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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 76

**An Act to repeal the Act respecting the  
Commission municipale and to amend  
various legislative provisions**

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**Introduction**

**Introduced by  
Mr. Jean-Marc Fournier  
Minister of Municipal Affairs, Sports and Recreation**

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## **EXPLANATORY NOTES**

*This bill abolishes the Commission municipale du Québec and transfers certain of its fields of jurisdiction to other authorities as follows:*

*— the Administrative Tribunal of Québec becomes responsible for hearing proceedings to contest decisions made by a municipal body or a Minister;*

*— municipal bodies responsible for assessment are called upon to grant or revoke recognitions giving rise to tax exemptions;*

*— the Commission des relations du travail has jurisdiction regarding the dismissal, for cause, of a returning officer; and*

*— the chief electoral officer is granted the power to authorize a clerk or secretary-treasurer to refrain from acting as returning officer.*

*The bill gives arbitration powers to an arbitrator designated by the Minister of Municipal Affairs, Sports and Recreation, the Minister of Justice or the Minister of the Environment, as the case may be.*

*The bill transfers most of the Commission's powers of an administrative nature to the Minister of Municipal Affairs, Sports and Recreation or to a person the Minister designates for that purpose. More specifically, the bill gives the Minister the mandate to issue, for by-laws and planning programs, a notice of compliance with the objectives of the land use planning and development plan and with the complementary document. As for notices of compliance pertaining to certain government interventions, the mandate is given to an expert chosen by the Minister from a list drawn up by the Government and published in the Gazette officielle du Québec, after consultation with the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM).*

*The bill gives to the Minister of the Environment the power to set the rates for residual material disposal services.*

*Lastly, the bill abolishes certain fields of jurisdiction that have become obsolete.*

**LEGISLATION AMENDED BY THIS BILL:**

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2);
- Charter of Ville de Montréal (R.S.Q., chapter C-11.4);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Labour Code (R.S.Q., chapter C-27);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02);
- Act respecting municipal courts (R.S.Q., chapter C-72.01);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting certain public utility installations (R.S.Q., chapter I-13);
- Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14);
- Act respecting administrative justice (R.S.Q., chapter J-3);
- Act respecting the Ministère des Affaires municipales, du Sport et du Loisir (R.S.Q., chapter M-22.1);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);

- Environment Quality Act (R.S.Q., chapter Q-2);
- Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001);
- Act respecting municipal and private electric power systems (R.S.Q., chapter S-41);
- Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, chapter 26);
- Act to amend the charter of the City of Laval (1999, chapter 91);
- Act respecting the Commission de l'aqueduc de la Ville de La Tuque (1999, chapter 102);
- Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14).

**LEGISLATION REPEALED BY THIS BILL:**

- Act respecting the Commission municipale (R.S.Q., chapter C-35).

## **Bill 76**

### **AN ACT TO REPEAL THE ACT RESPECTING THE COMMISSION MUNICIPALE AND TO AMEND VARIOUS LEGISLATIVE PROVISIONS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **ACT RESPECTING THE COMMISSION MUNICIPALE**

**1.** The Act respecting the Commission municipale (R.S.Q., chapter C-35) is repealed.

#### **FINANCIAL ADMINISTRATION ACT**

**2.** Schedule 1 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by striking out “Commission municipale du Québec”.

#### **ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT**

**3.** Section 1 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by striking out paragraph 3.

**4.** Section 40 of the said Act is amended by replacing “to the Commission for an assessment or if the Commission’s” in the second and third lines by “to the Minister for an assessment or if the Minister’s”.

**5.** Section 59.3 of the said Act is amended

(1) by replacing “to the Commission” in the fourth line of the first paragraph by “to the Minister”;

(2) by replacing “on the Commission” in the first and second lines of the second paragraph by “on the Minister”;

(3) by replacing “on the Commission must be received by it” in the first line of the third paragraph by “on the Minister must be received by the Minister”.

**6.** Section 59.8 of the said Act is amended

(1) by replacing “the Commission” in the first and third lines of the first paragraph by “the Minister”;

(2) by replacing “its” in the fourth line of the first paragraph by “an”;

(3) by replacing “suggestions of the Commission” in the second line of the second paragraph by “Minister’s suggestions”;

(4) by replacing “The secretary of the Commission” in the first line of the third paragraph by “The Minister”.

**7.** Section 79.13 of the said Act, amended by section 18 of chapter 19 of the statutes of 2003, is again amended

(1) by replacing “the Commission” in the first line and in the third and fourth lines of the first paragraph by “the Minister”;

(2) by replacing “its” in the fifth line of the first paragraph by “an”;

(3) by replacing “suggestions of the Commission” in the third line of the second paragraph by “Minister’s suggestions”;

(4) by replacing “The secretary of the Commission” in the first line of the third paragraph by “The Minister”.

**8.** Section 103 of the said Act is amended

(1) by replacing “to the Commission” in the first and second lines of the first paragraph by “to the Minister”;

(2) by replacing “the Commission” in the first line of the second paragraph by “the Minister”;

(3) by replacing “the Commission” in the second line of the second paragraph by “the Minister”.

**9.** Section 109.8 of the said Act is amended

(1) by replacing “to the Commission” in the third line of the first paragraph by “to the Minister”;

(2) by replacing “on the Commission” in the first and second lines of the second paragraph by “on the Minister”;

(3) by replacing “for the Commission must be received by it” in the first line of the third paragraph by “for the Minister must be received by the Minister”.

**10.** Section 110.8 of the said Act is amended

(1) by replacing “the Commission” in the first and third lines of the first paragraph by “the Minister”;

- (2) by replacing “its” in the fourth line of the first paragraph by “an”;
- (3) by replacing “the Commission” in the second line of the second paragraph by “the Minister”;
- (4) by replacing “suggestions of the Commission” in the second line of the third paragraph by “Minister’s suggestions”;
- (5) by replacing “The secretary of the Commission” in the first line of the fourth paragraph by “The Minister”.

**11.** Section 137.4 of the said Act is amended

- (1) by replacing “to the Commission” in the third line of the first paragraph by “to the Minister”;
- (2) by replacing “on the Commission” in the first and second lines of the second paragraph by “on the Minister”;
- (3) by replacing “on the Commission must be received by the Commission” in the first line of the third paragraph by “on the Minister must be received by the Minister”.

**12.** Section 137.12 of the said Act is amended

- (1) by replacing “the Commission” in the first and third lines of the first paragraph by “the Minister”;
- (2) by replacing “its” in the fourth line of the first paragraph by “an”;
- (3) by replacing “the Commission” in the second line of the second paragraph by “the Minister”;
- (4) by replacing “suggestions of the Commission” in the second line of the third paragraph by “Minister’s suggestions”;
- (5) by replacing “The secretary of the Commission” in the first line of the fourth paragraph by “The Minister”.

**13.** Section 153 of the said Act is amended

- (1) by replacing “the Commission” in the fifth line of the first paragraph by “an expert entered on the list provided for in section 237.4”;
- (2) by replacing “the Commission, he shall serve his requests on the Commission” in the first and second lines of the second paragraph by “an expert, the Minister shall serve the request on the expert”.

**14.** Section 154 of the said Act is amended

(1) by replacing “The Commission” in the first line of the first paragraph by “The expert”;

(2) by replacing “the Commission” in the second line of the second paragraph by “the expert”;

(3) by replacing “The secretary of the Commission” in the first line of the third paragraph by “The expert”.

**15.** Section 157 of the said Act is amended by replacing “the Commission” in the first and second lines of paragraph 1 by “the expert”.

**16.** The heading of Chapter II of Title II of the said Act is replaced by the following heading:

“ASSESSMENTS BY THE MINISTER OR THE EXPERT”.

**17.** Division I of Chapter II of Title II of the said Act is repealed.

**18.** Section 224 of the said Act is amended

(1) by replacing “the Commission” in the third line by “the expert”;

(2) by replacing “it” in the fourth line by “the expert”.

**19.** Section 225 of the said Act is replaced by the following section:

“**225.** An assessment of conformity given by the Minister or an expert entered on the list provided for in section 237.4, as the case may be, must indicate the grounds on which the Minister or the expert bases the assessment.”

**20.** The said Act is amended by inserting the following section after section 237.3:

“**237.4.** After consulting the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM), the Government shall establish a list of experts from whom the Minister may request an assessment of conformity under section 153. The list shall be published in the *Gazette officielle du Québec*.”

Only a member of the Ordre professionnel des avocats du Québec, the Ordre professionnel des notaires du Québec or the Ordre professionnel des urbanistes du Québec may be entered on the list.”

**21.** Section 239 of the said Act is amended

(1) by replacing “the Commission” in the second line of the first paragraph by “an expert” and by striking out “to it” in the third line of that paragraph;



(2) by replacing “Commission” in the second line of the second paragraph by “expert”.

**22.** Section 240 of the said Act is repealed.

**23.** The said Act is amended by making the replacements indicated in the second paragraph, wherever the words to be replaced are found in the provisions listed in the third paragraph.

The replacements are the following:

(1) “the Commission”, except in the expression “secretary of the Commission”, is replaced by “the Minister”;

(2) “The Commission” is replaced by “The Minister”;

(3) “The Commission shall give its assessment” is replaced by “The Minister shall give an assessment” and “give its assessment” is replaced by “give an assessment”.

(4) “the Commission gives its opinion” is replaced by “the Minister gives an opinion”;

(5) “The secretary of the Commission” is replaced by “The Minister”.

The replacements are made in the following provisions:

(1) the fifth line of the first paragraph, the first and second lines of the second paragraph and the fourth and fifth lines of the second paragraph of section 37;

(2) the first line of the first paragraph, the first line of the third paragraph and the fourth line of the third paragraph of section 38;

(3) the first line of section 39;

(4) the first line of the first paragraph, the third line of the second paragraph and the first line of the third paragraph of section 59.4;

(5) the second line of the first paragraph, the first line of the second paragraph and the first line of the third paragraph of section 59.7;

(6) the first line of the first paragraph and the second line of the second paragraph of section 59.9;

(7) the second line of section 79;

(8) the second line of the first paragraph, the first line of the second paragraph and the first line of the third paragraph of section 79.12;

(9) the first line of the first paragraph and the third line of the second paragraph of section 79.14;

(10) the second line of the third paragraph of section 79.15;

(11) the second line of the first paragraph, the first line of the second paragraph, the second and third lines of the second paragraph and the second line of the third paragraph of section 104;

(12) the second line of subparagraph 1 of the first paragraph and subparagraph 2 of the first paragraph of section 105;

(13) the first line of the first paragraph of section 106;

(14) the fourth line of the second paragraph of section 109.8.1;

(15) the first line of the first paragraph, the third line of the second paragraph and the first line of the third paragraph of section 109.9;

(16) the second line of the first paragraph and the fourth line of the first paragraph of section 109.10;

(17) the second line of the first paragraph, the first line of the second paragraph and the first line of the third paragraph of section 110.7;

(18) the first line of the first paragraph and the second line of the second paragraph of section 110.9;

(19) the third line of subparagraph 1 of the third paragraph of section 136.0.1;

(20) the fourth line of the second paragraph of section 137.4.1;

(21) the first line of the first paragraph, the third line of the second paragraph, the first line of the third paragraph, the eighth line of the fourth paragraph and the fifteenth line of the fourth paragraph of section 137.5;

(22) the third line of the first paragraph and the fifth line of the first paragraph of section 137.6;

(23) the second line of the first paragraph, the first line of the second paragraph and the first line of the third paragraph of section 137.11;

(24) the first line of the first paragraph and the second line of the second paragraph of section 137.13;

(25) the third and fourth lines of the third paragraph of section 137.14;

(26) the second line of the second paragraph of section 235.

ACT RESPECTING THE CAISSE DE DÉPÔT ET PLACEMENT DU QUÉBEC

**24.** Section 6 of the Act respecting the Caisse de dépôt et placement du Québec (R.S.Q., chapter C-2) is amended by replacing “one” in the third line by “a” and by striking out “one member of the Commission municipale du Québec or” in the fourth line.

CHARTER OF VILLE DE MONTRÉAL

**25.** Sections 187 and 188 of Schedule C to the Charter of Ville de Montréal (R.S.Q., chapter C-11.4) are repealed.

**26.** Section 204 of the said Schedule is amended by striking out the second paragraph.

**27.** Section 205 of the said Schedule is replaced by the following section:

**“205.** The city or any other interested party may contest before the Administrative Tribunal of Québec any rule, decision or act of the commission or the city, in any matter relating to underground conduits, except in contractual matters where the parties have agreed to renounce that proceeding.

The proceeding must, under pain of forfeiture, be brought within 30 days after the date on which a notice of the rule, decision or act that is the subject of the proceeding is served on the interested party or is published.”

**28.** Section 206 of the said Schedule is amended by replacing “to the Commission municipale du” in the second and third lines of the second paragraph by “to the Administrative Tribunal of”.

CHARTER OF VILLE DE QUÉBEC

**29.** Section 45 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is amended

(1) by replacing “to make arrangements” in the first and second lines of the first paragraph by “to enter into agreements”;

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

“Failing an agreement, sections 467.18 and 467.19 of the Cities and Towns Act (chapter C-19) apply, with the necessary modifications.”

**30.** Section 136 of the said Schedule is amended

(1) by replacing “the Commission municipale du” in the third and fourth lines of the second paragraph by “the Administrative Tribunal of”;

(2) by replacing “an appeal may be lodged with the Commission municipale du” in the fourth and fifth lines of the third paragraph by “that person may contest the decision before the Administrative Tribunal of”.

**31.** Section 138 of the said Schedule is amended by replacing “Failing agreement, such” in the fourth line by “The”.

**32.** Section 140 of the said Schedule is replaced by the following section:

“**140.** The indemnity is determined by the city.

The owner to whom the indemnity is to be paid may contest the amount before the Administrative Tribunal of Québec.”

**33.** Section 144 of the said Schedule is amended by striking out the second sentence of the second paragraph.

**34.** Section 145 of the said Schedule is amended

(1) by striking out “, which rules and by-laws shall come into force and have effect from the time of their approval by the Commission municipale du Québec” in the first paragraph;

(2) by striking out “its rules, by-laws, plans, drawings and specifications have been approved by the Commission municipale du Québec and” in the second, third and fourth lines of the third paragraph;

(3) by replacing the fourth, fifth and sixth paragraphs by the following paragraphs:

“The city or any other interested party may contest before the Administrative Tribunal of Québec any rule, by-law, decision or act of the Commission des services électriques or the city, in respect of any matter concerning such undertaking, except in contractual matters where the parties have agreed to renounce that proceeding.

The proceeding must, under pain of forfeiture, be brought within 30 days after the date on which a notice of the rule, decision or act that is the subject of the proceeding is served on the interested party or is published.”

#### CITIES AND TOWNS ACT

**35.** Section 116 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by striking out “the Commission municipale du Québec and” in the second line of subparagraph 1 of the first paragraph.

**36.** Section 365 of the said Act is amended

(1) by replacing “the Minister of Municipal Affairs, Sports and Recreation or the Commission municipale du Québec” in the second and third lines of the second paragraph by “or the Minister of Municipal Affairs, Sports and Recreation”;

(2) by replacing “, the Minister or the Commission” in the sixth and seventh lines of the second paragraph by “or the Minister”.

**37.** Section 415 of the said Act is amended by replacing the second, third, fourth, fifth, sixth and seventh paragraphs of paragraph 18 by the following paragraphs:

“Any interested party may contest before the Administrative Tribunal of Québec any resolution, decision or act of the municipality, in respect of a common utilization matter.

The proceeding must, under pain of forfeiture, be brought within 30 days after the date on which the interested party receives a notice of the resolution, decision or act that is the subject of the proceeding.

If the notice is sent by mail, it is deemed to have been received as of the mailing of the notice.”

**38.** Section 467.18 of the said Act is amended by replacing “the Commission municipale du Québec” in the second line of the first paragraph by “the Minister of Municipal Affairs, Sports and Recreation appoint an arbitrator to”.

**39.** Section 467.19 of the said Act is amended

(1) by replacing “Where a request under section 467.18 has been brought before the Commission, it” in the first and second lines of the first paragraph by “The arbitrator appointed under section 467.18”;

(2) by replacing “the Commission” in the first and second lines of the second paragraph by “the arbitrator”;

(3) by adding the following paragraphs after the second paragraph:

“Articles 944 to 944.10 and 945.1 to 945.8 of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to the arbitration provided for in the first paragraph.

The fees of the arbitrator are determined by the Minister. The costs of the arbitration are paid in equal shares by the municipalities, unless the arbitrator decides otherwise, giving reasons.”

**40.** Section 468.51 of the said Act is amended

(1) by striking out “sections 22 and 23 of the Act respecting the Commission municipale (chapter C-35),” in the fifth and sixth lines of the first paragraph;

(2) by replacing “section” in the eighth line of the first paragraph by “sections 16 to 16.4 and”.

**41.** Section 469 of the said Act is replaced by the following section:

**“469.** Where the conciliator fails to bring the municipalities to an agreement, the Minister may, at the request of one of them, notice of which is given to the other party and to the intermunicipal management board, appoint an arbitrator to render the decision the arbitrator considers equitable after hearing the municipalities concerned and the management board and examining the conciliator’s report received from the Minister.

Articles 944 to 944.10, 945.1 to 945.8 and 946 to 946.6 of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to the arbitration provided for in the first paragraph.

The fees of the arbitrator are determined by the Minister. The costs of the arbitration and those relating to the application for homologation are paid in equal shares by the municipalities, unless the arbitrator or the court, as the case may be, decides otherwise, giving reasons.”

**42.** The said Act is amended by inserting the following after section 469.1:

“§23.1. — *Equipment of a supralocal nature*

**“469.2.** For the purposes of this subdivision, any equipment that is owned by a local municipality or by a mandatary of a local municipality and that is at the disposal of the citizens and ratepayers of more than one local municipality, and in respect of which it may be appropriate

(1) that management be entrusted to a municipal body other than the owner;

(2) that the expenditures be financed by two or more local municipalities;  
or

(3) that the revenue be shared by two or more local municipalities,

is of a supralocal nature.

**“469.3.** Where an application is made to the Minister by a local municipality owning equipment which it believes is of a supralocal nature, the Minister may request a person the Minister designates to carry out a study for the purpose of determining, in particular, the local or supralocal nature of the equipment.

The application to the Minister may be made by a local municipality if the equipment is owned by one of its mandataries.

If in the Minister's opinion the intervention of a person may be useful to settle a dispute over the local or supralocal nature of equipment, the management of supralocal equipment, the financing of expenditures relating to such equipment or the sharing of the revenue generated by such equipment, the Minister may, on the Minister's own initiative, designate a person to carry out the study provided for in the first paragraph.

**“469.4.** Before starting the study, the designated person shall publish in a newspaper circulated in the territory of the local municipality where the equipment is situated, a notice of

- (1) the application, identifying the equipment concerned;
- (2) the right provided for in section 469.5; and
- (3) the place to which the opinion referred to in section 469.5 must be sent.

**“469.5.** Within 30 days after publication of the notice, any interested person may submit to the designated person an opinion in writing on the local or supralocal nature of the equipment that is the subject of the application, the management of the equipment, the financing of the expenditures relating to the equipment or the sharing of the revenue generated by the equipment.

**“469.6.** The designated person may hold a public hearing on the equipment that is the subject of the application.

**“469.7.** The designated person shall report to the Minister on completion of the study.

Where the designated person is of the opinion that the equipment is of a supralocal nature, the report must contain a recommendation stating which municipal body should be responsible for managing the equipment.

In such a case, the report must also determine the local municipalities that are to contribute to the financing of the expenditures relating to the equipment or share the revenue generated by the equipment, and must provide the rules enabling each municipality's share to be established.

**“469.8.** If the designated person's report states that the equipment is of a supralocal nature, the Minister may request the bodies concerned to enter into an agreement on the management and financing of the equipment and to send a copy of the agreement to the Minister within the time the Minister prescribes.

For the purposes of the first paragraph, the bodies concerned are

(1) the local municipality that owns the equipment or whose mandatory owns the equipment;

(2) the mandatory referred to in subparagraph 1;

(3) any other local municipality determined in the designated person's report as a local municipality that is to contribute to the financing of the expenditures relating to the equipment or share the revenue generated by the equipment; or

(4) any other municipal body determined in the designated person's report as the municipal body that is to be responsible for managing the equipment.

For the purpose of facilitating an agreement among the bodies concerned, the Minister may appoint a conciliator.

At the request of a body concerned or of the conciliator, the Minister may give the bodies concerned additional time to enter into an agreement and send a copy to the Minister.

The agreement replaces any stipulation in a current agreement concerning the same matter and the same equipment.

**“469.9.** If a copy of the agreement is not received within the time prescribed, the Minister may request the conciliator appointed under section 469.8 to report to the Minister on the situation, or appoint a conciliator to do so.

**“469.10.** In the absence of an agreement under section 469.8, the Government may adopt any measure pertaining to the management of the equipment, the financing of the expenditures relating to the equipment and the sharing of the revenue generated by the equipment.

The measure replaces any stipulation in a current agreement concerning the same matter and the same equipment.

**“469.11.** The Order in Council comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

It may be revoked without a new study under section 469.3 being carried out concerning the equipment.

**“469.12.** The Minister may, if new circumstances justify it, designate a person to carry out a new study in respect of any equipment determined by the Minister.

**“469.13.** This subdivision also applies, with the necessary modifications, in respect of an infrastructure, a service or an activity.



If the service is supplied or the activity is carried on in relation to an event, it makes no difference whether the event is organized by the local municipality or by a third person.

**“469.14.** This subdivision does not apply in respect of equipment listed in Schedule V to the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or any equipment, infrastructure, service or activity that the Communauté métropolitaine de Montréal or the Communauté métropolitaine de Québec has designated as being of metropolitan scope under section 157.1 of the Act respecting the Communauté métropolitaine de Montréal or section 149 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), as the case may be.

Nor does it apply in respect of any equipment, infrastructure, service or activity that a regional county municipality has designated as being of a supralocal nature under article 681.1 of the Municipal Code of Québec (chapter C-27.1).”

#### LABOUR CODE

**43.** Schedule I to the Labour Code (R.S.Q., chapter C-27) is amended

(1) by striking out paragraph 4;

(2) by inserting “fourth paragraph of section 70, the” after the first “the” in the first line of paragraph 6.

#### MUNICIPAL CODE OF QUÉBEC

**44.** Article 269 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by striking out “the Commission municipale du Québec and” in the second line of subparagraph 3 of the first paragraph.

**45.** Article 486 of the said Code is amended by striking out “or of the Commission municipale du Québec” in the second and third lines of subparagraph 1 of the first paragraph.

**46.** Article 488 of the said Code is amended

(1) by replacing “, the Minister of Municipal Affairs, Sports and Recreation or the Commission municipale du Québec” in the second and third lines of the second paragraph by “or the Minister of Municipal Affairs, Sports and Recreation”;

(2) by replacing “, the Minister or the Commission” in the seventh line of the seventh paragraph by “or the Minister”.

**47.** Article 557 of the said Code is amended

(1) by striking out the fourth paragraph of paragraph 6;

(2) by replacing the second, third, fourth, fifth, sixth and seventh paragraphs of paragraph 7 by the following paragraphs:

“Any interested party may contest before the Administrative Tribunal of Québec any resolution, decision or act of the municipality, in respect of any common utilization matter.

The proceeding must, under pain of forfeiture, be brought within 30 days after the date on which the interested party receives a notice of the resolution, decision or act that is the subject of the proceeding.

If the notice is sent by mail, it is deemed to have been received as of the mailing of the notice.”

**48.** Article 620 of the said Code is amended

(1) by striking out “sections 22 and 23 of the Act respecting the Commission municipale (chapter C-35),” in the sixth and seventh lines of the first paragraph;

(2) by replacing “section” in the eighth line of the first paragraph by “sections 16 to 16.4 and”.

**49.** Article 623 of the said Code is replaced by the following article:

“**623.** Where the conciliator fails to bring the municipalities to an agreement, the Minister may, at the request of one of them, notice of which is given to the other party and to the intermunicipal management board, appoint an arbitrator to render a decision the arbitrator considers equitable after hearing the municipalities concerned and the management board and examining the conciliator’s report received from the Minister.

Articles 944 to 944.10, 945.1 to 945.8 and 946 to 946.6 of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to the arbitration provided for in the first paragraph.

The fees of the arbitrator are determined by the Minister. The costs of the arbitration and those relating to the application for homologation are paid in equal shares by the municipalities, unless the arbitrator or the court, as the case may be, decides otherwise, giving reasons.”

**50.** The said Code is amended by inserting the following after article 624:

## **“DIVISION XXV.1**

### **“EQUIPMENT OF A SUPRALOCAL NATURE**

**“624.1.** For the purposes of this division, any equipment that is owned by a local municipality or by a mandatary of a local municipality and that is at the disposal of the citizens and ratepayers of more than one local municipality, and in respect of which it may be appropriate

(1) that management be entrusted to a municipal body other than the owner;

(2) that expenditures be financed by two or more local municipalities; or

(3) that the revenue be shared by two or more local municipalities,

is of a supralocal nature.

**“624.2.** Where an application is made to the Minister by a local municipality owning equipment which it believes is of a supralocal nature, the Minister may designate a person to carry out a study for the purpose of determining, in particular, the local or supralocal nature of the equipment.

The application to the Minister may be made by the local municipality if the equipment is owned by one of its mandataries.

If in the Minister’s opinion the intervention of a person may be useful to settle a dispute over the local or supralocal nature of equipment, the management of supralocal equipment, the financing of expenditures relating to such equipment or the sharing of the revenue generated by such equipment, the Minister may, on the Minister’s own initiative, designate a person to carry out the study provided for in the first paragraph.

**“624.3.** Before starting the study, the designated person shall publish in a newspaper circulated in the territory of the local municipality where the equipment is situated, a notice of

(1) the application, identifying the equipment concerned;

(2) the right provided for in article 624.4; and

(3) the place to which the opinion referred to in article 624.4 must be sent.

**“624.4.** Within 30 days after publication of the notice, any interested person may submit to the designated person an opinion in writing on the local or supralocal nature of the equipment that is the subject of the application, the management of the equipment, the financing of the expenditures relating to the equipment or the sharing of the revenue generated by the equipment.

**“624.5.** The designated person may hold a public hearing on the equipment that is the subject of the application.

**“624.6.** The designated person shall report to the Minister on completion of the study.

Where the designated person is of the opinion that the equipment is of a supralocal nature, the report must contain a recommendation stating which municipal body should be responsible for managing the equipment.

In such a case, the report must also determine the local municipalities that are to contribute to the financing of the expenditures relating to the equipment or share the revenue generated by the equipment, and must provide the rules enabling each municipality’s share to be established.

**“624.7.** If the designated person’s report states that the equipment is of a supralocal nature, the Minister may request the bodies concerned to enter into an agreement on the management and financing of the equipment and to send a copy of the agreement to the Minister within the time the Minister prescribes.

For the purposes of the first paragraph, the bodies concerned are

(1) the local municipality that owns the equipment or whose mandatory owns the equipment;

(2) the mandatory referred to in subparagraph 1;

(3) any other local municipality determined in the designated person’s report as a local municipality that is to contribute to the financing of the expenditures relating to the equipment or share the revenue generated by the equipment; or

(4) any other municipal body determined in the designated person’s report as the municipal body that is to be responsible for managing the equipment.

For the purpose of facilitating an agreement among the bodies concerned, the Minister may appoint a conciliator.

At the request of a body concerned or of the conciliator, the Minister may give the bodies concerned additional time to enter into an agreement and send a copy to the Minister.

The agreement replaces any stipulation in a current agreement concerning the same matter and the same equipment.

**“624.8.** If a copy of the agreement is not received within the time prescribed, the Minister may request the conciliator appointed under article 624.7 to report to the Minister on the situation, or appoint a conciliator to do so.

**“624.9.** In the absence of an agreement under article 624.7, the Government may adopt any measure pertaining to the management of the equipment, the financing of the expenditures relating to the equipment and the sharing of the revenue generated by the equipment.

The measure replaces any stipulation in a current agreement concerning the same matter and the same equipment.

**“624.10.** The Order in Council comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

It may be revoked without a new study under article 624.2 being carried out concerning the equipment.

**“624.11.** The Minister may, if new circumstances justify it, designate a person to carry out a new study in respect of any equipment determined by the Minister.

**“624.12.** This division also applies, with the necessary modifications, in respect of an infrastructure, a service or an activity.

If the service is supplied or the activity is carried on in relation to an event, it makes no difference whether the event is organized by the local municipality or by a third person.

**“624.13.** This division does not apply in respect of equipment listed in Schedule V to the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or any equipment, infrastructure, service or activity that the Communauté métropolitaine de Montréal or the Communauté métropolitaine de Québec has designated as being of metropolitan scope under section 157.1 of the Act respecting the Communauté métropolitaine de Montréal or section 149 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), as the case may be.

Nor does it apply in respect of any equipment, infrastructure, service or activity that a regional county municipality has designated as being of a supralocal nature under article 681.1.”

**51.** Article 678.0.2.4 of the said Code is amended by replacing the second paragraph by the following paragraphs:

“Failing an agreement within the time limit determined in the first paragraph, the regional county municipality may, not later than 15 days following the expiry of the time limit, request that the Minister of Municipal Affairs, Sports and Recreation appoint an arbitrator to establish the conditions mentioned in the first paragraph. The secretary-treasurer of the regional county municipality must, as soon as practicable after the adoption of the resolution setting out the request, forward a certified copy thereof to the local municipality.

The decision of the arbitrator applies, in the case of the acquisition of jurisdiction by the regional county municipality, as if the municipalities had entered into an agreement under the first paragraph.

Articles 944 to 944.10 and 945.1 to 945.8 of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to the arbitration provided for in the second paragraph.

The fees of the arbitrator are determined by the Minister. The costs of the arbitration are paid in equal shares by the municipalities, unless the arbitrator decides otherwise, giving reasons.”

**52.** Article 678.0.2.7 of the said Code is amended by replacing “the Commission municipale du Québec” in the first line of paragraph 3 by “the arbitrator”.

**53.** Article 681.1 of the said Code is amended

(1) by replacing “section 24.5 of the Act respecting the Commission municipale (chapter C-35)” in the sixth and seventh lines of the first paragraph by “article 624.1”;

(2) by replacing “section 24.13 of the Act respecting the Commission municipale” in the seventh and eighth lines of the second paragraph by “article 624.9 or section 469.10 of the Cities and Towns Act (chapter C-19)”.

**54.** Article 711.23 of the said Code is amended by replacing “the Commission municipale du Québec” in the second line of the first paragraph by “the Minister of Municipal Affairs, Sports and Recreation appoint an arbitrator to”.

**55.** Article 711.24 of the said Code is amended

(1) by replacing “Where a request under article 711.23 has been brought before the Commission, it may, after inquiry,” in the first and second lines of the first paragraph by “The arbitrator appointed under article 711.23 may”;

(2) by replacing “the Commission” in the first and second lines of the second paragraph by “the arbitrator”;

(3) by adding the following paragraphs after the second paragraph:

“Articles 944 to 944.10 and 945.1 to 945.8 of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to the arbitration provided for in the first paragraph.

The fees of the arbitrator are determined by the Minister. The costs of the arbitration are paid in equal shares by the municipalities, unless the arbitrator decides otherwise, giving reasons.”

**56.** Subdivision 3 of Division II of Chapter II of Title XIX of the said Code, comprising articles 763 to 765, is repealed.

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

**57.** Section 149 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01), amended by section 122 of chapter 20 of the statutes of 2004, is again amended

(1) by striking out “or the Commission municipale du Québec” in the second line of the first paragraph;

(2) by striking out “or the Commission” in the second and third lines of the second paragraph.

**58.** Section 157.1 of the said Act is amended by replacing “section 24.13 of the Act respecting the Commission municipale (chapter C-35)” in the second and third lines of the second paragraph by “article 624.9 of the Municipal Code of Québec (chapter C-27.1) or section 469.10 of the Cities and Towns Act (chapter C-19)”.

**59.** Section 182 of the said Act is amended by striking out the second paragraph.

**60.** Section 231 of the said Act is replaced by the following section:

“**231.** No by-law of a municipality whose territory is situated within or without the territory of the Community may be considered to operate to prevent the Community from occupying any immovable in the territory of the municipality which it is entitled to occupy in the exercise of the jurisdiction assigned to it by this Act.”

**61.** Section 232 of the said Act is amended by striking out “the Act respecting the Commission municipale (chapter C-35),” in the third and fourth lines of the first paragraph.

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

**62.** Section 141 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02), amended by section 130 of chapter 20 of the statutes of 2004, is again amended

(1) by striking out “or the Commission municipale du Québec” in the second line of the first paragraph;

(2) by striking out “or the Commission” in the second and third lines of the second paragraph.

**63.** Section 149 of the said Act is amended by replacing “section 24.13 of the Act respecting the Commission municipale (chapter C-35)” in the second and third lines of the second paragraph by “article 624.9 of the Municipal Code of Québec (chapter C-27.1) or section 469.10 of the Cities and Towns Act (chapter C-19)”.

**64.** Section 172 of the said Act is amended by striking out the second paragraph.

**65.** Section 218 of the said Act is replaced by the following section:

“**218.** No by-law of a municipality whose territory is situated within or without the territory of the Community may be considered to operate to prevent the Community from occupying any immovable in the territory of the municipality which it is entitled to occupy in the exercise of the jurisdiction assigned to it by this Act.”

**66.** Section 219 of the said Act is amended by striking out “the Act respecting the Commission municipale (chapter C-35),” in the second and third lines of the first paragraph.

#### ACT RESPECTING MUNICIPAL COURTS

**67.** Section 18 of the Act respecting municipal courts (R.S.Q., chapter C-72.01) is replaced by the following section:

“**18.** Where the conciliator fails to bring the parties to an agreement, the Minister of Justice may, on the application of one of the parties, notice of which is given to the other party, appoint an arbitrator to render the decision the arbitrator considers equitable after hearing the municipalities concerned and examining the conciliation report received from the Minister.

Articles 944 to 944.10, 945.1 to 945.8 and 946 to 946.6 of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to the arbitration provided for in the first paragraph.

The fees of the arbitrator are determined by the Minister. The costs of the arbitration and those relating to the application for homologation are paid in equal shares by the municipalities, unless the arbitrator or the court, as the case may be, decides otherwise, giving reasons.”

**68.** Section 97 of the said Act is amended by replacing “an investigation under the Act respecting the Commission municipale (chapter C-35)” in the first and second lines of the second paragraph by “an investigation by a person designated by the Minister of Justice”.

**69.** Section 98 of the said Act is amended by replacing paragraph 1 by the following paragraph:



“(1) during or after the investigation conducted by the person designated by the Minister of Justice, appoint a person to administer the municipal court for the period it determines;”.

## ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**70.** Section 62 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2) is amended by striking out paragraph 5.

**71.** Section 70 of the said Act is amended

(1) by replacing “the Commission municipale du Québec” in the third line of the first paragraph by “the chief electoral officer”;

(2) by replacing “the Commission” in the fourth line of the second paragraph by “the chief electoral officer”;

(3) by replacing the fourth paragraph by the following paragraph:

“The Commission des relations du travail may, for cause, dismiss the returning officer and designate a substitute.”

**72.** Section 320 of the said Act is amended

(1) by replacing “the Commission municipale du Québec” in the fourth line of the first paragraph by “the Minister of Municipal Affairs, Sports and Recreation”;

(2) by replacing “The Commission” in the first line of the second paragraph by “The Minister”;

(3) by replacing “It” and “its” in the second line of the second paragraph by “The Minister” and “the”, respectively;

(4) by replacing “The Commission” in the first line of the third paragraph by “The Minister”;

(5) by replacing “even though it has not been” in the first line of the third paragraph by “despite not having been”;

(6) by replacing “the Commission” in the first line of the fourth paragraph by “the Minister”;

(7) by replacing “it” in the second line of the fourth paragraph by “the Minister” and “its” in the third line of the fourth paragraph by “the”.

**73.** Section 321 of the said Act is amended

(1) by replacing “the Commission’s” in the first line of the first paragraph by “the Minister’s”;

(2) by replacing “the Commission” in the third line of the second paragraph by “the Minister”;

(3) by replacing “the Commission’s” in the fourth line of the second paragraph by “the Minister’s”;

(4) by replacing “The Commission” in the first line of the third paragraph by “The Minister”;

(5) by replacing “it” in the second line of the third paragraph by “the Minister”.

**74.** Section 322 of the said Act is amended by replacing “the Commission” in the first line of the first paragraph by “the Minister”.

**75.** Section 324 of the said Act is amended

(1) by replacing “the Commission” in the second line of the first paragraph by “the Minister”;

(2) by replacing “the Commission” in the first line of the second paragraph by “the Minister”.

#### ACT RESPECTING MUNICIPAL TAXATION

**76.** Section 1 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is amended by striking out the definition of “Commission” in the first paragraph.

**77.** Section 7 of the said Act is amended

(1) by replacing “determined by mutual agreement or, failing agreement and at the request of one of the bodies, by the Commission” in the fourth, fifth and sixth lines by “determined jointly by the bodies”;

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

“If the bodies disagree on the transfer conditions, one of the bodies may request that the Minister appoint an arbitrator to determine them in their place. The clerk of the body that makes the request must, as soon as possible after the adoption of the resolution setting out the request, forward a certified copy of the resolution to the other body.

The transfer conditions determined by the arbitrator are deemed to have been determined jointly by the bodies.

Articles 944 to 944.10 and 945.1 to 945.8 of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to the arbitration provided for in the second paragraph.

The fees of the arbitrator are determined by the Minister. The costs of the arbitration are paid in equal shares by the bodies, unless the arbitrator decides otherwise, giving reasons.”

**78.** Section 177 of the said Act are amended by replacing “of the Commission” in the third line of the second paragraph by “of the municipal body responsible for assessment or the Tribunal, as the case may be,”.

**79.** The heading of Division III.0.1 of Chapter XVIII of the said Act is amended by striking out “GRANTED BY THE COMMISSION”.

**80.** The said Act is amended by inserting the following subdivision after the heading of Division III.0.1 of Chapter XVIII:

“§ 0.1. — *Responsibility of the municipal body responsible for assessment*

“**243.0.1.** The municipal body responsible for assessment is responsible for granting or revoking a recognition in accordance with this division.

The body shall act through a person whom it designates for that purpose. Sections 71 to 72.2 and 73.1 of the Cities and Towns Act (chapter C-19) apply in respect of the person if the person is an officer or employee of the body.

“**243.0.2.** In the month of January of each year, the clerk of the municipal body responsible for assessment shall publish a public notice, in a newspaper distributed in its territory, setting out, in particular,

(1) the fact that a non-profit legal person has a right to recognition on certain conditions;

(2) the procedure to be followed in applying for recognition.”

**81.** Section 243.1 of the said Act is amended

(1) by replacing “The Commission may, in accordance with the provisions of this division, grant” in the first and second lines of the first paragraph by “The municipal body responsible for assessment may, in accordance with this division, grant”;

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

“The body may, in the same manner, revoke the recognition.”

**82.** Section 243.5 of the said Act is amended by striking out the second and third paragraphs.

**83.** The said Act is amended by inserting the following subdivisions after section 243.11:

“§ 2.1. — *Application for recognition*

“**243.11.1.** An application for recognition must be in the form prescribed by the regulation made under paragraph 2 of section 263 and be accompanied by the documents required in the form. Otherwise, the application is deemed not to have been filed.

“**243.11.2.** The application is filed by presenting the form, duly filled out, and the required documents at the office of the municipal body responsible for assessment or at any other location determined by the body. The application may also be filed by sending the form, duly filled out, and the required documents by registered mail to the body; in such a case, the application is deemed to have been filed on the day it is sent.

The sum of money determined in the by-law passed by the body under section 263.2 must be included with the form. Otherwise, the application is deemed not to have been filed.

The personnel on duty at a location at which an application for recognition is filed must assist a person who requires assistance in filling out the form.

“**243.11.3.** The municipal body responsible for assessment shall send a copy of the form as soon as possible to the local municipality and the school board in whose territory the immovable to which the application relates is situated.

“§ 2.2. — *Decision on the application*

“**243.11.4.** The decision of the municipal body responsible for assessment must be rendered in writing and give reasons.

“**243.11.5.** Subject to the fourth paragraph, the municipal body responsible for assessment shall send a copy of its decision to the applicant within 60 days of the filing of the application. Otherwise, the body is deemed to have refused the application.

A copy of the decision shall also be sent, on the same day, to the local municipality and the school board in whose territory the immovable to which the decision relates is situated.

At the same time as the body sends copies in accordance with the first or second paragraph, it shall inform the addressee of the right granted under section 243.19 and of the time within which it may be exercised.

The municipal body may, where warranted by exceptional circumstances, give itself an additional 60-day period to render its decision. As soon as

possible and before the time provided for in the first paragraph has expired, the body shall notify the applicant, the local municipality, the school board and the Tribunal in writing of the additional time it has given itself.”

**84.** Section 243.12 of the said Act is amended

(1) by replacing “The Commission” in the first line of the first paragraph by “The municipal body responsible for assessment”;

(2) by replacing “received” in the second line of the second paragraph by “filed”;

(3) by replacing “received” in the third line of the third paragraph by “filed”;

(4) by replacing “the Commission” in the fifth line of the third paragraph by “the body”.

**85.** Section 243.13 of the said Act is replaced by the following sections:

**“243.13.** The recognition giving rise to a property tax exemption and that giving rise to a business tax exemption cease to be in force, respectively, nine and five years after the date of coming into force or, if it is earlier, at the time when they lapse by operation of law or are revoked under the provisions of subdivisions 4 and 5.

The recognition described in the first paragraph also ceases to be in force, retroactively to the date of its coming into force, if, following a proceeding brought under section 243.19, the Tribunal quashes the decision of the municipal body responsible for assessment. If the recognition ceases to be in force on the effective date of the decision of the body that revokes it, the recognition comes into force again, retroactively to that date, if the Tribunal quashes the decision following such a proceeding.

**“243.13.1.** Before the end of the applicable period specified in the first paragraph of section 243.13, the municipal body responsible for assessment shall notify the recognized person of the date on which the recognition ceases to be in force, of the recognized person’s right to file a new application for recognition and of the procedure to be followed in exercising that right.”

**86.** Section 243.17 of the said Act is amended

(1) by replacing “The Commission may” in the first line of the first paragraph by “The municipal body responsible for assessment must”;

(2) by striking out the second paragraph.

**87.** Section 243.18 of the said Act is amended

(1) by replacing “The Commission” in the first line of the first paragraph by “The municipal body responsible for assessment”;

(2) by replacing “the Commission, according to whether it acts on request or on its own initiative, receives the request or” in the second paragraph by “the body”.

**88.** The said Act is amended by inserting the following sections after section 243.18:

“**243.18.1.** The decision of the municipal body responsible for assessment must be rendered in writing and give reasons.

“**243.18.2.** The municipal body responsible for assessment shall send a written copy of its decision to the person whose recognition it revokes.

A copy of the decision shall also be sent, on the same day, to the local municipality and the school board in whose territory the immovable to which the decision relates is situated.

At the same time as the body sends copies in accordance with the first or second paragraph, it shall inform the addressee of the right granted under section 243.19 and of the time within which it may be exercised.”

**89.** Subdivisions 6 and 7 of Division III.0.1 of Chapter XVIII of the said Act are replaced by the following subdivision:

“§ 6. — *Proceeding before the Tribunal*

“**243.19.** A decision rendered under section 243.11.4 or 243.18.1 may be contested before the Tribunal, by the person who was recognized, whose application for recognition was refused or whose recognition was revoked, as the case may be.

The local municipality and the school board in whose territory the immovable to which the decision relates is situated may also bring a proceeding under the first paragraph.

“**243.20.** The proceeding must be brought within 30 days after the decision is sent or, if no decision is sent within the prescribed time limit, within 30 days after the time limit expires.

A proceeding which, by reason of circumstances of irresistible force, could not be brought within the time limit provided in the first paragraph may be brought within 60 days after those circumstances cease to exist.

“**243.21.** The following persons are parties to the proceeding before the Tribunal by the sole fact of the filing of the motion:

(1) the person who was recognized, whose application for recognition was refused or whose recognition was revoked, as the case may be;

(2) the municipal body responsible for assessment;

(3) the local municipality in whose territory the immovable to which the contested decision relates is situated;

(4) the school board in whose territory the immovable to which the contested decision relates is situated;

(5) the user of the immovable to which the contested decision relates.

**“243.22.** Unless the Tribunal decides otherwise for special reasons, the losing party shall pay the costs of the adverse party in accordance with the tariff determined by a regulation made by the Government under section 92 of the Act respecting administrative justice (chapter J-3).

**“243.23.** The costs awarded to a party by the Tribunal shall, on the party’s written application, be taxed by the person authorized under section 243.25 upon two days’ notice to the other party.

A party may, within 10 days after the decision relating to the taxation, contest the decision, by means of a notice in writing to the secretary, before the member of the Tribunal who presided over the hearing.

**“243.24.** Witnesses, advocates, stenographers, stenotypists and persons recording and transcribing the depositions have a recourse for their taxed costs against the party that retained their services and, if the adverse party, on a decision of the Tribunal, is bound to pay the costs, against the latter party as well. The former party has a right of subrogation against the latter.

**“243.25.** The costs referred to in sections 243.23 and 243.24 shall be taxed by the secretary of the Tribunal or by any other person designated by the president of the Tribunal.”

**90.** Section 263 of the said Act, amended by section 189 of chapter 20 of the statutes of 2004, is again amended by adding the following subparagraph after subparagraph *f* of paragraph 2:

“(g) forms for applications for recognition;”.

**91.** Section 263.2 of the said Act is amended

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

“The body may also pass a by-law requiring the payment of a fee upon the filing of an application for recognition and determining the amount of the fee, which must not exceed the amount fixed by the Government.”;

(2) by replacing “The sum” in the first line of the third paragraph by “The sum or fee required under the first or third paragraph”;

(3) by replacing “The power provided for in the first paragraph replaces, in such matters” in the first line of the fourth paragraph by “The powers provided for in the first and third paragraphs replace, in such matters”.

**92.** Sections 509, 519, 519.1, 528 and 549 of the said Act are repealed.

#### ACT RESPECTING CERTAIN PUBLIC UTILITY INSTALLATIONS

**93.** Sections 2 and 3 of the Act respecting certain public utility installations (R.S.Q., chapter I-13) are replaced by the following sections:

**“2.** Any interested party may contest before the Administrative Tribunal of Québec a decision made by Hydro-Québec or a municipality in respect of the shared use of a public utility installation.

**“3.** If the Tribunal’s decision is likely to derogate from a by-law passed by the council of a municipality, the municipality becomes a party to the proceeding.”

#### EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

**94.** Section 233 of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., chapter I-14) is amended by striking out “, the Commission municipale du Québec” in the second and third lines of the third paragraph.

**95.** Section 427 of the said Act is amended by striking out “and the Commission municipale du Québec” in the third line of the first paragraph.

#### ACT RESPECTING ADMINISTRATIVE JUSTICE

**96.** Section 32 of the Act respecting administrative justice (R.S.Q., chapter J-3) is amended by replacing “exemptions from or refunds of property taxes or the business tax” in the fourth line by “a recognition giving rise to an exemption from property taxes or the business tax, a refund from such taxes”.

**97.** Section 159 of the said Act is amended by adding the following paragraph at the end:

“However, no such appeal lies from decisions rendered by the Tribunal on proceedings under

(1) sections 205 and 206 of Schedule C to the Charter of Ville de Montréal (chapter C-11.4);



(2) sections 136, 140 and 145 of Schedule C to the Charter of Ville de Québec (chapter C-11.5);

(3) paragraph 18 of section 415 of the Cities and Towns Act (chapter C-19);

(4) paragraph 7 of article 557 of the Municipal Code of Québec (chapter C-27.1);

(5) section 243.19 of the Act respecting municipal taxation (chapter F-2.1);

(6) section 2 of the Act respecting certain public utility installations (chapter I-13);

(7) section 33 of the Act respecting the Société du parc industriel et portuaire de Bécancour (chapter S-16.001).”

**98.** Schedule II to the said Act is amended

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

“(3.0.0.1) proceedings under paragraph 18 of section 415 of the Cities and Towns Act (chapter C-19);”;

(2) by inserting “paragraph 7 of article 557 and” after “under” in the first line of paragraph 3.0.1;

(3) by replacing “under Chapter X” in the first line of paragraph 5 by “under sections 138.5, 138.5.1 and 243.19”;

(4) by inserting the following paragraph after paragraph 5:

“(5.1) proceedings under section 2 of the Act respecting certain public utility installations (chapter I-13);”;

(5) by inserting the following paragraph after paragraph 10:

“(10.1) proceedings under section 33 of the Act respecting the Société du parc industriel et portuaire de Bécancour (chapter S-16.001);”;

(6) by replacing “and 192” in the first line of paragraph 12 by “, 192, 205 and 206”;

(7) by replacing “and 86” in the first line of paragraph 13 by “, 86, 136, 140 and 145”.

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES,  
DU SPORT ET DU LOISIR

**99.** Section 11 of the Act respecting the Ministère des Affaires municipales, du Sport et du Loisir (R.S.Q., chapter M-22.1) is repealed.

**100.** Section 14 of the said Act is repealed.

**101.** Section 16 of the said Act is replaced by the following sections:

“**16.** The Minister or a person designated by the Minister may inquire into any matter pertaining to the administration of a municipality.

The Minister or the person designated by the Minister is vested, for the purposes of the investigation, with the immunity and powers of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

“**16.1.** The Minister may, following an investigation under section 16, give instructions to the council of the municipality that was investigated. The council must comply with the instructions and take the measures prescribed by the Minister.

Section 13 applies, with the necessary modifications, to the Minister’s instructions.

“**16.2.** The Government may order that all or part of the functions of a municipality be suspended for the period it determines and appoint an administrator to exercise those functions.

The Government may grant the administrator the power to annul, subject to the rights of third persons in good faith, any decision made by the municipality in the exercise of a function that has been suspended.

The Government may require that the municipality have all or part of its decisions approved by the administrator before they may become effective.

“**16.3.** If a municipal council can no longer validly sit, the Minister may appoint an administrator to exercise the functions of the council as long as the situation lasts and, if the mayor and acting mayor are unable to act or the offices of mayor and acting mayor are vacant, to exercise the functions of the mayor.”

**102.** Section 17.7 of the said Act is amended by adding the following paragraph after the second paragraph:

“The Minister may appoint any person to hold a public hearing on any matter under the Minister’s jurisdiction and to report to the Minister within the time the Minister prescribes.”

## ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

**103.** Sections 22 and 23 of the Act respecting municipal territorial organization (R.S.Q., chapter O-9) are repealed.

**104.** Section 53 of the said Act is amended by replacing “to” in the first line by “, 55 and”.

**105.** Sections 56, 57, 93 and 94 of the said Act are repealed.

**106.** Section 98 of the said Act is amended by inserting “103 and” after “to” in the first line.

**107.** Sections 104, 105, 140 and 141 of the said Act are repealed.

**108.** Section 145 of the said Act is amended by inserting “150 and” after “to” in the first line.

**109.** Sections 151 and 152 of the said Act are repealed.

**110.** Section 158 of the said Act is amended by inserting “150 and” after “to” in the second line of the first paragraph.

**111.** Sections 184 and 185 of the said Act are repealed.

**112.** Section 195 of the said Act is amended by replacing “185” in the first line of the first paragraph by “183”.

**113.** Sections 210.3.6, 210.3.7, 210.15, 210.16, 210.35 and 210.36 of the said Act are repealed.

**114.** Section 210.44 of the said Act is amended

(1) by inserting “210.34 and 210.37 to” after the first “to” in the first line of the first paragraph;

(2) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) for the purposes of section 210.31, each regional county municipality whose territory is affected by the amalgamation is considered to be a local municipality referred to in that section, except that the time limit under the second paragraph of that section is 60 days;”.

**115.** Section 210.53 of the said Act is amended

(1) by inserting “210.34 and 210.37 to” after the first “to” in the first line of the first paragraph;

(2) by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) for the purposes of section 210.31, the regional county municipality whose territory is affected by the division is considered to be a local municipality referred to in that section, except that the time limit under the second paragraph of that section is 60 days;”.

**116.** Sections 210.67 and 210.68 of the said Act are repealed.

**117.** Section 210.72 of the said Act is amended by inserting “210.76 and” after “to” in the first line.

**118.** Sections 210.77 and 210.78 of the said Act are repealed.

#### ENVIRONMENT QUALITY ACT

**119.** Section 34 of the Environment Quality Act (R.S.Q., chapter Q-2) is amended by replacing the third, fourth and fifth paragraphs by the following paragraphs:

“Failing an agreement, the Minister may, at the request of one of the parties, notice of which is given to the other party, appoint an arbitrator to fix the rates for the sale of water or sewer service between municipalities or between a municipality and a person referred to in section 32.1, or for the sale of water by a person or the provision of water treatment by a person to a municipality.

The decision of the arbitrator must in all cases respect the rules of cost apportionment prescribed by articles 573 to 575 of the Municipal Code of Québec (chapter C-27.1).

Articles 944 to 944.10, 945.1 to 945.8 and 946 to 946.6 of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to the arbitration provided for in the third paragraph.

The fees of the arbitrator are determined by the Minister. The costs of the arbitration and those relating to the homologation are paid in equal shares by the parties, unless the arbitrator or the court, as the case may be, decides otherwise, giving reasons.”

**120.** Section 64.2 of the said Act is amended by replacing “the Commission municipale du Québec” in the third and fourth lines by “the Minister or the Administrative Tribunal of Québec, as the case may be”.

**121.** Section 64.4 of the said Act is amended

(1) by replacing “The Commission” in the first line of the first paragraph by “The Minister”;

(2) by replacing “It” in the second line of the first paragraph by “The Minister or any person designated by the Minister to investigate”;

(3) by replacing the second paragraph by the following paragraph:

“For that purpose, the Minister or the investigator is vested with the immunity and powers of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment. Section 2 of that Act applies to the investigator.”

**122.** Section 64.6 of the said Act is amended

(1) by replacing “the Commission” in the first line of the first paragraph by “the Minister”;

(2) by replacing “it” in the third line of the first paragraph by “the Minister” and “its” in the fourth line of that paragraph by “the”.

**123.** Section 64.7 of the said Act is amended

(1) by replacing “The Commission” in the first line of the first paragraph by “The Minister”;

(2) by replacing “it” in the first line of the first paragraph by “the Minister”;

(3) by replacing “its” in the fourth line of the first paragraph by “the”;

(4) by replacing “the Commission” in the first line of the second paragraph by “the Minister” and “its” in the second line of that paragraph by “the”.

**124.** Section 64.8 of the said Act is amended

(1) by replacing “The Commission” and “its” in the first line of the first paragraph by “The Minister” and “a”, respectively;

(2) by replacing “of the Commission” in the first line of the second paragraph by “of the Minister”;

(3) by replacing “the Commission” in the first line of the third paragraph by “of the Minister”;

(4) by replacing “the Commission” in the second line of the fourth paragraph by “the Minister”.

**125.** Section 64.9 of the said Act is repealed.

**126.** Section 64.12 of the said Act is amended by replacing “the Commission” in the second line by “the Minister”.

**127.** Section 96 of the said Act is amended by inserting “or changes prices under section 64.4” after “section 32.9” in the second line of the third paragraph.

**128.** Section 123.2 of the said Act is amended

(1) by striking out “or of the Commission municipale du Québec in respect of water tax or water rates rendered on or after 21 December 1972” in the first, second and third lines of the first paragraph;

(2) by striking out the second paragraph.

#### ACT RESPECTING THE SOCIÉTÉ DU PARC INDUSTRIEL ET PORTUAIRE DE BÉCANCOUR

**129.** Section 33 of the Act respecting the Société du parc industriel et portuaire de Bécancour (R.S.Q., chapter S-16.001) is amended

(1) by replacing “Commission municipale du Québec, on an application of the Société but after having heard the town, may” in the second and third lines by “Société may request to the Administrative Tribunal of Québec”;

(2) by inserting “to” before “suspend” in the first line of paragraph 1 and by replacing “the Commission” in the third line of that paragraph by “the Tribunal”;

(3) by inserting “to” before “decide” in paragraph 2 and by replacing “statuer” in the first line of that paragraph in the French text by “statue”.

**130.** Section 34 of the said Act is amended by replacing “the Commission municipale du Québec” in the second line by “the Administrative Tribunal of Québec”.

#### ACT RESPECTING MUNICIPAL AND PRIVATE ELECTRIC POWER SYSTEMS

**131.** Section 14 of the Act respecting municipal and private electric power systems (R.S.Q., chapter S-41) is repealed.

#### CREE VILLAGES AND THE NASKAPI VILLAGE ACT

**132.** Section 27 of the Cree Villages and the Naskapi Village Act (R.S.Q., chapter V-5.1), which replaces section 64 of the Cities and Towns Act (Revised Statutes of Québec, 1964, chapter 193) for the Cree villages and the Naskapi village, is amended by striking out “submitted to the Commission municipale du Québec for approval” in the first and second lines of the third paragraph of the new section.

**133.** Section 36 of the Cree Villages and the Naskapi Village Act, which amends section 429 of the Cities and Towns Act for the Cree villages and the

Naskapi village, is amended by striking out “, and shall be subject to the approval of the Commission municipale du Québec before coming into force” in the sixth and seventh lines of the first paragraph of new paragraph 1.

**134.** Section 42 of the Cree Villages and the Naskapi Village Act, which amends section 473 of the Cities and Towns Act for the Cree villages and the Naskapi village, is amended by replacing “, and, in such case, only the approval of the Commission municipale du Québec” in the third and fourth lines of the second paragraph of new paragraph 6 by “. However, if the period exceeds five years, the prior authorization of the Minister of Municipal Affairs, Sports and Recreation”.

**135.** Section 46 of the Cree Villages and the Naskapi Village Act, which replaces section 580 of the Cities and Towns Act for the Cree villages and the Naskapi village, is amended by replacing the first paragraph of the new section by the following paragraph:

“**580.** The municipality may, by a by-law requiring the approval of the Minister of Municipal Affairs, Sports and Recreation, borrow sums of money for all objects within its jurisdiction.”

#### ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

**136.** Section 20 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing “, the members of the Commission municipale du Québec and those” by “and the members” in the second and third lines of subparagraph 1 of the first paragraph.

**137.** Section 40 of the said Act is amended by replacing “, the Minister or the Commission municipale du Québec” in the fifth and sixth lines of subsection 5 by “or the Minister”.

**138.** Section 386 of the said Act is amended by striking out the fourth paragraph.

**139.** Section 397 of the said Act is amended by striking out the second sentence.

**140.** Section 408 of the said Act is amended by striking out “the Act respecting the Commission municipale (chapter C-35),” in the third and fourth lines.

ACT TO AMEND THE ACT TO PRESERVE AGRICULTURAL LAND  
AND OTHER LEGISLATIVE PROVISIONS IN ORDER TO PROMOTE  
THE PRESERVATION OF AGRICULTURAL ACTIVITIES

**141.** Section 78 of the Act to amend the Act to preserve agricultural land and other legislative provisions in order to promote the preservation of agricultural activities (1996, chapter 26), amended by section 175 of chapter 93 of the statutes of 1997, is again amended

(1) by replacing “submitted to the Commission municipale du Québec and the decision to be rendered by the Commission” in the ninth and tenth lines of the third paragraph by “submitted to the Minister of Municipal Affairs, Sports and Recreation and the decision to be rendered by the Minister”;

(2) by replacing “submitted to the Commission municipale du Québec and the decision to be rendered by the Commission” in the seventh and eighth lines of the fifth paragraph by “submitted to the Minister and the decision to be rendered by the Minister”.

ACT TO AMEND THE CHARTER OF THE CITY OF LAVAL

**142.** Section 13 of the Act to amend the charter of the City of Laval (1999, chapter 91) is amended by replacing “to the Commission municipale du Québec” in the fifth line by “to the Minister of Municipal Affairs, Sports and Recreation”.

**143.** Section 14 of the said Act is amended

(1) by replacing “the Commission municipale du Québec” in the fourth line by “the Minister of Municipal Affairs, Sports and Recreation”;

(2) by striking out “of Municipal Affairs and Greater Montréal” in the fifth line.

ACT RESPECTING THE COMMISSION DE L’AQUEDUC DE LA VILLE  
DE LA TUQUE

**144.** Section 2 of the Act respecting the Commission de l’aqueduc de la Ville de La Tuque (1999, chapter 102) is amended

(1) by replacing “the Commission municipale du Québec” in the fifth and sixth lines by “an arbitrator appointed by the Minister of Municipal Affairs, Sports and Recreation”;

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

“The designation made by the arbitrator is deemed to have been made by the other persons designated under the first paragraph.



Articles 944 to 944.10 and 945.1 to 945.8 of the Code of Civil Procedure (R.S.Q., chapter C-25) apply, with the necessary modifications, to the arbitration provided for in the first paragraph.

The fees of the arbitrator are determined by the Minister. The costs of the arbitration are paid in equal shares by the municipality and the company, unless the arbitrator decides otherwise, giving reasons.”

**145.** Section 11 of the said Act is replaced by the following section:

“**11.** If, on 1 January of a given year, no budget has been adopted for that year, an arbitrator appointed by the Minister of Municipal Affairs, Sports and Recreation may, on application by the town or the company with notice to the other party, adopt the budget of the Commission after hearing the parties.

Articles 944 to 944.10 and 945.1 to 945.8 of the Code of Civil Procedure (R.S.Q., chapter C-25) apply, with the necessary modifications, to the arbitration provided for in the first paragraph.

The fees of the arbitrator are determined by the Minister. The costs of the arbitration are paid in equal shares by the parties, unless the arbitrator decides otherwise, giving reasons.”

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

**146.** Section 86 of the Act respecting the consultation of citizens with respect to the territorial reorganization of certain municipalities (2003, chapter 14) is amended

(1) by replacing “the Commission municipale du Québec” in the third line of the first paragraph by “an arbitrator that the Minister designates”;

(2) by replacing the second paragraph by the following paragraphs:

“Articles 944 to 944.10 and 945.1 to 945.8 of the Code of Civil Procedure (R.S.Q., chapter C-25) apply, with the necessary modifications, to the arbitration provided for in the first paragraph.

The fees of the arbitrator are determined by the Minister. The costs of the arbitration are paid by the municipality that is party to the dispute.”

**147.** Section 106 of the said Act is amended by inserting “as it read before 1 April 2005” after “(R.S.Q., chapter C-35)” in the fourth line of subparagraph 3 of the second paragraph.

## TRANSITIONAL AND FINAL PROVISIONS

**148.** As of (*insert the date of assent to this Act*), the Commission municipale du Québec is competent exclusively to decide, on the basis of the provisions applicable on (*insert the date preceding the date of assent to this Act*), any proceeding pending before it on the latter date.

**149.** Any recognition granted by the Commission municipale du Québec under Division III.0.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) as it read before being amended by sections 79 to 89 has effect as if it had been granted, under the amended provisions, by the municipal body responsible for assessment that has jurisdiction in respect of the local municipality in whose territory the immovable for which the recognition was granted is situated.

**150.** For the purposes of the processing of applications for recognition filed with the municipal body responsible for assessment between (*insert the date of assent to this Act*) and 1 February 2005, the 60-day period provided for in the first paragraph of section 243.11.5 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by section 83, is replaced by a 120-day period.

**151.** Until the coming into force of a government order made under the third paragraph of section 263.2 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by section 91, the amount that a municipal body responsible for assessment may determine under that paragraph may not exceed \$60.

**152.** Until the coming into force of a by-law passed by the municipal body responsible for assessment under the third paragraph of section 263.2 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by section 91, the sum of money that must be included with the form when an application for recognition is filed is \$60.

**153.** Any proceeding relating to an application for recognition pending before the Commission municipale du Québec on 31 March 2005 is transferred to the municipal body responsible for assessment that has jurisdiction in respect of the local municipality in whose territory the immovable that is the subject of the application is situated.

The municipal body responsible for assessment shall process the application in accordance with the provisions of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) in force on the date of the transfer, subject to the following:

(1) the application is deemed to have been filed in accordance with section 243.11.2 of the Act respecting municipal taxation ;

(2) the municipal body has until 1 August 2005 to render its decision on the application;

(3) for the purposes of the second paragraph of section 243.12 of the Act respecting municipal taxation, the application is deemed to have been filed on the date it was received by the Commission municipale du Québec.

**154.** Any proceeding pending before the Commission municipale du Québec on 31 March 2005 brought under section 575 of the Charter of the city of Montréal (1959-60, chapter 102) as it read before its repeal by section 200 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), under section 205 of Schedule C to the Charter of Ville de Montréal or under section 2 of the Act respecting certain public utility installations (R.S.Q., chapter I-13) is transferred before the immovable property division of the Administrative Tribunal of Québec.

**155.** The records and other documents of the Commission municipale du Québec pertaining to proceedings relating to applications for recognition pending before it on 31 March 2005 become records and documents of the municipal body responsible for assessment that has jurisdiction in respect of the local municipality in whose territory the immovable that is the subject of the application is situated.

The records and other documents of the Commission municipale du Québec pertaining to proceedings pending before it on 31 March 2005 under section 575 of the Charter of the city of Montréal (1959-60, chapter 102) as it read before its repeal by section 200 of the Charter of Ville de Montréal (R.S.Q., chapter C-11.4), under section 205 of Schedule C to the Charter of Ville de Montréal or under section 2 of the Act respecting certain public utility installations (R.S.Q., chapter I-13) become records and documents of the Administrative Tribunal of Québec.

The other records and documents of the Commission municipale du Québec become records and documents of the Ministère des Affaires municipales, du Sport et du Loisir.

**156.** The members of the personnel of the Commission municipale du Québec become members of the personnel of the Ministère des Affaires municipales, du Sport et du Loisir or the Administrative Tribunal of Québec to the extent determined by the Government.

**157.** The terms of office of the members of the Commission municipale du Québec in office on 31 March 2005 end on 1 April 2005 subject to the conditions determined by the Government.

**158.** The Attorney General becomes party to any proceeding brought against the Commission municipale du Québec without continuance of suit.

**159.** The Minister of Municipal Affairs, Sports and Recreation must include in the Minister's annual report for the fiscal year 2004-2005 the activities carried out by the Commission municipale du Québec during that year.

**160.** This Act comes into force on (*insert the date of assent to this Act*), except sections 1, 2, 24, 35, 44, 70, 136 and 153 to 159, which come into force on 1 April 2005.







