



CHAPTER 129

An Act to amend the charter of the Montreal Metropolitan Commission

[Assented to, the 19th of February, 1932]

WHEREAS the Montreal Metropolitan Commission has, Preamble.
by its petition, represented that it is in its interest as well as in the interest of the municipalities over which its control extends, that the acts 11 George V, chapter 140; 12 George V, chapters 123 and 124; 13 George V, chapter 105; 14 George V, chapter 107; 15 George V, chapter 115; 16 George V, chapter 82; 18 George V, chapter 120; 19 George V, chapter 103; 20 George V, chapter 147, and 21 George V, chapter 139, be amended, and more extended powers be given it to make its action more effective; and

Whereas it is expedient to grant its petition;

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

1. The act 11 George V, chapter 140, is amended by 11 Geo. V, adding thereto, after section 19a thereof, as enacted by ^{c. 140, s.} the act 14 George V, chapter 107, section 1, the following ^{19b, added.} section:

"19b. The tax which the Commission must impose ^{Imposition} under the preceding section 19a may be imposed on all the ^{of tax.} taxable immoveable property of the municipality or only on the taxable immoveable property of the proprietors who, in the opinion of the Commission, benefit from the improvements. Such tax may be imposed for the number of years fixed by the Commission, notwithstanding the by-laws in force in the municipalities assisted. Such tax may be imposed either in proportion to the frontage of the lands or to their valuation.

Certain loan resolutions validated. The loan resolutions already adopted by the Commission in this matter as well as the imposition of taxes already made under such resolutions are ratified."

11 Geo. V, c. 140, s. 22, replaced. **2.** Section 22 of the act 11 George V, chapter 140, is replaced by the following:

Temporary loans by means of bonds. "**22.** For every loan whatsoever that the Commission is authorized by law to contract, it is lawful for it to contract temporary loans by means of bonds, until such time as it is deemed favourable to issue long-term loans. These temporary loans may be renewed, in whole or in part, from time to time.

Id., by means of notes. The Commission may also contract temporary loans by means of promissory notes in anticipation of the issue of long-term loans, provided that the said notes be not issued for a period of more than twelve months; but the said notes may be renewed.

Formalities required. Such temporary loans shall be contracted only after the formalities required for long-term loans have been fulfilled, and they shall first be subject to the approval of the Minister of Municipal Affairs."

11 Geo. V, c. 140, s. 36, replaced. **3.** Section 36 of the act 11 George V, chapter 140, is replaced by the following:

How bonds to be sold. "**36.** The Commission may only sell bonds after having called for tenders by a public notice published in the *Quebec Official Gazette*, at least fifteen days before the date on which the tenders are to be opened by the Commission.

Opening of tenders. Such tenders shall be opened at a public meeting of the Commission.

Conditions of sale may be fixed by Minister of Municipal Affairs. The Minister of Municipal Affairs may however fix a delay shorter than that hereinabove mentioned and may even exempt the Commission from calling for tenders and authorize it to sell its bonds on the conditions and for the price which he shall determine."

12 Geo. V, c. 123, s. 13, repealed. **4.** Section 13 of the act 12 George V, chapter 123, is repealed.

19 Geo. V, c. 103, s. 3, am. **5.** The act 19 George V, chapter 103, section 3, is amended by adding to subsection 11 thereof the following paragraph:

Annual levy for sums paid to sinking-fund. "Any such municipality may, however, levy annually, in whole or in part, any sum which it has so paid or which it will be called upon to pay for its proportion of the in-

terest and sinking-fund, by means of a special real estate tax apportioned either in proportion to the frontage of the immoveables or to their valuation in the roll. Such levy may be made in whole or in part on all the taxable immoveable property situate within the boundaries of the municipality or on the immoveables bordering on the boulevard, at the discretion of the council."

6. Section 6 of the act 20 George V, chapter 147, as 20 Geo. V, amended by section 6 of the act 21 George V, chapter 139, c. 147, s. 6, is replaced by the following: replaced.

"**6.** Notwithstanding any general or special law to the contrary, it is the duty of the clerk or the secretary-treasurer of every city or town to which the action of the Commission extends, to prepare, each year, for the 1st of May, a statement showing the immoveables, saving those respecting which the taxes have been claimed by legal action or by means of any other procedure authorized by law, upon which are due, in whole or in part, excepting the taxes for the current year, two years' arrears of real estate taxes, general or special, or a single year of such real estate taxes for over two years, and the names of the owners, the whole as the said immoveables and the names of the said owners appear in the rolls under which the said taxes are due. Yearly statement to be prepared by clerk or secretary-treasurer.

This statement shall be deposited from the 1st of May in the office of the clerk or secretary-treasurer for the information of all concerned. Deposit thereof.

After deposit of such statement, the clerk or secretary-treasurer shall, by public notice published according to law, inform the said owners of the deposit of the said statement, and that upon failure of payment of the said taxes, on or before the twentieth of May, the sale of their immoveables will be proceeded with according to the provisions of the charter. Notice of deposit.

Such notice shall be published at least ten days before the 20th of May. Publication of notice.

Within fifteen days following the twentieth of May the clerk or the secretary-treasurer shall, complying with the formalities prescribed by the charter but without an order from the council, proceed to the sale of the immoveables of those who shall not have paid their taxes within the delay fixed. Delay to proceed to sale.

This section shall not apply to the city of Montreal. Exception.

The above notice may be in the following form: Form of notice.

"Public notice is hereby given that a statement of the arrears of the general and special real estate taxes, as re-

quired by the act..... is now deposited in the office of the (*clerk or secretary-treasurer*), and that, failing payment of the said taxes on or before the twentieth of May instant, the sale of the immoveables belonging to the persons in default will be proceeded with, without further notice."

Prescription.

The publication of such notice shall have the effect of interrupting prescription."

Making of plans for certain towns in certain case.

7. For the territory of the towns of Pointe aux Trembles, Montreal North and St. Michel, the Commission is authorized to make plans of the territory of such municipalities, or alter the existing plans, if such municipalities neglect or refuse to comply with the demand made upon them by the Commission under section 12 of the act 14 George V, chapter 107. The provisions of sections 430, 431 and 432 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) shall apply to the homologation of the plans or amendments to the existing plans so made by the Commission, save that the consent of the proprietors concerned shall not be required.

Provisions applicable.

Interpretation.

8. Wherever, in articles 421, 422, 427, 428, 429, 430, 431, 434, 435, 436, 437, 438, 439, 439a, 440, 441, 442, 443, 443a, 444 and 445 of the charter of the city of Montreal, which articles are by the act 20 George V, chapter 147, section 5, declared to apply to the Commission, the words "the city", "the council" or "the municipality" occur, they shall signify the Montreal Metropolitan Commission and wherever in the said articles the words "the clerk", or "the city clerk", or "the office of the city clerk" or "the office of the city surveyor" occur, they shall signify the secretary-treasurer, or the office of the secretary-treasurer of the Montreal Metropolitan Commission, or the office of the Montreal Metropolitan Commission, as the case may be.

Loans for establishing, etc., boulevard.

9. The loans made by the Commission for the establishing, opening and constructing of the boulevard, including the acquisition of the necessary lands, may be for a period not exceeding forty years, at a rate of interest not exceeding six per cent per annum, unless a higher rate of interest be authorized by the Lieutenant-Governor in Council, and the loans so made shall not affect the borrowing powers of the municipalities responsible.

Borrowing power of municipalities not affected.

Imposition of business tax.

10. Instead of imposing and levying the annual dues or taxes authorized by section 526 of the Cities and Towns'

Act (Revised Statutes, 1925, chapter 102), every municipality mentioned in section 2 of the act 11 George V, chapter 140, except the city of Montreal and except any such municipality already specially empowered for the same purposes, and to which the action of the Commission extends, is authorized to levy and impose on all categories or classes of commerce, industry, manufactures, financial establishments, occupations, arts, professions, callings or means of earning a profit or a livelihood, carried on or followed by one or more persons, firms, companies or corporations within the boundaries of the municipality, or, at the discretion of the council, on certain of the said categories or classes, a tax called "business tax" not exceeding ^{Rate.} eight and one-half per cent of the annual value, as entered on the valuation roll, of the places in which the said commerce, industry, occupation, art, profession, calling or means of earning a profit or a livelihood, etc., above-mentioned, is carried on.

The business tax so imposed shall replace, for the categories or classes which will be held to the payments of same, the annual dues or taxes authorized by section 526 of the said Cities and Towns' Act. The remaining classes or categories which are not held to the payment of such business tax shall remain subject to the taxes authorized by the said section 526. ^{To replace annual dues or taxes.}

11. The loans contracted by the municipalities under the control of the Commission and which must be repaid by the sinking-fund under the resolutions of the Commission consolidating the sinking-fund of such municipalities, in accordance with the provisions of the act 12 George V, chapter 123, section 8, may be so repaid by the said sinking-fund by simple resolutions of the Commission and of the municipality concerned, and, in such case, the loan so repaid by the sinking-fund shall be considered as an investment of such fund until the expiration of the term fixed by the resolution of consolidation, and, during such term, the municipality concerned shall continue to pay to the said sinking-fund the contribution mentioned in the said resolution of consolidation as well as the interest on the said loan at the rate fixed by the Commission for the purposes of such investment. ^{Repayment of loans by sinking-fund.}

12. If, after the homologation of the valuation roll, any immovable property increases in value by reason of new constructions, additions or improvements, or suffers a reduction in value whether by fire, demolition or any other ^{Assessment of property according to real value.}

cause, the council may, if it deem that such increase or reduction in value is of considerable importance, order its officers to increase or to decrease the assessment of such property to its real value, and alter accordingly with respect to the same property the amount of taxes imposed on such property, taking into account, however, the portion of the year already expired, so that the proprietor concerned shall pay on such increase of value and shall have the right to a reduction of taxes on the decrease in value only for the non-expired period of the current year. Every such alteration in the roll shall be subject to homologation by the council after eight days notice to the proprietor concerned who may file a complaint and appeal from the decision of the council according to the procedure indicated in the charter of the municipality concerned.

Application
restricted.

This section shall apply only to municipalities to which the action of the Commission extends, except the city of Montreal and any other such municipality already having a special provision to that effect under its charter.

Supplying of
by-laws,
etc., respect-
ing pension
fund.

13. It shall be the duty of every municipality to which the action of the Commission extends to supply the latter, thirty days at least before its adoption, with every proposed by-law or resolution to create or establish a pension fund for its employees and with all the information, reports of experts or other documents possessed by the municipality respecting same.

Coming into
force.

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