



CHAPTER 120

An Act to amend the charter of the Montreal Metropolitan Commission

[Assented to, the 22nd of March, 1928]

WHEREAS 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, and 16 George V, chapter 82, 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 following section is added after section 17 of the act 11 George V, chapter 140: 11 Geo. V, c. 140, s. 17a, added.

“**17a.** The place of business or domicile of the commission shall be at the City Hall, in the city of Montreal.” Place of business or domicile.

2. Section 5 of the act 12 George V, chapter 123, is repealed. 12 Geo. V, c. 123, s. 5, repealed.

3. Section 5a of the act 12 George V, chapter 123, as enacted by section 2 of the act 14 George V, chapter 107, is repealed. Id., s. 5a, repealed.

4. The following section is added as section 5 after section 4 of the act 12 George V, chapter 123; Id., s. 5, added.

“**5.** The municipalities under the control of the Commission are authorized to deposit the moneys intended for Municipalities authorized to de-

positmoneys with the Commission. their sinking-funds with the Commission which shall have the administration thereof. The moneys hitherto deposited with the Commission as sinking-fund by such municipalities shall continue to be administered by it.

Investment of sums by the Commission. The Commission may invest the moneys intended for its sinking-fund as well as the moneys deposited with it as sinking-fund by the municipalities under its control, in its own bonds or in bonds of the said municipalities, or in stock or bonds of the Dominion or of the Provinces, or in public securities of the United Kingdom or of the United States of America, or in bonds of any other municipal or school corporation of the Province."

Approval of subdivision etc., of lands, by Commission. **5.** Any subdivision, redivision, or change in a subdivision or redivision of lands situated in a municipality aided by the Commission must, to have effect, be previously approved by the Commission.

Period of loans. **6.** Notwithstanding the provisions of section 2 of chapter 111 of the Revised Statutes of Quebec, 1925, any loan or renewal of a loan by the Commission for the account and benefit of a municipality aided by it may be for such term as the Commission may deem expedient, provided that such term do not exceed forty years and subject to the previous approval of the Lieutenant-Governor in Council, upon the recommendation of the Minister of Municipal Affairs.

Validation. Any loan or renewal of a loan so made up to the present by the Commission is hereby acknowledged and declared valid.

Powers of the Commission to transact, etc. **7.** Notwithstanding any law to the contrary, the Commission may transact and compromise, in cases only where it may deem the same just, with the owners of taxable immovables situated within the limits of the town of Montreal-North, without the intervention of the municipal council of the latter, for all claims for general or special taxes or assessments due on or before the 31st of December, 1927, including those determined by a judgment having even the force of *res judicata*. It may remit such taxes or assessments in such proportions as it may deem proper and grant, for the payment of same or of the amount agreed, a delay not to exceed ten years, to be computed from the date of the resolution by the Commission, containing the conditions and terms of the compromise.

Prescription of claims. Prescription of the claims so established and of the interest on such claims shall begin to run only from the date of their determination as above. In the event of the claims so established being payable by yearly instalments, pre-

scription shall run, for each instalment, only from the date of its maturity. The delay for prescription shall be that fixed by the charter of the town of Montreal-North.

Every claim so established shall enjoy the privilege attached by law to municipal taxes and such privilege shall exist as long as the claim itself, without formality of registering.

8. Notwithstanding the provisions of by-laws 141 and 146 of the town of Montreal-North which impose a special real estate tax on all assessable immoveables in the town to meet the interest and sinking-fund of the sums borrowed under such by-laws for the construction of works also authorized under such by-laws, the Metropolitan Commission is authorized to impose a special tax upon the owners of lots fronting on the streets, lanes or public roads where the said works have been or will be done, and to apportion such tax according to the frontage of said lots, in order to defray the cost of said works. The special tax so imposed by the Commission shall be in reduction of the tax imposed by the said by-laws 141 and 146.

9. The Commission shall, without delay, make a further examination of the valuation rolls of the municipalities under its control from the coming into force of the act 11 George V, chapter 140, to the present date, to ascertain whether the valuation fixed by it for the purposes of its apportionments, under the act 12 George V, chapter 123, section 19, as replaced by the act 13 George V, chapter 105, section 4, establishes a just proportion between all the valuation rolls, and amend, if there be occasion, the valuation fixed by it. Whenever the valuation is so amended, the Commission shall, in a special apportionment roll, correct the apportionment rolls already made so that each municipality may bear the proportion which it should have contributed.

10. Section 7 of the act 12 George V, chapter 123, is replaced by the following:

“7. The Commission may at any time, or from time to time, but with the approval of the Minister of Municipal Affairs, borrow, from one or more banks, such sums of money as it may need, in anticipation of its revenue. 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 same approval, avoid or stop legal proceedings, 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, 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.”

13 Geo. V, c.
105, s. 11,
partly re-
placed.

11. The third and following paragraphs to the end of section 11 of the act 13 George V, chapter 105, are repealed and replaced by the following section as section 11a of the act 13 George V, chapter 105:

Plan for
opening of a
boulevard,
etc.

“**11a.** 1. The Metropolitan Commission is authorized to have a plan made for the opening and establishment of a wide street (a boulevard) crossing the Island of Montreal in its whole length, of which Sherbrooke street may or may not form part, starting from a point on the extreme east of the Island to a point on the western part of the Island, and, for such purpose, to retain the services of engineers, surveyors and other persons required by it to have the work done and to pay them the salary it thinks right.

Power of en-
gineers, etc.,
to enter
upon all
lands.

2. These engineers, surveyors or other persons are authorized to enter upon all lands, public or private, on the Island of Montreal, without the consent of the proprietors thereof, for the purpose of measuring, surveying or other work which they consider useful or necessary, and place boundary marks, posts or pickets which may be required for the enterprise.

Contents of
plan, etc.

3. The plan shall indicate in detail the lots, vacant or built upon, to be found within three hundred feet from each side of the central line of the proposed boulevard and be accompanied by a report or specification containing in detail the work to be done for the opening or establishing of the boulevard including the paving, as well as an estimate, as detailed as possible, of the cost of such undertaking.

Deposit
thereof.

4. When complete, the plan, with the aforesaid report and estimate, a copy of which shall be transmitted to each municipality in the Island of Montreal, shall be deposited in the office of the Commission in the city hall in Montreal, where any interested party may consult same.

Revision
thereof.

5. Upon a date fixed by it, the Commission shall in meeting assembled examine and revise the plan. Notice of such meeting shall be given to each municipality interested, by registered letter sent to its clerk, and, in addition, shall be published on two consecutive days in two English newspapers and two French newspapers published in the city of Montreal, fifteen days at least before the date of the said meeting.

Notice of
meeting
therefor.

6. The Commission may adjourn said meeting from time to time, if necessary, in order to complete its work. Adjournment of meeting.

7. After hearing the interested parties as above, the Commission may homologate such plan, with or without amendments, which, after homologation, shall be obligatory upon all the municipalities situated on the Island of Montreal. Homologation.

8. After the homologation of the plan, the Commission shall cause statutory boundary marks to be placed by a competent officer at the places deemed necessary and he shall draw up a minute thereof. The boundary marks so placed shall serve as a division line between the land forming part of the boulevard and the contiguous lands. Such boundary marking shall be obligatory for everybody and shall be in lieu of a legal or judicial boundary marking. Statutory boundary marks.

9. The Commission may amend the homologated plan upon following the procedure above mentioned. Amendment of plan.

10. Any expense made or incurred by the Metropolitan Commission in relation to such work shall be paid by it by means of loans, with sinking-fund, which it is authorized to make, from time to time, under the law which governs it. Expenses.

11. Such expense shall be apportioned, over one or more years, by the Metropolitan Commission by simple resolution, without the necessity of making a roll, at the date it shall fix, upon all the municipalities of the Island of Montreal, according to the proportionate rate of valuation of all the taxable real estate situated in such municipalities as established by their valuation rolls in force, which may be amended in accordance with the provisions of section 4 of the act 13 George V, chapter 105. Apportionment thereof.

12. It shall be the duty of the clerk or secretary of any municipality of the Island of Montreal to supply the Metropolitan Commission, each year, on demand, with a certificate of the total of such valuation in the municipality and for this purpose he shall be the employee of the Commission. Duty of clerk or secretary.

13. The amount due by a municipality under the above mentioned apportionment shall be paid within thirty days from the demand made upon it, in writing, and shall bear interest at the rate of six per cent per annum from due date. Delay to pay.

14. Any amount thus imposed upon one of the municipalities on the Island of Montreal shall form part of the administrative expenses of such municipality and shall be payable out of its general funds. Mode of payment.

15. An appeal shall lie to the Quebec Public Service Commission from the homologation of the plan by the Metropolitan Commission, and the decision of the said Quebec Public Service Commission shall be final. Such Appeal from homologation.

appeal shall be instituted within thirty days of the decision by the Metropolitan Commission homologating the plan.

Budget and financial report of municipalities.

12. Every municipality to which the Commission's jurisdiction extends, except the city of Montreal, shall deliver to the Commission, each year, within eight days of its adoption, a certified copy of its budget and a certified copy of its financial report for the previous year.

Provisions not affected.

The provisions of law concerning assisted municipalities shall not be affected by this section.

Submission of plans for certain works to Commission.

13. Every municipality on the Island of Montreal, except the city of Montreal, shall, before ordering the opening, divergence or closing of a street or public road, the construction of sewers or water conduits, submit its proposal, with the plans relating thereto, to the Commission and obtain its approval.

Injunction for unapproved work.

The Commission may, by proceedings for an injunction taken in its name, prevent or stop the carrying out of such project or work which has not been approved by it, with costs against the municipality in default.

Expenses for study of Borough System.

14. The Metropolitan Commission is authorized to and shall pay the expenses to be incurred by the commission appointed by the Order-in-Council of the 13th of October, 1927, to study the municipal administration system known as Borough System in relation to the government of the city of Montreal and surrounding municipalities.

Amount thereof.

Such expenses shall be those that the latter commission deem proper to make to carry out the work entrusted to it.

Municipality unable to meet expenses.

15. Upon the report of the auditors of the Commission that a municipality under its control is unable to meet its obligations, the Commission may, by resolution, declare such municipality to be a municipality aided by the Commission, but such resolution or declaration shall have effect only if approved by the Lieutenant-Governor in Council on the recommendation of the Minister of Municipal Affairs. From the date of such approval such municipality shall be subject to all the provisions of the act respecting municipalities aided by the Commission. A copy of such resolution shall be immediately transmitted to each of the municipalities under the jurisdiction of the Commission.

Immoveable property declared non-taxable.

16. Every immoveable property acquired or held by the Commission, for itself or in trust for any municipality under its control, is declared non-taxable property and shall be exempt from all general or special municipal taxes

and from all school taxes or other assessments or apportionments whatsoever.

17. Whenever a municipality under the control of the Commission effects any loan whatsoever, it shall be the duty of the clerk or secretary-treasurer of such municipality to make a detailed report thereof in writing to the Commission. Such report shall be made within ten days following the date when the loan was made, failing which the person obliged to make such report shall be liable to a fine of fifty dollars recoverable by the Commission in its own name before any competent court. Any sum so recovered by the Commission shall belong to it.

Report to Commission in case of loan to be effected.

18. Section 8 of the act 13 George V, chapter 105, is replaced by the following:

13 Geo. V, c. 105, s. 8, replaced.

8. The Metropolitan Commission has the right to enact that the members of the Commission shall be entitled to a remuneration of ten dollars for attending each session of the Commission and for attending each session of a committee.

Remuneration of members.

The Metropolitan Commission is authorized to grant to its chairman an indemnity not exceeding four thousand dollars per annum besides his remuneration for attending the sessions of the Commission and its committees."

Id., of chairman.

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

Coming into force.