



## CHAPTER 147

### An Act to amend the charter of The Montreal Metropolitan Commission

[Assented to, the 20th of March, 1930]

**W**HEREAS The Montreal Metropolitan Commission has, Preamble.  
by its petition, represented that it is in its interests 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, and 19 George V, chapter 103, 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.** Sub-paragraphs *d* and *e* of subsection 1 of section 4 <sup>11 Geo. V, c.</sup> of the act 11 George V, chapter 140, are replaced by the <sup>140, s. 4, am.</sup> following:

*d.* One by the municipalities of the towns of Lasalle, St. Pierre, Hampstead, Mount-Royal, St. Laurent and Montreal West. The council of each of the said municipalities, at its first regular meeting or at a special meeting held within the twenty days following the coming into force of this act, shall appoint a delegate to proceed with the election of such member of the Commission. The delegates so appointed shall meet in the city hall, in Montreal, during the thirty days following the coming into force of this act, upon convocation by written notice of five days given by the secretary-treasurer of the Commission by registered letter, and shall then and there choose such member by

How mem-  
bers to be  
appointed.

the majority of the delegates present. The omission by any municipality to appoint its delegate shall not prevent the making of the appointment. Such commissioner shall be chosen from amongst the members of the town council of one of such municipalities;

How mem-  
bers to be  
appointed.

“e. One by the municipalities of the towns of Montreal North, St. Michel, Montreal East, Pointe-aux-Trembles and Laval de Montréal. The council of each of the said municipalities, at its first regular meeting or at a special meeting held within the twenty days following the coming into force of this act, shall appoint a delegate to proceed with the election of such member of the Commission. The delegates so appointed shall meet in the city hall, in Montreal, during the thirty days following the coming into force of this act, upon convocation by written notice of five days given by the secretary-treasurer of the Commission by registered letter, and shall then and there choose such member by the majority of the delegates present. The omission by any municipality to appoint its delegate shall not prevent the making of the appointment. Such commissioner shall be chosen from amongst the members of the town council of one of such municipalities.”

11 Geo. V, c.  
140, s. 11,  
replaced.

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

Oath to be  
taken by  
commis-  
sioners.

“**11.** Each commissioner, before entering into office, shall take the following oath of office before the secretary-treasurer of the Commission:

“I, \_\_\_\_\_, member of The Montreal Metropolitan Commission, residing at \_\_\_\_\_, swear that I will faithfully and to the best of my judgment and competence, perform the duties of the office to which I have been appointed. So help me God.”

Certificate.

A certificate attesting the taking of this oath shall form part of the archives of the Commission.”

12 Geo. V, c.  
123, s. 7,  
replaced.

**3.** Section 7 of the act 12 George V, chapter 123, as replaced by section 10 of the act 18 George V, chapter 120, is again replaced by the following:

Bank loans.

“**7.** The Commission may during any year, and from time to time, borrow, from one or more banks, such sums of money as it may need, in anticipation of its revenue, provided that the total does not exceed, in any year, the sum of four hundred thousand dollars. For any sum beyond four hundred thousand dollars, the Commission must obtain the approval of the Minister of Municipal Affairs. Such

loans which must be repaid within twelve months may be effected by notes in the ordinary course of business for a term which it shall fix and they may be renewed if necessary.

The Commission may also, with the approval of the <sup>Borrowing</sup> Minister of Municipal Affairs, to avoid or stop legal pro-<sup>power.</sup>ceedings, through the inability of a municipality to meet its bonds, or to pay a floating debt, a deficit in the budget and other obligations of a municipality unable to pay, borrow in the same way any sum necessary for the purpose, provided that any loan so made be repaid within twelve months by means of a loan effected in accordance with the provisions of sections 21 and 22 of the act 11 George V, chapter 140."

**4.** The following section is added after section 6 of the <sup>13 Geo. V, c.</sup> act 13 George V, chapter 105, as section 6a: <sup>105, s. 6a,</sup> <sup>added.</sup>

"**6a.** It shall be the duty of the clerk or secretary-<sup>Apportion-</sup> treasurer of the town of Montreal North and of the town <sup>ment of</sup> of St. Michel to apportion against the immoveables, which <sup>capital</sup> under by-law 84 of the town of Montreal North and by-law <sup>borrowed.</sup> 21 of the town of St. Michel are to be assessed for part of the capital borrowed to pay the cost of opening Boulevard Pie IX in the limits respectively of such towns, that portion of the said capital so placed at the charge of these immoveables.

This tax shall be supplementary to that already imposed <sup>Tax to be</sup> for the payment of the interest upon the said portion of <sup>supplemen-</sup> the said capital. <sup>tary.</sup>

The tax so imposed shall be payable yearly, in equal <sup>Tax payable</sup> amounts for forty consecutive years, and the annual levy <sup>yearly.</sup> must be sufficient to produce, on a basis of a yield of not over five per cent per annum, a sufficient amount to pay the said capital at the expiration of the period of forty years.

Every instalment unpaid at maturity shall bear interest <sup>Instalments</sup> at the rate fixed by the charters of the said towns. <sup>unpaid.</sup>

The apportionment hereby ordered shall be made within <sup>Delay to</sup> eight months after the sanction of this act and according to <sup>make appor-</sup> the frontage of the said immoveables, without it being <sup>tionment.</sup> necessary that a resolution or by-law to that effect be passed by the councils of the said towns."

**5.** The following section is added after section 3 of the <sup>19 Geo. V, c.</sup> act 19 George V, chapter 103, as section 3a: <sup>103, s. 3a,</sup> <sup>added.</sup>

Provisions applicable.

“3a. The provisions of the charter of the city of Montreal, to wit, articles 421, 422, 427, 428, 429, 430, 431, 434, 435, 436, 437, 438, 439, 439a, 440, 441, 442, 443, 443a, 444 and 445, as these articles exist at the date of the passing of this act, which articles are by section 3 of the act 19 George V, chapter 103, declared to apply to the Commission in the event of expropriation for acquiring the necessary immoveables for the opening and establishing of the boulevard, shall apply equally to any acquisition which the Commission may make by private agreement.

Procedure.

As regards the Commission's right to take possession of lands before having acquired them, the procedure which the Commission must follow is that indicated in article 422 of the charter of the city of Montreal.

Expropriation plan required.

Before acquiring any immoveable by expropriation, the Commission must have an expropriation plan prepared. This plan may be made by parts or sections according as the Commission is ready to proceed to the acquiring of the immoveables.

Designation of immoveables to be acquired:

Every immoveable to be acquired must be designated on such plan by its cadastral number, or as forming part of such cadastral number, as the case may be, and in addition by an expropriation number.

Homologation of plan.

Every such plan must be homologated by the Commission and when homologated be deposited in the office of the Commission, and, for the purposes of the required expropriations, shall be the official plan of the Commission to which the petition and notice of petition required by article 430 of the charter of the city of Montreal must refer.

Report, etc., not to form part of plan.

The report or specification and the estimate required by subsection 3 of section 11a of the act 13 George V, chapter 105, as enacted by the act 18 George V, chapter 120, section 11, and which must accompany the plan, do not form part of the plan and shall not be rendered obligatory by the fact of the homologation of the plan, such report, specification and estimate being required only to assist the Commission, the municipalities or other parties interested in the study of the plan and to enable the Metropolitan Commission the better to judge of the expediency or necessity of homologating the plan.

Municipalities responsible for loans.

All the municipalities situated on the Island of Montreal shall be jointly and severally responsible for all the loans effected by the Commission for the acquisition of lots for the opening of the boulevard, as well as for its establishment, construction and maintenance.”

**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 December, 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 a year, 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 December 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 December, 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 December.

Publication of notice.

Within fifteen days following the twentieth of December 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 sales.

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 required 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 December instant, the sale of the immoveables belonging to the persons in default will be proceeded with, without further notice."

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

Prescription.

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

Coming into force.