



CHAPTER 16

An Act to amend the Public Service Commission Act

[Assented to, the 24th of March, 1926]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. Section 2 of the Public Service Commission Act, R. S., c. 17, (Revised Statutes, 1925 chapter 17) is replaced by the following: s. 2, replaced.

"2. In this act, unless the context otherwise requires,—

1. the word "Commission" means the Quebec Public Service Commission; Interpretation:
"Commission";

2. the words "public service" mean every corporation other than a municipal or school corporation, and every firm, person, or association of persons, or any lessee, trustee, liquidator or receiver thereof, that owns, operates, manages, or controls any system, works, plant or equipment,— "Public service";

a. for the transmission of telegraph or telephone messages; or

b. for the conveyance of passengers or goods over a railway or tramway, or upon any lake, river or stream; or

c. for the conveyance of passengers or goods over the public roads, at stated days and hours, from one point to another, or by round trip, by autobus, taxi or delivery car, as defined in section 2 of the Motor Vehicle Act (Chap. 35), but not including an autobus or taxi owned by a hotelkeeper and used by him solely for the conveyance of the travellers who patronize his hotel, between such hotel and a station or landing place, within the same locality or in a neighbouring locality; or

d. for the production, transmission, delivery or sale of heat, light, water or power; or

Application of act. *e.* for a sewer system; and in connection with such public services, the application of this act and the jurisdiction of the Commission shall extend only to matters falling under the legislative authority of the Province.

Operations outside territorial limits of corporation. Nevertheless, a municipal corporation which carries on, outside its own territorial limits, any of the operations above mentioned, shall, for such part of such operations so carried on outside its own limits, be considered as a public service within the meaning of this paragraph 2."

R. S., c. 17, s. 4, am. **2.** Section 4 of the said act is amended by replacing the word: "three", in the third line thereof, by the words: "not less than three nor more than four".

R. S., c. 17, s. 10, replaced. **3.** Section 10 of the said act is replaced by the following:
Casting-vote and opinion of president. **"10.** The Commission shall decide by a majority vote, and, if the votes are divided, the president shall have a casting-vote. Nevertheless the opinion of the president upon any question which, in the opinion of the commissioners, is a question of law shall prevail."

R. S., c. 17, s. 19, am. **4.** Section 19 of the said act is amended by inserting therein, after paragraph *f* of subsection 1 thereof, the following paragraph:

Power of secretary to administer oath. **"The secretary shall have the power to administer oaths at any sitting or in connection with any proceeding before the Commission."**

R. S., c. 17, s. 22, am. **5.** Section 22 of the said act is amended:
a. By replacing the word: "eight", in the fourth line of the first paragraph thereof, by the word "nine";
b. By replacing the words: "three thousand five hundred", in the fourth and fifth lines of the same paragraph, by the words: "five thousand".

R. S., c. 17, s. 28, replaced. **6.** Division IV of the said act, and section 28 thereof, are replaced by the following:

"DIVISION IV

"CONTROL OVER PUBLIC SERVICES

Approval and permission of Commission. **"28. 1.** No public service shall, from and after the 24th of March, 1926, begin the construction or operation of any line, plant or system, or of any part or extension thereof, without first having obtained the approval and permission of the Commission.

The Commission shall have power to grant such approval and permission whenever, after investigation, it finds that such construction or operation is necessary or convenient for the public benefit. Power to grant same.

2. Subsection 1 of this section shall not apply when a public service already doing business in one section of a city, town or other local municipality, desires to render the same service to the rest or to another part of such municipality, and, for such purposes, desires to enlarge or extend its plant or system. Provisions not applicable.

"28a. Every public service shall provide and employ such service, equipment and facilities as shall promote the safety, health, comfort and convenience of the public, and as shall be in all respects adequate, efficient, just and reasonable. Equipment, etc., to be provided.

"28b. All rules, regulations and requirements made, and practices followed, by a public service, affecting or pertaining to its tolls or charges or to the nature, form and quality of its service to the public, shall be just and reasonable. Rules and regulations to be just and reasonable.

"28c. All charges made, demanded or received by any public service, for any product, commodity or service furnished or to be furnished, shall be just and reasonable. Charges to be just and reasonable.

"28d. 1. Within such delay as may be fixed by the Commission, notice whereof shall be given in the *Quebec Official Gazette*, and, in the case of new services, within two months after commencing business, every public service shall forward to the Commission schedules of all its rates, fares, tolls, rentals, and charges to all its customers, whether individuals, partnerships, corporations, municipalities or other public services, together with copies of all its classifications, rules, regulations and forms of contract, affecting or pertaining to its charges or service. Submission of schedules of rates, etc.

2. No public service shall increase any rate, fare, toll, rental or charge, or so alter any classification, contract, practice, rule or regulation as to result in an increase in any rate, fare, toll, rental or charge, in any manner whatsoever, except after obtaining the authorization of the Commission upon establishing that such increase is justified. No increase in rates, etc., without Commission's consent.

3. This section shall not apply to any contract for the sale of more than one hundred horse-power of electric power for industrial or commercial purposes. Application of section.

28e. 1. Whenever the Commission, upon its own motion or upon complaint, shall find that the rates, fares, Determination of rates,

etc., by the
Commission.

tolls, rentals or charges, or any of them, demanded, charged or collected, or that the classifications, made or observed by any public service, for any product, commodity or service, or in connection therewith, or that the rules, regulations, requirements, practices or contracts, or any of them, affecting such rates, fares, tolls, rentals, charges or classifications, or any of them, are unjust, unreasonable, or unduly discriminatory, or in any way in violation of any provision of law, or that such rates, fares, tolls, rentals or charges are insufficient or that such classifications are incomplete, the Commission shall determine the just, reasonable or sufficient rates, fares, tolls, rentals, charges, classifications, rules, regulations, requirements, practices or contracts to be thereafter observed and in force, and shall fix the same by order as hereinafter provided. After the date fixed by such order for the coming into force of such revised rates, tolls, charges or rentals, it shall be unlawful for the public service to demand, charge or collect any others than those so fixed; and every classification, rule, regulation, requirement, practice or contract, which has been disapproved by the Commission, shall be no longer employed or followed.

Powers of
Commission as to
certain
existing con-
tracts.

2. Notwithstanding the provisions of section 28c and of subsection 1 of this section, the Commission shall not have the power to make any order disapproving or varying the terms and conditions of any contract in force on the 24th of March, 1926, respecting the supplying, for industrial or commercial purposes, of heat, light or motive power, but the present exception shall not apply to a renewal of any such contract.

Powers of
Commission when
public ne-
cessity re-
quires inter-
vention.

"28f. When public necessity and convenience require, and, after a hearing of all parties interested, the Commission may order any public service to extend its line, plant or system into and to render service to, any locality not already served by the same public service, provided such locality be within the territory where the public service is authorized by its charter to carry on business. In such case the provisions of paragraphs 4, 5, 6 and 7 of section 28h shall apply, *mutatis mutandis*.

No suspen-
sion of ope-
rations with-
out permis-
sion.

"28g. No public service shall cease or suspend its operations, in whole or in part, without first obtaining the permission of the Commission to that effect.

Jurisdiction:

"28h. The Commission shall also have jurisdiction:

All matters
within

1. In all matters within the jurisdiction of the Railway Committee of the Executive Council, for which Committee

it is hereby substituted and with the powers of which it is hereby vested; and any engineer or other officer appointed by it for any purpose prescribed by sections 205 and following of the Quebec Railway Act (Chap. 230), respecting the Railway Committee of the Executive Council, shall possess the same powers and be subject to the same obligations as any engineer or officer mentioned in the said sections and performing like duties possesses or is subject to;

2. In all questions relating to the transportation of goods on the lines of any tramway company, or on any part thereof; and for such purpose it may authorize or require any such company to carry goods on its lines or on any part thereof, for any period of time and at such prices as it may fix;

3. In all matters within the jurisdiction of the Minister of Public Works and Labour and mentioned in sections 125 to 129 of the Quebec Railway Act (Chap. 230); and for the purposes thereof it is hereby substituted for the Minister of Public Works and Labour, and is hereby vested with all his powers;

4. In all cases arising when a public service having the right to enter a municipality for the purpose of placing therein, whether with or without the consent of the municipality, its rails, poles, wires, pipes, conduits or other appliances, upon, along, across, over or under any public road, street, square, water-course, or part thereof, cannot come to an agreement with such municipality, as to the use, as aforesaid, of the roadway or of the water-course in question, or as to the terms and conditions of such use, or when such a public service doing business in a municipality cannot come to an agreement with such municipality as to the terms and conditions under which it may continue to make use, as aforesaid, of the public road, street, square, water-course, or part thereof, and applies to the Commission for permission to use such public road, street, square, water-course, or part thereof, or to continue the use thereof, and to fix the terms and conditions of such use or of the continuance of such use, as the case may be; and in such case the Commission may permit, as aforesaid, the use of or the continuance of the use of such public road, street, square, water-course, or part thereof, and prescribe the terms and conditions thereof;

5. In all questions arising whenever a public service desiring to extend its system, line or apparatus, from a point where it does business to another point or points where it is authorized to do business, cannot come to an agreement with an intermediate municipality or municipalities as to the use of some public road, street, square or water-course,

jurisdiction
of Railway
Committee,
etc.;

Transportation
of goods
by tramway
companies,
etc.;

Certain
matters
under Rail-
way Act;

Placing of
rails, etc.,
by a public
service, on
public
roads, etc.,
in certain
cases.

Questions as
to exten-
sion of
system, etc.

or part thereof, and applies to the Commission for permission to use such public road, street, square or water-course, or part thereof; and, for the purposes of such extension only, and without unduly preventing the use thereof by other persons or companies already lawfully using the same, the Commission may permit such use, notwithstanding any law or contract granting any other person or corporation exclusive rights with respect thereto, but shall prescribe the terms and conditions upon which such public service may use such road, street, square or water-course, or part thereof;

Certain
contesta-
tions
between
public
services and
municipal-
ities;

6. In all contestations arising between a public service and a municipality with reference to the performance of the terms and conditions mentioned in paragraphs 4 and 5 of this section; and the Commission may change such terms and conditions, if, in its opinion, such changes are necessary or desirable;

Contesta-
tions
between
public
services and
municipal-
ities as to
extension of
services
therein.

7. Upon the complaint of any municipality or other interested party that a public service doing business in such municipality fails to extend its services to any part of such municipality; and after hearing the parties and their witnesses, and making such inquiry into such matter as it deems equitable, the Commission may order the extension of such service and the conditions under which the same shall be done, including the cost of all necessary works, which it may apportion between the public service and the municipality in any manner it deems equitable.

Contesta-
tions as to
right of
floating
timber on
rivers, etc.

8. In all cases arising upon the complaint of any corporation, partnership or person respecting the exercise of its or his right to float timber down any river, lake or stream, and the exercise of the same right, or any other right, on the same river, the same lake or the same stream, by another corporation, partnership or person; and, after hearing the parties, the Commission may fix the conditions upon which each party may float his timber or exercise any other right, and may issue any order it may deem necessary in the interest of all the interested parties;

Expropria-
tion in cities
of Quebec
and Mont-
real.

9. Notwithstanding any provision in the charter of either of such cities respectively,—on any question arising respecting expropriation by the city of Quebec or by the city of Montreal for any municipal purpose (including the fixing of the compensation), which, under the said charters, is within the jurisdiction of any board of commissioners, assessor, arbitrator or other functionary or officer; provided that every provision relating to expropriation in either of the said charters shall continue to govern expropriations by each of such cities respectively, with the exception of the modification introduced by this paragraph;

10. In any dispute that a tramway company and one or more municipalities agree by resolution to submit to the Quebec Public Service Commission, relating to tramway rates and operation, whether or not a contract exists between them; and the order of the Commission shall be binding on all parties. This provision shall not apply to The Montreal Tramways Company;

Contestations relating to tramway rates and operation.

11. In all matters referred to the Commission by any other act, either general or special, and, in every case, in the manner provided by and in accordance with the provisions of the act in question;

Jurisdiction under general or special act.

12. In all matters referred for the decision of the Commission by agreement between any public service and any municipality or other interested party, and the decision of the Commission shall then be binding upon the parties.

Id., by agreement.

"28i. The Commission shall have a general supervision over all public services, as defined by section 2, and may make such orders regarding quality of service, equipment, appliances, safety devices, extension of works or systems, reporting, rules, regulations, requirements and practices affecting or pertaining to its charges or service and other matters, as are necessary for the safety or convenience of the public or for the proper carrying out of any contract, charter or franchise involving the use of public property or rights.

General supervision over all public services, etc.

The Commission may conduct all inquiries necessary for the obtaining of information as to the manner in which any public service complies with the law, or as to any other matter or thing within the jurisdiction of the Commission.

Power to hold inquiries.

"28j. The Lieutenant-Governor in Council or the Provincial Treasurer may refer to the Commission any statement or declaration forwarded to the Collector of Provincial Revenue under the Quebec Succession Duties Act (Chap. 29), in order that the Commission may hold an investigation into the assets and liabilities of the estate in question, and may check the accuracy of such statement or declaration. For such purpose the Commission shall have all the rights and be vested with all the powers conferred upon a commissioner appointed under the Public Inquiry Commission Act (Chap. 8).

Reference to Commission of statements under Succession Duties Act.

Rights and powers.

The Commission may proceed according to the provisions of paragraph 2 of section 9, and it shall make a report upon the subject of its investigation, at the earliest possible date.

Procedure and report.

"28k. In any case where the Province or any person, company or corporation is authorized to construct a dam and where such construction will have the effect of sub-

Expropriation of certain water-powers.

merging any water-power of not more than a permanent force of two hundred horse-power, the Commission shall have the power to authorize the expropriation thereof, upon the application of the party so authorized to construct. Upon receipt of such application and upon proof that the submersion of such water-power is indispensable for the construction and maintenance of the proposed work, the Commission shall make an order authorizing the expropriation of such water-power of less than two hundred horse-power which will be so submerged notwithstanding the restrictions enacted by the Water-Course Act (Chap. 46).

Provisions
applicable.

The offer of compensation and the immediate possession, the expropriation proceedings, the fixing of the compensation and the other formalities shall be subject to the analogous provisions in the Quebec Railway Act (Chap. 230), except that the sole arbitrator shall be the Quebec Public Service Commission."

R. S., c. 17
s. 30, re-
placed.

Formalities
governing
application
for autobus
service, etc.

7. Section 30 of the said act is replaced by the following:

"30. 1. The application by any public service mentioned in sub-paragraph *c* of paragraph 2 of section 2, for the authorization required by section 28, must state the number of autobusses, taxis or delivery cars, as the case may be, that it is proposed to employ, and give their description, weight and capacity, state the route and time-table it is proposed to follow, the rates proposed to be charged, the security offered to compensate the public for any damage that may be caused, and, as to its civil status and solvency, shall furnish any information that may be required by the Commission.

Mode of
transmis-
sion.

2. Such application may be transmitted to the Commission through one of the revenue officers entrusted with the issue of registrations, licenses and permits under the Motor Vehicle Act (Chap. 35).

Granting of
authoriza-
tion by
order.

3. When the Commission grants the authorization applied for, it shall do so by an order setting forth the route and time-table to be followed, the description, number, weight and capacity of the autobusses, taxis or delivery cars to be employed, as the case may be, the security to be furnished, and the tariff of fares and rates to be charged by the carrier. Such time-table must be posted up in the autobus and must be followed so that there shall be no departure from any locality before the time indicated in such time-table. No such time-table, route, security or tariff may thereafter be varied, nor any such autobus, taxi or delivery car replaced by the carrier without the permission of the Commission or unless obliged so to do by an order of the Commission. A copy of each order shall

Contents of
order.

Posting of
time-table.

No varia-
tion without
permission.

be furnished by the Commission to the Comptroller of Provincial Revenue, and to the Roads Department, at Quebec, as soon as given.

4. Any authorization granted under this section may be conveyed or transferred, but no such deed of transfer shall have any effect until ratified by the Commission after ascertaining that the interests of the public have been protected. Notice of such ratification must be given to the Comptroller of Provincial Revenue and to the Roads Department, at Quebec, as soon as accorded.

Transfer of
authoriza-
tion.

Ratification.

Notice.

5. Every authorization granted under this section shall remain in force until revoked or amended by the Commission.

Duration.

6. Every public service, as mentioned in this section, in operation on the 24th of March, 1926, must make the application mentioned in subsection 1 above, within two months from such date. The Commission may, in urgent cases, give the authorization to commence or continue the carrying on of such business as carrier, provisionally.

Delay for
application.

Provisional
authoriza-
tion.

7. The rights and obligations of a carrier operating an autobus, a taxi or a delivery car, towards the persons conveyed therein or towards the owners of the goods conveyed therein, shall be those set forth in articles 1672 and following of the Civil Code."

Provisions
governing
rights and
obligations.

8. The said act is amended by inserting therein, after section 33 thereof, the following section:

R. S., c. 17,
s. 33a,
added.

"33a. The Commission shall have the necessary powers to enforce all the provisions of this act."

Powers of
Commission.

9. The said act is amended by replacing the title of Division VI thereof by the following: "Tariff of duties and fees."

R. S., c. 17,
Div. VI, title
replaced.

10. Section 36 of the said act is amended by adding thereto the following paragraph:

R. S., c. 17,
s. 36, am.

"He may likewise impose such tax or duty as he may see fit upon any proceeding before the Commission. Such tax or duty shall be payable in stamps, and shall form part of the consolidated revenue fund of the Province."

Tax or duty
upon pro-
ceedings.

11. Section 41 of the said act is amended by adding thereto, after the word: "affirmation", in the second line of the first paragraph thereof, the following words: "and any official stenographer of the Superior Court shall be competent to take and transcribe such depositions under his oath of office."

R. S., c. 17,
s. 41, am.

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

Coming into
force.

