



CHAPTER 98

An Act to amend the charter of the city of Verdun

[Assented to, the 15th of March, 1928]

WHEREAS the corporation of the city of Verdun has, Preamble.

by its petition, represented that it is in the interest of the proper administration of its affairs that its charter, the act 7 Edward VII, chapter 73, as amended by the acts, 3 George V, chapter 61; 4 George V, chapter 80; 6 George V, chapter 48; 7 George V, chapter 72; 8 George V, chapter 88; 9 George V, chapter 95; 11 George V, chapter 115; 12 George V, chapter 108; 13 George V, chapter 95; 14 George V, chapter 91; 15 George V, chapter 97, and 16 George V, chapter 73, be further altered and amended in order to give it certain powers which it does not possess, and to do away with certain provisions which may govern it, namely:

To borrow money for public works; subrogation in favour of those who pay taxes; ratification of a deed with the Montreal Tramways Co.; municipal assistance; to prohibit construction and trade on certain streets; to aid in establishing and maintaining a Juvenile Delinquents' Court;

And whereas it is expedient to grant its prayer;

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

1. Upon petition, signed by the proprietors representing at least two-thirds of the land bordering on a street or lane and approved by the Montreal Metropolitan Commission and by the Lieutenant-Governor in Council, the city is authorized to do all permanent works, such as sidewalks, sewers, paving, aqueducts, and other so-called permanent works, and to borrow, as may be necessary, the amounts for such purposes. Certain works authorized.

Costs thereof.

The costs of these works and the interest on the loan contracted for the payment thereof, as well as the costs and disbursements incurred, in such case, in the preparation of the by-laws and the negotiation of the loans, shall be paid by a special assessment on the interested proprietors, in proportion to the frontage of their properties in conformity with the by-laws of the city and under the terms of section 576 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102).

Borrowing power in connection therewith.

For this purpose, the city is authorized, during five years from the expiration of the five year period granted under section 1 of the act 14 George V, chapter 91, as replaced by section 4 of the act 16 George V, chapter 73, to borrow all the necessary money to pay for these works, but the amount shall not exceed two hundred thousand dollars per annum.

Terms of loans.

The terms of each of such loans shall not exceed that of a special assessment made for the works for which such loan is made; and the interest shall not exceed six per cent per annum.

Ordering of same.

These loans shall be ordered by by-laws of the city council, but without being submitted to the ratepayers for approval, as required by sections 574 and following of the said Cities and Towns' Act, but they must be approved by the Montreal Metropolitan Commission and by the Lieutenant-Governor in Council.

Loans to be made by means of debentures, etc.

They shall be made by means of an issue of debentures or registered stock issued in accordance with the provisions of the city charter, or, in default of provision on the subject in the charter, in accordance with the provisions of the Cities and Towns' Act. Any by-law ordering such loan shall, in each case, clearly specify the object of such loan, and no by-law of this nature shall be adopted by the city council without having obtained from the city engineer a written declaration on his oath of office, attesting to the total cost of the works for which such loan is required, and that the works have been entirely executed.

Sinking-fund.

The special assessment, collected from the interested proprietors for the permanent works made under this section, shall constitute a sinking-fund to be applied exclusively to paying the interest on the debentures or registered stock issued for the payment of these works, and to redeem such debentures and registered stock at maturity, which said interest and sinking-fund shall nevertheless remain a charge against the general funds of the city.

How city may borrow.

The city is authorized to borrow from the bank or from the Montreal Metropolitan Commission, the necessary money for the execution of these works. This loan shall

be reimbursed to the bank or to the Commission with the proceeds of the sale of the bonds or debentures, issued by the city according to the by-laws passed in accordance with the charter.

These loans and the negotiation of these bonds or debentures shall be made within the year following the completion of the works. Delay.

2. Section 533 of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102) is replaced, for the city of Verdun, by the following: R. S., c. 102,
s. 533, re-
placed for
city.

533. Any person, not being the owner, who pays municipal or school taxes imposed in consideration of the land which he occupies, shall be subrogated, without other formality, in the privileges of the municipality on the moveable or immovable property of the owner, and may unless there be an agreement to the contrary, withhold from the rent or from any other debt which he owes him, or recover from him by personal action, the amount which he has paid in principal, interest and costs. Subroga-
tion in
favour of
person
paying for
owner.

Such subrogation has no effect against the third party unless the receipt given by the city treasurer states that the payment was made with subrogation. Effect
thereof.

The above subrogation shall not prevent the city from being collocated in preference to the party subrogated as above for the taxes due to the city after the subrogation, in the event of the immovables or moveables subject to the said taxes being sold." Collocation
by city.

3. The council is authorized to regulate the kind of buildings that may be erected on the following streets: Ouimet Avenue, Brault Avenue, Richard Avenue, Manning Avenue, Ross Avenue, Edna Avenue, Hickson Avenue, Dupuis Avenue, Rushbrooke Avenue, River Avenue, May Avenue and Wellington Street, and to determine at what distance from the line of these streets they shall be built, provided that such distance shall not be fixed at more than 25 feet from the said line, and to prohibit the construction of factories, workshops or any other shop or place of business in the said streets. City author-
ized to reg-
ulate build-
ing on cer-
tain streets.

4. The city is authorized by resolution of its council to contribute towards the costs of establishing and maintaining a Juvenile Delinquents' Court for the city, in the event of such court being established. Contribu-
tion towards
Juvenile
Court.

5. Notwithstanding the provisions of the Municipal Franchise Act (Revised Statutes, 1925, chapter 118), or

any other law, or of the provisions of the Cities and Towns' Act (Revised Statutes, 1925, chapter 102), to the contrary, the council of the city of Verdun is authorized to adopt the by-law reproduced as a schedule to this act; the same shall enter into force after the adoption and promulgation of the notice provided for in section 392 of the said Cities and Towns' Act.

Coming into force. **6.** This act shall come into force on the day of its sanction.

SCHEDULE

By-law No. _____ of the city of Verdun.

It is hereby enacted as follows:

1. The contract executed before John Fair, Notary, on the 5th of January, 1899, between the Corporation of the Municipality of the Village of Verdun and the Montreal Street Railway Company, is hereby cancelled and replaced by this by-law.

2. The city of Verdun hereby grants to the Montreal Tramways Company an exclusive franchise until the 24th of March, 1953, for the construction, equipment, maintenance and operation of a surface tramway and autobus system in the city, as it now exists or may hereafter be increased.

3. The said corporation hereby grants to the Montreal Tramways Company an exemption of all municipal taxes whatsoever now imposed or to be hereafter imposed, on all the properties of the company situated within the said city of Verdun, whether moveable or immovable, belonging to the said Montreal Tramways Company, so long as they are used for its operations, and this, for the time during which this by-law is in force.

4. As to the terms and conditions under which the said Montreal Tramways Company shall exercise this franchise, reference is hereby made, *mutatis mutandis*, to the contract between the city of Montreal and the Montreal Tramways Company, bearing date the 28th of January, 1918, before Jean Beaudoin, Notary, which said contract was ratified and confirmed under the provisions of the act 8 George V, chapter 84, and it is hereby enacted that all the clauses and conditions contained in said contract shall govern the present franchise insofar as the said clauses and conditions may be found applicable, and, for the purposes hereof, they shall be considered as forming part hereof as though they had been recited at length.