

Coming into force. **26.** This act shall come into force on the day of its sanction.

C H A P . 89

An Act to amend the charter of the city of Levis

[Assented to, the 15th of March, 1924]

Preamble.

WHEREAS the city of Levis has, by its petition, presented that it is in the interest of the proper administration of its affairs that additional powers be granted it, and that its charter, the act 6 Edward VII, chapter 49, as amended by the acts 9 Edward VII, chapter 87; 6 George V, chapter 49; 9 George V, chapter 98, and 10 George V, chapter 89, be again amended; and

Whereas it is expedient to grant the prayer of the said petition;

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

7 Geo. V, c. 85, s. 3, repealed.

1. Section 3 of the act 7 George V, chapter 85, is repealed.

R. S., 5373, as replaced for the city, repealed.

2. Article 5373 of the Revised Statutes, 1909, as replaced, for the city, by the act 9 George V, chapter 98, section 15, is repealed.

13 Geo. V, c. 65, s. 210, replaced for the city.
Hours for polling.

3. Section 210 of the Cities and Towns' Act, 1922, is replaced, for the city, by the following:

"210. The poll shall be opened at the hour of eight of the clock in the forenoon and kept open until six of the clock in the afternoon of the same day; and each deputy returning-officer shall, during that time, in the polling-station assigned to him, receive, in the manner hereinafter prescribed, the votes of the electors duly qualified to vote at such polling-station; but, from eight o'clock until nine o'clock of the forenoon, and from five o'clock until six o'clock of the afternoon, workmen, artisans and employees in factories shall have precedence in voting. The council may, by by-law, fix a later hour than six o'clock, but not later than eight o'clock in the afternoon for the closing of the voting."

13 Geo. V, c. 65, s. 415, par. 8, replaced for the city.

4. Paragraph 8 of section 415 of the Cities and Towns' Act, 1922, is replaced, for the city, by the following:

"8. To compel the owners of lands, whether vacant or not, in the municipality, or their representatives or agents, to fence in such lands, and to regulate the mode of construction and the height of such fences, and the kind and quality of the materials to be used for fences; the above various prescriptions may apply to the whole city or to certain parts thereof, as may be determined by the council, and may be different for fences along streets and for those that are not."

5. Section 474 of the Cities and Towns' Act, 1922, is replaced, for the city, by the following:

"474. The Assessment Board shall cause to be made by the assessors, every three years, at the time and in the manner ordered by it, a valuation of the taxable property of the municipality, according to its real value.

The assessors shall also, at the same time, make the valuation of the annual value of such property, and enter it in the roll in a separate column.

They shall also make the valuation of the annual value of the properties occupied for the purposes of paragraph 1 of section 512, as replaced for the city.

They shall also enter in the roll the names of all tenants and the amount of annual rent paid by each of them."

6. Section 503 of the Cities and Towns' Act, 1922, shall not apply to the city of Levis.

7. Section 504 of the Cities and Towns' Act, 1922, is replaced, for the city, by the following:

"504. When an appeal respecting a valuation has been brought in virtue of sections 20, 21 and 23c of the act 10 George V, chapter 89, as amended, and the decision of the court has not been rendered on such appeal at the time when the tax collection roll based upon the valuation roll is being made, the treasurer of the municipality shall establish the amount of taxes payable by the appellant on the undisputed portion of the valuation, and make an entry thereof under his signature, in the margin of the roll, opposite the appellant's name.

The amount of taxes so established shall become payable as if no appeal had been brought, but without prejudice to the appellant's rights as to the portion of the valuation in contestation."

8. Section 512 of the Cities and Towns' Act, 1922, is replaced, for the city, by the following:

"512. The council may impose and levy annually:

Fences.

13 Geo. V,
c. 65, s. 474,
replaced for
the city.Annual val-
uation.Annual
value to be
entered.

Idem.

Entry of
tenants.Provisions
not applic-
able to the
city.13 Geo. V, c.
65, s. 504,
replaced for
the city.Taxes on
undisputed
portion, in
case of ap-
peal.Entry there-
of.Payment
thereof.13 Geo. V,
s. 65, s. 512,
replaced for
the city.
Council

may levy annually a tax:
On stock-in-trade, etc;

1. On the stock-in-trade of all descriptions kept by merchants and dealers and exposed for sale in shops, or kept in vaults, warehouses or store-houses; on all yards or depots for rough, sawn or manufactured wood or lumber; and on all yards or depots for coal or other articles of commerce kept for sale,—a tax of not more than ten per cent of the rental or annual value of the property entered on the assessment roll for such purposes;

On tenants;

2. On all tenants paying rent in the municipality, an annual tax of not more than eight cents in the dollar on the amount of their rent or of the annual value of the property as entered on the valuation roll;

On occupants.

Every person, occupying property or part of any property of which he is neither the owner nor the lessee, shall be liable for the payment of this tax."

13 Geo. V, c. 65, s. 557a, added for the city.
Purchase by the city.

9. The following section is added, for the city, after section 557 of the Cities and Towns' Act, 1922:

"557a. In every sale by authority of justice, or under the operation of the Canada Bankruptcy Act, of immovable property situated in the city, and upon which any municipal taxes are due, the city may bid upon and purchase such property, through the mayor or any other person, upon the authorization of the council.

Limitation of bid.

No such bid or purchase may be made, however, for an amount of more than ten per cent of the total of the claims having a preference over the claim of the city, and of the taxes.

Payment of price.

The purchase price shall be paid out of the general unappropriated funds of the city.

Sale of immovables acquired.

The immovable property so acquired by the city must be sold, either at auction or private sale, as the council by resolution decides, within one year from the date of the purchase. The Minister of Municipal Affairs may, however, extend such delay, on application by the council, for any reasons he may deem sufficient."

10 Geo. V, c. 89, s. 6, replaced.

10. Section 6 of the act 10 George V, chapter 89, is replaced by the following:

Assessors.

"6. In the year that the roll is to be prepared, four assessors or less shall be appointed by the Assessment Board, and they shall remain in office during the time necessary to complete the roll, unless sooner removed or replaced by the Assessment Board.

Eligibility. as assessor.

No person shall be eligible as assessor unless he possesses as proprietor, in his own name or in that of his wife, immovable property in the city of the value of six hundred dollars, after payment or deduction of every hypothec and

privilege registered thereon; the qualification required by this paragraph to be established by the valuation roll in force at the date of the appointment.

The remuneration of the assessors shall be fixed, from time to time, by the Assessment Board, and any vacancy among the assessors shall be filled by the said board. Remuneration, etc.

Before entering into office, the assessors shall take the oath of office and qualification before the mayor or the clerk." Oath.

11. Section 8 of the act 10 George V, chapter 89, is replaced by the following: 10 Geo. V, c. 89, s. 8, replaced.

"8. The Assessment Board shall regulate and determine the time when the city assessors shall begin their duties, the manner in which they shall perform them, the period within which they shall make their return, and the assessments to be levied and ordered in the said city." Powers of the Assessment Board.

12. Section 9 of the act 10 George V, chapter 89, is replaced by the following: 10 Geo. V, c. 89, s. 9, replaced.

"9. The assessors may exercise, either collectively or separately, each and every the powers which are conferred upon them by this act, or by any other act, or by the by-laws of the council or by those made by the Assessment Board". Powers of the assessors.

13. Section 15 of the act 10 George V, chapter 89, is replaced by the following: 10 Geo. V, c. 89, s. 15, replaced.

"15. The city assessors, while in office, shall constitute, with the permanent officer called "chief assessor", a board called "The Board of Assessors", a majority whereof shall be a quorum. "Board of Assessors".

The city clerk shall act as clerk of the board, and shall keep a register in which he shall enter, in a summary manner, the proceedings and decisions of the board." Clerk of the board.

14. Section 16 of the act 10 George V, chapter 89, is replaced by the following: 10 Geo. V, c. 89, s. 16, replaced.

"16. As soon as the assessors shall have deposited the assessment roll in the office of the city treasurer, the latter shall publish a notice of such deposit during fifteen days in a French and in an English newspaper of the city, if there be any in the city; if there be none, the publication of such notice in a French and in an English newspaper in the city of Quebec shall be sufficient. At the expiration of such fifteen days, the assessment roll for the city shall be in force for every person whose name is entered on the Notice of deposit of assessment roll. Coming into force of said roll.

said roll and who has not appealed within the delays and in the manner hereinafter mentioned.

Complaint before The Board of Assessors.

During the fifteen days following the date of the first publication of the notice of such deposit, all persons considering themselves aggrieved by any entry in the said assessment roll shall file a complaint before The Board of Assessors of the said city, in writing, and sworn to before a justice of the peace, a member of the council, a notary, a commissioner of the Superior Court or the city clerk.

Fyling, notice and hearing of complaint.

Such written complaint shall be filed, during the same period, with the said Board of Assessors in the city hall, and the clerk of the said board shall give, in the said newspaper or newspapers, notice of the days and hours when the complainants shall be heard before The Board of Assessors; a delay of three clear days must be given the complainant between the first publication of the notice and the day when the complaints will be heard by The Board of Assessors."

10 Geo. V, c. 89, s. 20, replaced.

15. Section 20 of the act 10 George V, chapter 89, is replaced by the following:

Appeal to the Magistrate's Court.

"**20.** Any ratepayer who has filed a complaint with reference to any entry upon or omission from the assessment roll, and who deems himself aggrieved by the decision of the assessors, may, within a delay of fifteen days from such decision, appeal to the Magistrate's Court of the district of Quebec; and at such hearing in appeal before the Magistrate's Court, the assessors may be witnesses under the ordinary rules of procedure."

10 Geo. V, c. 89, s. 21, replaced.

16. Section 21 of the act 10 George V, chapter 89, is replaced by the following:

Petition to the Magistrate's Court served and filed.

"**21.** Such appeal shall be taken by means of a petition to the said Magistrate's Court, served upon the chief assessor, and filed in the office of the said Magistrate's Court, within a delay of fifteen days.

Transmission of proceedings to form part of record.

Within the three days following the filing of such petition, the clerk of The Board of Assessors shall send a copy of the proceedings before the said board, as well as other documents connected with the complaint, to form part of the record in the case before the Magistrate's Court. The procedure before the said court shall be summary, and the petition shall be inscribed according to the ordinary rules of procedure before the said court.

Appeal to the court of King's Bench.

Whenever the valuation in dispute and shown on the roll amounts to ten thousand dollars or more, whether it be respecting one or more properties, an appeal shall lie from the decision of the Magistrate's Court to the Court of King's Bench, whose decision shall be final. In every

other case, the decision of the Magistrate's Court shall be final and without appeal. When no appeal.

Before the Magistrate's Court, the depositions shall not be taken in writing, but if the valuation in dispute, as above mentioned, amounts to ten thousand dollars, either party may, for the purpose of the appeal, have all the depositions taken in writing, by stenography or otherwise, under the direction of the court, and such depositions shall form part of the record. If the depositions have not been taken in writing, the decision shall not be taken to appeal before the Court of King's Bench. Depositions taken in writing in certain cases only. No appeal without depositions.

The appeal to the Court of King's Bench shall be taken by means of an inscription filed at the office of the Magistrate's Court within ten days from the rendering of the decision, notice of which must be served within the same delay upon the adverse party or upon his attorney. Appeal to the Court of King's Bench taken by inscription.

Such inscription must contain the description of the parties, the date of the judgment appealed from, the description of the proposed sureties, and a notice of the date, hour and place where such sureties will appear to sign the security bond. Contents of inscription.

The security must be given within five days after the filing of the inscription, or within such other delay as may be fixed by one of the magistrates. Security.

If the security be not given within the delay prescribed, the adverse party may obtain from the clerk of the Magistrate's Court a certificate of default, and the inscription in appeal shall thereupon be deemed to be abandoned, saving recourse. Default of security Effect thereof.

The costs incurred upon any proceeding so abandoned shall be taxed by the clerk of the Magistrate's Court. Taxed costs.

Articles 1214, 1215, 1216 and 1217 of the Code of Civil Procedure shall apply to the appeal provided for by this act. The magistrate shall exercise the powers vested in the judge; and the clerk, the powers and duties belonging to the prothonotary, in virtue of such articles. The case shall be continued thereafter as an ordinary case in appeal before the Court of King's Bench." Provisions applicable and powers of the magistrate.

17. Section 22 of the act 10 George V, chapter 89, is replaced by the following: 10 Geo. V, c. 89, s. 22, replaced.

"22. The court may, by its judgment, confirm the decision appealed from, or set it aside, or may render the decision that The Board of Assessors should have rendered in the first place, or may order it to exercise the powers which form the object of the appeal. Powers of the court.

The decision of the assessors may be set aside only in case a real injustice has been done, and not on account of any unimportant inaccuracy or irregularity. Restriction.

Judgment. In rendering judgment on the appeal, the court may adjudge either party to pay the costs; and, if the decision appealed from be modified, it may order that its judgment be served upon the city. After the rendering of judgment on the appeal and the expiration of the delays for appealing to the Court of King's Bench, all documents forwarded by the city, in consequence of the appeal, shall be returned to the latter."

Documents remitted.

10 Geo. V, c. 89, s. 23, replaced.
Annual revision of the roll.
Proviso.

18. Section 23 of the act 10 George V, chapter 89, is replaced by the following:

"**23.** It shall be the duty of the Assessment Board every year to make a revision of the roll. No such revision, however, shall be made in the year in which the roll is prepared.

Date of revision.

Such revision shall be made at the time and in the manner determined by the Assessment Board.

Who makes this revision, etc.

Such revision shall be made by the chief assessor, who shall make the necessary modifications so as to enter on the roll the names of persons who have become subject to the payment of the assessment or tax, remove from it the names of persons no longer subject thereto, and to correct, either by increasing or diminishing, as the case may be, the valuation or the annual value of every taxable property which has been altered, added to, or in respect whereof there has been any change. It shall also be the duty of the chief assessor to enter in the roll the names of new tenants and occupants.

Information given and penalties in default.

The persons mentioned in section 481 of the Cities and Towns' Act, 1922, shall be bound to give the same information to the chief assessor at the time of the revision of the roll, and under the same penalties thereby enacted."

10 Geo. V, c. 89, ss. 23a, 23b, 23c, 23d, added.
Revised roll deposited.
Notice.

19. The following sections are added after section 23 of the act 10 George V, chapter 89, as replaced by this act:

"**23a.** As soon as the chief assessor has finished the revision of the roll, it shall be deposited, as revised, at the city treasurer's office. The latter shall give notice of such deposit for fifteen days in a French newspaper and in an English newspaper, if there be any of the latter, in the city; if not, in a French newspaper and in an English newspaper published in the city of Quebec. At the expiration of such fifteen days, the assessment roll, as revised for the city, shall be in force for every person whose name is entered on the said roll, and who has not appealed therefrom within the delays and in the manner hereinafter set forth.

Roll in force.

Complaint by whom

Within fifteen days after the date of the first publication of the notice of such deposit, any person who believes

himself aggrieved by any new entry or any amendment made and made by the said revision, may make complaint thereof how. before the Assessment Board of the city; such complaint shall be in writing, and under oath taken before a justice of the peace, a notary, a commissioner of the Superior Court, a member of the council or the city clerk.

Such written complaint shall be fyled, during the same Fyling and period, at the office of the clerk of the Assessment Board, at notice if the city hall; and the clerk of the board shall give, in the complaint. the said newspaper or newspapers, notice of the days and hours when the complainants will be heard before the Assessment Board; a delay of three clear days must be given the complainant between the first publication of the notice and the day when the complaint will be heard by the Assessment Board.

“**23b.** The hearing of the complaints before the Assess- Hearing of ment Board shall be conducted in the same manner as the complaints. hearing of complaints before The Board of Assessors at the preparation of the roll, with the same powers for the members of the Assessment Board.

“**23c.** An appeal shall lie from the decisions of the As- Appeal from sessment Board in the same manner, according to the same decision on procedure and before the same courts as for appeals from complaint. the decisions of The Board of Assessors in the year when the roll is prepared.

“**23d.** In any case where, after the making up or the Correction of revision of an assessment book, it shall become necessary of errors and to correct or amend the errors or omissions that may be omissions. found therein, or to make amendments thereto by extending it and adding the names of every person omitted, or who comes to be known to the chief assessor, or who may have arrived in the city after it has been made or revised, or who may have become subject to the payment of any assessment, rate, or tax to the city, at any time after the general return or the revision, as the case may be, has been made, such changes, correction of errors or omissions and additions shall be made in such assessment book on petition to Petition to that effect addressed by the chief assessor to the Assessment that effect. Board.

Notice of the presentation of the said petition shall be Notice of served by registered mail on the interested party, three presenta- clear days before its presentation before the board; and, if tion of peti- the said petition be proved, the board shall order such tion, etc. change, and correction of error or omission, and such addition or such other entry to be made in the assessment book as it may deem proper.”

10 Geo. V,
c. 89, s. 24,
replaced.

20. Section 24 of the act 10 George V, chapter 89, is replaced by the following:

Assess-
ments, etc.,
where
building
finished dur-
ing fiscal
year.

"24. When a building shall be finished in the course of the fiscal year, and when the entry in the assessment book of such addition to the immoveable shall have been made by The Board of Assessors or the Assessment Board, the owner of such addition or new building shall be bound to pay to the city the amount of the assessments, taxes, and water rates, which shall have been entered in the said assessment book, proportionately to the remaining period of the fiscal year."

10 Geo. V,
c. 89, s. 25,
replaced.

21. Section 25 of the act 10 George V, chapter 89, is replaced by the following:

Right of ap-
peal by the
city.

"25. Whenever the corporation shall consider itself aggrieved by an entry made in any of the assessment or valuation books, or whenever it shall consider itself aggrieved by any decision of The Board of Assessors or of the Assessment Board, it shall have the same right to appeal to the Magistrate's or Recorder's Court as a ratepayer who complains of a decision of either of said boards; the city treasurer may, in the name of the corporation, serve upon any interested party a petition addressed to the Magistrate's or Recorder's Court, served and fyled in the Magistrate's or Recorder's Court, as the case may be, within a delay of fifteen days, and must, when fyling the petition, produce the papers and documents in support of such petition."

Procedure.

10 Geo. V,
c. 89, s. 26,
replaced.

22. Section 26 of the act 10 George V, chapter 89, is replaced by the following:

Corrections
on applica-
tion by the
city treas-
urer.

"26. The Assessment Board may also, at any time, on application by the city treasurer, correct any error and supply any omission whatsoever, as to the right of ownership, possession or occupation of any immoveable property within the said city, or as to the name, quality, or domicile of any person liable for any assessment or tax whatsoever, which then or thereafter may exist, in any assessment book.

Notice serv-
ed upon in-
terested
party.

No such application may be granted by the said board without a notice served upon the interested party, with a delay of eight days before the presentation to the Assessment Board."

Roll in 1925.

23. The next roll for the city shall be made according to law, in the year 1925.

Roll of 1923
in force.

The roll prepared in the year 1923 shall remain in force until the preparation of the next roll, subject to any revi-

sion, amendment, correction, addition or alteration provided for by this act, without prejudice to pending cases. Proviso.

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

C H A P . 90

An Act to amend the charter of the city of Lachine

[Assented to, the 15th of March, 1924]

WHEREAS the city of Lachine has, by its petition, presented that it is in the interest of the proper administration of its affairs that its charter, the act 9 Edward VII, chapter 86, as amended by the acts 2 George V, chapter 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, and 12 George V, chapter 107, be again amended to increase its powers of regulating building, to exempt from taxation all land homologated as a proposed street, to organize an autobus service or subsidize persons or companies giving such service in the municipality, and for other purposes mentioned in its petition; and Preamble.

Whereas it is expedient to grant the prayer of the said 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 council of the city may make, amend and repeal by-laws: By-laws respecting:

1. To regulate the kind of buildings which may be erected on certain streets or parts of streets, or on any lot fronting on a public square or park; to prohibit the erection, occupation or maintenance of any manufacturing establishment, shop, tavern, billiard hall, moving picture hall, public garage, livery stable, blacksmith shop, laundry, ice-house, bakery, grocery, butcher's stall or other like shop or business establishment in such streets or parts of streets; without prejudice, however, to vested rights and provided, in the latter case, that every industry, commerce or business already established shall conserve its object or its existing character; Building regulation;

2. To prohibit the erection of houses fronting on lanes. Prohibition of houses on lanes.