

## C H A P. 84

## An Act to amend the Municipal Code of Quebec and the Revised Statutes, 1909, respecting municipal affairs

[Assented to, the 29th of December, 1922]

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

Mun. Code, art. 180, am. **1.** Article 80 of the Municipal Code, as amended by the act 12 George V, chapter 100, section 1, is further amended, by replacing the words: "Lieutenant-Governor in Council"; in the second line of the second paragraph thereof, by the words: "Minister of Municipal Affairs".

Mun. Code art. 423, am. **2.** Article 423 of the Municipal Code is amended by adding thereto the following paragraph:

Certain loan by-laws. "7. Whenever, for the purpose of subscribing to the construction of a court house, gaol or registry office, a county council must contract a loan, the by-law is not submitted to the vote of the proprietors who are electors, but must be approved by the Lieutenant-Governor in Council."

Mun. Code, 650a, added. **3.** The following article is inserted in the Municipal Code after article 650:

Substitutes for assessors. "**650a.** If, at the time fixed for making the valuation roll, the three assessors, or one or more of them, are incapable of acting, through sickness or absence, or for any other reason deemed sufficient by the council, the latter shall appoint substitutes who shall have, for the making of such roll, all the powers and responsibilities of the assessors in office."

Mun. Code, art. 677, replaced. **4.** Article 677 of the Municipal Code is replaced by the following articles:

Appeal: "**677.** An appeal lies to the Circuit Court of the county or of the district, or to the District Magistrate's Court, whose decision shall be final:

From certain decisions of the council; **1.** From any decision of the council rendered under articles 663, 664, 665, 671, 673, 674 or 675, within thirty days from such decision, whether the council gave such decision of its own accord or upon a complaint or application made in virtue of such articles;

Where council has failed to **2.** Whenever the council has neglected or refused to consider any complaint or application made under articles

662, 671, 673, 674 or 675, within thirty days after the sitting at which it should have taken cognizance thereof. consider complaint, etc.

**"677a.** The proceedings upon such appeal are taken by ordinary action. Proceedings upon appeal.

The court may by its judgment, confirm the decision appealed from, cancel or alter it, or render such decision as the council should originally have rendered or order it to exercise the powers which were the cause of the appeal. Judgment.

**"677b.** When the real estate tax, based on the municipal valuation in litigation, attains five hundred dollars, an appeal shall lie from the final decision of any court to the Court of King's Bench whose judgment shall be final. Appeal from real estate tax decisions.

This appeal is exercised in the same manner as an appeal from the decision of recorders and Recorders' Courts, under articles 7573 to 7580 of the Revised Statutes, 1909, *mutatis mutandis*. How exercised.

**5.** The following article is inserted in the Municipal Code after article 678: Mun. Code, art. 678a, added.

**"678a.** Whenever an appeal concerning a valuation has been made under article 677, and the decision of the court has not been rendered at the time of making a collection roll of taxes based on the valuation roll, the secretary-treasurer shall establish the amount of taxes payable by the appellant on the uncontested portion of the valuation and shall make an entry thereof under his signature, in the margin of the roll, opposite the appellant's name. Duty of sec.-treas. when appeal pending on valuation.

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

**6.** Article 724 of the Municipal Code is amended by adding thereto the following paragraph: Mun. Code, art. 724, am.

"The defendant may obtain a stay of such action if the rolls, by-laws, *procès-verbaux* or other municipal acts upon which it is based are sought to be annulled before the Superior Court. This stay is ordered by the Superior Court, before whom the proceedings are pending, at its discretion." Stay of action.

**7.** The following article is inserted in the Municipal Code, after article 724: Mun. Code art. 724a added.

**"724a.** There shall be an appeal to the Court of King's Bench from the final decision in all cases taken under article 724, if the amount claimed exceeds the amount of five hundred dollars. Appeal to the Court of King's Bench.

How exercised.

This appeal is exercised in the same manner as appeals from the decisions of recorders and Recorders' Courts, under articles 7573 to 7580 of the Revised Statutes, 1909, *mutatis mutandis*."

8 Geo. V,  
c. 60, s. 34,  
am.

**8.** Section 34 of the act 8 George V, chapter 60, is amended by striking therefrom the words: "During the present war", in the first line thereof.

R. S., 5956t,  
am.

**9.** Article 5956t of the Revised Statutes, 1909, as enacted by the act 8 George V, chapter 60, section 1, is amended by adding thereto, after the first paragraph thereof, the following paragraph:

If excess is  
not over five  
thousand  
dollars.

"However, if the excess is not over five thousand dollars, it may be applied to other purposes specified in a subsequent by-law of the council, approved by the Lieutenant-Governor in Council, but without being submitted to the vote of the proprietors who are electors."

Coming into  
force.

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

## CHAP. 85

### An Act to amend article 320 of the Municipal Code

[Assented to, the 29th of December, 1922]

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

Mun. Code,  
art. 320, am.

**1.** Article 320 of the Municipal Code, as amended by the acts 10 George V, chapter 67, section 5, and 11 George V, chapter 48, section 23, is again amended by replacing the last paragraph thereof by the following:

Election ordered by Lt.-Gov. in C.

"Nevertheless, the Lieutenant-Governor in Council instead of making the appointments in the cases provided for by paragraphs 1, 3 and 4 of this article, may order that, upon the date he shall fix, an election be held which shall be presided over by the person designated by the Minister of Municipal Affairs, and, if the election be not held on the date so fixed, may make such appointment or appointments."

Appointment in default of election.

Coming into  
force.

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