



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 22
(2008, chapter 19)

An Act to amend various legislative provisions concerning Montréal

Introduced 21 June 2007
Passed in principle 13 December 2007
Passed 20 June 2008
Assented to 20 June 2008

Québec Official Publisher
2008

EXPLANATORY NOTES

This Act introduces various legislative amendments concerning Montréal.

The Act amends the Charter of Ville de Montréal to include recognition of its status as the metropolis of Québec and one of Québec's key actors in economic development.

The Act grants Ville de Montréal a general taxation power in its territory, subject to certain restrictions and conditions, as well as the power to collect duties on the transfer of immovables at a higher rate than that provided for by law when transactions exceed \$500,000. It also grants the council of Ville de Montréal the power to declare that the exercise of a jurisdiction or power assigned by law to all the borough councils is within its jurisdiction, if it considers it to be in the general interest of the city.

The Act gives the council of Ville de Montréal the power to initiate amendments to the city's planning program and provides that public consultations on draft amendments will be carried out by the Office de consultation publique de Montréal.

The Act provides that, beginning on 2 November 2009, the mayor of Ville de Montréal will be the mayor of the borough of Ville-Marie and the director general of the city will be the director of that borough. The composition of the borough council of Ville-Marie is also modified for the purposes of the general election of November 2009.

Under the Act, the urban agglomeration council of Ville de Montréal must establish an audit committee. The Act establishes the Liaison Secretariat for the urban agglomeration of Montréal to respond to inquiries on behalf of members of the urban agglomeration council about any aspect of the administration of the central municipality of interest to the urban agglomeration.

The Act introduces a new budget requirement enabling all urban agglomeration council members, except the mayor of Ville de Montréal, to obtain reimbursement for their research and secretarial expenses.

The Act modifies the exclusive jurisdiction of the urban agglomeration council over the arterial road system, replaces the urban agglomeration's list of equipment, infrastructures and activities of collective interest, and provides that any modification to the list or the system by the urban agglomeration council must be approved by the Minister of Municipal Affairs and Regions.

The Act provides that, from the municipal fiscal year 2009, urban agglomeration expenditures will be financed by aliquot shares required from the related municipalities, and that those municipalities will be able to determine the maximum property tax rate applicable to the non-residential immovables in their territory.

Lastly, the Act cancels the special tax status of the Société du Palais des Congrès de Montréal and provides that first responder services in the territory of Ville de Côte-Saint-Luc are not an urban agglomeration power.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);
- Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act to again amend various legislative provisions concerning municipal affairs (2005, chapter 50).

Bill 22

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MONTRÉAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE
TRANSPORT

1. Section 48 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02), replaced by section 1 of chapter 10 of the statutes of 2007, is amended by striking out “of the island” in the second line.

CHARTER OF VILLE DE MONTRÉAL

2. Section 1 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) is amended by adding the following paragraph after the second paragraph:

“Montréal is the metropolis of Québec and one of its key actors as regards economic development.”

3. Section 17 of the Charter is amended by inserting the following paragraph after the first paragraph:

“In the case of the borough of Ville-Marie, the city mayor is the borough mayor.”

4. Section 48 of the Charter is amended

(1) by replacing “The” in the first line of the first paragraph by “Subject to the second paragraph, the”;

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

“The director general of the city shall act as director of the borough of Ville-Marie.”

5. Section 72 of the Charter is amended

(1) by replacing “seven” in the first line of the second paragraph by “nine”;

(2) by replacing “six” in the second line of the second paragraph by “eight” and by replacing “a vice-chair” in that line by “two vice-chairs”;

(3) by replacing “the vice-chair” in the second line of the third paragraph by “a vice-chair”;

(4) by inserting “and one vice-chair is chosen from among the members of the council of the central municipality that are in the political party with the second largest number of councillors on that council” after “municipality” in the last line of the third paragraph.

6. Section 83 of the Charter is amended by replacing subparagraph 2 of the first paragraph by the following subparagraphs:

“(2) to hold a public consultation on any draft by-law revising the city’s planning program;

“(2.1) to hold a public consultation on any draft by-law amending the city’s planning program, except those adopted by a borough council;”.

7. The Charter is amended by inserting the following section after section 85.4:

“85.5. If the city council considers it to be in the general interest of the city, it may declare, in respect of all the boroughs and for a period it determines, that the exercise of a jurisdiction or power assigned by law to all the borough councils is within its jurisdiction.

The resolution by which the council makes the decision is adopted by an absolute majority vote of the council members. However, the resolution is adopted by a two-thirds majority vote of the council members if the period for which the council declares its jurisdiction exceeds two years or if the resolution extends the application of a declaration of jurisdiction so as to render it applicable for a period exceeding two years.”

8. Section 130.3 of the Charter is amended

(1) by inserting “, concurrently with the city council,” after “exercise” in the first line of the first paragraph;

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

“The power provided for in the first paragraph may not be exercised in respect of an object to which a draft amendment adopted by the city council pertains.”

9. The Charter is amended by inserting the following before Chapter V:

“DIVISION III

“GENERAL TAXATION POWER

“**151.8.** The city may, by by-law, impose a municipal tax in its territory if it is a direct tax and if the by-law satisfies the criteria set out in the fourth paragraph.

The city is not authorized to impose the following taxes:

- (1) a tax in respect of the supply of a property or a service;
- (2) a tax on income, revenue, profits or receipts, or in respect of similar amounts;
- (3) a tax on paid-up capital, reserves, retained earnings, contributed surplus or indebtedness, or in respect of similar amounts;
- (4) a tax in respect of machinery and equipment used in scientific research and experimental development or in manufacturing and processing or in respect of any assets used to enhance productivity, including computer hardware and software;
- (5) a tax in respect of remuneration that an employer pays or must pay for services, including non-monetary remuneration that the employer confers or must confer;
- (6) a tax on wealth, including an inheritance tax;
- (7) a tax on an individual because the individual is present or resides in the territory of the city;
- (8) a tax in respect of alcoholic beverages within the meaning of section 2 of the Act respecting offences relating to alcoholic beverages (chapter I-8.1);
- (9) a tax in respect of tobacco or raw tobacco within the meaning of section 2 of the Tobacco Tax Act (chapter I-2);
- (10) a tax in respect of fuel within the meaning of section 1 of the Fuel Tax Act (chapter T-1);
- (11) a tax in respect of a natural resource;
- (12) a tax in respect of energy, in particular electric power; or
- (13) a tax collected from a person who uses a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2), in respect of equipment placed under, on or above a public highway to provide a public service.

For the purposes of subparagraph 1 of the second paragraph, “property”, “supply” and “service” have the meanings assigned to them by the Act respecting the Québec sales tax (chapter T-0.1).

The by-law referred to in the first paragraph must satisfy the following conditions:

- (1) it must state the subject of the tax to be imposed;
- (2) it must state the tax rate or the amount of tax payable; and
- (3) it must state how the tax is to be collected and the designation of any persons authorized to collect the tax as agents for the city.

The by-law referred to in the first paragraph may provide for

- (1) exemptions from the tax;
- (2) penalties for failing to comply with the by-law;
- (3) collection fees and fees for insufficient funds;
- (4) interest and specific interest rates on outstanding taxes, penalties or fees;
- (5) assessment, audit, inspection and inquiry powers;
- (6) refunds and remittances;
- (7) the keeping of registers;
- (8) the establishment and use of dispute resolution mechanisms;
- (9) the establishment and use of enforcement measures if a portion of the tax, interest, penalties or fees remains unpaid after it is due, including measures such as garnishment, seizure and sale of property;
- (10) considering the debt for outstanding taxes, including interest, penalties and fees, to be a prior claim on the immovables or movables in respect of which it is due, in the same manner and with the same rank as the claims described in paragraph 5 of article 2651 of the Civil Code, and creating and registering a security by a legal hypothec on the immovables or movables; and
- (11) criteria on the basis of which the rate and the amount of the tax payable may vary.

“151.9. The city is not authorized to impose a tax under section 151.8 in respect of any of the following:

- (1) the State, the Crown in right of Canada or one of their mandataries;

(2) a school board, a general and vocational college, a university establishment within the meaning of the University Investments Act (chapter I-17) or the Conservatoire de musique et d'art dramatique du Québec;

(3) a private educational institution operated by a non-profit body in respect of an activity that is exercised in accordance with a permit issued under the Act respecting private education (chapter E-9.1), a private educational institution accredited for purposes of subsidies under that Act or an institution whose instructional program is the subject of an international agreement within the meaning of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1);

(4) a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) or a health and social services agency governed by that Act;

(5) a private institution referred to in paragraph 3 of section 99 or section 551 of the Act respecting health services and social services in respect of an activity that is exercised in accordance with a permit issued to the institution under that Act and is inherent in the mission of a local community service centre, a residential and long-term care centre or a rehabilitation centre within the meaning of that Act; or

(6) any other person determined by a regulation of the Government.

“151.10. This division does not limit any other taxation power granted to the city by law.

“151.11. The use of an enforcement measure established by a by-law adopted under section 151.8 does not prevent the city from using any other remedy provided by law to recover the amounts owing under this division.

“151.12. The city may enter into an agreement with another person, including the State, providing for the collection and recovery of a tax imposed under section 151.8 and the administration and enforcement of a by-law imposing the tax. The agreement may authorize the person to collect the taxes and oversee the administration and enforcement of the by-law on the city's behalf.”

10. Schedule D to the Charter is amended by adding the following at the end:

“— the aréna Maurice-Richard”.

CITIES AND TOWNS ACT

11. Section 107.17 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by adding the following paragraphs at the end:

“Despite the first paragraph, in the case of the urban agglomeration of Montréal, the council must establish an audit committee composed of not more than 10 members appointed on the proposal of the mayor of the central municipality. Two of the committee members must be council members representing the reconstituted municipalities. Those two members shall take part in deliberations and votes of the committee on any matter related to an urban agglomeration power.

In addition to the other powers that may be entrusted to it, the committee established in the case of the urban agglomeration of Montréal shall submit opinions to the urban agglomeration council on the requests, findings and recommendations of the auditor general concerning the urban agglomeration. It shall also inform the auditor general of the interests and concerns of the urban agglomeration council with respect to the audit of the accounts and affairs of the central municipality. On an invitation by the committee, the auditor general or a person designated by the auditor general may attend a sitting and take part in deliberations.”

12. Section 474.0.1 of the Act is amended by replacing “The” in the first line of the first paragraph by “Subject to section 474.0.2.1, the”.

13. The Act is amended by inserting the following section after section 474.0.2:

“474.0.2.1. In the case of the urban agglomeration of Montréal, the part of the central municipality’s budget under the responsibility of the urban agglomeration council must include an appropriation to provide for payment of sums to the members of that council, except the mayor of the central municipality, as reimbursement for their research and secretarial expenses.

The appropriation must be equal to or greater than 1/60 of 1% of the total of all other appropriations provided for in that part of the budget.

The amount of the sums referred to in the first paragraph is established by dividing the appropriation equally among all the members of the urban agglomeration council, except the mayor of the central municipality.

The sums established for a member of the urban agglomeration council who is a councillor on the regular council of the central municipality and who is a member of an authorized party on 1 January of the fiscal year covered by the budget are assigned to that party.

The sums established under section 474.0.2 for a councillor of the regular council of the central municipality who is a member of the urban agglomeration council must be reduced by the sums established for the member under this section, and the budget of the central municipality must be adjusted to reflect that reduction.”

14. Section 474.0.3 of the Act is amended by inserting “, or, if applicable, a member of the urban agglomeration council of Montréal other than the mayor of the central municipality,” after “councillor” in the first line of the first paragraph.

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

15. Section 2 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is amended by adding the following paragraph after the second paragraph:

“However, to calculate the duties on the transfer of an immovable situated entirely within its territory, Ville de Montréal may, by by-law, set a rate higher than that provided for in subparagraph 3 of the first paragraph for any part of the basis of imposition which exceeds \$500,000.”

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

16. Section 20 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), amended by section 8 of chapter 33 of the statutes of 2007, is again amended by replacing “Title IV.1 or IV.2, taking into consideration the provisions included in that title” in the first and second lines of the second paragraph by “Titles IV.1 to IV.3, taking into consideration the provisions included in those titles”.

17. The Act is amended by inserting the following after section 28:

“DIVISION IV.1

“PUBLIC SECURITY

“**28.1.** Despite subparagraph *a* of paragraph 8 of section 19, the component of public security consisting in first responder services on the territory of Ville de Côte-Saint-Luc is a power other than an urban agglomeration power and is under the responsibility of that city.”

18. The Act is amended by inserting the following after section 118.78:

“TITLE IV.3

“SPECIAL PROVISIONS APPLICABLE TO THE URBAN AGGLOMERATION OF MONTRÉAL

“CHAPTER I

“ALIQUOT SHARES

“118.79. An expenditure incurred by the central municipality in the exercise of an urban agglomeration power is financed by aliquot shares paid by the related municipalities of the urban agglomeration.

The first paragraph does not prevent the central municipality from financing such an expenditure by revenue from a source other than a tax or a compensation. The only mode of tariffing that may be provided for by the central municipality for that purpose is a fixed amount described in subparagraph 3 of the second paragraph of section 244.2 of the Act respecting municipal taxation (chapter F-2.1) or exigible in the same manner as a subscription.

For the purposes of this section, Ville de Côte-Saint-Luc is not a related municipality for the apportionment of expenditures related to the component of public security consisting in first responder services.

This section applies subject to Division III.6 of Chapter XVIII of the Act respecting municipal taxation.

“118.80. Urban agglomeration expenditures are apportioned among the related municipalities in proportion to their respective fiscal potentials established according to the rules prescribed by the Minister of Municipal Affairs and Regions.

However, the urban agglomeration council may provide, by a by-law subject to the right of objection under section 115,

(1) that a related municipality not contribute to the payment of part of the urban agglomeration expenditures; or

(2) that all or part of the urban agglomeration expenditures be apportioned according to another criterion, or to a change in an element of the criterion, provided the new criterion or the change in an element of the criterion complies with the rules prescribed by the Minister of Municipal Affairs and Regions.

The first and second paragraphs apply subject to sections 39 and 44 of chapter 19 of the statutes of 2008 and the following sections of Order in Council 1229-2005 dated 8 December 2005, concerning the urban agglomeration of Montréal:

(1) section 57, as amended by section 86 of Order in Council 1003-2006 dated 2 November 2006 and by section 30 of chapter 19 of the statutes of 2008;

(2) section 64, as amended by section 32 of chapter 19 of the statutes of 2008;

(3) section 68, as replaced by section 34 of chapter 19 of the statutes of 2008.

The first and second paragraphs also apply subject to any decision of an urban agglomeration council on the financing of work mentioned in paragraph 5 of section 23; the decision must be approved by the Minister to have effect.

“118.81. The urban agglomeration council may, by a by-law subject to the right of objection under section 115, prescribe the manner in which the aliquot shares and their payment by the related municipalities are determined.

The by-law may, in particular, prescribe, for every possible situation with respect to the coming into force of the part of the budget of the central municipality related to the exercise of its urban agglomeration powers,

(1) the date on which the data used to establish provisionally or finally the basis of apportionment of the urban agglomeration expenditures are to be considered;

(2) the time limit for determining each aliquot share and for informing each related municipality of it;

(3) the obligation of each related municipality to pay its aliquot share in a single payment or its right to pay it in a certain number of instalments;

(4) the time limit within which each instalment must be paid;

(5) the rate of interest payable on an outstanding instalment; and

(6) the adjustments that may result from the deferred coming into force of a part of the budget of the central municipality related to the exercise of its urban agglomeration powers or from the successive use of provisional and final data in determining the basis of apportionment of the urban agglomeration expenditures.

“118.82. For the purpose of financing the urban agglomeration expenditure that is the contribution of the central municipality to the financing of the expenditures of the Société de transport de Montréal, section 488 of the Cities and Towns Act (chapter C-19) applies to each related municipality as if the aliquot share was an amount payable directly to the Société.

“CHAPTER II

“MODIFICATIONS

“118.83. This chapter applies for the purpose of modifying or rendering inapplicable certain provisions of this Act with regard to the urban agglomeration of Montréal.

“118.84. Section 22 is modified by replacing “subject to the right of objection under section 115” in the second and third lines of the first paragraph by “approved by the Minister”.

“118.85. Sections 23 to 24.1 are replaced by the following section:

“23. The central municipality’s exclusive jurisdiction over the thoroughfares identified includes

- (1) determining minimum standards for managing the system;
- (2) determining standards for harmonizing the rules governing traffic signs and signals and traffic control;
- (3) determining the usefulness of arterial thoroughfares;
- (4) general system planning, including traffic planning within the urban agglomeration;
- (5) work to open, extend or develop an arterial thoroughfare, connect such thoroughfares or standardize their configuration, as far as that work concerns

(a) boulevard Notre-Dame;

(b) autoroute Bonaventure, phase 1;

(c) rue Sherbrooke east of 36^e avenue;

(d) boulevard Cavendish (Cavendish/Cavendish/Royalmount);

(e) boulevard Jacques-Bizard, up to autoroute 40;

(f) boulevard Rodolphe-Forget (Bourget);

(g) boulevard Pierrefonds;

(h) the urban boulevard in the right of way of autoroute 440;

(i) municipal road works made necessary by the projects of the Ministère des Transports du Québec relating to the Turcot interchange, the Dorval interchange, autoroute 25 and autoroute 40.”.

“118.86. Section 35 is modified by replacing “from a tax or other” in the second line of the second paragraph by “from a”.

“118.87. Section 37 is replaced by the following section:

“37. The central municipality’s exclusive jurisdiction over assistance intended specifically for business consists, as regards tax credits, in prescribing, by a by-law subject to the right of objection under section 115, the rules that a related municipality, including the central municipality, must comply with when establishing a program for granting such a credit.”

“118.88. Section 39 is modified by replacing “subject to the right of objection under section 115” in the first and second lines of the first paragraph by “approved by the Minister”.

“118.89. Section 46 is modified by striking out “or levy taxes” in the second line of the second paragraph.

“118.90. Section 70 is modified by replacing “tout” in the first line in the French text by “le”.

“118.91. Section 76 is modified

(1) by replacing “any tax or other method of financing imposed” in the first and second lines of the first paragraph by “any method of financing ordered”;

(2) by striking out the second paragraph.

“118.92. Sections 78, 85 to 89, 91 to 99 and 100 to 108 do not apply.

“118.93. Section 110 is modified by replacing “taxes and other methods of financing imposed” in the seventh line of the first paragraph by “methods of financing ordered”.

“118.94. Section 114 does not apply.

“118.95. Section 115 is modified by replacing “22, 27, 30, 34, 36, 38, 39, 41, 47, 55, 56, 69, 78, 85 or 99.1” in the first paragraph by “27, 30, 34, 36, 37, 38, 41, 47, 55, 56, 69, 99.1, 118.80 or 118.81”.

“118.96. Section 115.1 is modified

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

“(1) is provided for in section 118.80 or 118.81;”;

(2) by replacing the third paragraph by the following paragraph:

“The possibility of using an overpayment of an aliquot share referred to in section 118.79 to reduce an aliquot share determined for the following fiscal year is one way of managing the resolutive effects of a refusal.”

“118.97. Section 118.1 is modified by striking out “taxes and other” in the first line of the third paragraph.”

19. Section 175 of the Act, amended by section 10 of chapter 33 of the statutes of 2007, is repealed.

ACT RESPECTING MUNICIPAL TAXATION

20. Section 204 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by striking out paragraph 18.

21. Subdivision 9 of Division II of Chapter XVIII of the Act, comprising section 231.5, is repealed.

22. Section 236 of the Act is amended by striking out paragraph 14.

23. Section 244.40 of the Act is amended by adding the following paragraph after the second paragraph:

“A municipality to which subparagraph 1 of the second paragraph applies may, by by-law, determine a coefficient greater than the one applicable to it under that subparagraph.”

OTHER AMENDING PROVISIONS

24. Section 4 of Order in Council 645-2005 dated 23 June 2005 is amended by replacing “, Sud-Ouest and Ville-Marie” by “and Sud-Ouest”.

25. The Order in Council is amended by inserting the following section after section 10:

“10.1. The council of the Ville-Marie borough is composed of

(1) the borough mayor who is the mayor of the city;

(2) a city councillor for each of the three electoral districts in the borough;
and

(3) two councillors chosen by the mayor of the city from among the members of the city council.”

26. Section 4 of Order in Council 1229-2005 dated 8 December 2005, concerning the urban agglomeration of Montréal, is amended by adding the following paragraph at the end:

“In exercising the functions of office, a member of the urban agglomeration council must take into account the interest of the citizens of the agglomeration as a whole.”

27. The heading of Title II of the Order in Council is amended by inserting “, LIAISON SECRETARIAT” after “COUNCIL”.

28. The Order in Council is amended by inserting the following after section 17:

“CHAPTER I.1

“LIAISON SECRETARIAT

“17.1. A secretariat is established under the name “Liaison Secretariat”.

“17.2. The urban agglomeration council appoints the secretariat director by a decision made by a two-thirds majority vote of its members.

To be effective, the appointment must be approved by the Minister of Municipal Affairs and Regions.

“17.3. The secretariat director reports directly to the urban agglomeration council.

“17.4. The role of the Liaison Secretariat is to respond to any inquiry on behalf of a member of the urban agglomeration council about any aspect of the administration of the central municipality of interest to the urban agglomeration.

To do so, the director and employees of the secretariat are authorized to communicate with the persons designated by the director general in order to obtain the documents, explanations or information they consider necessary.

“17.5. The part of the central municipality’s budget that falls within the jurisdiction of the urban agglomeration council must include an appropriation to provide for payment of a sum to the Liaison Secretariat to cover the expenditures relating to the exercise of the Secretariat’s role.

The appropriation must be equal to or greater than 1/40 of 1% of the total of the other appropriations provided for in that part of the budget.”

29. Section 47 of the Order in Council, amended by section 83 of Order in Council 1003-2006 dated 2 November 2006, is again amended by striking out the second sentence of the third paragraph.

30. Section 57 of the Order in Council, amended by section 86 of Order in Council 1003-2006 dated 2 November 2006, is again amended by replacing “the general urban agglomeration property tax” in the third paragraph by “the revenues deriving from the shares paid by the related municipalities in accordance with section 118.80 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations”.

31. Sections 60 and 61 of the Order in Council are repealed.

32. Section 64 of the Order in Council is amended by replacing the seventh paragraph by the following paragraph:

“For the purpose of financing the expenditures resulting from the application of the third, fourth and fifth paragraphs, the urban agglomeration council may fix by by-law the share of the expenditures relating to a contract or an agreement that is to be payable by each municipality concerned.”

33. Section 67 of the Order in Council, amended by section 130 of chapter 60 of the statutes of 2006, is again amended by replacing “2008” in the second paragraph by “2009”.

34. Section 68 of the Order in Council is replaced by the following section:

“68. Despite any inconsistent provision, the actual costs relating to the supply of water provided by the central municipality in its territory and in the territories of the reconstituted municipalities are shared among the central municipality and the reconstituted municipalities in proportion to the actual consumption attributable to their respective territories.

For the purpose of financing the expenditures relating to the exercise of its powers as regards the supply of water in its territory and in the territories of the reconstituted municipalities, the central municipality has the use only of the revenue collected pursuant to the first paragraph, to the exclusion of any means of financing it would otherwise be authorized to use under the applicable legislative provisions.

However, the second paragraph does not prevent the central municipality from requiring, in accordance with section 118.80 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations, all the related municipalities to pay a share of the cost of constituting, in accordance with section 569.8 of the Cities and Towns Act (R.S.Q., chapter C-19), a financial reserve to finance expenditures to improve water supply technology and methods and to develop and repair water supply infrastructures. To that end, section 569.8 of the Cities and Towns Act is deemed to be modified so that subparagraph *a* of paragraph 2 reads as follows:

“(a) any share of the contribution required for the supply of water;”.

To pay the share required under the third paragraph, a related municipality may use amounts from the financial reserve for water supply it may have created under section 569.7 of the Cities and Towns Act.

This section ceases to have effect on 31 December 2009.”

35. Section 69 of the Order in Council is repealed.

36. The schedule to the Order in Council, amended by section 5 of Order in Council 299-2006 dated 5 April 2006, is replaced by the following schedule:

“SCHEDULE I

(s. 37)

EQUIPMENT, INFRASTRUCTURES AND ACTIVITIES OF COLLECTIVE INTEREST

– Parc du Mont-Royal

– Parc Jean-Drapeau

– Parc du complexe environnemental Saint-Michel, except lot 3 790 260 of the cadastre of Québec, and part of lot 3 237 027 of the cadastre of Québec, as shown in the schedule to the By-law of the urban agglomeration council amending the schedule to the order in council respecting the urban agglomeration of Montréal (1229-2005, 8 December 2005)

– The following ecoterritories: Senneville Woods, Rivière l’Orme Ecoforest Corridor, Île-Bizard Ecoforest Corridor, Cheval-Blanc Rapids except lots 1 170 731, 1 170 759, 3 093 109, 3 093 114, 3 093 115 and 3 093 121 of the cadastre of Québec, registration division of Montréal, Bertrand Stream Basin, Summits and Slopes of Mount Royal, De Montigny Stream Basin, East Island Greenbelt, except a closed lane in Rivière-des-Prairies—Pointe-aux-Trembles borough, northeast of avenue Armand-Chaput, between rue Eugène-Couvrette and rue Rolland-Jeanneau, made up of lots 2 801 510 and 3 387 149 to 3 387 170 inclusively of the cadastre of Québec. Those lots are marked ABCDEFGHA on plan A-84 Rivière-des-Prairies, prepared by Johanne Rangers, land surveyor, on 3 March 2005, and bearing minute number 721, file 20052, in the ecoterritory of the East Island Greenbelt except for the lands owned by Ville de Montréal within the perimeter in orange on the attached plan prepared by C. Lahaie, Service de la mise en valeur du territoire et du patrimoine, Direction des stratégies et transactions immobilières, Division de la gestion du portefeuille et des transactions, Section des services immobiliers, in February 2007. The lands thus excluded from the ecoterritory of the East Island Greenbelt are included in the perimeter bounded to the east and to the south by the right-of-way of boulevard Métropolitain, to the west, by the right-of-way of the railway tracks at the limits of Montréal and Montréal-Est, and to the north by the right-of-way of the railway tracks south of boulevard Maurice-Duplessis, but do not include the zones marked in yellow on that plan, which continue to be part of the ecoterritory and are not covered by this by-law, except the lots shown as items 1 to 28 in the schedule to the By-law of the urban agglomeration council amending the schedule to the order in council respecting the urban agglomeration of Montréal (1229-2005, 8 December 2005) (RCG 06-043), except the lots shown as items 1 to 26 in the schedule to the By-law of the urban agglomeration council amending the schedule to the order in council respecting the urban agglomeration of Montréal (1229-2005, 8 December 2005) (RCG 06-042), except lot 3 447 691 of the cadastre of Québec, registration division of Montréal, Lachine Rapids, except lots 3 684 093, 3 684 094, 3 684 095, 3 684 096, 3 684 097, 3 105 949 and 3 105 592 of the cadastre of Québec, Saint-Jacques Escarpment

- Culture Montréal
- Cité des Arts du cirque
- Tour de l'Île
- Assistance for elite athletes and metropolitan, national and international sports competitions
- Implementation of the framework agreement between Ville de Montréal, the Ministère de la Culture et des Communications and the Bibliothèque nationale du Québec
- City-wide bikeway network
- Municipal contributions and management of agreements and government programs to fight poverty
- Municipal contributions and management of agreements and government programs to develop property, sites and districts recognized under the Cultural Property Act
- Municipal contributions to government programs or Communauté métropolitaine de Montréal programs set up to improve the protection and conditions of use of the banks and shores bordering the urban agglomeration of Montréal or to create waterside parks in the urban agglomeration
- Development and redevelopment of public lands, including infrastructure works, in an urban agglomeration sector designated as the downtown area and delimited as follows (the directions are approximate): commencing at a point being the intersection of rue Amherst and rue Cherrier; thence southeast along rue Amherst and its extension to the St. Lawrence River; thence south along the bank of the St. Lawrence River to the point of intersection with Autoroute 15-20, namely the Champlain Bridge; thence west along Autoroute 15-20 to the point of intersection with the railway right-of-way; thence northeast along the railway right-of-way and the building alongside the railway to the point of intersection with the end of that building; thence northwest along the building to the point of intersection with rue du Parc-Marguerite-Bourgeoys; thence northeast along rue du Parc-Marguerite-Bourgeoys and the railway right-of-way to the point of intersection with the extension of rue Sainte-Madeleine; thence west along rue Sainte-Madeleine to the point of intersection with rue Le Ber; thence north along rue Le Ber and its extension to the point of intersection with the extension of rue de Sébastopol; thence west along rue de Sébastopol to the point of intersection with rue Wellington; thence north along rue Wellington to the point of intersection with rue Bridge; thence west along rue Bridge to the point of intersection with rue Saint-Patrick; thence northwest to the point of intersection with rue Guy, rue William and rue Ottawa; thence northwest along rue Guy to the point of intersection with rue Notre-Dame Ouest; thence northwest along the boundary of Ville-Marie borough to the point of intersection with the boundary of the

Mount Royal Historic and Natural District; thence northwest along the boundary of the Mount Royal Historic and Natural District to the point of intersection with avenue des Pins Ouest; thence northeast along avenue des Pins Ouest to the point of intersection with rue Saint-Denis; thence southeast along rue Saint-Denis to the point of intersection with rue Cherrier; thence northeast along rue Cherrier to the point of intersection with rue Amherst, that point being the point of commencement.”

ACT TO AGAIN AMEND VARIOUS LEGISLATIVE PROVISIONS CONCERNING MUNICIPAL AFFAIRS

37. Section 133 of the Act to again amend various legislative provisions concerning municipal affairs (2005, chapter 50) is amended by replacing “2008” in the first line of the second paragraph by “2009”.

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

38. A contribution of a related municipality of the urban agglomeration of Montréal to finance the deficit of equipment situated in the territory of Ville de Montréal and mentioned in Schedule V to the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is made by Ville de Montréal; such a contribution constitutes an urban agglomeration expenditure that must be financed by urban agglomeration revenues.

39. A debt relating to work carried out between 1 January 2006 and 31 December 2008 by Ville de Montréal on the thoroughfares forming the arterial road system of the urban agglomeration must be financed by an aliquot share payable by the related municipality in whose territory the work is carried out.

A loan by-law that was adopted before 1 January 2009 by the urban agglomeration council of Ville de Montréal and that, to finance the work referred to in the first paragraph, imposes a tax on the taxable immovables of only part of the territory of a related municipality or requires compensation from the owners or occupants of such immovables is deemed to be amended for the purpose of replacing that tax or compensation by an aliquot share that is payable by the related municipality concerned and that secures the same revenues for the central municipality as would be the case if the tax or compensation applied. A related municipality concerned must then, to finance its aliquot share, impose taxes on the same immovables or require the payment of a tax or compensation by the same persons as would be the case if the urban agglomeration tax or compensation applied.

For the purposes of the first paragraph, “debt” means a net expenditure to be financed, including interest.

40. Section 148 of chapter 60 of the statutes of 2006, amended by section 14 of chapter 33 of the statutes of 2007, continues to apply, for each of the fiscal years 2008 to 2010, in respect of a municipality in

which there is no coefficient in force determined in accordance with the third paragraph of section 244.40 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by section 23.

41. Section 4 of Order in Council 645-2005 dated 23 June 2005, as amended by section 24, and section 10.1 of that Order in Council, enacted by section 25, apply for the purposes of the 2009 general election and any by-election held before the 2013 general election.

42. Subject to the second paragraph, sections 2 to 9.1 of Order in Council 1210-2005 dated 7 December 2005, respecting various taxation measures relating to the reorganization, do not apply to the related municipalities of the urban agglomeration of Montréal.

The provisions referred to in the first paragraph continue to have effect, for the purposes of section 149 of chapter 60 of the statutes of 2006, with the necessary modifications, with respect to the reconstituted municipalities of that urban agglomeration. Those modifications include replacing the third paragraph of that section by the following paragraph:

“The amount of the loan may not exceed the total sum that the reconstituted municipality could have paid to the central municipality for the fiscal year concerned, under section 3 of the Order in Council mentioned in the first paragraph, in respect of all the categories of immovables.”

43. The urban agglomeration council of Ville de Montréal may, by a by-law that is subject to the right of objection provided for in section 115 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (R.S.Q., chapter E-20.001), determine the variation resulting from sections 18, 19 and 29 to 34 in the tax burden borne by the related municipalities and their ratepayers, and provide for measures to average that variation over a maximum period of 10 years.

A related municipality may borrow in order to reduce the fiscal impact of a variation in the tax burden resulting from the sections referred to in the first paragraph. The loan has a maximum term of 10 years and is non-renewable. The loan by-law requires only the approval of the Minister of Municipal Affairs and Regions.

44. Subject to section 39, a provision of a by-law of the urban agglomeration council of Ville de Montréal adopted before 1 January 2009 ordering a loan and imposing a tax or requiring a compensation to finance the repayment of the loan is deemed to be amended for the purpose of replacing that tax or compensation by aliquot shares that are payable by the related municipalities and that secure the same revenues for the central municipality as would be the case if the tax or compensation applied.

A related municipality must, in any by-law on the financing of an aliquot share payable under the first paragraph, impose on the same immovables or require the payment of a tax or compensation by the same persons as would be the case if the urban agglomeration tax or compensation applied.

45. A loan by-law of a reconstituted municipality of the urban agglomeration of Montréal whose purpose is to contract a loan under a provision referred to in the first paragraph of section 42 in order to reduce the amount of the taxes imposed for a fiscal year preceding the fiscal year 2009 continues to have effect.

46. Sections 12 to 14, 16 to 22, 27 to 36, 38, 39, 42, 44 and 45 have effect for the purposes of any municipal fiscal year from the fiscal year 2009.

47. Despite the Règlement sur les districts électoraux n° 08-018, adopted by the council of Ville de Montréal on 28 May 2008, the division of the territory of the borough of Ville-Marie into electoral districts is, for the purposes of the 2009 general election and any by-election held before the 2013 general election, the division established for the purposes of the general election held on 4 November 2001 by Order in Council 852-2001 dated 4 July 2001, with the necessary modifications.

48. This Act comes into force on 20 June 2008, except sections 3 and 4, which come into force on 2 November 2009.

