the city council.

2000, c. 56, Sch. I, s. 129.

**130.** The borough council has, for the borough and to the extent provided by this Act or by the order of the Government made under section 9, jurisdiction, powers and obligations in the following fields:

- (1) urban planning;
- (2) exceptions to the prohibition from converting immovables to divided co-ownership;
- (3) fire safety and civil protection;
- (4) the environment;
- (5) local economic, community, cultural and social development;
- (6) culture, recreation and borough parks; and
- (7) local roads.

Subject to the provisions of this Act or of the order of the Government made under section 9, the borough council exercises on behalf of the city, with respect to its jurisdictions and with the necessary modifications, all the powers and is subject to all the obligations assigned to or imposed on the council of a local municipality by the Cities and Towns Act (chapter C-19) or any other Act. To that end, if a power is attributed to or an obligation imposed on the council of a municipality with a certain population, the population of the city is taken into consideration rather than the population of the borough.

Subject to section 477.2 of the Cities and Towns Act, the borough council may, by by-law, provide for the delegation of any power within its competence, other than the power to make by-laws or a power provided for in section 145 or 146, to any officer or employee who performs work in connection with the powers of a borough council and set the conditions and procedures for the exercise of the delegated power. Where the delegation pertains to a personnel management matter, the officer or employee to whom the delegation is made shall report to the borough council on any decision made by virtue of the delegated power at the first regular meeting after the expiry of 25 days following the date of the decision.

The borough council shall maintain a borough office, for the purposes of issuing permits and affording the population access to information on any matter within the authority of the city council or of the borough council.

2000, c. 56, Sch. I, s. 130; 2001, c. 25, s. 274; O.C. 1308-2001, s. 14; 2001, c. 76, s. 190; 2002, c. 37, s. 44; 2003, c. 19, s. 64; 2003, c. 28, s. 31, s. 55; 2003, c. 28, s. 31; 2005, c. 28, s. 31.

**130.1.** Where, for the implementation of a development plan referred to in section 91, the borough council acquires, disposes of or leases an immovable, it must do so in conformity with the objectives of the plan.

2003, c. 28, s. 32.

**130.2.** The borough council may sue and be sued in connection with any matter under its jurisdiction relating to an event which took place after 17 December 2003.

However, the borough council does not have that capacity

(1) where the dispute also concerns a matter under the authority of the city council; or

(2) where the executive committee considers that it is in the general interest of the city that that capacity be given to the executive committee.

2003, c. 28, s. 32.

§ 2. — *Urban planning*

**130.3.** The borough council shall exercise, concurrently with the city council, the jurisdiction of the city provided for in sections 109.1 to 109.4 of the Act respecting land use planning and development (chapter A-19.1) as regards an amendment to the planning program other than an amendment to the complementary document provided for in section 88 or an amendment to the planning program required to carry out a project referred to in the first paragraph of section 89, with the necessary modifications, in particular, the following modifications:

(1) the second paragraph of section 109.1 is replaced by the following paragraph:

“As soon as practicable after the adoption of the draft by-law amending the planning program, the secretary of the borough shall send the secretaries of every contiguous borough, the clerk of the city and every municipality whose territory is contiguous to the borough a certified copy of the draft by-law and of the resolution under which it is adopted.”;

(2) the expressions “office of the municipality” and “in the territory of the municipality” in section 109.3 are replaced respectively by the expressions “borough office” and “in the borough”;

(3) *(paragraph replaced)*.

Every notice of motion, prior to the adoption by the city council of a by-law amending the planning program following the adoption of a draft by-law by the borough council in accordance with the first paragraph, must be given to the borough council.

A copy of the notice of motion must be sent to the city clerk as soon as possible.

The power provided for in the first paragraph may not be exercised in respect of an object to which a draft amendment adopted by the city council pertains.

2003, c. 28, s. 33; 2006, c. 31, s. 6; 2008, c. 18, s. 7; 2008, c. 19, s. 8.

**131.** The borough council shall exercise the jurisdiction of the city as regards zoning and subdivision provided for in the Act respecting land use planning and development (chapter A-19.1), except the jurisdiction referred to in sections 117.1 to 117.16 of that Act, and the city’s jurisdiction as regards matters referred to in Divisions VI, VII, VIII, X and XI of Chapter IV of Title I of that Act.

The following modifications to the Act respecting land use planning and development are among those applicable for the purposes of the first paragraph:

(1) section 110.10.1 of that Act does not apply;

(2) the notice required under section 126 of that Act must state that a copy of the draft by-law may be consulted at the borough office;

(3) the summary provided for in section 129 of that Act may be obtained at the borough office;

(4) when, under the second paragraph of section 130 of that Act, an application relating to a provision contained in a second draft by-law making it subject to approval by way of referendum may originate from any zone within the territory of the municipality and requires that the draft by-law be submitted for approval to all the qualified voters, the territory is replaced by the territory formed by the borough concerned and any borough contiguous to it, and the qualified voters are the qualified voters of those boroughs;

(5) for the purposes of the approval of a resolution or a by-law by the qualified voters, a contiguous zone referred to in a provision of that Act may be included in another borough; and

(6) if a notice provided for in Chapter IV of Title I of the Act respecting land use planning and development that must be published in relation to a matter under the jurisdiction of a borough council concerns a resolution or a by-law that must have effect in a zone contiguous to another borough, the notice must also be posted in the office of, and published in a newspaper in, that borough.

For the purposes of the first paragraph and of the Act respecting land use planning and development, every provision amending a by-law adopted under the Charter of the city of Montréal (1959-1960, chapter 102) and repealed by section 200, concerning a matter referred to in section 123 of that Act or in another section of that Act to which that section refers is deemed to be adopted under the corresponding provision of the Act respecting land use planning and development.

2000, c. 56, Sch. I, s. 131; 2001, c. 25, s. 275; 2002, c. 37, s. 45; 2008, c. 18, s. 8; 2010, c. 18, s. 6.

**132.** The borough council may, in accordance with Chapter V of Title I of the Act respecting land use planning and development (chapter A-19.1), with the necessary modifications, establish an advisory planning committee.

2000, c. 56, Sch. I, s. 132.

**133.** For the purpose of ensuring conformity with the city's planning program of all concordance by-laws within the meaning of sections 59.5, 110.4 and 110.5 of the Act respecting land use planning and development (chapter A-19.1) which are adopted by a borough council, sections 137.2 to 137.8 of that Act apply in lieu of sections 137.10 to 137.14, with the necessary modifications.

Among the modifications required in applying the first paragraph, the following modifications are applicable: the city council shall establish the rules applicable for the purposes of the transmission of certified true copies of by-laws and resolutions adopted by the borough councils with a view to their examination by the city council, for the purposes of an alternative to notification of those documents where the said sections require notification to the regional county municipality, and for the purpose of fixing the dates on which those documents are deemed to be notified or served; the city council shall also identify the officer responsible for issuing assessments of conformity.

Sections 137.2 to 137.8 and 137.15 to 137.17 of the Act respecting land use planning and development also apply to any by-law referred to in section 131, adopted by a borough council, that is not a concordance by-law, with the necessary modifications and the modifications under the second paragraph.

2000, c. 56, Sch. I, s. 133; 2001, c. 25, s. 276; I.N. 2016-01-01 (NCCP).

**133.1.** The borough council exercises the jurisdiction of the city described in section 134 of the Educational Childcare Act (chapter S-4.1.1).

2006, c. 60, s. 10.

§ 3. — *Exceptions to the prohibition from converting immovables to divided co-ownership*

**134.** The borough council exercises the jurisdiction of the city on the granting of exceptions to the prohibition from converting immovables to divided co-ownership in accordance with the Act respecting the Régie du logement (chapter R-8.1).

2000, c. 56, Sch. I, s. 134; 2001, c. 25, s. 277.

§ 4. — *Fire safety and civil protection*

**135.** The borough council shall participate, by its recommendations, in the preparation of the city's fire safety cover plan and civil protection plan and their amendments and revisions, and promote the implementation in the borough of the measures contained in the plans.

2000, c. 56, Sch. I, s. 135; 2001, c. 76, s. 190.

§ 5. — *The environment*

2003, c. 28, s. 34.

**136.** The borough council shall exercise the jurisdiction of the city as regards the removal of residual materials.

It shall also exercise the jurisdiction of the city as regards the transportation of residual materials and their deposit at a treatment or elimination site or at a transfer station determined by the city council.

2000, c. 56, Sch. I, s. 136; 2003, c. 28, s. 35.

**136.1.** The borough council shall exercise the jurisdiction of the city as regards the passage and application of a by-law relating to nuisances and as regards the application of a by-law relating to the use of pesticides.

2003, c. 28, s. 36.

§ 6. — *Local economic, community, cultural and social development*

2001, c. 25, s. 278; 2001, c. 68, s. 125.

**137.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the borough council may provide financial support to a body carrying on its activities in the borough and whose mission is local economic, community, cultural or social development.

2000, c. 56, Sch. I, s. 137; 2001, c. 25, s. 279; 2001, c. 68, s. 126; 2003, c. 28, s. 37.

§ 7. —

*Repealed, 2001, c. 25, s. 280.*

2001, c. 25, s. 280.

**138.** *(Repealed).*

2000, c. 56, Sch. I, s. 138; 2001, c. 25, s. 280.

**139.** *(Repealed).*

2000, c. 56, Sch. I, s. 139; 2001, c. 25, s. 280.

**140.** *(Repealed).*

2000, c. 56, Sch. I, s. 140; 2001, c. 25, s. 280.

§ 8. — *Culture, recreation and borough parks*

**141.** The borough council shall exercise the jurisdiction of the city in respect of the parks and the cultural, sports and recreational facilities situated in the borough, except those identified in Schedule D or in a decision made under the second paragraph of section 94.

The borough council is also responsible for the organization of recreational sports and sociocultural activities. It may for that purpose provide financial support to bodies whose goal is to organize and foster physical or cultural activity.

2000, c. 56, Sch. I, s. 141; 2001, c. 25, s. 281; 2003, c. 28, s. 38; 2005, c. 6, s. 158.

§ 9. — *Local roads*

**142.** The borough council exercises, in respect of the streets and roads under its responsibility pursuant to the by-law adopted by the city council for the purposes of section 105 and in a manner consistent with the standards prescribed under the second paragraph of that section, the jurisdictions of the city as regards roads, traffic signs and signals, the control of traffic and parking.

2000, c. 56, Sch. I, s. 142; 2001, c. 25, s. 282; 2003, c. 28, s. 39.

## CHAPTER IV

### SPECIAL FINANCIAL AND FISCAL PROVISIONS

#### DIVISION I

##### FINANCIAL PROVISIONS

**143.** The city shall determine the annual allotment to be made to each borough council according to a formula it determines that establishes, among other things, elements of equalization among the boroughs.

2000, c. 56, Sch. I, s. 143.

**143.1.** The annual budget that the executive committee draws up and submits to the city council shall include a borough budget in respect of each borough.

2003, c. 28, s. 40.

**143.2.** The borough council shall draw up a borough budget that provides for revenues at least equal to the expenditures provided for therein and send it to the executive committee within the time fixed by the executive committee.

The borough budget shall provide for an amount to cover claim settlements and the payments entailed by court sentences.

2003, c. 28, s. 40.

**144.** The borough council is responsible for the management of the borough budget adopted by the city council in compliance with the minimum standards determined by by-law of the city council regarding the level of services to be offered by each borough council.

The borough council may authorize a transfer of moneys. It may also amend the budget to take into account any unexpected sums received for the carrying out of work or sums derived from a gift made by a person for a specific purpose or a subsidy granted by the Government or a minister or agency of the Government and already paid or payment of which is assured.

In such a case, the borough council shall inform the treasurer of the city and the executive committee of the amendment within five days so that the executive committee may amend the budget of the city to take the amendment into account.

2000, c. 56, Sch. I, s. 144; 2003, c. 28, s. 41.

**144.1.** Subject to the terms and conditions determined in the by-law under section 186 of Schedule C, the amount, if any, by which revenues exceed the expenditures provided for in the borough budget adopted by the city council shall be for the exclusive use of the borough council.

2003, c. 28, s. 41; 2005, c. 28, s. 32.

**144.2.** Subject to the terms and conditions determined in the by-law under section 186 of Schedule C, the borough council shall draw up a supplementary budget to make up any anticipated deficit and send it to the executive committee for submission to the city council and adoption.

To raise the revenues provided for in the supplementary budget, the borough council shall adopt, with the supplementary budget, a by-law imposing a special tax on all taxable immovables in the borough, on the basis of their value. The by-law shall come into force on the day on which the city council adopts the supplementary budget.

The city council may not adopt the supplementary budget if a tax account covering the special tax only and identifying it as a consequence of the supplementary budget cannot be sent at least 30 days before the end of the fiscal year.

In such a case, the deficit shall be carried over to the borough budget for the next fiscal year and the borough council must adopt a by-law imposing the special tax described in the second paragraph to raise the revenues required to make up the deficit. The by-law comes into force at the same time as the city budget.

2003, c. 28, s. 41; 2005, c. 28, s. 33.

**144.3.** Where the funds provided for in the borough budget adopted by the city council are insufficient to provide for the payment of the amount awarded by judgment in a proceeding referred to in the first paragraph of section 130.2, the borough council, immediately after notification of the judgment, shall impose a special tax by resolution on all taxable immovables in the borough, on the basis of their value, to raise the revenues required to pay the amount awarded.

The borough council may also proceed by way of a loan by-law. The repayment of the loan is to be borne by all the owners of immovables in the borough.

2003, c. 28, s. 41; 2005, c. 28, s. 34; I.N. 2016-01-01 (NCCP).

**144.4.** The executive committee shall prepare the program of capital expenditures referred to in section 473 of the Cities and Towns Act (chapter C-19) and submit it to the city council. The program shall include a program of capital expenditures for each borough.

2003, c. 28, s. 41.

**144.5.** The borough council shall draw up and send the executive committee a program of the capital expenditures of the borough, within the time fixed by the executive committee.

2003, c. 28, s. 41.

**144.6.** The secretary of the borough shall give public notice of the meeting at which the borough council is to draw up the borough budget or the program of capital expenditures at least eight days in advance.

At the meeting, the deliberations of the council and the question period shall deal exclusively with the budget or the program.

2003, c. 28, s. 41.

**144.7.** At a regular sitting of the borough council held in June, the borough mayor shall make a report to the citizens on the highlights of the borough's financial results and, if applicable, the chief auditor's report and the external auditor's report if they contain elements relating to the borough.

The mayor's report shall be disseminated in the territory of the borough in the manner determined by the borough council.

2003, c. 28, s. 41; 2017, c. 16, s. 8.

**144.8.** The borough council may constitute a working fund. Sections 569 to 569.0.5 of the Cities and Towns Act (chapter C-19) apply to the fund, with the necessary modifications.

2003, c. 28, s. 41; 2008, c. 18, s. 9.

**145.** Except in the cases provided for in sections 146 and 146.1, the only mode of tariffing which may be used by the borough council to finance all or part of its property, services or activities is a tariff involving a fixed amount charged on an *ad hoc* basis, in the form of a subscription or under terms similar to those of a subscription, for the use of a property or service or in respect of a benefit derived from an activity.

No borough council may require the inhabitants and ratepayers of the other city boroughs to pay an amount greater than the amount required from the inhabitants and ratepayers of the borough.

Revenues generated by the application by the borough council of a mode of tariffing referred to in the first paragraph are for the exclusive use of the borough council.

2000, c. 56, Sch. I, s. 145; 2005, c. 50, s. 4.

**146.** To increase the level of its services, the borough council may, by by-law, require compensation from the owner or occupant of an immovable situated in the borough, or levy a tax on all or any portion of the taxable immovables situated in the borough.

The filing of the notice of motion that must precede the adoption of a by-law referred to in the first paragraph and the adoption of such a by-law must respectively be preceded by a public notice published at least seven days before the holding of the meeting of the borough council at which the notice of motion is to be filed or the by-law adopted, as the case may be.

The public notice shall contain the following information:

(1) the place, date and time of the meeting at which the notice of motion is to be filed or the by-law adopted, as the case may be; and

(2) the subject of the notice or of the by-law, as the case may be.

2000, c. 56, Sch. I, s. 146; 2001, c. 25, s. 283; 2003, c. 28, s. 42; 2005, c. 50, s. 5.

**146.1.** The borough council may adopt a loan by-law for the realization of an item of the program of capital expenditures of the borough adopted by the city council or for the financing of an expense arising from the exercise of a power delegated under section 186 of Schedule C.

The repayment of the loan is to be borne by all the owners of taxable immovables in all or part of the borough.

2003, c. 28, s. 42; 2005, c. 28, s. 35; 2005, c. 50, s. 6.

**147.** *(Repealed).*

2000, c. 56, Sch. I, s. 147; 2002, c. 37, s. 46; 2003, c. 28, s. 43.

**148.** A loan by-law need not be submitted for approval to the qualified voters

(1) if repayment of the loan ordered therein is charged entirely to the owners of immovables in the whole territory of the city; or

(2) if the subject of the by-law is the execution of permanent work on park development, the development of banks and shores, water treatment, waterworks, sewers, bicycle paths, underground conduits, road surfacing, curbs, sidewalks, lighting and traffic signs and signals, and the acquisition by agreement or expropriation of immovables or servitudes required for the execution of that permanent work.

In addition, where repayment of the loan is, in accordance with section 487 of the Cities and Towns Act (chapter C-19), charged partly to the owners of immovables in the whole territory of the city and partly to the owners of immovables in part of the territory,

(1) the by-law need not be submitted for approval to the qualified voters where the portion charged to the owners in part of the territory is less than 25%; and

(2) where that portion is 25% or more, the by-law must be submitted to the approval of the qualified voters in the part of the territory concerned.

Where subparagraph 2 of the second paragraph applies, sections 561.1 and 561.2 and the second paragraph of section 561.3 of the Cities and Towns Act apply, subject to the percentage of 75% provided for in the second paragraph of section 561.3 being read as 25%.

2000, c. 56, Sch. I, s. 148; 2001, c. 25, s. 284; 2002, c. 77, s. 15.

**148.1.** Notwithstanding the fifth paragraph of subsection 3 of section 474 of the Cities and Towns Act (chapter C-19), where, on 1 January, the city's budget is not adopted, one-quarter of each appropriation provided for in the budget of the preceding fiscal year is deemed to be adopted. The same rule applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted.

2001, c. 25, s. 285.

## DIVISION II

### FISCAL PROVISIONS

§ 1. — *Interpretation and general provisions*

**149.** For the purposes of this division, the territory of each local municipality referred to in section 5 constitutes a sector.

2000, c. 56, Sch. I, s. 149; 2001, c. 25, s. 286.

**149.1.** The city is subject to the rules provided for by the applicable legislation in respect of all the local municipalities, in particular the rules that prevent the fixing of different general property tax rates according to the parts of the municipal territory and the rules that provide for the use of specific sources of revenue to finance expenditures relating to debts.

The city may, however, depart from those rules but only insofar as is necessary for the application of any of the provisions of this division or of section 8.

2001, c. 25, s. 286; O.C. 1308-2001, s. 15.

**149.2.** Where, under any provision of this Division, revenues of the city or a municipality referred to in section 5 for a given fiscal year must be compared with revenues of the city for the following fiscal year, the revenues provided for in each budget adopted for those two fiscal years shall be considered.

Notwithstanding the foregoing, where a statement comparing the revenues provided for in the budget and those which, according to later forecasts, will be the revenues of the fiscal year shows the necessity to update budgetary forecasts, the updated forecasts shall be considered, provided that the statement is filed before the city adopts the budget for the following fiscal year. If several statements are filed successively, the last one shall be considered.

O.C. 1308-2001, s. 16.

§ 2. — *Limitation on increases in the tax burden*

**150.** The city shall avail itself either of the power provided for in section 150.1 and, if it imposes the business tax, of that provided for in section 150.2, or of the power provided for in section 150.7.

2000, c. 56, Sch. I, s. 150; 2001, c. 25, s. 286.

**150.1.** The city may, for a fiscal year, fix any general property tax rate in such manner that, in relation to the preceding fiscal year, the increase in the tax burden borne by the aggregate of the units of assessment situated in a sector and in respect of which all or part of the rate applies is not greater than 5%.

The tax burden shall consist of

(1) the revenues derived from the general property tax which result from the application of all or part of a rate of that tax;

(2) the revenues derived from other taxes, including the taxes imposed on the basis of the rental value of immovables and compensations considered by the applicable legislation to be taxes, in particular the taxes used to finance services such as the supply of drinking water, waste water purification, snow removal, waste disposal, and residual materials upgrading;

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

(3) the revenues derived from the amounts to stand in lieu of taxes that must be paid in respect of immovables by the Government in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (chapter F-2.1) or by the Government in accordance with section 254 and the first paragraph of section 255 of that Act, or by the Crown in right of Canada or by one of its mandataries;

(4) the revenues of which the city has deprived itself by granting a credit in respect of any of the sources of revenue referred to in any of subparagraphs 1 to 3, for the application of section 8 as regards the allocation of the credit from a surplus.

However, the revenues referred to in the second paragraph which are used to finance expenditures relating to debts shall be excluded from the tax burden.

The rate specific to the category referred to in section 244.36 of the Act respecting municipal taxation is not a general property tax rate to which the first paragraph and subparagraph 1 of the second paragraph

applies. For the purposes of subparagraphs 2 and 3 of the second paragraph, “immovables” means business establishments when the business tax or the sum in lieu thereof is involved.

2001, c. 25, s. 286; O.C. 1308-2001, s. 17; 2001, c. 68, s. 127.

**150.2.** The city may, for a fiscal year, fix the rate of the business tax in such manner that, in relation to the preceding fiscal year, the increase in the revenues derived from that tax in respect of all the business establishments situated in a sector is not greater than 5%.

The revenues derived from the amounts to stand in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 or the second paragraph of section 254 and the first paragraph of section 255 of the Act respecting municipal taxation (chapter F-2.1), or that must be paid by the Crown in right of Canada or one of its mandataries, shall be included in those revenues.

2001, c. 25, s. 286; 2001, c. 68, s. 128.

**150.3.** If the city avails itself of any of the powers provided for in sections 150.1 and 150.2, it may replace the maximum percentage increase in that section by another maximum percentage increase, applicable only to the group formed of the sectors concerned, which must be less than 5%.

2001, c. 25, s. 286.

**150.4.** Where the increase under section 150.1 or 150.2 does not result solely from the constitution of the city, the maximum shall apply only in respect of the part of the increase that results from the constitution.

2001, c. 25, s. 286.

**150.5.** If the city avails itself of any of the powers provided for in sections 150.1 and 150.2, it shall, subject to any regulation under the second paragraph, prescribe the rules to determine whether the increase under that section results solely from the constitution of the city and, if not, to establish the part resulting from the constitution.

The Government may, by regulation, determine the only cases in which an increase is deemed not to result from the constitution of the city.

2001, c. 25, s. 286; 2001, c. 68, s. 129; 2004, c. 20, s. 55.

**150.6.** *(Repealed).*

2001, c. 25, s. 286; 2004, c. 20, s. 56.

**150.7.** The city may prescribe the rules enabling it to grant an abatement for a fiscal year in such manner that, in relation to the preceding fiscal year, any increase in the tax burden borne by a unit of assessment or a business establishment is not greater than 5%.

The last three paragraphs of section 150.1 and sections 150.2 to 150.5 apply, with the necessary modifications, for the purposes of the limitation on the increase under the first paragraph.

If it avails itself of the power provided for in the first paragraph, the city shall determine the rules to enable the rules set out in the provisions among those referred to in the second paragraph which take into consideration aggregates of units or of establishments, to be adapted to each unit of assessment or business establishment considered individually.

2001, c. 25, s. 286; O.C. 1308-2001, s. 18; 2004, c. 20, s. 57.

§ 3. — *Limitation on decreases in the tax burden*

**151.** The city may, for a fiscal year, fix any general property tax rate in such manner that, in relation to the preceding fiscal year, the decrease in the tax burden borne by the aggregate of the units of assessment situated in a sector and in respect of which all or part of the rate applies is not greater than the percentage, applicable only to the group formed of the sectors concerned, fixed by the city.

The last three paragraphs of section 150.1 apply, with the necessary modifications, for the purposes of the limitation on the decrease under the first paragraph.

2000, c. 56, Sch. I, s. 151; 2001, c. 25, s. 286; O.C. 1308-2001, s. 19; 2004, c. 20, s. 58.

**151.1.** The city may, for a fiscal year, fix the rate of the business tax in such manner that, in relation to the preceding fiscal year, the decrease in the revenues derived from that tax in respect of the aggregate of the business establishments situated in a sector is not greater than the percentage, applicable only to the group formed of the sectors concerned, fixed by the city.

The revenues derived from the amounts to stand in lieu of the business tax that must be paid by the Government in accordance with the second paragraph of section 210 or the second paragraph of section 254 and the first paragraph of section 255 of the Act respecting municipal taxation (chapter F-2.1), or that must be paid by the Crown in right of Canada or one of its mandataries, shall be included in those revenues.

2001, c. 25, s. 286; 2001, c. 68, s. 130.

**151.2.** If the city does not avail itself of the power provided for in section 151 or 151.1, it may prescribe the rules enabling it to require a supplement for a fiscal year in such manner that, in relation to the preceding fiscal year, the decrease in the tax burden borne by any unit of assessment or any business establishment is not greater than the percentage, applicable only to the group formed of the whole territory, fixed by the city.

The last three paragraphs of section 150.1, in the case of a unit of assessment, or the second paragraph of section 151.1, in the case of a business establishment, apply, with the necessary modifications, for the purposes of the limitation on the decrease under the first paragraph.

If it avails itself of the power provided for in the first paragraph, the city shall determine the rules to enable the rules set out in the provisions among those referred to in the second paragraph which take into consideration aggregates of units or of establishments, to be adapted to each unit of assessment or business establishment considered individually.

2001, c. 25, s. 286; O.C. 1308-2001, s. 20; 2004, c. 20, s. 59.

§ 4. — *Miscellaneous provisions*

**151.3.** The city may avail itself of the powers provided for in Division III.1 of Chapter XVIII of the Act respecting municipal taxation (chapter F-2.1) in respect of one sector without doing so in respect of another sector, or it may avail itself of such powers in a different manner according to the sectors.

For each of the fiscal years 2005 and 2006, the city must impose the general property tax under section 244.29 of the Act respecting municipal taxation, with a rate specific to the category referred to in section 244.36 of that Act, and for that purpose comply with the rules provided for in the following paragraphs the effect of which, among other things, is to allow rates to be fixed that differ according to the sectors.

As regards a sector in which the general property tax was imposed for the fiscal year 2001 at such a specific rate, or a sector in which the surtax on vacant land was imposed for that fiscal year, the specific rate the city fixes in order to comply with the obligation imposed by the second paragraph must be equal to twice the basic rate fixed under section 244.38 of the Act respecting municipal taxation applicable to the sector.

As regards a sector in which the general property tax was not imposed for the fiscal year 2001 with a rate specific to the category referred to in section 244.36 of the Act respecting municipal taxation, and in which the surtax on vacant land was not imposed for that fiscal year:

(1) notwithstanding section 244.49 of that Act, the maximum applicable in respect of the particular rate fixed under the second paragraph for the sector is equal to the result of the increase in the basic rate provided for in section 244.38 of that Act that is applicable for the sector, that increase resulting in the maximum being increased by equal annual segments, from 2002 to 2006, to twice that basic rate; and

(2) *(subparagraph repealed).*

2001, c. 25, s. 286; 2001, c. 68, s. 131; 2004, c. 20, s. 60.

**151.3.1.** The city may avail itself of the powers provided for in section 569.11 of the Cities and Towns Act (chapter C-19) in a different manner for each sector.

2005, c. 50, s. 7.

**151.4.** *(Repealed).*

2001, c. 25, s. 286; 2004, c. 20, s. 61.

**151.4.1.** *(Repealed).*

2001, c. 68, s. 132; 2004, c. 20, s. 61.

**151.5.** If the city does not impose the business tax in the whole of its territory, it may impose it in a sector in which that tax was imposed for the fiscal years 2001 and 2002.

For that purpose and pursuant to the Act respecting municipal taxation (chapter F-2.1), the city may have a roll of rental values drawn up for a sector rather than for the whole of its territory.

2001, c. 25, s. 286; O.C. 1308-2001, s. 21; 2004, c. 20, s. 62.

**151.5.1.** *(Repealed).*

2001, c. 68, s. 133; 2004, c. 20, s. 63.

**151.6.** The city may establish a program for the purpose of granting, in the circumstances described in the second paragraph, a subsidy or a credit to the debtor of the general property tax imposed, for any of the fiscal years referred to in the fourth paragraph, on any unit of assessment that is eligible according to the rules provided for in the fifth paragraph.

The subsidy or credit may be granted where the following conditions are met:

(1) for a particular fiscal year, the rental tax is not imposed in respect of a sector, either separately or within the whole territory of the city, or it is reduced in respect of that sector to an extent significant enough, according to the rules set out in the program, to warrant the granting of a subsidy or a credit in respect of the eligible units of assessment;

(2) the rental tax was imposed in respect of the sector referred to in subparagraph 1, for the fiscal year preceding the fiscal year referred to in that subparagraph, without being imposed in respect of the whole territory of the city;

(3) in respect of the sector referred to in subparagraph 1 and for the fiscal year referred to in that subparagraph, the estimated general property tax revenues derived from the application of all or part of any of the rates specific to the categories provided for in sections 244.33 and 244.34 of the Act respecting municipal taxation (chapter F-2.1), combined, where applicable, with the estimated revenues derived from the tax

imposed pursuant to the sixth paragraph of section 101 of Schedule C, are greater than they would have been were it not for the loss of or reduction in rental tax revenues; and

(4) the city does not avail itself of the power provided for in section 244.59 of the Act respecting municipal taxation.

For the purposes of the second paragraph, “rental tax” means the business tax, the tax provided for in section 101 of Schedule C where its rate is based on the rental value, or the combination of those two taxes if the condition set out in subparagraph 1 of that paragraph is met simultaneously for the two taxes in respect of the sector referred to in that subparagraph.

The fiscal years for which the subsidy or credit may be granted are the fiscal year referred to in subparagraph 1 of the second paragraph and the next two fiscal years.

The eligible units of assessment are determined among the units of assessment situated in the sector referred to in subparagraph 1 of the second paragraph and that belong to the group described in section 244.31 of the Act respecting municipal taxation. The program shall set out rules to determine the eligibility of units of assessment. The rules may, for that purpose, use criteria that are based on

- (1) the value of the unit;
- (2) the vacant nature, as defined by the rules, of the land in the unit;
- (3) the vacancy, as defined by the rules, of the unit or of certain of its parts;
- (4) the transfer of the tax burden, as defined by the rules, measured in respect of the unit.

The credit shall diminish the amount payable of the general property tax imposed on any eligible unit of assessment in respect of which all or part of a rate referred to in subparagraph 3 of the second paragraph applies. The amount of the subsidy or credit shall be established according to the rules set out in the program. The rules may define categories among the units concerned and vary according to those categories. The rules shall also specify the conditions and procedures for the granting of the subsidy or credit.

The cost of the aggregate of the subsidies or credits granted in respect of the units of assessment situated in a sector shall be a burden on the aggregate of the units situated in the sector that belong to the group described in section 244.31 of the Act respecting municipal taxation.

2001, c. 25, s. 286; 2001, c. 68, s. 134; 2002, c. 77, s. 16; 2004, c. 20, s. 64; 2006, c. 31, s. 7.

**151.6.1.** The city may establish a program for the purpose of granting a subsidy, in the circumstances described in subparagraphs 1 to 3 of the second paragraph of section 151.6 and for any of the fiscal years referred to in the fourth paragraph of that section, to any eligible lessee.

A lessee referred to in subparagraph *g* or *h* of paragraph 1 of section 236 of the Act respecting municipal taxation (chapter F-2.1) or in any of paragraphs 3 to 5 of that section is, among the lessees whose lease is entered into for all or part of a unit of assessment situated in the sector referred to in subparagraph 1 of the second paragraph of section 151.6 and that belongs to the group described in section 244.31 of that Act, an eligible lessee.

The amount of the subsidy is established according to the rules set out by the program. The rules may define categories among the eligible lessees and vary according to those categories. The rules shall also specify the conditions and procedures for the granting of the subsidy.

The cost of the aggregate of the subsidies granted to the lessees of units of assessment situated in a sector shall be a burden on the aggregate of the units situated in the sector that belong to the group described in section 244.31 of the Act respecting municipal taxation.

2002, c. 77, s. 16.

**151.6.2.** Where a unit of assessment situated in a sector that belongs to the group described in section 244.31 of the Act respecting municipal taxation (chapter F-2.1) is the subject of a lease that is in force on the first day following the fiscal year of reference, within the meaning of the second paragraph, and that does not allow the owner to increase the rent stipulated to take into account new taxes for which the owner becomes the debtor, or to have the lessee otherwise assume payment of such a tax, the owner may nonetheless, in accordance with the rules set out in this section, increase the rent stipulated to take into account all or part of the additional amount payable by the owner for a fiscal year in relation to the fiscal year of reference by reason of the imposition of a mode of property taxation specific to the non-residential sector.

The fiscal year of reference is the last fiscal year for which the city imposes the rental tax in respect of the sector concerned, either separately or within the whole territory of the city. “Rental tax” means the business tax or the tax provided for in section 101 of Schedule C where its rate is based on the rental value. Where one of those taxes ceases to be imposed in respect of the sector while the other continues to be imposed, the fiscal year of reference is determined on the basis of the first tax.

The rent that may be so increased is the rent payable for the period, subsequent to the fiscal year of reference, in which the lease is effective and that includes all or part of a fiscal year for which the amount referred to in the first paragraph is payable.

However, the rent stipulated in a lease entered into for part of the unit of assessment that does not constitute premises within the meaning of the last two paragraphs of section 244.34 of the Act respecting municipal taxation, cannot be so increased.

Where the lease is entered into for such premises among other premises within the unit of assessment, the increase in rent shall take into account only the proportion of the amount referred to in the first paragraph that corresponds to the proportion that the premises under lease are of the total of the rental values of all the premises at the end of the fiscal year of reference. However, another proportion, as agreed upon by the owner and all the lessees of the premises, may be established.

Subject to the seventh and eighth paragraphs, the amount payable for a fiscal year by reason of the imposition of a mode of property taxation specific to the non-residential sector is,

(1) where under section 244.29 of the Act respecting municipal taxation, the city fixes a general property tax rate specific to the category provided for in section 244.33 of that Act, the difference obtained by subtracting the amount of the tax that would be payable if only the basic rate provided for in section 244.38 of that Act were applied from the amount of the tax payable in respect of the unit of assessment for the fiscal year ; or

(2) *(subparagraph repealed).*

Where the city avails itself of the power under the sixth paragraph of section 101 of Schedule C to impose the tax provided for in that section for a fiscal year, the total obtained by adding the amount of that tax payable in respect of the unit of assessment and the amount determined under the sixth paragraph of this section is the amount payable for that fiscal year by reason of the imposition of a mode of property taxation specific to the non-residential sector.

For the fiscal year before the end of which the lease ceases to be effective, the amount payable by reason of the imposition of a mode of property taxation specific to the non-residential sector is the product obtained by multiplying the amount determined under the sixth or the seventh paragraph, as the case may be, by the

quotient resulting from the division of the number of whole days in the fiscal year that have elapsed at the time at which the lease ceases to be effective, by 365 or by 366 in the case of a leap year.

Sections 491 and 244.64 of the Act respecting municipal taxation apply respectively, with the necessary modifications, for the purpose of interpreting the words “owner” and “tax” used in this section.

2002, c. 77, s. 16; 2004, c. 20, s. 65.

**151.7.** *(Repealed).*

2001, c. 25, s. 286; 2004, c. 20, s. 66.

**DIVISION III**

*Repealed, 2017, c. 13, s. 31.*

2008, c. 19, s. 9; 2017, c. 13, s. 31.

**151.8.** *(Repealed).*

2008, c. 19, s. 9; I.N. 2016-01-01 (NCCP); 2017, c. 13, s. 31.

**151.9.** *(Repealed).*

2008, c. 19, s. 9; 2017, c. 13, s. 31.

**151.10.** *(Repealed).*

2008, c. 19, s. 9; 2017, c. 13, s. 31.

**151.11.** *(Repealed).*

2008, c. 19, s. 9; 2017, c. 13, s. 31.

**151.12.** *(Repealed).*

2008, c. 19, s. 9; 2017, c. 13, s. 31.

**DIVISION IV**

*Repealed, 2017, c. 13, s. 31.*

2009, c. 26, s. 10; 2017, c. 13, s. 31.

**151.13.** *(Repealed).*

2009, c. 26, s. 10; 2017, c. 13, s. 31.

**151.14.** *(Repealed).*

2009, c. 26, s. 10; 2017, c. 13, s. 31.

**151.15.** *(Repealed).*

2009, c. 26, s. 10; 2017, c. 13, s. 31.

**151.16.** *(Repealed).*

2009, c. 26, s. 10; 2017, c. 13, s. 31.

**151.17.** *(Repealed).*

2009, c. 26, s. 10; 2017, c. 13, s. 31.

**151.18.** *(Repealed).*

2009, c. 26, s. 10; 2017, c. 13, s. 31.

**CHAPTER V**

**EFFECTS OF AN AMALGAMATION ON LABOUR RELATIONS**

**152.** Subject to this section, sections 176.1 to 176.22 of the Act respecting municipal territorial organization (chapter O-9), the third paragraph of section 176.23, and sections 176.24 to 176.26 apply, with the necessary modifications, to the amalgamations and transfers provided for in paragraph 1 in accordance with the rules set out in paragraphs 2 to 13

(1) to the amalgamation provided for in this Act and to the transfer of employees and officers from any municipal or supramunicipal body to the city or to a metropolitan community; and

(2) for the purposes of sections 176.1, 176.2, 176.10, 176.25 and 176.26, the expression “a municipality that ceased to exist on amalgamation” means “a municipality that will cease to exist on the constitution of the city”;

(3) the agreement provided for in section 176.2 and the decision rendered by the Commission des relations du travail under sections 176.5 and 176.9 shall not operate to define the bargaining units with reference to one or more boroughs;

(4) the agreement provided for in section 176.2 and the decision rendered by the Commission des relations du travail sections 176.5 and 176.9 shall not operate to modify a bargaining unit that has been granted certification under section 202 of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, chapter 26) for the purpose of including therein the managers, superintendents, foremen, engineer managers or employer representatives that are, on 1 May 2001, in the employment of the Communauté urbaine de Montréal and of the other municipalities referred to in section 5 or are hired by Ville de Montréal or the Communauté urbaine de Montréal after 1 May 2001 or by the city after 1 January 2002;

(5) the decision of the Commission des relations du travail must, in the cases provided for in sections 176.5 and 176.9, be rendered no later than 27 October 2001;

(6) the period for making an agreement under section 176.2 begins on 1 May 2001 and ends on 14 June 2001;

(7) 1 May 2001 is the reference date for the purposes of the second paragraph of section 176.5;

(8) the period for making an application under sections 176.6 and 176.7 begins on 15 June 2001;

(9) the provisions of the first paragraph of section 176.10 become effective on 1 May 2001, except the provisions of subparagraph *b* of subparagraph 1 of the first paragraph concerning dispute arbitration in the case of arbitration of a dispute involving the city and an association certified to represent police officers or firefighters to the extent that the dispute was referred to arbitration before 15 November 2000 and the arbitration award is rendered not later than 31 December 2001 for a period not exceeding 31 December 2000;

(10) the suspension of the application of paragraph *a* of section 22 of the Labour Code (chapter C-27), provided for in subparagraph 3 of the first paragraph of section 176.10, terminates on 15 July 2001 ; as regards the suspension of the other provisions of section 22, the suspension terminates on 31 January 2003;

(11) the exercise of the right to strike of the employees of the municipalities referred to in section 5 is suspended from 1 May 2001 to 30 July 2002;

(12) every collective agreement binding a municipality referred to in section 5 expires on the date provided for its expiry or on 1 May 2002, whichever is earlier; and

(13) the notice of negotiation referred to in section 176.14 may not be given before 1 May 2002.

2000, c. 56, Sch. I, s. 152; 2001, c. 26, s. 182; 2002, c. 37, s. 47; 2001, c. 26, s. 182.

## CHAPTER VI

### TRANSITION COMMITTEE

#### DIVISION I

##### COMPOSITION AND ORGANIZATION OF THE TRANSITION COMMITTEE

**153.** A transition committee composed of the members designated by the Minister of Municipal Affairs, Regions and Land Occupancy is hereby constituted, effective 20 December 2000. The number of members of the committee shall not be fewer than five nor more than twelve.

The Minister shall designate a chair from among the committee members.

2000, c. 56, Sch. I, s. 153; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

**154.** No person who is a member of the council of a municipality amalgamated under this Act may sit as a member of the transition committee. In addition, a person who has acted as a member of the committee is ineligible for office as a member of the city council or a borough council in the city's first general election ; no such person may be employed by the city to hold a position referred to in the second paragraph of section 71 of the Cities and Towns Act (chapter C-19) until the expiry of a period of two years from the end of the person's term as member of the committee.

2000, c. 56, Sch. I, s. 154.

**155.** The transition committee is a legal person and a mandatary of the State.

The property of the transition committee forms part of the domain of the State, but the performance of its obligations may be pursued on the property.

The transition committee binds only itself when acting in its own name.

The transition committee has its head office at the place determined by the Minister. Notice of the location and of any change of location of the head office must be published in the *Gazette officielle du Québec* and in a newspaper circulated in the territory described in section 3.

2000, c. 56, Sch. I, s. 155; 2001, c. 25, s. 287.

**156.** Every member of the transition committee shall be paid the remuneration and allowances determined by the Minister.

The Minister may determine any other condition of employment of a member and in particular the rules relating to the reimbursement of expenses incurred by the member in the exercise of his or her functions.

2000, c. 56, Sch. I, s. 156; 2001, c. 25, s. 288.

**157.** No deed, document or writing binds the transition committee unless it is signed by the chair or, to the extent determined in the internal by-laws of the transition committee, by a member of the committee's personnel.

The committee may allow, subject to the conditions and on the documents it determines in its internal management by-laws, that a signature be affixed by means of an automatic device or that a facsimile of a signature be engraved, lithographed or printed. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair.

2000, c. 56, Sch. I, s. 157.

**158.** The minutes of a meeting of the transition committee, approved by the committee and certified by the chair or any other member of the personnel so authorized by the internal management by-laws, are authentic, as are documents and copies emanating from the committee or forming part of its records if signed or certified by any such person.

2000, c. 56, Sch. I, s. 158.

**159.** The Minister shall appoint the secretary of the transition committee and determine the secretary's remuneration and other conditions of employment.

The secretary shall attend the meetings of the committee. The secretary shall keep the registers and have custody of the records and documents of the committee. The secretary shall exercise any other responsibility that the committee determines.

The secretary is responsible for access to the committee's documents.

If the secretary is unable to act, the committee may replace the secretary temporarily by appointing another person to that function. One of the members of the committee may also act in the place of the secretary if the secretary is unable to act.

2000, c. 56, Sch. I, s. 159.

**160.** The transition committee may hire the employees required for the exercise of its responsibilities, and determine their conditions of employment. The transition committee may also obtain the expert services it considers necessary.

2000, c. 56, Sch. I, s. 160.

**161.** No judicial proceedings may be brought against the members of the transition committee or the committee's employees and representatives by reason of an official act done in good faith in the exercise of their functions. Sections 604.6 to 604.10 of the Cities and Towns Act (chapter C-19) apply, with the necessary modifications, in respect of the committee members and employees.

Any liability that may be connected with the protection of the members and employees of the committee under the first paragraph is assumed by the Government.

2000, c. 56, Sch. I, s. 161.

**162.** The Government may, under the conditions and on the terms it determines, grant the transition committee any sum it considers necessary for its operation.

Every decision made by the transition committee for the borrowing of money must be approved by the Minister of Municipal Affairs, Regions and Land Occupancy. The money borrowed by the transition committee, where such is the case, shall be borrowed at the rate of interest and on the other conditions mentioned in the approval.

2000, c. 56, Sch. I, s. 162; 2001, c. 25, s. 289; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

**163.** The transition committee is a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

2000, c. 56, Sch. I, s. 163.

**164.** Unless otherwise provided in an order of the Government made under section 9, the mandate of the transition committee ends on the date of constitution of the city. The committee shall then be dissolved and its assets and liabilities transferred to the city.

2000, c. 56, Sch. I, s. 164.

## DIVISION II

### MISSION OF THE TRANSITION COMMITTEE

**165.** The mission of the transition committee is to participate, together with the administrators and employees of the municipalities referred to in section 5, of the urban community and of any body thereof, in the establishment of the conditions most conducive to facilitating the transition, for the citizens of the new city, from the existing administrations to the new city.

2000, c. 56, Sch. I, s. 165.

## DIVISION III

### OPERATION, POWERS AND RESPONSIBILITIES OF THE TRANSITION COMMITTEE

#### § 1. — *Operation and powers of the committee*

**166.** The decisions of the transition committee shall be made at meetings of the committee.

The quorum at meetings of the committee is the majority of its members.

2000, c. 56, Sch. I, s. 166.

**167.** Subject to the second paragraph of section 173, the transition committee shall, during its term, provide the citizens of the municipalities referred to in section 5 with any information it considers relevant to keep them informed on the carrying out of its mission.

The Minister may issue directives to the committee in that respect.

2000, c. 56, Sch. I, s. 167.

**168.** The transition committee may adopt internal management by-laws establishing its rules of operation.

2000, c. 56, Sch. I, s. 168.

**169.** The transition committee may form any sub-committee for the examination of particular matters, determine its mode of operation and designate the members, including the person who is to chair the sub-committee.

A person who is not a member of the committee may also be designated as a member of a sub-committee.

2000, c. 56, Sch. I, s. 169.

**170.** The chair of the transition committee may entrust to one or more members of the committee or, where applicable, of a sub-committee the exercise of certain functions or the examination of any matter the chair indicates.

2000, c. 56, Sch. I, s. 170.

**171.** The transition committee may require any municipality referred to in section 5, the urban community or a body thereof to furnish information, records or documents belonging to the municipality, the community or the body and which the transition committee considers necessary to consult.

The first paragraph also applies in respect of information, records and documents relating to a pension plan referred to in section 7 and held by any administrator of such a plan or by any public body exercising under law a responsibility in respect of such a plan.

2000, c. 56, Sch. I, s. 171; 2001, c. 25, s. 290.

**172.** The transition committee may require any municipality referred to in section 5, the urban community or a body thereof to submit a report on a decision or matter relating to the municipality, the community or the body and that is within and relevant to the committee's functions, concerning the financial situation of the municipality, community or body or the staff or any person in its employment.

2000, c. 56, Sch. I, s. 172.

**173.** Sections 171 and 172 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

The members of the transition committee or of any sub-committee and the committee employees are required to ensure the confidentiality of the information obtained under sections 171 and 172.

2000, c. 56, Sch. I, s. 173.

**174.** The transition committee may, where it considers it necessary for the exercise of its responsibilities, use the services of an officer or employee of a municipality referred to in section 5, the urban community or a body thereof. The committee may designate the employee whose services are necessary. The committee and the employer shall agree on the costs to be paid by the committee for the use of the services. However, the employer shall place the designated employee at the disposal of the committee as of the time indicated by the committee, notwithstanding the absence of an agreement respecting the costs for the services.

Failing an agreement, the Minister may designate a conciliator at the request of the committee or the employer to assist the parties in reaching an agreement. The conciliator shall act as if he or she were designated under section 468.53 of the Cities and Towns Act (chapter C-19), and section 469 of that Act applies in that case, with the necessary modifications.

The officers and employees seconded to the committee remain in the employment of the municipality, the urban community or the body, as the case may be, are remunerated by their employer, and are governed by the same conditions of employment during the secondment.

2000, c. 56, Sch. I, s. 174; 2001, c. 25, s. 291.

**175.** Every member of the council and every officer or employee of a municipality referred to in section 5, the urban community or a body thereof must cooperate with the transition committee members, employees and representatives acting in the exercise of their functions.

No municipality or body referred to in the first paragraph may prohibit or otherwise prevent its officers or employees from cooperating with the transition committee acting in the pursuit of its mission, or take or threaten to take any disciplinary measure against them for having cooperated with the committee.

Section 123 of the Act respecting labour standards (chapter N-1.1) applies, with the necessary modifications, to any officer or employee who believes he or she has been the victim of a practice prohibited by the second paragraph.

2000, c. 56, Sch. I, s. 175; 2001, c. 25, s. 292.

§ 2. — *Responsibilities of the committee*

**176.** The transition committee shall, as soon as it is able to do so after the designation of all of its members, establish an advisory committee formed of the mayors it determines from the municipalities referred to in section 5. The transition committee may submit to the advisory committee any matter on which it seeks the opinion of the mayors of the municipalities referred to in section 5. The advisory committee may give the transition committee its opinion regarding any matter related to the mandate of the transition committee.

The transition committee shall hold at least one meeting every month with the advisory committee. A member of the advisory committee who is unable to act may be replaced by a member of the council of the municipality it designates.

The rules of operation of the advisory committee may be prescribed by the internal management by-laws of the transition committee.

2000, c. 56, Sch. I, s. 176.

**177.** Every decision by which an urban community, a municipality referred to in section 5 or a body thereof makes a financial commitment for a period extending beyond 31 December 2001 must be authorized by the transition committee if the decision is made on or after 15 November 2000.

Every collective agreement or contract of employment entered into or amended as of 15 November 2000 by the urban community or a municipality referred to in section 5 must be authorized by the transition committee if the effect of the agreement or contract is to increase the remuneration and employee benefits of the officers and employees.

Until the transition committee is formed, an application must be made to the Minister for every authorization required under this section.

The transition committee may, at any time, approve a decision, collective agreement or contract of employment in respect of which an authorization is required under the first, second or third paragraph. The approval of the transition committee is deemed to be such an authorization.

2000, c. 56, Sch. I, s. 177; 2001, c. 25, s. 293.

**178.** The transition committee shall hire and remunerate the election officers prescribed by the Act respecting elections and referendums in municipalities (chapter E-2.2) for the purposes of the city's first general election. The committee shall designate the person who is to act as the returning officer for the purposes of the election.

Subject to any other provision of this Act or of any order of the Government made under section 9, the transition committee shall in respect of the election exercise the powers and assume the responsibilities assigned to the council of a municipality by the Act respecting elections and referendums in municipalities.

2000, c. 56, Sch. I, s. 178.

**179.** The transition committee shall, for the purposes of the city's first general election and of any by-election held before the second general election, prepare a division of a borough into districts.

The transition committee shall, with the assistance of the chief electoral officer and using the information on the permanent list of electors, prepare a division of the territory of each borough into districts. The division of a borough into districts must result in there being only one councillor per district, and the determination must, as far as possible, respect the criteria set out in sections 11 and 12 of the Act respecting elections and referendums in municipalities (chapter E-2.2).

The division prepared by the transition committee in collaboration with the chief electoral officer must be submitted to the Minister by the transition committee, and has effect only if adopted, with or without amendments, by an order of the Government made under section 9.

2000, c. 56, Sch. I, s. 179; 2001, c. 25, s. 294.

**180.** The transition committee may examine the circumstances of the hiring of officers and employees referred to in section 7 after 15 November 2000 and the situation relating to the employees of any intermunicipal management board in respect of whom the intermunicipal agreement does not provide for the maintenance of employment in any of the municipalities party to the agreement at the expiry of the agreement.

The transition committee may make any recommendation in respect of those officers and employees to the Minister.

2000, c. 56, Sch. I, s. 180; 2001, c. 25, s. 295.

**181.** The transition committee shall, within the time prescribed by the Minister of Municipal Affairs, Regions and Land Occupancy, agree with all the certified associations within the meaning of the Labour Code (chapter C-27) representing the employees in the employment of the municipalities referred to in section 5 and of the urban community on the procedure for the reassignment of those employees as members of the personnel of the city or, as the case may be, of the Communauté métropolitaine de Montréal, and on the rights of and remedies available to an employee who believes he or she has been wronged as a consequence of the application of that procedure.

The parties may in addition agree on conditions of employment incidental to the reassignment of employees.

An agreement entered into under this section may not provide conditions of employment that entail higher costs than those entailed by the application of the conditions of employment applicable on 20 December 2000, or increase the staff.

The Minister may grant additional time at the request of the committee or of a certified association.

The provisions concerning the application of the reassignment process provided for in the applicable conditions of employment, or, where there is no such process, the provisions that allow employees to be assigned a position or a place of employment, constitute the employee reassignment procedure.

2000, c. 56, Sch. I, s. 181; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

**182.** If an agreement has not been reached on all the matters referred to in the first and second paragraphs of section 181 within the time prescribed by the Minister, the Minister of Municipal Affairs, Regions and Land Occupancy shall so inform the Minister of Labour, and sections 125.16 to 125.23 of the Act respecting municipal territorial organization (chapter O-9), with the necessary modifications.

However, the Minister of Labour may, where applicable and if the Minister of Labour considers it appropriate, designate a mediator-arbitrator for each disagreement or group of disagreements relating to the determination of the reassignment procedure concerning a class of employment or a group of employees.

2000, c. 56, Sch. I, s. 182; 2001, c. 25, s. 296; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

**183.** Subject to section 152, the transition committee shall, for the purposes of sections 176.2 to 176.9 of the Act respecting municipal territorial organization (chapter O-9), negotiate any agreement on the determination of the future bargaining units with any association referred to in section 176.2 of that Act.

Any such agreement or any decision of the Commission des relations du travail under sections 176.5 and 176.9 of that Act also binds the city.

2000, c. 56, Sch. I, s. 183; 2001, c. 26, s. 183.

**184.** The transition committee shall also prepare any plan for the reassignment of the officers and employees of the municipalities referred to in section 5 and of the urban community who are not represented by a certified association, as well as the procedure relating to the rights of and remedies available to an employee who believes he or she has been wronged as a consequence of the application of the reassignment plan.

A plan prepared under the first paragraph applies to the city as of 31 December 2001.

2000, c. 56, Sch. I, s. 184.

**185.** The transition committee shall appoint the director general, the clerk and the treasurer of the city for a term not to exceed five years.

The transition committee may create the various departments within the city, and determine the scope of their activities. It may appoint the department heads and assistant heads as well as the other officers and employees not represented by a certified association, and define their functions.

2000, c. 56, Sch. I, s. 185; 2001, c. 25, s. 297.

**186.** The transition committee shall examine the implementation of the service structures required by this Act, in particular in the boroughs created in the territory that on 1 January 2002 was the territory of Ville de Montréal. It may make any recommendation to the Minister in that regard.

2000, c. 56, Sch. I, s. 186.

**186.1.** The transition committee may, within the framework of any departure incentive program established in respect of the officers and employees of the municipalities referred to in section 5 and of the urban community, make with any such officer or employee any agreement necessary to the implementation of the program.

2001, c. 68, s. 135.

**187.** The transition committee shall examine the specific characteristics of the borough of Ville-Marie mentioned in Schedule B, in particular as regards the nature and mode of exercise of the powers and authority conferred on boroughs by this Act. The transition committee may make any recommendation to the Minister in that regard.

2000, c. 56, Sch. I, s. 187.

**188.** *(Repealed).*

2000, c. 56, Sch. I, s. 188; 2001, c. 25, s. 298.

**189.** The transition committee shall prepare the city's budget for the first fiscal year and determine a formula enabling it to fix the allotments of each of the borough councils, by establishing, among other things, elements of equalization among the boroughs and taking into account the services provided in 2001 by each of the local municipalities referred to in section 5.

It must propose a draft of any resolution from among the resolutions that may be adopted under Division II of Chapter IV on which the draft budget is based.

2000, c. 56, Sch. I, s. 189; 2001, c. 25, s. 299.

**190.** The transition committee shall examine any other matter or carry out any other mandate the Government may entrust to the committee in the pursuit of its mission.

2000, c. 56, Sch. I, s. 190.

**191.** The transition committee shall report to the Minister on its activities at the end of its mandate or at any time at the request of the Minister.

In addition to the recommendations made pursuant to this chapter, the committee's report may include any additional recommendation the committee considers necessary to bring to the attention of the Government and pertaining in particular to

(1) the boundaries of the city boroughs ;

(2) the difficulties encountered in applying this Act and any proposed amendments ; and

(3) any special provisions the committee considers expedient to incorporate into the legal framework applicable to the municipality or to the boroughs.

2000, c. 56, Sch. I, s. 191.

**192.** The transition committee shall also furnish to the Minister any information the Minister may require on its activities.

2000, c. 56, Sch. I, s. 192.

## CHAPTER VII

### TRANSITIONAL AND FINAL PROVISIONS

**193.** The polling for the first general election in Ville de Montréal shall take place on 4 November 2001 in accordance with the Act respecting elections and referendums in municipalities (chapter E-2.2).

2000, c. 56, Sch. I, s. 193.

**194.** For the purpose of determining whether a person is qualified as an elector, a candidate or a person qualified to vote at an election or in a referendum poll in the territory of the city, any period, prior to 1 January 2002, during which the person was resident, continuously or not, in the territory of a municipality referred to in section 5 or was the owner of an immovable or the occupant of a business establishment situated in that territory shall be counted as if the person had been a resident, owner or occupant from the beginning of that period in the territory in which he or she must qualify.

2000, c. 56, Sch. I, s. 194.

**195.** At the first general election, a member of the council of a municipality referred to in section 5 may be nominated and be elected or appointed as a member of the council of Ville de Montréal, and hold both offices simultaneously.

2000, c. 56, Sch. I, s. 195; 2001, c. 25, s. 300.

**196.** The Minister of Municipal Affairs, Regions and Land Occupancy shall determine the place, date and time of the first meeting of the council. If that meeting is not held, the Minister shall fix another meeting.

The mayor shall determine the place, date and time of the first meeting of any borough council. If that meeting is not held, the mayor shall fix another meeting.

2000, c. 56, Sch. I, s. 196; 2001, c. 25, s. 301; O.C. 1308-2001, s. 22; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

**196.1.** Any person, appointed by the transition committee or reassigned as a member of the personnel of the city to an office comprising the performance of the duties necessary to the holding of a meeting of the city council or borough council, to the making of a decision by such a council or to the performance of an act that such a council may perform before the date of constitution of the city, is deemed, with regard to the necessary duties performed before the date of constitution of the city, to act in the performance of his or her duties.

O.C. 1308-2001, s. 23.

**197.** The council shall adopt, with or without amendment, the budget of the city for the fiscal year 2002 prepared by the transition committee.

The budget of the city shall be transmitted to the Minister of Municipal Affairs, Regions and Land Occupancy within 30 days of its adoption by the council.

If on 1 January 2002, the budget is not adopted, one-quarter of each appropriation provided for in the budget prepared by the transition committee is deemed to be adopted. The same rule applies on 1 April, 1 July and 1 October if, on each of those dates, the budget has not yet been adopted.

The treasurer or director of finance of a municipality referred to in section 5 who is not already bound to apply section 105.4 of the Cities and Towns Act (chapter C-19) or a similar provision in the charter of the municipality is bound to produce, before the budget of the city is adopted for the 2002 fiscal year, at least the comparative statement on revenues provided for in section 105.4.

2000, c. 56, Sch. I, s. 197; 2001, c. 25, s. 302; O.C., 1308-2001, s. 24; 2003, c. 19, s. 250; 2005, c. 28, s. 196; 2009, c. 26, s. 109.

**197.1.** The city council may, by the first by-law respecting remuneration adopted under the Act respecting the remuneration of elected municipal officers (chapter T-11.001), fix any remuneration to be paid by the city to the mayor, the borough chairs, the other members of the city council and the borough councillors for the functions they exercised between the first day of their terms and 31 December 2001. The method for fixing the remuneration may differ, in relation to that period, from the method applicable from the date of the constitution of the city.

The remuneration paid under the first paragraph to an elected officer must be reduced by an amount equal to the amount of any remuneration received from another local municipality during the same period.

2001, c. 25, s. 303; 2001, c. 68, s. 136.

**198.** Sections 149 to 151.6 have effect until 31 December 2021.

2000, c. 56, Sch. I, s. 198; 2001, c. 25, s. 304; 2003, c. 14, s. 154; 2004, c. 20, s. 67.

**199.** The city council shall, at the latest on 1 June 2002, appoint the first president of the Office de consultation publique established under section 75 and adopt the by-laws referred to in section 79, the second paragraph of section 82 and the second paragraph of section 83.

2000, c. 56, Sch. I, s. 199; 2001, c. 25, s. 305.

**200.** Subject to any provision of an order of the Government made under section 9, the Charter of the city of Montréal (1959-60, chapter 102) and all special provisions governing a municipality referred to in section 5, except any provision having as its object, in respect of such a municipality, to validate or ratify a document or an act performed or intended to clarify a title of ownership or to confirm or grant the power to acquire or alienate a particular immovable, are repealed from 1 January 2002.

2000, c. 56, Sch. I, s. 200; 2001, c. 25, s. 306.

**201.** The Conseil des arts de la Ville de Montréal established by this Act succeeds the arts council established by the Act respecting the Communauté urbaine de Montréal (chapter C-37.2). For that purpose, the succeeding council assumes the powers and obligations of its predecessor.

The members and employees of the Conseil des arts established by the Act respecting the Communauté urbaine de Montréal become, without other formality, the members and employees of the Conseil des arts established by this Act, in the same positions and with the same rights and privileges.

2000, c. 56, Sch. I, s. 201.

**202.** The police department of Ville de Montréal established by this Act succeeds the police department established by the Act respecting the Communauté urbaine de Montréal (chapter C-37.2). For that purpose, the succeeding department assumes the powers and obligations of its predecessor.

The police chief, police officers and other officers and employees of the police department established by the Act respecting the Communauté urbaine de Montréal become, without other formality, the police chief, police officers and other officers and employees of the police department established by this Act, in the same positions and with the same rights and privileges.

2000, c. 56, Sch. I, s. 202.

**203.** The intermunicipal agreement providing for the establishment of the Régie intermunicipale de gestion des déchets sur l'Île de Montréal shall end on 31 December 2001. The management board shall cease its activities and is dissolved on that date.

The Société intermunicipale de gestion et d'élimination des déchets (SIGED) inc. shall cease its activities on 31 December 2001 and is dissolved on that date.

2001, c. 25, s. 307.

**204.** The city succeeds to the rights, obligations and charges of the Régie intermunicipale de gestion des déchets sur l'Île de Montréal and the Société intermunicipale de gestion et d'élimination des déchets (SIGED) inc.

The city becomes, without continuance of suit, a party to any suit, in the place of the intermunicipal management board or, as the case may be, the Société to which it succeeds.

2001, c. 25, s. 307.

**205.** The following shall burden or be credited to all the taxable immovables in the sector formed of the territory, as it existed on 31 December 2001, of the municipalities which, on that date, were parties to the agreement establishing the Régie intermunicipale de gestion des déchets sur l'Île de Montréal:

(1) the debts and any category of surplus of the intermunicipal management board or the Société referred to in section 203;

(2) the revenues or costs relating to legal proceedings or a dispute to which the intermunicipal management board or the Société referred to in section 203 or, as the case may be, the city is a party, in respect of an event prior to 1 January 2002 that concerns that intermunicipal management board or that Société.

However, the revenues or costs relating to legal proceedings or a dispute referred to in subparagraph 2 of the first paragraph concerning an event prior to 4 September 1997 shall burden or be credited to the taxable immovables only in the sector formed of the territory of the municipalities, other than the former Ville de Montréal.

In respect of the revenues or costs, the burden on or credit to the taxable immovables in the sector formed of the territory of the municipalities referred to in the first or second paragraph, as the case may be, shall be in proportion to the cumulative financial contributions of those municipalities to the intermunicipal management board.

In this section,

(1) mention that debts or costs burden the taxable immovables of a territory means that the expenditures related to those debts or costs must be financed by revenues exclusively from that territory; and

(2) mention that surpluses or revenues are credited to the taxable immovables of a territory means that the credit of those surpluses or revenues is reserved exclusively for the inhabitants and ratepayers of that territory.

2001, c. 25, s. 307; O.C. 1308-2001, s. 25.

**206.** The by-laws, resolutions, minutes and other acts of the intermunicipal management board referred to in section 203 remain in force until their objects are attained or until they are replaced or repealed in accordance with this Act. They are deemed to emanate from the city.

2001, c. 25, s. 307.

**SCHEDULE A***(Section 8)***OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY OF VILLE DE MONTRÉAL**

The territory of Ville de Montréal comprises all the lots and parts of lots of the cadastre of the parishes of Saint-Laurent, Lachine, Sault-au-Récollet and Île-Bizard, of the cadastre of the villages of Hochelaga, Côte-Saint-Louis and Côte-de-la-Visitation, of the cadastre of Cité de Montréal (Saint-Antoine ward), of the cadastre of the municipality of the parish of Montréal and their present and future subdivisions and of the cadastre of Québec on the date of this description (3 May 2005) and their successor lots, the hydrographic entities, built-up sites or parts thereof within the perimeter commencing at the meeting point of the centre line of the St. Lawrence River with a straight line parallel to the east side of the right-of-way of avenue Boylan (1 524 446) bordering to the west lots 1 524 452 to 1 524 469 and 1 524 405, the straight line which has its point of origin at the apex of the southeast angle of lot 1 524 498 and that runs along, the said perimeter, the following lines and demarcations: northerly, successively, the said straight line then the west line of lot 1 520 995, the easternmost line of lot 1 524 322 and its extension in lot 1 524 369 to the centre line of the public road (promenade Bord-du-Lac); southeasterly, the said centre line to the southerly extension of the west line of lot 1 524 426; northerly, the said extension then the west line of the said lot; easterly, the north line of lots 1 524 426, 1 524 433, 1 524 443 and 1 524 495; northerly part of the west line of lot 1 524 661 and the west line of lots 1 524 672, 1 524 691, 1 524 521, 1 524 713, 1 524 715 to 1 524 718, 2 692 008, 1 524 719 to 1 524 722, 1 524 500 to 1 524 505, 1 524 507 to 1 524 510, 2 691 988, 1 524 511 to 1 524 518, 1 524 654, 1 524 653, 1 524 652 and a west line of lot 1 524 523; successively westerly and northerly, part of the south line of lot 1 524 729 then the west line of that lot and of lots 1 524 541, 1 524 546 and 1 524 557, a straight line in lots 1 524 431 and 1 524 432 to the apex of the southwest angle of lot 2 806 761, the west line of the latter lot and of lot 1 524 643, a straight line in lot 1 525 392 (autoroute 20) to the apex of the southwest angle of lot 1 706 786 then the west line of the said lot and of lot 1 706 785; easterly, the north line of the latter lot; northerly, part of the west line of lot 1 703 913 then the west line of lots 1 703 914 to 1 703 916; northeasterly, part of the northwest line of the latter lot to the apex of the south angle of lot 1 525 481; northwesterly, the southwest line of the latter lot; northeasterly, the broken line bordering the said lot to the northwest then the northwest line of lots 1 525 480, 1 525 479 and 1 525 478 (Chemin de la Côte-de-Liesse); northwesterly, the southwest line of lot 2 646 461, part of the southwest line of lot 1 238 723 (Autoroute Chomedey), the southwest line of lot 1 238 717, again part of the southwest line of lot 1 238 723, part of the southwest line of lot 2 745 762 and the southwest line of lot 1 236 242; generally southwesterly, the broken line bordering to the southeast lots 1 164 116 and 1 164 070, the southeast line of lots 1 164 080, 2 744 760, 2 744 759, 1 165 608 and again 2 744 759; successively northwesterly, northeasterly, northwesterly and northeasterly, the broken line bordering lot 2 744 759 to the southwest and to the northwest; northwesterly, part of a southwest line of lot 2 597 314 then the southwest line of lots 1 163 771, 1 163 812 and 1 163 770; northeasterly, the northwest line of lots 1 163 770, 1 163 772, 1 163 773 and part of the northwest line of lot 1 163 792 to the apex of the southwest angle of lot 1 165 581; generally northerly, an irregular dividing line between lots 1 165 581, 1 165 578, 1 165 577, 2 379 564 and 2 379 563 on one side and lots 1 523 090, 1 523 113, 1 524 388, 1 524 385, 1 524 735 and 1 525 385 on the other side; northeasterly, the northwest line of lots 2 379 563, 1 163 763 and 1 165 584; successively northwesterly, westerly and again northwesterly, the southwest line of lot 1 165 584, part of the south line of lot 1 163 767 then the southwest line of lots 1 163 767, 1 163 766, 1 163 764, 2 490 333, 1 902 500, 1 899 460 and 1 902 499; successively southwesterly and northwesterly, the southeast line of lot 2 262 709 then the broken line bordering the said lot to the southwest; southwesterly, the southeast line of lots 1 899 935, 1 899 938, 1 902 472 and 1 902 474; northwesterly, the southwest line of lot 1 902 474; southwesterly, part of the southeast line of lot 1 902 441 then the southeast line of lots 1 902 432 and 1 902 423; northwesterly, the southwest line of lots 1 902 423, 1 900 226 to 1 900 236, 1 900 258, 1 900 259, 1 900 302 back to 1 900 287; northerly, the west line of lots 1 900 287 back to 1 900 283; easterly, the north line of lot 1 900 283 to the apex of the west angle of lot 1 900 304; generally northeasterly the northwest line of lot 1 900 304 then part of the north line of lot 1 899 939 to the apex of the southwest angle of lot 1 902 484; northerly, the west line of the said lot; northwesterly, part of the southwest line of lot 1 902 686 and part of the southwest line of lot 1 900 032 to the apex of the west angle of lot 1 900 126; generally southeasterly, the northeast line of lots 1 389 595, 2 261 821 and 2 261 377; southwesterly, the southeast line of lots 2 261 377, 2 262 121, 2 262 120, 2 262 118 back to 2 262 109, 2 262 107 back to 2 262 100, 2 262 090, 2 262 089, 2 262 088, 2 262 087, 2 262 085,

2 262 084, 2 262 083, 2 262 082 and 2 262 662; northwesterly, the southwest line of the said lot; southwesterly, part of the southeast line of lot 1 389 464 and the southeast line of lots 1 389 463 back to 1 389 449, 1 389 591 back to 1 389 587, 1 389 344, 1 389 343, 1 389 342, 1 389 341, 1 389 582 and a southeast line of lot 1 389 581; northwesterly, a southwest line of the said lot to the apex of the east angle of lot 1 389 592; southwesterly, the southeast line of the said lot; northwesterly, the southwest line of the said lot, a southwest line of lot 1 389 581 then the southwest line of lots 1 389 580, 1 390 465, 1 390 654, 1 390 296 to 1 390 301, 1 389 315 to 1 389 317, 1 389 320, 1 390 639, 1 389 313, 1 389 312, 1 389 314, 1 389 118 and part of the southwest line of lot 2 871 712 to the apex of the north angle of lot 1 390 813; northeasterly, a straight line in lot 2 871 712 to the apex of the south angle of lot 1 389 246; northwesterly, the southwest line of lots 1 389 246 to 1 389 248; successively southwesterly, northwesterly and northeasterly, part of the southeast line, the southwest line then part of the northwest line of lot 1 390 653 to the apex of the south angle of lot 1 389 147; northwesterly, the southwest line of lot 1 389 147 and a southwest line of lot 1 389 148 to the apex of the north angle of lot 1 390 671; southwesterly, a southeast line of lot 1 389 148 then the southeast line of lots 1 389 308, 1 172 004 and 1 172 395; northwesterly, the southwest line of the said lot; southwesterly, part of the southeast line of lot 1 172 394 then the southwest line of lots 1 171 371, 1 171 291, 1 171 279, 1 171 234, 1 171 233, 1 171 145, 1 171 144, 1 171 044, 1 171 042 and 1 172 183; successively southerly and westerly, the east line then the south line of lot 1 766 015 then the south line of lot 1 766 014; southwesterly, the southeast line of lots 1 172 215, 1 170 943, 1 170 937, 1 172 182, 1 170 936, 3 117 849, part of the southeast line of lot 3 302 128, the southeast line of lots 3 302 127 back to 3 302 119, 3 117 793 back to 3 117 783, 3 117 850, 1 169 417, 1 169 416, 1 169 405 back to 1 169 402, 1 172 227, 1 370 275, 1 370 261, 1 370 260, 1 370 258, 370 226 back to 1 370 223, 1 370 221 and 1 370 219; southerly, the east line of lot 1 370 217; southwesterly, the southeast line of lots 1 370 217, 1 370 176 and a southeast line of lot 1 370 532; northerly, the west line of the said lot; southwesterly, a southeast line of the said lot and the southeast line of lots 1 370 145 back to 1 370 140, 1 370 098, 1 370 096 and part of the southeast line of lot 1 370 086 to the apex of the west angle of lot 1 766 481; southeasterly, part of the northeast line of lot 2 160 309 and the northeast line of lots 1 370 139 and 1 370 628; southwesterly, the broken line bordering to the southeast lots 1 370 628, 1 370 606, 1 369 675, 1 844 375, 1 842 666 and 2 217 994; northerly, the west line of the latter lot; southwesterly, part of the southeast line of lots 1 842 665 and 2 852 512 to the apex of the north angle of lot 3 087 209; generally southerly, the broken line bordering to the east lots 3 087 209, 1 842 627, 1 844 350, 1 844 348, 1 844 184, 1 842 428, 1 844 347, 1 842 430, 1 842 419, 1 844 346, 1 842 421, 1 842 456, 1 844 345, 1 842 452, 1 842 455, 1 844 344, 1 844 441, 1 844 442, 1 842 449, 1 842 458 and 1 844 340; southwesterly, the broken line bordering to the southeast lots 1 844 340, 1 842 380, 1 844 418, 1 842 323, 1 842 249, 1 842 248, 1 842 246, 1 842 244, 1 842 242, 1 842 238, 1 842 237, 1 842 168, 1 842 167, 1 842 164, 1 842 161, 1 842 102, 1 842 091 back to 1 842 088, 1 841 994, 1 841 992, 1 841 990, 1 841 983, 1 841 982, 1 844 423, 1 072 876, 1 072 868 back to 1 072 864, 1 072 111, 1 072 078, 1 072 077, 1 072 076, 1 072 074 and 1 072 073; southerly, part of the east line of lot 1 072 072 and the east line of lots 1 072 066 and 1 072 068; northeasterly, part of the northwest line of lot 1 072 069; southeasterly, the northeast line of lots 1 072 069, 1 072 070, 1 072 061, 1 072 063, 1 072 107 to 1 072 110, 1 072 101 to 1 072 106, 1 072 875, 1 072 083 and 1 072 874; southwesterly, the southeast line of lots 1 072 874, 1 072 891, 1 072 095, 1 072 094, 1 072 093, 1 072 090, 1 072 082, 1 072 081, 1 072 080, 1 072 079, 1 072 027, 1 072 026, 1 072 083, 1 072 018, 1 072 016, 1 071 861, 1 071 945, 1 071 944, 1 071 942, 1 071 934 back to 1 071 930, 1 071 851, 1 071 849, 1 071 837 back to 1 071 831, 1 071 723 and part of the southeast line of lot 1 071 722 to the apex of the north angle of lot 1 995 028; southeasterly, the northeast line of lots 1 995 028, 1 994 626 and 1 994 625; southwesterly, the southeast line of lots 1 994 625, 1 994 624, 1 994 622 back to 1 994 609, 1 995 033 back to 1 995 029, 1 071 203, 1 071 177, 1 071 176, 1 071 175, 1 071 174, 1 071 172, 1 071 170, 1 071 168, 1 073 089, 1 073 090 to 1 073 092, that line extending in lot 1 071 149 to the northeast line of lot 1 073 030 corresponding to the northeast side of the right-of-way of boulevard Saint-Charles; southeasterly, the northeast side of the said right-of-way bordering to the northeast lots 1 073 030 and 2 240 592 to the northeasterly extension, in lot 2 240 592, of the southeast line of lot 1 349 429; southwesterly, the said extension and the southeast line of lots 1 349 429, 1 349 425 back to 1 349 422, 1 349 420, 1 349 100, 1 349 097, 1 349 086 back to 1 349 082, 1 349 034, 1 349 033, 1 349 032, 1 349 030, 1 349 028, 1 349 026, 1 349 022, 1 348 959 back to 1 348 953, 1 348 951, 1 348 877, 1 348 875, 1 348 873, 1 348 866, 1 348 865, 1 348 864, 1 348 745 back to 1 348 741, 1 348 738, 1 348 737, 1 348 144 back to 1 348 136, 1 348 133, 1 348 132, 1 348 124, 1 348 123, 1 348 122, 1 348 121, 1 348 104 back to 1 348 100, 1 348 097, 1 348 095, 1 348 093, 1 348 056 back to 1 348 049, 1 348 013, 1 348 010, 1 347 999 back to 1 347 995, 1 346 893, 1 346 892, 1 346 891, 1 346 889 and 1 346 887; westerly, the south line of lots 1 978 608, 1 978 599, 1 978 595, 1 978 594, 1 978 592, 1 978 590, 1 978 552, 1 978 549, 1 978 547,

1 978 536, 1 978 535, 1 978 534, 1 978 533, 1 978 470 and 1 978 469; generally southwesterly, the southeast line of lots 1 978 469 back to 1 978 466, 1 978 464, 1 978 465, 1 978 397, 1 978 391, 1 978 390, 1 978 388, 1 978 387, 1 978 386, 1 978 291, 1 978 289, 1 978 278 back to 1 978 273, 1 978 160, 1 978 145 back to 1 978 141, 1 978 139, 1 978 137, 1 978 033, 1 978 030, 1 978 028 back to 1 978 025, 1 977 935, 1 990 825 to 1 990 831, 1 990 834 to 1 990 836, 1 990 841, 1 979 022, 1 990 843 and 2 513 737; southerly, part of the west line of lot 2 461 590 to the easterly extension, in lot 2 461 328, of the latter segment of the broken dividing line between lots 2 461 328 and 1 977 480; successively westerly and northwesterly, the said extension then the broken dividing line between lots 1 977 480 and 2 461 328; northwesterly, the southwest line of lots 1 977 841 and 1 977 475; westerly, the south line of lots 1 977 475, 1 979 025, 1 977 464, 1 977 462, 1 977 460, 1 977 457, 1 977 456, 1 977 444, 1 977 442 and 1 997 441; successively southerly, westerly and northerly, part of the east line, the south line then part of the west line of lot 1 977 432 to the apex of the east angle of lot 1 977 332; successively southwesterly and northwesterly, the southeast line and part of the southwest line of lot 1 977 332 to the apex of the east angle of lot 1 977 331; generally southwesterly, the broken line bordering to the southeast lots 1 977 331, 1 977 330, 3 070 208, 1 990 925, 3 337 339, 1 977 304, 1 977 303, 1 990 781 (Chemin de l'Anse-à-l'Orme), 1 978 994, 1 978 993, 1 978 991, part of the southeast line of lot 1 977 298 to its meeting with the dividing line between lots 1 977 297 and 1 559 473 then the broken dividing line between lot 1 977 297 on one side and lots 1 559 473, 1 559 469 and 1 559 455 on the other side; northwesterly, the southwest line of lots 1 977 297, 1 990 781 (Chemin de l'Anse-à-l'Orme), a straight line in lot 1 977 224 to the apex of the southwesternmost angle of lot 1 977 292, the southwest line of the said lot then the southwest line of lots 1 979 019 and 1 978 984; northwesterly, a straight line running in a 300° 00' 00" direction, whose point of origin is the apex of the west angle of lot 1 978 984, to the centre line of lac des Deux-Montagnes; northeasterly, the said centre line to its meeting with the northwesterly extension of the line running midway between île Bizard and Roussin and Jésus islands; generally southeasterly, the said extension, the said line running midway between the said islands, then another line running midway between île Bizard on one side and île Bigras, the island bearing number 1 082 681, île Verte and île Ronde (lot 1 082 680) on the other side, the last segment of that line extending to the centre line of rivière des Prairies; generally southeasterly and northeasterly, the centre line of the said river downstream and running southeast of île Ronde (lot 1 082 680), île Verte and île Pariseau, northwest of île aux Chats (lot 1 902 618) and southeast of île Paton to its meeting with the northwesterly extension of the northeast line of lot 1 983 680; southeasterly, the said extension to the southeast shore of rivière des Prairies; generally northeasterly, the southeast shore of the said river to the southwest line of lot 2 125 873; northwesterly, the southwest line of the said lot connecting île de Montréal to île de la Visitation; the shore of île de la Visitation following the contours of the island clockwise to the broken line bordering lot 2 125 873 to the northeast; southeasterly, the latter broken line to the southeast shore of rivière des Prairies; generally northeasterly, the southeast shore of the said river to the northwesterly extension of the northeast line of lot 1 742 241; in rivière des Prairies, northwesterly, the said extension to the centre line of the said river skirting to the southwest île du Cheval de Terre (lot 1 745 456); generally northeasterly, the centre line of the said river downstream and running northwest of the islands identified by numbers 1 055 834, 1 055 899 and île Gagné and southeast of the islands bearing numbers 1 613 846, 1 982 394, 1 982 396 to 1 982 399 to an irregular line running midway between île Bonfoin (lot 1 874 447) on one side and Serre (1 754 502) and Bourdon (lots 1 750 503, 1 750 506, 1 750 637, 1 754 694, 2 016 153 and 2 016 154) islands on the other side; southerly, the latter line running midway to an irregular line running midway between île de Montréal and Bourdon and Bonfoin islands; easterly, the latter line running midway to another irregular line in the St. Lawrence River running midway between île de Montréal on one side and Aigle (lots 1 754 778 and 1 754 779), aux Asperges, Sainte-Thérèse, au Veau and Saint-Patrice islands on the other side; southerly, the latter line running midway to its meeting with the easterly extension of the north line of lot 1 262 110; westerly, the said extension to the west shore of the St. Lawrence River; generally southerly, the west shore of the said river to the south line of lot 1 093 333; westerly, the south line of the said lot and lots 1 092 441 (rue Notre-Dame), 1 093 646, 1 093 317, 1 093 397, 1 093 407, 1 093 406, 1 093 392, 1 093 391 back to 1 093 383, 1 093 374, 1 091 757 (rue Prince-Albert), 1 093 263, 1 093 262, 1 091 760 (rue Victoria), 1 093 320, 1 093 309, 1 093 310, 1 091 617, 1 093 430, 1 093 442, 1 093 443, 1 093 484, 1 093 485, 1 093 505, 1 093 506, 1 093 554, 1 093 289, 2 490 353, 2 490 354, 1 093 561, 1 093 600, 1 093 601, 1 093 614, 1 093 626, 1 091 758, 1 093 264, 1 093 265, 1 865 991 and 1 866 184; northeasterly, the northwest line of the said lot; northwesterly, the broken line bordering to the southwest lots 1 865 991, 1 865 990, 1 865 969, 1 865 970 (boulevard Métropolitain), 1 865 968, 1 865 828, 1 505 794 and 1 505 795 to the centre line of boulevard Henri-Bourassa; generally southwesterly, the centre line of the central part of the said boulevard, crossing lots 1 250 908 and 1 250 903, then the centre line of the said boulevard bordering to the southeast lots 1 250 899,

1 250 110, and 1 509 600 to the apex of the north angle of lot 1 250 895, the broken line bordering lot 1 250 865 to the southeast, part of the southeast line of lot 1 510 940 then the southeast line of lots 1 076 455, 1 251 023 and 1 250 998; southeasterly, the northeast line of lots 1 005 704, 1 005 706, 1 005 707, 1 144 242, 2 171 870, 1 302 069, 1 302 070, 1 144 220, 1 005 727, 1 148 003, 1 005 729, 1 005 734, 1 110 467, 1 110 465 (boulevard Métropolitain), 1 110 466, 1 110 468 and 1 114 672; southerly, the east line of the latter lot and part of the east line of lot 2 944 624 to the apex of the northwest angle of lot 1 295 512; easterly, the north line of lots 1 295 512, 1 295 471, 1 295 470, 1 295 457, 1 295 468, again 1 295 457, 1 292 878, 1 294 292, 1 295 430, 1 295 413, 1 295 424, again 1 295 413, 1 295 401, 1 295 383, 1 295 382, 1 295 364, 1 295 375, 1 295 367, 1 294 991, 1 295 365, again 1 295 364, 1 295 352, 1 295 328, 1 295 327, 1 295 321, 1 295 303, 1 295 302, 1 295 275, 1 295 274, 1 295 266, 1 295 265, 1 295 260, 1 295 259, 1 295 248, 1 295 247, 1 295 246, 1 294 879, 1 295 221, 1 295 215, 1 295 214 back to 1 295 210, 1 295 208, 1 295 207, 1 295 510, 1 295 511, 1 422 868, 1 422 870, 1 422 879, 1 422 867, 1 295 521, 1 422 866, 1 295 531, 1 295 530, 1 295 529, 1 295 527, 1 295 526, 1 295 502, 1 295 501, 1 293 731, 1 295 466, 1 295 422, 1 295 411, 1 295 393, 1 295 390, 1 295 322, 1 295 311, 1 295 279 and part of the north line of lot 1 422 874 to the apex of the southwest angle of lot 1 250 986; southwesterly, the northwest shore of the St. Lawrence River to the northeast line of lot 1 879 330; southeasterly, the northeast line of lots 1 879 330 and 1 879 975 and the extension of the latter line to the centre line of the St. Lawrence River; southwesterly, the centre line of the said river upstream to its meeting with a line parallel to the southwest limit of the lands belonging to the St. Lawrence Seaway Authority and situated 45.72 metres (150 feet) northeast of the latter limit; southeasterly, the said parallel line to its meeting with a perpendicular line above the southwest limit of the lands belonging to the St. Lawrence Seaway Authority 457.20 metres (1,500 feet) northwest of the northwest line of lot 2 627 045, such distance being measured along the southwest limit of the said lands; southwesterly, the said perpendicular line to the southwest limit of the said lands; southeasterly, the said limit to its meeting with a line parallel to the northwest line of lot 2 627 045 and situated 9.114 metres (30 feet) northwest of that line; southwesterly, the said parallel line to the centre line of the St. Lawrence River; lastly, generally southwesterly, the centre line of the said river upstream and running east of île des Soeurs, south of île aux Hérons and north of île au Diable to the point of commencement.

The territories of the cities or towns of Côte-Saint-Luc, Hampstead, Montréal-Ouest, Mont-Royal and Westmount are to be withdrawn from the territory.

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2000, c. 56, Sch. I-A; O.C. 1213-2005, s. 8.

## **SCHEDULE B**

*(section 10)*

### **I - BOUNDARIES OF THE BOROUGHS OF VILLE DE MONTRÉAL**

#### **Borough of Anjou**

Corresponds to the territory of the former Ville d'Anjou.

#### **Borough of Montréal-Nord**

Corresponds to the territory of the former Ville de Montréal-Nord.

#### **Borough of Outremont**

Corresponds to the territory of the former Ville d'Outremont.

#### **Borough of Saint-Laurent**

Corresponds to the territory of the former Ville de Saint-Laurent.

#### **Borough of Saint-Léonard**

Corresponds to the territory of the former Ville de Saint-Léonard.

#### **Borough of Verdun**

Corresponds to the territory of the former Ville de Verdun.

#### **Borough of LaSalle**

Corresponds to the territory of the former Ville de LaSalle.

#### **Borough of Lachine**

Corresponds to the territory of the former Ville de Lachine.

#### **Borough of Ahuntsic-Cartierville**

The part of the territory of the former Ville de Montréal delimited on the north by the boundary of Ville de Laval situated at the centre of the Des Prairies river, on the east by the boundary of the former Ville de Montréal-Nord up to the CN railway line, along the railway line westerly to Papineau avenue, by Papineau avenue to Métropolitain boulevard, by Métropolitain boulevard westerly to the boundary of the former Ville de Saint-Laurent, by that boundary to the boundary of the former Ville de Pierrefonds, by that boundary to the boundary of Ville de Laval, at the centre of the Des Prairies river.

#### **Borough of Mercier–Hochelaga-Maisonneuve**

The part of the territory of the former Ville de Montréal delimited on the north by the boundary of the former Ville de Saint-Léonard, from Lacordaire street to the boundary of the former Ville d'Anjou, by that boundary to the boundary of the former Ville de Montréal-Est, by that boundary to the St. Lawrence River, by the St. Lawrence River westerly to a line perpendicular to the meeting point of Notre-Dame street and the CP railway line, along that line to the CP railway line, by the CP railway line to Sherbrooke street, by Sherbrooke street easterly to Dickson street, by Dickson street to Lacordaire street, by Lacordaire street to the boundary of the former Ville de Saint-Léonard.

### **Borough of Plateau-Mont-Royal**

The part of the territory of the former Ville de Montréal bounded on the north and on the northeast by the Canadian Pacific railway line ; from the east boundary of the former Ville d'Outremont to Sherbrooke street; Sherbrooke street southwesterly to University street; University street northerly to Des Pins avenue; Des Pins avenue northeasterly to Du Parc avenue; Du Parc avenue northerly to Mont-Royal avenue; Mont-Royal avenue westerly to the east boundary of the former Ville d'Outremont ; that boundary northerly to the Canadian Pacific railway line.

### **Borough of Rosemont–La Petite-Patrie**

The part of the territory of the former Ville de Montréal delimited on the north by the boundary of the former Ville de Saint-Léonard, from 24th Avenue to Lacordaire street, by Lacordaire street to Dickson street, by Dickson street to Sherbrooke street, by Sherbrooke street westerly to the CP railway line, along that railway line to the boundary of the former Ville d'Outremont, by that boundary to the CP railway line on the north, along that railway line to Jean-Talon street, by Jean-Talon street easterly to Papineau avenue, by Papineau avenue to Bélanger street, by Bélanger street to 24th Avenue, by 24th Avenue to the boundary of the former Ville de Saint-Léonard.

### **Borough of Sud-Ouest**

The part of the territory of the former Ville de Montréal bounded on the north by the ridge of the Falaise Saint-Jacques from the meeting point of Sainte-Anne-de-Bellevue boulevard with the northeast boundary of the former Ville de Montréal-Ouest to Pullman street; generally easterly, successively, Pullman street to Autoroute 20; the said autoroute to the south boundary of the former Ville de Westmount, the said south boundary to the Canadian Pacific railway line, then along that railway line to Guy street; southerly, Guy street to Notre-Dame street; northeasterly, Notre-Dame street to Autoroute Bonaventure; generally southerly, Autoroute Bonaventure to the Victoria bridge; the Victoria bridge easterly to the west shore of the St. Lawrence River; successively southerly and southwesterly, the shore of the St. Lawrence River to the boundary between the former cities of Montréal and Verdun ; generally westerly, the boundary between the former Ville de Montréal and the former cities of Verdun and Lasalle to the boundary between the former cities of Montréal and Lachine; that latter boundary northwesterly to the south boundary of the former Ville de Montréal-Ouest; finally, northwesterly, the northeast boundary of the former Ville de Montréal-Ouest to Sainte-Anne-de-Bellevue boulevard.

### **Borough of Ville-Marie**

The part of the territory of the former Ville de Montréal bounded on the north by Chemin Remembrance; from the northeast boundary of the former Ville de Westmount to the extension southerly of the west boundary of the former Ville d'Outremont; northerly, the said extension; successively, easterly and northerly, the south and east boundaries of the former Ville d'Outremont to Mont-Royal avenue; generally easterly, Mont-Royal avenue to Du Parc avenue; southerly, Du Parc avenue to Des Pins avenue; southwesterly, Des Pins avenue to University street; southerly, University street to Sherbrooke street; Sherbrooke street northeasterly to the Canadian Pacific railway line; successively southeasterly and southerly, the Canadian Pacific railway line to Notre-Dame street; southeasterly, perpendicularly to the northwest shore of the St. Lawrence River, a straight line to the said shore; southeasterly, a straight line so as to include Île Notre-Dame and Île Sainte-Hélène, to the boundary between the former Ville de Montréal and the former Ville de Longueuil; southwesterly, part of the boundary between the former Ville de Montréal and the former cities of Longueuil and Saint-Lambert to the Victoria bridge; the Victoria bridge westerly to Autoroute Bonaventure; generally northwesterly, Autoroute Bonaventure to Notre-Dame street; Notre-Dame street southwesterly to Guy street; Guy street northerly to the Canadian Pacific railway line; generally westerly, the said railway line to the east boundary of the former Ville de Westmount; finally, successively northerly and northwesterly, the boundary of the former Ville de Westmount to Chemin Remembrance.

### **Borough of Villeray–Saint-Michel–Parc-Extension**

The part of the territory of the former Ville de Montréal delimited on the north by the CN railway line, from Papineau avenue to the boundary of the former Ville de Montréal-Nord, along that boundary to the boundary of the former Ville de Saint-Léonard, by that boundary southerly to 24th Avenue, by 24th Avenue to Bélanger street, by Bélanger street westerly to Papineau avenue, by Papineau avenue to Jean-Talon street, by Jean-Talon street westerly to the CP railway line, along that railway line to the boundary of the former Ville d'Outremont, by that boundary to the boundary of the former Ville de Mont-Royal, by that boundary northerly to Métropolitain boulevard, by Métropolitain boulevard easterly to Papineau avenue, by Papineau avenue to the CN railway line.

## OFFICIAL DESCRIPTION

### **Borough of Côte-des-Neiges–Notre-Dame-de-Grâce**

Commencing at the apex of the north angle of lot 2 174 259 of the cadastre of Québec situated on the southeast limit of Ville de Mont-Royal; thence, the following lines and demarcations: in reference to that cadastre, southeasterly, the northeast line of lots 2 174 259, 2 174 246, 2 174 248, 2 174 251, 2 174 253 to 2 174 255, 2 174 257, 2 174 353 to 2 174 363, 2 453 219, 2 174 054 to 2 174 058, 2 173 589 to 2 173 594, 2 482 312, 2 173 624 to 2 173 634, 2 173 636, 2 453 221, 2 173 656, 2 173 416 to 2 173 419, 2 173 428, 2 173 420 to 2 173 423, 2 482 307 and 2 173 279; southwesterly, the southeast line of lots 2 173 279, 2 482 308, 2 173 278 and a part of the southeast line of lot 2 173 425 to the apex of the west angle of lot 1 353 048; southeasterly, part of the northeast line of lot 2 173 223, the northeast line of lots 2 482 265, 2 173 242, 2 173 243, 2 173 241, 2 173 240, 2 482 216, 2 173 239, 2 173 236, 2 173 235, 2 173 234, 2 173 270 and 2 482 315; southwesterly, a southeast line of lot 2 482 315 to the apex of the westernmost angle of lot 1 512 971; southeasterly, a northeast line of lot 2 482 315, the northeast line of lots 2 173 063, 2 173 064, 2 172 948, 2 173 070, 2 173 071, 2 172 949, 2 172 950 and 2 172 951; southwesterly, the southeast line of lots 2 172 951, 2 482 320, 2 172 961, 2 172 963, 2 482 321, 2 172 983, 2 482 278, 2 482 523, 2 173 007, 2 173 008, 2 482 323, 2 482 226, 2 173 036, 2 482 324 and a part of the southeast line of lot 2 173 038 to the apex of the north angle of lot 2 172 880; southeasterly, the northeast line of lots 2 172 880, 2 482 326, 2 172 873, a northeast line of lot 2 172 872 and a northeast line of lot 2 172 826 to the apex of the south angle of lot 2 172 933; northeasterly, a northwest line of lot 1 172 826, the northwest line of lots 2 172 827 to 2 172 833, 2 482 331, 2 172 834 to 2 172 842, 2 482 291, 2 482 176, 3 428 150, 2 482 191, 2 172 844, 2 482 208, 2 172 845, 2 482 336, 2 172 846 to 2 172 849, 2 482 193, 2 172 850 to 2 172 857, 2 176 565, 2 482 436, 2 172 858 to 2 172 860, 2 172 862 and 2 172 861; southeasterly, successively, the southwest side of the right-of-way of avenue Vincent-D'Indy then a part of the northeast line of lot 2 177 245, the broken line bordering lot 2 172 524 to the northeast to the apex of the westernmost angle of lot 1 349 842; successively northeasterly, southeasterly, again northeasterly and again southeasterly, the broken line bordering lot 1 349 842 then the extension, across the said lot, of the latter section of that broken line to chemin Remembrance; generally southwesterly, chemin Remembrance to the limit of Ville de Westmount on the northeast line of lot 2 626 555; generally southwesterly, southeasterly and then northeasterly, the limits of Ville de Westmount to its meeting with autoroute 20; southerly, autoroute 20 to rue Pullman; southwesterly, successively, rue Pullman to the crest of the Saint-Jacques escarpment then the crest of the said escarpment to the limit of Ville de Montréal-Ouest; northwesterly, the limit of Ville de Montréal-Ouest; generally northeasterly, the southeast limit of the towns of Côte-Saint-Luc and Hampstead; generally northwesterly, the northeast limit of Ville de Hampstead and Ville de Côte-Saint-Luc, again the northeast limit of Ville de Hampstead and Ville de Côte-Saint-Luc; successively southwesterly and northwesterly, the limits of Ville de Côte-Saint-Luc to the southeast limit of Ville de Mont-Royal; lastly, in a general easterly direction, the limits of Ville de Mont-Royal to the point of commencement.

### **Borough of L'Île Bizard–Sainte-Genève**

Commencing at the meeting point of the centre line of rivière des Prairies with the northerly extension of the west line of lot 1 843 376 of the cadastre of Québec, in lot 3 368 983 of the said cadastre and in the said river, thence, the following lines and demarcations: in reference to the said cadastre, southerly, successively, the said extension in the said river and in lot 3 368 983, the west line of lots 1 843 376, 1 844 419 (boulevard Gouin Ouest) and 2 754 750; easterly, the south line of lots 2 754 750, 2 754 761, 2 602 936, 2 602 925, 1 843 387, 1 843 390, 1 843 445, 1 843 472, 1 843 496, 1 843 474, 1 843 495, a straight line in lot 3 306 759 to the apex of the southwest angle of lot 1 843 505, the south line of lots 1 843 505, 1 843 520 and 1 843 516

to 1 843 518; northwesterly, the northeast line of lots 1 843 522, 1 843 521, 1 843 520, 1 843 634, 1 843 633, 1 844 400 and 1 843 636; northeasterly, the southeast line of lots 1 843 637, 1 844 401, 1 843 642, 1 843 644, 1 844 402, 1 843 674, 1 843 676, 1 843 677, 1 844 403, 1 843 696, 1 843 678, 1 843 698, 3 377 470, 1 843 776, 1 843 806, 1 843 807, 1 841 744, 1 843 817, 1 843 819, 1 844 432, 1 844 399, 1 843 831, 1 843 832, 1 843 842, 1 843 843, 1 843 846, 1 843 848, 1 843 849, 1 843 851, 1 844 436, 1 843 944, 1 844 003, 1 844 032, a straight line in lot 1 841 497 to the apex of the south angle of lot 1 844 396, a southeast line of lot 1 844 396, the southeast line of lots 1 844 069, 1 844 395, a straight line in lots 1 841 500, 1 844 070, 1 841 510, 1 841 511 to the apex of the south angle of lot 1 844 460, the southeast line of lots 1 844 460, 1 844 129, 1 844 131, 1 844 137 and 1 844 539; northwesterly, successively, the northeast line of lots 1 844 539, 1 844 460, 1 844 547, 1 844 548, 1 844 167, 1 844 459 and 1 841 516, then, in rivière des Prairies, a broken line skirting île Ménard (lot 1 841 520) to the southwest to the centre line of the said river; northeasterly, the centre line of the said river passing to the northwest of Ménard, Jasmin and Barwick islands to an irregular line passing midway between the southwest shore of île Ronde and the northeast shore of île Bizard; northwesterly, the line passing midway between the northeast shore of île Bizard and the southwest shore of Ronde, Verte and Bigras islands; westerly, a line passing midway between the north shore of île Bizard and the south shore of Jésus and Roussin islands and its extension to the centre line of lac des Deux-Montagnes; generally southwesterly, the centre line of the said lake to its meeting with a straight line running astronomically 300° 00' and originating at the apex of the north angle of lot 1 978 987; lastly, generally easterly, the extension of the latter segment of the centre line of rivière des Prairies then the centre line of the said river to the point of commencement.

### **Borough of Pierrefonds-Roxboro**

Commencing at the meeting point of the centre line of rivière des Prairies with the northwesterly extension of the northeast line of lot 2 338 050 of the cadastre of Québec across lots 1 898 888 and 1 901 330 of the said cadastre and in rivière des Prairies, thence, the following lines and demarcations: in reference to that cadastre, southeasterly, successively, the said extension across lots 1 898 888 and 1 901 330, the northeast line of lot 1 902 682, a straight line across lot 1 898 898 to the apex of the north angle of lot 1 898 894, the northeast line of the latter lot and of lots 1 898 896, 1 898 897, 1 898 890, 1 898 891 then a straight line in lot 1 901 271 to the apex of the north angle of lot 1 163 631; generally westerly, successively, a southeast line of lot 1 901 271, a southeast line of lot 1 898 891, the southwest line of the latter lot, the south line of lot 1 898 890, the broken line bordering lot 1 898 902 to the south, the south line of lot 1 902 676 then the broken line bordering lot 1 898 906 to the south; northwesterly, the southwest line of lots 1 898 906, 1 898 907 and a southwest line of lot 1 898 908; southwesterly, a southeast line of lot 1 898 908, the southeast line of lot 1 898 904 and a southeast line of lot 1 900 313; generally northwesterly, the broken line bordering lot 1 900 313 to the southwest, the southwest line of lots 1 898 889, 1 898 925, 1 899 164 and a part of the southwest line of lot 1 899 163 to the apex of the east angle of lot 1 899 175; generally southwesterly, the southeast line of lot 1 899 175, the broken line bordering lot 1 901 461 to the southeast, the southeast line of lots 1 899 447, 1 899 535 and 1 899 378; southeasterly, the northeast line of lots 1 902 497, 1 899 460 and 1 902 498; westerly, the south line of lot 1 902 498; southeasterly, the northeast line of lots 1 902 498, 1 899 723 and 1 902 500; southwesterly, the broken line bordering lot 1 902 500 to the southeast to the limit of Ville de Dollard-Des Ormeaux on the northeast line of lot 2 263 013; generally northwesterly and westerly, the northeast limit of Ville de Dollard-Des Ormeaux then the north limit of the towns of Dollard-Des Ormeaux, Kirkland, Sainte-Anne-de-Bellevue and Village de Senneville to the meeting point of a straight line running astronomically 300° 00' originating at the apex of the north angle of lot 1 978 987 with the extension of the latter segment of the centre line of rivière des Prairies; easterly, the said extension then the centre line of the said river to the northerly extension, in lot 3 368 983 and in the said river, of the west line of lot 1 843 376; southerly, successively, the said extension in the said river and in lot 3 368 983, the west line of lots 1 843 376, 1 844 419 (boulevard Gouin Ouest) and 2 754 750; easterly, the south line of lots 2 754 750, 2 754 761, 2 602 936, 2 602 925, 1 843 387, 1 843 390, 1 843 445, 1 843 472, 1 843 496, 1 843 474, 1 843 495, a straight line in lot 3 306 759 to the apex of the southwest angle of lot 1 843 505, the south line of lots 1 843 505, 1 843 520 and 1 843 516 to 1 843 518; northwesterly, the northeast line of lots 1 843 522, 1 843 521, 1 843 520, 1 843 634, 1 843 633, 1 844 400 and 1 843 636; northeasterly, the southeast line of lots 1 843 637, 1 844 401, 1 843 642, 1 843 644, 1 844 402, 1 843 674, 1 843 676, 1 843 677, 1 844 403, 1 843 696, 1 843 678, 1 843 698, 3 377 470, 1 843 776, 1 843 806, 1 843 807, 1 841 744, 1 843 817, 1 843 819, 1 844 432, 1 844 399, 1 843 831, 1 843 832, 1 843 842, 1 843 843, 1 843 846, 1 843 848, 1 843 849, 1 843 851, 1 844 436, 1 843 944, 1 844 003, 1 844 032, a straight line in lot 1 841 497 to the apex

of the south angle of lot 1 844 396, a southeast line of lot 1 844 396, the southeast line of lots 1 844 069, 1 844 395, a straight line in lots 1 841 500, 1 844 070, 1 841 510, 1 841 511 to the apex of the south angle of lot 1 844 460, the southeast line of lots 1 844 460, 1 844 129, 1 844 131, 1 844 137 and 1 844 539; northwesterly, successively, the northeast line of lots 1 844 539, 1 844 460, 1 844 547, 1 844 548, 1 844 167, 1 844 459 and 1 841 516, then, in rivière des Prairies, a broken line skirting île Ménard (lot 1 841 520) to the southwest to the centre line of the said river; lastly, successively northerly and easterly, the centre line of the said river to the point of commencement.

**Borough of Rivière-des-Prairies–Pointe-aux-Trembles**

Commencing at the meeting point of the centre line of rivière des Prairies with the northwesterly extension of the southwest line of lot 1 055 216 of the cadastre of Québec, thence, the following lines and demarcations: in reference to the said cadastre, successively northeasterly and easterly, the centre line of the said river separating Ville de Montréal from the Ville de Laval and the towns of Terrebonne and Repentigny to an irregular line in the St. Lawrence River; generally southerly, the said irregular line in the St. Lawrence River passing midway between île de Montréal on one side and Aigle, aux Asperges, Sainte-Thérèse, au Veau and Saint-Patrice islands on the other side to the easterly extension of the north line of lot 1 262 110; westerly, the said extension to the west shore of the said river; generally southerly, the west shore of the said river to the south line of lot 1 093 333, corresponding to a part of the north limit of Ville de Montréal-Est; successively westerly and northwesterly, the north limit then the northeast limit of Ville de Montréal-Est to the centre line of the centre part of boulevard Henri-Bourassa; southwesterly, the centre line of the said boulevard, the first part of which limits Ville de Montréal-Est to the northwest, to the southwest line of lot 2 401 706; lastly, northwesterly, the southwest line of lots 2 401 706, 1 697 340, 1 697 339, 1 005 865, 1 050 673, 3 051 750, 3 051 752, 2 866 595, 2 866 594, 1 055 900, 1 058 933 (boulevard Maurice-Duplessis), 1 058 986, 1 055 907, 1 058 761 (boulevard Perras), 1 055 349, 1 059 028, 1 059 018, 1 059 100, 1 059 098, 1 058 770 (boulevard Gouin), 1 055 215, 1 055 216 and the extension of that latter line to the point of commencement

**II - NUMBER OF COUNCILLORS FOR EACH BOROUGH**

Anjou: 2

Ahuntsic-Cartierville: 5

Côte-des-Neiges–Notre-Dame-de-Grâce: 6

Lachine: 2

LaSalle: 3

L'Île-Bizard–Sainte-Geneviève: 1

Mercier–Hochelaga-Maisonneuve: 5

Montréal-Nord: 3

Outremont: 1

Pierrefonds-Roxboro: 3

Le Plateau-Mont-Royal: 4

Rivière-des-Prairies–Pointe-aux-Trembles: 4

Rosemont–La Petite-Patrie: 5 2

Saint-Laurent: 3

Saint-Léonard: 3

Le Sud-Ouest: 3

Verdun: 3

Ville-Marie: 3

Villeray–Saint-Michel–Parc-Extension: 5

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2000, c. 56, Sch. I-B; 2001, c. 25, s. 308; O.C. 1213-2005, s. 9; 2006, c. 60, s. 11.

## SCHEDULE C

*(provisions enacted under section 9)*

### CHAPTER I

#### ORGANIZATION OF THE CITY

#### DIVISION I

##### GENERAL POWERS OF THE CITY

**1.** The city may make any agreement to entrust, in whole or in part, the administration, operation or management, in its name, of the property which it owns or uses and the programs or services within its jurisdiction, with the exception of those concerning traffic, peace, public order, decency and good morals.

**2.** The city may enter into an agreement with the Board of Trade of Metropolitan Montréal, or with a legal person in which the Board of Trade holds a majority interest, for the purpose of

(1) transferring to it the exclusive right to operate, subject or not to conditions, the streetside parking spaces belonging to the city which are used for a fee;

(2) selling to it or leasing to it, as sole lessee, subject or not to conditions, offstreet parking spaces belonging to the city which are used for a fee; or

(3) transferring to it the exclusive right to collect the fees charged for the use of the parking spaces so sold or leased.

Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the city may also

(1) with the authorization of the Minister of Municipal Affairs, Regions and Land Occupancy, guarantee the loan obtained from a third party by the body referred to in the first paragraph for the purpose of paying for the rights transferred to it by the city, up to a maximum amount of \$40,000,000; however, in the event that the third party exercises its guarantee, the body shall transfer the rights back to the city; the maximum amount is reduced annually according to the repayment of the loan; or

(2) give or lend money to that body out of the amounts collected pursuant to subparagraph 10.1 of the second paragraph of section 113 of the Act respecting land use planning and development (chapter A-19.1) and for the purposes provided for therein.

The rights conferred to that body under the first paragraph in respect of parking spaces in the public domain are unseizable, except by the city, and inalienable, except in favour of the city.

Subject to the rights transferred by the agreement, the city retains in respect of the parking spaces referred to in the first paragraph, every power conferred on it by the Charter or any other act, including the power to enforce the by-laws thereunder. Without limiting the generality of the foregoing, the city retains the power to

(1) fix a tariff of fees for the use of the parking spaces that are the subject of the agreement;

(2) impose a fine on any person who parks or stops his or her vehicle in such a parking space without paying the fixed fee or contrary to any other regulatory standard, and collect the fine; and

(3) authorize any person to build, establish or operate garages or parkings lots.

Section 107.9 of the Cities and Towns Act (chapter C-19) and sections 216.1 and 217 apply to the body with which the city enters into an agreement under the first paragraph.

**3.** No person shall, without the city's authorization, use in any way

(1) the name of the city, of a borough, of a municipal service or of a mandatory body of the city or a name likely to be confused with that name, its crest, seal, flag, coat of arms or graphic symbol; or

(2) the name of the Communauté urbaine de Montréal or of a municipality referred to in section 5 of this Act, of any of its departments or any of its mandatory bodies, or a name likely to be confused with that name, its crest, seal, flag, coat of arms or graphic symbol.

Any person violating the provisions of this section shall be liable to a fine not exceeding \$1,000 if the offender is a natural person and \$2,000 if the offender is a legal person. For a subsequent offence, those maximum fines may be doubled.

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

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

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

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

For the purposes of this section, the expressions "nuclear weaponry" and "nuclear weapons" mean atomic or thermonuclear bombs as well as missiles or other devices specifically intended to carry such bombs.

**7.** The city may, in order to promote the reception, establishment or maintenance of international governmental or non-governmental agencies on its territory, create or participate in any international development fund intended for the promotion of the city as an international centre.

**8.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the city may

(1) participate in, as a member, or provide aid to the Centre d'expertise et de recherche en infrastructures urbaines for the implementation of research, development or experimental projects relating to the rehabilitation and renewal of the infrastructures of its territory;

(2) participate, as a member, shareholder or sponsor, as the case may be, in bodies or partnerships engaged in the distribution and marketing of technological processes or innovations designed or developed by the Centre d'expertise et de recherche en infrastructures urbaines.

**9.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the city may, to foster the economic development of the city,

(1) create, alone or in collaboration with any legal person, a legal person entrusted with

(a) promoting the city's economic development; or

(b) fostering the establishment and maintenance of enterprises on its territory;

(2) participate in or collaborate with any legal person pursuing an objective referred to in subparagraph 1 of the first paragraph.

The city may, in respect of a legal person referred to in the first paragraph, avail itself of the provisions of section 228, adapted as required.

**10.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the city may

(1) participate in, as a member, or provide aid to a body or legal person devoted to the implementation of research, development or experimental projects relating to soil decontamination or site rehabilitation; or

(2) participate, as a member, shareholder or sponsor, as the case may be, in bodies or legal persons engaged in the distribution and marketing of technological processes or innovations designed or developed by a body or legal person referred to in paragraph 1.

**10.1.** To support economic development, the city may, by by-law, adopt a business assistance program.

The assistance may be granted in any form, including subsidies, tax credits, suretyships or the transfer or rental of an immovable.

A program adopted under the first paragraph must be consistent with the city's economic development plan.

The Municipal Aid Prohibition Act (chapter I-15) does not apply to assistance granted under a program adopted under the first paragraph, to the extent that the assistance

(1) results from joint planning by the city and the Minister of Economic Development, Innovation and Export Trade;

(2) does not contravene the trade agreements to which Québec has declared itself bound;

(3) is not intended for the transfer of activities carried on in the territory of another local municipality in Québec; and

(4) is paid to a person who, in the territory of the city, operates a business and is the owner or occupant of an immovable.

A by-law under the first paragraph determines the total value of the assistance that may be granted under the program.

Such a by-law, and any by-law or resolution adopted under section 92.1 of the Municipal Powers Act (chapter C-47.1), must be approved by the eligible voters of the city if the annual average of the total value of the assistance that may be granted exceeds 1% of the total appropriations provided for in the budget for its operating expenses for the fiscal year during which the by-law or resolution is adopted. If the average exceeds 5% of the total appropriations, the by-law or the resolution must also be approved by the Minister. To determine the average, the total value of the assistance that may be granted in accordance with the adopted by-law or resolution is taken into account, along with that of the assistance that may be granted in accordance with any other by-law adopted under the first paragraph or under section 92.1 of the Municipal Powers Act, if it is or will soon be in force, and any resolution adopted under the second paragraph of that section since the beginning of the fiscal year during which the by-law or resolution is adopted.

**11.** The city may constitute, in accordance with the Business Corporations Act (chapter S-31.1), a business corporation whose principal activity is providing a third party with any service, advice, substance, material and equipment relating to any matter within its jurisdiction.

**12.** The city or a business corporation referred to in section 11 may, in accordance with the law, enter into an agreement in respect of the exercise of its jurisdiction with a person, a government, one of its departments, an international organization, any agency of the said government or organization or any other public agency. The city or the business corporation may carry out the agreement and exercise the rights and privileges and fulfil the obligations arising therefrom, even outside the territory of the city.

**12.1.** The city may enter into any agreement with the legal person known as Quartier international de Montréal concerning the carrying out and financing of work on the part of the city's territory known as the Quartier international de Montréal.

The Government may be a party to the agreement provided for in the first paragraph.

**12.2.** Within the limits prescribed by law and in compliance with the policy directions and policies of the Gouvernement du Québec regarding immigration, the city contributes, through the support services it offers in its territory, to the full participation of immigrants, in French, in the community life of the metropolis and to consolidating harmonious intercultural relations.

**12.3.** The city has all the powers required to fulfil its duties and obligations under any agreement between the city and the Gouvernement du Québec or any of its departments, agencies or mandataries, or the Government of Canada or any of its departments or agencies in the case of an agreement exempt from the application of the Act respecting the Ministère du Conseil exécutif (chapter M-30), to the extent that the powers required for carrying out the duties are included in those the Gouvernement du Québec may delegate to a municipality.

## **DIVISION II**

### **COUNCIL, MAYOR, COUNCILLORS AND COMMITTEES OF THE COUNCIL**

**13.** The mayor shall represent the city on all ceremonial occasions.

**14.** The mayor shall submit observations and suggestions to the council and to the executive committee when he or she deems it advisable.

**15.** The powers referred to in sections 52, 53 and 323 of the Cities and Towns Act (chapter C-19) as well as in sections 22 and 23 of this Act appertain exclusively to the office of mayor and cannot be exercised by the deputy mayor.

A period of seven days applies to the clerk of the city rather than the period of 96 hours provided for in the first paragraph of section 53 of the Cities and Towns Act.

**16.** The majority floor leader, leader of the opposition and opposition floor leader for the city council are designated in accordance with this section.

The majority floor leader is the councillor designated by the political party with the greatest number of councillors on the city council.

The leader of the opposition and the opposition floor leader are the councillors designated by the political party with the second largest number of councillors on the city council; if several political parties are in that position, the leader of the opposition and the opposition floor leader are the councillors designated by the party that obtained the greatest number of votes.

For each of the designations provided for in the second and third paragraphs, a notice shall be submitted to the council by a councillor of the political party having made the designation. The designation may be amended at any time.

**17.** The council, a borough council or the executive committee, within the scope of its jurisdiction, may authorize a member of the council, of a borough council, of the executive committee or an officer to sign, on behalf of the city, contracts, deeds or documents of such nature as it determines by resolution.

**18.** The city may, by by-law, prescribe the conditions under which the failure of a member of the council, of a borough council, of the executive committee or of a committee to attend a meeting or to fulfill his or her

obligation to vote at a meeting entails a reduction in his or her remuneration or allowance, and prescribe the rules for computing the reduction.

**19.** The city may make a by-law respecting the administration and the internal management of a committee.

It may, in particular, by that by-law,

(1) prescribe the length and time of the question period at public sittings of a committee, and the procedure to be followed to put a question; and

(2) require that a committee forward to the city every year, at the time determined by the city, a report of its operations during the last fiscal year.

**20.** Until the coming into force of a by-law establishing internal management rules for meetings of the city council, the By-law concerning rules of procedure for council meetings and internal rules for council management (R.B.C.M., c. P-8.1) applies to meetings of the city council, adapted as required.

### **DIVISION III**

#### **PUBLIC SAFETY COMMITTEE**

**21.** The public safety committee may, by resolution, decide to make recommendations it considers confidential that are directly related to the prevention, detection and repression of crime or breaches of the law to the executive committee instead of the council.

**22.** The executive committee may make any confidential recommendation made to it by the public safety committee, and the opinion and examination accompanying it, available to the public.

**23.** Notwithstanding section 83 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has the right to be informed of the existence of or to be provided with information concerning him or her and contained in a book, register or document, or part thereof, relating to a subject discussed or to be discussed at a meeting in camera of the public safety committee and directly related to the prevention, detection and repression of crime or breaches of the law.

### **DIVISION IV**

#### **EXECUTIVE COMMITTEE**

**24.** The mayor may appoint no more than eight councillors to assist the members of the executive committee as associate councillors.

The mayor may replace an associate councillor at any time.

Associate councillors shall not sit on the executive committee.

### **DIVISION V**

#### **OFFICERS AND EMPLOYEES OF THE CITY**

##### *§1.—General*

**25.** The official titles by which the department heads or the persons responsible for administrative units for the city are designated also designate their assistants when acting in their stead or any persons duly authorized to replace them.

**26.** The city may establish, by by-law, the city departments and bodies entrusted by it to apply this Act; it may amalgamate, abolish or replace any such department or body but it shall not amalgamate, replace or abolish the auditor general's office.

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

For administrative purposes, the auditor general's office and the electrical services commission are considered departments, and the city auditor general and the chair of the electrical services commission rank with the department heads of the city.

**27.** Every borough council shall appoint a secretary.

The secretary shall, with the necessary modifications and for the purposes of the powers of the borough council, have the powers and perform the duties of the clerk of a municipality provided for in any law.

**28.** The city may appoint an officer of the city to make the declaration of the city before the court, when summoned before it as garnishee, and to deposit therein the moneys the city owes the debtor under an order of the court.

§2.—*Pension plans*

**29.** Subject to the provisions of this subdivision, the supplemental pension plans for the employees of the city shall be administered by committees governed by the provisions of the Supplemental Pension Plans Act (chapter R-15.1) relating to pension committees.

Notwithstanding paragraph 8 of section 464 of the Cities and Towns Act (chapter C-19), a council member is not required to be a member of such committee. The council may replace a council member who was a member of a pension committee of a municipality referred to in section 5 of this Act by another person, who may or may not be a council member. The replacement of that council member shall not be subject to the formalities applicable to an amendment to a by-law respecting pension plans.

**30.** The city may, by by-law,

(1) establish a common fund in which the pension plan committees of the former Ville de Montréal may deposit all or part of the assets of the plans and where these assets are commingled;

(2) entrust the administration of the fund to a committee that it establishes for such purpose and that is composed of representatives of each of the participating committees.

The committee established under subparagraph 2 of the first paragraph shall have the powers and responsibilities of a pension committee delegatee according to the Supplemental Pension Plans Act (chapter R-15.1).

**31.** The city may enter into general agreements with other employers to provide for conditions of transfer of benefits or assets between pension plans. These agreements shall be approved for employees of the city by the executive committee and by the committee acting as a pension committee for the plan concerned.

**32.** The city may, by by-law, provide for the payment to an employee of the city who became a city employee following the annexation of Cité de Saint-Michel to the former Ville de Montréal, for which the employee was then working, or to a member of the employee's family or a beneficiary whom the employee was entitled to designate, of a retirement or disability pension granted in each case by the executive committee that is equal to the difference between the pension or the total of the pensions to which the employee is entitled and those to which the employee would have been entitled without such annexation if the

employee were still in the employ of such former city, on condition that he or she pays Ville de Montréal the amount of any refunds the employee received for contributions to a pension plan of the city and of the former municipality.

**33.** The city may, by by-law, authorize council members, who immediately after the end of their term receive a retirement pension under a plan in which they are members, to participate in the group insurance taken out by the city. The member shall pay the entire amount of the premium.

A member of the council of the former Ville de Montréal, to whom the compensation program provided for in section 233 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) applies may participate in the group insurance taken out by the city for the period covered by the program. The member shall pay the full amount of the premium.

The city may, by by-law, authorize any person who was a member of the council of a municipality mentioned in section 5 of this Charter during any period determined by the by-law and who receives a retirement pension under a plan in which the members of the council of the municipality participated to participate in the group insurance taken out by the city. The member shall pay the full amount of the premium.

**34.** The city may contribute, out of its revenues, to the funds of the Montréal Police Benevolent and Pension Society, the amounts required every year to meet its obligations under the terms of the deed concluded on 22 June 1977 between the city and the society, before Mtre. Jean-Paul Langlois, notary at Montréal, under number 9053 of his minutes.

**35.** The city may maintain the following supplemental pension plans:

(1) the plan provided for in the memorandum of agreement of 27 August 1982 between the negotiating committee of the former Ville de Montréal and the Communauté urbaine de Montréal and that of the Canadian Union of Public Employees, local section 301;

(2) the plan provided for in the memorandum of agreement of 11 March 1983 between the negotiating committee of the former Ville de Montréal and the Communauté urbaine de Montréal and that of the Syndicat des fonctionnaires municipaux de Montréal;

(3) the plan provided for in the agreement of 27 June 1984 ratified by the Syndicat des architectes of the former Ville de Montréal and the Communauté urbaine de Montréal;

(4) the plan provided for in the agreement of 11 July 1984 ratified by the Syndicat des professionnels of the former Ville de Montréal and the Communauté urbaine de Montréal;

(5) the plan provided for in the agreement of 10 August 1984 ratified by the Syndicat professionnel des ingénieurs of the former Ville de Montréal and the Communauté urbaine de Montréal;

(6) the plan provided for in the agreement of 21 August 1984 ratified by the Association des chimistes professionnels of the former Ville de Montréal and the Communauté urbaine de Montréal; and

(7) the pension plan of officers of the Communauté urbaine de Montréal bearing number 75 and adopted by the council of the Communauté urbaine de Montréal on 19 December 1984.

Each supplemental pension plan referred to in the first paragraph is in force from the date referred to in the memorandum of agreement or in the agreement providing therefor.

The Supplemental Pension Plans Act (chapter R-15.1) and the regulations thereunder shall continue to apply to the pension plans referred to in this section, to the extent that they are not inconsistent with those pension plans.

**36.** An agreement entered into under the first paragraph of section 330.2 of the Act respecting the Communauté urbaine de Montréal (chapter C-37.2) is deemed to comply with the Supplemental Pension Plans Act (chapter R-15.1).

**37.** Every by-law establishing a pension plan for the employees of the former Ville de Montréal is deemed to contain the provisions of the second and third paragraphs of article 172 of the Charter of the City of Montréal (1959-1960, c. 102). However, the formalities provided for in those paragraphs do not apply in the case of an amendment to such a by-law for the purpose of enhancing benefits, which enhancement is paid out of a stabilization fund established under the Supplemental Pension Plans Act (chapter R-15.1), or refunding contributions paid into such a fund.

The fourth paragraph of subparagraph 8 of the first paragraph of section 464 of the Cities and Towns Act (chapter C-19) does not apply to those by-laws and to any by-law establishing a pension plan intended for employees of the Communauté urbaine de Montréal.

**37.1.** A regulation under the second paragraph of section 2 of the Supplemental Pension Plans Act (chapter R-15.1) relating to the following pension plans, registered with Retraite Québec, may have retroactive effect to any date that it determines:

- (1) the Régime de retraite des contremaîtres de la Ville de Montréal, registered under number 27693;
- (2) the Régime de retraite des fonctionnaires de la Ville de Montréal, registered under number 27543;
- (3) the Régime de retraite des professionnels de la Ville de Montréal, registered under number 28739;
- (4) the Régime de retraite des cadres de la Ville de Montréal, registered under number 27542;
- (5) the Régime de retraite des employés manuels de la Ville de Montréal, registered under number 27494;
- (6) the Régime de retraite des pompiers de la Ville de Montréal, registered under number 22503.

Such a regulation may, from any date that it determines and that may be prior to the date of its coming into force, amend or repeal any provision contained in sections 29 to 32 of the Act respecting the negotiation of agreements concerning the reduction of labour costs in the municipal sector (1998, chapter 2).

**37.2.** Despite the requirement set out in a pension plan of the former Ville de Saint-Laurent or the Communauté urbaine de Montréal that a division of the assets and liabilities of the plan or a merger of the assets and liabilities with those of other plans be subject to consent, no such consent is required if

- (1) the division or merger concerns active members who are officers or employees represented by a certified association within the meaning of the Labour Code (chapter C-27) and non-active members who, on the day before the day on which their active membership in the plan ended, were such officers or employees of the city, of the former Ville de Saint-Laurent or of the Communauté urbaine de Montréal and results from an agreement entered into by the city and one or more of those associations, representing all the active members concerned by the merger, with respect to grouping together those active and non-active members under a single pension plan; or
- (2) the division or merger concerns active members who are officers or employees not described in subparagraph 1 and non-active members who, on the day before the day on which their active membership in the plan ended, were such officers or employees of the city, of the former Ville de Saint-Laurent or of the Communauté urbaine de Montréal.

However, a division or merger only concerns an active member described in subparagraph 2 of the first paragraph if an agreement has been entered into for that purpose between the city and the member.

No obligation relating to the unconverted benefits accrued under a defined contribution plan or in a voluntary contribution account may be transferred to another plan by a merger referred to in the first paragraph.

## CHAPTER II

### COUNCIL MEETINGS

**38.** *(Repealed).*

**39.** Not less than ten regular council meetings shall be held every year and be convened by the executive committee.

**40.** If the executive committee refuses to call a special council meeting when at least twenty council members deem it necessary, the latter may order the calling of such meeting by sending a written request to the clerk that is signed by them and specifies the business for which they request the calling of such meeting.

On receipt of such request, the clerk shall prepare a notice of meeting indicating briefly the business to be submitted to such meeting and have a true copy thereof issued by an officer or employee of the city, a bailiff, a peace officer or an employee of a public or private mail delivery or courier enterprise, or sent by registered mail to every council member, at his or her domicile or business establishment, at least two clear working days before the meeting.

The certificate from the post office is evidence the notice was mailed on the date it shows, and the delivery of the notice by the employee of the clerk is established by a written return attesting the same and signed by him.

**40.1.** Despite section 40 and section 323 of the Cities and Towns Act (chapter C-19), the notice of meeting for a special council meeting may also be notified to the council members by a technological means in accordance with articles 133 and 134 of the Code of Civil Procedure (chapter C-25.01), with the necessary modifications.

**41.** Subject to section 40 and section 323 of the Cities and Towns Act (chapter C-19), the agenda paper for each council meeting must be drawn up by the executive committee, be deposited in the clerk's office at least three days before the date of the meeting and a copy thereof sent by mail to each member of the council at the same time as a notice calling the meeting prepared and sent or issued in accordance with the requirements of section 40.

The agenda paper must contain a detailed list of the business that will be submitted to the council.

**42.** No business other than that specified in the notice of meeting shall be considered at a council meeting, unless agreed to by the mayor and all the council members who are present.

Nevertheless, a councillor may file a notice of motion, either at the meeting or at any other time with the office of the clerk. The executive committee must enter on the agenda paper of the next council meeting any such notice of motion received more than 15 days before the meeting.

**43.** The council shall designate one of its members to preside at the council meetings. It shall also designate one of its members as vice-chair to replace the chair whenever that person is absent.

If both the chair and the vice-chair are absent, the council shall designate a substitute.

The person presiding at the council meetings may vote only in the case of a tie vote.

The councillor presiding at a meeting may vote where the councillors are required, under the Act respecting elections and referendums in municipalities (chapter E-2.2), to elect a mayor from among them.

**44.** The agenda paper of any regular council meeting shall also include any matter required by law to be discussed at such meeting.

## CHAPTER III

POWERS OF THE COUNCIL

**DIVISION I**

GENERAL POWERS RESPECTING BY-LAWS

§1.—*Passing, coming into force and promulgation of by-laws*

**45.** 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, replace or amend them.

For the purposes of the first paragraph, the city 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 necessary rules in respect of the coming into force of the revised by-laws and provide for an annual updating method that will allow for continuous revision.

Nothing in this section may be interpreted as affecting any matter or thing done or required to be done, any resolutions, decisions, orders or other proceedings of the city, any debentures, bonds, notes or other securities issued, any collection rolls for special taxes, or the rights and duties of municipal officers, which shall continue to be governed by the previous by-laws until the expiry of the term fixed.

**46.** The scope of application of any by-law may be limited to a part only of the territory of the city.

**47.** The city may, by by-law, authorize the executive committee or a borough council to make orders related to any by-law; such authorization shall specify the object of each order.

Such orders shall be part of the relevant by-laws and shall become compulsory upon publication, in a newspaper distributed in the city, of a notice specifying the object thereof and indicating the date they were made.

§2.—*Penalties enacted by by-law*

**48.** For by-laws respecting fire prevention, noise control, residual material management, deterioration of buildings due to lack of maintenance, abuse or defacement, or the alteration of residential buildings involving a reduction in the number of housing units or in the housing surface, the city may prescribe a minimum fine not exceeding \$2,000 and a maximum fine not exceeding \$10,000.

For a subsequent offence, the city may prescribe a minimum fine not exceeding \$4,000 and a maximum fine not exceeding \$20,000.

The fine prescribed for a subsequent offence relating to the deterioration of a building may be imposed, regardless of a change in owner, if a notice of deterioration was registered in the land register in accordance with section 50.2 before the new owner acquired the building.

**49.** For the demolition of an immovable carried out without authorization or contrary to the conditions of authorization, the offender shall be liable to a fine of not less than \$5,000 and no more than \$50,000.

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

For the purposes of this section, a building is completely demolished if at least 50% of the building has been destroyed by demolition, not including the foundations.

**50.** Notwithstanding section 369 of the Cities and Towns Act (chapter C-19), the city may, by by-law, impose, for failure to hold a permit or licence required under a by-law, a fine equal to the amount of the

special tax levied for the object of the permit or licence or to the cost of the permit or licence, as the case may be.

For any subsequent offence, the city may prescribe that the amount of the fine be equal to twice the amount of the fines provided for in the first paragraph.

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

## **DIVISION II**

### **SPECIFIC POWERS**

#### *§0.1.—Notice of deterioration*

**50.1.** If a building is decrepit or dilapidated and if the city has a by-law establishing standards or prescribing measures relating to the maintenance of buildings, the executive committee may require that restoration, repair or maintenance work be carried out to bring the building into compliance with the by-law.

In such a case, the executive committee has a written notice sent to the owner stating the work to be carried out and the time limit for doing so. It may grant additional time.

**50.2.** If the owner fails to comply, the executive committee may require a notice of deterioration containing the following information to be registered in the land register:

- (1) the designation of the immovable concerned and the name and address of the owner;
- (2) the name of the city and the address of its office, and the title, number and date of the resolution by which the executive committee requires the notice to be registered;
- (3) the title and number of the by-law referred to in the first paragraph of section 50.1; and
- (4) a description of the work to be carried out.

No notice of deterioration may be registered with respect to an immovable owned by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

**50.3.** If the city ascertains that the work prescribed in the notice of deterioration has been carried out, the executive committee shall, within 20 days of ascertaining the fact, require that a notice of regularization be registered in the land register; the notice must contain the following information:

- (1) the designation of the immovable concerned and the name and address of the owner;
- (2) the name of the city and the address of its office, and the title, number and date of the resolution by which the executive committee requires the notice to be registered;
- (3) the registration number of the notice of deterioration relating to the notice of regularization; and
- (4) a statement to the effect that the work described in the notice of deterioration has been carried out.

**50.4.** Within 20 days of the registration of any notice of deterioration or notice of regularization, the city shall notify the owner of the immovable and any holder of a real right registered in the land register in respect of the immovable of the registration of the notice.

**50.5.** The city shall post and keep up to date on its website a list of the immovables situated in its territory for which a notice of deterioration has been registered in the land register.

The list must mention, in respect of each immovable, all the information contained in the notice of deterioration.

If a notice of regularization is registered in the land register, the city must withdraw from the list any entry concerning the notice of deterioration relating to the notice of regularization.

**50.6.** The city may acquire, by agreement or expropriation, any immovable for which a notice of deterioration was registered in the land register at least 60 days previously, and on which the work required in the notice has not been carried out, provided

(1) the immovable has, at the time a notice of expropriation is served under section 40 of the Expropriation Act (chapter E-24), been vacant for the period set by the council by by-law, which period may not be less than one year; or

(2) the immovable's decrepit or dilapidated state entails a risk for the health or safety of persons.

Such an immovable may then be alienated to any person by onerous title or, by gratuitous title, to a person referred to in section 29 or 29.4 of the Cities and Towns Act (chapter C-19).

§1.— *Construction and inspection of buildings, chimneys, etc.*

**51.** The city may, by by-law

(1) enact measures, after giving notice to the interested parties according to the law or the bylaws of the city, to close and demolish any building no longer fit for habitation or occupation and any structures which are dangerous by reason of their lack of solidity;

(2) sell or otherwise dispose of the materials resulting from such demolition;

(3) recover from the owner the cost of closing and demolishing the building, when the work has been done by the city or by any other person on its behalf.

The cost of closing and demolishing constitutes a prior claim on the immovable on which the building was situated, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code.

The expense is secured by a legal hypothec on the immovable.

**52.** Where public safety is endangered, the executive committee may order the owner of an unoccupied building to have the building kept under watch in accordance with the terms and conditions determined by the executive committee.

Should the owner fail to comply with the order within 24 hours after it has been served or after a notice has been published in a newspaper, if the owner is unknown, untraceable or unidentifiable, the city may have the building kept under watch at the expense of the owner, and all the expenses and costs thus incurred by the city are considered to be property taxes encumbering the immovable for which they are incurred. The treasurer shall alter the collection roll accordingly.

**53.** No building, improvement or enlargement permit, except for repairs, may be granted for an immovable from the date of the resolution reserving the immovable for municipal purposes or ordering its expropriation.

Such prohibition shall cease after one year from the date of the resolution, except if proceedings for imposing its reservation or for expropriation are commenced before the expiry of the prescribed period.

§2.— *Public health*

**54.** In this subdivision,

“food” means anything that may be used to feed humans or animals, including beverages other than alcoholic beverages within the meaning of the Act respecting the Société des alcools du Québec (chapter S-13); and

“inspector” means a person entrusted with the application of a by-law or order made under section 55.

**55.** The city may, by by-law,

(1) prescribe hygiene and sanitation measures relating to food service or food retailing activities, the providing of services to consumers for remuneration or donations for philanthropic or promotional purposes, in particular, the activities related to the preparation, processing, preservation, handling or transport of food;

(2) prescribe, for sanitation purposes, rules governing the construction, layout and equipment of establishments, vehicles or apparatus in which an activity referred to in paragraph 1 is carried on or which are used for such activity;

(3) prohibit the use or possession of food or the sale of food in an establishment, vehicle or apparatus referred to in paragraph 2 if the food does not comply with the Food Products Act (chapter P-29);

(4) require that a person carrying on an activity referred to in paragraph 1 pass an examination prescribed by by-law to establish whether or not his or her knowledge of hygiene and sanitation is sufficient;

(5) authorize an inspector or a person referred to in section 32 of the Food Products Act (chapter P-29) to have an activity referred to in paragraph 1 stopped, to order the closing down of an establishment or apparatus, or the stopping of a vehicle, to affix seals, to seize, to confiscate, destroy or add colouring to food or to move or cause to be moved any food, vehicle, object or apparatus, at the owner’s expense, where the authorized person considers the operation of the establishment or the use of the object, food, apparatus or vehicle to represent an immediate danger to the life or health of consumers.

**56.** A by-law passed under section 55 requires the approval of the Minister of Agriculture, Fisheries and Food.

**57.** In the performance of his or her duties, an inspector or a person referred to in paragraph 5 of section 55 may

(1) at any reasonable time, enter an establishment and have access to any vehicle or apparatus referred to in paragraph 2 of section 55;

(2) inspect the establishment, vehicle or apparatus and its equipment;

(3) inspect any food found in the establishment, vehicle or apparatus and take samples thereof free of charge.

The inspector or person may require the production of books, registers and documents relating to matters referred to in a by-law made under section 55; the inspector or person may also ask for any other information in that regard that he or she considers necessary or expedient. A person must comply with such requests and facilitate the access and inspection referred to in the first paragraph.

An inspector or a person referred to in paragraph 5 of section 55 shall exercise the inspection powers provided for in the first paragraph in accordance with the terms and conditions provided for in the agreement entered into under section 60 where such agreement contains provisions respecting the methods of carrying out such powers.

**58.** No person may hinder an inspector or a person referred to in section 57 in the performance of his or her duties. In particular, no person may deceive him or her or attempt to deceive him or her by concealment or false declarations.

If required, the inspector or person shall identify himself or herself and produce a certificate attesting his or her authority, signed, as the case may be, by the head of the city department concerned or by the Minister of Agriculture, Fisheries and Food.

**59.** The city may, by by-law, prescribe, as a penalty for an offence against a by-law made under section 55 or an offence against section 57 or 58

(1) in the case of a natural person, a fine of not less than \$100 and of no more than \$2,000 for a first offence, and a fine of not less than \$300 and of no more than \$4,000 for a subsequent offence;

(2) in the case of a legal person, a fine of not less than \$200 and of no more than \$3,000 for a first offence, and a fine of not less than \$600 and of no more than \$8,000 for a subsequent offence.

**60.** The Minister of Agriculture, Fisheries and Food may enter into an agreement with the city, or with the city and any municipality designated by the Government, respecting the application within the territory of the city and that of any municipality that is a party to the agreement, of the provisions of acts, regulations or orders respecting the food inspection that are under the administration of the Minister.

If one of the parties to the agreement is charged with the application of provisions in all or part of the territory of another party, that jurisdiction does not extend to the institution of penal proceedings for an offence under such a provision that is committed in the territory of that other party.

The city may also enter into an agreement with the Minister of Agriculture, Fisheries and Food dealing with food inspection programs in connection with the application of the by-laws of the city.

**61.** The city or any municipality that is a party to an agreement under section 60 may, unless the agreement provides otherwise, institute penal proceedings for an offence committed in its territory under a provision whose application is covered by the agreement.

The fine shall belong to the city or to the municipality that instituted the proceedings.

Proceedings referred to in the first paragraph may be instituted in any municipal court having jurisdiction over the territory in which the offence was committed. The costs relating to proceedings brought before a municipal court shall belong to the municipality responsible for the court, except the part of the costs remitted to another prosecuting party by the collector under article 345.2 of the Code of Penal Procedure (chapter C-25.1) and the costs remitted to the defendant under article 223 of that Code.

**62.** The city may, by by-law, impose, according to the category of immovables, use or materials referred to in subparagraph *a* of paragraph 10 of the first paragraph of section 413 of the Cities and Towns Act (chapter C-19), standards respecting the keeping, storage and maintenance of such materials at a temperature not exceeding a maximum temperature, including, if necessary, refrigeration.

**63.** Sections 54 to 62 will cease to have effect on 31 December 2002.

§3.—*Decency and morality*

**64.** The city may, by by-law,

(1) govern the establishment, layout and use of erotic viewing halls, stores offering erotic articles and establishments where erotic shows are performed or that exploit eroticism;

(2) prescribe that the operation of such an establishment or the carrying on of such an activity in an establishment may not be continued by reason of vested rights beyond a period of two years after the coming into force of a by-law with which such an establishment or activity is inconsistent, without compensation for the loss of vested rights;

(3) particularly in the interest of morality, public order or the protection of youth, define amusement halls, determine the classes of amusement halls and govern them differently; and

(4) for the purposes of the protection of youth, require that the owner or operator of an establishment referred to in paragraphs 1 and 3

(a) refuse admission of minors or a class of minors to such an establishment;

(b) authorize the admission of such persons, on the conditions and within the limits that the council imposes, with respect, particularly, to places, hours and days or to whether they are accompanied by an adult.

**65.** In the interest of morality, public order or the protection of youth, in particular, the city may, by by-law,

(1) prescribe, for all or part of the territory of the city, the maximum number of establishments referred to in paragraphs 1 and 3 of section 64, the minimum distance between these establishments and the maximum floor area that may be used by such establishments;

(2) prohibit the use for such purposes of any floor area or of any premises greater than the maximum area or number permitted or short of the minimum distance prescribed.

§4.—*Thoroughfares and public places*

**66.** The city may, by by-law, in the manner and within the limits provided for in subparagraph 5 of the first paragraph of section 6 and paragraph 3 of section 67 of the Municipal Powers Act (chapter C-47.1) in respect of excavation work in the public domain, govern excavation work in the private domain.

**67.** The city may, by by-law,

(1) authorize occupation of the public domain for certain purposes;

(2) establish the conditions for such authorizations for each case or by general rules, as it sees fit;

(3) prescribe that a permit, which may or may not be renewable periodically, must be obtained to secure such authorization;

(4) determine the duration of occupation and the procedure for its termination for each case or by general rules;

(5) provide for the removal of all or part of any construction or installation built on the public domain otherwise than in compliance with an authorization under this section;

(6) subject to the right of the city to revoke any permit in the manner and on the conditions prescribed in the by-laws, prescribe that the city may, notwithstanding any authorization granted under this section, remove temporarily or permanently all or part of any such authorized construction or installation on the public domain, in the circumstances it determines;

(7) create a register of occupation of the public domain and determine the classes of occupation to be registered and the manner in which they are to be registered and provide for the issue of certified extracts from the register;

(8) require, in consideration for any occupation of the public domain, the payment, in a single payment or in instalments, of a price to be fixed by the city in each case or according to the criteria it determines; and

(9) hold the persons authorized to occupy the public domain responsible for any damage to property or injury to persons as a result of the occupation and require that they take up the defense of the city and not hold it liable in any claim made against it by reason of such damage or injury.

The price payable under subparagraph 8 of the first paragraph for the occupation of the public domain is secured by a legal hypothec on the immovable for the use of which the occupation of the public domain was allowed.

The provisions related to the collection of property taxes shall apply to the collection of that price.

**67.1.** The jurisdiction of the city under sections 66 and 67 of this schedule shall be exercised by the borough council, except in the case of an excavation or the occupation of the public domain for the purposes of the installation of electricity, gas, telecommunication or cable distribution networks.

**68.** The city may, by by-law,

- (1) govern the speed and parking of horse-drawn vehicles;
- (2) distinguish between various types of horse-drawn vehicles;
- (3) designate areas within which such vehicles may be driven;
- (4) prescribe the days, number of hours per day, hours of the day and periods of the year during which they may operate;
- (5) prescribe routes, halts, parking places, the requirement in certain cases to return to the starting point, and the places where they are to be put up or to be garaged;
- (6) establish mandatory standards of safety and hygiene in regard to such vehicles, their equipment and the horses;
- (7) grant licences to owners and drivers of horse-drawn vehicles and fix quotas for such licences;
- (8) govern their services and fix the price thereof;
- (9) designate the places where they may park and circulate;
- (10) impose behaviour rules on drivers of horse-drawn vehicles and fix the price of their services;
- (11) impose a fine on passengers in such vehicles who refuse to pay the fare payable; and
- (12) govern the maintenance and use of horse-drawn vehicles.

**69.** The city may, notwithstanding any inconsistent legislative provision, consent, with the previous approval of the Minister of Municipal Affairs, Regions and Land Occupancy, perpetual servitudes for the construction, reconstruction and maintenance of buildings, structures or tunnels over or under Ruelle des Fortifications, on the terms and conditions that the city shall determine.

**69.1.** For the purposes of parades, demonstrations, festivals or special events, the executive committee may prescribe or amend any rule relating to the occupation of the public domain and to any traffic and parking rules that apply to the streets and roads in the city's arterial road system and to the streets and roads forming the system under the responsibility of the borough councils if

- (1) more than one borough is concerned;
- (2) the streets and roads in both the city's arterial road system and the systems under the responsibility of borough councils are affected; or
- (3) the parade, demonstration, festival or event is metropolitan in scope.

§5.—*Gas and underground conduits*

**70.** The city may

- (1) build, administer and maintain a network of underground conduits for the wiring used for the transmission and distribution of electricity and links by telecommunications; and
- (2) govern the use of such network of conduits.

**71.** The city may, by by-law,

- (1) manufacture or acquire gas for light, heat or motive power, as well as all kinds of apparatus and articles connected with the gas industry; manufacture and dispose of gas by-products;
- (2) lease, build or acquire, by agreement or expropriation, all buildings and immovables, apparatus, machinery and material that it may deem necessary or useful for such industry; sell, lease or otherwise dispose thereof, in whole or in part, as it sees fit;
- (3) lease or acquire, by agreement or expropriation, and operate in whole or in part, for the purposes of light, heat or motive power in the city, the plants, businesses, franchises and rights of any person operating or authorized to operate a gas business;
- (4) supply gas for light, heat or motive power to any consumer in the city and fix the price thereof;
- (5) exploit gas or gas by-products, as well as thermal energy generated at its residual material disposal sites; and
- (6) for the purposes of paragraph 5, issue bonds or other securities or make special loans with sinking funds for the amounts that the city deems necessary.

§6.—*Antennas*

**72.** *(Repealed).*

§7.—*Commerce and industry*

**73.** *(Repealed).*

**74.** *(Repealed).*

**75.** *(Repealed).*

**76.** The city may, by by-law, govern amusement devices, and for such purposes:

- (1) define them;
- (2) require a permit for their operation and limit their number by class or otherwise;
- (3) establish different standards according to zones, streets or places;
- (4) prohibit certain amusement devices which may be detrimental to consumers;
- (5) prescribe that an amusement device operated without a permit or for which the amusement fees are unpaid may be confiscated by order of the court;
- (6) authorize the destruction of property so confiscated or, under the circumstances and on such terms as determined in the by-law, authorize the disposal thereof; and

(7) prohibit or limit the replacement of amusement devices in establishments where they are operated by vested rights.

**77.** The city may, by by-law,

(1) define and distinguish between the various kinds of parking lots;

(2) prohibit or regulate them; and

(3) prescribe the manner in which they must be laid out; prescribe the architecture, dimensions, material and colour of any structure to be built thereon, including fences, and the place where that structure must be situated.

Subject to the third, fourth and fifth paragraphs, a by-law passed under this section is mandatory in respect of all the parking lots covered by it, including parking lots existing at the coming into force of the by-law.

The owner and the occupant of an existing parking lot have one year from the coming into force of the by-law, or any other additional time limit determined by the council, to comply with a new standard.

Furthermore, any parking lot layout standard imposing backup space that is not already prescribed by a zoning by-law applies to parking lots existing at the coming into force of the standard only up to the lesser of one metre in depth and 5% of the area of the parking lot.

No vested right lies with respect to any structure existing on a parking lot if the value of that structure is less than 10% of the value of the land entered on the assessment roll at the coming into force of a by-law passed under this section.

**78.** *(Repealed).*

**79.** *(Repealed).*

§7.1.— *Commercial development associations*

**79.1.** The city may, by by-law, define the limits of a zone within which a single district may be formed and provide for the establishment of a commercial development association having jurisdiction in that district. Such an association must mainly promote the economic development of its district in a manner consistent with all economic development strategies adopted by the city.

**79.2.** The establishment, dissolution and merger of associations, as well as modifications to the limits of a zone or a district, are carried out on the city's initiative or at the request of the persons described in section 79.3.

Any initiative or request referred to in the first paragraph must be submitted for consultation, through a register and, if applicable, a poll, to the operators or occupants of a taxable business establishment or the owners of a taxable non-residential immovable located in the district concerned. The city shall send those persons a notice informing them that a register will be open and, if applicable, that a poll will be held.

**79.3.** A person who, in an association's district, operates or occupies a taxable business establishment within the meaning of the Act respecting municipal taxation (chapter F-2.1) or owns a taxable immovable entered on the property assessment roll as a non-residential immovable may be a member of the association.

**79.4.** The city may, by by-law,

(1) determine the classes of business establishments or immovables whose operators, occupants or owners, as applicable, are required to be members of the association;

- (2) set the minimum number of establishments or immovables by district;
- (3) determine the activities an association may carry on;
- (4) prescribe any particulars concerning the formalities for establishing, dissolving, modifying and merging associations;
- (5) prescribe any particulars concerning the composition of an association's board of directors, the respective responsibilities of the general meeting of the members and of the board of directors and any matter relating to the organization, operation or dissolution of an association, in particular the distribution of the association's assets in the case of dissolution; and
- (6) prescribe any other matter relating to the association, including the terms governing exemption from or the establishment, collection and repayment of assessments, the transitional rules applicable where the territory in which the association exercises its jurisdiction is modified, and the rules of succession if a member must be replaced during the fiscal year.

**79.5.** The city shall approve the association's internal management rules and authorize any loan to finance a project involving capital expenditures that exceed the percentage of the association's budget prescribed by a by-law of the city. The city may, by by-law, determine the nature of any other project for which financing by loan requires such authorization.

**79.6.** For collection purposes, an assessment ordered under this subdivision from a business establishment is deemed to be a special business tax, while an assessment ordered under this subdivision from an owner entered on the property assessment roll is deemed to be a property tax. In that respect, the clerk and the treasurer have all the powers vested in them by this Act, the Cities and Towns Act (chapter C-19) and the Act respecting municipal taxation (chapter F-2.1). The assessments collected, minus collection costs, and the list of the members who have paid them must be remitted to the association.

**79.7.** Despite the Municipal Aid Prohibition Act (chapter I-15), the city may, on the conditions it determines, grant subsidies to an association established under section 79.1.

**79.8.** This subdivision applies in lieu of subdivision 14.1 of Division XI of the Cities and Towns Act (chapter C-19), except sections 458.5, 458.7 to 458.10, 458.13 to 458.18, 458.21, 458.23 and 458.25, the first paragraph of section 458.26, and sections 458.27, 458.28, 458.33 to 458.35, 458.38, 458.40, 458.41, 458.43 and 458.44 of that Act, which apply with the necessary modifications.

§8.—*Nuisances*

**80.** The city may, by resolution, in addition to any other recourse provided for in the law, require that the owner of an immovable carry out or have carried out at his or her expense, upon his or her failure to do so, anything that the owner is required under the law or by-law to carry out with respect to such immovable.

The expense, which may be increased to take into account any reasonable accessory expenses incurred by the city and made necessary by an intervention under the first paragraph, constitutes a prior claim on the immovable, of the same nature and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code.

The expense is secured by a legal hypothec on the immovable.

The city may not exercise its power under the first paragraph with respect to an immovable owned by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

§9.—*Financial assistance*

**81.** The city may, by by-law, establish a program under which the city grants, in accordance with this paragraph, subsidies or tax credits to operators of bed and breakfast establishments within the meaning of the Tourist Establishments Act (chapter E-15.1).

The by-law shall provide rules for establishing the amount of the subsidy or of the tax credit, the conditions to be met for the subsidy or tax credit to be granted and the terms under which the subsidy is paid or the tax credit is granted.

**82.** The city may, by by-law, adopt a revitalization program or a plan of action providing, in particular, that the city grants subsidies for the construction, reconstruction, renovation, conversion, restoration, extension, relocation, removal, development, re-development or demolition of any immovable or for alterations in the connection of electric power lines and accessories.

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

**83.** Within the scope of a plan of action or revitalization program, the city may, by by-law, grant, on the conditions and in the sectors of its territory as it determines, a subsidy to compensate for any increase in property taxes that may result from reassessment of the immovables after completion of the work.

The amount of the subsidies referred to in the first paragraph may in no case exceed the following amounts:

(1) for the fiscal year during which the work was completed and the following fiscal year, the amount of the subsidy shall represent no more than the difference between the amount of the property taxes that would have been owing if the assessment of the immovable had not been changed and the amount of the taxes actually owing; and

(2) for the second fiscal year following the fiscal year during which the work was completed, half of the amount provided for in subparagraph 1 of the first paragraph.

Where any entry on the roll relating to an immovable eligible for a subsidy under this section is contested, the subsidy is not paid until a final decision has been rendered on the contestation.

For a residential immovable, no subsidy is payable unless the owner proves, in the manner prescribed in the by-law, that the price charged to lessees for rent has not been increased as a result of the increase in the property taxes.

**84.** Within the scope of a revitalization program, the city may, by by-law, grant, on the conditions and in the sectors of its territory as it determines, a property tax credit in consideration for admissible work carried out on the immovables.

The tax credit granted may in no case exceed the actual cost of the work. It may be divided over more than one fiscal year.

**85.** Within the scope of a plan of action to promote home ownership, the city may, by by-law, on the conditions and in the sectors of its territory as it determines, grant subsidies or tax credits to individuals or housing cooperatives purchasing residential immovables.

**86.** The city may, for the purposes referred to in sections 82 to 85 of this Schedule, establish categories of immovables and classes of work. It may also, for the purposes referred to in section 84, establish classes of property taxes.

The city may combine the classes and categories provided for in the first paragraph. It may establish different conditions in keeping with the classes and categories or combinations of classes and categories and order that a subsidy or tax credit be granted only in respect of one or several of the classes and categories or combinations of classes and categories.

The city may avail itself of the first and second paragraphs differently according to the sectors of the city that it determines.

**87.** For the purposes of sections 82 to 85 of this Schedule and section 148.0.25 of the Act respecting land use planning and development (chapter A-19.1), the city may, in each case, establish various classes of recipients and fix different subsidy rates for the different classes.

It may also limit the eligibility of individuals for subsidies on the basis of the maximum allowable household income and, for that purpose, define the concept of household income and prescribe the modes of evaluation and control of such limitation.

**88.** The city may, by by-law, require that applicants for a subsidy referred to in sections 82 to 85 of this Schedule and section 148.0.25 of the Act respecting land use planning and development (chapter A-19.1),

(1) obtain the subsidies or grants that are available under provincial or federal programs for the same purposes; and;

(2) produce an owner/lessee agreement, signed by a majority of the lessees, concerning the nature of the work to be carried out and possible rent increase.

Similarly, the city may require that the recipient of a subsidy prove, in the manner prescribed by by-law, that the amounts received as subsidies are deducted from the work costs taken into account in establishing the rents after completion of the work.

**89.** The city may, by by-law, in respect of a subsidy paid within the scope of a by-law passed under sections 82 to 85 of this Schedule and section 148.0.25 of the Act respecting land use planning and development (chapter A-19.1),

(1) stipulate, in the circumstances as provided for in the by-law, that any change in the destination or mode of occupancy of the immovable and that the alienation of all or any part thereof or the transfer of control by the legal person that owns the immovable, within a period of no more than ten years, fixed by the city, shall entail repayment to the city, in such proportion as the city shall determine according to how much time has elapsed, of the subsidy paid by the city in respect of the immovable, or that any permit required for a change of destination or occupancy may be refused until such repayment is made;

(2) provide that repayment of the subsidy shall be payable by any person who was the owner of the immovable at the time of the change in its destination or mode of occupancy, its alienation or the transfer of control by the legal person that owns the immovable, or by any subsequent purchaser; and

(3) prescribe the formalities necessary to ensure compliance with the requirements set out pursuant to subparagraphs 1 and 2 of the first paragraph.

If the by-law contains provisions adopted under subparagraph 2 or 3 of the first paragraph, the owner who receives the subsidy must have a document registered establishing the restrictions so stipulated to the right of ownership of the immovable. Registration of such document in the land register shall be made by deposit and the registrar is required to receive it and to make mention of it in that register.

**90.** Sections 82 to 86 of this Schedule and section 148.0.25 of the Act respecting land use planning and development (chapter A-19.1) applies notwithstanding the Municipal Aid Prohibition Act (chapter I-15).

#### §10.— *Municipal finances*

**91.** At the end of each fiscal year, the treasurer shall prepare the financial statements and reports for such fiscal year with respect to the city's revenues and expenditures and its financial status. Such reports and statements shall specify separately the balance sheet and revenue and expenditure account and contain all other necessary information.

The treasurer shall file such statements and reports with the office of the clerk no later than 31 March unless, on the report of the executive committee, the council grants the treasurer an additional period not exceeding one month.

**92.** The executive committee shall draw up the city's budget. It shall file the budget with the office of the clerk, with its recommendations on that budget and the budget of the Société de transport. The clerk shall send a copy of each document so filed and of the budget of the Société de transport to each member of the council, no later than 1 December.

**93.** On the filing of the budget or no later than 31 December each year, the treasurer shall determine, in a certificate, the appropriations considered necessary for the next fiscal year for payment of the interest on securities issued or to be issued by the city, for repayment or redemption of such securities and for their sinking funds and any other charge related to the city's debt, with the exception, however, of the amounts required in principal, interest and accessories in relation to the issue of treasury bills, loans made in anticipation of revenue and renewable loans falling due during the fiscal year covered by the budget. The treasurer shall also determine in such certificate the appropriations necessary, during the following fiscal year, to assume the obligations contracted by the city during previous fiscal years. The treasurer may amend the certificate until 31 December preceding the fiscal year to which it applies if the appropriations referred to therein have not been adopted by the council. The treasurer shall file the certificate and any amendments thereto with the office of the clerk. The clerk shall notify the council at the first meeting held after the filing.

The treasurer shall also include in the certificate referred to in the first paragraph the appropriations needed, during the next fiscal year, to assume the obligations of the city arising from collective agreements or from its by-laws, or arising under legislative or regulatory provisions adopted by the Gouvernement du Québec, the Government of Canada or any of their ministers or agencies.

The amounts shown in the certificate shall be included in the city's budget for the fiscal year covered by the budget.

**94.** *(Repealed).*

**95.** *(Repealed).*

**96.** The presumption of adoption and the coming into force of the budget provided for in section 148.1 of this Act do not apply to the appropriations provided for in the treasurer's certificate referred to in section 93, where those appropriations are deemed to have been adopted on 1 January and to have come into force on that date.

**97.** After 1 January, the adoption, of the budget or any of its appropriations is retroactive to that date. The same rule applies to the by-laws and resolutions arising therefrom.

#### §11.— *Taxes and permits*

##### I.— *General*

**98.** Taxes and any account or amount owing to the city shall bear interest from the day they become owing without its being necessary to make a special request therefor. The city shall, as often as it deems it expedient, fix the rate of interest that applies. The tax account shall specify clearly the rate of interest in force at the time of its sending.

That rate shall also apply to all debts outstanding before that fiscal year until another rate is fixed under the first paragraph.

Subject to the Act respecting municipal taxation (chapter F-2.1), the Cities and Towns Act (chapter C-19) and this Schedule and to any by-law, order, contract or agreement that may fix another date for the payment of the

amounts owing to the city, all amounts owing to the city are payable 30 days after sending the account of the city.

**99.** Notwithstanding section 32 of the Act respecting municipal taxation (chapter F-2.1), a building shall be entered on the roll when three years have elapsed from the beginning of the work if the amounts spent or committed in the first two years represent at least \$50,000,000.

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

**99.1.** For the purposes of the Act respecting municipal taxation (chapter F-2.1), the Société de la prévention de la cruauté contre les animaux de Montréal is deemed to have obtained a property tax and a business tax exemption under Division III.0.1 of Chapter XVIII of that Act for any immovable of which the Société is the owner and where it carries on mainly the activities consistent with its mission.

The first paragraph applies for the purposes of every fiscal year as of the fiscal year 2004.

**100.** The city may accept the transfer of immovables on which taxes are owing, in payment of such taxes.

**101.** To compensate for the cost of water service and the other services identified by by-law, the city may, by by-law, levy a water-rate and service tax or any of those taxes separately and determine the method of payment, when the tax is payable and the manner in which it may be levied 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.

Where the city levies a tax provided for in the first paragraph, the by-law may vary the rate thereof according to the various classes of occupation based on any or on a combination of the following criteria:

- (1) a fixed rate;
- (2) a rate established according to consumption;
- (3) a rate based on the rental value.

The city may exempt occupants of residential immovables from the water-rate and service tax and, according to the classes it determines, persons exempt from the business tax.

The lessee of a dwelling in respect of which the tax has been incorporated into the rent for any fiscal year during which the exemption applies is entitled, on application to the lessor within 12 months after the coming into force of the by-law imposing the water-rate and service tax for that fiscal year, to an adjustment in rent for that fiscal year.

The Régie du logement has jurisdiction, to the exclusion of any court, to hear an application for adjustment in the rent of a dwelling referred to in the fourth paragraph. Sections 56 to 90 of the Act respecting the Régie du logement (chapter R-8.1), adapted as required, apply to the application.

In addition to the powers provided for in the first three paragraphs, the city may, by by-law, levy the water-rate and service tax on the units of assessment belonging to the group described in section 244.31 of the Act respecting municipal taxation (chapter F-2.1) when, under section 244.29 of that Act, it fixes various general property tax rates.

Sections 244.30 to 244.64 of that Act apply, with the necessary modifications, with respect to the water-rate and service tax levied under the sixth paragraph.

In addition to being a prior claim within the meaning of paragraph 5 of article 2651 of the Civil Code, the tax is secured by a legal hypothec on the immovable.

A water-rate and service tax levied under the sixth paragraph does not apply to outdoor parking lots that constitute a unit of assessment belonging to the category described in section 244.36 of the Act respecting municipal taxation or to the land which forms the road bed of the railway of a railway company, within the meaning of section 47 of that Act.

**102.** Section 151.3 of this Act applies, adapted as required, to the water-rate and service tax levied under section 101.

Despite the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), the urban agglomeration council of the city may not levy that tax, on the basis of rental value, in the territory of a reconstituted municipality.

**102.1.** *(Repealed).*

**102.2.** The city may, by by-law, impose an annual tax for the presence in its territory of an advertising installation such as a sign or a billboard situated elsewhere than at the place where the object of the advertisement is located.

The debtor of the tax is the person responsible for the presence of the installation.

The amount of the tax is based on the number of sign faces on the structure. A surface that displays a series of different advertisements rotating in a loop by mechanical or electronic means constitutes one sign face.

The by-law defines the installations to which it applies and specifies those for which no tax is applicable.

## II.—*Collection roll and collection of taxes*

**103.** The treasurer may enter on the property tax collection roll the franchises, rights and privileges for occupation or use of the public domain that are established during a fiscal year, taking into account the unexpired portion of the fiscal year.

The treasurer may cancel the rent fixed for any such privilege, or reduce it in proportion to the period expired, when it comes to an end during a fiscal year; such cancellation or reduction shall be effective from the day when, as ascertained by him, such privilege ceased to exist.

**104.** The treasurer may make credit entries of payments in the margin of the property tax collection roll and the collection roll for personal and business taxes and water-rates, and enter all necessary figures to establish the unpaid balance outstanding at the end of the fiscal year. The treasurer may also correct calculation and clerical errors in the collection roll and make the entries required therein.

Where the treasurer has corrected a roll for the purposes provided for in the first paragraph, the treasurer shall inform the ratepayers affected by means of a notice sent by registered mail.

## III.—*Seizure and sale of movables for non-payment of taxes*

**105.** The personal taxes levied for a fiscal year shall constitute, until the expiry of a period of six months following the end of the fiscal year, a prior claim of the same nature and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code on movable property, goods and effects found in the business establishment of any ratepayer liable for the payment of such taxes, as long as they remain in the premises assessed, even if they change owners under a mutually agreed transfer. The city may, until the expiry of that period, register a legal hypothec on the movable property, goods and effects. The business establishment of the ratepayer bound to pay such taxes is that specified in the roll.

**106.** The prior claim and the legal hypothec granted to the city by the law for all personal taxes owing to it and for interest thereon and collection costs shall extend to all movable goods, property and effects that may be found upon the premises occupied by the debtor on the day of the seizure referred to in section 107 and

shall also extend to any other movable goods and effects that may belong to the debtor, wherever they may be at the time of their seizure.

**107.** When a ratepayer fails to pay taxes that are owing, the treasurer, after issuing or sending a default notice by registered mail, may, as of the sixteenth day following the date the notice was sent, recover the amount with interest and legal costs by means of an order obtained from the municipal court, authorizing the seizure and sale of the movable goods and effects subject to the prior claim securing such taxes, with the exception of property declared unseizable by the Code of Civil Procedure (chapter C-25.01).

**108.** Before proceeding with the sale of the movable property, the bailiff charged with executing the order shall give public notice thereof. The bailiff shall specify in such notice the name of the debtor in default, the amount owing and the day and place of the sale, and shall post it in a conspicuous place at the entrance of the city hall.

**109.** At least eight days before the sale, the bailiff shall notify a copy of such notice to the debtor at his or her domicile, if known, and failing such domicile, at the debtor's ordinary residence, business office or commercial establishment.

Upon a return attesting that the debtor has no known domicile, business office, commercial establishment or ordinary residence, a judge of the municipal court shall prescribe the mode of notification of such notice.

*IV.—Suits for recovery of taxes*

**110.** Notwithstanding any inconsistent legislative provision of any general law or special act, the treasurer may take before the court of primary jurisdiction, without any authorization, all proceedings the treasurer may deem expedient to collect the taxes and dues owed to the city.

For that purpose, the treasurer may sign any procedural document required and act before the municipal court on behalf of the city, except where the proceedings are contested.

*V.—Sale of immovables for non-payment of taxes*

**111.** Before 1 September each year, the treasurer shall prepare a notice addressed to the last owner entered on the collection roll of each immovable on which property taxes that were owing in a previous fiscal year remain unpaid.

Subject to the second paragraph of section 515 of the Cities and Towns Act (chapter C-19), such notice shall contain

(a) the name of the owner on the collection roll on the date when such notice is made out;

(b) the designation of the immovable as it appears on the said roll;

(c) the total amount of taxes owing without it being necessary to specify whether it refers to general or special municipal or school taxes, apportionments for sewers, pavings, sidewalks or expropriations or costs of notices and service;

(d) a demand for payment of the taxes plus the costs of the notice and its service, within ten days of the date of service or mailing of the notice, stating that if not paid within the period prescribed, the immovable will be sold under judicial authority.

**112.** Once the time limit stipulated in the notice prescribed in section 111 expires, the treasurer shall draw up, certify and send to the clerk a statement containing a summary description of all immovables to be sold for taxes.

The statement need only designate the immovables by their cadastral or subdivision numbers, adding thereto the letter P for parts of lots. The name of the street where each immovable is situated and the civic number of any buildings must be specified; the first and last numbers, joined by a dash, is sufficient where there are several. The number of the tax account relating to each immovable must also be specified.

The clerk shall, without the formality of minutes of seizure, proceed with the sale of all immovables described in the statement in the manner prescribed in section 113 of this Schedule and in sections 517 to 535 of the Cities and Towns Act (chapter C-19).

**113.** The clerk shall give public notice, specifying

- (1) the day, time and place of the sale;
- (2) the immovables to be sold;
- (3) the name of the owner of each of the immovables, as entered on the property assessment roll;
- (4) the tax account number relating to each of the immovables;
- (5) the amount of tax owing on each of the immovables, to which interest, penalties and costs shall be added at the time of the sale or of the settlement of the debt, where applicable.

The executive committee shall determine a tariff of costs applicable to sales. The tariff may provide for a uniform rate for all immovables, rates that vary according to categories of immovables determined by by-law, rates that are fixed or variable according to categories of immovables determined by by-law, or any combination thereof. However, the rate established by the tariff may not, for any one immovable, exceed 5% of the capital amount of the unpaid debt. The costs have the same order of preference as municipal taxes.

The notice need only identify each immovable, specifying, for an immovable upon which a building is built, the tax account number relating to the immovable, the name of the street where it is situated and the civic number or numbers of the building or buildings, giving the first and last number joined by a dash where there are several. Where no building is constructed thereon, the immovable shall be designated by its first cadastral number and first subdivision number as they appear in the statement provided by section 112, followed by the abbreviation “etc.” where there are more than one; the tax account number relating to the immovable must also be stated.

Furthermore, when an immovable is in the name of more than one owner, it shall be sufficient to name one of the owners in the notice and add “et al.”. Such notice shall refer to the statement prepared by the treasurer under section 112.

At least one month before the date set for the sale, the clerk shall have the notice published in a newspaper distributed in the city.

For the purposes of this Division, the description of an immovable that is a unit of assessment entered on the assessment roll separately from the land on which it is situated consists of the description of that land and a summary description of the immovable referred to, along with, if possible, the name of its owner, its civic address and any other information that may help to identify it.

#### *VI.—Purchase by the municipality of immovables sold for taxes*

**114.** Where the city purchases an immovable under section 536 of the Cities and Towns Act (chapter C-19), it shall have the immovable entered in the city’s name on the assessment and collection rolls for property, general and special taxes, and on the apportionment rolls for local improvement taxes, and shall tax it like any other immovable subject to taxation; nevertheless, the city shall not be subject to pay school taxes.

If such immovable is redeemed, the repurchase price shall include, in addition to the amounts referred to in the second paragraph of section 537 of the Cities and Towns Act (chapter C-19), the general or special

property taxes owing and the instalments of local improvement taxes encumbering such immovable owing since the sale, the excess over revenue of the expenses incurred by the city to ensure the preservation of the immovable, as well as all taxes not paid out of the proceeds of the sale. After redemption, the local improvement tax instalments not yet owing shall continue to encumber the immovable and the owner shall be personally responsible therefor. The provisions of section 532 of the Cities and Towns Act shall also apply to the redemption of such immovable.

After the expiry of the period for repurchase, the school tax and any other municipal tax levied during such period shall be struck from the collection roll if there has been no repurchase.

§12.—*Loans*

**115.** Subdivision 30 of Division XI of the Cities and Towns Act (chapter C-19) does not apply to the city, except sections 543 to 544.1, section 547.1, the third paragraph of section 549, section 568 and, subject to section 148 of this Act, sections 556 to 563.1.

**116.** The term of a loan made by the city may not exceed 40 years. The loan shall be made in accordance with section 121.

**117.** The city may

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

(2) defray the cost out of the general fund and defer part of those expenses by charging it to the budgetary appropriations for the three fiscal years following the year of the election.

**118.** The city may, with the authorization of the Minister of Municipal Affairs, Regions and Land Occupancy, increase the amount of any loan to be made or renewed by the estimated cost of the discount on the bonds and the expenses incidental to their issue.

**119.** (*Repealed*).

**120.** The executive committee may, by resolution, order temporary loans for the payment of current administration expenses and contract them on the conditions and for the term it determines.

The executive committee may also make loans for the payment of the expenses incurred under a loan by-law.

**121.** Where a loan has been ordered by by-law, the executive committee may make it by issuing securities or by contract, up to the total amount of principal referred to in the by-law.

The executive committee shall determine

(1) the rate of interest on the loan or securities, or the manner of fixing such rate;

(2) the time the loan is made;

(3) the contents of the securities or of the contracts; and

(4) the conditions of issue of the securities.

The executive committee may also conclude contracts for the exchange of rates of interest or of currencies related to current loans or loans to be made, as well as term or option contracts involving the rates of interest or currencies for the purposes of repayment of the principal or payment of the interest on its loans.

The executive committee may make the loan for a term shorter than that authorized by by-law and determine the part of the loan that shall be renewable at maturity and the maximum term of the renewal.

Any loan for the purpose of such renewal may be made within the 12 months preceding the date of maturity of the loan to be renewed or the securities issued for that loan and within the 12 months following either of those maturity dates, provided that the term prescribed by the executive committee for the renewal does not exceed the maximum term determined pursuant to this section.

The executive committee may designate a place outside Québec where a register shall be kept for the registration of securities and designate a person authorized to keep the register.

It may repay in advance a loan that may be so repaid.

**121.1.** At the request of the board of directors of the Société de transport de Montréal, the executive committee may, in accordance with section 121, make a loan ordered by a by-law of the transit authority under section 123 of the Act respecting public transit authorities (chapter S-30.01) and over which the city has jurisdiction under section 158.2 of that Act.

The proceeds of the loan are paid to the transit authority to serve the purposes set out in the by-law ordering the loan.

From the time of the payment, the transit authority is in debt to the city, under repayment terms identical to those of the loan contracted by the city, for the sums required by the city to repay the loan, including the interest and other related fees. For that purpose, the transit authority may issue evidences of indebtedness to the city and establish a sinking fund.

**122.** The Act respecting municipal debts and loans (chapter D-7) does not apply to the city, except sections 7 and 8 and Divisions V, VI, VIII to X and XII. The treasurer or any other officer designated for that purpose by the executive committee shall fulfil the obligations referred to in section 24 of that Act.

The Minister of Finance may cause the certificate referred to in section 12 of that Act to be affixed to a security issued by the city under a by-law in force. The validity of a security bearing such certificate is not contestable.

Notwithstanding any inconsistent provision, the certificate referred to in section 12 of the Act respecting municipal debts and loans does not apply to a security issued to constitute the working fund of the city or issued to effect a temporary loan.

Division IX of that Act does not apply to a security that is not subject to registration according to the conditions of its issue.

A loan obtained by the city or a security issued by it may be repaid or repurchased in advance, as it sees fit, according to the terms of the contract or security. The date of advance repayment or repurchase may be other than a date of payment of interest if the prior notice stipulated in the contract or security is given.

**123.** Where a by-law authorizes the city to borrow a given amount either in the legal tender of Canada or in the currency of one or more other countries, the total amount of the loan thus authorized shall be that expressed in the legal tender of Canada.

The amount in Canadian dollars of a loan made in another currency is calculated by multiplying the amount of the principal of the loan by the value of the unit of the other currency in relation to the Canadian dollar.

For the purposes of the calculation referred to in the second paragraph, the value of the unit of the other currency in relation to the Canadian dollar is as it stands

(1) at the time of the conversion into Canadian dollars of all or part of the proceeds of the loan paid to the city; or,

(2) at noon on the day on which all or part of the proceeds of the loan are paid to the city, if it is not converted into Canadian dollars.

Where all or part of the proceeds of a loan are used to renew a loan already made by the city, for all or part of its unexpired term, the amount used for the renewal is not deducted from the balance of the amount of the loan authorized by by-law, whatever the value of the currency in which the loan is made.

**124.** Notwithstanding any inconsistent legislative provision, the securities of the city may be issued in the following forms or a combination thereof:

- (1) fully registered securities;
- (2) securities that may be registered only for the principal; or
- (3) securities payable to the bearer.

The executive committee may prescribe the mode of transfer or negotiation of the city's securities and the formalities to be fulfilled for that purpose.

**125.** Where the city makes a loan in another country, it may elect domicile in that country or elsewhere, for the purposes of receiving a notice or proceeding respecting that loan.

In the same circumstances, the city may order that the securities issued by it or the contracts concluded by it in another country for the purposes of the loan be governed by the law of that country, provided that the provisions of this subdivision are complied with.

**126.** The bonds, notes and other securities of the city shall be signed by the mayor and the treasurer or, instead of the latter, by the person designated for such purpose by the executive committee.

**127.** A facsimile of the signature of the mayor and the treasurer may be engraved, lithographed or printed on the bonds and shall have the same effect as the signature itself.

**128.** The loans made by the city shall be secured by its general fund.

The commitments arising from those loans constitute direct and general obligations of the city and rank concurrently and *pari passu* with all other general obligations of the city.

**129.** The city may create a general sinking fund for the purposes of total or partial repurchase of the evidences of indebtedness issued by it.

**130.** Where the city purchases its own evidences of indebtedness bearing interest coupons to invest them in its sinking fund, it may cancel those securities and replace them by the issue of a single security, without coupons, registered in the name of the treasurer in trust for the purposes of the sinking fund.

**131.** If at any time the treasurer finds that the moneys in hand for the payment of the interest or principal of any loan for which the city is liable will not be sufficient to pay the interest or principal at maturity, the treasurer shall calculate the property tax required to meet the deficit, on the basis of the value of the taxable immovables according to the assessment roll then in effect; in such calculation, the treasurer shall take into account a fair allowance for possible expenses and losses in the collection of that tax.

The treasurer shall then issue under his or her signature a certificate imposing that tax and deliver it to the clerk for the information of the council.

That certificate shall have the same effect as a city by-law imposing that tax.

That tax shall be levied and collected immediately, in addition to any other tax legally levied by the city.

**132.** The Décret concernant une exemption accordée à la Communauté urbaine de Montréal de l'obligation d'obtenir certaines autorisations relativement à certains instruments et contrats de nature financière (Décret 166-94 dated 26 January 1994) applies, adapted as required, to the city.

§13.—*Working fund*

**133.** The city may, by by-law subject to the approval of the Minister of Municipal Affairs, Regions and Land Occupancy, constitute a working fund the purpose, constitution and administration of which must comply with the following rules:

(1) To constitute that working fund, the executive committee may authorize the treasurer to borrow the amounts that it deems necessary through the issue and sale of treasury bills, notes or other securities, provided the current nominal value of such treasury bills, notes or other securities does not at any time exceed 20% of the appropriations provided for in its budget.

(2) The treasury bills, notes or other securities may bear no nominal rate of interest, shall be payable to the bearer or to the holder registered according to their conditions, and shall mature no more than 365 days after the date of their issue. They may bear the mention that they are redeemable in advance, without any other formalities or conditions than those stipulated in them.

(3) The sale of the treasury bills, notes or other securities shall be carried out by agreement or by tender. Sale by agreement shall be made on behalf of the city by the treasurer who must, every three months, report on the sales thus carried out to the executive committee.

For sale by tender, the tenders shall not be subject to sections 573 and 573.1 of the Cities and Towns Act (chapter C-19), but they shall be addressed to the treasurer. The treasurer, on behalf of the city, shall make the sale to the tenderer who submitted the tender which the treasurer deems to be the most advantageous to the city. The treasurer shall not be bound to accept any tender.

(4) A loan may be granted from the working fund

(a) for a purpose for which the city is authorized to borrow temporarily;

(b) for the purposes of capital expenditures;

(c) in anticipation of the collection of revenue of the city or of an amount owing to it; or

(d) for the purchase of pending securities of the city that are likely to meet the requirements of a sinking fund.

The term of the loan may not exceed five years or, in the case provided for in subparagraph *b* of the first paragraph, 10 years.

However, for loans granted pending the payment of advances on loans to be granted by the Canada Mortgage and Housing Corporation, the loans granted out of such fund may be for a term of more than five years and apply until any such loan is granted to the city by the Canada Mortgage and Housing Corporation.

(5) Moneys out of the working fund may be invested in treasury bills or bonds or other securities provided for in paragraphs 2, 3 and 4 of article 1339 of the Civil Code. Such moneys may also be placed in a chartered bank or other financial institution authorized to receive deposits.

(6) The executive committee may authorize the treasurer to invest in such fund, for periods not to exceed 90 days, the available balance of the general fund or the temporarily unused balance of the proceeds from long-term loans.

(7) At the end of a fiscal year, any operating surplus in the working fund shall be transferred to the general fund, and any deficit shall be made good out of that fund.

§14.—*Financial reserves*

**134.** A by-law creating a financial reserve need not be subject to the approval of qualified voters where the reserve is created for the benefit of the entire territory of the city.

§15.—*Acquisition and expropriation of immovable rights*

**135.** The city, for the purposes of its waterworks, may take possession of any land that is vacant or has been built upon whenever it shall consider it advisable, even before having acquired it, by giving the owner eight days' prior notice in writing; it shall proceed with all possible diligence to acquire such land, however. If it does not commence the expropriation within 60 days following the expiry of the eight-day period stipulated in the notice, it may be compelled thereto by court order.

In all cases, it shall pay the owner interest on the expropriation indemnity from the date of taking possession.

**136.** The city may acquire an immovable to improve the area around streets or public places. The previous approval of the Minister of Municipal Affairs, Regions and Land Occupancy shall be required to exercise such power within a radius of more than 38 m.

**137.** The city may accept the gratuitous transfer of any land required for the opening or widening of a street or lane and agree with the owner that, if an expropriation tax is levied later for such improvement, an allowance equal to the value of the land transferred at the time of the expropriation will be granted to him or her against his or her aliquot share of the said tax, subject to his or her obligation to pay any excess.

The amount so credited shall be payable by the other owners who have not transferred their land gratuitously. The value of the land so transferred shall be determined at the time of the expropriation in accordance with the Expropriation Act (chapter E-24).

**137.1.** The city may acquire by agreement any immovable outside its territory that is required for the purpose of establishing a nursery.

**138.** The city may acquire any immovable by agreement or expropriation for the purposes of transferring it by means of exchange, sale or lease with a view to the implementation of a plan for the expansion of the Port de Montréal.

**139.** The city may,

(1) acquire by agreement or expropriation any immovable for industrial purposes;

(2) sell, lease or otherwise alienate for industrial or commercial purposes any immovable acquired under subparagraph 1;

(3) on proof that an immovable acquired under one of its powers, including an immovable acquired under section 144, be more adequately used for industrial purposes, sell, lease or otherwise alienate it for industrial purposes, on the conditions it determines; and

(4) on proof that an immovable acquired under subparagraph 1 cannot be adequately used for industrial or commercial purposes, use it or dispose of it for other purposes.

If the city takes back an immovable that has been sold, leased or otherwise alienated under subparagraphs 2 and 3 of the first paragraph to protect its claim or to exercise certain rights provided for in the contract, the city may then dispose thereof with the same authorization and for the same purposes provided for in this section.

The city is not subject to the Act respecting municipal industrial immovables (chapter I-0.1).

The land acquired by the city under the Industrial Funds Act (chapter F-4) is deemed to have been acquired under subparagraph 1 of the first paragraph and any money from a sale or rental under the said Act is paid into the general fund of the city.

For the purposes of subparagraph 1 of the first paragraph, the authorization of the Minister of Municipal Affairs, Regions and Land Occupancy is required.

**140.** The city may, by resolution of its executive committee, provided it alone assumes the cost, acquire by agreement or expropriation, with or without prior possession, all servitudes which it shall deem appropriate

(1) to permit their use or to transfer them, on the conditions it determines, to public utilities, for the laying or installation of conduits, poles, wiring and other accessories necessary for their operations;

(2) for the installation of permanent land and surveying benchmarks, temporary observation towers for the establishment of the said benchmarks or of the poles, anchorages, wiring, traffic lights, lamp-posts, traffic or parking signals, parking meters, fire-alarm boxes, telephones for the use of the police, hydrants, and generally all accessories required for the above-mentioned installations.

The servitudes referred to in this section may be established without a description of the dominant land.

**141.** No indemnity or damages shall be granted for buildings constructed or improvements made on an immovable after the city adopts the resolution ordering expropriation, provided that such resolution is followed by proceedings in expropriation within the ensuing 12 months.

Notwithstanding the first paragraph, the expropriated party shall be entitled to an indemnity for repairs made by him or her under a permit issued by the city.

**142.** The executive committee may order the imposition of a reserve for public purposes. Once the order is made, the executive committee shall submit it to the city council for approval at the first sitting that follows the sixtieth day after it is made.

**143.** Notwithstanding any provision inconsistent with the Expropriation Act (chapter E-24) or any other act, the city may dig a tunnel at a depth of not less than 15 m under any land for its water conduits, its sewer conduits or for any other municipal purpose. As soon as work begins, the city becomes, without formality or indemnity, but subject to recourse in damages, the owner of the space occupied by the tunnel and of the two metres beyond the interior concrete wall of the tunnel.

As soon as work begins, the city shall notify the owner of the land of the work being done and of the provisions of this section. In the year following the completion of work, the city shall file in its archives a copy of a plan certified by the head of the department involved, showing the horizontal projection of that tunnel. It shall register that plan by filing two copies with the registry office of the registration division of the immovable affected and the registrar shall mention each lot or part of a lot affected in the land register.

**144.** Notwithstanding any inconsistent provision, the city may acquire by agreement or expropriation any immovable whose acquisition is deemed appropriate for land reserve or housing purposes and for the work related to such purposes, and any immovable considered obsolete or harmful for occupation.

The city may hold, lease and administer immovables acquired under the first paragraph. It may develop those immovables and install the necessary public services therein; it may also demolish or restore the buildings and other structures and build or construct thereon new buildings for housing, leisure activities, recreation and other related purposes.

The city may exercise the powers provided for in the second paragraph on the immovables it already owns.

It may alienate those immovables on the conditions it determines in accordance with section 28 of the Cities and Towns Act (chapter C-19). It may also alienate, gratuitously or on the conditions it determines, such an immovable in favour of the Government, any of its ministers or agencies, or any person or agency referred to in the third paragraph of section 29.4 of the Cities and Towns Act.

**145.** Any person responsible for administering the property of others, in particular a tutor, administrator or trustee, who is seized or possessed of an immovable subject to expropriation, or holds an interest therein in any of those capacities, may enter into agreements with the city to sell and transfer such immovable to it or grant it rights in or servitudes upon such immovable on behalf of any person whom he or she represents or whose property he or she administers, including, but without restricting the scope of the foregoing, minors, children not yet born and persons of full age under protective supervision.

Legal persons may also enter into such agreements respecting their own immovables and respecting those which they hold in any of the capacities referred to in the preceding paragraph.

**146.** Every person entering into an agreement under section 145 shall be exempt from any recourse by reason of such agreement, saving the obligation to account for the consideration or price received from the city in consequence of such agreement to the person he or she represents.

**147.** Every person who may sell and transport any immovable to the city under section 145 shall also have the power to transfer to the city gratuitously, conditionally or unconditionally such portion thereof as the person may deem fit, for any municipal purpose.

**148.** In the cases of section 145, the price shall not be paid to the vendor until after the court or judge has authorized payment thereof. If such authorization is not obtained within three months from the execution of the transfer, the city may release itself from all further responsibility by paying the price into the hands of the clerk of the Superior Court for the benefit of whoever may be entitled thereto.

**149.** When the moneys are so paid into the hands of the clerk, the clerk shall, even during vacation or out of term, determine how the legal representatives and creditors of the party entitled to such moneys and any other interested person are to be called in, by following the prescriptions of the Code of Civil Procedure (chapter C-25.01); on an application or in case of contestation, the Superior Court or one of its judges shall issue such orders as may be deemed advisable and just for the delivery or the distribution of the moneys, or for the disposal of any other matter in connection with the claims or demands of the interested persons.

The formalities provided for in the first paragraph shall not be required where the amount deposited does not exceed \$500, and the clerk shall deliver it immediately to the expropriated party.

Where the moneys deposited are paid to the expropriated party, they shall not be subject to any tax or commission of any kind, notwithstanding any other inconsistent legislative provision.

**150.** Where part of an immovable is subject to an expropriation and the indemnity paid by the city does not exceed \$5,000, the hypothecs and other charges encumbering that part of the immovable shall be cleared upon registration of the title of the city in the land register and the registrar shall cancel them.

This section applies where a servitude is acquired.

**151.** The deposits to which section 149 applies are considered judicial deposits for the purposes of the Act respecting deposits with the Bureau général de dépôts pour le Québec (chapter D-5.1).

§15.1.—*Pre-emptive right*

**151.1.** In accordance with the provisions of this subdivision, the city may, in all or part of its territory as determined by the by-law provided for in section 151.2, exercise a pre-emptive right to acquire any immovable, excluding immovables owned by a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

The city's pre-emptive right may only be exercised to acquire an immovable for which a notice of the city's pre-emptive right has been registered.

**151.2.** The city shall determine, by by-law, the territory in which its pre-emptive right may be exercised and the municipal purposes for which immovables may be acquired in this manner.

**151.3.** The notice of the city's pre-emptive right must identify the immovable concerned and describe the purpose for which it may be acquired.

The notice must be notified to the owner of the immovable and takes effect on being registered in the land register. It is valid for a period of 10 years from the registration date.

**151.4.** The owner of an immovable for which a notice of the city's pre-emptive right has been issued may not, on pain of nullity, alienate the immovable for the benefit of a person other than a person to whom the owner is related within the meaning of the Taxation Act (chapter I-3) if the owner has not notified a notice to the city of the owner's intention to alienate the immovable.

The owner's notice must state the price of the proposed alienation, the conditions to which it is subject, and the name of the person who intends to acquire the immovable. If the immovable is to be alienated, in whole or in part, for non-monetary consideration, the notice must include a reliable and objective estimate of the value of that consideration.

**151.5.** The city may, not later than 60 days following notification of the notice of intention to alienate, notify a notice to the owner of its intention to exercise its pre-emptive right and to acquire the immovable at the price and on the conditions stated in the notice of intention to alienate, subject to any modifications subsequently agreed on with the owner. If the notice of intention to alienate contains an estimate of the value of a non-monetary consideration, the price must be increased by an equal amount.

The city may, during that period, require from the owner any information allowing it to assess the condition of the immovable. It may also, after giving 48 hours' prior notice, access the immovable to conduct, at its own expense, any study or analysis it considers useful.

If the city does not notify the notice provided for in the first paragraph to the owner within that 60-day period, it is deemed to have decided not to exercise its pre-emptive right.

If the city decides not to exercise its pre-emptive right and the proposed alienation occurs, the city must have the notice of its pre-emptive right removed from the land register.

**151.6.** If the city exercises its pre-emptive right, it must pay the price of the immovable within 60 days after notifying the notice of its intention to acquire the immovable. If the city cannot pay the amount to the owner, it may deposit it, on the owner's behalf, at the office of the Superior Court.

Sections 53.15 to 53.17 of the Expropriation Act (chapter E-24) apply, with the necessary modifications.

In the absence of a notarial contract, the city becomes the owner of the immovable by registering a notice of transfer of ownership in the land register; the notice must include a description of the immovable, the price and conditions of its acquisition, and the date on which the city will take possession of the immovable.

The notice of transfer must be served on the owner at least 30 days before it is registered in the land register.

To be registered, the notice must be accompanied by documents confirming that the price has been paid to the owner or deposited at the office of the Superior Court and proof that the notice has been served on the owner.

**151.7.** If the city exercises its pre-emptive right, it must compensate the person who intended to acquire the immovable for reasonable expenses incurred during negotiation of the price and conditions of the proposed alienation.

§16.—*Land use planning and development*

**152.** A special planning program applicable to part of the territory of the city may include a program of acquisition of immovables in view of alienating or leasing them for purposes provided for in the special planning program.

Sections 85 and 85.0.1 of the Act respecting land use planning and development (chapter A-19.1) apply to such program of acquisition of immovables, adapted as required.

**153.** The city may, by by-law, govern or prohibit graffiti, drawings, paintings, engravings or photographs on trees, walls, fences, poles, sidewalks, pavements or any other similar structure and, in case of infringement, order their removal and restoration of the site within a prescribed time limit.

**154.** The city may, by by-law,

(1) govern or prohibit the parking of any vehicle on any land without the authorization of the owner or the occupant of the land;

(2) determine the conditions and methods of towing and impounding, by the city or any person, of the vehicles, at the expense of their owners; and

(3) determine a maximum amount for these costs.

**155.** The city may, by by-law, vary the standards prescribed in the exercise of the powers provided for in section 113 of the Act respecting land use planning and development (chapter A-19.1), according to the microclimatic effects of a structure, such as sunshine and wind factors, according to the clearing of visual corridors and to the uses and occupancy and the structures on contiguous lands, and according to any other criterion of integration and insertion into a built environment.

**156.** The city may, by by-law, prescribe, for all or part of its territory and according to the classes it determines, the maximum number of restaurants and establishments selling alcoholic beverages for consumption on the premises and the distance between such establishments or between such an establishment and an immovable, or part of an immovable, occupied for housing or public purposes or any class thereof.

**157.** The city may, by by-law,

(1) govern or prohibit, by portion of territory, the construction, installation, alteration and maintenance of all existing or future signs and billboards, and require for their maintenance or installation a permit of which it shall determine the cost;

(2) prescribe, by portion of territory, the minimum distance between billboards, which distance may not exceed 90 m; and

(3) prevent any construction, installation, alteration or repairs that are non-compliant, have them stopped and even provide for the demolition or removal of the billboard or sign.

**158.** The city may, by by-law, adopt beautification 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.

**159.** The city may apportion, among the owners who benefit therefrom, the cost of beautification projects carried out in respect of a street, lane or public place pursuant to an agreement between itself and one-half or more of the owners of the immovables that benefit from the improvements, provided that the immovables belonging to the owners who are parties to the agreement represent, according to the property assessment roll, three-quarters or more of the value of all the immovables referred to.

The cost of the beautification shall be apportioned, in the form of local improvement taxes, proportionately to the value of each immovable according to the assessment roll or in the proportion determined in the agreement.

**160.** The city may, by by-law, prohibit the manufacture and storage of nuclear weapons within the meaning of section 6 and prohibit the manufacture of specific nuclear weapon components.

**161.** *(Repealed).*

**162.** The city may, by by-law,

(1) specify the requirements respecting fences and hedges, namely:

- (a) their distance from public roads;
- (b) their maximum and minimum height;
- (c) the places where they may or must be located;
- (d) the material they are made of;
- (e) the manner in which they must be made; and
- (f) their maintenance according to preservation and architecture requirements;

(2) provide for the bringing into compliance of fences and hedges, for their removal and, if necessary, the restoration of the sites, and for the installation of fences or hedges, within a prescribed time limit; and

(3) provide, in case of failure to comply with any public safety requirement of the by-law, whether the offender refuses or fails to comply or cannot be found, for such fences or hedges to be corrected, removed or installed by the city at the expense of the offender; the expense constitutes a prior claim on the immovable concerned, of the same nature and with the same rank as the claims referred to in paragraph 5 of article 2651 of the Civil Code; the expense is secured by a legal hypothec on the immovable.

**162.1.** Subparagraph 3 of the second paragraph of section 532 of the Act respecting elections and referendums in municipalities (chapter E-2.2) does not apply to a by-law referred to in section 136.0.1 or 136.1 of the Act respecting land use planning and development (chapter A-19.1).

**163.** A borough council shall, in respect of the part of the territory of the former Ville de Montréal situated within its territorial boundaries, pass, before 31 March 2002, a zoning by-law that renews the provisions of the Urban Planning By-law of the former Ville de Montréal (R.B.C.M., c U-1).

The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (chapter A-19.1) do not apply to a by-law passed by a borough council under the first paragraph.

A by-law passed under the first paragraph is deemed to comply with the land use planning and development plan of the city notwithstanding the absence of a certificate of compliance.

**164.** Until a borough council passes the by-law provided for in section 163, the Urban Planning By-law of the former Ville de Montréal (R.B.C.M., c. U-1) applies, with respect to the part of the territory of the former Ville de Montréal situated within the territorial boundaries of the borough, adapted as follows:

(1) for the purposes of section 113 and of Division V of Chapter III of the Act respecting land use planning and development (chapter A-19.1), each zone is the territorial unit resulting from the spatial overlapping of all the plans attached to the Urban Planning By-law of the former Ville de Montréal;

(2) a provision of that By-law related to the approval, prior to the issue of a building permit or an alteration permit, of plans related to the development, architecture and design of constructions or to the development of land and work related thereto shall be, with respect to any permit that must be issued as of 1 January 2002, deemed to constitute a provision subjecting the issue of a building permit for the project covered by the By-

law to the approval of plans related to the site planning and the architecture of constructions or the development of the land, and work related thereto, within the meaning of sections 145.16 to 145.20.1 of the Act respecting land use planning and development (chapter A-19.1).

**165.** Sections 163 and 164 do not apply if the former Ville de Montréal passed, before 31 December 2001, a by-law referred to in the first paragraph of section 163.

**166.** Where a notice of motion has been given with a view to passing or amending a by-law referred to in section 89 of this Act, no building plan may be approved nor may any permit or certificate be granted for the carrying out of work or use of an immovable that, if the by-law that is the subject of the notice of motion is adopted, will be prohibited in the zone concerned.

**167.** The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (chapter A-19.1) do not apply to a by-law passed by a borough council in order to replace its zoning or subdivision by-laws by a new zoning by-law or a new subdivision by-law that applies to the whole territory of the borough, provided that such a by-law comes into force within three years of 14 November 2001.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities (chapter E-2.2), by the qualified voters of the whole territory of the borough.

The borough council may avail itself of this section only once for each by-law.

Until a new zoning by-law is passed under this section, in a borough comprising part of the territory of the former Ville de Montréal, other than the Mont-Royal Borough, every zone or, where applicable, every sector of a zone whose perimeter is situated, in whole or in part, less than 200 m from the limits of the zone covered by the proposed by-law is deemed to be a zone or a contiguous sector for the purposes of section 113 and Division V of Chapter III of the Act respecting land use planning and development (chapter A-19.1). This paragraph will cease to have effect three years after 14 November 2001.

**168.** Notwithstanding section 200 of this Act, the authorizations granted under item *b* .1 of subparagraph 2 of the first paragraph of article 524 and article 649*a* of the Charter of the City of Montréal (1959-1960, c. 102) and the by-laws passed under item *d* of subparagraph 2 of the first paragraph of article 524 and article 612*a* of that Charter shall remain valid and continue to have effect in accordance with those authorizations or by-laws.

For the purposes of a by-law passed under article 612*a* of that Charter, a provision of that by-law related to approval, prior to the issue of a building permit or an alteration permit, of plans related to the development of land and work related thereto shall be, with respect to any permit that must be issued, deemed to constitute a provision subjecting the issue of those permits to the approval of plans related to the site planning and the architecture of constructions within the meaning of sections 145.16 to 145.20.1 of the Act respecting land use planning and development (chapter A-19.1).

**169.** The borough council shall exercise the powers of the city, provided for in sections 148.0.1 to 148.0.24 of the Act respecting land use planning and development (chapter A-19.1), on the demolition of immovables. In addition, it shall exercise the powers of the city provided for in sections 64, 65, 72, 77, 155 to 157 and 162 of this Schedule.

However, the functions assigned by the Act respecting land use planning and development to the committee established under section 148.0.3 of that Act shall be exercised by the advisory planning committee established under section 132 of this Charter. The sittings of the committee held for such purpose are public; the committee may also hold a public hearing if it considers it advisable.

**170.** The borough council may, by resolution, decide to continue the procedure for the passage of a proposed by-law to amend an urban planning by-law that comes under its jurisdiction if the proposed by-law was passed before 31 December 2001 and is not in force on that date.

**171.** All kinds of constructions shall be prohibited on the south side of Boulevard Saint-Joseph, bordering Lac Saint-Louis, between 34e Avenue and the western boundaries of the former Ville de Lachine.

However, the first paragraph does not prevent the city from installing the Monument aux braves de Lachine on the property of Stoney Point Park.

**172.** Section 2 of chapter 125 of the Statutes of Québec of 1933 respecting the erection, maintenance and use of signboards continues to apply, with respect to the territory of the former Ville de Lachine, until 31 December 2003.

**173.** Section 1 of chapter 90 of the Statutes of Québec of 1920 respecting construction on part of Rue Sherbrooke Ouest continues to apply, with respect to the territory of the former Ville de Westmount, until 31 December 2003.

**174.** Section 2 of chapter 56 of the Statutes of Québec of 1958-1959 respecting the erection and operation of gasoline stations continues to apply, with respect to the territory of the former Ville de Lachine, until 31 December 2003.

**175.** Section 2 of chapter 64 of the Statutes of Québec of 1959 with respect to subparagraph *d* of paragraph 1 respecting the construction and operation of gasoline stations continues to apply, with respect to the territory of the former Ville de Dorval, until 31 December 2003.

**176.** Sections 3 and 4 of chapter 147 of the Statutes of Québec of 1935, paragraphs 1, 5 and 6 of section 2 of chapter 147 of the Statutes of Québec of 1935, as replaced by section 1 of chapter 96 of the Statutes of Québec of 1963, and Schedules A and B to the latter Statute, respecting certain prohibited constructions and building regulations, continue to apply, with respect to the former Village de Senneville, until 31 December 2003.

**177.** Section 19 of Order in Council 1276-99 dated 24 November 1999 respecting the amalgamation of the former Ville de Lachine and the former Ville de Saint-Pierre continues to apply, with respect to the territory of Lachine Borough.

§17.—*Films*

**178.** The city may authorize, for a limited time and on the conditions it determines in each case, the occupation of public or private land or the construction or occupation of a building contrary to a municipal by-law for the purpose of making a film.

§18.—*Acquisition of lanes*

**179.** Riparian owners who wish to acquire the right-of-way of a lane owned by the city are required to present a petition to that effect to the city.

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

**180.** If the city decides to grant the petition, it may pass a by-law ordering the closing of the lane.

The by-law shall include, where necessary, a designation of the land which, within the right of way of the lane, will be encumbered with a servitude for public utility purposes, including the laying, installation and

maintenance of conduits, poles, wiring and other accessories necessary for the operations of public utilities. Such designation need not mention the dominant land.

A cadastral plan shall accompany the by-law, identifying for each riparian lot the part of the lane to be re-attached to it, and mentioning a separate lot number for each part of such lane. The servitude shall be marked on the plan by means of hatchings for public utility purposes.

**181.** Notice of the passage of the by-law shall be notified to each riparian owner on the property assessment roll and be published in a daily newspaper distributed in the city.

**182.** Upon the coming into force of the by-law, the clerk shall require the registration thereof in the land register and the registrar shall mention the by-law on each riparian lot.

**183.** The registration in the land register entails the transfer of ownership of each re-attached lot to each riparian lot owner, in accordance with the cadastral plan, and creates the servitude for public utility purposes described in the by-law.

**184.** Within 30 days following the date of the notification of the notice provided for in section 181, a riparian owner who has not signed the petition provided for in section 179 may claim an indemnity from the city. Failing agreement, the indemnity shall be determined by the Administrative Tribunal of Québec at the request of the owner or city and sections 58 to 68 apply, adapted as required.

**185.** The amounts paid by the city as indemnities may be charged to the riparian owners of the closed lane and apportioned among them in proportion to the number of metres of frontage of their respective immovables.

§18.1.—*Downtown area*

**185.0.1.** The city council shall exercise the jurisdiction of the city with respect to the development and redevelopment of public lands, including infrastructure work, in a sector designated as the downtown area and delimited in Schedule E.

The reconstituted municipalities in the urban agglomeration of Montréal shall pay an annual contribution to the city to finance the expenditures incurred for the downtown area. For the fiscal year 2017, the municipalities' total contribution is \$8,000,000. The contribution payable for the following fiscal years is determined by adjusting the amount of the contribution paid for the preceding fiscal year according to the anticipated rate of growth of the Consumer Price Index published, for the fiscal year for which the contribution must be paid, by the Conference Board of Canada for the Montréal metropolitan area.

Every year, the contribution is apportioned among the reconstituted municipalities in proportion to their respective fiscal potentials established according to the rules prescribed by the Minister of Municipal Affairs and Land Occupancy under section 118.80 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001).

§19.—*Exercise of certain powers by the borough councils*

**185.1.** The borough council shall exercise the jurisdiction of the city as regards the passage and application of a by-law relating to

- (1) noise;
- (2) dogs and other house pets;
- (3) the distribution of advertising items;
- (4) public markets, except those designated by the city council; and

(5) matters referred to in sections 78 and 79 of this schedule.

**186.** The city council may, in its internal management by-law, on the terms and conditions it determines, delegate the following powers to a borough council:

(1) the passage and application of any by-law the city council determines;

(2) any power related to the exercise of a jurisdiction of the city council for which appropriations are provided in the annual allotment provided for in section 143 of this Charter.

### **DIVISION III**

#### **PROVISIONS CONCERNING CERTAIN REGULATORY MATTERS**

##### *§1.—Public thoroughfares and places*

**187.** Every deposit referred to in subparagraph 5 of the first paragraph of section 6 and paragraph 3 of section 67 of the Municipal Powers Act (chapter C-47.1) shall be made in cash or by bond from a guarantee or trust company authorized to do business in the province of Québec. In the event of accident to any underground installation necessitating immediate excavation, a time limit of 48 hours shall be granted to make the required deposit.

In the event of any dispute between the city and the person concerned, as to the extent or cost of the repairs rendered necessary by any excavation, the dispute shall be submitted to the Commission municipale du Québec and its decision shall be final.

The city shall nevertheless have the right to proceed with the repairs while the matter in dispute is before the Commission municipale du Québec.

**188.** Section 187 of this Schedule and subparagraph 5 of the first paragraph of section 6 and paragraph 3 of section 67 of the Municipal Powers Act (chapter C-47.1) do not affect any contract made before 19 March 1911.

**189.** Notwithstanding any inconsistent legislative provision, no person exercising franchises and having acquired rights shall carry out any work in the streets, lanes, thoroughfares or other public places of the city or install rails, wiring, poles or conduits without notifying the city, unless such work is carried out under the supervision of the competent department head in the manner and in the places indicated by him or her; subject to the city's right to require any person to remove such wiring, overhead cables, poles and transmission lines, as provided by section 206.

**190.** Where a cadastral operation project includes streets or lanes, the rights-of-way of those streets or lanes shall bear one or more separate numbers.

Such project shall not be approved if the space occupied by the streets or lanes is not free of hypothecs, privileges, charges or real rights.

Such streets or lanes become, without indemnity, public streets or lanes and are part of the public domain by the mere fact of the project's approval. The provisions of this section take effect only after the registration of such project in the land register. The city notary shall advise the registrar of the above.

Where, as provided on the general plan of the city, the streets are more than 20 m wide or the lanes more than 6 m wide, the part of the streets or lanes in excess of such widths is not affected by the preceding provisions, but that excess shall appear on the cadastral operation project as separately numbered lots.

**190.1.** The third paragraph of section 190 applies, with the necessary modifications, to a parcel of land that the owner undertakes to transfer for the purposes of a provision enacted under the first paragraph of

section 117.1 of the Act respecting land use planning and development (chapter A-19.1) and that forms part of a site defined in the fourth paragraph of section 117.2 of that Act.

**191.** The competent department head shall see that streets, lanes, thoroughfares and public places acquired in whole or in part by the city or open for public use for five years or more are described and recorded in a register to be kept exclusively for that purpose. In the case of those streets, lanes, thoroughfares or places that are only partly public, the part in question shall be registered and described.

Upon that registration, those streets, lanes, thoroughfares and places are deemed to be public.

**192.** The city becomes the owner of the streets, lanes, thoroughfares and places deemed public under section 191, and of the lots or parts of lots shown on the official cadastral plan as streets or lanes, upon completing the following formalities:

- (1) the adoption of a resolution approving the description of the immovable;
- (2) 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; and
- (3) the registration in the land register of a notice to the same effect, signed by the clerk and stating that the formalities referred to in subparagraphs 1 and 2 of the first paragraph have been complied with.

That registration is made by deposit and the registrar is bound to receive the notice and enter a reference thereto in the land register.

The owner of the immovable expropriated under this section may claim an indemnity from the city. Where no agreement is reached, the indemnity shall be fixed by the Administrative Tribunal of Québec at the request of the owner or the city and sections 58 to 68 of the Expropriation Act (chapter E-24) apply, with the necessary modifications.

**193.** The city is freed from the restrictions affecting its titles on the future use of a street, lane, thoroughfare, public place or park, as soon as the following formalities have been completed:

- (1) the publication of a notice to that effect in the newspapers with a sketch of the lots contemplated;
- (2) the payment of the indemnity fixed by the Tribunal where, within 12 months of the publication of the notice, the donor or his or her assigns or successors have exercised their recourses, except that the city is automatically freed if the recourse is not exercised within the prescribed time limit; and
- (3) the registration in the land register of a notice signed by the clerk and stating that the formalities referred to in subparagraphs 1 and 2 have been complied with.

The registration is made by deposit and the registrar is bound to receive the notice and enter a reference thereto in the land register.

## §2.—Parks

**194.** The territory comprised within the limits hatched in red on the plan M-355 Saint-Antoine, drawn up by the city's public works department and dated 2 June 1975, shall be reserved to establish a public park under the name of Mount Royal Park.

The part of that territory located within the city limits shall form part of the general plan of the city and any immovable therein that the city owns or acquires shall form part of Mount Royal Park.

The city is not bound to pay an indemnity for a building constructed or for improvements made in the territory, except for immovables belonging to universities or to organizations or legal persons operating

hospitals or cemeteries thereon, as regards any constructions, improvements, leases or contracts made for the purposes of those educational establishments or hospitals or cemeteries.

The part of the territory described in section 2 of the chapter 96 of the statutes of 1959-1960, shall form part of Mount Royal Park and of the city.

The city shall preserve and maintain in perpetuity as a public park every territory of which it is or becomes the owner within the limits described on the plan referred to in the first paragraph of this section. The city shall not alienate any part thereof to enable any rights, privileges or franchises of a special nature to be exercised there, or authorize the installation, within its limits, of rails, poles, wiring or electrical apparatus for purposes of traction, locomotion or driving power, notwithstanding any special expropriation powers or other power that may have been granted by a general law or special act to the city or to any person or municipality, except in the cases of and to the extent where a special act is expressly inconsistent with the provisions of this section.

The fifth paragraph applies subject to any agreement entered into between the city and any person entrusted with the management or carrying out of a project that is the subject of an agreement entered into under section 88.10 of the Transport Act (chapter T-12).

**195.** Since 20 May 1937, the following land has formed part of Mount Royal Park: a strip of the lot bearing number 1799 and a strip of the lot bearing number P-1800, as well as the McTavish monument, as shown on plan number 175 Saint-Antoine, dated 2 March 1937.

**196.** The city may authorize the Canadian Broadcasting Corporation or any other person to build within the limits of Mount Royal Park a single new tower for television and radio transmission and reception as well as the buildings required for its utilization. The city may conclude any contract or enter into any agreement for the use or construction of that tower and those buildings by third parties, provided that the contract or agreement does not entail the alienation of the city's rights of ownership on the territory of Mount Royal Park. At the expiry of the lease existing between the city and the Canadian Broadcasting Corporation or at any previous date decided between themselves, the tower now standing in Mount Royal Park shall be demolished and the site restored to its natural state, according to the terms of the existing lease.

**197.** The city may enter into an agreement with the institution known as the Shriners' Hospital for Crippled Children, for the purposes of the children's hospital which the institution owns on Cedar Avenue, for the use and utilization, for purposes of building an access road and a school annexed to the said hospital, of a certain area of land forming part of the territory of Mount Royal Park adjoining the land belonging to the said institution, the limits of that area of land being outlined in green on plan number C-237 Saint-Antoine prepared by the public works department of the city.

The agreement shall in no way alienate the city's right of ownership over the said area of land and shall end when the buildings of the said hospital cease to be occupied by the said institution for the above-mentioned purposes; the city shall then have the right to demolish and remove, at the institution's expense, any structure or building that might have been constructed thereon.

**197.1.** Subject to the conditions set out in an agreement entered into with the Université de Montréal and for the purpose of establishing and operating sports facilities, the city may award to the university an unassignable and unseizable right of use of lots 1 349 861 and 1 354 951 of the cadastre of Québec.

## DIVISION IV

### AWARD OF CONTRACTS

**198.** *(Repealed).*

**199.** Notwithstanding sections 573, 573.1 and 573.3.0.2 of the Cities and Towns Act (chapter C-19), the mayor or, if he or she is absent or unable to act, the chair of the executive committee or, if he or she is also

absent or unable to act, the director general may, in a case of irresistible force which might endanger the life or health of the population or seriously damage or seriously interfere with the operation of municipal equipment, order such expenditure as the chair or director general considers necessary and award any contract necessary to remedy the situation.

The mayor, the chair of the executive committee or the director general, as the case may be, shall file a report giving the reasons for the expenditure and contract at the next meeting of the executive committee. The report shall then be filed with the council at the next meeting.

This section also applies, adapted as required, to the borough mayor.

**200.** The executive committee shall report to the council at each regular meeting on any contract awarded since the last regular meeting.

The city may, by by-law, determine the content and the procedure for tabling a report provided for in this section.

**201.** Notwithstanding any provision inconsistent with a general or special act, the city and any other public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), and any public utility or any non-profit body, may proceed with a joint public call for tenders for the awarding of an insurance contract, supply contract or contract for the supply of services.

For the purposes of the first paragraph, a supply contract also includes any contract for the leasing of equipment with an option to purchase.

The public call for tenders shall be presented by the council on behalf of the city and any body that is a party to that application.

Subject to the fifth paragraph, the rules governing the awarding of contracts by the city apply to any contract awarded following a joint public call for tenders under the first paragraph. The total amount of the expenditures incurred by all the parties under the contract must be taken into consideration when applying those rules.

To the extent that the terms of any intergovernmental agreement on the opening of public procurement applicable to the city are observed, the Minister of Municipal Affairs, Regions and Land Occupancy may exercise the power conferred by section 573.3.1 of the Cities and Towns Act (chapter C-19) in relation to a contract referred to in the fourth paragraph.

Where the body is party to the public call for tenders, it may not make a call for tenders or award a contract in respect of the object of the call unless the city decides not to give effect to the call.

The acceptance of a tender by the city also binds each party to the call towards the contractor.

## CHAPTER IV

### COMMISSION DES SERVICES ÉLECTRIQUES DE LA VILLE DE MONTRÉAL

**202.** The city shall, by by-law, establish a commission to be known as the “Commission des services électriques de Montréal”, whose function is to plan, build, maintain and administer an underground network of conduits ensuring the distribution of electricity and links by telecommunications.

The city may delegate to the commission the powers granted to it that are necessary for the commission to fulfill its mission and the application of the by-laws it passes in particular under section 16 of the Municipal Powers Act (chapter C-47.1).

**203.** The commission shall consist of five members appointed as follows:

- (1) one member shall be appointed by the Government to chair the commission;
- (2) two members shall be appointed by the city;
- (3) one member shall be appointed by Hydro-Québec; and
- (4) one member shall be appointed by the users of the underground conduits who, except the city and Hydro-Québec, have confirmed to the clerk, in writing, within 30 days of sending the notice referred to in the second paragraph, their intention of taking part in the ballot.

Not less than 45 days before the date on which the member is to be appointed under subparagraph 4 of the first paragraph, the clerk shall send a special notice to all the users of the underground conduits referred to in that subparagraph, according to the list provided by the chair of the commission, indicating the date on which the member is to be appointed and informing the users of their entitlement to propose and vote for candidates.

Every user intending to propose a candidate must inform the clerk of the name and function of the candidate when sending the confirmation referred to in subparagraph 4 of the first paragraph.

Not less than ten days before the date on which the member is to be appointed under subparagraph 4 of the first paragraph, the clerk shall send a ballot paper to all the users who confirmed their intention to vote. The ballot paper must include the name and function of each candidate together with the name of the user who proposed the candidate. Each user is entitled to one vote.

On the date on which the appointment is to be made, the clerk shall count the votes cast in the presence of a witness. The person who receives the greatest number of votes shall be declared elected. In the case of a tie vote, the clerk shall designate the member by a drawing of lots.

Where there is only one candidate, the clerk shall declare him or her elected. Should the users fail to appoint a member on the prescribed date, the member shall be designated by the other members of the commission.

The salaries of the members of the commission shall be determined by the executive committee.

Any vacancy shall be filled by a person appointed in the same manner as the commission member to be replaced.

**204.** The commission shall

- (1) adopt rules relating to the use of underground conduits and to the management of affairs under its jurisdiction;
- (2) *(subparagraph repealed)*;
- (3) draw up the plans and specifications of underground conduits;
- (4) authorize calls for tenders and receive tenders for the construction of underground conduits and submit a report thereon to the city; and
- (5) manage and supervise alone the construction and maintenance of those conduits and decide, from time to time, at its discretion, on the construction of the conduits.

The rules referred to in subparagraph 1 of the first paragraph shall come into force on the date of their approval, with or without amendment, by the Commission municipale du Québec.

All underground conduits, whether they were built in the public domain or on private property, by the commission, the city or a third party, shall be under the jurisdiction of the commission.

**204.1.** If a reconstituted municipality of the urban agglomeration of Montréal manifests, by a resolution of its council, its intention to transfer responsibility to the commission for any existing or proposed underground conduit situated in its territory, the commission may, by resolution, accept that responsibility.

On the date the commission adopts its resolution accepting the transfer, the city becomes the owner of the existing underground conduits covered by the resolution of the council of the reconstituted municipality. The city is also the owner of any conduit built by the commission in accordance with a resolution of the council of such a municipality identifying it as a proposed conduit or in accordance with the third paragraph to connect a building to an existing conduit.

Once the conduits described in this section have been built or in order to build them, the commission shall exercise the jurisdiction and powers conferred on it by this chapter, with the necessary modifications. The commission is not, however, authorized to extend such conduits, except to connect a building to them.

In addition, with the owner's consent and to ensure that those conduits are fully functional, the commission may carry out any operation on an adjacent installation.

**205.** The city or any other interested party may appeal, before the Commission municipale du Québec, any rule, decision or act of the commission or of the city, in any matter relating to underground conduits, except in contractual matters where the parties have agreed to renounce that appeal.

The appeal must, under pain of forfeiture, be brought within 30 days after the date of notification to the interested party or of publication of a notice indicating the rule, decision or act covered by the appeal.

The appeal is made by means of a registration filed with the Commission municipale du Québec; the appellant shall notify a notice of that appeal to the opposing party or the party's attorney.

**206.** Where the commission builds an underground conduit, it may order, by notice, any owner of cables

(1) to state to it which portion of those conduits it wishes to reserve; and

(2) to identify the cables that belong to it and replace the overhead cables with underground cables placed in that conduit.

Should an owner fail to comply with the notice referred to in the first paragraph within the prescribed time limit, the commission may apply to the Commission municipale du Québec for the execution of an order given in the notice.

**207.** The underground conduits must be built so that

(1) each user has a separate opening or separate compartment in the opening where practicable; and

(2) the part where the telecommunication cables are placed is separated from the part where the lighting and power cables are placed by a wall made of non-flammable and non-conductive material.

No underground conduits may be built, altered, repaired or extended without the approval by the commission of the plans and specifications.

Whenever the overhead network on the public domain is extended or altered, the commission shall approve the location of the proposed support structures.

The commission shall determine the manner in which underground conduits and overhead constructions are to be linked to distribution networks and to buildings.

**208.** It is prohibited to install poles intended for overhead wiring and overhead cables on public thoroughfares where underground conduits are built or planned.

**209.** Conduits built by the city in underground lines or on bridges or overpasses situated in streets, lanes, parks or public places shall be part of its underground conduit network and subject to the provisions of this Chapter from a date to be determined by the city and the Commission.

**210.** Where the city orders the removal of poles, cables or other overhead constructions, their owner shall be awarded an indemnity comprising the actual value, at that time, of the material and the cost of installation work.

Where there is an indemnity, the removed material shall constitute expropriated property belonging to the city.

**211.** Where the city or the commission decides to construct underground conduits in streets, lanes, parks or public places, the city or, as the case may be, the commission on behalf of the city, shall take over the private underground conduits therein and pay a reasonable indemnity for those conduits and for the material that has become useless.

Upon payment of that indemnity, the underground conduits and all the removed material shall constitute expropriated property belonging to the city.

**212.** The indemnities covered by sections 210 and 211 of this Chapter shall be fixed by the commission.

The commission shall hear the interested parties and render its decision within four months. The commission may however extend that period if it deems it necessary.

The commission's decision shall be final and binding upon the city and all the interested parties.

**213.** The commission has the right to construct underground conduits on private property without the owner's consent. The cost of those conduits beyond five metres from the street line, except the inlet to the building, shall be charged to the owner.

The commission may demand from the owner an advance deposit sufficient to guarantee the payment of the cost of the work charged to him or her.

If the owner refuses or fails to make the deposit, the commission may nevertheless proceed with the work, and a certificate from the commission attesting to the cost of the work shall be sent to the treasurer.

The treasurer shall enter the amount specified on the commission's certificate on the property tax collection roll of the year under way for the defaulting owner's immovable. The cost of the work thus charged to the owner shall constitute a property tax encumbering that immovable in favour of the city.

**214.** Where the commission alters underground conduits or overhead constructions at the request of the city or a third party, it may, at its discretion, charge the alteration work to the city or to the third party applicant, where applicable, and demand an advance deposit sufficient to guarantee the payment thereof.

**215.** The commission is authorized to enter, without the owner's consent, any private property for the purposes of installing overhead or underground cables and their accessories.

An indemnity, determined by the commission, shall be paid for any actual damage caused by the work performed or obstructions caused by the exercise of such power.

**216.** The commission may demand payment for the use of its underground conduits and overhead constructions.

The commission shall fix the amount of those payments annually, so as to cover

(1) the administration and maintenance cost of the conduits and constructions;

- (2) the salaries of the employees;
- (3) an amount that may be applied to the retirement fund of the commission's employees;
- (4) the commission's share in the accident insurance plan of its employees;
- (5) the interest and amortization, over a period of at least 20 years, of the debt contracted by the city for the indemnity covered by sections 210 and 211 and for the construction or purchase of underground conduits; and
- (6) any other expense of the commission.

Those payments shall be apportioned between the debtors in proportion to the share of the underground conduits or of the network of overhead constructions that each debtor occupies or has reserved.

**216.1.** Sections 477.4 to 477.6 of the Cities and Towns Act (chapter C-19) apply to the commission, with the necessary modifications.

The following modifications are among those applicable for the purposes of the first paragraph: if the legal commission does not have a website, the statement and hyperlink required under the second paragraph of section 477.6 of the Cities and Towns Act must be posted on another website the commission determines; the commission shall give public notice of the address of that website at least once a year; the notice must be published in a newspaper in the territory of the city.

**217.** Subject to the second paragraph, sections 573 to 573.3.2 of the Cities and Towns Act (chapter C-19) apply to contracts awarded by the commission and the commission is deemed to be a local municipality for the purposes of a regulation made under section 573.3.0.1 or 573.3.1.1.

Sections 199 and 201 apply to the commission, with the necessary modifications, including the modification whereby only the chair of the commission may exercise the power provided for in section 199.

## CHAPTER V

### PARAMUNICIPAL BODIES

**218.** The city may apply for the constitution of non-profit bodies

- (1) to acquire, renovate, restore, build, sell, lease or manage immovables and exercise the powers provided for in section 144;
- (2) to grant subsidies for the construction, renovation, restoration, demolition and relocation of immovables;
- (3) to administer subsidy programs for the purposes provided for in paragraph 2; and
- (4) to participate as shareholders or otherwise, in any venture capital investment fund whose main object is to promote the economic development of the city's underprivileged neighbourhoods.

**219.** The city may

- (1) apply for the constitution of a non-profit body to establish, manage and operate natural sciences conservatories and to provide at those conservatories services usually provided to the public in similar establishments;
- (2) apply for the constitution of a non-profit body with a view to establishing an archeological and historical interpretation centre; and
- (3) delegate to those bodies, for their respective purposes, its power to acquire by agreement, build or lease immovables and alienate them.

**220.** The city may apply for the constitution of a non-profit body to promote construction, restoration and improvement as well as housing, commercial, cultural and tourist development in the declared heritage site of Vieux-Montréal and the contiguous territory delimited by the Bonaventure and Ville-Marie autoroutes and by the extensions of De La Commune and Amherst streets, to restore and build immovables in that borough and contiguous territory and to see to the carrying out of any agreement between the Government and the city with respect to that heritage site and contiguous territory and the enhancement of Montréal's heritage.

The body may also see to the protection of buildings anywhere in the city that are of architectural, historical or cultural interest and, for that purpose, acquire, restore or improve such buildings as well as any immovable considered necessary for their enhancement.

The body may, with the prior authorization of the Minister of Municipal Affairs, Regions and Land Occupancy, participate, as a shareholder or otherwise, in any venture capital investment fund allocated mainly to the furthering of the legal person's objectives.

**220.1.** The city may apply for the constitution of a non-profit body dedicated to

- (1) the exercise of any power, except a regulatory power, that the city delegates from among those arising from the exercise of its powers provided for in subdivision 9 of Division II of Chapter III of this Charter and in the second paragraph of section 13 of the Act respecting transportation services by taxi (chapter S-6.01);
- (2) the development of the taxi industry, particularly by means of subsidy programs, and the concerted action of the various players in that industry;
- (3) the supervision and improvement of transportation by taxi and the safety of taxi drivers and users;
- (4) the supply of services to the taxi and limousine industry;
- (5) skill improvement for taxi and limousine drivers.

The body may carry on commercial activities related to the activities described in subparagraphs 1 to 5 of the first paragraph so as to ensure their financing.

It may also be the object of an appointment in accordance with sections 9 and 69.1 of the Highway Safety Code (chapter C-24.2).

The content of the letters patent issued under section 224 to constitute the body described in the first paragraph is subject to the rules set out in sections 220.2 and 220.3.

**220.2.** The board of directors of the body described in section 220.1 is composed of 11 members, designated for a two-year renewable term, as follows:

- (1) three members chosen from among the members of a council of the city;
- (2) three members representing clients of the taxi industry on the island of Montréal, including one representing clients with reduced mobility and one representing corporate clients;
- (3) one member representing the tourism industry on the island of Montréal;
- (4) one member elected by and from among the holders of a valid taxi driver's permit from the taxi areas of the island of Montréal;
- (5) one member elected by and from among the holders of a valid taxi owner's permit specializing in regular or limited services from the taxi areas of the island of Montréal;
- (6) one member elected by and from among the holders of a valid taxi owner's permit specializing in limousine services from the taxi areas of the island of Montréal; and

(7) one member elected by and from among the holders of a valid taxi transportation service intermediary's permit from the taxi areas of the island of Montréal.

**220.3.** The members listed in paragraphs 1 to 3 of section 220.2 are appointed by the city. The city shall also designate the president of the board of directors from among the members listed in paragraph 1 of that section.

The chief executive officer of the body is appointed by the city on the recommendation of the body's board of directors. The other senior officers of the body are appointed by its board of directors.

The letters patent issued under section 224 set out the procedure for electing the members listed in paragraphs 4 to 7 of section 220.2.

**220.4.** The city may apply for the constitution of a non-profit body dedicated to developing and managing, in the territory of the city, parking and a network of electric vehicle charging stations.

The body may carry on commercial activities related to the purposes mentioned in the first paragraph and may grant subsidies for the same purposes.

**221.** The city may apply for the constitution of a non-profit body to manage and operate one or more tourist information centres and to carry on therein or permit the carrying on therein of commercial activities related to the operation of such centres so as to ensure their financing.

**222.** In exercising the powers provided for in the Municipal Powers Act (chapter C-47.1) as regards power development, residual materials management and lighting in its territory, the city may

(1) collaborate with any person, partnership or enterprise representing public or private interests;

(2) acquire share capital in business corporations whose activities consist solely in the carrying out of projects relating to the exploitation of gas or gas by-products and of thermal energy generated at the city residual material disposal sites or lend money to such business corporations for interest and upon security; and

(3) apply for the constitution of non-profit bodies to exercise, on behalf of the city, the powers provided for in the Municipal Powers Act (chapter C-47.1) as regards power development, residual materials management and lighting in its territory.

**223.** The city may organize cultural, recreational and tourist activities on Sainte-Hélène and Notre-Dame islands. It may build immovables thereon for those purposes or allow immovables to be built thereon by third parties and transfer to them for that purpose all or part of the site by emphyteutic lease or surface rights.

The city may also transfer all or part of the rights of the city on those sites to a non-profit body established on an application by the city.

In the case of Notre-Dame island, the city may exercise the power provided for in the second paragraph in favour of the Government or a minister or body of the Government. The Act respecting sales of municipal public utilities (chapter V-4) does not apply in that case.

**224.** Upon petition by the city, the Lieutenant-Governor may issue, on the terms and conditions set out therein, letters patent under the Great Seal of the Province constituting a non-profit body to exercise the powers provided for in sections 218 to 223.

The letters patent shall mention the name of the body, the location of its head office, its powers, rights and privileges and the rules governing the exercise of its powers, and designate its members and directors.

Notice of the issuing of such letters patent shall be published in the *Gazette officielle du Québec*.

Upon petition by the city, the Government may issue supplementary letters patent for the purpose of amending the content of the letters patent referred to in the second paragraph of this section. Notice of the issuing of the supplementary letters patent shall be published in the *Gazette officielle du Québec*.

The city may dissolve the body by a notice published in the *Gazette officielle du Québec*. In the case of dissolution, the property of the body, after payment of its obligations, shall be vested in the city.

A body so established shall have, among other powers, those of a legal person established by letters patent under the Great Seal of the Province. It shall be a mandatary of the city, and is deemed to be a municipality for the purposes of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) and the Act respecting the Ministère du Conseil exécutif (chapter M-30).

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

**225.** Upon petition by the city, the Lieutenant-Governor may issue, on the terms and conditions set out therein, letters patent under the Great Seal of the Province authorizing the amalgamation of non-profit bodies established under the provisions of this Chapter.

The petition shall be accompanied by a deed of agreement from the bodies to be amalgamated stipulating the terms and conditions of the amalgamation, the manner in which to give it effect, the name of the body resulting from the proposed amalgamation, the location of its head office, its powers, rights and privileges and the rules governing the exercise of its powers, and designate its members or member and its directors.

Subject to the second paragraph, the body resulting from the amalgamation shall have all the property, rights and privileges of each of the amalgamated bodies, and shall assume all their debts and obligations as if it had contracted them itself.

**226.** The bodies referred to in section 218 may renovate, restore or build industrial or commercial immovables only within the territory delimited in the letters patent by which they are established.

The Government or any government agency may take part, together with the city, in the establishment and administration of any such bodies or agencies.

**227.** The bodies referred to in sections 218 to 223 must, no later than 31 March each year, submit to the executive committee a report of their activities for the preceding fiscal year; the report must also include all the information as may be prescribed by the executive committee. The report shall be tabled at the first council sitting following the thirtieth day after it is received by the executive committee.

The bodies must also provide the executive committee with any information it requires on their operations.

The bodies are deemed to be municipalities for the purposes of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) and the Act respecting the Ministère du Conseil exécutif (chapter M-30).

**228.** The city may pay a legal person established on a petition filed by the city the amounts provided for as a working fund in the letters patent constituting that legal person.

The city may

- (1) authorize the payment of contributions in order to make up for the deficit or to finance the activities of that legal person;
- (2) guarantee the debt contracted by that legal person; and
- (3) borrow amounts that may be paid into the working fund referred to in the first paragraph or that are necessary for the purposes of subparagraph 1 of the second paragraph.

The city may require that a body referred to in sections 218 to 223 repay it all or part of the funds that it considers a surplus.

**229.** A body established under section 218, 220 or 220.1 that owns an immovable must pay in respect thereof any tax that may be required from a property owner in the city, to the exclusion of any surtax that may be imposed by reason of the amount of the assessment.

**230.** The city and Université de Montréal are authorized to appoint jointly three natural persons to file an application, in accordance with Part III of the Companies Act (chapter C-38), for the constitution of a non-profit body with a view to establishing a research institute in plant biology.

Section 228 applies in respect of that legal person.

**231.** Notwithstanding section 200 of this Act, the Corporation des Habitations Jeanne Mance shall continue to exercise all the powers vested by article 964 of the Charter of the City of Montréal (1959-1960, c. 102) and this section continues to apply in its respect.

**231.1.** Sections 477.4 to 477.6 and 573 to 573.3.4 of the Cities and Towns Act (chapter C-19) apply to the bodies referred to in this chapter, with the necessary modifications, and those bodies are deemed to be local municipalities for the purposes of a regulation made under section 573.3.0.1 or 573.3.1.1 of that Act.

The following modifications are among those applicable for the purposes of the first paragraph: if the body does not have a website, the statement and hyperlink required under the second paragraph of section 477.6 of the Cities and Towns Act must be posted on another website the body determines; the body shall give public notice of the address of that website at least once a year; the notice must be published in a newspaper in the territory of the city.

## CHAPTER V.1

### CONSEIL DES ARTS DE MONTRÉAL

**231.2.** An arts council is established under the name “Conseil des arts de Montréal”.

The arts council is a legal person established in the public interest.

**231.3.** The arts council has the following functions:

(1) to draw up and keep a permanent list of the associations, societies, organizations, groups or persons engaged in artistic and cultural activities in the urban agglomeration of Montréal;

(2) to combine, co-ordinate and promote artistic or cultural initiatives in the urban agglomeration of Montréal; and

(3) within the limits of the revenues available for that purpose and in conformity with the programs referred to in section 231.14, to designate the associations, societies, organizations, groups or persons and the artistic or cultural events to which or in respect of which grants, prizes or other forms of financial assistance are to be paid.

The urban agglomeration council may, by by-law, confer any other power on the arts council or impose on it any other duty it considers advisable to better enable it to attain its objects.

**231.4.** The arts council shall determine, by a by-law submitted to the urban agglomeration council for approval, the number of members composing the arts council, the qualifications they must have, the duration of their terms and the time and method of their appointment and replacement.

It shall also determine, in the same manner, the rules of internal management and operation of the arts council, and the rules of procedure for its meetings.

**231.5.** The members of the arts council must be Canadian citizens and be domiciled in the urban agglomeration of Montréal.

**231.6.** After consulting bodies it considers representative of the arts community, the urban agglomeration council shall appoint the members of the arts council and designate a president and two vice-presidents from among the members, by a decision made by a two-thirds majority of the votes cast.

**231.7.** The members of the arts council are not remunerated. However, they are entitled to reimbursement by the arts council for all expenses authorized by the arts council and incurred by the members in the exercise of their functions.

**231.8.** The treasurer of the city or such assistant as the treasurer may designate is by virtue of office the treasurer of the arts council.

**231.9.** The urban agglomeration council shall determine the guiding principles of the arts council.

**231.10.** On or before 31 October, the arts council shall send the urban agglomeration council its action plan and budget for the following fiscal year, for approval.

**231.11.** The fiscal year of the arts council coincides with that of Ville de Montréal.

The city's auditor shall audit the financial statements of the arts council and, within 120 days following the end of the fiscal year, make a report of that audit to the urban agglomeration council.

**231.12.** Within 120 days following the end of the fiscal year, the arts council shall send the urban agglomeration council a copy of its financial statements and a report on its activities for the fiscal year.

**231.13.** The following revenues are available to the arts council:

- (1) the sums voted annually for that purpose out of the part of the city's budget under the responsibility of the urban agglomeration council;
- (2) the sums mentioned in subparagraph 1 that have not been used before the end of the fiscal year;
- (3) the gifts, legacies and grants made to the arts council; and
- (4) any other revenue, in particular the interest produced by the revenues mentioned in subparagraphs 1 to 3.

The urban agglomeration council may, by by-law, prescribe the minimum amount that must be allocated annually for the purposes of subparagraph 1 of the first paragraph. As long as the by-law is in force, the treasurer of the city must include the amount prescribed in the certificate the treasurer prepares in accordance with section 474 of the Cities and Towns Act (chapter C-19).

Out of the amounts other than those mentioned in subparagraphs 1 and 2 of the first paragraph, the arts council, with the approval of the urban agglomeration council, may reserve a part in respect of which it uses only the interest for the purposes mentioned in section 231.14.

**231.14.** The revenues available to the arts council are used exclusively to defray the administrative costs of the arts council and to pay grants, prizes and other forms of financial assistance in conformity with the terms of the programs established by the council and approved by the urban agglomeration council.

**231.15.** Sections 477.4 to 477.6 and 573 to 573.3.4 of the Cities and Towns Act (chapter C-19) apply to the arts council with the necessary modifications. The arts council is deemed to be a local municipality for the purposes of a regulation made under section 573.3.0.1 or 573.3.1.1 of that Act.

The following modifications are among those applicable for the purposes of the first paragraph: if the arts council does not have a website, the statement and hyperlink required under the second paragraph of section 477.6 of the Cities and Towns Act must be posted on another website the arts council determines; the arts council shall give public notice of the address of that website at least once a year; the notice must be published in a newspaper in the territory of the city.

## CHAPTER VI

### TECHNOPARC SAINT-LAURENT

**232.** The city may, by by-law, acquire, by agreement or expropriation, any immovable situated in the territory described in the second paragraph for the purposes of alienating it in favour of Technoparc Saint-Laurent for the establishment of a high technology park.

The territory referred to in the first paragraph shall be established pursuant to the Schedule to chapter 69 of the Statutes of 1992 respecting Technoparc Saint-Laurent which continues to apply for that purpose.

**233.** All appropriations referred to in the acquisition by-law must derive from the general fund of the city.

Before the by-law provided for in section 232 is passed, Technoparc Saint-Laurent shall provide the city with an amount of money or an irrevocable letter of credit issued by a bank, a financial services cooperative or a trust company, for an amount equal to the amount established by the expropriation by-law.

The by-law provided for in section 232 must indicate the amount referred to in the preceding paragraph or indicate that the irrevocable letter of credit has been received.

**234.** The city shall become the owner of an expropriated immovable from the day of registration in the land register of the notice of expropriation together with

(1) proof establishing that the provisional indemnity has been paid to the expropriated party or deposited, on his or her behalf, at the office of the Superior Court; and

(2) proof of the service on the expropriated party of the notice of expropriation.

The notice of expropriation must be accompanied by the text of this section regarding the immediate transfer of title and must omit the second provision of subparagraph 3 of the first paragraph of section 40 of the Expropriation Act (chapter E-24), regarding contestation of the right to expropriate.

Section 44 of the Expropriation Act does not apply to any expropriation made under this Act.

**235.** The city's offer may not exceed the standardized value of the immovable.

The provisional indemnity of the expropriated party shall be equal to 90% of the city's offer.

The provisional indemnity for a lessee or occupant in good faith, even if he or she operates a business or an industry, shall be equal to three months' rent.

In the case of a commercial or industrial operation, the provisional indemnity shall include an amount equal to 25% of the rental value entered on the roll of rental values.

The period during which an expropriated party may remain in possession of the expropriated immovable may not exceed three months from the date of notification of the notice of expropriation.

The period during which a lessee or occupant in good faith may remain in possession of the immovable may not exceed three months from the date of service of a notice to that effect.

The city may take possession of the immovable only after paying the provisional indemnity to the lessee or occupant in good faith or depositing the amount at the office of the Superior Court.

**236.** Once the city has become the owner of an immovable under section 234, the city may alienate it to Technoparc Saint-Laurent.

Technoparc Saint-Laurent must pay the city an amount equal to the difference between the city's offer and the final indemnity granted by the court of last instance or fixed after agreement between the parties to the expropriation proceedings, and the interest and costs.

The amount must be paid within 60 days after notice to that effect is served on Technoparc Saint-Laurent by the city.

The agreement referred to in the second paragraph must be authorized by Technoparc Saint-Laurent.

**237.** The amount corresponding to the difference between the city's offer and the final indemnity as well as the interest and other costs shall be, from 1 January 1994, deemed to be a property tax secured by a prior claim constituting a real right, on all movable and immovable property of Technoparc Saint-Laurent.

The city may renounce all or part of the prior claim in respect of the property affected by the prior claim.

**238.** Technoparc Saint-Laurent may, with the city's authorization, alienate any immovable acquired under section 236, for the purpose of establishing a high technology park or for related purposes, even if the payment referred to in section 236 has not yet been made.

**239.** If the city takes back an immovable alienated under this Act, it may, with the authorization of the Minister of Economic Development, Innovation and Export Trade and the Minister of Municipal Affairs, Regions and Land Occupancy, dispose of it in favour of a third party for the same purposes as those provided for in section 232, or it may use it for municipal purposes.

**240.** For the purposes of sections 232 to 239, the city is not subject to the Act respecting municipal industrial immovables (chapter I-0.1).

**241.** Sections 232 to 239 have effect notwithstanding the Act to preserve agricultural land and agricultural activities (chapter P-41.1).

Where the city acquires, by expropriation, an immovable situated in an agricultural zone, the owner of the immovable may, within 30 days after the notice of expropriation is served, exclude the immovable from the agricultural zone by filing a notice to that effect with the registry office. A copy of that notice shall be notified to the Commission de protection du territoire agricole du Québec and on the city.

Filing the notice with the registry office shall have the same effect as a decision of the Commission excluding the immovable from the agricultural zone at the request of the owner.

For the purposes of establishing the expropriation indemnity, the immovable shall be considered never to have been included in the agricultural zone.

**242.** Subject to sections 234 and 235, the Expropriation Act (chapter E-24) applies to expropriations made under this Charter.

**243.** The city may, by by-law, allow Technoparc Saint-Laurent, in respect of the first year or the first two years of repayment of a loan by-law, to spread over several fiscal years the payment of taxes connected with municipal work.

Deferred taxes, with accrued interest, shall be payable in a maximum of three equal annual payments over a maximum of five successive fiscal years, including the years for which the taxes have been deferred.

**244.** Technoparc Saint-Laurent is deemed to renounce the spreading of its tax payments if it fails to pay the payable portion of the tax to which the by-law respecting such spreading of payment applies for the fiscal year considered or if it pays the total amount of taxes.

**245.** The privilege attached to a tax to which the by-law respecting the spreading of tax payment applies encumbers the immovable included in the unit of assessment to guarantee the payment of the deferred amount and the interest accrued thereon as soon as Technoparc Saint-Laurent avails itself of the right to spread the payment of its taxes.

**246.** Any tax amount the payment of which is deferred to a subsequent fiscal year shall bear interest at the rate fixed by the by-law.

The rate, when fixed, must not be higher than the rate applied by the city to property tax arrears.

In no case may the rate be changed for any part of the fiscal year; each successive rate shall be valid for a whole fiscal year.

**247.** The prescription period for tax arrears shall run only from the dates on which the payments provided for in the by-law passed under section 243 are payable.

**248.** Notwithstanding section 243, the balance remaining on any deferred taxes, with accrued interest, shall be payable by Technoparc Saint-Laurent where it transfers the immovable included in the unit of assessment on which the tax was imposed before the time limit prescribed in that section or in the by-law. The balance must be paid in a single payment. It shall be payable at the expiry of the time limit prescribed by section 252 of the Act respecting municipal taxation (chapter F-2.1) or under that section.

The city may send an account to Technoparc Saint-Laurent after the roll is amended following the transfer of the immovable included in the unit of assessment. The account shall show the principal and the interest separately.

The application of this section does not affect the privilege guaranteeing payment of the balance referred to in the first paragraph.

**249.** Technoparc Saint-Laurent may, at any time, pay all or part of any deferred payment of an amount, with accrued interest, before it becomes payable.

In case of partial payment, it shall first be applied to the interest. Sections 246 to 248 apply to the balance.

**250.** The city may, by by-law, adopt a program for the purpose of granting a tax credit related to the setting up or expansion of a high technology establishment in the territory established pursuant to the Schedule to chapter 95 of the Statutes of 1999 respecting Technoparc Saint-Laurent, which continues to apply, subject to the terms and conditions determined in the by-law.

For the purposes of this section, “high technology” refers in particular to the aerospace, telecommunications, biotechnology, pharmacology, computer, electronics, microelectronics, optoelectronics, robotics, optics and laser fields. “High technology” means a use having as its main activity

- (1) scientific or technological research or development;
- (2) scientific or technological training;
- (3) the administration of a technological enterprise; or

(4) the manufacturing of technological products, including scientific research and experimental development.

A by-law passed under this section may not provide for a tax credit for a period exceeding five years; the eligibility period for the program may not extend beyond 31 December 2008.

The effect of the tax credit shall be to offset any increase in property taxes that may result from reassessment of the immovables after completion of the work. For the fiscal year in which the work is completed and for the next two fiscal years, the amount of the tax credit shall be the difference between the amount of the property taxes that would have been payable if the assessment of the immovables had not been changed and the amount of the property taxes actually payable. For the next two fiscal years, the amount of the tax credit shall be, respectively, 80% and 60% of the amount of the tax credit for the first fiscal year.

The by-law provided for in the first paragraph may only be passed and, where applicable, only applies if the city's zoning by-law provides that in the case of the main activities referred to in subparagraphs 1 and 4 of the second paragraph, the use must occupy a gross floor area reserved and intended for scientific research and experimental development that is equal to at least 15% of the total gross floor area occupied or intended to be occupied for that use. The zoning by-law must also provide that no use having as its main activity one of the activities referred to in subparagraphs 2 and 3 of the second paragraph may be authorized for more than 30% of the territory referred to in the first paragraph of section 250.

**251.** For the purposes of the levy of municipal property tax based on the value of the immovables, vacant land forming part of the territory referred to in the first paragraph of section 250 and owned by Technoparc Saint-Laurent is deemed to be an immovable belonging to a mandatary of the city within the meaning of paragraph 5 of section 204 of the Act respecting municipal taxation (chapter F-2.1).

**252.** No illegality or irregularity may result from the fact that, before 1 January 1999, the former Ville de Saint-Laurent passed and applied By-law 1160 or became surety for or subsidized Technoparc Saint-Laurent.

**253.** Sections 251 and 252 and any by-law passed under section 250 have effect from 1 January 1999.

**253.1.** Notwithstanding section 8, the expenditures relating to payment of a final expropriation indemnity by the city within the framework of an expropriation begun before 1 January 2002 under the Act respecting the city of Saint-Laurent (1992, chapter 69) shall be financed by the revenues derived exclusively from the territory of Ville de Saint-Laurent instead of solely from the part of that territory determined under section 9 of that Act.

## CHAPTER VII

### MUNICIPAL COURT

**254.** The Municipal Court may, in any action or suit brought before it against a permit or a licence holder, suspend for a period it determines or cancel any licence or permit granted under a municipal by-law, for misconduct, incompetence, or violation of an act or such a by-law.

## CHAPTER VIII

### PENAL PROCEEDINGS

**255.** Where a municipal by-law requiring a licence or permit provides for a fine or other penalty for infringement, the city may institute penal proceedings and, for recovering the tax that is the object of the licence or permit, institute civil proceedings, even when the name of the defendant is not entered on any assessment, rental value or collection roll.

**255.1.** The filing of a document of the Société de l'assurance automobile du Québec containing information relating to the identity of the owner of a vehicle the registration number of which is indicated on the statement of offence, whether the document is transmitted by the Société or obtained with its authorization

in accordance with law, constitutes, failing any evidence to the contrary, proof of the identity of the owner of the vehicle in penal proceedings instituted before the municipal court for an offence against a provision of a traffic by-law, a motor vehicle parking by-law or a by-law respecting the use of a motor vehicle or its accessories, or for any offence against a provision of the Highway Safety Code (chapter C-24.2), the Transport Act (chapter T-12) or a regulation under any of those Acts.

To be admissible as evidence, the document need only bear the attestation of an employee of the city to the effect that the document emanates from the Société de l'assurance automobile du Québec.

## CHAPTER IX

### CIVIL REMEDIES AGAINST THE MUNICIPALITY

**256.** The city shall have the right to have its investigators or experts examine, at any time before the institution of an action, between 9:00 a.m. and 6:00 p.m., movable and immovable property which is the subject of a claim resulting from flooding. No claimant who refuses, without valid reason, to allow such examination may exercise his or her right of action as long as such refusal continues.

In the case of a claim for damage to perishables, the claimant shall notify the city by registered mail that he or she will hold those perishables at its disposal for examination for the next 72 hours, and he or she may not, without a reasonable excuse, dispose of them before the expiry of such time, on pain of forfeiting his right of action.

**257.** No action against the city for damages shall be admissible for damage resulting from the flooding of an immovable built after 28 April 1939, unless the plaintiff alleges and proves that at the time of the flooding safety valves in good working order had been installed according to accepted practice, to prevent back-flow from city sewers into the cellars or the basement of that immovable.

The city may, by by-law, require that a building be equipped with an automatic lift-pump system in the cases and on the conditions it determines, and no action against the city for damages shall then be admissible for damage resulting from flooding in a building to which such requirement applies, unless the plaintiff alleges and proves that at the time of the flooding a pumping system had been installed and was in operation in accordance with the by-law.

**258.** The city shall not be required to give security in order to appeal a judgment or make an order, or to institute a civil action or civil proceeding.

## CHAPTER X

### SPECIAL PROVISIONS

**259.** All extracts from and copies of minutes of the council, the executive committee, the administrative commission or the board of commissioners of the former Ville de Montréal that were destroyed by the fire at the Montréal city hall on 3 and 4 March 1922 shall replace the originals of such minutes for all purposes, and new copies may be issued and certified to serve as authentic copies, provided that such extracts or copies are certified by the then competent officers and filed with the office of the clerk, the whole in accordance with section 26 of chapter 105 of the statutes of 1922 (1st session).

**260.** The minutes of the meetings of the council of the former Ville de Montréal, the originals of which were destroyed in the said fire, which were rewritten by the clerk from his notes and other documents in his possession and approved by the council, in accordance with section 26 of chapter 105 of the statutes of 1922 (1st session), shall replace the destroyed minutes and shall have the same effect for all purposes.

**261.** A printed copy of any by-law of the former Ville de Montréal, the original of which was destroyed in the fire at the Montréal city hall on 3 and 4 March 1922, shall replace the original for all purposes, provided it

is filed with the office of the clerk and certified by the clerk as true, and every duly certified copy made thereof shall be considered a copy of the original and shall be deemed authentic.

**262.** Notwithstanding the Municipal Aid Prohibition Act (chapter I-15), the city may make a cash contribution to the mutual fund established by a limited partnership whose object is the operation of a National Baseball League franchise within the limits of the city; the city may also convert the cash contribution into a loan of money or other security to such a partnership.

The city may, instead, acquire capital stock in any business corporation established for the purposes set out in the first paragraph.

The city may, notwithstanding the Municipal Aid Prohibition Act, transfer the shares acquired pursuant to the first paragraph or, where applicable, the shares acquired pursuant to the second paragraph. For the purposes of that transfer, the city may accept any cash payment or any payment accompanied by a guarantee it deems sufficient.

**263.** Notwithstanding any inconsistent provision, the city may

(1) recover, from fire insurance companies doing business in its territory and entered on its tax rolls, three-fourths of the amounts that it pays for the salaries of the fire commissioners, secretary and detectives of the Fire Commission and for its stenographic expenses; and

(2) determine the manner to recover those amounts.

**264.** Subject to Chapter VII of this Schedule and of the Act respecting municipal courts (chapter C-72.01), the city may authorize any officer it designates to sign, by means of a stamp bearing a facsimile of his or her signature, certificates, notices and other documents issued or signed pursuant to an act or a by-law. The stamp must be previously approved by the executive committee and used only for that purpose.

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

**265.** Any document or deed bearing such stamp shall be prima facie proof of its authenticity and of the authority of the officer to stamp the signature.

**266.** It is prohibited for any person, except the officers referred to in section 264, to use such stamp, under pain of penalty, which the city may impose by by-law, for infringement of this section.

**267.** Notwithstanding the provisions of the Highway Safety Code (chapter C-24.2) and the applicable by-laws or regulations, the city is exempted, up to an annual amount of \$800,000, from the payment of registration fees for motor vehicles belonging to it that it uses for municipal purposes.

**268.** Any peace officer or any other person authorized to issue a statement of offence for an offence related to traffic, parking of a motor vehicle or the use of a motor vehicle may move any vehicle parked in contravention of a traffic or parking by-law, regulation, order or resolution, or have it moved by a service vehicle or tow truck.

The statement of offence shall mention that the vehicle was moved and indicate the additional costs or amounts, determined by by-law, that may be collected as a result of its being moved. The latter shall be added to the amounts that may be claimed from the defendant by the prosecutor in the statement of offence. The additional costs or amounts that may be claimed because a vehicle was moved shall be collected by the collector in accordance with articles 321, 322 and 327 to 331 of the Code of Penal Procedure (chapter C-25.1) or the provisions of this Act.

In every case provided for in this section, the city may, by by-law, assign to the head of the competent department, or to any other officer or employee designated by the latter, the exercise of all the powers and

duties assigned by this section to the peace officer or person authorized under the first paragraph to issue a statement of offence.

**269.** *(Repealed).*

**270.** The city may enter into an agreement with the Gouvernement du Québec and the Government of Canada respecting the operation of the La Ronde amusement park after the Universal Exhibition of 1967, and to perform the acts it may deem useful to give it effect.

The agreement may provide for the constitution of a legal person and any other conditions as may be accepted by the council.

The city may acquire the installations at the La Ronde amusement park.

**271.** The Minister of Municipal Affairs, Regions and Land Occupancy may, at the request of the executive committee, extend a time period prescribed for the city in this Act. Where the Minister considers it expedient, the Minister may extend the period again on the conditions the Minister determines.

**272.** The agreements entered into on 29 June 1982 and 1 October 1982, respectively, between the Commission de transport of the Communauté urbaine de Montréal and Canadian National Railways, in the first case, and Canadian Pacific Limited, in the other case, in respect of the commuter train service between Montréal and Deux-Montagnes and that between Montréal and Rigaud, respectively, are deemed to have been validly entered into by the Commission and no action to contest the validity of the agreements is admissible on the grounds that the Commission was not authorized to enter into them.

**273.** The restrictions respecting land use encumbering the lots described in the deeds of transfer and sale made in favour of Ville d'Anjou by Champlain Heights Ltd. or Metropolitan Shopping Centre Ltd., hereafter listed, are hereby abolished and dissolved, and any personal obligation or real right arising from such restrictions respecting land use is hereby declared terminated. The deeds of transfer and deeds of sale in question have been registered in the registry office of the registration division of Montréal under numbers 1,209,636, 1,340,535, 1,421,918, 1,528,976, 1,679,075, 1,679,076, 1,954,570 and 1,954,571.

**274.** The city shall exercise all the powers granted to a regional authority under the Act respecting transportation by taxi (chapter T-11.1).

The city shall exercise all the powers granted to a municipal authority under section 89 of the Act respecting transportation services by taxi (chapter S-6.01) and has full authority over the body referred to in the second paragraph of section 13 of that Act.

**275.** In the case of a subsequent offence, payment by the defendant of the amount claimed in a statement of offence indicating the name of the same defendant and the same address constitutes prima facie proof of the defendant's previous conviction without it being necessary to prove his or her identity.

**276.** Notwithstanding section 200 of this Act, the following provisions are not revoked and continue to apply to the situations and persons to which the provisions apply on 31 December 2001:

(1) articles 77 and 85 of the Charter of the City of Montréal (1959-1960, c. 102);

(2) sections 1 and 2 of chapter 78 of the Statutes of 1972;

(3) sections 1 and 2 of chapter 43 of the Statutes of 1980;

(4) sections 7, 8 and 9 of chapter 44 of the Statutes of 1980;

(5) sections 3 and 4 of chapter 120 of the Statutes of 1987;

- (6) section 1 of chapter 128 of the Statutes of 1987;
- (7) section 19 of chapter 80 of the Statutes of 1989; and
- (8) section 12 of Order in Council 1276-99.

## CHAPTER XI

### TRANSITIONAL PROVISIONS IN RESPECT OF THE SOCIÉTÉ DE TRANSPORT DE MONTRÉAL

**277.** The auditors appointed by the Communauté urbaine de Montréal and by the municipalities referred to in section 5 of the Charter shall fulfil their term for the 2001 fiscal year and shall report their audit to the city council.

**278.** For the purposes of adopting the budget of the 2002 fiscal year of the Société de transport de la Communauté urbaine de Montréal, sections 209, 303 and 305 of the Act respecting the Communauté urbaine de Montréal (chapter C-37.2) apply, to the exclusion of the other provisions of that Act, adapted as follows:

(1) section 209 is amended as follows:

(a) by substituting the following for the first paragraph:

“The transition committee of Montréal shall file the budget of the Société de transport, with its recommendations on that budget, with the office of the clerk of Ville de Montréal constituted by this Act. The clerk shall send a copy to each member of the council of Ville de Montréal formed during the general election of 4 November 2001, at the latest three clear days before the date of the council sitting convened to adopt the city’s budget.”;

(b) by substituting the words “treasurer of the Société de transport” for the word “treasurer” and by substituting the words “Société de transport” for the word “Community” wherever they appear;

(c) by substituting the words “council of Ville de Montréal formed during the general election of 4 November 2001” for the word “Council” in the second paragraph;

(d) by substituting the words “clerk of Ville de Montréal” for the word “secretary” in the second paragraph; and

(e) by striking out the sixth paragraph;

(2) section 303 is amended by substituting the words “secretary of the transition committee of Montréal” for the words “secretary of the Community”; and

(3) section 305 is amended by substituting the words “council of Ville de Montréal formed during the general election of 4 November 2001” for the word “Council”.

**279.** The budget of the Société de transport shall be submitted to the council of Ville de Montréal at the sitting convened to adopt the city’s budget.

**280.** The first paragraph of section 197 of this Act applies, adapted as required, to the budget of the Société de transport.

**281.** Section 291.14 of the Act respecting the Communauté urbaine de Montréal (chapter C-37.2) is amended as follows:

(1) the word “Council” means, from the time the majority of candidates elected in the general election of 4 November 2001 of Ville de Montréal have taken oath, “the council of Ville de Montréal formed of those elected officers”;

(2) by striking out the first sentence of the fourth paragraph of that section.

## CHAPTER XII

FINAL

**282.** In case of inconsistency between a provision of this Schedule and a provision contained in the Charter of the city, the former shall prevail.

**283.** No provision of this Schedule and no provision maintained into force by this Schedule has the effect of limiting the scope of a provision, contained in any act that applies to the city or any municipality in general or any of their bodies, for the sole reason that it is similar to such a provision but is written in more specific terms.

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O.C. 1308-2001, s. 26; 2001, c. 68, s. 137 to s. 147; 2002, c. 37, s. 48 to s. 60; 2002, c. 68, s. 52; 2002, c. 77, s. 17 to s. 24; 2003, c. 3, s. 2, s. 3; 2003, c. 19, s. 65 to s. 72, s. 250; 2003, c. 28, s. 44 to s. 48; 2003, c. 29, s. 135; 2003, c. 5, s. 26; 2004, c. 20, s. 68 to s. 74; 2004, c. 29, s. 150, s. 151; 2005, c. 28, s. 37, s. 196; 2005, c. 50, s. 8; 2005, c. 6, s. 159 to s. 171; 2005, c. 28, s. 36; 2005, c. 44, s. 49; 2006, c. 8, s. 31; 2006, c. 31, s. 8; 2006, c. 60, s. 12 to s. 14; 2007, c. 10, s. 4, s. 56; 2008, c. 18, s. 10, s. 11; 2008, c. 20, s. 140; 2009, c. 26, s. 11 to s. 13, s. 109; 2010, c. 1, s. 2 to s. 6; 2010, c. 18, s. 7 to s. 12; 2010, c. 41, s. 5; 2010, c. 42, s. 1, s. 2; 2009, c. 52, s. 526 to s. 529, s. 531 to s. 533; 2011, c. 11, s. 2, s. 3; 2012, c. 21, s. 3, s. 4; 2011, c. 21, s. 220; 2013, c. 30, s. 1; 2015, c. 20, s. 61; I.N. 2016-01-01 (NCCP); 2016, c. 7, s. 183; 2016, c. 30, s. 1; 2017, c. 13, s. 33; 2017, c. 16, ss. 9 to 21; 2017, c. 17, s. 57; 2017, c. 13, s. 32; 2018, c. 8, s. 16 to s.18.

**SCHEDULE D**

*(section 94)*

PARKS AND CULTURAL, SPORTS OR RECREATIONAL FACILITIES

- Parc du Mont-Royal, including Parc Jeanne-Mance
- Parc Jean-Drapeau
- Parc René-Lévesque
- Parc linéaire du Complexe environnemental Saint-Michel
- Parc de l'Anse-à-l'Orme
- Parc du Bois-de-l'Île-Bizard
- Parc du Bois-de-Liesse
- Parc de l'Île-de-la-Visitation
- Parc de la Pointe-aux-Prairies
- Parc du Bois-de-Saraguay
- Parc du Cap-Saint-Jacques
- Parc du Bois-d'Anjou
- Parc du Bois-de-la-Roche
- Parc des îles Gagné, Rochon et Boutin
- Parc de l'Île-Ménard
- Parc de l'île cadastre 150
- Parc Angrignon
- Parc Maisonneuve, including the Golf municipal
- Parc Lafontaine
- Parc Jarry
- Promenade Bellerive
- Parc des Rapides
- the Bibliothèque centrale de Montréal
- the Phonothèque
- the Chapelle historique du Bon-Pasteur
- the Centre d'histoire de Montréal

- the Théâtre de la Verdure
- the Bibliobus
- the Musée de la Pointe-à-Callières
- the Musée de Lachine
- the Complexe sportif Claude-Robillard
- the Centre de tennis Jarry
- the aréna Maurice-Richard
- Piscine Georges-Vernot.

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2003, c. 28, s. 49; 2008, c. 19, s. 10; 2009, c. 26, s. 14.

**SCHEDULE E**

*(Section 185.0.1)*

**BOUNDARIES OF THE SECTOR DESIGNATED AS THE DOWNTOWN AREA**

The directions are approximate: commencing at a point being the intersection of rue Amherst and rue Cherrier; thence southeasterly along rue Amherst and its extension to the St. Lawrence River; thence southerly along the bank of the St. Lawrence River to the point of intersection with Autoroute 15-20, namely the Champlain Bridge; thence westerly along Autoroute 15-20 to the point of intersection with the railway right-of-way; thence northeasterly along the railway right-of-way and the building alongside the railway to the point of intersection with the end of that building; thence northwesterly along the building to the point of intersection with rue du Parc-Marguerite-Bourgeois; thence northeasterly along rue du Parc-Marguerite-Bourgeois and the railway right-of-way to the point of intersection with the extension of rue Sainte-Madeleine; thence westerly along rue Sainte-Madeleine to the point of intersection with rue Le Ber; thence northerly along rue Le Ber and its extension to the point of intersection with the extension of rue de Sébastopol; thence westerly along rue de Sébastopol to the point of intersection with rue Wellington; thence northerly along rue Wellington to the point of intersection with rue Bridge; thence westerly along rue Bridge to the point of intersection with rue Saint-Patrick; thence northwesterly to the point of intersection with rue Guy, rue William and rue Ottawa; thence northwesterly along rue Guy to the point of intersection with rue Notre-Dame Ouest; thence northwesterly along the boundary of Ville-Marie borough to the point of intersection with the boundary of the Mount Royal Historic and Natural District; thence northwesterly along the boundary of the Mount Royal Historic and Natural District to the point of intersection with avenue des Pins Ouest; thence northeasterly along avenue des Pins Ouest to the point of intersection with rue Saint-Denis; thence southeasterly along rue Saint-Denis to the point of intersection with rue Cherrier; thence northeasterly along rue Cherrier to the point of intersection with rue Amherst, that point being the point of commencement.

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2016, c. 30, s. 2.

REPEAL SCHEDULES

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), Schedule I to chapter 56 of the statutes of 2000, in force on 1 April 2001, is repealed effective from the coming into force of chapter C-11.4 of the Revised Statutes.

In accordance with section 9 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 1 to 6, 8, 11 to 13, 21 to 36, 43 to 151, 198, 199, 201 and 202 of Schedule I to chapter 56 of the statutes of 2000, in force on 1 April 2002, are repealed effective from the coming into force of the updating to 1 April 2002 of chapter C-11.4 of the Revised Statutes.