



CHAPTER 83

An Act to amend the charter of the city of Lachine

[Assented to, the 1st of April, 1927]

WHEREAS the city of Lachine has, by its petition, re-^{Preamble.}
presented that it is in the interest of the proper ad-
ministration of its affairs that its charter, the act 9 Edward
VII, chapter 86, as amended by the acts 2 George V, chap-
ter 61; 3 George V, chapter 57; 4 George V, chapter 79;
5 George V, chapter 96; 7 George V, chapter 69; 9 George
V, chapter 99; 11 George V, chapter 116; 12 George V,
chapter 107, and 14 George V, chapter 90, be again amended
to provide for the ratification of the adjudication of certain
properties to the city; for special loans in connection with
the erection of sanitary dwellings; for deciding of complaints
against the valuation roll by a board of assessors; for the
amendment of certain rolls, and for other purposes men-
tioned in its petition; and

Whereas it has prayed that an act be passed for the
above purposes and 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. Section 494 of the Cities and Towns' Act, chapter R. S., c. 102,
102 of the Revised Statutes, 1925, is replaced, for the city, ^{s. 494, re-}
by the following: ^{placed for}
city.

"494. The assessors shall deposit the valuation roll in ^{Deposit of}
the office of the council, immediately after its completion; ^{rolls.}
and public notice of such deposit shall be given by the clerk,
during the two days following.

The notice shall state that the roll will remain open to ^{Notice}
the examination of parties interested, or their represent- ^{thereof.}
atives, for the thirty days next following its deposit.

The notice shall further state the day, hour and place ^{Contents of}
notice.

where the roll will be revised and complaints against it will be heard and decided.

Publication of notice. The notice shall moreover be published once in French in a newspaper published in French and once in English in a newspaper published in English in the city of Montreal."

R. S., c. 102, s. 495, replaced for city. **2.** Section 495 of the said Cities and Towns' Act is replaced, for the city, by the following:

Appeal to board of assessors. **"495.** During such period of thirty days mentioned in the notice, any person who thinks himself entitled to complain, for himself or for another, of the roll as drawn up, may appeal therefrom to the board of assessors, by giving for that purpose a written notice to the clerk stating the grounds of his complaint and, if he complains that the valuation of the property is too high, he shall mention, in the notice, the amount of the valuation considered by him to be just."

R. S., c. 102, s. 496, replaced for city. **3.** Section 496 of the said Cities and Towns' Act is replaced, for the city, by the following:

Hearing of complaints. **"496.** The board of assessors composed of all the assessors after the expiration of the thirty days mentioned in section 494, on the day, hour and place mentioned in the notice, shall take into consideration and decide all the complaints made under section 495. The board of assessors shall keep a summarized book of its deliberations upon all complaints submitted to it.

Decision of board of assessors. After having heard the parties and their witnesses, under oath administered by its presiding officer, and the witnesses produced on behalf of the municipality, the board of assessors shall maintain or alter the roll, as it may deem just."

R. S., c. 102, s. 497, replaced for city. **4.** Section 497 of the said Cities and Towns' Act is replaced, for the city, by the following:

Revision and homologation of roll. **"497.** In all cases, the board of assessors shall proceed, at such sitting, which it may adjourn as often as may be necessary, within the next fifteen days, to revise and homologate the roll, whether it be complained of or not.

Correction. It may also correct the form of the language used."

R. S., c. 102, s. 498, replaced for city. **5.** Section 498 of the said Cities and Towns' Act is replaced, for the city, by the following:

Declaration of homologation. **"498.** After all the complaints fyled have been decided, the board of assessors shall declare the roll homologated;

and the roll so homologated shall remain in force, until the coming into force of a new roll."

6. Section 499 of the said Cities and Towns' Act is re-
placed, for the city, by the following:

"499. If any property be omitted from the roll prepared by the assessors, the latter, if they perceive it before homologating the roll, shall value such property and add it to the roll.

R. S. c. 102,
s. 499, re-
placed for
city.

Property
omitted
from roll.

In such case, the roll cannot be homologated until special notice of three days, in relation to such addition, has been given to the owner, who may, within such delay, file his complaint against the valuation, and be heard before the board of assessors at the time of such homologation."

Homologation in such case.

7. Section 504 of the said Cities and Towns' Act is re-
placed, for the city, by the following:

"504. An appeal shall lie to the Circuit Court of the county or of the district, or to the District Magistrate's Court:

R. S., c. 102,
s. 504, re-
placed for
city.

Appeals:

1. From any decision of the board of assessors under sections 496, 497 and 499, and of the council, under sections 500 and 502, within thirty days from such decision, whether the council or the board of assessors, as the case may be, rendered same of its own accord or upon a complaint or petition filed in virtue of such sections;

From decision of board of assessors;

2. Whenever the council or the board of assessors, as the case may be, has neglected or refused to take cognizance of any written complaint made in virtue of section 495, or of a petition presented in virtue of sections 500 or 502, within thirty days after the sitting at which it should have taken cognizance thereof."

From neglect, etc., of council to take cognizance of complaint.

8. Section 510 of the said Cities and Towns' Act is re-
placed, for the city, by the following:

"510. The court may, by its judgment, confirm the decision appealed from, annul or amend the same, or render such decision as the council or the board of assessors, as the case may be, ought to have rendered, or order it to exercise the functions respecting which recourse is had."

R. S., c. 102,
s. 510, re-
placed for
city.

Judgment.

9. Section 538 of the said Cities and Towns' Act is re-
placed, for the city, by the following:

"538. The treasurer shall make a general collection roll, each year, at the time fixed by the council, including all taxes, both general and special, then imposed, mentioning them separately.

R. S., c. 102,
s. 538, re-
placed for
city.

General collection roll.

Special roll. He shall also make a special collection roll whenever any special tax has been imposed, after the making of the general collection roll, or whenever he is ordered so to do by the council. Such special roll shall exist as a separate roll, only until the date fixed by the council for the preparation of the new general roll, and it must then be included in the new general roll which the treasurer shall prepare.

Maturity. In order to comply with the foregoing provisions of this section, the council may, by resolution, advance or retard the maturity of the whole or part of the instalments of the special assessments imposable under the by-laws of the council, then in force.

No recovery No payment under a special roll made up to the 1st of April, 1927, in conformity with the second paragraph of this section shall be subject to recovery."

Costs. **10.** The cost of the waterworks, sewers, sidewalks or other municipal improvement works payable by the property owners, by a special real estate assessment, shall include the sums disbursed by the city, for such purposes, and the interest upon such sums at the rate of six per cent per annum to be computed from the date upon which they were paid by the city, to the date of the coming into force of the apportionment roll.

Validation of certain adjudication. **11.** The adjudication made, on the 1st of June, 1926, to the city of Lachine, of the properties of the Metropolitan Housing Company, Limited, in liquidation, upon which it bid to protect its interests as mortgage creditor for the amount of \$96,087.88 in capital and \$9,765.57 for arrears of interest, that is a total of \$105,853.45, is declared valid notwithstanding that the city did not have this right according to its charter.

Sale by auction ordered. The city of Lachine shall, however, dispose of the said immoveables by auction sale in accordance with the provisions of its charter within four years from the 1st of April, 1927.

Delay in confiscation for default. **12.** The amounts paid by the city on account of the adjudication price on the 1st of June, 1926, of the properties of the Metropolitan Housing Company, Limited, in liquidation, shall not be subject to confiscation for default in fulfilling the conditions of sale before four months after the date of the final judgment which will be rendered settling the order and rank of the privileged and hypothecary claims payable out of the sale price of the said properties, notwithstanding any agreement to the contrary contained in the conditions of sale, books of charges and contracts of adjudication.

13. The liquidators of the Metropolitan Housing Company, Limited, shall have no right to exact any fee for and consequent upon the transfer and cession made by them as liquidators of the said company to the city of Lachine, by deed passed before J. A. Meunier, N. P., on the 13th of December, 1926, registered in Montreal under the number 131,127, in conformity with the private agreement between their representative and the representatives of the city on the 23rd of March, 1926, ratified by the inspectors of the liquidation and the council of the said city, of the lots of land hereinafter described with the buildings thereon erected, namely: lots 184-110, 112, 113, 115; 184-111-1 & 2; 184-114-1 & 2; 184-116-1; 181-3-1 & 2; 181-4-1 & 2; 181-5-1, 2 & 3; 181-6-1, 2, 3 & 4; 181-7-1, 2, 3 & 4; 293-347 & 348; 753-171, 172, 173, 174, 175, 176 & 177, of the plan and book of reference of the town of Lachine.

No liquidators' fee on certain transfers.

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

Coming into force.