

C H A P. 123

An Act to amend the charter of the Island of Montreal
Metropolitan Commission

[Assented to, 21st of March, 1922]

Preamble.

WHEREAS the Island of Montreal Metropolitan Commission has, by its petition, represented that it is in its interest as well as in the interest of the municipalities over which its action extends, that the act 11 George V, chapter 140, incorporating it, be amended, in order to give it more extended powers and to make its action more effective; and

Whereas it is expedient to grant its request;

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

11 Geo. V,
c. 140, s.
18a, enacted.

1. The act 11 George V, chapter 140, is amended by adding thereto, after section 18 thereof, the following section:

Commission may effect in its own name loan for a municipality.

18a. Instead of authorizing a municipality to contract a loan or renew a loan or to issue any bonds, the commission may, with the consent of such municipality, and without prejudice however to other borrowing powers already possessed by it, but subject to the provisions of the said act and of the present act, as regards the apportioning of the charges and expenses of the said commission, in connection with such loan, effect such loan in its own name, for the benefit and on behalf of such municipality, provided the formalities required by the law governing such municipality be observed.

Loan by the commission guaranteed.

Every loan so made by the commission shall be on the guarantee of the taxable immoveables of the municipalities submitted to its action, in proportion to the value of the taxable property of each of the said municipalities, and shall be subject to all the provisions of the law respecting the loans it is authorized to effect."

Guarantee of future loans by municipalities.

2. Every loan hereafter made by a municipality within the control of the commission, under a by-law approved by the latter, shall be secured on the taxable immoveables of the municipalities subject to the control of the commission in proportion to the value of the taxable immoveables of each of such municipalities.

3. Section 24 of the act 11 George V, chapter 140, is replaced by the following:

"24. The commission shall apportion among all the various municipalities subject to its action, in proportion to the value of the taxable property of each of the said municipalities the expenses of its administration and all other expenses or charges which are not for the benefit of a single municipality."

4. The act 11 George V, chapter 140, is amended by adding thereto, after section 24 thereof, the following section:

"24a. The share of the expenses or charges apportioned upon a municipality which the commission considers unable to pay—of which it shall be the sole judge—shall be the object of a supplementary apportionment on the municipalities which are able to pay, but, in such case, the amount paid by one municipality under a supplementary apportionment shall constitute a claim in favour of the said municipality against the municipality or municipalities which were obliged to pay, and it shall be repaid with interest as soon as the commission deems it possible.

Any supplementary apportionment may form part of the general apportionment or form part of a separate apportionment."

5. The provisions of articles 1493a and following of the Revised Statutes, 1909, as enacted by the act 8 George V, chapter 28, section 1, shall apply to the commission.

6. The commission may lend temporarily to any municipality subject to its authority and any municipality may lend temporarily to the commission all available money in its possession, at such rate of interest as they may agree upon. Such temporary loans, may be effected by notes which may be renewed, but which must be within the limits of the borrowing powers of the contracting parties

Such loans shall be subject to the approval of the Minister of Municipal Affairs.

7. The commission may also at any time, or from time to time, borrow from one or more banks, such sums of money as it may need, in anticipation of its revenue. Such loans which must be repaid within twelve months may be effected by notes in the ordinary course of business for a term which it shall fix and they may be renewed if necessary.

Subject to approval. Such loans shall be subject to the approval of the Minister of Municipal Affairs.

Scale of yearly contribution for sinking funds. **8.** The commission is authorized to investigate any sinking funds created by any municipality subject to its authority, and to establish, for each loan which has a sinking fund, a scale of yearly contribution sufficient for paying the amount of the loan at maturity and such scale so established shall replace the one established by the by-law authorizing the loan.

Commission to have access to books, etc. **9.** The commission shall be empowered to assure itself, by such means as it may deem advisable to adopt, as to the taxes, assessments or apportionments affecting the taxable immoveables of each municipality subject to it, and to that end it may have access by its delegates to the books and other documents of the corporation interested.

Appointment of inspector, in certain cases. **10.** The commission itself may appoint, for any municipality subject to its authority, which does not honour its obligations without the help or credit of the commission or of the other municipalities, an inspector whose selection shall be approved by the Minister of Municipal Affairs and whose salary, fixed by the commission, shall be paid by such municipality, as an ordinary expense of administration, and whose duty shall consist in supervising the administration, the expenditure of money and the works of such municipality. When the inspector has been appointed, no expense shall be incurred by such municipality before the issue by such inspector of a certificate that there are funds available, voted for such purpose, and no payment shall be made without the approval of the inspector.

Salary.

Duties.

Expenses and payments controlled by inspector.

Responsibility of officers and councillors. Every officer or councillor of such municipality, who authorizes an expenditure of money or a payment without the authorization of the commission, when such authorization is required, or contrary to the preceding paragraph, or allows or authorizes the money intended for the sinking fund to be used for other purposes, shall be personally responsible for the expenditure so authorized or paid, or of the sum of money so diverted, and may, in addition, be deprived of his office by legal action by the commission.

Discharge of employees in certain cases. **11.** Every municipality subject to the action of the commission that does not honour its obligations, without assistance or credit of the commission or of the other municipalities, must discharge any municipal officer or employee in its service if called upon to do so by the commis-

Salary to

sion. The salary of such employee shall cease, counting from the day when the commission makes its decision known to the municipality.

cease on notification by commission.

12. Notwithstanding any general or special law to the contrary, the approval of the elector proprietors is not required for any municipality, subject to the action of the commission, in the case of a by-law authorizing the renewal of a loan requiring the approval of the commission.

When approval of elector proprietors not required.

Notwithstanding any general or special law to the contrary and notwithstanding the provisions of article 5782 of the Revised Statutes, 1909, as replaced by the act 8 George V, chapter 60, section 10, and amended by the act 9 George V, chapter 59, section 7; of article 5783 of the Revised Statutes, 1909, as replaced by the act 8 George V, chapter 60, section 11, and amended by the act 9 George V, chapter 59, section 8, and of article 5784 of the Revised Statutes, 1909, as replaced by the act 8 George V, chapter 60, section 12, and amended by the act 9 George V, chapter 59, section 9, every loan by-law passed by a municipality, subject to the action of the commission and which must be approved by the elector proprietors and by the commission, shall have its effect, if it is approved by at least the majority in number and in real value of elector proprietors who have voted.

Approval of loan by-laws.

When the elector proprietors do not ask for a vote or having asked for it, no elector votes, the by-law shall be deemed to be adopted unanimously by the interested ratepayers.

By-law deemed to be adopted, in certain cases.

All by-laws passed under the authority of this section shall remain subject to the approbation of the Lieutenant-Governor in Council.

Subject to approval of Lt.-Gov. in C.

13. The commission may issue, for any loan which it is authorized to effect, temporary bonds or temporary certificates, pending the emission of the bonds for the term of the authorized loan.

Temporary bonds, etc.

14. Every sum of money, due by a municipality to the commission under an act of apportionment, shall bear interest at the rate of six per cent per annum, counting from the coming into force of such act of apportionment.

Interest on sums due commission.

15. Twenty-five per cent in number and in value of the owners of real property of a municipality or part of a municipality, subject to the commission's action, may, by a petition, ask the council of the said municipality, that the question of the annexation of such municipality or part of

Petition to submit annexation to Montreal to vote.

- a municipality to the city of Montreal, be submitted to the vote of the proprietors of such municipality or part of such municipality.
- Taking of vote.** Then the council of the said municipality shall, within sixty days from the production of the said petition, proceed, in accordance with the provisions of the law regarding such municipality, to take a vote of the said proprietors on such question. In default of the said council, so proceeding and with diligence, the Island of Montreal Metropolitan Commission shall substitute itself for it, and for such purpose shall exercise all its powers.
- Procedure on default of council.**
- How annexation obtained.** If the majority in number and in value of the said proprietors pronounce in favour of the annexation and if the city of Montreal consents thereto, such annexation may be effected on the conditions that may be agreed upon between the city of Montreal and the council of the municipality which demands the annexation.
- Provisions to apply.** In default of special provisions in the laws governing such municipalities, the provisions, governing the submission to elector proprietors for the approval of the loan by-laws, shall apply.
- Investment of money belonging to other persons.** **16.** With regard to the investment of the moneys belonging to others, the bonds or notes issued by the Island of Montreal Metropolitan Commission shall be considered as bonds or debentures of municipalities or cities or towns in this Province, under article 981*o* of the Civil Code.
- Right of commission to intervene in suits.** **17.** The commission shall have the right to intervene in any suit, presently or hereafter taken by or against any municipality subject to its action, which does not honour its obligations without the assistance or credit of the commission or of the other municipalities, and to take the necessary steps it may deem advisable. The expenses of the commission in this connection shall be against such municipality.
- Expenses.**
- Commission proceeds by resolution.** **18.** The commission shall proceed by resolution in every matter within its powers except where otherwise provided.
- Deposit of certified copy of valuation roll with summary.** **19.** The secretary or clerk of every municipality, under the control of the commission, shall, each year, within fifteen days of its coming into force, deposit in the office of the commission a certified copy of the valuation roll of such municipality with a summary of the total value of the taxable property and of the non-taxable property.

The commission shall give notice of the deposit of such rolls to each municipality interested, which may examine them within the fifteen days following such notice and may make such objections thereto, in writing, as it deems expedient.

Notice of such deposit.

After the expiration of this delay of fifteen days, the commission may, if it thinks that the valuation roll, made in one or more municipalities, is not proportionate to that made in the others, increase or decrease the valuation entered in the roll of each municipality by such percentage as seems necessary to it, in order to establish a just proportion among all the valuation rolls. The rolls so revised and changed by the commission shall not be subject to contestation or appeal, and shall be used by the commission in apportioning its charges over the municipalities interested, but shall serve for no other purpose.

Commission may alter valuation roll, in certain cases.

No contestation or appeal.

For use of commission only.

20. Every apportionment, which the commission is authorized to make between municipalities, subject to its action, shall be made by order of the commission and in accordance with the procedure which it shall establish by by-law passed under section 30 of the said act 11 George V, chapter 140.

Procedure for apportionment.

21. This act shall not have the effect of extending the control and the jurisdiction of the commission to the city of Montreal, whose powers, rights, obligations and jurisdiction shall remain governed by section 31 of the said act 11 George V, chapter 140.

Not to affect city of Montreal.

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

Coming into force.

CHAP. 124

An Act to further amend the charter of the Island of Montreal Metropolitan Commission

[Assented to, 21st of March, 1922]

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

1. The Island of Montreal Metropolitan Commission may, by a resolution passed by a majority vote of its members, unite, under the same administration, the territories of two adjoining municipalities which it is bound to help

Union of certain municipalities.