



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 131

**An Act to amend the Act respecting the
Régie du logement and various Acts
concerning municipal affairs**

Introduction

**Introduced by
Mr. Laurent Lessard
Minister of Municipal Affairs, Regions and Land
Occupancy**

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EXPLANATORY NOTES

This bill amends the Act respecting the Régie du logement to give the board jurisdiction over any matter relating to setting rent, changing other conditions of a lease or revising rent, both in first instance and during the review process, and to grant the board powers to curb abuse of procedure.

The Act respecting land use planning and development is amended to remove the possibility for qualified voters of waiving referendums relating to urban planning.

The Cities and Towns Act, the Municipal Code of Québec, the Act respecting the Communauté métropolitaine de Montréal, the Act respecting the Communauté métropolitaine de Québec and the Act respecting public transit authorities are amended to remove employment contracts from the list of contracts that must be published by means of the electronic tendering system approved by the Government for the purposes of the Act respecting contracting by public bodies.

The Municipal Powers Act is amended to allow two or more municipalities to jointly operate an enterprise that produces electricity at a wind farm or a hydro-electric power plant situated in the territory of only one or some of those municipalities.

The Act respecting Northern villages and the Kativik Regional Government is amended to provide that northern villages must prepare and adopt their annual budget between 15 November and 31 December and send a copy of the budget to the Minister of Municipal Affairs, Regions and Land Occupancy within 60 days after the budget is adopted.

Modifications are made to the duration of certain property assessment rolls.

Lastly, various technical and transitional amendments are made.

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 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);
- Municipal Powers Act (R.S.Q., chapter C-47.1);
- Act respecting the Régie du logement (R.S.Q., chapter R-8.1);
- Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3);
- Act respecting public transit authorities (R.S.Q., chapter S-30.01);
- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Act respecting Ville de Percé, Ville d’Amos and Ville de Rouyn-Noranda (2009, chapter 73).

Bill 131

AN ACT TO AMEND THE ACT RESPECTING THE RÉGIE DU LOGEMENT AND VARIOUS ACTS CONCERNING MUNICIPAL AFFAIRS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. The Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by inserting the following section after section 136.1:

“**136.2.** Subparagraph 3 of the second paragraph of section 532 of the Act respecting elections and referendums in municipalities (chapter E-2.2) does not apply to a by-law referred to in section 136.0.1 or 136.1.”

CITIES AND TOWNS ACT

2. Section 477.5 of the Cities and Towns Act (R.S.Q., chapter C-19) is amended by adding the following sentence at the end of the first paragraph: “However, employment contracts need not be included in the list.”

MUNICIPAL CODE OF QUÉBEC

3. Article 961.3 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is amended by adding the following sentence at the end of the first paragraph: “However, employment contracts need not be included in the list.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

4. Section 105.2 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by adding the following sentence at the end of the first paragraph: “However, employment contracts need not be included in the list.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

5. Section 98.2 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by adding the following sentence

at the end of the first paragraph: “However, employment contracts need not be included in the list.”

MUNICIPAL POWERS ACT

6. Section 17.1 of the Municipal Powers Act (R.S.Q., chapter C-47.1) is amended by adding the following paragraph at the end:

“If the enterprise is operated jointly under the first paragraph with another municipality or a band council, it need not be operated in the territory of all of those operators.”

7. Section 111 of the Act is amended by adding the following paragraph at the end:

“If the enterprise is operated jointly under the first paragraph with another municipality or a band council, it need not be operated in the territory of all of those operators.”

ACT RESPECTING THE RÉGIE DU LOGEMENT

8. Section 9.8 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1) is amended by adding the following paragraph after the first paragraph:

“They are also vested with all the powers necessary for the performance of their duties; they may, in particular, make any order they consider appropriate to safeguard the rights of the parties.”

9. The Act is amended by inserting the following sections after section 63:

“63.1. The parties must ensure that all the applications or motions they present are, in terms of the costs and time required, proportionate to the nature and ultimate purpose of the application or to the complexity of the dispute; the same applies to the commissioner when authorizing an application or issuing an order.

“63.2. The board may, on a motion or ex officio after allowing the interested parties to be heard, dismiss a proceeding it considers improper or dilatory or make it subject to certain conditions.

If the board finds that a party is making improper use of a proceeding to prevent the execution of a board decision, it may also prohibit that party from presenting an application before the board except with the authorization of and subject to the conditions determined by the chairman or any other person designated by the chairman.”

10. Section 90 of the Act is amended

(1) by replacing “concerning an application the sole object of which is the fixing or revision of the rent” in the first paragraph by “when the object of the application for a review is the fixing of the rent, the changing of another condition of the lease or the revision of the rent”;

(2) by replacing “the fixing or revision of the rent” in the second paragraph by “the fixing of the rent, the changing of another condition of the lease or the revision of the rent”.

11. Section 91 of the Act is amended by replacing subparagraph 1 of the second paragraph by the following subparagraph:

“(1) the object of which is the fixing of the rent, the changing of another condition of the lease or the revision of the rent;”.

ACT RESPECTING THE PENSION PLAN OF ELECTED MUNICIPAL OFFICERS

12. Section 23 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., chapter R-9.3) is amended by replacing “to 4.75% of such salary” by “to the rate of contribution determined in the regulation made under section 65 and subparagraph 5 of the first paragraph of section 75”.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

13. Section 92.2 of the Act respecting public transit authorities (R.S.Q., chapter S-30.01) is amended by adding the following sentence at the end of the first paragraph: “However, employment contracts need not be included in the list.”

ACT RESPECTING NORTHERN VILLAGES AND THE KATIVIK REGIONAL GOVERNMENT

14. Section 209 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended

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

“**209.** The budget must be adopted by the council not later than 31 December at a special meeting called for that purpose.”;

(2) by replacing “in the month of January following its adoption” in the second paragraph by “within 60 days after its adoption by the council”;

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

“If the council is not able to adopt the budget within the applicable period, it shall set the date of the meeting at which the budget is to be adopted. That date must allow compliance with the requirement under section 269 concerning

the notice of convocation for the meeting. As soon as possible after the adoption of the resolution by which the council sets the date, the secretary shall send a certified true copy to the Minister.”

ACT RESPECTING VILLE DE PERCÉ, VILLE D’AMOS AND VILLE DE ROUYN-NORANDA

15. The Act respecting Ville de Percé, Ville d’Amos and Ville de Rouyn-Noranda (2009, chapter 73) is amended by striking out “rental” wherever it appears in the English text.

TRANSITIONAL AND FINAL PROVISIONS

16. The decisions of the Régie du logement rendered before (*insert the date of assent to this Act*) that declare a party prohibited from instituting another proceeding before the board may not be invalidated.

17. Cases pending before the Court of Québec concerning an application that, under section 90 of the Act respecting the Régie du logement (R.S.Q., chapter R-8.1), as amended by section 10, falls under the jurisdiction of the board are transferred to and processed by the board as though the application had been made in accordance with the first paragraph of that section.

The board must give priority to those cases.

18. The property assessment roll of Ville de Saint-Sauveur, in force since the beginning of the fiscal year 2009, remains in force until the end of the fiscal year 2012. The latter year is considered to be the third year of application of that roll.

For the purpose of determining for which fiscal years the roll following the roll referred to in the first paragraph must be drawn up in accordance with section 14 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), the roll referred to in that paragraph is deemed to have been drawn up for the fiscal years 2010, 2011 and 2012.

19. The property assessment roll of Municipalité de Wentworth-Nord and that of Municipalité de Saint-Adolphe-d’Howard, which will come into force on 1 January 2012, will remain in force until the end of the fiscal year 2013. The fiscal year 2013 is considered to be the third year of application of those rolls.

For the purpose of determining for which fiscal years the rolls following the rolls referred to in the first paragraph must be drawn up in accordance with section 14 of the Act respecting municipal taxation, the rolls referred to in that paragraph are deemed to have been drawn up for the fiscal years 2011, 2012 and 2013.

20. This Act comes into force on (*insert the date of assent to this Act*).