



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 95

An Act to amend various legislative provisions respecting municipal affairs

Introduction

**Introduced by
Madam Louise Harel
Minister of Municipal Affairs and Greater Montréal**

**Québec Official Publisher
1999**

EXPLANATORY NOTES

The purpose of this bill is to modify various powers currently conferred on municipalities and to amend certain rules relating to municipal administration.

The bill amends the Act respecting land use planning and development to enable local municipalities to regulate by zone, in their zoning by-law, non-conforming structures and uses protected by acquired rights.

The bill amends general municipal Acts to enable municipalities to take into account in their loan by-law, beginning on 1 January 2001, the interest on a long-term debt accrued during a fiscal year, even where the amount is not payable before the following year.

The bill amends the Act respecting duties on transfers of immovables to provide that transfer duties relating to an immovable situated in the territory of two or more municipalities are to be shared according to the basis of imposition attributable to the territory of each municipality.

The bill amends the Act respecting municipal taxation to prescribe that from a date fixed by the Government, only members of the Ordre professionnel des évaluateurs agréés du Québec may act as assessors of a municipal body responsible for assessment, and to provide that the obligation to send a notice of assessment to the taxpayer is maintained only for the first year of the three-year roll. In addition, that Act is amended to enable an assessor, with the consent of the interested persons, to correct a roll before the expiry of the existing time allowed.

Lastly, amendments are made as regards municipal territorial organization to allow for a change in the duration of any roll of a territory over which a municipal body responsible for assessment has jurisdiction where part of that territory is affected by a territorial change. The bill also modifies the duration of certain assessment rolls of the regional county municipality of Matawinie.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9).

Bill 95

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. Section 113 of the Act respecting land use planning and development (R.S.Q., chapter A-19.1), amended by section 4 of chapter 31 of the statutes of 1998 and section 18 of chapter 40 of the statutes of 1999, is again amended

(1) by inserting “, by zone or for the whole territory,” after “regulate” in the first line of subparagraph 18 of the second paragraph ;

(2) by adding the following paragraph after the last paragraph :

“For the purposes of subparagraph 18 of the second paragraph, the by-law may establish classes of non-conforming structures and uses protected by acquired rights and contain rules that vary according to the classes.”

2. Section 130 of the said Act is amended

(1) by striking out “or 18” in the first line of the second paragraph ;

(2) by adding the following sentence at the end of the second paragraph :
“The same applies in respect of a provision adopted under subparagraph 18 of the second paragraph of section 113 where it applies to the whole territory of the municipality.” ;

(3) by adding the following sentence at the end of the fifth paragraph :
“That rule applies in respect of a provision adopted under subparagraph 18 of the second paragraph of section 113 only where the provision does not apply to the whole territory of the municipality.”

3. Section 232 of the said Act is amended by replacing “building” at the end of the second paragraph by “immovable”.

CITIES AND TOWNS ACT

4. Section 547 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended

(1) by replacing “payment of the” in the second line of the first paragraph by “expense incurred for”;

(2) by replacing “for the payment of” in the first line of the third paragraph by “to provide for expense incurred for”;

(3) by replacing “to pay the” in the first line of the fourth paragraph by “to provide for expense incurred for”.

MUNICIPAL CODE OF QUÉBEC

5. Article 1072 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended

(1) by replacing “payment of the” in the second line of the first paragraph by “expense incurred for”;

(2) by replacing “for the payment of” in the first line of the third paragraph by “to provide for expense incurred for”;

(3) by replacing “to pay the” in the first line of the fourth paragraph by “to provide for expense incurred for”.

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

6. Section 7 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is amended by replacing “equally by all the interested municipalities” in the third line by “by all the interested municipalities according to the basis of imposition attributable to the territory of each municipality concerned”.

ACT RESPECTING MUNICIPAL TAXATION

7. Section 22 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1) is replaced by the following section :

“22. No natural person may be the assessor of a body or an assessor’s deputy unless the person is a member of the Ordre professionnel des évaluateurs agréés du Québec.”

8. Sections 23 to 26 of the said Act are repealed.

9. Section 27 of the said Act is amended by striking out “the revocation of his permit or” in the second line of the first paragraph.

10. Section 28 of the said Act is amended by striking out “the revocation of his permit or” in the first and second lines of the first paragraph.

11. Section 29 of the said Act, amended by section 133 of chapter 40 of the statutes of 1999, is again amended by replacing “the permit of the partner, director or employee designated under section 21 is revoked or his right to act as an assessor, for the purposes of this Act, is withdrawn” in the first, second, third and fourth lines by “the right of the partner, director or employee designated under section 21 to act as an assessor for the purposes of this Act is withdrawn”.

12. Section 81 of the said Act, amended by section 133 of chapter 40 of the statutes of 1999, is again amended by replacing “each year” in the first line of the first paragraph by “of the first of the fiscal years for which the roll is made or, where the unit of assessment is a unit of assessment referred to in the second paragraph of section 80.2, before 1 March each year”.

13. Section 155 of the said Act is amended by adding the following paragraphs at the end:

“The assessor may, with the written consent of any person to whom the notice or a copy of the notice provided for in section 153 must be sent, correct the roll before the expiry of the time allowed, in conformity with the assessor’s proposal.

Notwithstanding section 154, no application for review in respect of a proposal may be filed from the day on which the assessor corrects the roll pursuant to the second paragraph.”

14. Section 511 of the said Act is repealed.

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

15. The Act respecting municipal territorial organization (R.S.Q., chapter O-9) is amended by inserting the following section after section 214.2:

“214.2.1. The conditions contained in an order, an annexation by-law or an agreement made, passed or entered into under this Act may, where part of the territory over which a municipal body responsible for assessment has jurisdiction is affected by a constitution, amalgamation, annexation or any other territorial change, provide for rules to apply to the duration of any current or future property assessment roll or roll of rental values that the municipal body is responsible for preparing.”

TRANSITIONAL AND FINAL PROVISIONS

16. Section 547 of the Cities and Towns Act (R.S.Q., chapter C-19) and article 1072 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), as they read before being amended by sections 4 and 5, shall continue to apply to loan by-laws for which the required approvals were received before 1 January 2001.

17. Every person who is the holder of a permit referred to in section 22 or 511 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), as they read before the coming into force of sections 7 and 14, and who is not a member of the Ordre professionnel des évaluateurs agréés du Québec, may act as an assessor of a municipal body responsible for assessment until the first 14 August following by at least nine months the date of coming into force of sections 7 and 14.

Sections 25 to 29 of the Act respecting municipal taxation, as they read before the coming into force of sections 8 to 11, apply in respect of that person.

18. The property assessment rolls of Municipalité de Sainte-Marcelline-de-Kildare and Municipalité de Sainte-Béatrix, in force since 1 January 1998, shall remain in force until the end of 2001.

The property assessment roll of Paroisse de Saint-Damien, in force since 1 January 1999, shall remain in force until the end of 2002.

The property assessment rolls of Municipalité de Notre-Dame-de-la-Merci and Municipalité d'Entrelacs, which will come into force on 1 January 2000, shall remain in force until the end of 2001. The fiscal year 2001 is held, in respect of those two-year rolls, to be the third year of application of a roll.

For the purpose of determining for which municipal fiscal years the rolls, subsequent to the rolls referred to in the first three paragraphs, of the municipalities mentioned therein must be drawn up, in accordance with section 14 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the rolls referred to in the first paragraph are deemed to have been drawn up for the 1999, 2000 and 2001 fiscal years, the roll referred to in the second paragraph is deemed to have been drawn up for the 2000, 2001 and 2002 fiscal years, and the rolls referred to in the third paragraph are deemed to have been drawn up for the 1999, 2000 and 2001 fiscal years.

19. This Act comes into force on (*insert here the date of assent to this Act*), except sections 7 to 11 and 14 which come into force on the date to be fixed by the Government.

However, before fixing the date of coming into force of sections 7 to 11 and 14, the Government shall ascertain that every holder of a permit referred to in section 22 or 511 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), as those sections read before the coming into force of sections 7 and 14, is or was able to become, to the satisfaction of the Minister of Municipal Affairs and Greater Montréal, a member of the Ordre professionnel des évaluateurs agréés du Québec.