

chapter C-44

**GAS, WATER AND ELECTRICITY COMPANIES ACT**

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## DIVISION I

### DECLARATORY AND INTERPRETATIVE

**1.** The word “company” , wherever it occurs in this Act, shall mean a joint stock company constituted by registration under the provisions thereof.

R. S. 1964, c. 285, s. 1; 1999, c. 40, s. 73.

**2.** Nothing in this Act shall authorize any company established under it, to interfere with or infringe upon any exclusive privilege granted to any other company.

R. S. 1964, c. 285, s. 2.

**3.** In all proceedings which may have been had or taken under the Act of the Legislature of Canada, 16 Victoria, Chapter 173, to provide for the formation of joint stock companies for supplying the territory of a local municipality with gas and water, or in or about any company constituted thereunder, the word “trustees” , wherever the same shall occur or shall have occurred, shall mean the directors.

R. S. 1964, c. 285, s. 3; 1996, c. 2, s. 577; 1999, c. 40, s. 73.

**4.** Any notice required by this Act to be given in a newspaper printed where the operations of the company are carried on, may, in any case where there is no newspaper so printed, be given by posting up such notice, in the English and in the French languages, on the door of the church or one of the churches, or other place or places of public worship, or if there be no church, then at the most public place in the locality in which the operations of the company are to be carried on, and by publicly reading the notice at such place; and any report required to be published in a newspaper printed as aforesaid may, if there be none so printed, be published in a newspaper printed in some neighbouring locality, the whole within the time limits hereinafter established.

R. S. 1964, c. 285, s. 4; 1996, c. 2, s. 578; 1999, c. 40, s. 73.

## DIVISION II

### FORMATION OF THE COMPANY

**5.** Any five or more persons who desire to form a company for supplying the territory of a local municipality with gas or water, or with both gas and water, may make and sign a memorandum in writing, which shall set forth:

- (1) the name and the address of the head office of the company;
- (2) the object for which the same is formed;
- (3) the amount of capital stock of the company, which shall be divided into shares of \$20 each.

Such stock shall not exceed \$300,000, if gas or water only is to be supplied, or \$600,000 if both gas and water are to be supplied.

The money so raised shall be appropriated to the purpose of building, completing, acquiring and maintaining the gas-works or waterworks or gas and waterworks, and to no other object or purpose whatever;

- (4) the number of shares of which the stock is to consist;
- (5) the number and names of the directors who are to manage the business of the company for the first year;

(6) the name of the municipality in whose territory the operations of the company are intended to be carried on;

(7) the term of the company's proposed existence, which shall not be longer than 50 years.

R. S. 1964, c. 285, s. 5; 1993, c. 48, s. 332; 1996, c. 2, s. 579; 1999, c. 40, s. 73.

**5.1.** The name of the company shall be in conformity with section 9.1 of the Companies Act (chapter C-38).

1993, c. 48, s. 333.

**6.** The persons making the memorandum shall acknowledge the same in duplicate before the mayor of the municipality, and he shall receive it and grant a certificate thereof.

R. S. 1964, c. 285, s. 6; 1996, c. 2, s. 580.

**7.** Upon the petition of the persons desiring to form the company, the municipal council of the municipality in whose territory the operations of the company are to be carried on may, within 30 days from the date of the acknowledgment mentioned in section 6, pass a by-law granting authority to such persons as a company to lay down pipes under the streets, squares and other public places, for the distribution of water or gas, or both, in the territory of such municipality.

R. S. 1964, c. 285, s. 7; 1996, c. 2, s. 581.

**8.** One duplicate of such memorandum, with the certificate of the mayor acknowledging the same endorsed thereon, and a duly certified copy of such by-law attached thereto, shall forthwith be transmitted to the enterprise registrar who shall deposit them in the register referred to in Chapter II of the Act respecting the legal publicity of enterprises (chapter P-44.1).

The enterprise registrar shall refuse to deposit in the register a memorandum containing a name not in conformity with any of paragraphs 1 to 6 of section 9.1 of the Companies Act (chapter C-38).

R. S. 1964, c. 285, s. 8; 1966-67, c. 72, s. 23; 1975, c. 76, s. 11; 1981, c. 9, s. 24; 1982, c. 52, s. 163; 1993, c. 48, s. 334; 1996, c. 2, s. 582; 2000, c. 42, s. 144; 2002, c. 45, s. 284; 2010, c. 7, s. 282.

**9.** When the formalities required by the foregoing sections have been complied with, the persons who have signed the memorandum, and all persons who thereafter become stockholders of the company thereby established, shall be constituted as a legal person under the name mentioned in such memorandum.

R. S. 1964, c. 285, s. 9; 1999, c. 40, s. 73.

**9.1.** The remedy provided for in section 123.27.1 of the Companies Act (chapter C-38), adapted as required, may be exercised in respect of the name of a company.

1993, c. 48, s. 336.

**10.** *(Repealed).*

R. S. 1964, c. 285, s. 10; 1966-67, c. 72, s. 23; 1975, c. 76, s. 11; 1981, c. 9, s. 24; 1982, c. 52, s. 164; 1993, c. 48, s. 337.

**11.** *(Repealed).*

R. S. 1964, c. 285, s. 11; 1999, c. 40, s. 73; 2000, c. 42, s. 145.

**12.** Any company constituted under this Act may purchase and hold lands for the use of the said gas-works or waterworks, or gas and waterworks, and such land held by any such company shall be held for the

purposes for which the company is constituted, in constructing its necessary works and for no other purpose, and shall not at any time exceed in value \$30,000.

R. S. 1964, c. 285, s. 12; 1999, c. 40, s. 73.

**13.** The stock, property and business of a company constituted in virtue of this Act or any other Act relating to joint stock companies for gas and water shall be managed by not less than three nor more than nine directors, as provided in the by-laws, and such directors shall all be stockholders in the company, and a majority of such directors shall constitute a quorum for the transaction of business.

R. S. 1964, c. 285, s. 13; 1999, c. 40, s. 73.

### **DIVISION III**

#### **BY-LAWS**

**14.** A majority of the stockholders of any such company present at any special general meeting, may make by-laws for the following purposes:

- (1) for the management and disposal of the stock, business and affairs of the company;
- (2) for the appointment of officers and the prescribing of their duties, as well as those of all artificers and other employees, and for carrying on all kinds of business connected with the objects and purposes of the company;
- (3) for determining the number of directors of the company, which shall not exceed nine, nor be less than three, including the chief officer of any municipality holding stock in the company in virtue of section 61;
- (4) for determining the number of shares it shall be necessary for a stockholder to hold to qualify him as a director;
- (5) for the payment of the directors with the consent of a majority of the stockholders at the annual meeting, or for the appointment of one or more paid directors;
- (6) for amending, altering or repealing any by-law of the company made under the authority of this Act or of any other Act of the Parliament of Québec.

R. S. 1964, c. 285, s. 14; 1999, c. 40, s. 73.

**15.** A copy of any by-laws of the company, purporting to be under the hand of the secretary or other officer thereof, and having the seal of the company affixed thereto, shall be received as evidence of such by-laws in all courts in Québec.

R. S. 1964, c. 285, s. 15; 1999, c. 40, s. 73.

### **DIVISION IV**

#### **DIRECTORS**

**16.** The directors, except for the first year, shall be annually elected by the stockholders at such time and place as shall be fixed by the by-laws of the company.

R. S. 1964, c. 285, s. 16.

**17.** Notice of the time and place of holding such election shall be published not later than ten days previous thereto, in a newspaper printed in the municipal territory where the operations of the company are carried on, as prescribed by section 4.

R. S. 1964, c. 285, s. 17; 1996, c. 2, s. 588.

**18.** The election shall be held by such of the stockholders as attend for that purpose either in person or by proxy.

R. S. 1964, c. 285, s. 18.

**19.** All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the company.

R. S. 1964, c. 285, s. 19.

**20.** The persons receiving the greatest number of votes shall be directors.

R. S. 1964, c. 285, s. 20.

**21.** When any vacancy occurs amongst the directors by death, resignation or otherwise, it shall be filled for the remainder of the year in the manner provided by the by-laws of the company.

R. S. 1964, c. 285, s. 21.

**22.** If the election of directors be not held on the day when, according to the by-laws of the company, it ought to be held, the company shall not for that reason be dissolved; but the stockholders may hold the election on any other subsequent day in the manner provided for by such by-laws, and all acts of directors shall be valid and binding upon the company.

R. S. 1964, c. 285, s. 22.

**23.** The directors shall elect, from among themselves, a president, and the company shall also have such officers as its by-laws require.

R. S. 1964, c. 285, s. 23; 1999, c. 40, s. 73.

**24.** The officers shall be appointed by the directors and shall give such security for the faithful performance of the duties of their respective offices, as may be provided by the by-laws.

R. S. 1964, c. 285, s. 24; 1999, c. 40, s. 73.

**25.** The president or any three directors of any such company may call a special general meeting of the stockholders for any purpose, giving at least ten days' notice by advertisement in one or more newspapers, published in the municipal territory where the business of the company is carried on, or as prescribed by section 4, or by a circular mailed to the address of each stockholder, at least ten days previous to the time appointed for holding the meeting.

R. S. 1964, c. 285, s. 25; 1996, c. 2, s. 588.

## **DIVISION V**

### **REPORTS**

**26.** Every company constituted as aforesaid shall, every year, within 20 days after 1 January, make a report which shall be inserted in some newspaper published in the municipal territory where the business of the company is carried on, or as prescribed by section 4 stating the amount of the capital stock of the company, and the proportion thereof then actually paid in, together with the amount of the existing debts of the company.

R. S. 1964, c. 285, s. 26; 1996, c. 2, s. 588; 1999, c. 40, s. 73.

**27.** Such report shall be signed by the chairman or president and a majority of the directors, and shall be verified by the oath of the president or of the secretary of the company.

R. S. 1964, c. 285, s. 27; 2000, c. 42, s. 146.

## **DIVISION VI**

### **LIABILITY OF DIRECTORS AND OTHER OFFICERS**

**28.** The directors of any company failing to comply with the requirements of sections 26 and 27 shall be solidarily liable for all the debts of the company then existing, and for all contracted until such report is made.

R. S. 1964, c. 285, s. 28.

**29.** If the directors of any company declare and pay any dividend when the company is insolvent, or any dividend the payment of which would render it insolvent, or which would diminish the amount of its capital stock, they shall be solidarily liable for all the debts of the company then existing, and for all thereafter contracted during their continuance in office respectively.

R. S. 1964, c. 285, s. 29.

**30.** If any director objects to the declaring or payment of such dividend, and, at any time before the time fixed for the payment thereof, files a written statement of such objection in the office of the secretary of the company, such director shall be exempt from such liability.

R. S. 1964, c. 285, s. 30; 2000, c. 42, s. 147.

**31.** No loan of money shall be made by any company to any stockholder therein.

R. S. 1964, c. 285, s. 31.

**32.** If any loan contemplated by section 31 be made to a stockholder, the officers who make or assent thereto shall be solidarily liable to the extent of such loan, with legal interest thereon, for all the debts of the company thereafter contracted until the repayment of the sum lent.

R. S. 1964, c. 285, s. 32.

**33.** If any certificate or report made, or public notice given by the officers of any company, in pursuance of this Act, be false in any material representation, all the officers who signed the same shall be solidarily liable for all the debts of the company contracted while they are officers or stockholders thereof respectively.

R. S. 1964, c. 285, s. 33.

**34.** No person holding stock in any company in the name of another shall be personally subject to any liability as stockholder of such company; but the property and stock in his hands shall be liable in like manner and to the same extent as they would be if the person, for whom the stock is held, held it in his own name.

R. S. 1964, c. 285, s. 34; 1999, c. 40, s. 73.

**35.** No person holding stock as collateral security shall be personally subject to any liability as stockholder of such company, but the person pledging such stock shall be deemed to be holding the same, and shall be liable as a stockholder accordingly.

R. S. 1964, c. 285, s. 35; 1999, c. 40, s. 73.

**36.** Every person holding stock in the name of another shall represent the shares of stock in his hands at all meetings of the company, and may vote accordingly as a stockholder; and every person who pledges his stock

as aforesaid may nevertheless represent the same at all such meetings, and may vote accordingly as a stockholder.

R. S. 1964, c. 285, s. 36.

**37.** No person holding stock in the name of another shall be a director or hold any office in the service of such company; and all votes given to him shall be without effect.

R. S. 1964, c. 285, s. 37; 1999, c. 40, s. 73.

## **DIVISION VII**

### **REGISTER OF SHARES**

**38.** The directors of every company shall cause a book to be kept by the treasurer or other officer thereof, containing, in alphabetical order, the names of all persons who are or have been stockholders of the company, and showing:

- (1) their places of residence;
- (2) the number of shares of stock held by them respectively;
- (3) the time when they respectively became the owners of the shares;

(4) a statement of all the existing debts and liabilities of the company, and of the amount of its stock actually paid in.

R. S. 1964, c. 285, s. 38.

**39.** Such book shall, during the usual business hours on every day except Sundays and holidays, be open for the inspection of stockholders and creditors of the company and their lawful representatives, at the office or head office of the company.

Every stockholder, creditor or representative may make extracts from such book.

R. S. 1964, c. 285, s. 39; 1999, c. 40, s. 73.

**40.** No transfer of stock shall be valid for any purpose whatever, except to render the person to whom it is transferred liable for the debts of the company, until an entry thereof has been made as required by section 38, and showing to and by whom such stock has been transferred.

R. S. 1964, c. 285, s. 40.

**41.** In any suit or proceeding against the company or against any one or more stockholders, such book shall be presumed to constitute evidence of the facts therein stated in favor of the plaintiff.

R. S. 1964, c. 285, s. 41; 1999, c. 40, s. 73.

**42.** Every officer or agent of any company who refuses or neglects to make any proper entry in such book, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, shall be liable to a fine of not more than \$40.

R. S. 1964, c. 285, s. 42; 1990, c. 4, s. 313.

**43.** Every company that neglects to keep such book open for inspection as aforesaid shall forfeit its rights and privileges.

R. S. 1964, c. 285, s. 43; 1999, c. 40, s. 73.

**44.** The stock of every company shall be deemed movable property notwithstanding the conversion of the funds into immovable property, and shall be assignable and transferable in such manner as shall be prescribed by the by-laws.

R. S. 1964, c. 285, s. 44.

**45.** No shares shall be transferable until all previous calls thereon, and all debts due to the company, for gas, water, fixtures, or otherwise, have been fully paid by the shareholder wishing to transfer his share, or until the shares have been declared forfeited for the non-payment of calls thereon.

R. S. 1964, c. 285, s. 45.

**46.** Subject to the provisions of section 40, no transfer shall be valid unless entered and registered in the register kept for that purpose in the manner provided by the by-laws of the company.

R. S. 1964, c. 285, s. 46.

**47.** No company shall use any of its funds in the purchase of stock in any other legal person.

R. S. 1964, c. 285, s. 47; 1999, c. 40, s. 73.

## **DIVISION VIII**

### **INCREASE OF CAPITAL STOCK**

**48.** Whenever a majority of the directors of any company are of opinion that the capital stock thereof is insufficient for the requirements of the company, they may call a general meeting of the stockholders of the company, giving at least 10 days' notice of the time and place of meeting, either by advertisement in one or more newspapers published in the municipal territory where the operations of the company are carried on, or as prescribed by section 4, or by a circular addressed to each stockholder and mailed at least 10 days previous to the time appointed for holding such meeting.

R. S. 1964, c. 285, s. 48; 1996, c. 2, s. 588; 1999, c. 40, s. 73.

**49.** A majority of the stockholders present at such meeting may pass a by-law increasing the capital stock of the company to such amount as they deem necessary for carrying out the purposes of the company, but not in the whole exceeding the amount mentioned in section 5, and authorizing the raising of such additional capital by increasing the number of shares of \$20 each into which the capital of the company is divided, and enabling the directors to receive subscriptions for the whole or for any part of such additional capital from any person under such regulations as may be made by the directors in that behalf.

R. S. 1964, c. 285, s. 49; 1999, c. 40, s. 73.

**50.** The name of every subscriber for any new or additional stock, so authorized to be subscribed for in any such company, shall be forthwith entered as that of a stockholder in the register of stockholders of the company, with the date of subscription and number of shares subscribed for.

Thereupon such stockholder shall become liable to the company for the payment of the full amount subscribed, in such instalments and at such times as the directors may be authorized to call the same in.

Such stockholder shall be subject to all the conditions, restrictions and liabilities, and entitled to all the rights, privileges, benefits and advantages to which the original stockholders were subject or entitled.

R. S. 1964, c. 285, s. 50.

**DIVISION IX**

**CALLS**

**51.** Every shareholder shall be held liable to the company for the payment of the full amount subscribed.

R. S. 1964, c. 285, s. 51.

**52.** The directors may call in and demand from the stockholders, respectively, all sums of money by them subscribed, at such times and in such payments or instalments as such directors deem proper, provided that no one instalment shall exceed ten per cent, and that not less than one month shall elapse between the calls for any two instalments, save and except in the case of any original stock of any company formed before 30 May 1855 (the date of the coming into force of the Act 18 Victoria, Chapter 94) in which latter case not less than three months shall elapse between such calls.

R. S. 1964, c. 285, s. 52.

**53.** If payment be not made by the stockholder within 60 days after a personal demand, or after notice requiring such payment has been published for six consecutive weeks in a newspaper published in the municipal territory where the business of the company is carried on, or as prescribed by section 4, the directors may declare forfeited the shares upon which the said instalments have not been paid.

R. S. 1964, c. 285, s. 53; 1996, c. 2, s. 588.

**54.** Such forfeiture shall discharge the holders of the shares so forfeited from all further liability, either to the company or to any third party, in respect of the shares so forfeited, but the holders of shares so forfeited shall lose whatever sum or sums they have paid on or for such shares, and no more.

R. S. 1964, c. 285, s. 54.

**55.** The directors may sue any stockholder for the amount of the call or calls on his stock due and not paid, instead of declaring the forfeiture thereof.

R. S. 1964, c. 285, s. 55.

**56.** If, at the time appointed for the payment of any call, any stockholder fails to pay the amount of the call payable by him, he shall be liable to pay interest at the rate of six per cent per annum for the same, from the day appointed for payment thereof to the time of the actual payment.

R. S. 1964, c. 285, s. 56.

**57.** Such stockholder may be sued by the directors for such call and interest in any court of competent jurisdiction.

R. S. 1964, c. 285, s. 57.

**58.** In a suit or action to recover any money due upon any share, it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is the holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, whereby an action has accrued to the company by virtue of this Act.

R. S. 1964, c. 285, s. 58.

**59.** At the trial of such action it shall be sufficient to prove the facts so declared, and the evidence of one witness of any fact required to be proved shall be sufficient, without the production of any documentary proof whatever.

R. S. 1964, c. 285, s. 59.

**60.** Any municipality in whose territory the works of any company are situated, may subscribe to or take stock in the company, or may lend any sum of money, on hypothec or otherwise, to the company, or contribute in any manner towards advancing the object for which the company has been constituted as a legal person.

R. S. 1964, c. 285, s. 60; 1996, c. 2, s. 583; 1999, c. 40, s. 73.

**61.** The chief officer of any municipality, holding stock in any company to the extent of one-tenth part or more of the whole of the capital stock thereof, shall be *ex officio* a director of the company, so long as such municipality continues to hold stock to the extent aforesaid.

R. S. 1964, c. 285, s. 61.

**62.** (*Repealed*).

R. S. 1964, c. 285, s. 62; 1999, c. 40, s. 73.

## DIVISION X

### POWERS RESPECTING APPARATUS

**63.** Every company may sell gas-meters and water-meters and gas and water-fittings of every description, for the use of private and public houses, or for any establishment, company or legal person, as well as coke, coal-tar, and all and every the products and by-products of their works, arising or to be obtained from the materials used in or necessary for the manufacture of gas.

R. S. 1964, c. 285, s. 63; 1999, c. 40, s. 73.

**64.** Every company may also lease water or gas-meters, and gas and water-fittings of every kind and description, at such rate and rents as may be agreed upon between the consumer or tenants and such company.

R. S. 1964, c. 285, s. 64.

**65.** Any company may break up, dig and trench so much and so many of the streets, squares, highways, lanes and public places of the municipal territory for supplying which with gas or water, or both, it has been constituted, as are necessary for laying the mains and pipes to conduct the gas or water, or both, from the works of the company to the consumer, doing no unnecessary damage in the premises, and taking care as far as may be to preserve a free and uninterrupted passage through the said streets, squares, highways, lanes and public places, while the works are in progress.

R. S. 1964, c. 285, s. 65; 1996, c. 2, s. 584; 1999, c. 40, s. 73.

**66.** When any such company has laid down main pipes for the supply of gas or water in or through any of the streets, squares or public places of the territory of any municipality, no other person shall, without the consent of such company first had and obtained, or otherwise than upon payment to such company of such compensation as may be agreed upon, lay down any main pipe for the supply of gas or water within 182 centimetres of any of such company's main pipes, or, if it be impracticable to cut drains for such other main pipes at a greater distance, then as near 182 centimetres as the circumstances of the case will admit.

R. S. 1964, c. 285, s. 66; 1977, c. 60, s. 38; 1996, c. 2, s. 585; 1999, c. 40, s. 73.

**67.** Nothing in this Act shall prevent any person from constructing any works for the supply of gas or water to his own premises.

R. S. 1964, c. 285, s. 67.

**68.** Where there are buildings within the territory of the municipality, the different parts whereof belong to different owners, or are in possession of different occupants or lessees, the company may carry pipes to any

part of any building so situate, passing over property belonging to one or more owners or in the possession of one or more occupants or lessees, to convey the water or gas, or both, to the property of another or in the possession of another, and such pipes shall be carried up to and attached to the outside of the building.

R. S. 1964, c. 285, s. 68; 1996, c. 2, s. 586.

**69.** The company may also break up all passages common to neighbouring owners, lessees or occupants, and dig or cut trenches therein for the purpose of laying down pipes or taking up or repairing the same, doing as little damage as may be in the execution of the powers granted by this Act.

R. S. 1964, c. 285, s. 69.

**70.** Every company shall compensate the owners or occupants of buildings or other property, or the public, for any damage sustained by them in or by the carrying out of all or any of the said powers, subject to which provisions this Act shall be a sufficient justification to every such company and its employees for what they or any of them do in pursuance of the powers hereby granted.

R. S. 1964, c. 285, s. 70; 1999, c. 40, s. 73.

**71.** Every such company shall build and locate its gas-works or waterworks, or gas-works and waterworks and all apparatus and appurtenances thereto belonging or appertaining, or therewith connected, and wheresoever situated, so as not to endanger the public health and safety.

R. S. 1964, c. 285, s. 71.

**72.** Nothing in this Act shall authorize any such company, or any person acting under the authority of the same, to take, use or injure, for the purposes of the company, any house or other building, or any land used or set apart as a garden, orchard, yard, park, paddock, plantation, planted walk or avenue to a house, or nursery ground for trees, or to convey from the premises of any person any water already appropriated and necessary for his domestic use, without the consent, in writing, of the owner thereof first had and obtained.

R. S. 1964, c. 285, s. 72.

**73.** If any person, supplied by the company with gas or water, or both, neglects to pay the rent, rates or charges due to the company at any time fixed for the payment thereof, the company, or any person acting under its authority, on giving forty-eight hours' previous notice, may stop the supply of gas or water, or both, from entering the premises of the person in arrears as aforesaid, by cutting off the service pipes, or by such other means as the company or its officers see fit, and may recover the rent or charge due up to such time, together with the expense of cutting off the gas or water or both, as the case may be, in any court of competent jurisdiction, notwithstanding any contract to furnish for a longer time.

R. S. 1964, c. 285, s. 73.

## **DIVISION XI**

### **POWER OF OFFICERS TO ENTER UPON PRIVATE PROPERTY**

**74.** In all cases where the company may lawfully cut off and take away the supply of gas or water, or both, from any house, building or premises, the company, its agents and workmen, upon giving forty-eight hours previous notice to the person in charge, or the occupant, may enter into the house, building or premises, between nine hours and sixteen hours, causing as little disturbance and inconvenience as possible, and may remove and take away any pipe, meter, cock, branch, lamp, fittings or apparatus, belonging to the company.

R. S. 1964, c. 285, s. 74.

**75.** Any servant of the company duly authorized may, between the hours aforesaid, enter any house into which gas or water or both have been taken, for the purpose of repairing and making good in any house,

building or premises, or for the purpose of examining, or repairing, any meter, pipe or apparatus belonging to the company or used for its gas or water or both.

R. S. 1964, c. 285, s. 75.

**76.** If any person refuse to permit or do not permit the employees and officers of the company to enter and perform the acts aforesaid, the person so refusing or obstructing shall incur a penalty to the company for every such offence of \$40, and a further penalty of \$4 for every day during which such refusal or obstruction continues.

R. S. 1964, c. 285, s. 76; 1990, c. 4, s. 314; 1999, c. 40, s. 73.

## DIVISION XII

### EXPROPRIATION

**77.** If it be found necessary or deemed proper to lay any of the pipes or to carry any of the works of the company through the lands of any person, lying within 16 kilometres of any municipal territory for the supplying of which the company is constituted as a legal person, and the consent of such person cannot be obtained for that purpose, the company may institute expropriation proceedings.

R. S. 1964, c. 285, s. 77; 1977, c. 60, s. 39; 1996, c. 2, s. 587; 1999, c. 40, s. 73.

## DIVISION XIII

### BORROWING POWERS

**78.** Any company may borrow money at such rate of interest as the president and directors of the company deem necessary.

R. S. 1964, c. 285, s. 78.

**79.** To secure the repayment of money so borrowed, with interest thereon, the company or the president thereof may, by and with the consent of a majority of the directors, hypothecate, secure and assign the immovables, works, rates, revenues, rents and future calls on the shareholders of the company.

R. S. 1964, c. 285, s. 79; 1999, c. 40, s. 73.

**80.** All bonds or other debt securities granted for the purpose aforesaid may be made payable to bearer or transferable by endorsement or otherwise, as the directors see fit.

R. S. 1964, c. 285, s. 80; 1999, c. 40, s. 73.

**81.** No such bond or other debt security shall be made or granted for a less sum than \$200.

R. S. 1964, c. 285, s. 81; 1999, c. 40, s. 73.

**82.** The bonds or other debt securities, future calls or other securities so granted and pledged as securities for money borrowed shall be equitably and rateably liquidated or paid out of the funds or receipts of the company, without preference to any of such securities over the other.

R. S. 1964, c. 285, s. 82; 1999, c. 40, s. 73.

**83.** No such bonds or other debt securities so pledged shall prevent the directors of the company from receiving and applying such future calls to the purposes of the company, so long as the money due on all such bonds and other debt securities does not exceed the amount of all the calls still remaining unpaid.

R. S. 1964, c. 285, s. 83; 1999, c. 40, s. 73.

**84.** The directors of any such company, by a resolution entered in its books and without the formality of a by-law, may, whenever they see fit, authorize the president or manager of the company to sign such individual bonds or other debt securities, mortgages, contracts or instruments as it may, in the opinion of the directors, be necessary or expedient so to sign, and to affix the seal of the company thereto.

R. S. 1964, c. 285, s. 84; 1999, c. 40, s. 73.

**85.** The president or the manager of the company, authorized as aforesaid, may draw, sign or accept such promissory notes or bills of exchange for the purposes of the company, without seal, as in the opinion of the directors it may be necessary or expedient so to sign or accept.

R. S. 1964, c. 285, s. 85.

**86.** The bonds or other debt securities, contracts, hypothecs and instruments so signed and sealed by the person authorized as aforesaid, and also the notes and bills of exchange so signed, drawn or accepted by the person authorized as aforesaid, shall be valid and binding on the company, and be deemed to be the act and deed of the company.

R. S. 1964, c. 285, s. 86; 1999, c. 40, s. 73.

## **DIVISION XIV**

### **PENAL PROVISIONS**

1990, c. 4, s. 315.

**87.** Every person who lays or causes to be laid any pipe or main which communicates with any pipe or main belonging to a company, or uses gas or water without the consent of the company is liable to a fine of \$120 and, in addition, to a fine of \$4 for each day during which such communication remains.

R. S. 1964, c. 285, s. 87; 1990, c. 4, s. 316.

**88.** Any person who,—

(1) bathes, or washes, or cleans any cloth, wool, leather, skin, animal, or any nauseous or offensive thing in, or casts, throws, or puts any filth, dirt or any noxious thing into, or causes, permits or suffers the water of any sink, sewer or drain to run or be conveyed into, or otherwise injures the water within any reservoir, cistern, pond, spring or fountain from which the water belonging to the company is to be supplied or conveyed; or

(2) takes a greater quantity of gas or water than is contracted for with the company, by increasing the number or size of the holes in the gas burners, or by using the gas without burners, or otherwise wrongfully, negligently or wastefully burning the same, or by wrongfully or improperly wasting the water or gas,—

is liable to a fine of not more than \$20.

R. S. 1964, c. 285, s. 88; 1969, c. 21, s. 35; 1990, c. 4, s. 317.

**89.** Every person who knowingly and wilfully impairs, or allows another person to alter or impair, any meter so that the amount of gas recorded is less than what is actually consumed is liable to a fine of \$4 to \$20 and twice the value of the surplus gas so consumed.

R. S. 1964, c. 285, s. 89; 1990, c. 4, s. 318.

**90.** Every person who wilfully extinguishes a public lamp or light belonging to the company is liable to a fine of \$4 to \$20.

R. S. 1964, c. 285, s. 90; 1990, c. 4, s. 319.

**90.1.** *(Repealed).*

1990, c. 4, s. 320; 1992, c. 61, s. 220.

**DIVISION XV**

*Repealed, 1990, c. 4, s. 321.*

1990, c. 4, s. 321.

**91.** *(Repealed).*

R. S. 1964, c. 285, s. 91; 1990, c. 4, s. 321.

**92.** *(Repealed).*

R. S. 1964, c. 285, s. 92; 1990, c. 4, s. 321.

**93.** *(Repealed).*

R. S. 1964, c. 285, s. 93; 1969, c. 21, s. 35; 1990, c. 4, s. 321.

**DIVISION XVI**

**EXEMPTIONS FROM SEIZURE**

**94.** Neither the service nor connecting pipes of such company, nor any meter, lustre, lamp, pipe, gas-fitting or any other property of any kind whatsoever of the company, shall be subject to or liable for rent, or liable to be seized or attached by the possessor or owner of the premises wherein the same be, or be in any way liable to any person for the debt of any person to and for whose use or for the use of whose house or building the same may be supplied by such company, notwithstanding the actual or apparent possession thereof by such person.

R. S. 1964, c. 285, s. 94.

**DIVISION XVII**

**ELECTRIC LIGHT AND POWER COMPANIES**

**95.** The provisions of section 94 shall apply, with the necessary modifications, to duly constituted electric light or power companies or to duly constituted electric light and power companies.

R. S. 1964, c. 285, s. 95; 1999, c. 40, s. 73.

**DIVISION XVIII**

**ELECTRIC LIGHT AND WATER COMPANIES**

**96.** The provisions of this Act shall govern the organization of electric and water companies, and section 9 of the Telegraph and Telephone Companies Act (chapter C-45) shall apply to the building of lines for the transmission of electricity.

R. S. 1964, c. 285, s. 96.

**DIVISION XIX**

**97.** *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

**98.** The Government designates the Minister responsible for the administration of this Act except the provisions relating to the responsibilities of the enterprise registrar, which are administered by the Minister of Employment and Social Solidarity.

2002, c. 45, s. 285; 2006, c. 38, s. 22; 2016, c. 29, s. 26.

***Not in force***

**99.** The Minister of Economic Development, Innovation and Export Trade is responsible for the application of this Act.

2002, c. 45, s. 285; 2003, c. 29, s. 170; 2006, c. 8, s. 31.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 285 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed effective from the coming into force of chapter C-44 of the Revised Statutes.

