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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 75  
(2004, chapter 29)

**An Act respecting the exercise of certain  
municipal powers in certain urban  
agglomerations**

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**Introduced 11 November 2004  
Passage in principle 3 December 2004  
Passage 15 December 2004  
Assented to 17 December 2004**

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## **EXPLANATORY NOTES**

*This bill gives effect to the results of the referendum polls held on 20 June 2004 under the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities.*

*The bill makes it legally possible to reconstitute each former municipality for which the results of the referendum poll show that the required majority of qualified voters voted in favour of such a reconstitution. It creates 11 urban agglomerations, each of which includes the territory of every municipality so reconstituted as well as the territory, reduced accordingly, of the current municipality affected by the reorganization.*

*The object of the bill is to determine the municipal powers that, rather than being exercised separately for each local municipal territory included in an urban agglomeration, are exercised for the whole agglomeration. A further object is to prescribe rules relating to the exercise of those powers, called “urban agglomeration powers”. To that end, the Act creates the notion of “related municipalities” to designate all the municipalities the sum of whose territories forms an urban agglomeration, as well as the concept of “central municipality” to designate, within each urban agglomeration, the current municipality whose territory is to be reduced.*

*The bill sets out two types of urban agglomeration powers. Municipal powers pertaining to such matters as passenger transportation, the thoroughfares forming the arterial road system, police, civil protection and fire protection services, as well as to various elements relating to water supply, water purification, residual materials management and economic development are urban agglomeration powers. The bill also provides that the municipal power to prescribe rules pertaining to the management of equipment, infrastructures or activities that concern both the central municipality and at least one reconstituted municipality, and the municipal power to prescribe rules on the collective financing of expenditures relating to such equipment, infrastructures or activities and the sharing of related revenue are urban agglomeration powers.*

*The bill provides that only the central municipality exercises an urban agglomeration power by operation of law, in the whole territory of the agglomeration, through one of its deliberative bodies called the “urban agglomeration council”. The bill gives the Government the power to prescribe by order, for each urban agglomeration, rules respecting the nature, composition and functioning of that council. All urban agglomeration councils, however, are to share certain common characteristics. Thus, each related municipality must be represented on the urban agglomeration council, a municipality’s decision-making weight on the council must correspond to its relative demographic weight, and the meetings of the council must be public. In addition, the bill provides that when a representative of a related municipality participates in the deliberations and vote on a matter referred to the urban agglomeration council on which the council of the municipality previously took a particular stance, the representative must take a position in conformity with that stance.*

*The bill establishes financial rules relating to the exercise of urban agglomeration powers. It determines what constitutes urban agglomeration expenditures and revenues. It enacts taxation provisions to enable the urban agglomeration council and the regular council of the central municipality or the council of a reconstituted municipality to use concurrently, each for its own purposes, the powers to levy taxes and impose other methods of financing conferred on local municipalities in Québec.*

*The bill establishes a mechanism by which any related municipality may file its objection regarding decisions of the urban agglomeration council within a specified period, thus making the coming into force of the decision conditional on the approval of the Minister of Municipal Affairs, Sports and Recreation or an arbitrator designated by the Minister.*

*The bill grants the Government the power to make three types of orders in order to carry out the territorial reorganization resulting from the consultation of citizens held in the spring of 2004. A reconstitution order may be made for each former municipality to be reconstituted. An amending order may also be made to amend the charter of the current municipality in order to withdraw any element concerning a reconstituted municipality, mainly references to its territory. Lastly, an urban agglomeration order dealing with matters of interest to two or more related municipalities may be made. In addition to the nature, composition and functioning of the urban agglomeration council, this last order may contain provisions relating to the sharing of the current municipality’s assets and liabilities or*

*establishing rules regarding the thoroughfares forming the arterial road system, the part of a waterworks or sewer system that comes under an urban agglomeration power or the list of equipment, infrastructures and activities of collective interest.*

*The bill proposes certain legislative amendments. It amends the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities in order to clarify certain provisions relating to the work of the transition committees and of the mandataries responsible for preparing the reorganization of the 11 current municipalities affected. It also amends the charters of Ville de Montréal, Ville de Québec and Ville de Longueuil to confirm the jurisdiction in the whole territory of the urban agglomeration, by operation of law, of the arts councils of those cities and their financing by urban agglomeration revenues.*

*Lastly, the bill contains miscellaneous, transitional and final provisions. The effect of one of these provisions is to treat a reconstituted municipality whose territory corresponds to the territory of a former municipality having obtained a recognition under the Charter of the French language as if it had obtained such a recognition.*

**LEGISLATION AMENDED BY THIS BILL:**

- Charter of Ville de Longueuil (R.S.Q., chapter C-11.3);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14).

# Bill 75

## AN ACT RESPECTING THE EXERCISE OF CERTAIN MUNICIPAL POWERS IN CERTAIN URBAN AGGLOMERATIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

### TITLE I

#### OBJECTS AND DEFINITIONS

**1.** The object of this Act is to determine the municipal powers that, rather than being exercised separately for each local municipal territory included in an urban agglomeration defined in Title II, must be exercised globally for that urban agglomeration.

A further object is to prescribe the rules for the exercise of those powers.

**2.** An urban agglomeration corresponds to the territory, as it exists on 17 December 2004, of Ville de Montréal, Ville de Québec, Ville de Longueuil, Ville de Mont-Laurier, Ville de La Tuque, Municipalité des Îles-de-la-Madeleine, Ville de Sainte-Agathe-des-Monts, Ville de Mont-Tremblant, Ville de Cookshire-Eaton, Ville de Rivière-Rouge or Ville de Sainte-Marguerite-Estérel.

In this Act, each such municipality is designated as a “city”.

**3.** For the purposes of this Act,

(1) “former municipality” means a local municipality that ceased to exist upon the constitution of the city;

(2) “Minister”, except in a minister’s title, means the Minister of Municipal Affairs, Sports and Recreation;

(3) “reconstituted municipality”, with respect to a city, means a local municipality constituted to give effect to the results of a referendum poll held under the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14), whose territory corresponds to the territory of a former municipality;

(4) “body”, in a provision specifying that it is a body of a local municipality, means a mandatory body of the municipality within the meaning of section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3), any other body otherwise under the authority of the municipality, or a supramunicipal body, within the meaning of that section, whose territory includes the territory of the municipality;

(5) “reorganization”, with respect to a city, means all the acts provided for in an Act or statutory instrument to constitute the reconstituted municipality or municipalities whose territory is included in the territory of the city, and to reduce the territory of the city accordingly.

## **TITLE II**

### **URBAN AGGLOMERATIONS, RELATED MUNICIPALITIES AND CENTRAL MUNICIPALITIES**

**4.** The urban agglomeration of Montréal is made up of the territories of Ville de Montréal, Ville de Baie-d’Urfé, Ville de Beaconsfield, Ville de Côte-Saint-Luc, Ville de Dollard-des-Ormeaux, Ville de Dorval, Ville de Hampstead, Ville de Kirkland, Ville de L’Île-Dorval, Ville de Montréal-Est, Ville de Montréal-Ouest, Ville de Mont-Royal, Ville de Pointe-Claire, Ville de Sainte-Anne-de-Bellevue, Village de Senneville and Ville de Westmount.

**5.** The urban agglomeration of Québec is made up of the territories of Ville de Québec, Ville de L’Ancienne-Lorette and Municipalité de Saint-Augustin-de-Desmaures.

**6.** The urban agglomeration of Longueuil is made up of the territories of Ville de Longueuil, Ville de Boucherville, Ville de Brossard, Ville de Saint-Bruno-de-Montarville and Ville de Saint-Lambert.

**7.** The urban agglomeration of Mont-Laurier is made up of the territories of Ville de Mont-Laurier and Municipalité de Saint-Aimé-du-Lac-des-Îles.

**8.** The urban agglomeration of La Tuque is made up of the territories of Ville de La Tuque, Municipalité de La Bostonnais and Municipalité de Lac-Édouard.

**9.** The urban agglomeration of Îles-de-la-Madeleine is made up of the territories of Municipalité des Îles-de-la-Madeleine, Village de Cap-aux-Meules and Municipalité de Grosse-Île.

**10.** The urban agglomeration of Sainte-Agathe-des-Monts is made up of the territories of Ville de Sainte-Agathe-des-Monts and Municipalité d’Ivry-sur-le-Lac.

**11.** The urban agglomeration of Mont-Tremblant is made up of the territories of Ville de Mont-Tremblant and Municipalité de Lac-Tremblant-Nord.

**12.** The urban agglomeration of Cookshire-Eaton is made up of the territories of Ville de Cookshire-Eaton and Municipalité de Newport.

**13.** The urban agglomeration of Rivière-Rouge is made up of the territories of Ville de Rivière-Rouge and Municipalité de La Macaza.

**14.** The urban agglomeration of Sainte-Marguerite–Estérel is made up of the territories of Ville de Sainte-Marguerite-du-Lac-Masson and Ville d’Estérel.

**15.** The municipalities listed in the description of an urban agglomeration are related municipalities.

The first municipality mentioned for each urban agglomeration is the central municipality.

### **TITLE III**

#### **URBAN AGGLOMERATION POWERS**

### **CHAPTER I**

#### **GENERAL PROVISIONS**

**16.** Municipal powers over the matters referred to in Chapter II and the subjects referred to in Chapter III are urban agglomeration powers.

**17.** Only the central municipality, to the exclusion of the other related municipalities, may act with respect to those matters and subjects.

The central municipality has jurisdiction in its own territory and in the territory of any other related municipality over the acts that may be performed respecting those matters and subjects.

If a provision of an Act or a statutory instrument under that Act concerning such a matter or subject refers to the population of a municipality, the population of the central municipality is deemed to be the total population of all the related municipalities for the purposes of the provision.

**18.** If, according to an Act or an applicable statutory instrument, the act that may be performed respecting those matters and subjects is under the authority of a municipal council or an executive committee, the central municipality performs the act in the first case through its council provided for in Chapter I of Title IV and, in the second case, through that council or its executive committee, depending on what is specified in the order made under section 135.

That council is designated as an “urban agglomeration council”.

## **CHAPTER II**

### **MATTERS CONCERNING ALL THE RELATED MUNICIPALITIES**

#### **DIVISION I**

##### **GENERAL PROVISIONS**

**19.** The following matters concern the related municipalities as a whole:

- (1) municipal assessment;
- (2) passenger transportation;
- (3) the thoroughfares forming the arterial road system of the urban agglomeration;
- (4) premises or facilities for the dumping of snow from the territory of the central municipality and at least one reconstituted municipality;
- (5) water supply and water purification;
- (6) residual materials disposal and reclamation, and the development and adoption of a residual materials management plan;
- (7) municipal watercourses;
- (8) the components of public security, namely,
  - (a) police, civil protection and fire protection services;
  - (b) the 9-1-1 emergency centre;
  - (c) the development and adoption of the civil protection plan and the fire safety cover plan;
- (9) the municipal court;
- (10) social housing and assistance intended specifically for the homeless;
- (11) the components of economic development, namely,
  - (a) the promotion of the territory of a related municipality, including the promotion of tourism, when it is done outside that territory;
  - (b) tourist services in the urban agglomeration;
  - (c) local development centres;



- (d) convention centres, ports and airports;
- (e) industrial parks and railway sidings; and
- (f) assistance intended specifically for a business; and

(12) if the central municipality succeeded a regional county municipality or an urban community, any other matter over which the central municipality now exercises jurisdiction and over which the regional county municipality or urban community exercised jurisdiction under a legislative provision.

**20.** The central municipality’s jurisdiction over any of those matters applies to the extent specified, where applicable, in any of Divisions II to IX and subject to Chapter IV.

## **DIVISION II**

### **MUNICIPAL ASSESSMENT**

**21.** Unless a regional county municipality has jurisdiction over assessment for related municipalities under section 5 or 5.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the central municipality has that jurisdiction for itself and, despite section 6 of that Act, for any other related municipality.

In that case, the central municipality is the municipal body responsible for assessment, within the meaning of that Act, as regards an assessment roll of a related municipality.

## **DIVISION III**

### **ARTERIAL ROAD SYSTEM**

**22.** The urban agglomeration council identifies the thoroughfares forming the arterial road system in the urban agglomeration, on a map, plan or other illustration specified in a by-law that is subject to the right of objection under section 115.

However, when such thoroughfares are identified in the order made under section 135, the urban agglomeration council is not required to identify them.

The urban agglomeration council may then only amend elements of the identification made in the order in the manner provided for in the first paragraph. In such a case, the document specified in the by-law must indicate how it differs from the identification made in the order.

**23.** The central municipality’s exclusive jurisdiction over the thoroughfares identified covers road maintenance and management, including snow removal, signs and signals, and traffic and parking regulation.

However, it does not include the power to institute penal proceedings for contravening a provision of a by-law, a resolution or an order that concerns traffic or parking on such a thoroughfare. The related municipality in whose territory the contravention is committed may institute proceedings even if, in the case of a reconstituted municipality, the by-law, resolution or order was not adopted by the council or executive committee.

**24.** The central municipality's exclusive jurisdiction over a thoroughfare also includes, depending on whether or not it is in the central municipality's territory, the obligation to use or obtain a sum determined under the second paragraph to finance expenditures related to the exercise of an urban agglomeration power.

The sum is the part of the subsidy, paid under a program established by the Government, a minister or a government body to compensate the municipalities for road maintenance, that is attributable to the thoroughfare referred to in the first paragraph.

#### **DIVISION IV**

#### **WATER SUPPLY AND WATER PURIFICATION**

**25.** In the case of the urban agglomeration of Montréal, the urban agglomeration of Québec and the urban agglomeration of Longueuil, the central municipality's exclusive jurisdiction over water supply and water purification does not include the installation, repair and maintenance of purely local water or sewer mains or the connecting of water or sewer mains to an immovable.

All water or sewer mains that are not trunk lines within the meaning of section 26 are purely local. They include the equipment accessory to them, such as, in the case of waterworks, hydrants, cocks, valves and boosters.

**26.** In the case of a waterworks system, a water main used to transport drinking water from the filtration plant to a reservoir, or from a reservoir to a water distribution main, is a trunk water main.

In the case of a sewer system, an interceptor or main used to transport waste water from a branch line situated under a thoroughfare to an interceptor, or to discharge drainage water from such a sewer main into a watercourse or a retention basin, is a trunk interceptor or trunk sewer main.

**27.** The urban agglomeration council identifies the water or sewer mains that are not purely local on a map, plan or other illustration specified in a by-law that is subject to the right of objection under section 115.

However, when such water or sewer mains are identified in the order made under section 135, the urban agglomeration council is not required to identify them.

The urban agglomeration council may then only amend elements of the identification made in the order in the manner provided for in the first paragraph. In such a case, the document specified in the by-law must indicate how it differs from the identification made in the order.

**28.** In the case of any urban agglomeration other than those referred to in section 25, the central municipality only has exclusive jurisdiction over water supply and water purification if, immediately before the city was constituted, jurisdiction over that matter was exercised under an agreement between former municipalities. The central municipality's exclusive jurisdiction applies only to infrastructures and equipment covered by that agreement and those replacing them.

If, however, none of the territories of the former municipalities party to the agreement are included in the central municipality's territory, the central municipality does not have exclusive jurisdiction over water supply and water purification.

For the purposes of the first two paragraphs, a pooling of infrastructures and equipment through the assumption of jurisdiction by a regional county municipality is considered to be a pooling of infrastructures and equipment under an agreement.

## **DIVISION V**

### **SOCIAL HOUSING**

**29.** The central municipality's exclusive jurisdiction over social housing applies, subject to the power of a regional county municipality to take on certain aspects of the financing of social housing under article 681.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) or the obligation of the Communauté métropolitaine de Montréal to do so under section 153 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01).

## **DIVISION VI**

### **LOCAL DEVELOPMENT CENTRE**

**30.** If the central municipality's exclusive jurisdiction over local development centres includes the power to determine the number of such centres in the urban agglomeration and to define the territory in which each centre has jurisdiction, the urban agglomeration council exercises this power by a by-law that is subject to the right of objection under section 115.

## **DIVISION VII**

### **PORT AND AIRPORT**

**31.** The central municipality's exclusive jurisdiction over ports and airports applies only if the main vocation of the port or airport is neither to serve recreational craft nor to provide access to an immovable for the owner of the immovable, a person residing or working in or on that immovable or a visitor or client.

## **DIVISION VIII**

### **INDUSTRIAL PARK**

**32.** An industrial park is any group of immovables forming an identifiable whole in the territory of a municipality and consisting of

(1) land acquired under the Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), another Act or a statutory instrument whose object is to allow a municipality or a municipal body to provide businesses with immovables for industrial, para-industrial or research purposes, including technology;

(2) improvements to the land referred to in paragraph 1; and

(3) buildings and other structures on the land referred to in paragraph 1.

**33.** The central municipality's exclusive jurisdiction over an industrial park includes the functions provided for by a legislative provision or a text referred to in paragraph 1 of section 32 to create a new park or manage an existing park.

**34.** In the exercise of functions relating to the management of an industrial park, the urban agglomeration council may make decisions to alienate or lease an immovable included in the park by a by-law subject to the right of objection under section 115.

**35.** The central municipality's exclusive jurisdiction over an industrial park also includes, depending on whether or not the park is in the central municipality's territory, the obligation to use or to obtain a sum determined under the second paragraph to finance expenditures related to the exercise of an urban agglomeration power.

The sum is the balance of the revenue derived from the presence of the industrial park for a fiscal year, except revenue from a tax or other method of financing imposed by the urban agglomeration council, once the following have been excluded:

(1) that which must by law be used, for the fiscal year, to discharge commitments made for the park; and

(2) that which is taken into consideration in establishing the aggregate taxation rate of a municipality.

**36.** The urban agglomeration council may prescribe, by a by-law subject to the right of objection under section 115, that an existing industrial park it identifies is outside its exclusive jurisdiction.

## **DIVISION IX**

### **BUSINESS ASSISTANCE**

**37.** The central municipality's exclusive jurisdiction over assistance intended specifically for a business applies as regards a tax credit in the manner specified in the second and third paragraphs.

The urban agglomeration council may grant a tax credit reducing the amount of any tax it levies.

No related municipality, including the central municipality, may grant a tax credit reducing the amount of another tax.

**38.** The urban agglomeration council may, by a by-law subject to the right of objection under section 115,

(1) specify what constitutes and what does not constitute assistance intended specifically for a business; and

(2) prescribe that a type of assistance it specifies is outside the central municipality's exclusive jurisdiction, even if the type of assistance specified is intended specifically for a business.

## **CHAPTER III**

### **EQUIPMENT, INFRASTRUCTURES AND ACTIVITIES OF COLLECTIVE INTEREST**

**39.** The urban agglomeration council may draw up a list of the equipment located in the urban agglomeration that meets the conditions set out in section 40.

However, if such a list is included in the order made under section 135, the urban agglomeration council may amend it but may not draw up another list.

**40.** Equipment may appear on the list if the following three conditions are met:

(1) the equipment belongs to a related municipality or a body of a related municipality;

(2) it is appropriate that the central municipality and at least one reconstituted municipality jointly finance the related expenditures or share the related revenue; and

(3) the equipment is not referred to in a by-law in force under article 681.1 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), an agreement or order in force under Division IV.1 of the Act respecting the Commission municipale (R.S.Q., chapter C-35) or Schedule V to the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01), or a by-law in force under Division V of Chapter III of that Act or Division VI of Chapter III of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02).

The condition prescribed in subparagraph 2 of the second paragraph is met when the equipment is relatively well-known, unique in the urban agglomeration, or widely used by citizens or ratepayers of a related municipality although not located in its territory.

**41.** The central municipality's exclusive jurisdiction over equipment on the list consists in the power of the urban agglomeration council to establish, by a by-law subject to the right of objection under section 115, rules on the subjects referred to in the second paragraph that concern both the central municipality and at least one reconstituted municipality.

Those subjects are the management of equipment, the financing of related expenditures and the sharing of related revenue.

Revenue must be shared equitably on the basis of the respective participation of the related municipalities in financing expenditures.

**42.** The rules established for equipment on the list may, however, prescribe that the equipment is managed, related expenditures are financed and related revenue is shared in the same manner as if the equipment were property related to the exercise of urban agglomeration jurisdiction over a matter referred to in Chapter II.

**43.** The resolution by which the urban agglomeration council draws up or amends the list must set out appropriate conditions for transition purposes regarding any subject referred to in section 41 in relation to equipment added to or removed from the list.

To come into force, the resolution must be approved by the Minister or by the person designated by the Minister to examine the merits of the resolution and make a decision in the Minister's place.

If equipment is removed from the list, that approval may be given only once a resolution expressing the agreement of the municipality concerned has been adopted by the council that would have the authority to make decisions concerning a subject referred to in section 41 in relation to that equipment, should the resolution of the urban agglomeration council come into force.

The reasons for a refusal to grant approval must be given in writing.

**44.** Sections 39 to 43 apply, with the necessary modifications, to an infrastructure or activity, particularly to the provision of assistance for the purpose of carrying out a project.

An activity of a municipality or a municipal body may be covered by those sections even if the project in relation to which the activity is carried on is not initiated by the municipality or body.

## **CHAPTER IV**

### **COMPLEMENTARY PROVISIONS**

#### **DIVISION I**

##### **POWERS NOT EXERCISED ACCORDING TO GENERAL RULES**

**45.** An urban agglomeration power is not required to be exercised by the sole fact that it has been conferred on the central municipality by a provision of Chapter II or Chapter III.

That sole fact does not prevent a regional county municipality from exercising its right to assume all or part of that power. The power must be assumed in respect of all the related municipalities or all their territories.

The sole fact that the power has been conferred on the central municipality does not prevent the central municipality from delegating all or part of the power, in particular to a reconstituted municipality, by an agreement entered into according to the applicable rules. The delegation may be made in respect of a reconstituted municipality or its territory only if the reconstituted municipality is the delegatee or if it enters into the agreement in order to accept that the delegatee act for the reconstituted municipality or in its territory.

Any provision respecting the exercise of an urban agglomeration power is also deemed to pertain, where applicable, to the exercise of only part of the power or to the exercise of all or part of the power as regards only some of the related municipalities or in only a few of their territories.

**46.** If, following delegation by agreement, a power is exercised by each reconstituted municipality for itself or in its own territory, any act inherent in the exercise of the power in respect of the central municipality or in its territory which, according to section 18, should be performed by the urban agglomeration council, must rather be performed by the regular municipal council.

That substitution does not apply to the power or obligation of the urban agglomeration council to make by-laws or levy taxes.

**47.** The urban agglomeration council may prescribe, by a by-law subject to the right of objection under section 115, that an urban agglomeration power is exercised, in respect of a related municipality or in its territory, by the council of that related municipality or, in the case of the central municipality, by the regular council of the central municipality.

The by-law must apply to all the related municipalities or their territories. It may prescribe the conditions and manner of the delegation, which must not involve discrimination based on the municipalities or their territories.

**48.** In any case other than the cases referred to in sections 46 and 47, the urban agglomeration council and the regular council of the central municipality may, by similar resolutions, provide for the delegation, for a set period, of the exercise of an urban agglomeration power in respect of the municipality or in its territory.

Once the two resolutions are in force for the set period, the substitution under section 46 applies.

**49.** A provision of an Act or statutory instrument that gives a borough council a right, power or obligation as regards a given subject is completely or partially without effect, to the extent that all or part of the subject comes under an urban agglomeration power.

However, if the regular council of the central municipality has been delegated the exercise of that power under sections 46 to 48, it may subdelegate the power as regards the borough to the borough council, according to the rules set out by the charter of the municipality.

**50.** Before making a decision whose object is to have the central municipality participate, alone or with a partner, in the creation of a body that will exercise an urban agglomeration power in respect of a related municipality or in the territory of the related municipality, the urban agglomeration council must be authorized to do so by the council of that municipality, and, where applicable, by the regular council of the central municipality.

The first paragraph does not apply if the powers exercised by the body in fulfilling its mission do not include an act normally performed by the urban agglomeration council.

**51.** If, immediately before the reorganization of the city whose territory corresponds to the urban agglomeration, an urban agglomeration power is exercised by a municipal body under an agreement entered into by the city, the agreement is maintained as if all the related municipalities were party to it, and the acts performed by the central municipality under the agreement are deemed to be performed in the exercise of the urban agglomeration power.



For the purposes of the first paragraph and of section 52, “municipal body” has the meaning assigned by section 307 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), and also means a local municipality.

**52.** If, immediately before the reorganization of the city whose territory corresponds to the urban agglomeration, an urban agglomeration power belongs to a municipal body and the power is neither temporary nor revocable, it is not conferred on the central municipality.

A power is deemed revocable if it is exercised by a body established by the city which may be dissolved by order or at the sole request of the city.

The first paragraph does not apply during the period in which, under the law applicable immediately before the city is reorganized, the central municipality and the municipal body simultaneously exercise jurisdiction over the same matter.

**53.** If, immediately before the reorganization of the city whose territory corresponds to the urban agglomeration, police services are provided to the city by the Sûreté du Québec, the urban agglomeration power regarding such services is not conferred on the central municipality.

## **DIVISION II**

### **INHERENT OR ACCESSORY ACTS**

**54.** Decision making related to acts inherent in or accessory to the exercise of an urban agglomeration power is deemed part of the power.

Such acts include:

- (1) the making of an agreement or any other form of contract;
- (2) the imposition of a method of financing and the inclusion of an item in the budget or the capital expenditure program;
- (3) the allocation of human or physical resources;
- (4) the taking of other administrative measures or the setting of standards;  
and
- (5) the response to a resolution announcing a regional county municipality’s intention to assume all or part of a power for related municipalities.

## **DIVISION III**

### **CONCURRENT POWERS**

**55.** If the infrastructures and equipment forming a system consist both of infrastructures and equipment that come under an urban agglomeration power, and infrastructures and equipment that do not, the urban agglomeration council may, by a by-law subject to the right of objection under section 115, establish rules so that the exercise of a power as regards the latter infrastructures and equipment does not affect the former infrastructures and equipment in such a way as to significantly reduce the leeway of the central municipality in exercising the urban agglomeration power.

Every related municipality must comply with the rules established in such a by-law that is in force.

The power conferred by the first paragraph applies in particular to thoroughfares, water supply, water purification and residual materials.

**56.** In addition to the case referred to in section 55, the urban agglomeration council may, by a by-law subject to the right of objection under section 115, establish rules to prevent the exercise of an urban agglomeration power and of another power as regards the same persons or the same property from causing needless inconvenience and to foster consistency of action.

Every related municipality must comply with the rules established in such a by-law that is in force.

**57.** If an act that, according to an Act or a statutory instrument applicable to the central municipality, must be performed by the central municipality's council or executive committee, comes under both an urban agglomeration power and another power, the act is performed by the deliberative body specified in section 18.

If the act involves expenditures, the expenditures are mixed and are subject to the by-law under section 69.

## **TITLE IV**

### **RULES RELATING TO THE EXERCISE OF URBAN AGGLOMERATION POWERS**

#### **CHAPTER I**

#### **URBAN AGGLOMERATION COUNCIL**

**58.** Every central municipality has an urban agglomeration council the nature, composition and operating rules of which are set out in the order made under section 135.

The council is a deliberative body of the municipality.

**59.** The order must respect the following principles:

(1) every related municipality must be represented on the urban agglomeration council;

(2) the number of votes assigned to the representative or to all the representatives of each related municipality must be in the same proportion to the number of votes assigned to all the members of the urban agglomeration council as the population of the municipality is to the total population of all the related municipalities; and

(3) the meetings of the urban agglomeration council must be public.

**60.** In the case of a central municipality that has an executive committee, the executive committee may exercise an urban agglomeration power, depending on what is specified in the order made under section 135.

**61.** At a meeting of the council of a related municipality, the mayor

(1) informs the council of the matters that are to be considered at a future meeting of the urban agglomeration council;

(2) sets out the position the mayor intends to take on any matter referred to in paragraph 1, discusses that position with the other members present and proposes the adoption of a resolution establishing the council's stance; and

(3) reports on the decisions made by the urban agglomeration council at a previous meeting.

**62.** If the regular council of the central municipality or the council of a reconstituted municipality takes a stance on a matter that is to be referred to the urban agglomeration council, every member of the urban agglomeration council representing that municipality must, during the discussion and vote on the matter, act in conformity with the stance taken.

**63.** If all the members of the regular council of the municipality are on the urban agglomeration council, sections 61 and 62 do not apply to the mayor of the central municipality and to a representative of that municipality, respectively.

**64.** For the purposes of the provisions of this chapter and of the order made under section 135 that relate to the urban agglomeration council, Ville de L'Île-Dorval is not taken into consideration with respect to the urban agglomeration of Montréal.

Its territory is deemed to be included in the territory of Ville de Dorval.

## **CHAPTER II**

### **URBAN AGGLOMERATION FINANCES**

#### **DIVISION I**

##### **URBAN AGGLOMERATION EXPENDITURES**

**65.** The expenditures incurred by the central municipality in the exercise of urban agglomeration powers are treated separately from those incurred in the exercise of other powers.

**66.** Expenditures related to equipment, infrastructures or activities of collective interest are deemed to be incurred in the exercise of urban agglomeration powers, if the rules the content of which is provided for in section 42 apply to those expenditures.

**67.** Expenditures related to the conditions of employment of the members of deliberative bodies authorized to exercise urban agglomeration powers that are urban agglomeration expenditures according to the order made under section 135 are deemed to be incurred in the exercise of urban agglomeration powers.

The order may determine the circumstances in which the expenditures related to those conditions of employment are mixed expenditures.

**68.** In addition to what is prescribed in section 57 and in the order made under section 135, expenditures incurred by the central municipality in the exercise of both urban agglomeration powers and other powers are mixed expenditures if

(1) an employee of the municipality or a contractor or service provider under contract with the municipality performs an act; or

(2) property for which the municipality assumes the capital costs or usage costs is used.

**69.** The urban agglomeration council, by a by-law subject to the right of objection under section 115, establishes criteria for determining what part of a mixed expenditure is an expenditure incurred in the exercise of urban agglomeration powers.

The by-law may define classes among the mixed expenditures and establish different criteria according to the classes.

**70.** The auditor responsible for expressing an opinion on the aggregate taxation rate of the central municipality must also provide an opinion on the breakdown of the mixed expenditures.

The auditor is deemed to have a favourable opinion as to the breakdown upon declaring the aggregate taxation rate in compliance.

## **DIVISION II**

### **URBAN AGGLOMERATION REVENUES**

**71.** The revenues of the central municipality derived from the exercise of an urban agglomeration power must be applied to the financing of the expenditures incurred in the exercise of that power.

The same applies for the revenues derived from a method of financing if, under an Act or statutory instrument, those revenues are to be applied to the financing of such expenditures.

**72.** The revenues from the following activities are deemed to derive from the exercise of an urban agglomeration power:

(1) the issuance of permits, certificates and other authorizations under by-laws, resolutions and orders of a deliberative body exercising an urban agglomeration power;

(2) the imposition of fines and other monetary penalties and the charging of costs for offences under by-laws, resolutions and orders referred to in paragraph 1 that do not concern traffic or parking on thoroughfares; and

(3) the remittance of costs owing to the fact that a municipal court comes under the central municipality.

**73.** The revenues from equipment, an infrastructure or an activity of collective interest are deemed to derive from the exercise of an urban agglomeration power if the rules the content of which is provided for in section 42 apply to those revenues.

**74.** In addition to what is set out in section 72, the share of the revenues that is to be allocated to an interested municipality under an Act, a statutory instrument or a contract, when those revenues are from fines, other monetary penalties and costs relating to offences under certain legislative provisions that municipalities are responsible for enforcing and that do not concern traffic or parking on thoroughfares, is paid to the central municipality, to the exclusion of any other related municipality.

A provision or stipulation prescribing the payment of that share as regards such offences committed in an urban agglomeration is deemed to apply only to the central municipality.

**75.** Any sum or part of a sum referred to in any of the following paragraphs to which a related municipality is entitled under a program established by the

Government, a minister or a government body is paid to the central municipality, to the exclusion of any other related municipality.

The central municipality receives any sum provided for in

- (1) the program to promote municipal mergers; and
- (2) the program to promote municipal reorganization.

The central municipality receives any part, designated under the program as being intended for urban agglomeration purposes, of any sum provided for in

- (1) the element relating to compensations to stand in lieu of taxes, in the program designed to neutralize the financial effects of a municipal merger;
- (2) the program relating to payment of compensation as regards public lands; and
- (3) the program relating to payment of “levelling” compensation.

If the central municipality succeeded to the rights and obligations of a regional county municipality, it receives any sum provided for in

- (1) the element relating to duties for the exploitation of resources, in the program designed to promote the diversification of municipal revenues; and
- (2) the assistance program for regional county municipalities.

**76.** The sums referred to in sections 74 and 75 and the revenues from any tax or other method of financing imposed by the urban agglomeration council must be allocated exclusively to the financing of expenditures incurred in the exercise of an urban agglomeration power.

The same applies, with respect to a sum referred to in the second paragraph of section 86, to the part of the sum that is paid to the central municipality by reason of the taxes, compensations and modes of tariffing imposed by the urban agglomeration council.

### **DIVISION III**

#### **TAXATION PROVISIONS**

##### *§ 1. — Interpretation*

**77.** For the purposes of this division, “Act”, except in the title of an Act, means the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

§ 2. — *Assessment roll*

**78.** If any of the related municipalities does not have a roll of rental values, the urban agglomeration council may, for the purpose of its own taxation powers, decide that the municipality has such a roll.

It makes the decision by a by-law subject to the right of objection under section 115.

Section 14.1 of the Act applies to the by-law and, where applicable, to the by-law repealing it as if they were resolutions adopted by the council of the municipality concerned.

**79.** Where the property assessment roll of any of the related municipalities does not contain the indications identifying each unit of assessment belonging to each of the categories provided for in sections 244.34 to 244.36 of the Act or specifying to which class provided for in section 244.54 of the Act each unit belonging to the category provided for in that section 244.34 belongs, the urban agglomeration council may, for the purposes of its own taxation powers, decide that the roll must contain such indications.

Section 57.1.1 of the Act applies to the resolution adopted to that effect by the urban agglomeration council as if it were a resolution adopted by the council of the municipality concerned.

**80.** The equilibration defined in section 46.1 of the Act must be effected upon the establishment of each assessment roll of a related municipality, even though its population is less than 5,000 inhabitants, if the population of another related municipality is equal to or greater than that number.

If the population of every related municipality is less than 5,000 inhabitants, the decision to effect or not to effect the equilibration, if it is not compulsory, must be uniform for all related municipalities.

**81.** The assessment rolls of all related municipalities are drawn up and deposited so that they come into force simultaneously and apply for the same fiscal years.

They must be deposited on the same day. Otherwise, they are deemed not to have been deposited within the time limit prescribed by the Act.

For the purpose of complying with this requirement, the municipal body responsible for assessment may, under section 71 of the Act, postpone the deposit of a roll even though it could deposit the roll before 16 September preceding the first fiscal year for which the roll was drawn up.

**82.** The expression “urban agglomeration property roll” means, subject to the adjustment provided for in the second paragraph, the aggregate of all the property assessment rolls of the related municipalities that are applicable simultaneously.

For the purposes of the urban agglomeration property roll, each value entered on the property assessment roll of a reconstituted municipality is adjusted by dividing it by the median proportion of that roll and by multiplying the quotient so obtained by the median proportion of the property assessment roll of the central municipality.

For the purposes of the second paragraph, the median proportion of a roll is that established under section 264 of the Act for the first fiscal year for which the roll applies.

If all the related municipalities have a roll of rental values, the first three paragraphs apply, with the necessary modifications, and the aggregate of such rolls is called the “urban agglomeration rental roll”.

**83.** The assessor must produce and send a summary of the urban agglomeration property roll.

The provisions of the regulation made under paragraph 1 of section 263 of the Act that relate to the summary of a property assessment roll apply, with the necessary modifications and in particular with the modifications provided for in the third and fourth paragraphs, as regards the summary of the urban agglomeration property roll.

The summary reflecting the state of the urban agglomeration property roll on the date it is deposited is produced by the assessor within ten days after the day on which the median proportions and comparative factors of all the property assessment rolls of the related municipalities are established, under section 264 of the Act, for the first fiscal year for which the rolls apply.

The assessor sends the summary to the clerk or secretary-treasurer of the central municipality within the same time as the time within which the assessor must, under the regulation made under the second paragraph, send the Minister the form filled out on the basis of the information included in the summary. The assessor is exempted from sending the form to the Minister.

However, the exemption does not render inoperative a provision of an Act or a statutory instrument that refers to the form in order to identify data contained in the property assessment roll, if that provision is applicable as regards the urban agglomeration property roll. In that case, the provision applies as if the assessor had filled out the form to send it to the Minister.

**84.** The median proportion and the comparative factor of the urban agglomeration property roll and the urban agglomeration rental roll, for a fiscal year, are those established under section 264 of the Act for that fiscal year for the property assessment roll of the central municipality.



§ 3. — *Taxes and other methods of financing*

**85.** For the purpose of financing expenditures incurred in the exercise of an urban agglomeration power, the urban agglomeration council may, by a by-law subject to the right of objection under section 115, levy any tax or impose any other method of financing that may be levied or imposed by a local municipality.

However, it may not levy such a tax or impose such other method of financing if the revenues derived must, under an Act or statutory instrument, be allocated exclusively to the financing of expenditures other than those referred to in the first paragraph.

Likewise, the regular council of the central municipality or the council of a reconstituted municipality may not levy a tax or impose another method of financing if the revenues from such tax or other method of financing must, under an Act or statutory instrument, be allocated exclusively to the financing of expenditures incurred in the exercise of an urban agglomeration power.

**86.** Subject to the second and third paragraphs of section 85, the urban agglomeration council and the regular council of the central municipality or the council of a reconstituted municipality may exercise concurrently the power conferred on them to levy the same tax or impose the same other method of financing.

The Government must therefore treat separately the part of the sum it must pay to a related municipality under section 210, 254 or 257 of the Act that stands in lieu of taxes, compensations and modes of tariffing imposed by the urban agglomeration council, and the other part of that sum. In addition, each of the corresponding parts of any sum paid under a program established by the Government, a minister or a government body to increase the compensations standing in lieu of taxes paid to the municipalities must also be treated separately.

For the purposes of this Act, the sum that the Government must pay under the second sentence of the first paragraph of section 257 of the Act is considered to be a compensation standing in lieu of taxes, compensations and modes of tariffing referred to in that sentence.

**87.** If the account sent to a taxpayer includes the taxes or compensations that the taxpayer is required to pay as a result of decisions made both by the urban agglomeration council and by the regular council of the central municipality or the council of the reconstituted municipality, each of the taxes or compensations imposed by each of the councils must be identified and detailed in the account in accordance with the regulation under paragraph 2 of section 263 of the Act.

If separate accounts are sent for the taxes or compensations imposed by each council, each tax or compensation appearing in each account must be detailed in accordance with that regulation.

**88.** If the urban agglomeration council levies a tax based on property value or rental value, the values used as the basis for the calculation of the amount of the tax are the values that are considered, under section 82, to be entered on the urban agglomeration property or rental roll. Any reference to the property assessment roll or the rental roll of the municipality, as the case may be, in any provision relating to the tax so levied by the urban agglomeration council, is deemed to be a reference to the urban agglomeration property or rental roll.

The same applies to any compensation in lieu of a tax provided for in section 210, 254 or 257 of the Act.

The same also applies to any compensation provided for in section 205 of the Act.

The first three paragraphs apply subject to the power of the urban agglomeration council under section 106 to take advantage of the averaging of the variation in the taxable values resulting from the coming into force of the roll.

**89.** The general property tax rate to which section 205.1 of the Act refers is the rate fixed by the council imposing the compensation provided for in section 205 of the Act.

The sums to which that section 205.1 refers are the sums that would be payable in respect of the immovable concerned and that would derive from municipal taxes, compensations or modes of tariffing imposed by the council imposing the compensation provided for in that section 205.

The figures 0.006 and 0.01 appearing in the first and second paragraphs of that section 205.1 are replaced by the figures determined in accordance with the rules prescribed by the order made under section 135.

**90.** No related municipality may require another related municipality to pay a compensation under section 205 of the Act for an immovable that is related to the exercise of an urban agglomeration power as regards a matter that is referred to in Chapter II of Title III or that is subject to the rules the content of which is provided for in section 42.

**91.** The amount of \$10 mentioned in the first paragraph of section 231 of the Act is replaced by the amounts determined in accordance with the rules prescribed in the order made under section 135.

**92.** For the purpose of calculating the sum payable to Ville de Montréal under section 231.5 of the Act, the units of assessment referred to in the third paragraph of that section are made up of immovables situated in the whole urban agglomeration of Montréal rather than only in the sole territory of the central municipality.

However, no part of that sum is an urban agglomeration revenue.

**93.** The extension of the imposition of the business tax under the fifth paragraph of section 232 of the Act applies separately for the tax imposed by the urban agglomeration council and the tax imposed by the regular council of the central municipality or the council of a reconstituted municipality.

The same applies for a decision to grant the credit provided for in section 237 of the Act.

For the purposes of sections 240 and 241 of the Act as regards the business tax imposed by the urban agglomeration council, a person that ceases to occupy a business establishment situated in the territory of a related municipality and occupies a business establishment situated in the territory of another related municipality is treated as if the person had successively occupied two establishments situated in the same local municipal territory.

**94.** The urban agglomeration council and the regular council of the central municipality or the council of a reconstituted municipality may exercise concurrently their power to apply the various general property tax rates scheme provided for in Division III.4 of Chapter XVIII of the Act.

A decision by either of those councils to impose a general property tax at a rate specific to a category of immovables has no effect on the power of the other to impose a general property tax at a rate specific to the same category or to another category.

The same applies for a decision by either of those councils to exercise a power under subdivision 5 of that division relating to an abatement to take into account certain vacancies.

**95.** A decision by the urban agglomeration council to take advantage of the various general property tax rates scheme does not allow the regular council of the central municipality or the council of a reconstituted municipality to impose a special tax at different rates under section 487.1 or 487.2 of the Cities and Towns Act (R.S.Q., chapter C-19) or article 979.1 or 979.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), and vice versa.

**96.** In the case of any rule prescribed in Division III.4 of Chapter XVIII of the Act under which the composition of a category of immovables and the manner of establishing or applying the rate specific to a category vary according to whether or not the business tax is imposed, according to whether or not a rate specific to another category has been set or according to the amount of revenues from another tax, the rule is applied by taking into account only the taxes imposed or the rates set by the same council.

For the purposes of the first paragraph, if the regular council of the central municipality exercises the power under section 244.49.1 of the Act, the hypothetical rates established under that section are considered to be rates set by the council.

**97.** For the purpose of establishing the maximum specific rate applicable as regards the rate specific to the category of industrial immovables or to the category of immovables consisting of six or more dwellings, the rules prescribed in section 244.45.4 or 244.48.1 of the Act that relate to the calculation of an adjusted coefficient apply only if the council setting the specific rate concerned is the council that exercised the power under section 253.27 of the Act.

**98.** A decision by the urban agglomeration council to impose the general property tax at a rate specific to the category of serviced vacant land does not allow the regular council of the central municipality or the council of a reconstituted municipality, as the case may be, to impose the tax on unserviced vacant land provided for in Division III.5 of Chapter XVIII of the Act, and vice versa.

**99.** The urban agglomeration council may exercise powers relating to incidental matters, such as the conditions of payment, interest and penalties, regarding the taxes or other methods of financing it imposes.

If it does not exercise those powers, the rules applicable to such matters for similar taxes or other methods of financing imposed by the regular council of the central municipality or the council of the reconstituted municipality, according to the identity of the debtor, apply regarding the taxes and methods of financing imposed by the urban agglomeration council.

§ 4. — *Aggregate tax data*

**100.** An urban agglomeration aggregate taxation rate is established for the central municipality, in particular for the purpose of calculating

(1) the maximum rate of the business tax imposed by the urban agglomeration council;

(2) the maximum rate specific to the category of non-residential immovables or the category of industrial immovables that may be set by the urban agglomeration council within the framework of the various general property tax rates scheme; and

(3) the part of the sum that the Government must pay under the first paragraph of section 254 of the Act, regarding an immovable referred to in any of the last three paragraphs of section 255 of the Act, and that stands in lieu of taxes, compensations and modes of tariffing imposed by the urban agglomeration council.

**101.** Among the revenues that must normally be taken into consideration in establishing the aggregate taxation rate, only the revenues from taxes, compensations and modes of tariffing imposed by the urban agglomeration council are taken into consideration to establish the urban agglomeration aggregate taxation rate.

Those revenues are not taken into consideration in establishing the regular aggregate taxation rate of the central municipality.

**102.** The taxable values taken into consideration to establish the urban agglomeration aggregate taxation rate are the values that are considered, under section 80, to be entered on the urban agglomeration property roll.

If an urban agglomeration aggregate taxation rate must be established for a certain purpose and, according to the provisions governing the establishment of a regular aggregate taxation rate for that purpose, adjusted values must be taken into consideration, instead of the values entered on a roll, to take into account a municipality's decision to exercise the power under section 253.27 of the Act, such adjusted values are not taken into consideration instead of those referred to in the first paragraph unless the urban agglomeration council has exercised the power under that section 253.27. The rules prescribed in the provisions referred to above concerning the establishment of the adjusted values and any adjusted taxable property assessment must take into account the modifications provided for in section 106.

A decision of the urban agglomeration council to exercise the power under section 253.27 of the Act has no effect on the central municipality's regular aggregate taxation rate.

**103.** An urban agglomeration taxable non-residential property assessment is established for the central municipality under section 244.42 of the Act, subject to the second paragraph, for the purpose of calculating the maximum rate specific to the category of non-residential immovables or the category of industrial immovables that the urban agglomeration council may set within the framework of the various general property tax rates scheme.

Section 102 applies, with the necessary modifications, for the purpose of establishing that urban agglomeration taxable non-residential property assessment.

**104.** The sum of the standardized property values of the related municipalities that are applicable for a fiscal year and are established in accordance with the regulation made under paragraph 7 of section 262 of the Act is the standardized property value of the urban agglomeration for that fiscal year.

§ 5. — *Measures to mitigate transfers and tax burden variations*

**105.** The urban agglomeration council and the regular council of the central municipality or the council of a reconstituted municipality may exercise concurrently their power to apply any of the measures provided for in Divisions IV.3 to IV.5 of Chapter XVIII of the Act.

A decision by either of those councils to apply such a measure has no effect on the power of the other to apply the same or any other measure. Any

prohibition for a municipality to apply two or more measures limits only the powers of the council that ordered the application of any such measure.

**106.** If the urban agglomeration council exercises the power under section 253.27 of the Act as regards the averaging of the variation in the taxable values resulting from the coming into force of the roll, Division IV.3 of Chapter XVIII of the Act applies with the necessary modifications and, in particular, the following modifications:

(1) the property assessment roll and roll of rental values referred to are the urban agglomeration property roll and the urban agglomeration rental roll; and

(2) the value resulting from the adjustment under the second paragraph of section 82 is deemed to be entered on the roll, even following an alteration to the roll.

**107.** If the urban agglomeration council exercises the power under section 253.36 or 253.51 of the Act as regards the abatement or surcharge applicable to certain property taxes, Division IV.3 of Chapter XVIII of the Act applies with the necessary modifications and, in particular, the following modifications:

(1) the property assessment roll referred to is the urban agglomeration property roll;

(2) the value resulting from the adjustment under the second paragraph of section 82 is deemed to be entered on the roll, even following an alteration to the roll;

(3) the property taxes concerned are solely the property taxes imposed by the urban agglomeration council; and

(4) the expenditures provided for in a budget that are concerned are solely urban agglomeration expenditures.

Consequently, if the regular council of the central municipality exercises such a power, the property taxes concerned are solely those imposed by that council and the expenditures concerned are solely those that are not urban agglomeration expenditures.

**108.** If the urban agglomeration council exercises the power under section 253.54 of the Act as regards the transitional diversification of the rates of certain property taxes, Division IV.5 of Chapter XVIII of the Act applies with the necessary modifications and, in particular, the following modifications:

(1) the property assessment roll concerned is the urban agglomeration property roll;

(2) the value resulting from the adjustment under the second paragraph of section 82 is deemed to be entered on the roll, even following an alteration to the roll;

(3) the property taxes concerned are solely the property taxes imposed by the urban agglomeration council; and

(4) the rules prescribed in section 253.54.1 of the Act apply only if the urban agglomeration council exercises the power under section 244.29 of the Act and only the specific rates of the general property tax that are set by that council are taken into consideration.

Consequently, if the regular council of the central municipality exercises the power under section 253.54 of the Act, the property taxes concerned are solely those imposed by that council and the rules prescribed in section 253.54.1 of the Act apply only if that council exercises the power under section 244.29 of the Act, in which case only the specific rates of the general property tax set by that council are taken into consideration.

The rules prescribed in sections 96 and 100 to 103 apply for the purpose of adapting the provisions to which section 253.59 of the Act refers.

**109.** Any transitional scheme to limit variations in the tax burden provided for in an Act or statutory instrument governing the central municipality remains applicable to it, with the necessary modifications and, in particular, the modifications set out in the second paragraph, and is not applicable to a reconstituted municipality.

For the purpose of applying the scheme to the central municipality,

(1) a sector corresponds to the territory of any former municipality other than the former municipality whose territory corresponds to the territory of a reconstituted municipality;

(2) among the revenues included in or excluded from the tax burden according to the applicable provisions, the revenues resulting from decisions made by the urban agglomeration council are also taken into consideration;

(3) the increase in the tax burden attributable to a reduction in the territory of the central municipality that is inherent in the city's reorganization is deemed not to result from the constitution of the city; and

(4) the regular council, to the exclusion of the urban agglomeration council, takes the measures provided for in the applicable provisions to limit the variation in the tax burden, whether by setting separate rates for the general property tax or the business tax according to sectors or by granting an abatement or requiring a supplement regarding such a tax.

Consequently, only the regular council may exercise a power under section 232.3 or 244.49.1 of the Act.

**110.** The rules applicable to the city before the reorganization that, while not constituting the transitional scheme to limit variations in the tax burden, ensure the transition towards standardized taxation throughout the territory of the city and provide that, during the transition period, the terms of various methods of financing, in particular the rate of the general property tax, are to vary according to the territories of the former municipalities cease to apply with respect to taxes and other methods of financing imposed by the urban agglomeration council.

Those rules continue to apply only in the territory of the central municipality and with respect to the taxes and other methods of financing imposed by the regular council of the central municipality.

## **DIVISION IV**

### **OTHER FINANCIAL PROVISIONS**

**111.** An auditor of the central municipality audits both the aspects of the administration of the central municipality that concern urban agglomeration powers and the other aspects.

**112.** If, pursuant to section 52, an urban agglomeration power is not conferred on the central municipality and the municipal body referred to in that section exercises that power in the whole urban agglomeration and solely in that urban agglomeration, any municipal contribution to the financing of the body's expenditures that are related to the exercise of that power must be made by the central municipality.

The contribution is an urban agglomeration expenditure that must be financed by urban agglomeration revenues.

**113.** If, pursuant to section 53, the urban agglomeration power as regards police services is not conferred on the central municipality, the contribution payable to the Government for the services provided by the Sûreté du Québec, the amount of which is calculated on the basis of the population and the standardized property value of a municipality, according to the regulation made under section 77 of the Police Act (R.S.Q., chapter P-13.1), must be paid by the central municipality.

The amount of the contribution is calculated on the basis of the sum of the populations of the related municipalities and the standardized property value of the urban agglomeration.

The contribution is an urban agglomeration expenditure that must be financed by urban agglomeration revenues.

**114.** The sum that a related municipality must receive under a program referred to in the second paragraph must be treated in two parts so that the distribution between the part paid to the central municipality for urban



agglomeration purposes and the part paid to that municipality for other purposes or paid to the reconstituted municipality, as the case may be, corresponds to the distribution of the total amount of property taxes that would have been imposed on the immovables referred to in that paragraph, if those immovables were entered on the property assessment roll, made to take into account the taxes imposed by either the urban agglomeration council or by the regular council of the central municipality or the council of the reconstituted municipality.

The first paragraph applies to any program established by the Government, a minister or a government body to compensate municipalities for all or part of the reduction in their property tax base resulting from the non-entry on the property assessment roll of certain immovables designed to abate, control or monitor pollution.

The values used to calculate the sum payable under the program referred to in the second paragraph are used to estimate the amount of property taxes that would be imposed on those immovables on the basis of their taxable value.

## **CHAPTER III**

### **MISCELLANEOUS PROVISIONS**

#### **DIVISION I**

##### **RIGHT OF OBJECTION TO CERTAIN BY-LAWS**

**115.** As soon as practicable after the adoption of a by-law under section 22, 27, 30, 34, 36, 38, 41, 47, 55, 56, 69, 78 or 85, an authenticated copy of the by-law is sent to the Minister.

A related municipality may inform the Minister of its objection to the by-law within 30 days after its adoption. An authenticated copy of the resolution setting out the objection is sent simultaneously to the Minister and every other related municipality within the same 30-day period.

Once the 30-day period has expired, if no objection has been filed with the Minister, the by-law may be published to meet the publication requirement for its coming into force. If an objection has been filed, the by-law must be approved by the Minister or by the person designated by the Minister to examine the merits of the by-law and make a decision in the Minister's place.

The reasons for a refusal to grant approval must be given in writing.

**116.** A by-law provided for in section 36 may be published or approved, as the case may be, only once a resolution expressing the agreement of the municipality concerned has been adopted by the council that would have the authority to make decisions concerning the management of the industrial park referred to in the by-law should the by-law come into force.

## **DIVISION II**

### **MIXED DOCUMENTS**

**117.** Documents of the central municipality that contain both elements requiring a decision by a deliberative body exercising an urban agglomeration power and elements requiring a decision by a deliberative body exercising another power, particularly the budget and the program of capital expenditures, must be divided accordingly.

**118.** Documents of the central municipality that contain both elements setting out administrative acts performed in the exercise of an urban agglomeration power or the results of such acts and elements setting out administrative acts performed in the exercise of another power or the results of such acts, particularly the financial report, must be divided accordingly.

## **TITLE V**

### **ORDERS**

#### **CHAPTER I**

##### **GENERAL PROVISIONS**

**119.** The provisions of any order under this Title may, for transition purposes, create a rule of municipal law or derogate from any provision of an Act under the administration of the Minister, a special Act governing a municipality or an instrument under such an Act.

However, a rule created or derogation made by a provision under section 126 is not limited to a transitional duration.

**120.** The provisions of an order under this Title come into force on the date of the publication of the order in the *Gazette officielle du Québec* or on any later date indicated in the order.

**121.** Except for the correction of an error in writing or of an obvious omission, an order under this Title may not be amended after the first anniversary of the polling date fixed for the general election held under section 48 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14) in anticipation of the reorganization of the city concerned.

**122.** In addition to the orders provided for in Chapters II to IV, the Government may make any order, in keeping with the objects of this Act, to further clarify the scope of a provision of this Act or to correct any omission.

## CHAPTER II

### RECONSTITUTION ORDER

**123.** The Government may, by order, reconstitute as a local municipality the inhabitants and ratepayers of any sector referred to in section 5 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14) where the answer given to the referendum question is deemed to be affirmative within the meaning of section 43 of that Act.

**124.** A reconstitution order must contain the following particulars:

- (1) the name of the municipality;
- (2) a description of the territory of the municipality prepared by the Minister of Natural Resources, Wildlife and Parks;
- (3) an indication whether the municipality is governed by the Cities and Towns Act (R.S.Q., chapter C-19) or by the Municipal Code of Québec (R.S.Q., chapter C-27.1);
- (4) the particular legislative provisions that apply to the municipality, among those that applied specifically to the former municipality whose territory corresponds to the territory of the municipality and that were declared applicable to the city by the city's constituting act or by an order;
- (5) the place for the first meeting of the council of the municipality;
- (6) the name of the first clerk or secretary-treasurer of the municipality;
- (7) if the territory of the city is included in the territory of a regional county municipality, the name of the latter; and
- (8) if section 163 applies to the municipality, the fact that it is deemed to have obtained a recognition under the second paragraph of section 29.1 of the Charter of the French language (R.S.Q., chapter C-11).

Section 110.1 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) applies, with the necessary modifications, to the first meeting of the council of the municipality.

**125.** A reconstitution order may mention the name of the first holder of a position of officer or employee of the municipality other than the position of clerk or secretary-treasurer, or refer to a document containing the list of such position holders.

A first position holder mentioned by the order or the document to which it refers is deemed to have been appointed or hired by the council of the municipality.

That presumption does not limit the application of any provision of an Act or statutory instrument that subsequently governs the municipality as regards the deliberative body or officer having authority to appoint, hire, dismiss or fire the holder of such a position. However, the first general manager, clerk, treasurer or secretary-treasurer cannot be dismissed in the first 12 months following the reorganization of the city.

**126.** The third paragraph of section 108 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) applies, with the necessary modifications, to a reconstitution order.

**127.** A reconstitution order may prescribe any rule under which the municipality succeeds to the rights and obligations of the city, and any rule relating to the maintenance in force, in the territory of the municipality, of the by-laws, resolutions or other instruments of the city.

**128.** A reconstitution order may prescribe any time limit for the municipality to replace a time limit under the Pay Equity Act (R.S.Q., chapter E-12.001) and under sections 176.28 and 176.29 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9).

The reconstitution order may set out the rules incidental to the replacement of the time limit.

Despite any change to the applicable time limits, the adjustments in compensation for predominantly female job classes remain retroactive to 21 November 2001 and may, for the purpose of calculating the amount of adjustments to be paid, be spread, having regard to section 70 of the Pay Equity Act, over a period between 21 November 2001 and 21 November 2005.

For the purposes of section 74 of that Act, adjustments in compensation for predominantly female job classes and the terms of payment of the adjustments are considered to form part of the collective agreement applicable to employees holding positions in those job classes on or after 21 November 2001.

### **CHAPTER III**

#### **AMENDING ORDER**

**129.** The Government may, by order, amend the charter of a central municipality.

For the purposes of this chapter, “charter” means the Act or order under which the central municipality was constituted, including any amendment made by an Act or order.

Any amendment to a legislative element of the charter by an order has the same effect as if it were made by an Act.

**130.** An amending order must describe the territory of the central municipality, taking into account the exclusion of the territory of any reconstituted municipality.

An amending order may describe any borough included in the new territory.

If warranted by the new territorial division into boroughs, an amending order must change, for some or all of the boroughs, the name or number by which a borough is designated, the number of members on the borough council or the number of councillors from the borough on the regular council of the central municipality.

A description under the first or second paragraph is prepared by the Minister of Natural Resources, Wildlife and Parks.

**131.** In the case of Ville de Sainte-Marguerite–Estérel, an amending order may change the name of the central municipality.

**132.** An amending order must remove from the charter any provision pertaining specifically and exclusively to the territory corresponding to the territory of a reconstituted municipality.

The first paragraph does not apply if the provision concerns an urban agglomeration power and the essence of the provision is not taken up in the order made under section 135.

**133.** An amending order may prescribe any time limit for the central municipality to replace a time limit under the Pay Equity Act (R.S.Q., chapter E-12.001) and under sections 176.28 and 176.29 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9).

The amending order may set out the rules incidental to the replacement of the time limit.

Despite any change to the applicable time limits, the adjustments in compensation for predominantly female job classes remain retroactive to 21 November 2001 and may, for the purpose of calculating the amount of adjustments to be paid, be spread, having regard to section 70 of the Pay Equity Act, over a period between 21 November 2001 and 21 November 2005.

For the purposes of section 74 of that Act, adjustments in compensation for predominantly female job classes and the terms of payment of the adjustments are considered to form part of the collective agreement applicable to employees holding positions in those job classes on or after 21 November 2001.

**134.** An amending order may formalize an implicit amendment made to the charter by a provision of this Act.

## CHAPTER IV

### AGGLOMERATION ORDER

**135.** The Government may make an order designated as an “urban agglomeration order” for each urban agglomeration.

**136.** An urban agglomeration order must prescribe rules on the following matters as regards the urban agglomeration council:

(1) the nature of the council, according to whether or not it is separate from the ordinary council of the central municipality;

(2) the number of council members;

(3) the special positions on the council, such as the positions of chair and vice-chair;

(4) the manner of determining the holders of the positions of council member and the holders of the positions under paragraph 3;

(5) the particular functions of the holder of a position under paragraph 3;

(6) the cases where the holder of a position on the council may be provisionally replaced and the manner of determining the replacement;

(7) the assignment of votes to each council member;

(8) the manner in which the council makes decisions; and

(9) the operation of the council.

An urban agglomeration order may prescribe rules on any other matter, as appropriate, to take into account the existence of the urban agglomeration council.

**137.** If the central municipality has an executive committee, an urban agglomeration order may

(1) prescribe that certain functions specified in the order, among those assigned to the committee by any Act or statutory instrument, are not exercised by the committee if they are included in an urban agglomeration power; and

(2) prescribe the manner in which functions under paragraph 1 are exercised by the urban agglomeration council.

**138.** An urban agglomeration order may prescribe the manner in which the power of an urban agglomeration council to establish urban agglomeration commissions is exercised.

In such a case, it prescribes pertinent rules on any of the matters in section 136 as regards such a commission. That section applies, with the necessary modifications, for that purpose.

**139.** An urban agglomeration order must prescribe rules relating to the conditions of employment of the members of the council of any related municipality, pertaining in particular to

(1) remuneration and compensation, including the application of the minimum and maximum set out in the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001);

(2) the reimbursement of expenses;

(3) compensation for loss of income and severance and transition allowances; and

(4) the pension plan.

An urban agglomeration order must also prescribe rules for determining, among the expenses related to the conditions of employment of the members of deliberative bodies authorized to exercise urban agglomeration powers, those which are urban agglomeration expenses and those which are mixed expenses.

**140.** An urban agglomeration order may take up any provision removed from the charter of the central municipality under section 132 that concerns an urban agglomeration power, adapting it where necessary.

**141.** An urban agglomeration order must prescribe rules for establishing which figures replace the figures 0.006 and 0.01 appearing in the first and second paragraphs of section 205.1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), for the purposes of the exercise by the urban agglomeration council and by the regular council of the municipality or the council of a reconstituted municipality of the power provided for in section 205 of that Act under which the owner of a non-taxable immovable may be required to pay compensation for municipal services.

The order must also prescribe rules for establishing the amounts that replace the amount of \$10 appearing in the first paragraph of section 231 of that Act, for the purposes of the exercise by those councils of the power provided for in that section under which the owner or occupant of a trailer may be required to pay tax in the form of the cost of a permit.

**142.** An urban agglomeration order may contain a map, plan or other illustration identifying the thoroughfares forming the arterial road system in the urban agglomeration, or refer to a document containing such an illustration.

**143.** In the case of the urban agglomeration of Montréal, the urban agglomeration of Québec or the urban agglomeration of Longueuil, the urban agglomeration order may either contain a map, plan or other illustration identifying the water or sewer mains situated in the urban agglomeration that are not purely local within the meaning of section 25, or refer to a document containing such an illustration.

**144.** An urban agglomeration order may contain a list of the equipment, infrastructures and activities of collective interest that meet the conditions set out in section 40, or refer to a document containing such a list.

An urban agglomeration order must prescribe rules relating to the subjects referred to in section 41 for each element on the list.

Every rule applicable under the second paragraph is deemed to have been prescribed by the urban agglomeration council and applies until replaced by the council.

**145.** An urban agglomeration order must contain a list of the property, debts, claims, deficits, surpluses and all other assets and liabilities of the city that are transferred to each reconstituted municipality, or refer to a document containing such a list.

An urban agglomeration order may assign any power or obligation to the central municipality or any reconstituted municipality as regards an asset or liability that remains with or is transferred to it, as the case may be, in order to take into account the fact that the asset or liability is of collective interest before the reorganization of the city.

If it assigns such a power or obligation to the central municipality and an act of the council or executive committee is required for the exercise of the power or the performance of the obligation, the order must specify whether or not the act is under the authority of the deliberative body authorized to exercise urban agglomeration powers.

**146.** An urban agglomeration order may prescribe any rule for distinguishing, among the assets or liabilities that remain with the central municipality, those that are related to the exercise of an urban agglomeration power from those that are not.

**147.** An urban agglomeration order may prescribe rules to ensure, for the transitional period specified, the continuity of a pension plan for officers or employees that is not terminated immediately before the reorganization of the city.

The order may, in particular,

(1) designate any related municipality that is a party to the plan;



(2) prescribe the particular obligations of any related municipality as regards the administration and financing of the plan, the management of the pension fund and the distribution or transfer of the plan's assets and liabilities; and

(3) prescribe the conditions on which an officer or employee of a related municipality may exercise the right to maintain participation in the plan in which the officer or employee participates before the reorganization of the city, and the period for which that right may be exercised.

The rules prescribed by the order apply despite the Supplemental Pension Plans Act (R.S.Q., chapter R-15.1).

## **TITLE VI**

### **LEGISLATIVE AMENDMENTS**

#### **CHARTER OF VILLE DE LONGUEUIL**

**148.** Section 54.14 of the Charter of Ville de Longueuil (R.S.Q., chapter C-11.3) is amended

(1) by inserting “of any other municipality mentioned in section 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (2004, chapter 29) and the territory” after “territory” in the second line;

(2) by adding the following paragraph at the end:

“The city council concerned is the urban agglomeration council provided for in that Act. The expenditures of the city in respect of the arts council are urban agglomeration expenditures within the meaning of that Act.”

#### **CHARTER OF VILLE DE MONTRÉAL**

**149.** Section 71 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended

(1) by inserting “of any other municipality mentioned in section 4 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (2004, chapter 29) and the territory” after “territory” in the second line;

(2) by adding the following paragraph at the end:

“The city council concerned is the urban agglomeration council provided for in that Act. The expenditures of the city in respect of the arts council are urban agglomeration expenditures within the meaning of that Act.”

**150.** Section 102 of Schedule C to the said Charter is amended by adding the following paragraph at the end:

“Despite the Act respecting the exercise of certain municipal powers in certain urban agglomerations (2004, chapter 29), the urban agglomeration council of the city may not levy that tax, on the basis of rental value, in the territory of a reconstituted municipality.”

**151.** Section 102.1 of Schedule C to the said Charter is amended

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

“For the purposes of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (2004, chapter 29), the purposes for which the revenues from the tax were intended are deemed to result exclusively from the exercise of the city’s urban agglomeration powers with regard to water supply and water purification.”;

(2) by replacing “two” in the third paragraph by “three”.

#### CHARTER OF VILLE DE QUÉBEC

**152.** Section 68 of the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended

(1) by inserting “of any other municipality mentioned in section 5 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (2004, chapter 29) and the territory” after “territory” in the second line;

(2) by adding the following paragraph at the end:

“The city council concerned is the urban agglomeration council provided for in that Act. The expenditures of the city in respect of the arts council are urban agglomeration expenditures within the meaning of that Act.”

#### ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

**153.** The heading of Chapter VIII of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by replacing “AND ANNEXATION” by “, ANNEXATION AND REORGANIZATION”.

**154.** The said Act is amended by inserting the following section after section 67.2:

“**67.3.** A participant who, following a reorganization, becomes a council member of a reconstituted municipality shall continue to be a beneficiary under this plan. The participant and the municipality shall discharge the obligations arising from the plan.

For the purposes of the first paragraph, the expressions “reconstituted municipality” and “reorganization” have the meanings assigned by the Act respecting the exercise of certain municipal powers in certain urban agglomerations (2004, chapter 29).”

#### ACT RESPECTING THE CONSULTATION OF CITIZENS WITH RESPECT TO THE TERRITORIAL REORGANIZATION OF CERTAIN MUNICIPALITIES

**155.** Section 64 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14) is amended by adding the following paragraph after the second paragraph:

“However, the Minister may decide to assign to any reconstituted municipality, according to the allocation scheme the Minister determines, all or part of the property acquired by the transition committee, out of a sum of money granted by the Government, to fulfil its mission. The Minister may also transfer to any reconstituted municipality, according to the allocation scheme the Minister determines, all or part of the debts of the transition committee arising from loans the committee contracted for the municipality’s benefit.”

**156.** The said Act is amended by inserting the following section after section 78:

**“78.1.** The Minister may, where no transition committee has been established in respect of a city described in section 51, designate a person to participate, together with the administrators and employees of the city and with any persons elected in advance in the reconstituted municipality, in the establishment of the conditions most conducive to facilitating the transition between the successive municipal administrations in the sector concerned in respect of which the person is designated.

Unless otherwise provided for in the instrument of designation and subject to any order made under section 50, sections 53, 60 to 64, 67, 70 to 75, 77, 78 and 89 apply, with the necessary modifications, in respect of the person the Minister designates.”

**157.** Section 84 of the said Act is amended by adding the following paragraph after the third paragraph:

“The first three paragraphs apply, with the necessary modifications, to the sums of money allocated by the Government in respect of any person designated under section 78.1 or the fourth paragraph of section 125.”

**158.** Section 85 of the said Act is amended by adding the following paragraph at the end:

“A loan by-law that the municipality adopts to finance the reimbursement need not be approved by qualified voters.”

**159.** Section 88 of the said Act is amended

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

“Any decision by which Ville de Montréal removes a local development centre having jurisdiction in the sector or changes the territory in which the centre has jurisdiction must, to come into force, be approved by the Minister.”;

(2) by replacing “the Minister’s power of approval” in the first and second lines of the second paragraph by “the Minister’s power of approval under either of the first two paragraphs”;

(3) by inserting “under the first paragraph” after “Approval” in the first line of the third paragraph.

**160.** Section 120 of the said Act is amended

(1) by replacing “Divisions II and III state” in the first line of the first paragraph by “Division III states”;

(2) by replacing “both for dealing with the effect of the reorganization of a city on personnel and for sharing the assets and liabilities of the city” in the second and third lines of the first paragraph by “for sharing the assets and liabilities of a city”;

(3) by adding “It may also depart from a principle in order to comply with a directive issued by the Minister to complete, clarify or correct the principles referred to in the first paragraph.” at the end of the second paragraph.

**161.** Section 125 of the said Act is amended by adding the following sentence at the end of the first paragraph: “The agreement must, in addition, establish the rights and remedies available to any employee who believes he or she has been wronged as a consequence of the application of the rules and procedure relating to the transfer.”

**162.** The said Act is amended by inserting the following section after section 134:

**“134.1.** The mediator-arbitrator is entitled to the remuneration and reimbursement of expenses that the Minister of Labour determines.

Expenses arising from the payment of that remuneration and the reimbursement of those expenses are assumed by the transition committee or the person designated under the fourth paragraph of section 125. The committee or person is deemed to assume the expenses under a contractual obligation binding the committee to the mediator-arbitrator.”

## TITLE VII

### MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

#### CHAPTER I

##### MISCELLANEOUS PROVISIONS

**163.** Any reconstituted municipality whose territory corresponds to the territory of a former municipality that, immediately before the constitution of the city, was recognized under the second paragraph of section 29.1 of the Charter of the French language (R.S.Q., chapter C-11), is deemed to have obtained such a recognition.

**164.** If the charter of a central municipality within the meaning of section 129 confers on the council of that municipality the obligation or power to adopt a land development plan for the municipality, the plan may not contain any element over which the urban agglomeration has jurisdiction.

The obligation is performed or the power exercised by the regular council of the municipality.

**165.** The jurisdiction of the Communauté métropolitaine de Montréal over air purification is considered to be an urban agglomeration power, to the extent that all or part of that jurisdiction is delegated to Ville de Montréal.

#### CHAPTER II

##### TRANSITIONAL FINANCIAL PROVISIONS

**166.** For the purposes of this chapter, “Act” means the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

**167.** The three fiscal years for which the first assessment roll is drawn up specifically for any related municipality are

(1) in the case of the urban agglomerations of La Tuque, Sainte-Agathe-des-Monts and Sainte-Marguerite–Estérel, the fiscal years 2006, 2007 and 2008;

(2) in the case of the urban agglomerations of Montréal, Québec and Mont-Laurier, the fiscal years 2007, 2008 and 2009; and

(3) in the case of the urban agglomerations of Îles-de-la-Madeleine, Mont-Tremblant, Cookshire-Eaton and Rivière-Rouge, the fiscal years 2008, 2009 and 2010.

In the case of the urban agglomeration of Longueuil, the only fiscal year for which the first assessment roll drawn up specifically for any related municipality

applies is the fiscal year 2006. Subparagraph 2 of the first paragraph applies to the second assessment roll drawn up specifically for such a municipality.

**168.** In the case of any related municipality of an urban agglomeration referred to in subparagraph 2 or 3 of the first paragraph of section 167, the part of the city's assessment roll that includes the immovables or business establishments situated in the territory of the related municipality, updated in accordance with the Act, is the roll applicable for a fiscal year preceding those for which the first fiscal roll of that municipality must be drawn up under that subparagraph.

In the case of a related municipality of an urban agglomeration referred to in subparagraph 2 of the first paragraph of section 167, that roll is deemed to be in its third year of application in 2006. In the case of a related municipality of an urban agglomeration referred to in subparagraph 3 of that paragraph, that roll is deemed to be in its second and third years of application, respectively, in 2006 and 2007.

**169.** The city's property assessment roll or roll of rental values updated in accordance with the Act is the urban agglomeration property roll or the urban agglomeration rental roll for any preceding fiscal year referred to in section 168.

**170.** The assessor must produce a separate summary for each part of the city's property assessment roll that is the property assessment roll of a related municipality. The summary is considered to be the summary of a roll.

In addition to those separate summaries, the assessor may continue to produce an aggregate summary for the city's property assessment roll. The aggregate summary or all the separate summaries, at the assessor's option, is or are considered to be the urban agglomeration property assessment roll.

**171.** If the urban agglomeration council, the regular council of the central municipality or the council of a reconstituted municipality takes advantage of the various general property tax rates scheme for a fiscal year referred to in the second paragraph, the coefficient calculated under the third or fourth paragraph is used for the purpose of establishing the maximum specific rate applicable in respect of the rate specific to the category of industrial immovables or to the category of immovables consisting of six or more dwellings.

The fiscal years concerned are

(1) in the case of an urban agglomeration referred to in subparagraph 1 of the first paragraph of section 167 or in the second paragraph of that section, a fiscal year for which the property assessment roll coming into force on 1 January 2006 applies; and

(2) in the case of an urban agglomeration referred to in subparagraph 2 or 3 of the first paragraph of section 167, a fiscal year preceding the fiscal year in which the first property assessment roll drawn up specifically for each related municipality comes into force.

In the case of the tax imposed by the urban agglomeration council, the coefficient is calculated by applying sections 244.44 to 244.45.4 or 244.47 to 244.48.1 of the Act, as the case may be, with the following modifications:

(1) the rolls compared are the city's property assessment roll applicable for the fiscal year 2005, and

(a) in the case of an urban agglomeration referred to in subparagraph 1 of the first paragraph of section 167 or in the second paragraph of that section, the first property assessment roll referred to in section 82; and

(b) in the case of an urban agglomeration referred to in subparagraph 2 or 3 of the first paragraph of section 167, the urban agglomeration property roll referred to in section 169;

(2) the coefficient applicable for the fiscal year 2005 is the coefficient determined on the basis of the city's decision as to the establishment of a rate specific to the category concerned for that fiscal year, according to the following rules if the city did not act in a uniform manner for its whole territory:

(a) if it set a single rate specific to the category concerned for part of its territory, that rate is taken into consideration as if it had been set for the whole territory; and

(b) if it set two or more rates specific to the category concerned for different parts of its territory, the highest rate is taken into consideration as if it had been set for the whole territory.

In the case of the tax imposed by the regular council of the central municipality or the council of a reconstituted municipality, the coefficient is calculated by applying sections 244.44 to 244.45.4 or 244.47 to 244.48.1 of the Act, as the case may be, with the following modifications:

(1) the rolls compared are the part of the city's property assessment roll applicable for the fiscal year 2005 that includes the immovables situated in the territory of the municipality, and

(a) in the case of an urban agglomeration referred to in subparagraph 1 of the first paragraph of section 167 or in the second paragraph of that section, the first property assessment roll drawn up specifically for the municipality; and

(b) in the case of an urban agglomeration referred to in subparagraph 2 or 3 of the first paragraph of section 167, the municipality's property assessment roll referred to in section 168;

(2) the coefficient applicable for the fiscal year 2005 is the coefficient determined on the basis of the city's decision as to the establishment of a rate specific to the category concerned for that fiscal year, according to the following rules if the city did not act in a uniform manner for the whole territory that has become the territory of the central municipality:

(a) if it set a single rate specific to the category concerned for a part of the territory that has become the territory of the central municipality, that rate is taken into consideration as if it had been set for the whole territory; and

(b) if it set two or more rates specific to the category concerned for different parts of the territory that has become the territory of the central municipality, the highest rate is taken into consideration as if it had been set for the whole territory; and

(3) in the case of the maximum specific rate applicable in respect of the rate specific to the category of industrial immovables, the only alterations to the city's roll that are taken into account, among those referred to in sections 244.45.1 to 244.45.3 of the Act, are the alterations that concern immovables situated in the territory of the municipality.

**172.** In the case of any related municipality of an urban agglomeration referred to in subparagraph 1 of the first paragraph of section 167 that applies the measure for averaging the variation in the taxable values resulting from the coming into force of the roll as regards its roll coming into force on 1 January 2006, the preceding roll referred to in sections 253.28 to 253.31 of the Act is the part of the city's assessment roll, applicable in 2005, that includes the immovables or business establishments situated in the territory of the related municipality.

**173.** In the case of an urban agglomeration referred to in subparagraph 1 of the first paragraph of section 167, neither the urban agglomeration council nor the regular council of the central municipality or the council of a reconstituted municipality may exercise the powers under Division IV.4 of Chapter XVIII of the Act concerning the abatement or surcharge applicable to certain property taxes, for any of the fiscal years for which the first property assessment roll drawn up specifically for each related municipality applies.

**174.** In the case of any related municipality referred to in subparagraph 1 of the first paragraph of section 167 that applies the measure concerning the transitional diversification of the rates of certain property taxes for the fiscal year 2006 or the fiscal year 2007, the preceding roll referred to in sections 253.56 to 253.58 of the Act is the part of the city's assessment roll, applicable in 2005, that includes the immovables situated in the territory of the related municipality.

**175.** Despite section 110, in the case of the urban agglomeration of Montréal, the urban agglomeration council may continue to apply the rules referred to in that section for the fiscal year 2006 as regards the taxes and other



methods of financing that it imposes to finance the expenditures related to the exercise of one of the urban agglomeration powers over water supply, water purification, and residual materials disposal and reclamation.

**176.** For the purpose of determining whether a related municipality is eligible, for the fiscal year 2006, under the equalization scheme established by the regulation made under paragraph 7 of section 262 of the Act and for the purpose of determining, where applicable, the sum payable to that municipality under that scheme for that fiscal year,

(1) the competent assessor for the city's property assessment roll applicable for the fiscal year 2005

(a) fills out the form which, under the regulation made under paragraph 1 of section 263 of the Act, must be completed using information included in the summary of the roll, as if the part of the city's property assessment roll including the immovables situated in the territory becoming the territory of the related municipality were the roll of the related municipality and as if a summary of that roll had been produced during the last quarter of 2004 to reflect the state of that roll on the applicable date, according to the regulation, for the purpose of the fiscal year 2005; and

(b) sends the Minister the form referred to in subparagraph *a*, duly completed, before 1 May 2006;

(2) the standardized property value per inhabitant of the related municipality for the fiscal year 2005, except for the purpose of establishing the median of such values, is established on the basis of

(a) the part of the city's standardized property value for the fiscal year 2005 that is attributable to the territory becoming the territory of the related municipality, according to the form referred to in subparagraph *a* of paragraph 1; and

(b) the part of the city's population as at 1 January 2005 that is attributable to the territory becoming the territory of the related municipality, as stated in an order of the Minister based on an estimate of the Institut de la statistique du Québec;

(3) the average value of the dwellings situated in the territory of the related municipality for the fiscal year 2005, except for the purpose of establishing the median of such values, is established on the basis of

(a) the number of dwellings situated in the territory becoming the territory of the related municipality and their taxable value, according to the form referred to in subparagraph *a* of paragraph 1, among the dwellings taken into consideration for the purpose of establishing the average value of the dwellings situated in the territory of the city for the fiscal year 2005; and

(b) the comparative factor established for the city's property assessment roll for the fiscal year 2005 under section 264 of the Act; and

(4) for the purpose of establishing the median of the standardized property values per inhabitant and the median of the average values of the dwellings for the fiscal year 2005, the values referred to in paragraphs 2 and 3 are not taken into account, and if the form relating to the summary of the city's property assessment roll for that fiscal year is received by the Minister before 1 November 2005, the standardized property value per inhabitant and the average value of the city's dwellings established on the basis of that form are taken into account.

### CHAPTER III

#### OTHER TRANSITIONAL PROVISIONS

**177.** The Minister determines in advance the population of each related municipality, based on an estimate of the Institut de la statistique du Québec and taking into account the territory of each related municipality as it will stand following the reorganization of the city. The Minister may determine in the same manner the population of a borough as it will stand following the reorganization.

The Minister publishes a notice of the populations figures so determined in the *Gazette officielle du Québec*.

A population figure so determined by the Minister is valid until replaced by the population figure determined in an order made under section 29 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) that takes into account the reorganization of the city.

**178.** As of the time the majority of candidates elected to positions on the council of a related municipality in an election referred to in section 121 have made the oath under section 313 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), the council may perform the acts normally performed in anticipation of the start of a fiscal year, such as adopting the budget and the related by-laws and resolutions, as well as other acts whose effective date is delayed, however, until the date on which the city is reorganized.

The same applies, with the necessary modifications, to any borough council.

In the case of a reconstituted municipality, the council exists, for the purposes of the performance of those acts, as if the municipality existed between the time referred to in the first paragraph and the date on which the city is reorganized.

**179.** As of the day on which all the councils of the related municipalities are operational as set out in section 178 or the day on which all the mayors of

those related municipalities who have been elected at the election referred to in section 121 have made the oath, whichever is later, the urban agglomeration council is or may be established, depending on whether the rules set out in the order made under section 135 prescribe that all the members of that council sit on the council by virtue of office or that some members must be designated.

The urban agglomeration council may perform the acts referred to in the first paragraph of section 178 and, to that end, exists as if the urban agglomeration existed in the form provided for in Title II between the day on which it is established and the date on which the city is reorganized.

**180.** As of the day on which a person's term in the position to which the person was elected at the election referred to in section 121 begins until the date on which the city is reorganized, the person may hold that position and the position of city council member concurrently.

**181.** Any by-law or resolution of the urban agglomeration council, the regular council of the central municipality or the council of the reconstituted municipality that deals with the remuneration, compensation, reimbursement of expenses or any other component of remuneration provided for in the Act respecting the remuneration of elected municipal officers (R.S.Q., chapter T-11.001) regarding the council members may have retroactive effect to the date on which the council was able to begin to act under section 178 or 179.

The retroactive effect given under the first paragraph also applies to the other conditions of employment related to remuneration, such as employee and employer contributions to the pension plan.

In the case of a person referred to in section 180, the amount of the remuneration and compensation that would be payable to the person for the period referred to in that section, under a by-law referred to in the first paragraph, is reduced by the amount the person receives from the city as remuneration and compensation for that period.

## **CHAPTER IV**

### **EFFECTIVE DATES AND COMING INTO FORCE**

**182.** Titles II to IV apply to an urban agglomeration as of the reorganization of the city whose territory corresponds to the urban agglomeration.

The same applies for sections 148 to 154 and 163 to 165.

**183.** Sections 156, 157 and 160 to 162 have effect from 18 December 2003.

**184.** Section 159 has effect from 11 November 2004.

**185.** This Act comes into force on 17 December 2004.