



CHAPTER 130

An Act to amend the charter of The Montreal Firemen's Benefit Association

[Assented to, the 8th of April, 1938]

WHEREAS The Montreal Firemen's Benefit Association, incorporated under the act 5 George V, chapter 142, has, by its petition, represented that the said act no longer meets its requirements and that it is expedient to modify same in order to enable the association to carry out the object for which it was formed; and

Whereas it is expedient to grant the said prayer;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 13 of the act 5 George V, chapter 142, as replaced by the act 14 George V, chapter 113, section 3, is again replaced by the following:

"13. 1. The board of directors may, at any time, make, amend or repeal by-laws:

- a. To administer its affairs and internal economy;
- b. To admit, regulate, suspend, expel or reinstate any member of the association;
- c. To determine, increase or reduce any ordinary or extraordinary contributions to be paid by its future members drawing pensions and by other future beneficiaries as well as by the active members, the annual amount of the contributions payable by the latter may vary according to the number of years' service and the amount of salary;
- d. To establish separate funds to provide for the benefits mentioned in section 5;

Power to
make, etc.,
by-laws.

e. To determine and change the benefits to be paid out of the said funds;

f. To retain, from the benefits or pensions the association may have to pay to its members or other interested parties, any sums due to it by these persons in virtue of paragraph *c* of this section;

g. To authorize the city of Montreal to retain from the salary of any member of the Montreal Fire Brigade all sums, of any nature whatsoever, for which he may be indebted to the association, and to remit them to the latter;

h. To impose any fines for infraction of the by-laws;

i. To fix the date and mode of appointment of the board of directors;

j. To fix the manner of calling meetings, and the details of the voting at any meeting or election;

k. To determine the terms and conditions on which the board of directors may transact or make any compromise or arrangement whatsoever with any person or the legal representatives of any person entitled to participate in the benefits of the corporation, and to change the manner in which the benefits shall be paid, for the redemption of their rights, and the discharge of the corporation.

Nevertheless, no member or beneficiary can make transactions or compromises with regard to the rights which his widow or family may have after his death;

l. To determine and fix the benefits, aid, pensions or advantages to the persons mentioned in paragraphs *b* and *c* of section 5 of this act;

m. To make any other by-laws which it may deem expedient for the proper working of the association, provided they be not inconsistent with this act.

2. Every by-law of the association, adopted by the board of directors, must be approved by the city of Montreal, if the latter contribute to the funds of the association, and by the Superintendent of Insurance of the Province, and, until so approved, it shall be of no effect; and, subject to the restrictions contained in this section, the board of directors shall be entitled to determine and amend, by by-law, the conditions of admission, as well as the contributions, pensions, benefits, assistance or other advantages of the members forming part of the fire department of the city of Montreal as a result of annexations, in the past and the future, of municipalities to the city of

Montreal, and of members who did military service during the war of 1914-1918, or have been reinstated in the association, before the age limit, the whole notwithstanding the provisions of this act."

2. Section 14 of the said act, as replaced by the act 14 George V, chapter 113, section 4, is repealed. 5 Geo. V, c. 142, s. 14, repealed.

3. Section 15 of the said act is amended by adding thereto, after paragraph *c* thereof, the following: Id., s. 15, am.

"*d.* Of a pensioner chosen yearly by the Association des Pensioner chosen by Association des *Pompriers Vétérans, Inc.*, at a general meeting convened specially for such purpose within the thirty days preceding the annual general meeting of The Montreal Firemen's Benefit Association. If the *Association des Pompriers Vétérans, Inc.*, neglects, refuses or fails to appoint the said representative of its association or if the said association ceases to exist, the board of directors of The Montreal Firemen's Benefit Association may then, within the thirty days following the annual general meeting, itself choose such representative from amongst the pensioners."

4. Section 19 of the said act is repealed.

5 Geo. V, c. 142, s. 19, repealed.

5. Section 23 of the said act, as replaced by the act 14 George V, chapter 113, section 7, is repealed. Id., s. 23, repealed.

6. Section 24 of the said act is replaced by the following: Id., s. 24, replaced.

"**24.** Every vacancy in the board of directors must be filled within thirty days thereof, by secret ballot by the board of directors. Filling of vacancies.

Any member elected to fill a vacancy shall be elected for the balance only of the then current year. Balance of term.

Every member of the board of directors shall be eligible for reëlection. Reëlection.

7. Section 25 of the said act, as replaced by the acts 14 George V, chapter 113, section 8, and 23 George V, chapter 153, section 1, is again replaced by the following: 5 Geo. V, c. 142, s. 25, replaced.

"**25.** The pension of any member of the Montreal Firemen's Benefit Association shall be payable as follows: Pension of members.

a. An annual pension of sixty-six and two-thirds per cent of the average annual salary of the last ten years of service of the member applying for a pension, which shall be increased by two per cent of the said average salary for

each year's service over twenty-five years, with respect to members admitted on or before the 31st of December, 1937, and a pension of sixty-six and two-thirds per cent of the average annual salary of the last ten years of service of the member applying for a pension, which shall be increased by two per cent of the said average salary for each year's service over thirty full years, with respect to members admitted after the 31st of December, 1937; the said pensions may be paid up to an amount not exceeding eighty per cent of the said average salary with a maximum of five thousand dollars;

b. An annual pension of thirty-three and one-third per cent of the average salary of the last ten years of service of a non-disabled member applying for a pension, to any active member admitted on or before the 31st of December, 1937, and becoming a pensioner after twenty and less than twenty-five full years of service;

c. An annual pension for permanent disability to act as fireman, resulting from an accident in the carrying out of the duties of fireman, to any member while still active, admitted on or before the 31st of December, 1937, and the said pension shall be fifty per cent of the average annual salary, in the case of a member having less than ten full years' service; and sixty per cent of the average annual salary of the last ten years of service, in the case of ten full years' service and less than fifteen years, and sixty-six and two-thirds per cent of the said average annual salary of the last ten years of service, in the case of fifteen full years of service and less than twenty-five years;

d. An annual pension for permanent disability, resulting from sickness or infirmity, to any member while still active, admitted on or before the 31st of December, 1937, and the said pension shall be thirty-five per cent of the said average annual salary if such member has less than ten years' service; forty per cent of the average annual salary of the last ten years of service, if he has ten full years and less than fifteen of service; fifty per cent, of the average annual salary of the last ten years of service, if he has fifteen full years' and less than twenty-five years' service.

e. An annual pension for permanent disability to act as fireman, resulting from an accident in the carrying out of the duties of fireman, to any member while still active, admitted after the 31st of December, 1937, the said pension to be fifty per cent of the average annual salary if such member has less than ten years' service; sixty per cent of the average annual salary of the last ten years of service, if

he has ten and less than twenty full years' service; sixty-six and two-thirds per cent of the average annual salary of the last ten years of service if he has twenty full years' service and less than thirty years;

f. An annual pension for permanent disability, resulting from sickness or infirmity, to any member while still active, admitted after the 31st of December, 1937, the said pension to be twenty per cent of the average annual salary if such member has less than five full years' service; thirty per cent of the average annual salary if he has five and less than ten full years' service; forty per cent of the average annual salary of the last ten years of service, if he has ten and less than twenty full years' service; fifty per cent of the average annual salary of the last ten years of service, if he has twenty full years' service and less than thirty years;

g. No pension for permanent disability shall be granted except upon the favourable report of the medical committee;

h. Nevertheless, any member who has obtained a pension for permanent disability and who, after an examination by the medical committee, is deemed fit to resume the duty of fireman, to which examination the pensioner shall be bound to submit upon the written request of the said committee, shall be recalled to service by the city of Montreal, on the first vacancy, at the same salary as when he left, and, in the case of refusal to undergo the said examination or to reënter service, he shall be deprived of his right to draw the said pension;

i. The medical committee shall be composed of a doctor named by the Director of the Bureau of Health of the city of Montreal and chosen from the members of the board of doctors created under by-law 1149 of the city, and of two doctors named by the board of directors of the association and paid by the latter.

Every medical examination and every report shall be made by each member of the committee within thirty days of the request made by the board of directors. In the case of difference of opinion between the doctors, each doctor shall submit a separate written report to the board of directors of the association, and the latter shall transmit such reports to the Superintendent of Insurance of the Province for his final decision;

j. No application by a member, for a pension, reimbursement or other benefit consequent upon injuries received in the carrying out of his duties, shall be considered by the board of directors if the applicant has not notified his su-

superior officer or caused him to be notified within the shortest possible reasonable delay after the accident, the said officer shall make a written report to the superior officer of the fire department, after having had such report countersigned by the injured person, and if the applicant has not been examined by the medical committee within the fifteen days following the accident, or within any other short delay deemed expedient and necessary by the said committee, it shall be the duty of every superior officer of the association to report to the secretary, within twenty-four hours from the notice received by him, that a member of the association, under his jurisdiction, has suffered an accident;

k. The amount of any benefit granted in the form of a pension to any member of the association who has become a pensioner prior to this act is reduced to the amount of thirty-one per cent, whether such benefit has been granted by judgment or otherwise, provided that the amount of the benefit or pension be not reduced to a figure less than four hundred and fifty dollars per year; any pension or benefit already lower than this amount shall suffer no reduction;

l. Until the making of the contract with the city of Montreal, as hereinafter mentioned, if any member of the association retires, he shall be entitled to the pension now provided by the regulations of the city of Montreal, and the association shall deduct from the pension payable under this section the amount so received from the city by the pensioner;

m. The city of Montreal is authorized either to contribute to the pension fund of the association, out of its revenues, the sum necessary to cover, in whole or in part, according to the decision of the city council, the difference between the pensions paid to the present pensioners according to the former regulations and the pensions stipulated as payable under the terms of this act, or to constitute, according to law, the capital necessary for the same purposes by means of a loan contracted according to law for a period not exceeding thirty years and at a rate of interest not exceeding four per cent per annum;

n. The city of Montreal is authorized to contribute out of its revenues to the funds of the association in a minimum sum of one hundred and sixty-three thousand dollars per fiscal year counting from the 1st of May, 1938, and to bind itself by contract to so contribute during a period of fifty years, or until the deficit fixed at the 1st of May, 1938, according to the regulations in force at the date of this

act, be extinguished. Such contract must be made on or before the 1st of December, 1938;

o. In the case of a member who, under a final judgment, is found guilty of a criminal offence and sentenced to imprisonment, the pension of such member shall be payable during such imprisonment to his wife, for herself and his minor children, but, in the case where the said wife is deprived of the custody of the children by a judgment, such pension shall be payable to the guardian or tutor appointed to the said children by the court. In the case where a member is a bachelor, or a widower without minor children, the pension falling due during such imprisonment shall be paid to him, without interest, upon his release."

8. Section 26 of the said act, as replaced by the acts 14 5 Geo. V, c. 142, s. 26, replaced. George V, chapter 113, section 9, and 23 George V, chapter 153, section 2, is again replaced by the following:

"**26.** Every member of the association, after a service Withdrawing of certain sums paid in. of at least ten years, but less than twenty years for members admitted on or before the 31st of December, 1937, and thirty years for those admitted after such date, shall be entitled, on his retirement, to withdraw without interest all sums theretofore paid in by him as a contribution to the association during the said years."

9. Section 30 of the said act is replaced by the following: 5 Geo. V, c. 142, s. 30, replaced.

"**30.** The financial report of the association for the fiscal year ending on the preceding 31st of December must Submitting of financial report. be submitted and read at the meeting.

Such financial report must have been verified Verifying thereof. previously by the auditor of the city of Montreal and bear his certificate. In all cases, the auditor of the city of Montreal shall be the association's auditor."

10. The Montreal Firemen's Benefit Association is Re-admitting of certain firemen to membership. authorized, with the consent of the municipal council of Montreal, to re-admit to membership, upon payment of the fees provided by the tariff in force on or before the 31st of December, 1937, and according to the conditions for pensions, benefits and contributions established for the members admitted on or before such date, firemen Roland Daignault and Armand Ducharme, the time during which they have already been members of the said association to be attributed to them.

11. This act shall come into force on the day of its Coming into force. sanction.

