



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 125
(1997, chapter 51)

**An Act to amend various legislation in order
to prevent crime and ensure public security**

Introduced 8 May 1997
Passage in principle 20 May 1997
Passage 12 June 1997
Assented to 19 June 1997

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EXPLANATORY NOTES

This bill amends the Act respecting land use planning and development, the Charter of the City of Montréal and the Charter of the City of Québec in order to grant the municipal council more powers in relation to constructions having fortification or protective elements and, in particular as regards existing constructions or structures, to require corrective measures within a fixed period of time to the extent that the constructions or structures contain fortification or protective elements that are not justified in view of authorized uses.

The bill also amends the Cities and Towns Act and the Municipal Code of Québec to enable the municipal council to take certain steps in respect of immovables open to the public in which uses or activities are carried on in a manner that disturbs public tranquility or in a manner that may endanger the life or health of persons or cause serious or irreparable damage to property.

In addition, the bill amends the Act respecting explosives and the Act respecting liquor permits to heighten the requirements that must be met by an applicant in order to obtain a permit or an authorization under the said Acts. The bill also modifies some of the grounds on which a permit or authorization may be revoked or suspended by the Régie.

The Act respecting offences relating to alcoholic beverages is also amended to provide for fine increases.

Finally, the Act respecting the Régie des alcools, des courses et des jeux is amended to enable the Régie to intervene more quickly in circumstances in which it is of the opinion that activities that are within its jurisdiction are carried on in a manner that may endanger the life or health of persons or in a manner that may cause serious or irreparable damage to property.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Cities and Towns Act (R.S.Q., chapter C-19);

- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting explosives (R.S.Q., chapter E-22);
- Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1);
- Act respecting liquor permits (R.S.Q., chapter P-9.1);
- Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1);
- Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13);
- Charter of the City of Montréal (1959-60, chapter 102);
- Charter of the City of Québec (1929, chapter 95).

Bill 125

AN ACT TO AMEND VARIOUS LEGISLATION IN ORDER TO PREVENT CRIME AND ENSURE PUBLIC SECURITY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 118 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 51 of chapter 2 of the statutes of 1996, is again amended by inserting, after subparagraph 2 of the second paragraph, the following subparagraph :

“(2.1) regulate fortification or protective elements of a structure according to the authorized use thereof, prohibit such fortification or protective elements where their utilization is not justified in view of the said use and, in the latter case, order the reconstruction or repair of any structure existing on the date of coming into force of the by-law within the time prescribed therein which cannot be less than 6 months, so that it may be brought into conformity with such by-law ;”.

CITIES AND TOWNS ACT

2. The Cities and Towns Act (R.S.Q., chapter C-19) is amended by inserting, after section 348, the following division :

“DIVISION X.1

“PROCEEDINGS AND ORDERS IN MATTERS OF ACTIVITIES OR USES

“**348.1.** The council may, for a period not exceeding 90 days, prohibit access to any immovable or part of an immovable accessible to the public in which an activity or use is carried on without the permit, certificate or other authorization required by the municipality where the activity or use may endanger the life or health of persons or cause serious or irreparable damage to property.

The decision of the council must contain reasons and be accompanied by a copy of any report, statement of offence or other document on which the decision is based. It shall be notified to the delinquent and to the owner or operator of the immovable. The decision shall take effect on the date on which the owner or operator is notified of the decision.

The council shall lift the prohibition of access to the premises before the expiry of the period fixed where the required permit, certificate or authorization is granted by the municipality or where, in its opinion, a change in activity or use causes the permit, certificate or authorization to be no longer required. The council shall notify all interested persons of the decision.

“348.2. Where the delinquent or the owner or operator of the immovable is, in his opinion, aggrieved by a decision of the council made under section 348.1, he may, within ten days of notification thereof, contest the decision before the Court of Québec.

The proceeding is brought by the filing of a motion and is governed by articles 762 to 773 of the Code of Civil Procedure.

The motion shall be heard and decided by preference. It shall not suspend the contested decision, unless a judge orders otherwise.

The court may confirm, vary or quash the decision of the council.

“348.3. The council may apply to the Court of Québec, in accordance with the rules contained in articles 762 to 773 of the Code of Civil Procedure, for the cancellation of the permit or certificate or any other authorization granted by the municipality for an activity or use in an immovable or part of an immovable accessible to the public

(1) where the activity or use may endanger the life or health of persons or cause serious or irreparable damage to property ;

(2) where the activity or use disturbs public tranquility.

The motion shall be heard and decided by preference.

Such a proceeding, however, may not be brought in cases where an application may be made by the municipality to the Régie des alcools, des courses et des jeux under section 85 of the Act respecting liquor permits (chapter P-9.1).

“348.4. In the case of a proceeding brought under subparagraph 1 of the first paragraph of section 348.3, the council may order that the holder suspend the activity or use concerned and prohibit access to the immovable or the part of an immovable in which the activity or use is carried on until the court makes a determination in respect of the application for cancellation or until it orders otherwise.

The decision of the council must give reasons and be accompanied by a copy of the report, of the statement of offence or of any other document on which the decision must be based. The decision must be filed in the court record.

The decision shall take effect on the date on which the holder is notified of the decision.

“348.5. Where public tranquility is at issue under subparagraph 2 of the first paragraph of section 348.3, the court may, among other factors, take into account :

(1) any gathering or assembly that results or may result from the activity or use, that may cause excessive noise or otherwise disturb the peace in the neighbourhood;

(2) the failure by the holder to take appropriate measures to prevent, in the premises concerned,

(a) the unlawful possession, consumption, sale, exchange or giving, in any manner, of a drug, narcotic or any other substance that may be held to be a drug or narcotic ;

(b) the unlawful possession of a firearm or any other offensive weapon ;

(c) acts of violence, including theft or mischief, that may disturb the peace of occupants or customers or of residents of the neighbourhood.

“348.6. Where the court cancels a permit, certificate or authorization, it may, on application by the council, order that no permit, certificate or other authorization be granted by the municipality, for the premises to which the decision to cancel applies, or prohibit access to such premises, for a period not exceeding 12 months or until, in the opinion of the council, a change of activity or use justifies the granting of a permit, certificate or authorization or the lifting of the prohibition before the end of the period.

“348.7. The municipality shall post any decision, made by the council or the court under this division, on the premises to which the decision or judgment applies, along with a notice indicating the penalty to which any offender is liable.

“348.8. Every person who continues an activity or use even though the required permit, certificate or authorization has been cancelled by the court or despite an order of suspension or a prohibition of access issued under section 348.4 is liable to a fine of \$600 to \$2,000.

Every person who is present in an immovable or part of an immovable to which a prohibition of access applies without a legitimate excuse or an authorization from the council or the court, as the case may be, is liable to a fine of \$300 to \$1,000.

In the case of a subsequent offence, the fines are doubled.

“348.9. This division applies also to the cities of Montréal and Québec.”

MUNICIPAL CODE OF QUÉBEC

3. The Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by inserting, after article 437.2, the following title :

“TITLE XII.1**“PROCEEDINGS AND ORDERS IN MATTERS OF ACTIVITIES OR USES**

“437.3. The council of a local municipality may, for a period not exceeding 90 days, prohibit access to any immovable or part of an immovable accessible to the public in which an activity or use is carried on without the permit, certificate or other authorization required by the municipality where the activity or use may endanger the life or health of persons or cause serious or irreparable damage to property.

The decision of the council must contain reasons and be accompanied by a copy of any report, statement of offence or other document on which the decision is based. It shall be notified to the delinquent and the owner or operator of the immovable. The decision shall take effect on the date on which the owner or operator is notified of the decision.

The council shall lift the prohibition of access to the premises before the expiry of the period fixed where the required permit, certificate or authorization is granted by the municipality or where, in its opinion, a change in activity or use causes the permit, certificate or authorization to be no longer required. The council shall notify all interested persons of the decision.

“437.4. Where the delinquent or the owner or operator of the immovable is, in his opinion, aggrieved by a decision of the council made under article 437.3, he may, within ten days of notification thereof, contest the decision before the Court of Québec.

The proceeding shall be brought by the filing of a motion and is governed by articles 762 to 773 of the Code of Civil Procedure.

The motion shall be heard and decided by preference. It shall not suspend the contested decision, unless a judge orders otherwise.

The court may confirm, vary or quash the decision of the council.

“437.5. The council of a local municipality may apply to the Court of Québec, in accordance with the rules contained in articles 762 to 773 of the Code of Civil Procedure, for the cancellation of the permit, certificate or any other authorization granted by the municipality for an activity or use in an immovable or part of an immovable accessible to the public

(1) where the activity or use may endanger the life or health of persons or cause serious or irreparable damage to property;

(2) where the activity or use disturbs public tranquility.

Any such motion shall be heard and decided by preference.

Such a proceeding, however, may not be brought in cases where an application may be made by the municipality to the Régie des alcools, des courses et des jeux under section 85 of the Act respecting liquor permits (chapter P-9.1).

“437.6. In the case of a proceeding brought under subparagraph 1 of the first paragraph of article 437.5, the council of a local municipality may order that the holder suspend the activity or use concerned and prohibit access to the immovable or the part of an immovable in which the activity or use is carried on until the court makes a determination in respect of the application for cancellation or until it orders otherwise.

The decision of the council must give reasons and be accompanied by a copy of the report, of the statement of offence or of any other document on which the decision must be based. The decision must be filed in the court record.

The decision shall take effect on the date on which the holder is notified of the decision.

“437.7. Where public tranquility is at issue under subparagraph 2 of the first paragraph of article 437.5, the court may, among other factors, take into account:

(1) any gathering or assembly that results or may result from the activity or use, that may cause excessive noise or otherwise disturb the peace in the neighbourhood;

(2) the failure by the holder to take appropriate measures to prevent, in the premises concerned,

(a) the unlawful possession, consumption, sale, exchange or giving, in any manner, of a drug, narcotic or any other substance that may be held to be a drug or narcotic;

(b) the unlawful possession of a firearm or any other offensive weapon;

(c) acts of violence, including theft or mischief, that may disturb the peace of occupants or customers or of residents of the neighbourhood.

“437.8. Where the court cancels a permit, certificate or authorization, it may, on application by the council, order that no permit, certificate or other

authorization be granted by the municipality, for the premises to which the decision to cancel applies, or prohibit access to such premises, for a period not exceeding 12 months or until, in the opinion of the council, a change of activity or use justifies the granting of a permit, certificate or authorization or the lifting of the prohibition before the end of the period.

“437.9. The local municipality shall post any decision, made by the council or the court under this title, on the premises to which the decision or judgment applies, along with a notice indicating the penalty to which any offender is liable.

“437.10. Every person who continues an activity or use even though the required permit, certificate or authorization has been cancelled by the court or despite an order of suspension or a prohibition of access issued under article 437.6 is liable to a fine of \$600 to \$2,000.

Every person who is present in an immovable or part of an immovable to which a prohibition of access applies without a legitimate excuse or an authorization from the council or the court, as the case may be, is liable to a fine of \$300 to \$1,000.

In the case of a subsequent offence, the fines are doubled.”

ACT RESPECTING EXPLOSIVES

4. The Act respecting explosives (R.S.Q., chapter E-22) is amended by inserting, after section 11, the following section:

“11.1. Where the person who is required to hold a permit is a legal person, the issue or maintenance of the permit shall be subject to the requirement that, in addition to the legal person, each of the directors and each of the shareholders holding 10% or more of the shares with full voting rights also fulfil all the conditions.”

5. Sections 12, 13 and 13.1 of the said Act are replaced by the following sections:

“12. A member of the Sûreté du Québec may issue a permit if the applicant fulfils the conditions prescribed by regulation and pays the prescribed fees and, where the applicant’s permit has been withdrawn under section 15 within the five years preceding the application, if he furnishes the security prescribed by regulation.

“13. The member of the Sûreté du Québec must refuse to issue the permit if an applicant, within the five years preceding the application, has been convicted of

(1) an indictable offence under the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46);

(2) an offence under Part II, III or IX or under any of sections 430 to 437 of the Criminal Code other than an offence punishable on summary conviction only;

(3) an offence under section 48 of the Food and Drugs Act (Revised Statutes of Canada, 1985, chapter F-27) or an offence under paragraph *b* of subsection 2 of section 3 or any of sections 3.1 to 6 of the Narcotic Control Act (Revised Statutes of Canada, 1985, chapter N-1);

(4) an offence referred to in paragraph *3a* or *4a* of section 4, paragraph *3a* or *3b(i)* of section 5, paragraph *3a* or *3b(i)* of section 6, paragraph *2a*, *2b* or *2c(i)* of section 7, paragraph *2a* of section 8 or paragraph *2a* of section 9 of the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19);

(5) an offence against the Explosives Act (Revised Statutes of Canada, 1985, chapter E-17) or the regulations made under that Act; or

(6) an offence against this Act or the regulations thereunder.

Such grounds do not, however, apply if the applicant has obtained a pardon in respect of that offence or indictable offence.

“13.1. The member of the Sûreté du Québec may also refuse to issue a permit where he is of the opinion

(1) that a permit should not be issued to the applicant on grounds of public security;

(2) that the application is being made on behalf of another person.

“13.2. The member of the Sûreté du Québec may require that the applicant provide any information or document pertinent to the examination of the application.”

6. Section 14 of the said Act is amended

(1) by striking out the first sentence;

(2) by replacing the words “When he refuses to issue a permit, he must also” in the third and fourth lines by the words “The member of the Sûreté du Québec must, when he refuses to issue a permit,”;

(3) by replacing, in the French text, the words “au requérant” in the second sentence by the words “au demandeur” and the word “applicant” in the sixth line by the words “interested person”;

(4) by replacing, in the French text, the word “requérant” at the end of the last sentence by the word “demandeur”.

7. Section 15 of the said Act is amended

(1) by replacing the first paragraph by the following paragraphs :

“**15.** The Minister may cancel a permit and require that it be surrendered

(1) if he considers that the permit holder no longer fulfils the conditions of issue of the permit ;

(2) if the permit holder does not comply with the provisions of this Act, of the Explosives Act (Revised Statutes of Canada, 1985, chapter E-17) or of the regulations thereunder ;

(3) for any of the reasons set out in section 13.1.

The Minister must cancel the permit and require that it be surrendered

(1) if the permit was obtained by fraud or on false representations ;

(2) if the permit holder has been convicted of an offence or of an indictable offence referred to in section 13, except if he has obtained a pardon in respect of the offence or indictable offence.”;

(2) by replacing the words “The holder of a cancelled permit must” in the first line of the second paragraph by the words “The permit holder must, in such a case,”;

(3) by striking out the words “cancelling the permit” in the third line of the second paragraph.

8. Section 16 of the said Act is amended by replacing the word “cancellation” in the first line by the word “revocation” and by replacing the word “cancelled” in the third line by the word “revoked”.

9. Section 20 of the said Act is amended by inserting the words “a member of the Sûreté du Québec authorized under section 11 or” after the word “hinder” in the first line of the first paragraph.

10. Section 22 of the said Act is amended by replacing the words “and the fees which he must pay” in the third line of subparagraph 3 of the first paragraph by the words “, the fees which he must pay and, pursuant to section 12, the security he is required to furnish”.

ACT RESPECTING OFFENCES RELATING TO ALCOHOLIC BEVERAGES

11. Section 2 of the Act respecting offences relating to alcoholic beverages (R.S.Q., chapter I-8.1) is amended

(1) by inserting, after paragraph 1, the following paragraph:

“(1.1) “ethyl alcohol”: any material or substance whether in liquid or any other form, containing any proportion by mass or by volume of absolute ethyl alcohol (C₂H₅OH);”;

(2) by replacing the words “alcohol, spirits, wine, cider or beer” in the third line of paragraph 5 by the words “ethyl alcohol”;

(3) by inserting the word “ethyl” before the word “alcohol” in the fifth line of paragraph 5.

12. Section 111 of the said Act is amended

(1) by replacing “\$175 to \$425” in the sixth line by “\$500 to \$1,000”;

(2) by replacing “\$425 to \$700” in the seventh line by “\$1,000 to \$2,000”;

(3) by replacing “\$700 to \$1 400” in the eighth line by “\$2,000 to \$5,000”.

13. Section 112 of the said Act, amended by section 50 of chapter 34 of the statutes of 1996, is again amended by inserting the figure “74.1,” after the figure “73,” in the second line of paragraph 10.

14. Section 113 of the said Act is amended

(1) by replacing “\$325 to \$700” in the seventh line by “\$500 to \$1,000”;

(2) by replacing “\$575 to \$1 150” in the eighth line by “\$1,000 to \$2,000”.

15. The said Act is amended by inserting, after section 113, the following section:

“**113.1.** Any person whose bar permit, public house or “pub” permit or tavern permit is suspended or cancelled who admits a person or tolerates a person’s presence in a room or on a terrace contrary to an order of the board issued under section 89.1 of the Act respecting liquor permits is guilty of an offence and liable to a fine of \$600 to \$2,000.

Any person who, without a legitimate excuse or an authorization of the board, finds himself in such premises is guilty of an offence and liable to a fine of \$300 to \$1,000.

In the case of a subsequent offence, the maximum fines and minimum fines are doubled.”

16. Section 117 of the said Act is amended by replacing “\$175” in the fourth line by “\$500 to \$1,000”.

17. The said Act is amended by inserting, after section 117.1, the following section:

“117.2. Where a person is convicted of an offence under this Act, a judge may, upon an application of the prosecuting party appended to the statement of offence, in addition to imposing any other penalty, impose an additional fine of an amount equal to the sums obtained as a result of the commission of the offence, even if the maximum fine under another provision has been imposed.”

18. The heading of Division XV of the said Act is amended by striking out the words “OF ALCOHOLIC BEVERAGES”.

19. Section 126 of the said Act is amended by adding, at the end, the following paragraph:

“(6) where he has reasonable cause to believe that an offence under this Act has been committed, seize any sums of money or payment instruments obtained as a result of the commission of the offence, or any evidence of fund transfers so obtained; the provisions governing seized things in the Code of Penal Procedure, adapted as required, apply to the things so seized.”

ACT RESPECTING LIQUOR PERMITS

20. Section 36 of the Act respecting liquor permits (R.S.Q., chapter P-9.1) is amended by striking out the second paragraph.

21. Section 37 of the said Act is repealed.

22. Section 38 of the said Act is replaced by the following section:

“38. In the case of a partnership or a corporation, the issue of a permit is subject to the requirement that each partner or director, in addition to the partnership or corporation, and each shareholder holding 10% or more of the shares with full voting rights of the corporation also fulfil all the conditions except, if it is listed on a Canadian stock exchange, the conditions prescribed by section 36.”

23. Section 39 of the said Act is amended by inserting the words “and, where required by the municipality in which the establishment is situated, a certificate of occupancy of the establishment issued by the municipality” after the words “(chapter E-15.1)” in the second line of subparagraph 3 of the first paragraph.

24. Section 40 of the said Act is amended

(1) by inserting, after paragraph 1, the following paragraph:

“(1.1) furnish the security prescribed by regulation if, within the five years preceding his application, the person contravened a provision referred to in subparagraph 1 of the first paragraph of section 42 or the permit or authorization that had been granted to him under this Act was suspended or cancelled,”;

(2) by striking out the word “and” in the second line of paragraph 2;

(3) by inserting, after paragraph 2, the following paragraph:

“(2.1) provide a detailed floor plan of the room or terrace of the establishment, and”;

(4) by replacing the words “relevant document” in the second line of paragraph 3 by the words “document pertinent to the examination of the application, including any document relating to the sources of financing of the activities concerned or of the establishment”.

25. Section 41 of the said Act is amended

(1) by inserting the words “adversely affect public security or” after the word “may” in the first line of paragraph 1;

(2) by replacing the words “, or that” in the second line of paragraph 1 by a semi-colon;

(3) by inserting, after paragraph 1, the following paragraphs:

“(1.1) the applicant is unable to establish his capacity to carry on with competence and integrity the activities for which he is applying for a permit, in view of his past behaviour regarding an activity to which this Act applies;

“(1.2) the application for a permit is made on behalf of another person;”;

(4) by adding, at the end, the following paragraph:

“The board must also refuse to issue a permit if the applicant was convicted of an indictable offence related to the activities to which this Act applies, within the five years preceding the application, or has not served the sentence imposed for such an indictable offence, unless he has obtained a pardon in relation to the indictable offence.”

26. Section 42 of the said Act is amended

(1) by striking out the words “or a person contemplated in section 38” in the second and third lines of the first paragraph;

(2) by replacing the figure “36” in the third line of subparagraph 2 of the first paragraph by the figure “41”;

(3) by striking out the words “or the person referred to in the first paragraph” in the second line of the second paragraph.

27. Section 42.1 of the said Act is amended by inserting the words “, to public security” after the word “interest” in the fourth line of the second paragraph.

28. Section 45 of the said Act is amended

(1) by replacing the words “permit required under the Act respecting tourist establishments (chapter E-15.1)” in subparagraph 3 of the first paragraph by the words “required permit and certificate”;

(2) by replacing the words “fulfils the conditions applicable to him under section 36 or 38” in the second and third lines of the second paragraph by the words “and, where applicable, the persons referred to in section 38 fulfil the conditions applicable to them under section 36”.

29. Section 47 of the said Act is amended by replacing the word “there” in the second line of subparagraph 1 of the second paragraph by the words “and, where applicable, the type of show that is authorized”.

30. Section 50 of the said Act, amended by section 22 of chapter 34 of the statutes of 1996, is again amended

(1) by replacing the words “The second paragraph of section 36, sections 37 and 38, subparagraphs” in the first line of the first paragraph by the word “Subparagraphs”;

(2) by replacing the words “paragraph 1 of section 41” in the first and fourth paragraphs by the words “paragraph 2.1 of section 40, subparagraphs 1 to 1.2 of the first paragraph of section 41”;

(3) by replacing the words “Paragraph 1 of section 41 does” in the first line of the second paragraph by the words “Subparagraphs 1 to 1.2 of the first paragraph of section 41 do”;

(4) by inserting the words “paragraph 2.1 of section 40,” after the figure “39,” in the first line of the third paragraph;

(5) by replacing the words “Paragraph 1 of section 41 does not apply to an application for a permit” in the first line of the last paragraph by the words “Paragraph 2.1 of section 40 and subparagraphs 1 to 1.2 of the first paragraph of section 41 do not apply to an application for a permit, other than a bar permit, public house or “pub” permit or tavern permit,” .

31. Section 74 of the said Act is amended by inserting, after the first paragraph, the following paragraphs :

“Upon granting the authorization, the board shall certify the floor plan considered by means of a facsimile of the signature of its secretary.

The board may, in its decision, determine the type of show that it authorizes.”

32. The said Act is amended by inserting, after section 74, the following section :

“74.1. The permit holder shall keep, in the establishment where he uses his permit, the floor plan of the room or terrace where the activity is authorized, certified by the board pursuant to the second paragraph of section 74 or the third paragraph of section 84.1.”

33. The heading of Division V of Chapter III of the said Act is amended by adding, at the end, the words “OR FLOOR ARRANGEMENT”.

34. Section 83 of the said Act is amended

(1) by inserting the figure “, 2.1” after the figure “2” in the third line of the first paragraph ;

(2) by replacing the words “Section 41 applies, *mutatis mutandis*,” in the first line of the second paragraph by the words “Subparagraphs 1 and 2 of the first paragraph of section 41, adapted as required, apply”.

35. The said Act is amended by inserting, after section 84, the following :

“§ 3. — *Change of floor arrangement*

“84.1. Any change in the floor arrangement of a room or terrace for which an authorization has been granted for the presentation of shows, the projection of films or dancing must be authorized by the board if the change involves new divisions, even removable or temporary divisions, of the space where patrons are admitted.

Subparagraph 2 of the first paragraph of section 39 and paragraphs 2, 2.1 and 3 of section 40 apply to such an application for authorization.

The board shall certify, by means of a facsimile of the signature of its secretary, the floor plan considered for the granting of the authorization.”

36. The heading of Division VI of Chapter III of the said Act is amended by adding, at the end, the words “AND AUTHORIZATIONS”.

37. Section 85 of the said Act, amended by section 760 of chapter 2 of the statutes of 1996, is again amended by inserting the words “or authorization” after the word “permit” in the first line.

38. Section 86 of the said Act is amended

(1) by replacing subparagraphs 2 to 5 of the first paragraph by the following subparagraph:

“(2) the permit holder or, if the permit holder is a partnership or a corporation referred to in section 38, any person mentioned in section 38 ceases to fulfil the conditions set out in section 36, subparagraphs 1 to 3 of the first paragraph of section 39 or subparagraphs 1.1 to 2 of the first paragraph of section 41;”;

(2) by replacing the words “75, 78 and 82” in the first and second lines of subparagraph 8 of the first paragraph by the words “section 74.1, 75, the second paragraph of section 76 or section 78, 82 or 84.1”;

(3) by striking out the words “or does not comply with a voluntary undertaking made under section 89” in the second line of subparagraph 10 of the first paragraph;

(4) by replacing the words “the permit of the holder of a public house or “pub”, tavern or bar permit, if he has been convicted of an offence for having employed a minor or for having allowed him to present or to participate in a show, in a room or on a terrace of his establishment where alcoholic beverages may be sold.” in the first, second, third, fourth and fifth lines of the second paragraph by the following:

“a permit if

(1) in the case of a public house or “pub” permit, tavern permit or bar permit, the permit holder has been convicted of an offence for having employed a minor or for having allowed a minor to present or to participate in a show, in a room or on a terrace of his establishment where alcoholic beverages may be sold;”;

(5) by replacing the last sentence of the second paragraph by the following subparagraphs:

“(2) the use of the permit adversely affects public security;

“(3) the permit holder or, if the permit holder is a partnership or a corporation referred to in section 38, any person mentioned in section 38 was convicted of an indictable offence referred to in the second paragraph of section 41;

“(4) the permit holder contravened section 72.1;

“(5) the permit holder is not in compliance with a voluntary undertaking made under section 89.”

39. The said Act is amended by inserting, after section 86, the following section:

“86.0.1. The board may cancel an authorization or suspend it for the period it determines if the conditions for obtaining it are no longer being complied with, if the authorization was obtained on false representations or if section 74.1, 75 or 84.1 has been contravened.”

40. Section 86.2 of the said Act, amended by section 29 of chapter 34 of the statutes of 1996, is again amended by striking out the words “owing to the permit holder’s contravention of any provision of section 70, 70.1 or 75 or his refusal or neglect to comply with a requirement of the board under section 110” in the first, second and third lines.

41. The said Act is amended by inserting, after section 86.2, the following section :

“86.3. The board may, instead of cancelling or suspending the permit of a holder who has contravened a provision referred to in subparagraph 1 of the first paragraph of section 42, or as a condition for the reinstatement of a permit after its suspension, require that the holder furnish the security prescribed by regulation.”

42. Section 87 of the said Act is amended by replacing the words “paragraphs 3 to 8” in the second line by the words “subparagraphs 2 and 6 to 8 of the first paragraph”.

43. Section 87.1 of the said Act, amended by section 30 of chapter 34 of the statutes of 1996, is again amended

(1) by inserting, in the French text, the words “du premier alinéa” before the words “de l’article 86” in the second line of the first paragraph;

(2) by inserting the words “, unless it is prohibited by the board in its decision,” after the word “may” in the first line of the second paragraph.

44. Section 88 of the said Act, amended by section 31 of chapter 34 of the statutes of 1996, is repealed.

45. Section 89 of the said Act is amended by replacing the words “contemplated in paragraph 9” in the second line by the words “referred to in subparagraph 9 of the first paragraph”.

46. The said Act is amended by inserting, after section 89, the following sections :

“89.1. Where the board suspends or cancels a bar permit, public house or “pub” permit or tavern permit for a reason set out in the second paragraph of section 86, the board may prohibit the holder from admitting a person to or tolerating the presence of a person in a room or terrace to which the permit applies during the period of suspension of the permit or during a period not exceeding six months from the date of cancellation.

The board shall post the order on the premises to which it applies, along with a notice indicating the penalty to which any offender is liable.

The board may, upon an application, vary its decision where a change in the use of premises occurs.

“89.2. The board may confiscate the security furnished by a permit holder

(1) if it suspends or cancels the permit holder’s permit;

(2) if the permit holder is convicted of an offence against a provision referred to in subparagraph 1 of the first paragraph of section 42.

Sections 32.19 to 32.21 of the Act respecting the Ministère de la Justice (chapter M-19), adapted as required, apply to any sums so confiscated.”

47. Section 95 of the said Act is amended by inserting the words “, every application for a change of floor arrangement referred to in section 84.1” after the figure “79” in the fourth line.

48. Section 96 of the said Act, amended by section 761 of chapter 2 of the statutes of 1996, is again amended by replacing the words “; and” in the second line of subparagraph 2 of the first paragraph by the words “and the director of the Sûreté du Québec or of the police force established for that territory and authorized under section 111.”

49. Section 97 of the said Act, amended by section 34 of chapter 34 of the statutes of 1996, is again amended by inserting the words “, other than a bar permit, public house or “pub” permit or tavern permit,” after the word “permit” in the first line of paragraph 3.

50. Section 99 of the said Act is amended

(1) by replacing the figure “15” in the third line of the first paragraph by the figure “30”;

(2) by replacing the figure “30” in the fifth line of the first paragraph by the figure “45”.

51. Section 111 of the said Act, amended by section 36 of chapter 34 of the statutes of 1996, is again amended

(1) by replacing the words “and, require the production of the books and other documents relating to the purchase and sale of alcoholic beverages or of raw materials and equipment for beer or wine making or, in the case of a grocery, of any product, and require any other information” in the sixth, seventh, eighth and ninth lines by the words “, require the production of the books and other documents relating to the purchase and sale of alcoholic

beverages or of raw materials and equipment used for beer or wine making or, in the case of a grocery, of any product, require any other information or document”;

(2) by adding the words “and require any person on the premises to provide him reasonable assistance” after the words “this Act or the regulations”.

52. Section 114 of the said Act is amended

(1) by inserting, after paragraph 6, the following paragraph:

“(6.1) determining the amount of security according to the classes of permits or the reasons for which security is required;”;

(2) by inserting, after paragraph 14, the following paragraph:

“(14.1) establishing, for any contravention of section 72.1, the suspensions and cancellations of permits applicable considering the origin and the quantity of the alcoholic beverages or video lottery machines and the fact that it is a first offence or a subsequent offence;”.

ACT RESPECTING THE RÉGIE DES ALCOOLS, DES COURSES
ET DES JEUX

53. Section 19 of the Act respecting the Régie des alcools, des courses et des jeux (R.S.Q., chapter R-6.1) is amended by replacing the first paragraph by the following paragraph:

“**19.** The board shall keep, at each of its offices, for the territory served by the office,

(1) a register of the licence applications, licences and registration attestations under the Act respecting racing;

(2) a register of the property and information referred to in section 87 of the said Act;

(3) a register of the licence and authorization applications made under the Act respecting lotteries, publicity contests and amusement machines;

(4) a register of applications for permits and authorizations and for permits and authorizations provided for in the Act respecting liquor permits.”

54. Section 27 of the said Act is amended by replacing subparagraphs 1 to 4 of the first paragraph by the following subparagraphs:

“(1) public interest, public security or public tranquility may be at risk in the application of an Act administered by the board;

“(2) the board is making a review of a decision under the last paragraph of section 29 or under section 37 or of a decision of a racing judge or paddock judge under section 53 or 54 of the Act respecting racing.”

55. Section 28 of the said Act is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph :

“(2) cases and applications presented under an Act administered by the board, except cases and applications involving public interest, public security or public tranquility.”

56. Section 29 of the said Act is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph :

“(1) applications presented under the Act respecting racing, the Act respecting lotteries, publicity contests and amusement machines or the Act respecting the Société des alcools du Québec, except applications involving public interest, public security or public tranquility ;”;

(2) by inserting the words “, for raw materials and equipment wholesaler’s or retailer’s permits” after the words “seller’s permits” in the second line of subparagraph 2 of the first paragraph ;

(3) by replacing the word “fourth” in the second line of subparagraph 3 of the first paragraph by the word “fifth” ;

(4) by inserting the words “, public security” after the words “public interest” in the third line of subparagraph 3 of the first paragraph.

57. The said Act is amended by inserting, after section 32, the following sections :

“32.1. Before refusing to renew, suspending or cancelling a permit, licence, authorization or registration, imposing conditions for use, confiscating security or making an order, the board shall, unless otherwise provided by law, notify the person concerned in writing of the proposed decision and of the reasons therefor and of the content of any complaints or objections concerning it. In addition, the board shall grant the person at least ten days to present observations, including applying for an opportunity to be heard, and to produce documents to complete his record. The notice shall be accompanied with a copy of every report, statement of offence or other document on which the proposed decision is based.

The board may suspend a permit, licence, authorization or registration without being subject to such prior obligations where, in its opinion, the continuance of the activities concerned may endanger the life or health of persons or cause serious or irreparable damage to property.

“32.2. Where the person concerned avails himself, within the time prescribed, of his right to present observations and produce documents, a notice indicating that the matter will be submitted and decided in plenary session, by a division of two commissioners, by only one commissioner or by a member of the personnel, as the case may be, shall be sent to the person.

Where the matter submitted to the board concerns a suspension or cancellation of a permit, licence, authorization or registration, the board may suspend such permit, licence, authorization or registration until it has decided the matter if it is of the opinion that the continuance of the activities concerned may endanger the life or health of persons or cause serious or irreparable damage to property.

“32.3. The board may require that, to present observations and produce documents, an association of persons referred to in section 36.2 of the Act respecting lotteries, publicity contests and amusement machines or in section 99 of the Act respecting liquor permits establish its representativeness.

“32.4. Where a hearing must be held, a notice of at least ten days shall be sent to the person concerned setting out the object, date, time and place of the hearing and the power of the board to proceed without further delay or notice, despite a failure to appear at the time and place fixed, where such failure is not validly justified.”

58. Section 33 of the said Act is amended

(1) by inserting, after the first sentence of the first paragraph, the following sentence: “The board may accept, in lieu of the testimony of a peace officer, a statement of offence or a report of offence, the form of which is prescribed under the Code of Penal Procedure (chapter C-25.1), made and signed by the peace officer, or a certified copy of that statement or report;”;

(2) by adding, at the end of the first paragraph, the following sentence: “Each of those persons shall declare in the document that he has personally ascertained the facts mentioned therein.”;

(3) by inserting the words “or statement” after the word “report” in the second line of the second paragraph;

(4) by inserting the words “or statement” after the word “report” in the third line of the second paragraph.

59. Section 35 of the said Act is repealed.

60. Section 37 of the said Act is amended

(1) by replacing the words “be heard” in subparagraph 2 of the first paragraph by the words “present observations”;

(2) by adding, after the second paragraph, the following paragraph:

“The board shall review a decision referred to in the second paragraph of section 32.1 if the person concerned applies therefor within ten days of notification. The board shall, in such a case, proceed expeditiously and may suspend execution of the decision.”

61. Section 39 of the said Act is amended

(1) by inserting the words “that was the subject of a notification in accordance with the first paragraph of section 32.1 and for which the person concerned has not availed himself, within the time prescribed, of his right to present observations and produce documents becomes, without further formality, final and executory at the expiry of that time or on any later date provided for therein. In other cases, it” after the word “decision” in the first line of the second paragraph;

(2) by inserting the words “or authorization” after the words “a permit” in the fourth line of the second paragraph;

(3) by replacing the words “service of the decision may be made on” in the fifth line of the second paragraph by the words “the notification of the notice of the decision may be sent to”.

ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC

62. Section 30.1.2 of the Act respecting the Société des alcools du Québec (R.S.Q., chapter S-13), enacted by section 7 of chapter 34 of the statutes of 1996, is amended

(1) by replacing the words “paragraph 2 of section 40” by the words “paragraphs 2 and 2.1 of section 40”;

(2) by replacing the words “section 41” by the words “subparagraphs 1 and 2 of the first paragraph of section 41”.

63. Section 33.2 of the said Act, enacted by section 9 of chapter 34 of the statutes of 1996, is amended by inserting the figure “74.1,” after the figure “73,” in the first paragraph and by replacing the figure “84” in that paragraph by the figure “84.1”.

CHARTER OF THE CITY OF MONTRÉAL

64. Article 524 of the Charter of the City of Montréal (1959-60, chapter 102), amended by section 55 of chapter 59 of the statutes of 1962, section 20 of chapter 70 of the statutes of 1963 (1st session), section 24 of chapter 86 of the statutes of 1966-67, section 7 of chapter 90 of the statutes of 1968, section 1 of chapter 91 of the statutes of 1968, section 21 of chapter 96 of the statutes of 1971, section 4 of chapter 76 of the statutes of 1972, section

58 of chapter 77 of the statutes of 1973, section 48 of chapter 77 of the statutes of 1977, section 82 of chapter 7 of the statutes of 1978, section 10 of chapter 40 of the statutes of 1980, section 21 of chapter 71 of the statutes of 1982, section 670 of chapter 91 of the statutes of 1986, section 2 of chapter 86 of the statutes of 1988, section 12 of chapter 87 of the statutes of 1988, section 12 of chapter 80 of the statutes of 1989, section 4 of chapter 89 of the statutes of 1990, section 14 of chapter 90 of the statutes of 1990 and section 16 of chapter 82 of the statutes of 1993, is again amended by inserting, after paragraph 1.1, the following paragraph :

“(1.2) regulate fortification or protective elements of a structure according to the authorized use thereof, prohibit such fortification or protective elements where their utilization is not justified in view of the said use and, in the latter case, order the reconstruction or repair of any structure existing on the date of coming into force of the by-law within the time prescribed therein which cannot be less than 6 months, so that it may be brought into conformity with such by-law ;”.

CHARTER OF THE CITY OF QUÉBEC

65. Section 336 of the Charter of the City of Québec (1929, chapter 95), amended by section 8 of chapter 122 of the statutes of 1930-31, section 5 of chapter 104 of the statutes of 1931-32, section 19 of chapter 111 of the statutes of 1935, section 67 of chapter 102 of the statutes of 1937, section 12 of chapter 104 of the statutes of 1938, section 22 of chapter 102 of the statutes of 1939, section 27 of chapter 74 of the statutes of 1940, section 12 of chapter 50 of the statutes of 1943, section 8 of chapter 47 of the statutes of 1944, section 20 of chapter 71 of the statutes of 1945, section 17 of chapter 51 of the statutes of 1948, section 8 of chapter 63 of the statutes of 1951-52, section 4 of chapter 36 of the statutes of 1952-53, section 3 of chapter 52 of the statutes of 1952-53, section 1 of chapter 67 of the statutes of 1955-56, section 9 of chapter 50 of the statutes of 1957-58, section 6 of chapter 96 of the statutes of 1960-61, section 7 of chapter 66 of the statutes of 1963 (1st session), section 5 of chapter 69 of the statutes of 1964, section 2 of chapter 85 of the statutes of 1966-67, section 38 of chapter 86 of the statutes of 1969, sections 29 to 31 of chapter 68 of the statutes of 1970, section 146 of chapter 55 of the statutes of 1972, section 29 of chapter 75 of the statutes of 1972, section 8 of chapter 80 of the statutes of 1973, section 12 of chapter 97 of the statutes of 1974, section 15 of chapter 54 of the statutes of 1976, section 457 of chapter 72 of the statutes of 1979, sections 23, 45 and 51 of chapter 42 of the statutes of 1980, section 272 of chapter 63 of the statutes of 1982, section 17 of chapter 64 of the statutes of 1982, sections 22, 59 and 60 of chapter 61 of the statutes of 1984, section 140 of chapter 27 of the statutes of 1985, section 22 of chapter 116 of the statutes of 1986, section 17 of chapter 88 of the statutes of 1988, section 1 of chapter 81 of the statutes of 1989, sections 1155 to 1168 of chapter 4 of the statutes of 1990, section 9 of chapter 91 of the statutes of 1990, section 15 of chapter 84 of the statutes of 1991, section 702 of chapter 61 of the statutes of 1992, section 34 of chapter 65 of the statutes of 1992, section 108 of chapter 30 of the statutes of 1994, section 22 of chapter 55 of

the statutes of 1994 and section 20 of chapter 85 of the statutes of 1996, is again amended by inserting, after subparagraph 2 of paragraph 42*b*, the following subparagraph :

“(2.1) regulate fortification or protective elements of a structure according to the authorized use thereof, prohibit such fortification or protective elements where their utilization is not justified in view of the said use and, in the latter case, order the reconstruction or repair of any structure existing on the date of coming into force of the by-law within the time prescribed therein which cannot be less than 6 months, so that it may be brought into conformity with such by-law ;”.

FINAL PROVISIONS

66. Subparagraph 2 of the second paragraph of section 15 of the Act respecting explosives, enacted by paragraph 1 of section 7 of this Act, does not apply in respect of an act that occurred before the coming into force of the said subparagraph and that was not subject to section 13 of the Act respecting explosives as it read before being replaced by this Act.

67. Subparagraph 3 of the second paragraph of section 86 of the Act respecting liquor permits, enacted by paragraph 5 of section 38 of this Act, does not apply in respect of an act that occurred before the coming into force of the said subparagraph and that was not subject to section 36 of the Act respecting liquor permits as it read before being amended by this Act.

68. This Act comes into force on 19 June 1997.