



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 58

**An Act to amend the Act respecting
land use planning and development and
other legislative provisions concerning
metropolitan communities**

Introduction

**Introduced by
Madam Nathalie Normandeau
Minister of Municipal Affairs, Regions and
Land Occupancy**

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EXPLANATORY NOTES

This bill amends the Act respecting land use planning and development in order to require metropolitan communities and regional county municipalities whose territory is not situated within the territory of a metropolitan community to maintain in force at all times a statement of their strategic vision for cultural, economic, environmental and social development in their territory, and in order to provide a process for its adoption and amendment.

The bill further amends that Act to give each metropolitan community the power to establish a metropolitan land use and development plan that defines policy directions, objectives and criteria to ensure the competitiveness and attractiveness of the territory of the community, in keeping with sustainable development. It also specifies the subjects that are to be covered by such policy directions, objectives and criteria.

As well, the bill grants to regional county municipalities all or part of whose territory is situated within the territory of a metropolitan community the same power with respect to a land use and development plan as other regional county municipalities.

The bill provides that the land use and development plan of a metropolitan community must be consistent with the land use policy directions of the Government, and establishes processes for amending and revising the plan as well as processes for ascertaining whether it is consistent with government policy directions. It provides that the land use and development plan of a regional county municipality must be consistent not only with government policy directions but also with the metropolitan plan, and makes the amendments to the Act that are needed to allow the authorities concerned to ascertain whether the plan is consistent in both respects.

The bill further provides that an interim control resolution or by-law of a metropolitan community is to prevail over an interim control resolution or by-law of a regional county municipality all or part of whose territory is situated within the territory of the metropolitan community and over an interim control resolution or by-law of a local municipality whose territory is situated within the territory of the metropolitan community.

The bill groups together, in the Act respecting land use planning and development, the provisions that specify that the cities of Laval, Mirabel, Montréal, Québec, Gatineau, Longueuil, Lévis and La Tuque and Municipalité des Îles-de-la-Madeleine are also subject to the provisions of that Act that apply to regional county municipalities.

The bill repeals the provisions of the Act respecting the Communauté métropolitaine de Montréal and the Act respecting the Communauté métropolitaine de Québec that have to do with metropolitan land use and development plans, since those plans are from now on to be provided for in the Act respecting land use planning and development.

Finally, the bill amends a number of Acts and Orders in Council to reflect the amendments to the Act respecting land use planning and development, and to provide for the concurrent powers, over the same territory, of a metropolitan community and a regional county municipality with respect to land use planning and development.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02);
- Act respecting land use planning and development (R.S.Q., chapter A-19.1);
- Charter of Ville de Québec (R.S.Q., chapter C-11.5);
- 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);
- Forest Act (R.S.Q., chapter F-4.1);
- Act respecting the Ministère des Affaires municipales et des Régions (R.S.Q., chapter M-22.1);
- Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01);

- Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);
- Watercourses Act (R.S.Q., chapter R-13);
- Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1);
- Act respecting off-highway vehicles (R.S.Q., chapter V-1.2);
- Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56).

ORDERS IN COUNCIL AMENDED BY THIS BILL:

- Order in Council 1043-2001 (2001, G.O. 2, 5111) concerning Municipalité des Îles-de-la-Madeleine;
- Order in Council 371-2003 (2003, G.O. 2, 1339) concerning Ville de La Tuque.

Bill 58

AN ACT TO AMEND THE ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT AND OTHER LEGISLATIVE PROVISIONS CONCERNING METROPOLITAN COMMUNITIES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

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

(1) by inserting the following paragraph after paragraph 7:

“(7.1) “responsible body” means a metropolitan community that must maintain a metropolitan land use and development plan in force or a regional county municipality that must maintain a land use and development plan in force;”;

(2) by inserting the following paragraphs after paragraph 8:

“(8.1) “metropolitan plan” means the metropolitan land use and development plan of a metropolitan community;

“(8.2) “senior officer” means the chair of a metropolitan community, the warden of a regional county municipality or the mayor of a local municipality;

“(8.3) “RCM plan” means the land use and development plan of a regional county municipality;

(3) by replacing paragraph 9 by the following paragraph:

“(9) “secretary” means,

(a) in the case of a metropolitan community, the secretary or any other officer the executive committee designates for that purpose;

(b) in the case of a regional county municipality or local municipality, the secretary-treasurer, the clerk or any other officer the council designates for that purpose; and

(c) in the case of a school board, the director general;”.

2. Section 2 of the Act is amended by replacing “A land use planning and development plan and an interim control by-law adopted by a regional county municipality and put into force in accordance with this Act” in the first paragraph by “A metropolitan plan, an RCM plan and an interim control by-law related to the process of amendment or revision of such a metropolitan plan or RCM plan”.

3. The Act is amended by inserting the following after the heading of Title I:

“CHAPTER 0.1

“RESPONSIBLE BODY

“2.1. Every metropolitan community is a responsible body with respect to a metropolitan plan.

For the purposes of the functions of the Communauté métropolitaine de Québec as a responsible body, the territory of the metropolitan community is deemed to include any unorganized territory situated within the territory of Municipalité régionale de comté de La Jacques-Cartier or Municipalité régionale de comté de La Côte-de-Beaupré.

“2.2. Every regional county municipality is a responsible body with respect to an RCM plan.

“CHAPTER 0.2

“STRATEGIC VISION STATEMENT

“DIVISION I

“OBLIGATION TO MAINTAIN STATEMENT

“2.3. In order to facilitate the coherent exercise of its powers under the law, a responsible body is required to maintain in force at all times a statement of its strategic vision for cultural, economic, environmental and social development in its territory.

However, a regional county municipality all or part of whose territory is situated within the territory of a metropolitan community is not required to maintain a statement in force for the common territory.

The statement of the regional county municipality with regard to the common territory must be coherent with that of the metropolitan community.

“DIVISION II

“STATEMENT ADOPTION AND AMENDMENT PROCESS

“§1. — *Application*

“2.4. The process provided for in this division aims at maintaining in force a dynamic strategic vision statement.

In the following provisions, a reference to a statement includes, in addition to the first or a replacement statement, any amendment made to the statement in force.

“2.5. For the purposes of this division, the following are partner bodies:

(1) in every case, each municipality whose territory is situated within the territory of the responsible body;

(2) in the case of the statement of a metropolitan community, each regional county municipality all or part of whose territory is situated within the territory of the metropolitan community; and

(3) in the case of the statement of a regional county municipality all or part of whose territory is situated within the territory of a metropolitan community, that metropolitan community.

“§2. — *Adoption of draft statement and opinion of partner bodies*

“2.6. The council of the responsible body shall initiate the process by adopting a draft strategic vision statement.

As soon as practicable after the adoption of the draft statement, the secretary shall serve on the Minister, and send to every partner body, a certified copy of the draft statement and of the resolution adopting it.

“2.7. The council of any partner body may give its opinion on the draft statement.

The opinion shall be given by means of a resolution, of which a certified copy must be sent to the responsible body within 120 days after a copy of the draft statement and the resolution is sent to the partner body under the second paragraph of section 2.6.

“§3. — *Public consultation*

“A. — *Provisions common to all responsible bodies*

“2.8. The responsible body must, as provided in sections 2.14, 2.15 and 2.18, hold at least one public meeting on the draft strategic vision statement.

The council of the responsible body shall specify every municipality in whose territory a public meeting must be held in accordance with the section applicable to it among those sections.

“2.9. The public meetings held by the responsible body shall be conducted by a committee established by the council, composed of the council members it designates and presided over by the senior officer or another committee member designated by the senior officer.

“2.10. The council of the responsible body shall set the date, time and place of every public meeting; it may, however, delegate all or part of that power to the secretary.

“2.11. Not later than 15 days before a public meeting is held, the secretary shall publish a notice of the date, time and place and the purpose of the meeting in a newspaper circulated in the territory of the responsible body.

The notice must contain a summary describing the main effects of the draft statement on the territory concerned; that territory is the territory determined in section 2.13 or 2.17, as the case may be.

If all the meetings concern the whole territory of the responsible body, the secretary may give a single notice for all of them not later than 15 days before the first meeting is held.

If the council of the responsible body so chooses, the summary, rather than being included in the notice provided for in the first paragraph, may be mailed or distributed to every address in the territory concerned not later than 15 days before the first or only meeting is held. In that case, a notice of the date, time and place and the purpose of every meeting planned shall be enclosed with the summary.

Every notice must mention that a copy of the draft statement may be consulted at the office of the responsible body and, if applicable, at the office of every partner body.

“2.12. At a public meeting, the committee shall explain the draft statement and hear the persons and organizations wishing to be heard.

“B. — Provisions specific to metropolitan communities

“2.13. For the purposes of section 2.11, in the case of a metropolitan community, the territory concerned is the territory referred to or described in any of paragraphs 1 to 4 of section 2.14 or any of paragraphs 1 to 5 of section 2.15, as applicable.

“2.14. The Communauté métropolitaine de Montréal must hold a public meeting in

- (1) the urban agglomeration of Montréal;
- (2) the territory of Ville de Laval;
- (3) the part of the territory of the metropolitan community that is made up of the territory of Ville de Mirabel and the territories of the municipalities listed in Schedule I to the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) that are situated within the territories of the regional county municipalities listed in Schedule III to that Act; and
- (4) the part of the territory of the metropolitan community that is made up of the urban agglomeration of Longueuil and the territories of the municipalities listed in Schedule I to the Act respecting the Communauté métropolitaine de Montréal that are situated within the territories of the regional county municipalities listed in Schedule IV to that Act.

“2.15. The Communauté métropolitaine de Québec must hold a public meeting in

- (1) the urban agglomeration of Québec;
- (2) the territory of Ville de Lévis;
- (3) the territory of Municipalité régionale de comté de L’Île-d’Orléans;
- (4) the territory of Municipalité régionale de comté de La Côte-de-Beaupré; and
- (5) the territory of Municipalité régionale de comté de La Jacques-Cartier.

“2.16. Despite section 2.9, the public meetings held by the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec may be conducted by a committee established under section 50 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or section 41 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), respectively.

“C. — Provisions specific to regional county municipalities

“2.17. For the purposes of section 2.11, in the case of a regional county municipality, every public consultation meeting concerns the whole territory of the regional county municipality, unless meetings are planned in all the local municipal territories situated within the territory of the regional county municipality, or unless the regional county municipality, in its decision under section 2.8, specifically identified the local municipal territories that each meeting concerns, so as to ensure that no territory is overlooked.

“2.18. A regional county municipality must hold at least one public consultation meeting in its territory.

The regional county municipality must also hold a public meeting in the territory of every municipality whose representative on the council so requests during the sitting at which the draft strategic vision statement is adopted.

It must also hold a public meeting in the territory, situated within its own territory, of every other municipality whose council so requests within 20 days after it is sent a copy of the draft statement. A certified copy of the resolution setting out the request must be sent to the regional county municipality within the same period.

For the purposes of the second and third paragraphs, if the sittings of the council of a municipality are held in the territory of another municipality, that territory is deemed to be the territory of the first municipality and, if applicable, to be situated within the territory of the regional county municipality.

The population of the municipality in whose territory the meeting is held or the total population of the municipalities in whose territories meetings are held must make up at least two thirds of the population of the regional county municipality.

“2.19. In the case of a regional county municipality, the secretary shall also have a copy of the notice required under the first paragraph of section 2.11 posted in the office of every municipality whose territory is situated within the territory concerned not later than the time prescribed in that section.

“§4. — *Adoption and coming into force*

“2.20. After the consultation period concerning the draft strategic vision statement, the council of the responsible body shall adopt the statement, with or without changes.

However, the statement may not be adopted before the later of

(1) the day after the day on which the last of the partner bodies that were sent the draft statement gives its opinion on the draft statement or the day after the last day of the allotted period; and

(2) the day after the public meeting, or the last of the public meetings, is held.

“2.21. The strategic vision statement comes into force on the passage of the resolution adopting it.

As soon as practicable after the coming into force of the statement, the secretary shall serve on the Minister, and send to every partner body, a certified copy of the statement and of the resolution adopting it.

“2.22. In the case of a metropolitan community, the decision to adopt the strategic vision statement must be made by a two-thirds majority of the votes cast.

In the case of the Communauté métropolitaine de Québec, the majority must also include a majority of the votes cast by the representatives of Ville de Lévis and a majority of the votes cast by all the representatives of Municipalité régionale de comté de L’Île-d’Orléans, Municipalité régionale de comté de La Côte-de-Beaupré and Municipalité régionale de comté de La Jacques-Cartier.

“CHAPTER 0.3

“METROPOLITAN LAND USE AND DEVELOPMENT PLAN OF THE METROPOLITAN COMMUNITY

“DIVISION I

“OBLIGATION TO MAINTAIN METROPOLITAN PLAN

“2.23. Every metropolitan community must at all times maintain in force a land use and development plan for its territory.

The plan is called the “Metropolitan land use and development plan”.

“DIVISION II

“CONTENT OF METROPOLITAN PLAN

“2.24. The metropolitan plan shall define policy directions, objectives and criteria to ensure the competitiveness and attractiveness of the territory of the metropolitan community, in keeping with sustainable development.

The policy directions, objectives and criteria shall concern

- (1) land transportation planning;
- (2) the protection and enhancement of the natural and built environment, and of landscapes;
- (3) the identification of any part of the territory of the metropolitan community that must be the subject of integrated land use and transportation planning;
- (4) the definition of minimum density levels according to the characteristics of the locality;

- (5) the development of agricultural activities;
- (6) the definition of territories reserved for optimal urbanization;
- (7) the identification of any part of the territory of the metropolitan community that is situated within the territory of two or more regional county municipalities and is subject to significant constraints for reasons of public security, public health or general well-being; and
- (8) the identification of any facility that is of metropolitan interest, and the determination of the site, use and capacity of any new such facility.

To support policy directions, objectives and criteria defined under the first paragraph with regard to a subject referred to in subparagraph 6 of the second paragraph, the plan may delimit any metropolitan perimeter.

To support policy directions, objectives and criteria defined under the first paragraph with regard to a subject referred to in any of subparagraphs 1 to 5, 7 and 8 of the second paragraph, the plan may also delimit any part of the territory and determine any location.

“2.25. In order to ensure the achievement of its policy directions and objectives or compliance with the criteria it sets out, the metropolitan plan may make it mandatory to include any element it specifies in the complementary document to an RCM plan applicable in the territory of the metropolitan community.

“DIVISION III

“FOLLOW-UP OF METROPOLITAN PLAN

“2.26. A metropolitan community must acquire the tools necessary to ensure follow-up and implementation of its metropolitan plan and to evaluate progress toward plan objectives and success in carrying out plan proposals.

The council of the metropolitan community must adopt a biennial report on those subjects.”

4. The heading of Division I of Chapter I of Title I of the Act is replaced by the following heading:

“OBLIGATION TO MAINTAIN RCM PLAN”.

5. Section 5 of the Act is amended

- (1) by replacing “A land use planning and development” at the beginning of the first paragraph by “An RCM”;
- (2) by striking out subparagraph 9 of the first paragraph;
- (3) by striking out the fifth paragraph.

6. Division V of Chapter I of Title I of the Act becomes Chapter I.0.1 and its heading is replaced by the following heading:

“EFFECTS, AMENDMENT AND REVISION OF METROPOLITAN PLAN AND RCM PLAN”.

7. The Act is amended by inserting the following before section 32:

“DIVISION I

“EFFECTS OF METROPOLITAN PLAN OR RCM PLAN

“§1. — *General provision*”.

8. Section 32 of the Act is amended by replacing “The coming into force of the land use planning and development plan” by “A metropolitan plan or RCM plan”.

9. The Act is amended by inserting the following after section 32:

“§2. — *Provisions specific to RCM plans*”.

10. Section 39 of the Act is amended

(1) by replacing “land use planning and development” by “RCM”;

(2) by replacing “secretary-treasurer” by “secretary”.

11. Section 42 of the Act is amended

(1) by replacing “land use planning and development” in the second paragraph by “RCM”;

(2) by replacing “secretary-treasurer” in the fourth paragraph by “secretary”.

12. Section 46 of the Act is replaced by the following section:

“46. A regional county municipality may examine whether public works planned by a municipality whose territory is situated within its territory are advisable given the RCM plan objectives and the provisions of the complementary document. This section does not apply to restoration, remedial or repair work.

As soon as practicable after the adoption of a by-law or a resolution providing for work that may be examined under this section, the clerk or the secretary-treasurer of the municipality shall send a certified copy to the regional county municipality.”

13. Division VI of Chapter I of Title I of the Act becomes Division II and its heading is replaced by the following heading:

“AMENDMENT OF METROPOLITAN PLAN OR RCM PLAN”.

14. Sections 47 to 53.9 of the Act are replaced by the following:

“§1. — *Application*

“**47.** The council of the responsible body may amend the metropolitan plan or the RCM plan in accordance with the procedure prescribed in this division.

“**47.1.** The provisions of subdivisions 3 and 4 complement the provisions of this subdivision and subdivision 2; however, the latter apply subject to the former.

“**47.2.** In this division, the opinion of the Minister as to consistency with government policy directions is an opinion as to consistency with the policy directions that the Government, its ministers, mandataries of the State and public bodies are pursuing or intend to pursue with respect to land use development in the territory of the responsible body, including the land use plan provided for in section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1), and with the equipment, infrastructure and land use development projects they intend to carry out in that territory.

“**47.3.** For the purposes of this division, the following are partner bodies:

(1) for the purposes of the amendment of a metropolitan plan, every regional county municipality all or part of whose territory is situated within the territory of the metropolitan community and, except with respect to a negative ministerial opinion under section 53.7, every regional county municipality whose territory is contiguous to that of the metropolitan community;

(2) for the purposes of an amendment of an RCM plan, every municipality whose territory is situated within the territory of the regional county municipality and, except with respect to a negative ministerial opinion under section 53.7, every regional county municipality whose territory is contiguous to that of the regional county municipality; and

(3) in addition to those referred to in paragraph 2, for the purposes of an RCM plan applicable to part of the territory of a metropolitan community, the metropolitan community.

“§2. — Process common to metropolitan plan and RCM plan

“A. — Draft by-law and notice

“48. The council of the responsible body shall initiate the amendment process by adopting a draft by-law.

“49. As soon as practicable after the adoption of the draft by-law, the secretary shall serve on the Minister, and send to every partner body, a certified copy of the draft by-law and the resolution adopting it.

“50. In the interval between the adoption of the draft by-law and the adoption of the by-law, the council of the responsible body may request the Minister’s opinion on the proposed amendment.

The secretary shall serve on the Minister a certified copy of the resolution setting out the request.

The Minister shall notify the responsible body in writing of the date on which the Minister received the copy of the resolution.

“51. Within 60 days after receiving the copy of a resolution requesting the Minister’s opinion, the Minister shall give an opinion as to the consistency of the proposed amendment with government policy directions.

If the opinion of the Minister raises objections to the proposed amendment, it must include reasons.

The Minister shall serve the opinion on the responsible body.

“52. The council of a partner body may, within 45 days after it is sent documents in accordance with section 49, give its opinion on the draft by-law. The secretary of the partner body shall send the responsible body a certified copy of the resolution stating the opinion within the same period.

However, the council of the responsible body may, by a unanimous resolution, change the period prescribed in the first paragraph; the period set by the council may not, however, be less than 20 days. As soon as practicable after the passage of the resolution, the secretary shall send a certified copy of the resolution to every partner body.

“B. — Public consultation

“53. A responsible body must hold at least one public meeting in its territory.

The responsible body must also hold a public meeting in the territory of every municipality whose representative on the council so requests during the sitting at which the draft by-law is adopted.

It must also hold a public meeting in the territory, situated within its own territory, of every partner body whose council so requests within 20 days after it is sent a copy of the draft by-law and resolution under section 49. A certified copy of the resolution setting out the request must be sent to the responsible body within the same period.

For the purposes of the second and third paragraphs, if the sittings of the council of a municipality are held in the territory of another municipality, that territory is deemed to be the territory of the first municipality and, if applicable, to be situated within the territory of the responsible body.

“53.1. The public meetings held by the responsible body shall be conducted by a committee established by the council, composed of the council members it designates and presided over by the senior officer or another committee member designated by the senior officer.

“53.2. The council of the responsible body shall identify any municipality in whose territory a public meeting must be held.

It shall set the date, time and place of any public meeting; it may delegate all or part of that power to the secretary.

“53.3. Not later than 15 days before a public meeting is held, the secretary shall publish a notice of the date, time and place and the purpose of the meeting in a newspaper circulated in the territory of the responsible body.

The notice must contain a summary of the documents referred to in sections 49 and 53.11.2 or 53.11.4, describing the main effects of the proposed amendment on the territory concerned.

Every meeting concerns the whole territory of the responsible body, unless meetings are planned in all the local municipal territories situated within the territory of the responsible body, or unless the responsible body, in its decision under the first paragraph of section 53.2, specifically identified the local municipal territories that each meeting concerns, so as to ensure that no territory is overlooked.

If all the meetings concern the whole territory of the responsible body, the secretary may give a single notice for all of them not later than 15 days before the first meeting is held.

If the council of the responsible body so chooses, the summary, rather than being included in the notice provided for in the first paragraph, may be mailed or distributed to every address in the territory concerned not later than 15 days before the first or only meeting is held. In that case, a notice of the date, time and place and the purpose of every meeting planned shall be enclosed with the summary.

Every notice must mention that a copy of the documents referred to in sections 49 and 53.11.2 or 53.11.4 and of the summary of those documents may be consulted at the office of the responsible body and, if applicable, at the office of every partner body.

“53.4. At a public meeting, the committee shall explain the proposed amendment and its effects, if any, on municipal plans and by-laws or on the RCM plans.

The committee shall hear the persons and organizations wishing to be heard.

“C. — Passage of by-law and ministerial opinion

“53.5. After the consultation period concerning the draft by-law, the council of the responsible body shall adopt a by-law to amend the metropolitan plan or the RCM plan, with or without changes.

However, the by-law may not be adopted before the later of

(1) the day after the day on which the last of the Minister and the partner bodies that were sent the documents referred to in sections 49 and 53.11.2 or 53.11.4 gives an opinion on the documents or the day after the last day of the allotted period; and

(2) the day after the public meeting, or the last of the public meetings, is held or the day after the last day of the period prescribed in the third paragraph of section 53.

“53.6. As soon as practicable after the adoption of the by-law amending the metropolitan plan or the RCM plan, the secretary shall serve on the Minister, and send to every partner body, a certified copy of the by-law and of the resolution adopting it.

The Minister shall notify the responsible body in writing of the date on which the Minister received the copy of the by-law.

“53.7. Within 60 days after receiving the copy of the by-law amending the metropolitan plan or the RCM plan, the Minister shall give an opinion as to the consistency of the amendment with government policy directions.

If the opinion states that the proposed amendment is not consistent with government policy directions, it must include reasons. In that case, the Minister may, in the opinion, require the responsible body to replace the by-law.

The Minister shall serve the opinion on the responsible body. If the opinion states that the proposed amendment is not consistent with government policy directions, the Minister shall send a copy to every partner body.

“53.8. If the opinion of the Minister states that the proposed amendment is not consistent with government policy directions, the council of the responsible body may replace the by-law amending the metropolitan plan or the RCM plan with another which is consistent with those policy directions.

Sections 48 to 53.4 do not apply to a new by-law that differs from the by-law it replaces only so as to take account of the Minister’s opinion.

“53.9. The by-law amending the metropolitan plan or the RCM plan comes into force on the day the Minister serves an opinion on the responsible body declaring that the by-law is consistent with government policy directions or, in the absence of an opinion, at the expiry of the period prescribed in section 53.7.”

15. Section 53.10 of the Act is repealed.

16. Sections 53.11 to 53.14 of the Act are replaced by the following:

“53.11. As soon as practicable after the coming into force of the by-law amending the metropolitan plan or the RCM plan, the secretary shall publish a notice of the date of coming into force in a newspaper circulated in the territory of the responsible body. At the same time, the secretary shall send a certified copy of the by-law to every partner body.

“§3. — Provisions specific to metropolitan plan

“53.11.1. The public meetings held by the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec may be conducted by a committee established under section 50 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or section 41 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), respectively.

“53.11.2. When the council of a metropolitan community adopts a draft by-law amending its metropolitan plan, it shall also adopt a document specifying the nature of the amendments a regional county municipality will be required to make to the RCM plan should the metropolitan plan be so amended. A certified copy of the document shall be served on the Minister and sent to every partner body at the same time as the draft by-law.

After the coming into force of the by-law amending the metropolitan plan, the council shall adopt a document specifying the nature of the amendments a regional county municipality will actually be required to make to take account of the amendment of the metropolitan plan. A certified copy of the document shall be sent to every partner body at the same time as the by-law.

The council may adopt the document described in the second paragraph by reference to the document adopted under the first paragraph.

“53.11.3. The decision to adopt the by-law amending the metropolitan plan must be made by a two-thirds majority of the votes cast.

In the case of the Communauté métropolitaine de Québec, the majority must also include a majority of the votes cast by the representatives of Ville de Lévis and a majority of the votes cast by all the representatives of Municipalité régionale de comté de L’Île-d’Orléans, Municipalité régionale de comté de La Côte-de-Beaupré and Municipalité régionale de comté de La Jacques-Cartier.”

“§4. — Provisions specific to RCM plan

“A. — Provisions applicable to all RCM plans

“53.11.4. When the council of a regional county municipality adopts a draft by-law amending its RCM plan, it shall also adopt a document specifying the nature of the amendments a municipality will be required to make to its planning program, its zoning, subdivision and building by-laws and any of its by-laws under Divisions VII to XI of Chapter IV should the RCM plan be so amended. The document shall also specify the nature of the amendments a municipality will be required to make to its by-law under section 116 or identify every municipality that, in such a case, will be required to adopt a by-law under that section. A certified copy of the document shall be served on the Minister and sent to every partner body at the same time as the draft by-law.

After the coming into force of the by-law amending the RCM plan, the council shall adopt a document specifying the nature of the amendments a municipality will actually be required to make to take account of the amendment of the RCM plan, and identifying every municipality that is required to adopt a by-law under section 116 to take account of that amendment. A certified copy of the document shall be sent to every partner body at the same time as the by-law.

The council may adopt the document described in the second paragraph by reference to the document adopted under the first paragraph.

“53.11.5. In the case of the amendment of an RCM plan, if the territory of the regional county municipality includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the ministerial opinion as to consistency with government policy directions required under section 51 or 53.7 shall include the guidelines relating to the objectives set out in subparagraph 2.1 of the first paragraph of section 5. It shall also indicate the parameters to serve in determining separation distances to reduce the inconvenience caused by odours from certain agricultural activities.

“53.11.6. For the purposes of section 53.3, in the case of a regional county municipality, the secretary shall also have a copy of the notice posted in the office of every municipality whose territory is situated within the territory concerned not later than the time prescribed in that section.

“B. — Provisions applicable in metropolitan territories

“53.11.7. If the by-law amending the RCM plan concerns part of the territory of a metropolitan community, the council of the metropolitan community must, within 60 days after the copy of the by-law is sent, approve the by-law if it is in conformity with the metropolitan plan or withhold approval if it is not.

A resolution by which the council withholds approval of the by-law must include reasons and specify which provisions of the by-law are not in conformity with the metropolitan plan.

As soon as practicable after the passage of the resolution approving or withholding approval of the by-law, the secretary of the metropolitan community shall, in the first case, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality or, in the second case, send the regional county municipality a certified copy of the resolution.

If the council of the metropolitan community does not resolve to approve or withhold approval of the by-law within the period prescribed in the first paragraph, the by-law is deemed to be in conformity with the metropolitan plan.

“53.11.8. If the council of the metropolitan community withholds approval of the by-law, the council of the regional county municipality may apply to the Commission for an assessment of the conformity of the by-law with the metropolitan plan.

The secretary of the regional county municipality shall serve a certified copy of the resolution requesting the assessment and of the by-law concerned on the Commission and on the metropolitan community.

The copies sent to the Commission must be received within 15 days after a copy of the resolution withholding approval of the by-law is sent to the regional county municipality.

“53.11.9. If the council of the metropolitan community withholds approval of the by-law, the council of the regional county municipality may, instead of applying for an assessment of the Commission, adopt

(1) a single by-law containing only the elements of the original by-law that did not cause approval to be withheld; or

(2) both a by-law containing only the elements of the original by-law that did not cause approval to be withheld and another by-law containing only the elements of the original by-law that caused approval to be withheld.

Sections 48 to 53.4 do not apply to a by-law adopted under the first paragraph.

If the council of the regional county municipality adopts a by-law containing only the elements that caused approval to be withheld, it may apply to the Commission for an assessment of the conformity of that by-law with the metropolitan plan. A certified copy of the resolution requesting the assessment and of the by-law concerned must be received by the Commission within 15 days after the by-law is adopted.

“53.11.10. The Commission must give its assessment within 60 days after receiving a copy of the resolution requesting the assessment.

An assessment stating that the by-law is not in conformity with the metropolitan plan may include suggestions of the Commission on how to ensure such conformity.

The secretary of the Commission shall send a copy of the assessment to the regional county municipality and to the metropolitan community.

If the assessment states that the by-law is in conformity with the metropolitan plan, the secretary of the metropolitan community shall, as soon as practicable after receiving a copy of the assessment, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality.

“53.11.11. Where the regional county municipality is required to amend its RCM plan under section 58 or 58.1, if the assessment of the Commission states that the by-law is not in conformity with the metropolitan plan or if the Commission did not receive an application for assessment in respect of the by-law within the period prescribed in section 53.11.8, the council of the metropolitan community shall request that the regional county municipality replace the by-law within the period it prescribes by another by-law that is in conformity with the metropolitan plan.

As soon as practicable after the passage by the council of the metropolitan community of the resolution requesting the replacement of the by-law, the secretary of the metropolitan community shall send a certified copy of the resolution to the regional county municipality.

The period prescribed for replacement of the by-law may not end before the expiry of a period of 45 days after the copy of the resolution is sent under the second paragraph.

“53.11.12. Sections 48 to 53.4 do not apply to a new by-law that differs from the by-law it replaces only so as to ensure its conformity with the metropolitan plan.

“53.11.13. If the council of a regional county municipality fails to adopt a by-law amending its RCM plan within the period prescribed in section 58 or 58.1 or in section 53.11.11, as the case may be, the council of the metropolitan community may adopt the by-law in its place.

Sections 48 to 53.4 and 53.11.7 to 53.11.12 do not apply to a by-law adopted by the council of the metropolitan community under the first paragraph, which is deemed to be a by-law adopted by the council of the regional county municipality and approved by the council of the metropolitan community. As soon as practicable after the adoption of the by-law, the secretary of the metropolitan community shall issue a certificate of conformity in respect of the by-law.

As soon as practicable after the by-law is adopted and the certificate is issued, the secretary of the metropolitan community shall send the regional county municipality a certified copy of the by-law, of the resolution adopting it and of the certificate. The certified copy of the by-law sent to the regional county municipality stands in lieu of the original when the regional county municipality itself issues certified copies of the by-law.

The expenses incurred by the metropolitan community to act in the place of the regional county municipality are reimbursed by the regional county municipality.

“53.11.14. The by-law amending the RCM plan comes into force either on the date determined under section 53.9 or the date on which the certificate of conformity in respect of the by-law is issued, whichever is later. The by-law is deemed to be in conformity with the metropolitan plan.

“§5. — Ministerial requests

“53.12. If the Government has approved an amendment to the land use plan for the lands in the domain of the State situated in the territory of a responsible body in accordance with section 25 of the Act respecting the lands in the domain of the State (chapter T-8.1), the Minister, if of the opinion that the metropolitan plan or the RCM plan is not consistent with the amended land use plan, may request that the metropolitan plan or the RCM plan be amended.

The Minister shall in that case serve an opinion on the responsible body, giving reasons and stating what amendments must be made to the metropolitan plan or the RCM plan to bring it into conformity with the land use plan.

Within 90 days after service of the Minister's opinion, the council of the responsible body shall adopt a by-law amending the metropolitan plan or the RCM plan so as to take account of the Minister's opinion. Sections 48 to 53.4 do not apply to the by-law if it amends the metropolitan plan and the RCM plan only to the extent necessary to take account of the Minister's opinion. For the purposes of sections 53.7 to 53.9, the Minister shall give an opinion as to the conformity of the proposed amendment with the land use plan. If the Minister requests the amendment of both a metropolitan plan and an RCM plan applicable to part of the territory of the metropolitan community concerned, sections 53.11.7 to 53.11.14 do not apply to the by-law amending the RCM plan that the council of the regional county municipality adopts to comply with the request.

If the council fails to adopt a by-law for the purpose of bringing the metropolitan plan or the RCM plan into conformity with the land use plan, the Government may, by order, adopt such a by-law. The by-law is deemed to be a by-law adopted by the council. As soon as practicable after the adoption of the order, the Minister shall send a copy of the order and of the by-law to the responsible body. The by-law comes into force on the date mentioned in the order.

“53.13. The Minister of Sustainable Development, Environment and Parks may, by way of an opinion giving brief reasons and setting out the nature and purpose of the amendments to be made, request the amendment of the metropolitan plan or the RCM plan in force if the Minister is of the opinion that the metropolitan plan or the RCM plan is not consistent with the policy of the Government referred to in section 2.1 of the Environment Quality Act (chapter Q-2), does not respect the limits of a floodplain situated within the territory of the responsible body or, considering the distinctive features of the locality, fails to provide adequate protection for lakeshores, riverbanks, littoral zones and floodplains.

The third and fourth paragraphs of section 53.12 apply, with the necessary modifications, to a request under the first paragraph.

“53.14. The Minister may, by means of an opinion, giving reasons, and for reasons of public security, request amendments to the metropolitan plan or the RCM plan in force. The opinion must state the nature and purpose of the amendments to be made.

The third and fourth paragraphs of section 53.12 apply, with the necessary modifications, to a request made under the first paragraph.”

17. Division VI.1 of Chapter I of Title I of the Act becomes Division III and its heading is replaced by the following heading:

“REVISION OF METROPOLITAN PLAN OR RCM PLAN”.

18. Sections 54 and 55 of the Act are replaced by the following:

“§1. — *Application*

“**53.15.** The special provisions of subdivisions 3 and 4 complement the provisions of this subdivision and subdivision 2; however, the latter apply subject to the former.

“**53.16.** In this division, the opinion of the Minister as to consistency with government policy directions means an opinion as to consistency with the policy directions that the Government, its ministers, mandataries of the State and public bodies are pursuing or intend to pursue with respect to land use development in the territory of the responsible body, including the land use plan provided for in section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1), and with the equipment, infrastructure and land use development projects they intend to carry out in that territory.

“**53.17.** For the purposes of this division, the following are partner bodies:

(1) for the purposes of the revision of a metropolitan plan, every regional county municipality all or part of whose territory is situated within the territory of the metropolitan community and every regional county municipality whose territory is contiguous to the territory of the metropolitan community;

(2) for the purposes of the revision of an RCM plan, every municipality whose territory is situated within the territory of the regional county municipality and every regional county municipality whose territory is contiguous to the territory of the regional county municipality, as well as every school board all or part of whose territory is situated within the territory of the regional county municipality, except with respect to the sending of a copy of a resolution determining the date on which the revision begins, a copy of the by-law adopting the revised RCM plan, the ministerial opinion as to consistency with government policy directions and the notice of coming into force; and

(3) in addition to those referred to in paragraph 2, for the purposes of an RCM plan applicable to part of the territory of a metropolitan community, the metropolitan community.

“**53.18.** For the purposes of this division, the council of a school board is the council of commissioners of the school board.

“§2. — Process common to metropolitan plan and RCM plan

“A. — Mandatory periodical revision

“54. The council of the responsible body must revise its metropolitan plan or RCM plan according to the procedure prescribed in this division.

“55. The revision period of the metropolitan plan or the RCM plan begins on the fifth anniversary of the coming into force of the current metropolitan plan or RCM plan, as the case may be.

However, the council of the responsible body may have the revision period begin before the date provided in the first paragraph.

As soon as practicable after the passage of the resolution by which the council makes a decision under the second paragraph, the secretary shall serve on the Minister, and send to every partner body, a certified copy of the resolution on the Minister.”

19. Sections 56.1 and 56.2 of the Act are repealed.

20. Sections 56.3 to 57 of the Act are replaced by the following:

“B. — Adoption of first draft of revised metropolitan plan or RCM plan

“56.3. Within two years after the beginning of the revision period, the council of the responsible body shall adopt a first draft of the revised metropolitan plan or RCM plan, designated as the “first draft”.

As soon as practicable after the adoption of the first draft, the secretary shall serve on the Minister, and send to every partner body, a certified copy of the draft and of the resolution adopting it.

The Minister shall notify the responsible body in writing of the date on which the Minister received the copy of the first draft.

“56.4. Within 120 days after receiving a copy of the first draft of the revised RCM plan or within 180 days after receiving a copy of the first draft of the revised metropolitan plan, the Minister shall serve on the responsible body an opinion stating the government policy directions that concern its territory.

The opinion may also mention any objections to the first draft in view of the stated policy directions, giving reasons.

“56.5. The council of any partner body may give its opinion on the first draft.

The opinion shall be given by means of a resolution, of which a certified copy must be sent to the responsible body within 120 days after copies of the first draft and of the by-law are sent to the partner body under the second paragraph of section 56.3.

“C. — Adoption of second draft of revised metropolitan plan or RCM plan

“56.6. After the consultation period on the first draft, the council of the responsible body shall adopt, with or without changes, a second draft of the revised metropolitan plan or RCM plan for public consultation, designated as the “second draft”. However, if the Minister, in accordance with section 56.4, has served on the responsible body an opinion mentioning objections to the first draft, the second draft must contain all the changes needed to remove the reasons for the objections.

However, the second draft may not be adopted before the day after the day on which the last of the Minister and all the partner bodies that were sent the first draft gives an opinion on the first draft or the day after the last day of the allotted period.

As soon as practicable after the adoption of the second draft, the secretary shall send a certified copy of the second draft and of the resolution adopting it to every partner body.

“56.7. The council of every partner body may give its opinion on the second draft.

The opinion shall be given by means of a resolution, of which a certified copy must be sent to the responsible body within 120 days after copies of the second draft and of the resolution are sent to the partner body under the third paragraph of section 56.6.

“D. — Public consultation

“56.8. The responsible body must, in accordance with the applicable section from among sections 56.12.5 to 56.12.8, hold at least one public meeting on the second draft.

“56.9. The public meetings held by the responsible body shall be conducted by a committee established by the council, composed of the council members it designates and presided over by the senior officer or another committee member designated by the senior officer.

“56.10. The council of the responsible body shall set the date, time and place of every public meeting.

However, it may delegate all or part of that power to the secretary.

“56.11. Not later than 30 days before a public meeting is held, the secretary shall publish a notice of the date, time and place and the purpose of the meeting in a newspaper circulated in the territory of the responsible body.

The notice must contain a summary describing the main effects of the second draft on the territory concerned.

If all the meetings concern the whole territory of the responsible body, the secretary may give a single notice for all of them not later than 30 days before the first meeting is held.

If the council of the responsible body so chooses, the summary, rather than being included in the notice provided for in the first paragraph, may be mailed or distributed to every address in the territory concerned not later than 30 days before the first or only meeting is held. In that case, a notice of the date, time and place and the purpose of every meeting planned shall be enclosed with the summary.

Every notice must mention that a copy of the second draft and of the summary may be consulted at the office of the responsible body and at the office of every partner body.

“56.12. At a public meeting, the commission shall explain the second draft and hear the persons and organizations wishing to be heard.

“56.12.1. In the case of a metropolitan community, a public consultation meeting referred to in section 56.11 concerns the territory referred to or described in any of paragraphs 1 to 4 of section 56.12.6 or any of paragraphs 1 to 5 of section 56.12.7, as applicable.

“56.12.2. Despite section 56.9, the public meetings held by the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec may be conducted by a committee established under section 50 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or section 41 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), respectively.

“56.12.3. In the case of a regional county municipality, the secretary shall also have a copy of the notice required under the first paragraph of section 56.11 posted in the office of every municipality whose territory the meeting concerns not later than the time prescribed in that section.

“56.12.4. In the case of a regional county municipality, every public consultation meeting referred to in section 56.11 concerns the whole territory of the regional county municipality, unless meetings are planned in all the local municipal territories situated within the territory of the regional county municipality, or unless the regional county municipality, in its decision under section 56.12.5, specifically identified the local municipal territories that each meeting concerns, so as to ensure that no territory is overlooked.

“56.12.5. The council of a responsible body to which any of sections 56.12.6 to 56.12.8 applies shall identify every municipality in whose territory a public meeting must be held in accordance with the applicable section from among those provisions.

“56.12.6. The Communauté métropolitaine de Montréal must hold a public meeting in

(1) the urban agglomeration of Montréal;

(2) the territory of Ville de Laval;

(3) the part of the territory of the metropolitan community that is made up of the territory of Ville de Mirabel and the territories of the municipalities listed in Schedule I to the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) that are situated within the territories of the regional county municipalities listed in Schedule III to that Act; and

(4) the part of the territory of the metropolitan community that is made up of the urban agglomeration of Longueuil and the territories of the municipalities listed in Schedule I to the Act respecting the Communauté métropolitaine de Montréal that are situated within the territories of the regional county municipalities listed in Schedule IV to that Act.

“56.12.7. The Communauté métropolitaine de Québec must hold a public meeting in

(1) the urban agglomeration of Québec;

(2) the territory of Ville de Lévis;

(3) the territory of Municipalité régionale de comté de L’Île-d’Orléans;

(4) the territory of Municipalité régionale de comté de La Côte-de-Beaupré;
and

(5) the territory of Municipalité régionale de comté de La Jacques-Cartier.

“56.12.8. A regional county municipality must hold at least one public consultation meeting in its territory.

The regional county municipality must also hold a public meeting in the territory of every municipality whose representative on the council so requests during the sitting at which the second draft is adopted.

It must also hold a public meeting in the territory, situated within its own territory, of every other municipality whose council so requests within 20 days after it is sent a copy of the draft. A certified copy of the resolution setting out the request must be sent to the regional county municipality within the same period.

For the purposes of the second and third paragraphs, if the sittings of the council of a municipality are held in the territory of another municipality, that territory is deemed to be the territory of the first municipality and, if applicable, to be situated within the territory of the regional county municipality.

The population of the municipality in whose territory the meeting is held or the total population of the municipalities in whose territories meetings are held must make up at least two thirds of the population of the regional county municipality.

“E. — Adoption and coming into force of a revised metropolitan plan or RCM plan

“56.13. After the consultation period concerning the draft, the council of the responsible body shall adopt a by-law establishing a revised metropolitan plan or RCM plan, with or without changes.

However, the by-law may not be adopted before the later of

(1) the day after the day on which the last of the Minister and the partner bodies that were sent the draft by-law gives its opinion on the draft by-law sent or the day after the last day of the allotted period; and

(2) the day after the public meeting, or the last of the public meetings, is held.

As soon as practicable after the adoption of the by-law establishing the revised metropolitan plan or RCM plan, the secretary shall serve on the Minister, and send to every partner body, a certified copy of the by-law and of the resolution adopting it.

The Minister shall notify the body in writing of the date on which the Minister received the copies of the by-law and the resolution.

“56.14. Within 120 days after receiving a copy of the by-law establishing the revised RCM plan or within 180 days after receiving a copy of the by-law establishing the revised metropolitan plan, the Minister shall give an opinion as to the consistency of the revised metropolitan plan or RCM plan with government policy directions.

The opinion stating that the proposed amendment is not consistent with the policy directions must include reasons. In that case, the Minister shall, in the opinion, request the responsible body to replace the by-law.

The Minister shall serve the opinion on the responsible body. If the opinion states that the proposed amendment is not consistent with government policy directions, the Minister shall send a copy to every partner body.

“56.15. If the opinion of the Minister states that the by-law establishing the revised metropolitan plan or RCM plan is not consistent with government policy directions, the council of the responsible body must, within 120 days after service of the opinion, replace the by-law with another establishing a revised metropolitan plan or RCM plan that is consistent with those policy directions.

Sections 56.3 to 56.12 do not apply to the new by-law if the revised metropolitan plan or RCM plan it establishes differs from the plan it replaces only so as to take account of the Minister’s opinion.

If, in accordance with section 239, the Minister extends the period prescribed in the first paragraph of this section or gives the responsible body additional time to replace the by-law establishing the revised metropolitan plan or RCM plan, the Minister may give a new opinion, in accordance with section 56.14, despite the expiry of the period prescribed in that section. In that case, the council must replace the by-law establishing the revised metropolitan plan or RCM plan by a new one which takes account of the new opinion, before the end of the later of

(1) the one hundred and twentieth day after service of the new opinion; and

(2) the last day of the period determined by having the extension period or additional time granted by the Minister begin on the date of service of the new opinion.

“56.16. If, on the expiry of the period applicable under section 56.15, the council of the responsible body has not adopted a by-law establishing a new revised metropolitan plan or RCM plan, the Government may, by order, amend the revised metropolitan plan or RCM plan on which the Minister gave an opinion to ensure that it is consistent with the government policy directions.

If, before the expiry of that period, the council adopts a by-law establishing a new revised metropolitan plan or RCM plan that is still inconsistent with government policy directions, the Minister may either again require the responsible body to replace the revised metropolitan plan or RCM plan, or recommend that the Government exercise its power under the first paragraph.

The metropolitan plan or RCM plan, as amended by the Government, is deemed to be a revised metropolitan plan or RCM plan adopted in its entirety by a by-law of the council of the responsible body.

As soon as practicable after the order is made, the Minister shall serve a copy on the responsible body. The copy of the order shall stand in lieu of the original for the purpose of issuing certified copies of the revised metropolitan plan or RCM plan.

“56.17. The revised metropolitan plan or RCM plan comes into force on the day of service on the responsible body of the Minister’s opinion stating that the plan is consistent with government policy directions or, if the Minister did not give an opinion within the prescribed period, on the expiry of that period.

However, a revised metropolitan plan or RCM plan amended by the Government comes into force on the date specified in the order made under section 56.16.

“56.18. As soon as practicable after the coming into force of the revised metropolitan plan or RCM plan, the secretary shall publish a notice of the date of coming into force in a newspaper circulated in the territory of the responsible body.

At the same time, the secretary shall send a certified copy of the revised metropolitan plan or RCM plan to every partner body.

“57. Within 90 days after the coming into force of the revised metropolitan plan or RCM plan, the secretary shall publish a summary, mentioning the date of coming into force, in a newspaper circulated in the territory of the responsible body.

However, rather than being published in a newspaper, the summary may be sent by mail or distributed, as decided by the council, within the same period to every address in the territory of the responsible body.”

21. The Act is amended by inserting the following before Division VI.2 of Chapter I of Title I:

“§3. — Provision specific to metropolitan plan

“57.2. The decision to adopt a by-law amending a metropolitan plan must be made by a two-thirds majority of the votes cast.

In the case of the Communauté métropolitaine de Québec, the majority must also include a majority of the votes cast by the representatives of Ville de Lévis and a majority of the votes cast by all the representatives of Municipalité régionale de comté de L’Île-d’Orléans, Municipalité régionale de comté de La Côte-de-Beaupré and Municipalité régionale de comté de La Jacques-Cartier.

“§4. — Provisions specific to RCM plan

“A. — Provision applicable to all RCM plans

“57.3. In the case of the revision of an RCM plan, if the territory of the regional county municipality includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural

activities (chapter P-41.1), the ministerial opinion under section 56.4 or 56.14 shall include the guidelines relating to the objectives set out in subparagraph 2.1 of the first paragraph of section 5. It shall also specify the parameters to serve in determining separation distances to reduce the inconvenience caused by odours from certain agricultural activities.

“B. — Provisions applicable in metropolitan territories

“57.4. If the revised RCM plan concerns part of the territory of a metropolitan community, the council of the metropolitan community must, within 60 days after it is sent a copy of the by-law establishing the revised RCM plan, approve the by-law if it is in conformity with the metropolitan plan or withhold approval if it is not.

A resolution withholding approval of the by-law must include reasons and specify which provisions of the by-law are not in conformity with the metropolitan plan.

As soon as practicable after the passage of the resolution approving or withholding approval of the by-law, the secretary of the metropolitan community shall, in the first case, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality or, in the second case, send the regional county municipality a certified copy of the resolution.

If the council of the metropolitan community does not resolve to approve or withhold approval of the by-law within the period prescribed in the first paragraph, the by-law is deemed to be in conformity with the metropolitan plan.

“57.5. If the council of the metropolitan community withholds approval of the by-law, the council of the regional county municipality may apply to the Commission for an assessment of the conformity of the by-law with the metropolitan plan.

The secretary of the regional county municipality shall serve a certified copy of the resolution requesting the assessment and of the by-law concerned on the Commission and on the metropolitan community.

The copies sent to the Commission must be received within 15 days after a copy of the resolution withholding approval of the by-law is sent to the regional county municipality.

“57.6. The Commission must give its assessment within 60 days after receiving a copy of the resolution requesting the assessment.

An assessment stating that the by-law is not in conformity with the metropolitan plan may include suggestions of the Commission on how to ensure such conformity.

The secretary of the Commission shall send a copy of the assessment to the regional county municipality and to the metropolitan community.

If the assessment states that the by-law is in conformity with the metropolitan plan, the secretary of the metropolitan community shall, as soon as practicable after receiving a copy of the assessment, issue a certificate of conformity in respect of the by-law and send a certified copy of the certificate to the regional county municipality.

“57.7. If the revised RCM plan established by the by-law is recognized as not being in conformity with the metropolitan plan, the council of the regional county municipality must replace the by-law with another that establishes a revised RCM plan that is in conformity with the metropolitan plan.

Sections 56.3 to 56.12 do not apply to the new by-law if the revised RCM plan it establishes differs from the plan it replaces only so as to ensure its conformity with the metropolitan plan.

“57.8. In the case of the revision of an RCM plan applicable to part of the territory of a metropolitan community, the revised RCM plan comes into force on the latest of all the dates determined under section 56.17 and the date on which its certificate of conformity is issued. The revised RCM plan is deemed to be in conformity with the metropolitan plan.”

22. Division VI.2 of Chapter I of Title I of the Act becomes Division IV and its heading is replaced by the following heading:

“EFFECTS OF AMENDMENT OR REVISION OF METROPOLITAN PLAN OR RCM PLAN”.

23. Section 58 of the Act is replaced by the following section:

“58. The council of every regional county municipality or municipality mentioned in the document adopted under section 53.11.2 or 53.11.4 shall adopt any necessary concordance by-law within six months after the coming into force of the by-law amending the metropolitan plan or the RCM plan.

In the case of the amendment of a metropolitan plan, “concordance by-law” means any by-law amending an RCM plan applicable to part of the territory of the metropolitan community that is needed to take account of the amendment of the RCM plan.

In the case of the amendment of an RCM plan, “concordance by-law” means any by-law among the following that is needed to take account of the amendment of the RCM plan:

(1) any by-law amending the planning program of a municipality, its zoning, subdivision or building by-laws or any of its by-laws under Divisions VII to XI of Chapter IV; and

(2) the by-law adopted by the council of a municipality under section 116 or any by-law amending it.”

24. The heading of subdivision A of subdivision 2 of Division VI.2 of Chapter I of Title I of the Act is amended by replacing “*the objectives of the revised plan and with the provisions of the complementary document*” by “*the revised metropolitan plan*”.

25. The Act is amended by inserting the following after the heading of subdivision A of subdivision 2 of Division VI.2 of Chapter I of Title I:

“58.1. In the case of the revision of a metropolitan plan, the council of a regional county municipality all or part of whose territory is situated within the territory of the metropolitan community must adopt any necessary concordance by-law within two years after the coming into force of the revised metropolitan plan.

For the purposes of the first paragraph, a “concordance by-law” means any by-law referred to in the second paragraph of section 58 that is needed to take account of the amendment of the metropolitan plan.

“58.2. After the coming into force of the revised metropolitan plan, the council of any regional county municipality all or part of whose territory is situated within the territory of the metropolitan community may state that its RCM plan does not require amendment to take account of the revision of the metropolitan plan.

As soon as practicable after the council passes a resolution stating that the RCM plan does not require amendment, the secretary of the regional county municipality shall send a certified copy of the resolution to the metropolitan community and shall give public notice of the passage of the resolution, in accordance with the Act governing the regional county municipality with respect to that matter.

“58.3. Within 120 days after the copy of the resolution referred to in the second paragraph of section 58.2 is sent, the council of the metropolitan community must approve the resolution if the RCM plan is in conformity with the revised metropolitan plan or withhold approval if it is not.

A resolution by which the council of the metropolitan community withholds approval of the resolution of the regional county municipality must include reasons.

As soon as practicable after the council of the metropolitan community passes the resolution, the secretary shall send a certified copy to the regional county municipality.

If the council of the metropolitan community does not resolve to approve or withhold approval of the resolution within the period prescribed in the first paragraph, the resolution is deemed to be approved by the council.

The RCM plan that is the subject of the resolution does not require amendment in order to take account of the revision of the metropolitan plan. It is deemed to be in conformity with the revised metropolitan plan.

“58.4. If the council of the metropolitan community withholds approval of the resolution, the council of the regional county municipality may apply to the Commission for an assessment of the conformity of the RCM plan that is the subject of the resolution with the metropolitan plan.

The secretary of the regional county municipality shall serve a certified copy of the resolution requesting the assessment and of the RCM plan concerned on the Commission and on the metropolitan community.

The copies sent to the Commission must be received within 15 days after a copy of the resolution by which the council of the metropolitan community withholds approval of the resolution referred to in the second paragraph of section 58.2 is sent to the regional county municipality.

“58.5. The Commission must give its assessment within 60 days after receiving a copy of the resolution requesting the assessment.

An assessment stating that the RCM plan that is the subject of the resolution referred to in the second paragraph of section 58.2 is not in conformity with the metropolitan plan may include suggestions of the Commission on how to ensure conformity.

The secretary of the Commission shall send a copy of the assessment to the regional county municipality and to the metropolitan community.

If the assessment states that the RCM plan is in conformity with the metropolitan plan, it does not require amendment in order to take account of the revision of the metropolitan plan. It is deemed to be in conformity with the metropolitan plan.

“A.1. — Obligations relating to conformity of the objectives of the revised RCM plan and the provisions of the complementary document”.

26. Section 59 of the Act is amended

(1) by replacing “The council” in the first paragraph by “In the case of the revision of an RCM plan, the council”;

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

27. Subdivision 3 of Division VI.2 of Chapter I of Title I of the Act, comprising section 60, is repealed.

28. Division VII of Chapter I of Title I of the Act becomes Division V.

29. Section 61 of the Act is replaced by the following:

“A. — *General provisions*

“**61.** Subdivisions 2 to 4 apply to any responsible body that has initiated the process of amendment of, or is currently revising, its metropolitan plan or RCM plan.

“**61.1.** In this division, the opinion of the Minister as to consistency with government policy directions means an opinion as to consistency with the policy directions that the Government, its ministers, mandataries of the State and public bodies are pursuing or intend to pursue with respect to land use development in the territory of the responsible body, including the land use plan provided for in section 21 of the Act respecting the lands in the domain of the State (chapter T-8.1), and with the equipment, infrastructure and land use development projects they intend to carry out in that territory.

“B. — *Provision specific to the Communauté métropolitaine de Québec*

“**61.2.** A decision of the council of the Communauté métropolitaine de Québec under any provision of subdivisions 2 to 4 must be made by a two-thirds majority of the votes cast.

The majority must also include a majority of the votes cast by the representatives of Ville de Lévis and a majority of the votes cast by all the representatives of Municipalité régionale de comté de L’Île-d’Orléans, Municipalité régionale de comté de La Côte-de-Beaupré and Municipalité régionale de comté de La Jacques-Cartier.”

30. The Act is amended by inserting the following section before section 62:

“**61.3.** For the purposes of this subdivision, the following are partner bodies:

(1) in every case, each municipality whose territory is situated within the territory of the responsible body;

(2) in addition to those described in paragraph 1, if the resolution is related to the amendment or revision of a metropolitan plan, each regional county municipality all or part of whose territory is situated within the territory of the metropolitan community; and

(3) in addition to those described in paragraph 1, if the resolution is related to the amendment or revision of an RCM plan applicable to all or part of the territory of a metropolitan community, that metropolitan community.”

31. Section 62 of the Act is amended

(1) by replacing “the regional county municipality” in the first and third paragraphs by “the responsible body”;

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

“As soon as practicable after the passage of the resolution by which the council makes a decision under the first paragraph or amends or repeals that decision, the secretary shall publish a notice of the date of passage in a newspaper circulated in the territory of the responsible body, and send a certified copy of the resolution to the Minister and to every partner body.”

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

“63.1. A provision of a resolution passed under section 62 by the council of a regional county municipality that prohibits an activity in part of the territory of a metropolitan community is without effect if a provision of a resolution or a by-law passed or adopted under section 62 or 64 by the council of the metropolitan community authorizes the activity in that part of the territory upon the issuance of a permit or a certificate.

A provision of a resolution passed under section 62 by the council of a regional county municipality that authorizes an activity in part of the territory of a metropolitan community, upon the issuance of a permit or a certificate, is without effect if a provision of a resolution or a by-law passed or adopted by the council of the metropolitan community under section 62 or 64

(1) prohibits the activity in that part of the territory; or

(2) authorizes the activity in that part of the territory upon the issuance of a permit or a certificate, and the terms and conditions for or the officers charged with the issuance of the permit or certificate are not the same.”

33. The Act is amended by inserting the following sections before section 64:

“63.2. For the purposes of this subdivision, the following are partner bodies:

(1) if the by-law is related to the amendment or revision of a metropolitan plan, every regional county municipality all or part of whose territory is situated within the territory of the metropolitan community;

(2) if the by-law is related to the amendment or revision of an RCM plan applicable to part of the territory of a metropolitan community, that metropolitan community; and

(3) in addition to those described in paragraph 2, if the by-law is related to the amendment or revision of an RCM plan, every municipality whose territory is situated within the territory of the regional county municipality.

“63.3. For the purposes of section 66, the following are also partner bodies:

(1) in every case, each regional county municipality whose territory is contiguous to the territory of the responsible body; and

(2) in addition to those described in paragraph 1, if the by-law is related to the process of amendment or revision of a metropolitan plan, each municipality whose territory is situated within the territory of the metropolitan community.”

34. Section 64 of the Act is amended

(1) by replacing “the regional county municipality” in the first and sixth paragraphs by “the responsible body”;

(2) by replacing “secretary-treasurer” in the third paragraph by “secretary”;

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

“As soon as practicable after the adoption of the by-law, the secretary shall send a certified copy of the by-law and of the resolution adopting the by-law to the Minister and to every partner body.”

35. Section 65 of the Act is replaced by the following section:

“65. Within 60 days after receiving a copy of the by-law, the Minister shall give an opinion as to the consistency of the by-law with government policy directions.

If the opinion states that the by-law is not consistent with those policy directions, it must include reasons. In that case, the Minister may, in the opinion, request that the responsible body replace the by-law; the Minister may also set a time limit for the adoption of a replacement by-law.

The Minister shall serve the opinion on the responsible body. In the case provided for in the second paragraph, the Minister shall send a copy of the opinion to every partner body.”

36. Section 66 of the Act is amended

(1) by replacing “the regional county municipality” in the first and second paragraphs by “the responsible body”;

(2) by replacing “secretary-treasurer” in the second paragraph by “secretary”;

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

“At the same time, the secretary shall send a certified copy of the by-law and of the opinion to every partner body.”

37. The Act is amended by inserting the following before section 68:

“A. — Provisions common to interim control by-laws related to metropolitan plan or RCM plan”.

38. Section 69 of the Act is repealed.

39. Section 70 of the Act is amended by replacing “land use planning and development plan” in subparagraph 1 of the first paragraph by “metropolitan plan or the RCM plan”.

40. Section 71 of the Act is amended

(1) by replacing “land use planning and development plan” by “metropolitan plan or the RCM plan”;

(2) by inserting “metropolitan plan or the RCM” after “the amendment of the”.

41. The Act is amended by inserting the following after section 71:

“B. — Provisions specific to interim control by-laws related to metropolitan plan

“71.0.1. In the case of a by-law adopted under section 64 that relates to the amendment of a metropolitan plan, the concordance by-law referred to in section 71 is the by-law the municipality must adopt to take account of the amendment to the RCM plan applicable to that territory as a consequence of the amendment of the metropolitan plan.

“71.0.2. The by-law adopted under section 64 that relates to the revision of the metropolitan plan ceases to have effect in the territory of the municipality, if it has not already been repealed,

(1) on the day on which it is determined under the fourth paragraph of section 58.3 or 58.5 that the RCM plan applicable to that territory does not require amendment in order to take account of the revision of the metropolitan plan; or

(2) on the day of the coming into force of the last concordance by-law that the council of the municipality must adopt under section 58 in order to take account of the amendment of the RCM plan applicable to that territory under section 58.1 as a consequence of the revision of the metropolitan plan.

“C. — Provisions specific to interim control by-laws related to RCM plan

“71.0.3. The regional county municipality may examine the advisability, having regard to the interim control measures, of works provided for by any resolution or any by-law, referred to in section 46, of a municipality in whose territory the measures apply.

“71.0.4. In the case of a by-law under section 64 that is related to the amendment or revision of an RCM plan and concerns an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), the ministerial opinion under section 65 must take account of the guidelines relating to the objectives set out in subparagraph 2.1 of the first paragraph of section 5. If the by-law provides for standards aimed at reducing the inconvenience caused by odours from agricultural activities, the notice shall also indicate the parameters to serve in determining separation distances for such purposes.

“71.0.5. A provision of a by-law adopted under section 64 by the council of a regional county municipality that prohibits an activity in part of the territory of a metropolitan community is without effect if a provision of a resolution or a by-law adopted under section 62 or 64 by the council of the metropolitan community authorizes the activity in that part of the territory upon the issuance of a permit or a certificate.

A provision of a by-law passed under section 64 by the council of a regional county municipality that authorizes an activity in part of the territory of a metropolitan community upon the issuance of a permit or a certificate is without effect if a resolution or by-law passed or adopted by the council of the metropolitan community under section 62 or 64

(1) prohibits the activity in that part of the territory; or

(2) authorizes the activity in that part of the territory upon the issuance of a permit or a certificate, and the terms and conditions of or the officers charged with the issuance of the permit or certificate are not the same.”

42. Section 75.1 of the Act is amended by striking out the third paragraph.

43. Section 75.10 of the Act is amended

- (1) by replacing “land use planning and development” by “RCM”;
- (2) by replacing “secretary-treasurer, the secretary-treasurer” by “secretary, the secretary”.

44. Section 75.11 of the Act is replaced by the following section:

“75.11. Before giving an opinion under any of sections 51, 53.7, 56.4, 56.14 and 65 to a regional county municipality in whose territory a commission has jurisdiction, the Minister shall request that the commission and the other regional county municipality in whose territory the commission has jurisdiction to give its opinion with respect to the document submitted to the Minister.

The opinions of the commission and the other regional county municipality must be received by the Minister, respectively, within 45 or 60 days after they were requested, depending on whether the ministerial opinion is applied for under section 51, 53.7 or 65, or under section 56.4 or 56.14.

Aside from inconsistency with government policy directions referred to in the sections mentioned in the first paragraph, an objection or disapproval expressed by the Minister under any of those sections may be based on problems raised in the opinion of the commission or the other regional county municipality. For the purposes of the provisions that concern the process of amendment or revision of the RCM plan or an interim control by-law related to that process and that refer to consistency or inconsistency with government policy directions, that reference also includes the solution or lack of a solution offered to the problems raised in the opinion of the Minister based on the opinion of the commission or the other regional county municipality.

The first three paragraphs do not apply when the Minister gives an opinion

- (1) under section 53.7 in respect of a replacement by-law referred to in the second paragraph of section 53.8;
- (2) under section 53.7 if the proposed amendment to the RCM plan arises from the application of any of sections 53.12 to 53.14;
- (3) under section 56.14 in respect of a revised replacement RCM plan adopted pursuant to a request by the Minister under the third paragraph of that section; or
- (4) under section 65 in respect of a replacement interim control by-law adopted pursuant to a request by the Minister under the second paragraph of that section.”

45. Section 76 of the Act is replaced by the following section:

“76. A regional county municipality acting as a local municipality in respect of an unorganized territory under section 8 of the Act respecting municipal territorial organization (chapter O-9) is required to maintain in force at all times a zoning by-law, a subdivision by-law and a building by-law applicable to that territory, in addition to any other by-law it is required to adopt under the complementary document to its current RCM plan.

Different by-laws may apply to different parts of the unorganized territory determined by the council of the regional county municipality.”

46. Sections 77 and 79 of the Act are repealed.

47. Section 79.1 of the Act is amended by striking out “no part of whose territory is situated within the territory of a metropolitan community”.

48. Section 79.8 of the Act is replaced by the following section:

“79.8. Not later than 15 days before a public meeting is held, the secretary shall publish in a newspaper circulated in the territory of every municipality whose territory the draft by-law concerns a notice of the time and place and the purpose of the meeting, and the secretary shall have a copy of the notice posted in the office of every municipality whose territory is situated within the territory concerned.

The notice must include a summary of the draft by-law.

Every meeting concerns all the local municipal territories concerned, unless meetings are planned in all those territories, or unless the council of the regional county municipality, in its decision under the first paragraph of section 79.7, specifically identified the local municipal territories that each meeting concerns, so as to ensure that no territory is overlooked.

If all the meetings concern all the local municipal territories concerned, the secretary may give a single notice for all of them not later than 15 days before the first meeting is held.

If the council of the regional county municipality so chooses, the summary, rather than being included in the notice provided for in the first paragraph, may be mailed or distributed to every address in the territory concerned not later than 15 days before the first or only meeting is held. In that case, a notice of the date, time and place and the purpose of every meeting planned shall be enclosed with the summary.

Every notice must mention that a copy of the draft by-law and of the summary may be consulted at the office of the regional county municipality and, if applicable, at the office of every municipality whose territory is concerned.”

49. Section 79.12 of the Act is amended by striking out “, and may receive free of charge from the municipality an authenticated copy of the development plan and the complementary document” in the third paragraph.

50. Section 79.20 of the Act is amended

(1) by striking out “no part of whose territory is situated within the territory of the Communauté métropolitaine de Montréal” in the first paragraph;

(2) by replacing “the territory of the regional county municipality” in the first paragraph by “its territory”;

(3) by inserting the following subparagraph before subparagraph 1 of the second paragraph:

“(0.1) in the case of a regional county municipality all or part of whose territory is situated within the territory of a metropolitan community, the metropolitan plan;”.

51. The Act is amended by inserting the following section after section 79.20:

“79.21. In the case of a regional county municipality all or part of whose territory is situated within the territory of the metropolitan community, the plan relating to the development of the territory of the regional county municipality must take account of the general economic development plan of the metropolitan community referred to in section 150 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or section 143 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02).”

52. Section 81 of the Act is replaced by the following section:

“81. A municipality may have a planning program applicable to its whole territory.

A municipality that has a planning program in force may not repeal it.”

53. Section 82 of the Act is repealed.

54. Section 86 of the Act is amended

(1) by replacing “land use planning and development” in the first paragraph by “RCM”;

(2) by replacing “secretary-treasurer” in the second paragraph by “secretary”.

55. The heading of Division V of Chapter III of Title I of the Act is amended by striking out “OF THE COMING INTO FORCE”.

56. Section 101 of the Act is amended by replacing “The coming into force of the” by “A”.

57. Section 110.7 of the Act is amended by striking out “, and may receive free of charge from the municipality a certified copy of the program and of the by-law concerned” in the third paragraph.”

58. Subdivision 2 of Division VI.1 of Chapter III of Title I of the Act, comprising section 110.10, is repealed.

59. Section 112.8 of the Act is amended

(1) by replacing “the regional county municipality” in the first and second paragraphs by “the responsible body”;

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

“For the purposes of the first two paragraphs, a provision adopted under section 62 or 64 by the council of a regional county municipality that is without effect as a result of the application of section 63.1 or 71.0.5 is not taken into account.”

60. Section 123 of the Act is amended

(1) by replacing “123” in the second paragraph by “124”;

(2) by inserting “59.5,” after “59,” in subparagraph 2 of the third paragraph;

(3) by replacing “land use planning and development” in subparagraph 2 of the third paragraph by “RCM”.

61. The heading of subdivision 3 of Division V of Chapter IV of Title I of the Act is amended by replacing “*land use planning and development*” by “*RCM*”.

62. Section 137.5 of the Act is amended

(1) by replacing “secretary-treasurer shall” in the fourth paragraph by “secretary of the regional county municipality shall”;

(2) by replacing “secretary-treasurer receives” in the fourth paragraph by “secretary receives”.

63. Section 137.11 of the Act is amended by striking out “, and may receive free of charge from the municipality a certified copy of the program and of the by-law concerned” in the third paragraph.

64. Section 137.16 of the Act is amended by replacing “land use planning and development” in the first paragraph by “metropolitan plan or RCM”.

65. Section 145.38 of the Act is amended by replacing “land use planning and development” in the third paragraph by “metropolitan plan or RCM”.

66. The Act is amended by inserting the following after the heading of Chapter V.1 of Title I:

“DIVISION I

“PROVISIONS COMMON TO METROPOLITAN COMMUNITIES AND REGIONAL COUNTY MUNICIPALITIES”.

67. Section 148.1 of the Act is amended

(1) by replacing “Every regional county municipality” in the first paragraph by “A responsible body”;

(2) by replacing “Any other regional county municipality” in the second paragraph by “Any other responsible body”.

68. Section 148.2 of the Act is amended by replacing “A regional county municipality having established” by “A responsible body that has established”.

69. Section 148.4 of the Act is amended

(1) by replacing “The regional county municipality” in the first paragraph by “The responsible body”;

(2) by replacing “Elle” in the first paragraph in the French text by “Il”;

(3) by replacing “the regional county municipality” in the third paragraph by “the responsible body”.

70. The Act is amended by inserting the following after section 148.13:

“DIVISION II

“PROVISION SPECIFIC TO THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

“148.13.1. For the purposes of sections 148.3 and 148.4, council members of municipalities whose territories are situated within the territory of the Communauté métropolitaine de Québec who do not sit on the council of that community are considered to be members of that council.”

71. Section 150 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

“150. The Government or a minister of the Government or a mandatary of the State may make an intervention to which this section applies, in a territory where a metropolitan plan, an RCM plan or an interim control by-law adopted by the council of a responsible body is in force, only if the intervention is deemed, under section 157, to be in conformity with the metropolitan plan, the RCM plan or the by-law. For the purposes of this chapter, conformity with the RCM plan is established in light of the objectives of the RCM plan, and conformity with the by-law is established in light of the provisions of the by-law.

If in the territory concerned, two or more documents referred to in the first paragraph are in force simultaneously and the intervention is in conformity with one of them but not with all of them, the document considered for the purposes of the first paragraph shall be the one containing the provisions applicable to the territory concerned that were brought into force most recently. However, if none of the provisions of the by-law applies to the planned intervention in the territory concerned, the by-law shall not be considered for the purposes of the first paragraph. Nor shall a provision of the by-law that is without effect due to the application of section 71.0.5 be considered.”

72. Section 151 of the Act is amended

(1) by replacing “the regional county municipality” in the first paragraph by “the responsible body”;

(2) by replacing “with the objectives of the land use planning and development plan or the provisions of the” in the second paragraph by “with the metropolitan plan, the RCM plan or the”;

(3) by inserting “metropolitan plan, RCM” after “made to the” in the second paragraph.

73. Section 152 of the Act is amended

(1) by replacing “the regional county municipality” in the first and third paragraphs by “the responsible body”;

(2) by replacing “with the objectives of the land use planning and development plan or the provisions of the” in the first paragraph by “with the metropolitan plan, the RCM plan or the”;

(3) by replacing “secretary-treasurer” in the second paragraph by “secretary”.

74. Section 153 of the Act is amended

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

“153. If the opinion indicates that the planned intervention is not in conformity with the metropolitan plan, the RCM plan or the interim control by-law, the Minister may, within 120 days after receipt of the copy of the resolution stating the council’s opinion, request an assessment of conformity from the Commission or require that the council of the responsible body amend the metropolitan plan, the RCM plan or the by-law to ensure such conformity.”;

(2) by replacing “the regional county municipality” in the second paragraph by “the responsible body”;

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

“If the Minister elects to request an amendment to the metropolitan plan, the RCM plan or the by-law, the Minister shall serve on the responsible body, within the period prescribed in the first paragraph, a request with reasons, indicating the amendments that must be made to ensure conformity of the planned intervention with the metropolitan plan, the RCM plan or the by-law. The Minister shall send a copy of the request to every municipality whose territory is situated within the territory of the responsible body.”

75. Section 154 of the Act is amended

(1) by replacing “with the objectives of the land use planning and development plan or the provisions of the” in the first paragraph by “with the metropolitan plan, the RCM plan or the”;

(2) by replacing “with such objectives or provisions” in the second paragraph by “with the metropolitan plan, the RCM plan or the by-law”;

(3) by replacing “the regional county municipality” in the third and fourth paragraphs by “the responsible body”;

(4) by replacing “with the objectives of the plan, or the provisions of the” in the fourth paragraph by “with the metropolitan plan, the RCM plan or the”;

(5) by inserting “metropolitan plan, RCM” after “amend the” in the fourth paragraph.

76. Section 155 of the Act is replaced by the following section:

“155. Within 90 days after service of the request in accordance with the third paragraph of section 153, the council of the responsible body must adopt a by-law to amend the metropolitan plan, the RCM plan or the interim control by-law to take account of the request.

Sections 48 to 53.4 do not apply to a by-law which amends the metropolitan plan or the RCM plan only so as to take account of the request. For the purposes of sections 53.7 to 53.9 or 65 and 66, the Minister shall give an opinion as to the conformity of the planned intervention with the metropolitan plan, the RCM plan or the interim control by-law, as amended by the by-law, even if the by-law is not in force.”

77. Section 156 of the Act is amended

(1) by replacing the first and second paragraphs by the following paragraphs:

“156. If the council of the responsible body fails to adopt a by-law amending the metropolitan plan, the RCM plan or the interim control by-law to take account of the Minister’s request, the Government may act in the place of the council in accordance with the provisions of this section.

Once the council has failed to act, the Minister shall produce a document describing the planned intervention and the amendments to be made to the metropolitan plan, the RCM plan or the interim control by-law to ensure conformity of the intervention with the metropolitan plan, the RCM plan or the by-law. The Minister shall send a copy of the document to the responsible body and to every municipality whose territory is situated within the territory of the responsible body.”;

(2) by replacing “the regional county municipality” in the fourth paragraph by “the responsible body”;

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

“After the meeting or, as the case may be, the last of the meetings, the Government may, by order, adopt a by-law amending the metropolitan plan, the RCM plan or the interim control by-law to ensure conformity of the planned intervention with the metropolitan plan, the RCM plan or the by-law. The by-law adopted by the Government is deemed to have been adopted by the council of the responsible body. As soon as practicable after the adoption of the government order, the Minister shall send a copy of the order and of the by-law to the responsible body. The by-law comes into force on the date mentioned in the government order.”

78. Section 157 of the Act is amended

(1) by replacing “with the objectives of the land use planning and development plan and the provisions of the” in the portion before paragraph 1 by “with the metropolitan plan, the RCM plan or the”;

(2) by replacing “the regional county municipality” in paragraphs 1, 2 and 3 by “the responsible body”;

(3) by replacing “land use planning and development plan” in paragraph 3 by “metropolitan plan, RCM plan”.

79. Section 161 of the Act is amended by replacing “regional county municipality or municipality concerned” by “responsible body or municipality concerned”.

80. Section 164 of the Act is amended by replacing “regional county municipality or municipality concerned” in the second paragraph by “responsible body or municipality concerned”.

81. Section 165.2 of the Act is amended by replacing “the regional county municipality” in the third paragraph by “every responsible body with respect to a metropolitan plan or an RCM plan applicable to the territory of the municipality”.

82. Section 165.4 of the Act is amended

(1) by replacing “assujetti” in the second paragraph in the French text by “assujettie”;

(2) by replacing “the regional county municipality” in the fourth paragraph by “every responsible body with respect to a metropolitan plan or an RCM plan applicable to the territory of the municipality”.

83. Section 224 of the Act is amended

(1) by replacing “A regional county municipality” by “A responsible body”;

(2) by inserting “free of charge” after “Commission”.

84. Section 227 of the Act is amended

(1) by replacing “the regional county municipality” in the first paragraph by “the responsible body”;

(2) by replacing “the objectives of the applicable land use planning and development plan or the provisions of the applicable” in the second paragraph by “the applicable metropolitan plan, RCM plan or”.

85. Section 228 of the Act is amended by replacing “regional county municipality or the municipality in whose territory” in the first paragraph by “municipality or the responsible body in whose territory”.

86. Section 230 of the Act is amended by replacing “regional county municipality or the municipality in whose territory” in the second paragraph by “municipality or the responsible body in whose territory”.

87. Section 234.1 of the Act is amended by replacing the first and second paragraphs by the following paragraphs:

“234.1. Where this Act requires that a copy of a revised metropolitan plan or RCM plan or of a by-law be sent to a recipient after its coming into force, and the recipient has already received an identical copy after the adoption of the metropolitan plan, RCM plan or by-law, the sender may send to the recipient, instead of the copy, a notice indicating that the text in force is identical to the adopted text and specifying the dates of coming into force and adoption.

Where this Act requires that a copy of a metropolitan plan, RCM plan or by-law adopted to replace another which did not come into force by reason of non-conformity be sent to a recipient after its adoption, and the recipient has already received a copy of the replaced metropolitan plan, RCM plan or by-law, the sender may send to the recipient, instead of the copy, only the pages of the new metropolitan plan, RCM plan or by-law which contain changes, with a notice indicating the changes, mentioning that except for those changes, the new text is identical to the previous one and specifying the date of adoption of each.”

88. The Act is amended by inserting the following section after section 234.1:

“234.2. Before giving an opinion under any of sections 51, 53.7, 56.4, 56.14 and 65 to a regional county municipality that is the responsible body with respect to an RCM plan applicable to a territory contiguous to the territory of the Communauté métropolitaine de Montréal or the Communauté métropolitaine de Québec, the Minister must request that the metropolitan community gives its opinion on the document submitted to the Minister.

Before giving an opinion under any of those sections to the Communauté métropolitaine de Québec or to a regional county municipality that is the responsible body with respect to an RCM plan applicable to part of the territory of the metropolitan community, the Minister must request an assessment from the Commission de la capitale nationale du Québec with respect to the document submitted.

The opinion or assessment requested under either of the first two paragraphs must be received by the Minister, respectively, within 45 or 60 days after the request is made, depending on whether the ministerial opinion is applied for under any of sections 51, 53.7 and 65 or either of sections 56.4 and 56.14.

Despite section 47 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) or section 38 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), the council of the metropolitan community may delegate to the executive committee the power to prepare the opinion requested by the Minister.

Aside from inconsistency with government policy directions referred to in the sections mentioned in the first paragraph, an objection or disapproval expressed by the Minister under any of those sections may be based on a reason set out in the opinion or assessment received by the Minister. For the purposes of the provisions that concern the process of amendment or revision of the RCM plan or an interim control by-law related to that process and that refer to consistency or inconsistency with government policy directions, that reference also includes the solution or lack of a solution offered to the problems raised in the opinion of the Minister based on the opinion or assessment received by the Minister.

The first four paragraphs do not apply when the Minister gives an opinion

(1) under section 53.7 on a replacement by-law referred to in the second paragraph of section 53.8;

(2) under section 53.7 if the proposed amendment to the RCM plan results from the application of any of sections 53.12 to 53.14;

(3) under section 56.14 in respect of a revised replacement RCM plan adopted pursuant to a request by the Minister under the second paragraph of that section; or

(4) under section 65 on a replacement interim control by-law adopted pursuant to a request by the Minister under the second paragraph of that section.”

89. Section 236 of the Act is amended

(1) by replacing “secretary-treasurer” by “secretary”;

(2) by replacing “the regional county municipality” by “the responsible body”.

90. Section 237.2 of the Act is amended

(1) by replacing “land use planning and development” in the first paragraph by “RCM”;

(2) by replacing “secretary-treasurer” in the third paragraph by “secretary”.

91. Section 239 of the Act is amended

(1) by replacing “a regional county municipality” in the first paragraph by “a responsible body”;

(2) by replacing “regional county municipality” in the second paragraph by “responsible body”.

92. Section 240 of the Act is replaced by the following section:

“240. The Minister may request from the Commission an assessment of the conformity, with a metropolitan plan, the objectives of an RCM plan, the provisions of a complementary document or a planning program, of any document with respect to which an application for an assessment may be filed with the Commission under this Act by the council of a responsible body or municipality or a qualified voter.

The Minister must request the assessment within the period prescribed by the provision entitling such a council or a qualified voter to apply to the Commission for an assessment of the same document. The request for an assessment has the same effect as an application filed by such a council or the required number of qualified voters, as the case may be.”

93. Section 244 of the Act is amended

(1) by replacing “a regional county municipality” in the first paragraph by “a responsible body”;

(2) by replacing “land use planning and development plan” in the first paragraph by “metropolitan plan or an RCM plan”.

94. Section 246 of the Act is amended by replacing “land use planning and development plan” in the first paragraph by “metropolitan plan, an RCM plan”.

95. The Act is amended by inserting the following section after section 246.1:

“246.2. To the extent provided for in the second paragraph and in addition to any sending or service provided for in another provision of this Act, a municipal body must send another municipal body, at the request of the latter and free of charge, a certified copy of any document in its archives or any information it is authorized to communicate that is directly or indirectly related to the other body’s exercise of a power under this Act.

Certified copies or information may be sent under the first paragraph between a metropolitan community and a regional county municipality that is the responsible body with respect to an RCM plan applicable to part of the territory of the metropolitan community or between such a regional county municipality and a municipality to whose territory such an RCM plan applies.”

96. Section 264 of the Act is replaced by the following section:

“264. Ville de Laval is subject both to the provisions of this Act, except Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council, the executive committee and the secretary of a regional county municipality shall be exercised in that city by the mayor, the council, the executive committee, and the clerk or any other officer designated for that purpose, respectively.

However,

(1) the examination of the conformity of the planning program or of a planning by-law with the city’s RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws;

(2) paragraphs 6 and 7 of section 84 and section 85 apply to the optional content of the RCM plan;

(3) section 85.1 applies to Ville de Laval as if its RCM plan were not in force;

(4) sections 114 and 117 apply, taking into account the procedure provided for in subsection 23 of section 51*a* of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), enacted for Ville de Laval by section 12 of the Charter of the City of Laval (1965, 1st session, chapter 89);

(5) subparagraph 2 of the second paragraph of section 113 applies with the addition of “where the RCM plan specifies development areas grouping one or more zones for which a special planning program has come into force, a development area may be a territorial unit for the purposes of the provisions of subdivisions 1 to 2.1 of Division V that relate to approval by way of referendum” at the end;

(6) Chapter V of Title I applies, with the possibility of establishing subcommittees of the planning advisory committee on the basis of existing planning sectors.

Subparagraphs 2 and 3 of the second paragraph cease to apply if a planning program comes into force in the territory of the city.”

97. Section 264.0.1 of the Act is replaced by the following section:

“264.0.1. Ville de Mirabel is subject both to the provisions of this Act, except Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by

this Act on the warden, the council and the secretary of a regional county municipality are to be exercised in that city by the mayor, the council and the clerk or any other officer designated for that purpose, respectively.

However,

(1) the examination of the conformity of the planning program or of a planning by-law with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws;

(2) paragraphs 6 and 7 of section 84 and section 85 apply to the optional content of the RCM plan;

(3) section 85.1 applies to Ville de Mirabel as if its RCM plan were not in force;

(4) subparagraph 2 of the second paragraph of section 113 applies with the addition of "where the RCM plan specifies development areas grouping one or more zones for which a special planning program has come into force, a development area may be a territorial unit for the purposes of the provisions of subdivisions 1 to 2.1 of Division V that relate to approval by way of referendum" at the end.

Subparagraphs 2 and 3 of the second paragraph cease to apply if a planning program comes into force in the territory of the city."

98. Section 264.0.2 of the Act is amended

(1) by replacing "secretary-treasurer" in the first paragraph by "secretary";

(2) by replacing "land use planning and development" in the second paragraph by "RCM";

(3) by striking out the third paragraph.

99. The Act is amended by inserting the following sections after section 264.0.2:

"264.0.3. Ville de Montréal is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, with the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city, subject to the provisions of the Charter of Ville de Montréal (chapter C-11.4) relating to borough councils, by the mayor, the urban agglomeration council and the clerk, respectively.

However,

(1) the examination of the conformity of the planning program or by-law adopted by the city council with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws;

(2) the examination of the conformity of a by-law adopted by a borough council with the city's RCM plan must be carried out in accordance with sections 137.2 to 137.8, with the necessary modifications and the modifications applicable under the second paragraph of section 133 of the Charter of Ville de Montréal.

All the functions devolved under this section to Ville de Montréal as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In accordance with that Act in particular, the territory of Ville de Montréal is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of Montréal.

“264.0.4. Ville de Québec is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city, subject to the provisions of the Charter of Ville de Québec (chapter C-11.5) relating to borough councils, by the mayor, the urban agglomeration council and the clerk, respectively.

However,

(1) the examination of the conformity of the planning program or by-law adopted by the city council with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws, and a 15-day period applies rather than the 30-day period prescribed in the second paragraph of section 137.11;

(2) the examination of the conformity of a by-law adopted by a borough council with the city's RCM plan must be carried out in accordance with sections 137.2 to 137.8, with the necessary modifications and the modifications applicable under the third, fourth and fifth paragraphs of section 117 of the Charter of Ville de Québec (chapter C-11.5).

All the functions devolved under this section to Ville de Québec as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In accordance with that Act in particular, the territory of Ville de Québec is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of Québec.

“264.0.5. Ville de Longueuil is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city, subject to the provisions of the Charter of Ville de Longueuil (chapter C-11.3) relating to borough councils, by the mayor, the urban agglomeration council and the clerk, respectively.

However,

(1) the examination of the conformity of the planning program or by-law adopted by the city council with the city’s RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws;

(2) the examination of the conformity of a by-law adopted by a borough council with the city’s RCM plan must be carried out in accordance with sections 137.2 to 137.8, with the necessary modifications and the modifications applicable under the second paragraph of section 74 of the Charter of Ville de Longueuil.

All the functions devolved under this section to Ville de Longueuil as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In accordance with that Act in particular, the territory of Ville de Longueuil is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of Longueuil.

“264.0.6. Ville de Lévis is subject both to the provisions of this Act, except Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city, subject to the provisions of the Charter of Ville de Lévis (chapter C-11.2) relating to borough councils, by the mayor, the city council and the clerk, respectively.

However, the examination of the conformity of the planning program or of a planning by-law with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws.

“264.0.7. Municipalité des Îles-de-la-Madeleine is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that municipality by the mayor, the urban agglomeration council and the clerk, respectively.

However, the examination of the conformity of the planning program or by-law adopted by the municipal council with the municipality's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws.

All the functions devolved under this section to Municipalité des Îles-de-la-Madeleine as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In accordance with that Act in particular, the territory of Municipalité des Îles-de-la-Madeleine is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of Îles-de-la-Madeleine.

“264.0.8. Ville de La Tuque is subject both to the provisions of this Act, except Division II of Chapter II.1 of Title I, that concern regional county municipalities and to the provisions of this Act that concern local municipalities, subject to the necessary modifications. The powers and responsibilities conferred by this Act on the warden, the council and the secretary of a regional county municipality shall be exercised in that city by the mayor, the urban agglomeration council and the clerk, respectively.

However, the examination of the conformity of the planning program or by-law adopted by the city council with the city's RCM plan must be carried out in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than sections 59.2 to 59.4 and 109.6 to 110 in the case of the planning program and sections 137.2 to 137.8 in the case of by-laws.

All the functions devolved under this section to Ville de La Tuque as a regional county municipality constitute a matter referred to in paragraph 12 of section 19 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001). In accordance with that

Act in particular, the territory of Ville de La Tuque is deemed to correspond, for the purpose of exercising those functions, to the urban agglomeration of La Tuque.”

100. Section 267.1 of the Act is amended by adding the following paragraph at the end:

“Those obligations do not apply if the document in respect of which the opinion is given is a metropolitan plan or is related to a metropolitan plan.”

101. Sections 267.2 and 267.3 of the Act are repealed.

102. The Act is amended by replacing “a land use planning and development” and “land use planning and development” wherever they appear in the following provisions by “an RCM” or “RCM”, respectively:

- (1) section 3;
- (2) the beginning of section 6;
- (3) the beginning of section 7;
- (4) section 8;
- (5) the first paragraph of section 33;
- (6) both paragraphs of section 34;
- (7) section 36;
- (8) the first paragraph of section 38;
- (9) section 40;
- (10) section 45;
- (11) the beginning of section 72;
- (12) the second paragraph of section 75.9;
- (13) the first paragraph of section 85.1;
- (14) the first paragraph of section 98;
- (15) the first and second paragraphs of section 102;
- (16) the second paragraph of section 109.6;
- (17) subparagraph 1 of the first paragraph of section 112.7;

- (18) subparagraph 1 of the third paragraph of section 136.0.1;
- (19) section 137.1; and
- (20) section 265.

103. The Act is amended by replacing “regional county municipality” wherever it appears in the following provisions by “responsible body”:

- (1) the first paragraph of section 63;
- (2) all four paragraphs of section 148.3;
- (3) the first and third paragraphs of section 148.5;
- (4) both paragraphs of section 148.6;
- (5) the third paragraph of section 148.11;
- (6) section 148.12;
- (7) both paragraphs of section 148.13;
- (8) the second paragraph of section 165;
- (9) the first paragraph of section 229;
- (10) both paragraphs of section 231;
- (11) the second paragraph of section 232;
- (12) section 233;
- (13) section 237;
- (14) the first paragraph of section 238; and
- (15) section 246.1.

104. The Act is amended by replacing “secretary-treasurer” wherever it appears in the following provisions by “secretary”:

- (1) the first paragraph of section 44;
- (2) the third paragraph of section 59.2;
- (3) section 79.3;
- (4) the second paragraph of section 79.4;

- (5) the second paragraph of section 79.7;
- (6) section 79.11;
- (7) the fourth paragraph of section 79.13;
- (8) the second paragraph of section 79.16;
- (9) the third and fourth paragraphs of section 109.7;
- (10) the fourth paragraph of section 109.9;
- (11) the second paragraph of section 109.10;
- (12) the second and third paragraphs of section 109.12;
- (13) the third and fourth paragraphs of section 137.3;
- (14) the second paragraph of section 137.6;
- (15) the second and third paragraphs of section 137.8;
- (16) the first paragraph of section 165.4.12; and
- (17) subparagraph 2 of the second paragraph of section 198.

105. The Act is amended by replacing “development plan” wherever it appears in the following provisions by “RCM plan”:

- (1) the first and fourth paragraphs of section 59.2;
- (2) the first paragraph of section 59.3;
- (3) the second and fourth paragraphs of section 59.4;
- (4) the first paragraph of section 79.12;
- (5) the first paragraph of section 79.13;
- (6) both paragraphs of section 79.14;
- (7) all three paragraphs of section 79.15;
- (8) the first paragraph of section 79.16;
- (9) subparagraph 1 of the second paragraph of section 79.20;
- (10) the first paragraph of section 109.7;

- (11) the first paragraph of section 109.8;
- (12) the second and fourth paragraphs of section 109.9;
- (13) the first paragraph of section 109.10;
- (14) section 109.11;
- (15) the fifth paragraph of section 109.12;
- (16) the first paragraph of section 110;
- (17) section 110.1;
- (18) the fourth paragraph of section 110.4;
- (19) the first paragraph of section 137.4;
- (20) the second and fourth paragraphs of section 137.5;
- (21) the first paragraph of section 137.6;
- (22) section 137.7;
- (23) the fifth paragraph of section 137.8; and
- (24) the first paragraph of section 137.15.

106. The Act is amended by replacing “land use planning and development” wherever it appears in the following provisions by “RCM”:

- (1) the fourth paragraph of section 85.1;
- (2) the third paragraph of section 102; and
- (3) the second paragraph of section 237.2.

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

107. Section 30 of the Act respecting the Agence métropolitaine de transport (R.S.Q., chapter A-7.02) is amended

- (1) by replacing “the land use planning and development plans and planning program” in subparagraph 2 of the second paragraph by “the metropolitan land use and development plan, RCM land use and development plans and planning programs”;

(2) by inserting “2.24,” after “sections” in subparagraph 2 of the second paragraph.

CHARTER OF VILLE DE QUÉBEC

108. Section 114 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) is repealed.

109. Section 116 of Schedule C to the Charter is amended by replacing “fourth” in the first paragraph by “second”.

110. Section 190 of Schedule C to the Charter is repealed.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

111. Section 119 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) is amended by striking out paragraph 1.

112. The Act is amended by inserting the following section after section 119:

“**119.1.** The Community is the responsible body under the Act respecting land use planning and development (chapter A-19.1) with respect to a metropolitan land use and development plan.”

113. Division II of Chapter III of the Act, comprising sections 126 to 149.1, is repealed.

114. Section 150 of the Act is replaced by the following section:

“**150.** The Community must have a general economic development plan for its territory.”

115. Section 237.1 of the Act is repealed.

116. Sections 264, 265.1 and 265.2 of the Act are repealed.

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

117. Section 112 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q., chapter C-37.02) is amended by striking out paragraph 1.

118. The Act is amended by inserting the following section after section 112:

“**112.1.** The Community is the responsible body under the Act respecting land use planning and development (chapter A-19.1) with respect to a metropolitan land use and development plan.”

119. Division II of Chapter III of the Act, comprising sections 118 to 142, is repealed.

120. Section 143 of the Act is amended

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

“**143.** The Community must have a general economic development plan for its territory.”;

(2) by replacing “The decision to adopt the” in the first line of the second paragraph by “All decisions relating to the”;

(3) by striking out the third and fourth paragraphs.

121. Sections 226, 227, 229 and 230 of the Act are repealed.

FOREST ACT

122. Section 124.7 of the Forest Act (R.S.Q., chapter F-4.1) is amended by adding the following paragraph after the second paragraph:

“For the purposes of the first paragraph and sections 124.14 and 124.15, a metropolitan community all or part of whose territory is comprised in the territory of an agency is considered to be a municipality.”

123. Section 124.18 of the Act is amended by replacing the third paragraph by the following paragraph:

“For the purposes of the second paragraph and sections 124.19 to 124.23,

(1) the following are considered to be regional county municipalities:

(a) Ville de Gatineau, Ville de Laval, Ville de Mirabel and Ville de Lévis;

(b) Ville de Montréal, Ville de Québec and Ville de Longueuil; and

(c) the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec, from the coming into force of their first metropolitan land use and development plan;

(2) the territory of a municipality listed in subparagraph *b* of subparagraph 1 is deemed to correspond to the urban agglomeration provided for in any of sections 4 to 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), and the council by which the municipality acts is its urban agglomeration council constituted under that Act; and

(3) any reference to a land use planning and development plan or the objectives of such a plan is deemed to be a reference to the metropolitan land use and development plan of a community.”

ACT RESPECTING THE MINISTÈRE DES AFFAIRES MUNICIPALES ET DES RÉGIONS

124. Section 21.7 of the Act respecting the Ministère des Affaires municipales et des Régions (R.S.Q., chapter M-22.1) is amended by replacing “schéma” in the third paragraph in the French text by “plan”.

ACT RESPECTING THE MINISTÈRE DU DÉVELOPPEMENT ÉCONOMIQUE, DE L’INNOVATION ET DE L’EXPORTATION

125. Section 90 of the Act respecting the Ministère du Développement économique, de l’Innovation et de l’Exportation (R.S.Q., chapter M-30.01) is amended by replacing “schéma” in subparagraph 2 of the second paragraph in the French text by “plan”.

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

126. Section 1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1) is amended by replacing the third paragraph by the following paragraphs:

“For the purposes of this Act, the following are considered to be regional county municipalities:

- (1) Ville de Gatineau, Ville de Laval, Ville de Mirabel and Ville de Lévis;
and
- (2) Ville de Montréal, Ville de Québec and Ville de Longueuil.

When a municipality listed in subparagraph 2 of the third paragraph is considered to be a regional county municipality, its territory is deemed to correspond to the urban agglomeration provided for in any of sections 4 to 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), and the council by which the municipality acts is its urban agglomeration council constituted under that Act.”

127. Section 58.4 of the Act is amended

- (1) by replacing the second “or” in the first paragraph by a comma;
- (2) by striking out the second and third sentences of the first paragraph;

(3) by replacing “, the provisions of the complementary document” in the third paragraph by “and the provisions of the complementary document or the metropolitan land use and development plan”.

128. Section 58.5 of the Act is amended by replacing “development plan” in subparagraph *b* of the second paragraph by “RCM land use and development plan or the metropolitan land use and development plan”.

129. Section 59 of the Act is amended

(1) by replacing “land use planning and development plan” in subparagraph 2 of the third paragraph by “RCM land use and development plan, in the metropolitan land use and development plan”;

(2) by inserting “ou plan” after “tel schéma” in subparagraph 2 of the third paragraph in the French text;

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

“However, an application that relates to a proposed amendment or revision of the RCM land use and development plan or the metropolitan land use and development plan may only be made from the day the draft amendment or draft revised plan may be adopted under, as the case may be, the second paragraph of section 53.5 or the second paragraph of section 56.6 of the Act respecting land use planning and development (chapter A-19.1).”

130. Section 62 of the Act is amended by replacing “land use planning and development plan and with the provisions of the complementary document” in subparagraph 1 of the third paragraph by “RCM land use and development plan and the provisions of the complementary document or with the metropolitan land use and development plan”.

131. Section 65.1 of the Act is amended by replacing “land use planning and development plan” at the end of the second paragraph by “RCM land use and development plan or the metropolitan land use and development plan”.

132. Section 67 of the Act is amended by replacing “land use planning and development plan” in the third paragraph by “RCM land use and development plan or its metropolitan land use and development plan”.

133. Section 69.1 of the Act is amended

(1) by replacing “land use planning and development plan” in the first paragraph by “RCM land use and development plan or a metropolitan land use and development plan”;

(2) by replacing “date of adoption of the plan” in the third paragraph by “date of adoption of the RCM land use and development plan or the metropolitan land use and development plan”.

134. Section 69.4 of the Act is amended by replacing “land use planning and development plan” by “RCM land use and development plan or the metropolitan land use and development plan”.

135. Section 79.1 of the Act is amended

(1) by replacing “revised land use planning and development plan” in the second paragraph by “revised RCM land use and development plan or revised metropolitan land use and development plan”;

(2) by replacing “a land use planning and development plan” in the second paragraph by “an RCM land use and development plan or a metropolitan land use and development plan”.

136. Section 79.6 of the Act is amended by striking out “or the community” in the first paragraph.

137. Section 79.7 of the Act is amended

(1) by striking out “or the chairman of the community” in the first paragraph;

(2) by striking out “the chairman or” in the third paragraph.

138. Section 79.14 of the Act is amended by striking out “, the chairman of the community”.

139. Section 98 of the Act is amended by replacing “any provision of a land use planning and development plan” in the second paragraph by “any incompatible provision of a metropolitan land use and development plan, an RCM land use and development plan,”.

WATERCOURSES ACT

140. Section 8 of the Watercourses Act (R.S.Q., chapter R-13) is amended by replacing “development plan” in the second paragraph by “metropolitan land use and development plan or RCM land use and development plan”.

ACT RESPECTING THE LANDS IN THE DOMAIN OF THE STATE

141. Section 25 of the Act respecting the lands in the domain of the State (R.S.Q., chapter T-8.1) is amended by replacing the third paragraph by the following paragraphs:

“For the purposes of section 23 and the first paragraph, the following are considered to be regional county municipalities:

(1) Ville de Gatineau, Ville de Laval, Ville de Mirabel and Ville de Lévis;
and

(2) Ville de Montréal, Ville de Québec and Ville de Longueuil.

When a municipality listed in subparagraph 2 of the third paragraph is considered to be a regional county municipality, its territory is deemed to correspond to the urban agglomeration provided for in any of sections 4 to 6 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001) and the council by which the municipality acts is its urban agglomeration council constituted under that Act.

For the purposes of section 23, the Communauté métropolitaine de Montréal and the Communauté métropolitaine de Québec are considered to be regional county municipalities from the coming into force of their first metropolitan land use and development plan. In that section, any reference to the land use planning and development plan is deemed to be a reference to the metropolitan land use and development plan.”

ACT RESPECTING OFF-HIGHWAY VEHICLES

142. Section 12 of the Act respecting off-highway vehicles (R.S.Q., chapter V-1.2), amended by section 4 of chapter 18 of the statutes of 2009, is again amended by replacing “land use planning” in paragraph 4 by “land use”.

ACT TO REFORM THE MUNICIPAL TERRITORIAL ORGANIZATION OF THE METROPOLITAN REGIONS OF MONTRÉAL, QUÉBEC AND THE OUTAOUAIS

143. Section 247 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), amended by section 227 of chapter 25 of the statutes of 2001, section 112 of chapter 68 of the statutes of 2001, section 262 of chapter 37 of the statutes of 2002 and section 52 of chapter 68 of the statutes of 2002, is again amended by striking out the first and second paragraphs.

144. Section 248 of the Act, amended by section 228 of chapter 25 of the statutes of 2001, section 113 of chapter 68 of the statutes of 2001, section 263 of chapter 37 of the statutes of 2002, sections 44 and 52 of chapter 68 of the statutes of 2002 and section 236 of chapter 19 of the statutes of 2003, is again amended by striking out the first and second paragraphs.

145. Section 249 of the Act, amended by section 229 of chapter 25 of the statutes of 2001, section 114 of chapter 68 of the statutes of 2001, section 264 of chapter 37 of the statutes of 2002 and section 52 of chapter 68 of the statutes of 2002, is again amended by striking out the first and second paragraphs.

146. Section 250 of the Act, amended by section 230 of chapter 25 of the statutes of 2001, section 115 of chapter 68 of the statutes of 2001, section 265 of chapter 37 of the statutes of 2002, sections 45 and 52 of chapter 68 of the statutes of 2002 and section 123 of chapter 60 of the statutes of 2006, is again amended by striking out the first and second paragraphs.

OTHER AMENDING PROVISIONS

147. Section 24 of Order in Council 1043-2001 (2001, G.O. 2, 5111), concerning Municipalité des Îles-de-la-Madeleine, amended by section 50 of chapter 68 of the statutes of 2002, is again amended by striking out the first and second paragraphs.

148. Section 29 of Order in Council 371-2003 (2003, G.O. 2, 1339), concerning Ville de La Tuque, is amended

(1) by striking out the first and second paragraphs;

(2) by replacing “third” in the third line of the fifth paragraph by “first”.

TRANSITIONAL AND FINAL PROVISIONS

149. For the purposes of sections 150 to 160,

(1) except in the title of an Act, “Act” means the Act respecting land use planning and development (R.S.Q., chapter A-19.1);

(2) the words defined in section 1 of that Act, amended by section 1, have the meaning given to them by those definitions;

(3) the words “regional county municipality” mean any body responsible, under an Act, charter, other law or order, for maintaining an RCM plan in force.

150. For the purposes of sections 238 and 239 of the Act, amended by sections 91 and 103, any period prescribed by any of sections 152 to 158 is considered to be a period prescribed by a provision of the Act.

151. A metropolitan community’s strategic vision statement referred to in subparagraph 9 of the first paragraph of section 5 of the Act, struck out by section 5, and in force on (*insert the date before the date of assent to this Act*) is deemed to have been adopted under section 2.20 of the Act, enacted by section 3.

The acts performed by the metropolitan community to adopt that statement under any of sections 131 to 136 of the Act respecting the Communauté métropolitaine de Montréal (R.S.Q., chapter C-37.01) or sections 123 to 128 of the Act respecting the Communauté métropolitaine de Québec (R.S.Q.,

chapter C-37.02), as they existed before being repealed by sections 113 and 119, are deemed to have been performed under the corresponding provision of any of sections 2.4 to 2.16 of the Act, enacted by section 3.

152. In the case of a regional county municipality no part of whose territory is situated within the territory of a metropolitan community, the first strategic vision statement provided for in section 2.3 of the Act, enacted by section 3, must be adopted, at the latest during the first period of revision of the RCM plan beginning after 18 December 2002.

153. The provisions of the Act that relate to a revised metropolitan plan, in particular those concerning the revision process, interim control related to that process and the effects of the revision, also apply to the first metropolitan plan of each metropolitan community.

However, for the purposes of those provisions,

(1) the revision period provided for in section 55 of the Act is deemed to have begun on the day of the passage of the resolution provided for in section 129 of the Act respecting the Communauté métropolitaine de Montréal or section 121 of the Act respecting the Communauté métropolitaine de Québec, as the case may be;

(2) not later than 30 June 2010, the council of the metropolitan community must adopt a draft metropolitan plan that is deemed to constitute both the first and second drafts provided for in sections 56.3 and 56.6 of the Act; the second and third paragraphs of section 56.3 and sections 56.4, 56.7 to 56.12.2 and 56.12.5 to 56.12.7 of the Act apply to that draft metropolitan plan, with the necessary modifications;

(3) the by-law establishing the metropolitan plan must be adopted under section 56.13 of the Act not later than 31 December 2010.

A reference to provisions of the Act in this section is a reference to those provisions as amended or enacted by sections 17 and 20. A reference to the provisions of the Act respecting the Communauté métropolitaine de Montréal or the Act respecting the Communauté métropolitaine de Québec in this section is a reference to those provisions as they existed before being repealed by sections 113 and 119.

154. A metropolitan perimeter delimited under the third paragraph of section 2.24 of the Act, enacted by section 3, may not exclude, on the date of coming into force of the first metropolitan plan, any part of the territory of the metropolitan community which, on 30 June 2010, is situated within an urbanization perimeter determined in an RCM plan.

155. The first biennial report provided for in section 2.26 of the Act, enacted by section 3, must be adopted by a metropolitan community not later than three years after the coming into force of its first metropolitan plan.

156. A person who is an officer or an employee of a metropolitan community on (*insert the date before the date of assent to this Act*) and who became an officer or employee by reason of section 265.1 of the Act respecting the Communauté métropolitaine de Montréal or section 229 of the Act respecting the Communauté métropolitaine de Québec does not cease to hold the position and will not be given new work conditions solely because that provision is repealed by section 116 or 121.

An agreement on the sharing of the services of an officer or an employee in force on (*insert the date before the date of assent to this Act*) and entered into under section 265.2 of the Act respecting the Communauté métropolitaine de Montréal or section 230 of the Act respecting the Communauté métropolitaine de Québec will not cease to have effect solely because that provision is repealed by section 116 or 121.

157. Sections 53.11.7 to 53.11.14, the fourth sentence of the third paragraph of section 53.12 and sections 57.4 to 57.8 of the Act, enacted by sections 16 and 21, have effect in respect of an RCM plan applicable to part of the territory of the metropolitan community from the coming into force of the first metropolitan plan of that community.

158. Until the coming into force of the first metropolitan plan of a metropolitan community, the Minister, before giving an opinion under any of sections 51, 53.7, 56.4, 56.14 and 65 of the Act to a regional county municipality with respect to an RCM plan applicable to a part of the territory of the metropolitan community, must request that the latter give its opinion on the document submitted to the Minister.

The opinion of the metropolitan community must be received by the Minister, respectively, within 45 or 60 days after it is applied for, depending on whether the ministerial opinion is applied for under section 51, 53.7 or 65 of the Act, or under section 56.4 or 56.14 of the Act. Despite section 47 of the Act respecting the Communauté métropolitaine de Montréal or section 38 of the Act respecting the Communauté métropolitaine de Québec, as the case may be, the council of the metropolitan community may delegate to the executive committee the power to prepare the opinion requested by the Minister.

Aside from inconsistency with the government policy directions referred to in the sections mentioned in the first paragraph, an objection or disapproval expressed by the Minister under any of those sections may be based on a reason set out in the opinion of the metropolitan community. For the purposes of the provisions of the Act that concern the process of amendment or revision of the RCM plan or an interim control by-law related to that process and that refer to consistency or inconsistency with government policy directions, that reference also comprises the solution or lack of a solution offered to the problems raised in the ministerial opinion and based on the opinion of the metropolitan community.

The first three paragraphs do not apply when the Minister gives an opinion

(1) under section 53.7 of the Act on a replacement by-law referred to in the second paragraph of section 53.8 of the Act;

(2) under section 53.7 of the Act if the proposed amendment to the metropolitan plan or the RCM plan arises from the application of any of sections 53.12 to 53.14 of the Act;

(3) under section 56.14 of the Act on a by-law enacting a revised metropolitan plan or a revised replacement RCM plan adopted pursuant to a request by the Minister under the second paragraph of that section; or

(4) under section 65 of the Act on a replacement interim control by-law adopted pursuant to a request by the Minister under the second paragraph of that section.

A reference in this section to the provisions of the Act is a reference to the provisions as amended by sections 14, 16, 20 and 35.

159. The planning programs and by-laws provided for in the Act that were adopted by the municipalities to which Ville de Gatineau succeeded and that were in force on 31 December 2001 have constituted the planning program and the by-laws of Ville de Gatineau since 1 January 2002 and continue to constitute them until being replaced or repealed by the council of the city.

160. Sections 77 and 79 of the Act, repealed by section 46, continue to apply for the purpose of completing any process underway on *(insert the date before the date of assent to this Act)* under those repealed provisions.

161. Despite the repeal of section 190 of Schedule C to the Charter of Ville de Québec (R.S.Q., chapter C-11.5) by section 110, Ville de Québec continues to be a member of the Agence des forêts privées de Québec 03, established under the Forest Act (R.S.Q., chapter F-4.1), until *(insert the date that is 90 days after the date of assent to this Act)*.

The first paragraph does not prevent the city from applying for and obtaining admission as a member of the agency before that date, under the admission process prescribed under that Act. The city will then become a member in good standing rather than an *ex officio* member of the agency, which is the status temporarily maintained under the first paragraph.

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

