



## CHAPTER 74

An Act to amend the charter of the city of Outremont

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

**W**HEREAS the city of Outremont has, by its petition, Preamble. represented that it is expedient, for the proper administration of its affairs, to amend its charter, the act 5 George V, chapter 93, as amended by the acts 7 George V, chapter 66; 8 George V, chapter 87; 11 George V, chapter 114, and 14 George V, chapter 92, and to grant it additional powers;

Whereas the valuation of the properties of the Mount Royal Tunnel and Terminal Company Limited, consisting of that portion of the company's tunnel through Mount Royal and situated within the limits of the city of Outremont, made by the said city of Outremont for the years 1921-22, 1922-23, 1923-24 and 1924-25, has been contested before the courts;

Whereas it is in the interest of the parties to put an end to all litigation;

Whereas it is also in the interest of the city of Outremont to be assured of the payment, for a period of ten years from the year 1921-22, of municipal and school taxes and assessments based upon a fixed and indisputable valuation;

Whereas an agreement has been arrived at between the parties and the company's offer for the above purposes has been approved by a resolution of the council of the city of Outremont, dated the 29th of June, 1925;

Whereas the litigations between the parties have been settled amicably out of court, in accordance with such agreement;

Whereas the said agreement and the resolution of the 29th of June, 1925, accepting it, require to be ratified by the Legislature;

Whereas the city of Outremont has prayed for an act for the above purposes: and

Whereas it is expedient to grant the said prayer;

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

5 Geo. V, c. 93, ss. 77a and 78, added.

**1.** The act 5 George V, chapter 93, is amended by inserting therein, after section 77 thereof, the following sections:

Subrogation.

**77a.** Whosoever, not being a debtor, pays to the city any municipal or school, immoveable or personal, general or special tax, due by a third party, is *de jure* subrogated in the rights and privileges of the city, and may recover the amount of the taxes so paid by him from the real debtor.

Effect thereof.

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.

City collocated by preference.

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 immoveables or moveables subject to the said taxes being sold.

Certified school assessment roll.

**78.** The city may, under an agreement with the school commissioners or school trustees of any school municipality situated within the municipality, upon a resolution to that effect passed by the said school commissioners or trustees, as the case may be, and by the council of the city, have the certified school assessment roll or a certified extract from such roll delivered to it, and pay the school commissioners or trustees the amount, mentioned in such school assessment roll or extract therefrom, less the amount of a commission not exceeding one per cent, at the dates and in the manner agreed upon.

No commission in certain case.

No such commission shall however be collected by the city, as long as it is obliged by law to collect the Protestant school tax and the school taxes on immoveables entered on the neutral panel, gratuitously.

Validation of resolutions.

**2.** The resolution passed by the school commissioners of the municipality of the city of Outremont, in the electoral district of Westmount, on the 10th day of March, 1919; the resolution passed by the school commissioners of the municipality of the city of Outremont, in the electoral district of Westmount, on the 11th day of March, 1919, and the resolution passed by the council of the city of Outremont, on the 2nd day of April, 1919, are hereby declared legal and valid to all intents and purposes.

11 Geo. V, c. 114, s. 3, repealed.

**3.** Section 3 of the act 11 George V, chapter 114, is repealed.

**4.** The resolution passed by the city council on the 2nd of April, 1919, approving and homologating certain special supplementary assessment rolls to provide for additional expenses in connection with certain local improvement works, is declared legal and valid and is ratified for all legal purposes. Resolution ratified.

**5.** The arrangement made between the city of Outremont and Mount Royal Tunnel & Terminal Company, Limited, fixing the municipal valuation of the company's tunnel for purposes of municipal and school taxation at seventy-five cents per square foot and fixing 214,500 square feet as the area of the portion of the tunnel so taxable, situated in the limits of the city of Outremont, as established by the extract from the minutes of the meetings of the council of the city of Outremont of the 29th of June, 1925, containing the resolution of the council accepting the company's offer, is hereby ratified and declared valid and obligatory for all intents and purposes. Arrangement ratified.

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

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