



NATIONAL ASSEMBLY

THIRD SESSION

THIRTY-FOURTH LEGISLATURE

Bill 30

An Act to amend the Act respecting municipal industrial immovables

Introduction

**Introduced by
Mr Claude Ryan
Minister of Municipal Affairs**



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EXPLANATORY NOTES

This bill amends the Act respecting municipal industrial immovables in order to provide that the amount of expenditures which a local municipality may incur for the purposes of the Act respecting municipal industrial immovables must be fixed annually by by-law. The municipal by-law is to be submitted to the qualified voters for approval if the amount exceeds 1 % of the expenditures provided for in the budget of the municipality for the fiscal year concerned.

In addition, the bill enables a local municipality to use for industrial, para-industrial or research purposes an immovable owned by the municipality but not acquired under the Act respecting municipal industrial immovables. The bill also enables a municipality to become surety for a non-profit organization which operates an industrial rental building.

The bill removes the restriction in respect of the acquisition of an industrial immovable that includes a building. It does away with the requirement for ministerial approval as regards the acquisition of a municipal industrial immovable or the construction or operation of an industrial rental building. It puts an end to ministerial control over municipal grants to non-profit organizations which operate industrial rental buildings and eliminates the multiple ministerial control over alienations effected for purposes provided for by the Act. The bill also removes the rental of industrial buildings from any form of control and eliminates the multiple ministerial control over alienations of industrial immovables for purposes other than those provided for in the Act. Lastly, it enables a local municipality to use an industrial immovable for other municipal purposes without obtaining the ministerial approval currently required.

Finally, the bill maintains, on a transitional basis, the mandatory approval by the Minister of Industry, Trade, Science and Technology of any decision by a local municipality to alienate a municipal industrial immovable until the coming into force on the territory of the municipality of a zoning by-law in conformity with the first revised plan of the municipality in force on its territory after the coming into force of this bill.

Bill 30

An Act to amend the Act respecting municipal industrial immovables

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), amended by section 51 of chapter (*insert here the chapter number of Bill 8 of 1994*) of the statutes of 1994, is again amended

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

“1. Expenditures incurred for the purposes of this Act and financed otherwise than under a loan by-law of a local municipality shall not exceed, during a fiscal year, an amount which the municipality fixes each year by by-law.”;

(2) by replacing the third and fourth paragraphs by the following paragraphs:

“Except in the case of the city of Québec, the by-law shall be submitted for approval to the qualified voters if the amount fixed therein accounts for more than 1 % of the expenditures provided for in the budget of the municipality for the fiscal year concerned.

Such approval must be sought for every by-law which causes the amount fixed in accordance with this section to exceed the limit that applies under the third paragraph or which increases an amount fixed under a by-law having received such approval.”

2. Section 2 of the said Act, amended by section 51 of chapter (*insert here the chapter number of Bill 8 of 1994*) of the statutes of 1994, is again amended

(1) by inserting the word “local” before the word “municipality” in the first line of the first paragraph;

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

“A local municipality may also use in accordance with this Act an immovable acquired by the local municipality otherwise than under a by-law adopted under the first paragraph. The amount of the market value of the immovable on the date on which such use begins shall be considered to be an expenditure incurred on that date by the municipality and financed otherwise than under a loan by-law.”

3. Section 3 of the said Act is repealed.

4. Section 4 of the said Act is amended by striking out the second paragraph.

5. Section 5 of the said Act, amended by section 51 of chapter (*insert here the chapter number of Bill 8 of 1994*) of the statutes of 1994, is repealed.

6. Section 6 of the said Act, amended by section 51 of chapter (*insert here the chapter number of Bill 8 of 1994*) of the statutes of 1994, is replaced by the following sections:

“6. A local municipality may alienate for industrial, para-industrial or research purposes an immovable acquired, built or converted by the local municipality under this Act.

The price for which an immovable is alienated must cover the cost of acquisition of the immovable and the expenses incurred in respect of the immovable for professional services. The cost of acquisition includes incidental expenses, if any, incurred for the financing of expenditures.

The Minister of Municipal Affairs may authorize the alienation of an immovable for a lower price than the price provided for in the second paragraph.

The resolution under which an immovable is alienated by a local municipality has effect only if it is accompanied with a certificate from the treasurer or secretary-treasurer, as the case may be, indicating the amount of the costs and expenses which must be covered by the price for which the immovable is alienated.

“6.0.1 Any person having acquired land in accordance with section 6 shall, before the expiry of three years from the date of such

acquisition, build on the land a building intended to be used for the purposes set out in that section.

If the acquirer has not fulfilled his obligation to build, the local municipality may, within one year after the expiry of the period mentioned in the first paragraph, take back the land, in which case it shall pay to the acquirer the price it received from the acquirer upon the alienation of the land.

6.0.2 Where a person has acquired land in accordance with section 6 and there is no building thereon intended to be used for the purposes set out in that section, the person shall, before alienating all or part of the land prior to the expiry of the time within which the land may be taken back by the local municipality under the second paragraph of section 6.0.1, offer the land to the municipality for a price not exceeding the price paid to the municipality for its acquisition.”

7. Section 6.1 of the said Act, amended by section 51 of chapter (*insert here the chapter number of Bill 8 of 1994*) of the statutes of 1994, is again amended

(1) by replacing the first and second paragraphs by the following paragraphs:

6.1 A local municipality may grant a subsidy to a non-profit organization which operates an industrial rental building or become surety for such an organization.

The amount for which the municipality becomes surety shall be considered, from the adoption of the resolution whereby it becomes surety, to be an expenditure incurred by the municipality and financed otherwise than under a loan by-law.”;

(2) by replacing the word “by-law” in the second line of the third paragraph by the word “resolution”.

8. Section 7 of the said Act, amended by section 51 of chapter (*insert here the chapter number of Bill 8 of 1994*) of the statutes of 1994, is again amended

(1) by inserting the word “local” before the word “municipality” in the first line of the first paragraph;

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

“The term of a lease relating to premises in an industrial rental building shall not exceed three years. The municipality may, at the

expiry of the first lease, grant a further lease to the same person for a term not exceeding three years.”

9. Section 8 of the said Act is repealed.

10. Section 10 of the said Act is amended by inserting the word “local” before the word “municipality” in the first line of the first paragraph.

11. Section 11 of the said Act is amended

(1) by inserting the word “local” before the word “municipality” in the second line of the first paragraph;

(2) by striking out the second sentence of the first paragraph.

12. Section 12 of the said Act, amended by section 51 of chapter (*insert here the chapter number of Bill 8 of 1994*) of the statutes of 1994, is replaced by the following section:

“12. Where an immovable acquired, built or converted under this Act is unsuitable for industrial, para-industrial or research purposes, the local municipality may alienate the immovable for other purposes.

The second, third and fourth paragraphs of section 6 apply to such an alienation.”

13. Section 13 of the said Act, amended by section 51 of chapter (*insert here the chapter number of Bill 8 of 1994*) of the statutes of 1994, is again amended by replacing the first and second paragraphs by the following paragraph:

“13. A local municipality may use for municipal purposes an immovable acquired, built or converted under this Act.”

14. Any alienation effected on the territory of a local municipality under section 6 or 12 of the Act respecting municipal industrial immovables as enacted by sections 6 and 12 of this Act, must be authorized by the Minister of Industry, Trade, Science and Technology until either of the following dates, as the case may be:

(1) the date of coming into force of the concordance by-law, within the meaning of section 59 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), that amends the zoning by-law of the municipality to reflect the first revised

development plan applicable to the territory of the municipality that comes into force after *(insert here the date of the day preceding the date of coming into force of this Act)* in accordance with section 56.17 of that Act;

(2) the date on which the zoning by-law of the municipality is deemed, under section 59.2 or 59.4 of the Act respecting land use planning and development, to be in conformity with the objectives of the plan referred to in subparagraph 1.

15. This Act comes into force on *(insert here the date of assent to this Act)*.