

# BY-LAW RESPECTING TRANSPORTATION DUES REGARDING THE RÉSEAU EXPRESS MÉTROPOLITAIN

## APPLICATION GUIDE

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*Guide to the Application of the By-law respecting transportation  
dues regarding the Réseau express métropolitain*

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## Changes since the previous edition

This edition of the application guide replaces all previous editions.

As this edition is the first to be available in English, the table below contains the translation of changes made to the first French edition. These modifications are visible in the French version only.

Edition	Section	Changes	Page
2	4.2.1	Replacement of the term "development work" with the term "redevelopment work" as written in the By-law.	7
	6.1		22
	5.1	Clarification that any request for reimbursement of the transportation dues must be addressed to the municipality that issued the permit.	10
	5.3.3	Clarification of the definition of "last authorization" for the purposes of Section 9 of the By-law.	15
		Replacement of the term "Application" with "Permit" in Figure 5.1. This illustrates that for the purposes of By-law Section 9, the assessment of previous work must take into account the issuance date of the permit(s).	18
	9.1	Addition of a note regarding refunds. In the eventuality of a refund, the sum(s) will be paid to the person or the entity indicated on the bank draft, unless a power of attorney authorizes payment to third party.	29
	9.2	Correction of the hyperlink towards the list of community action organizations that receive funding from a government department or an agency.	30
	Appendix 2	Removal of the mention that Schedule E must be completed, if the work is not a type of work set out the By-law.	36
	Throughout the document	Correction of spelling and grammar mistakes.	

The ARTM thanks all those whose questions and comments have contributed to the improvement of this guide.

# 1 Context

On September 27, 2017, Quebec's National Assembly passed the *Act respecting the Réseau électrique métropolitain* (LQ 2017, c. 17) (hereafter referred to as the **Act respecting the REM**). This legislation mainly modifies the *Act respecting the Autorité régionale de transport métropolitain* (CQLR, c. A-33.3) (hereafter referred to as the **Act respecting the ARTM**) to allow for the introduction of transportation dues.

The [By-law respecting transportation dues regarding the Réseau express métropolitain](#) (hereafter referred to as the **By-law**) is a by-law of the *Autorité régionale de transport métropolitain* (hereafter the **ARTM**) that was enacted by the *Minister of Transport, Sustainable Mobility and Transport Electrification* by means of a ministerial decree (Order #2018-04 dated March 22, 2018) and published in the *Gazette officielle du Québec* on April 4, 2018. This ministerial decree sets May 1, 2018 as the date on which the By-law comes into force.

Municipalities are primarily responsible for the application of the By-law and the collection of the transportation dues.

Several of the parameters of the By-law are prescribed by, or derived from, the Act respecting the ARTM, most notably with respect to the definition of zones which are subject to the transportation dues, the minimum thresholds and the types of work that are subject to the transportation dues.

## Key Facts

The By-law is not:

- A land-use planning or management tool
- A by-law derived from the Act respecting land use planning and development
- A by-law relating to municipal taxation

The By-law is:

- A tool used to finance public transportation infrastructure
- A by-law that applies independently from by-laws adopted pursuant to the Act respecting land use planning and development

## 2 Purpose of the guide

This application guide to the By-law respecting transportation dues regarding the Réseau express métropolitain is a tool which the ARTM makes available to municipal administrations involved in the application of the By-law, in order to facilitate its application.

This application guide is a tool meant to assist municipal administrations responsible for the application of the By-law and the collection of the transportation dues applicable to work subject to the payment of dues carried out on their respective territory.

This application guide has no legal value. The provisions of the By-law and those of the Act respecting the ARTM, of the Act respecting the REM and of other applicable laws, regulations and by-laws are the only provisions which have force of law.

The objective of this application guide is to facilitate the By-law's application. Its purpose is to list in a single document the key provisions and information relevant to the application of the By-law. It is not exhaustive and does not modify, limit or expand to the provisions, requirements, constraints, conditions or parameters of the By-law, the Act respecting the ARTM, the Act respecting the REM. Note that in the event of contradiction between this document and the By-law, the Act respecting the ARTM or the Act respecting the REM, or any other law, regulation or by-law, the latter have precedence.

This application guide refers to certain provisions of the By-law, the Act respecting the ARTM and the Act respecting the REM. These references may be a vulgarization or simplification of the provisions' wording, to assist the reader in better understanding the text. They do not affect in any way the application or interpretation of these provisions.

This application guide is translated from French. In the event of discrepancies between the English and the French editions of this application guide, the French edition prevails.



## 3 Overview of transportation dues

### 3.1 OVERVIEW

The main purpose of the By-law is to enact transportation dues relating to the public transport infrastructure project known as the Réseau express métropolitain, or REM.

The transportation dues are a tool to finance this public transport infrastructure. The amounts collected by municipalities on account of transportation dues are remitted to the ARTM, which will in turn remit them to the operator of the REM, until the financing target determined in compliance with the provisions of the Act respecting the REM is achieved.

Transportation dues are collected with respect to work of the type set out in the By-law and which is carried out in the zones subjected to the transportation dues, corresponding to a given radius around REM stations.

The amount of the transportation dues with respect to work subject to the payment of dues is calculated by multiplying the rate of the transportation dues set out in the By-law by the floor area of the work subject to the payment of dues.

### 3.2 KEY ELEMENTS TO ASCERTAIN THE APPLICABILITY OF THE TRANSPORTATION DUES

Work is subject to the transportation dues if:

- it is carried out in respect of a building wholly or partly situated in a zone subjected to the transportation dues;
- it is of a type set out in the By-law;
- its value exceeds the minimum threshold set out in the Act respecting the ARTM;
- it relates to a floor area that is equal to, or greater than, the minimum threshold set out in the Act respecting the ARTM.

The Act respecting the ARTM provides for certain exceptions. Moreover, the By-law contains provisions governing the determination of the value and floor area of the work, which are detailed in the following sections of this guide.

This application guide proposes a method for applying the By-law to determine whether work is subject to the payment of transportation dues, using the following steps:

- **Zones:** Is the work being carried out in respect of a building wholly or partly situated in a zone subjected to the transportation dues?
- **Types of work:** Is the work of a type set out in the By-law?
- **Value of work:** Does the value of the work exceed the applicable threshold?
- **Floor area:** Does the work relate to a floor area equal, or greater than, the applicable threshold?

Subject to the particular provisions set out in Section 5.3.3 regarding the aggregation of prior work, if the answer to the questions in any of these steps is negative, the work is not subject to the payment of transportation dues.

It is nevertheless important that permit applicants fill out the declaration set out at Schedule E, or the “Formulaire relatif à la redevance” if required by the municipality, whenever work of a type set out in the By-law is carried out in respect of a building wholly or partly situated in a zone subjected to the transportation dues, as municipalities are required to report certain information to the ARTM in connection with such work.

If the answer to all of the above questions are positive, transportation dues apply and the reader may proceed with the last steps:

- **Amount of dues:** What is the amount of the transportation dues applicable to such work?
- **Who pays the dues:** Who is (are) the person(s) responsible for, or exempted from, payment of the transportation dues?

## 4 Where do the transportation dues apply?

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References: *By-law respecting transportation dues regarding the Réseau express métropolitain*, (Act respecting the *Autorité régionale de transport métropolitain* (Chapter A-33.3, r. 1), Sections 3, 11, 13, Schedules A and B

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Transportation dues apply in zones lending themselves to coordination of urbanization and shared transportation services financed by the ARTM, even in part, through the imposition of transportation dues (hereafter referred to as **transportation dues zones**).

The transportation dues zones currently identified are designated by Order #2018-03 by the Minister of Transport, Sustainable Mobility and Transportation Electrification, dated as of March 22, 2018, and published in the *Gazette officielle du Québec* on April 4, 2018.

For ease of reference, these transportation dues zones are reproduced in Schedule B of the By-law.

As of the date of this Guide's publication, transportation dues zones in respect of Kirkland and Bassin Peel stations of the REM have not yet been designated. It is expected that they will be designated at a later date.

### 4.1 DELINEATION OF THE TRANSPORTATION DUES ZONES

Transportation dues zones correspond to a circle having a one-kilometre radius from each station of the REM, except with respect to the following three stations, where they correspond to a circle having a radius of 500 metres: Édouard-Montpetit, Gare centrale and McGill.

The boundaries of the zones are adjusted to exclude: 1) any immovable situated in an agricultural zone; and 2) any lot from which access to a REM station is not possible in all seasons, on foot or by vehicle, owing to the presence of a watercourse.

Each of the transportation dues zones is illustrated on a map attached to Schedule B of the By-law. A list of the lots of the cadastre of Québec situated wholly or partly within each transportation dues zone on a given date is included for indicative purposes, for ease of reference. This list of lots is not regularly updated. It is therefore important to consider any lot not listed in such list but which may be situated wholly or partly within a transportation dues zone at the time of issuance of any permit, in order to reflect any cadastral operation occurring subsequently.

To ascertain whether a building is situated wholly or partly within a transportation dues zone, the location of the building must be established in reference to the area of a transportation dues zone, which area is determined as a function of the radius of the transportation dues zone using the Cartesian coordinates of each of the stations set out in Schedule B of the By-law, which are based upon the North-American system of terrestrial reference NAD83 (North American Datum of 1983) and the Modified Transverse Mercator zone 8 projection system (MTM8), in accordance with the *Système québécois de référence cartographique* (SQRC) .

To facilitate application of the By-law, the ARTM makes geomatic data available on its [website](#) in connexion with the location of each of the transportation dues zones.<sup>1</sup>

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<sup>1</sup> <http://www.artm.quebec/politiques-reglements/>

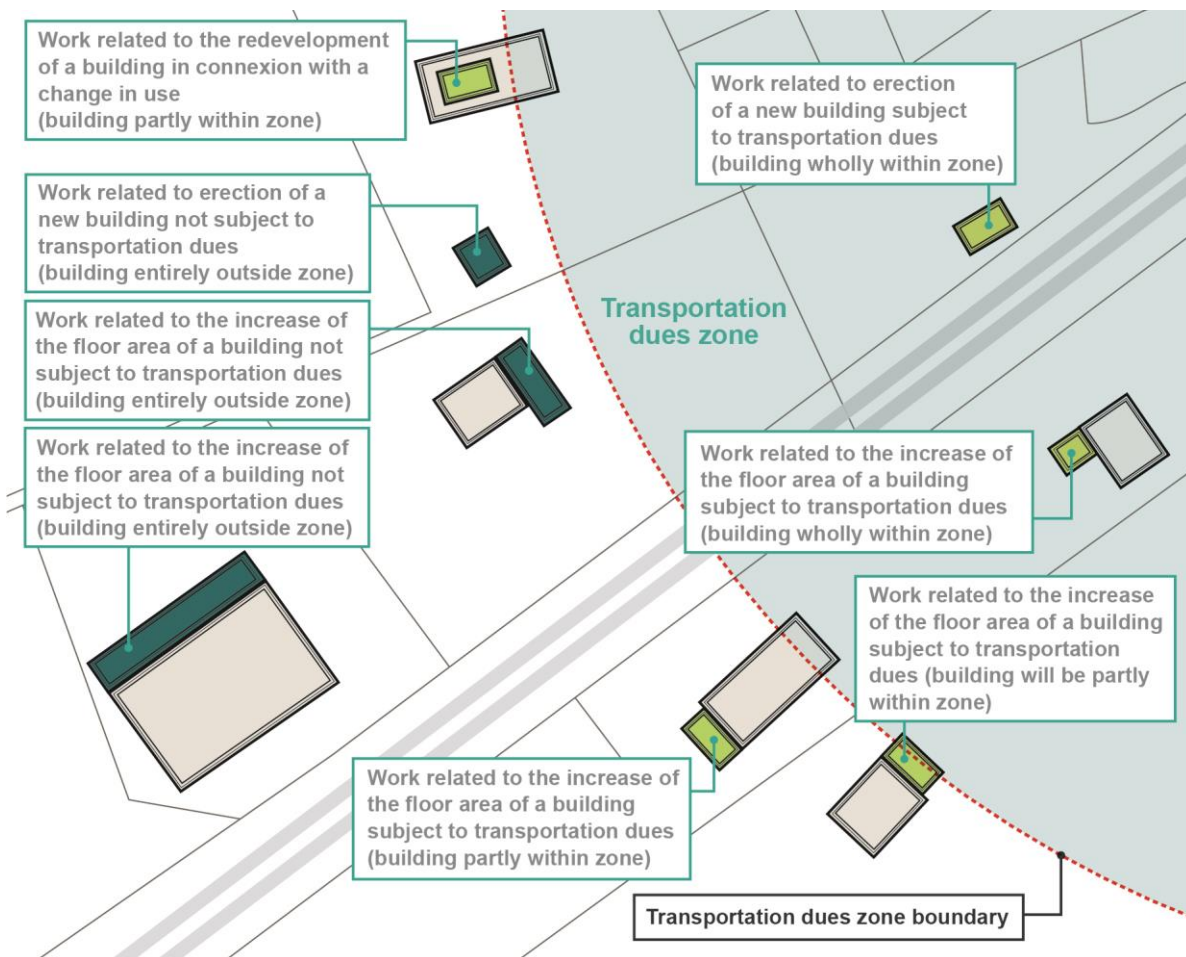
## 4.2 TYPICAL EXAMPLES RELATING TO LOCALISATION

### 4.2.1 WORK IN RESPECT OF A BUILDING LOCATED WHOLLY OR PARTLY IN A TRANSPORTATION DUES ZONE

Work is subjected to transportation dues if it is of a type set out in the By-law and carried out in respect of a **building wholly or partly** situated in a transportation dues zone.

The following figure illustrates different hypothetical cases in order to illustrate the application of the By-law:

**Figure 4.1. Applicability of transportation dues based on the localisation of a building in respect of which work of a type set out in the By-law is carried out**

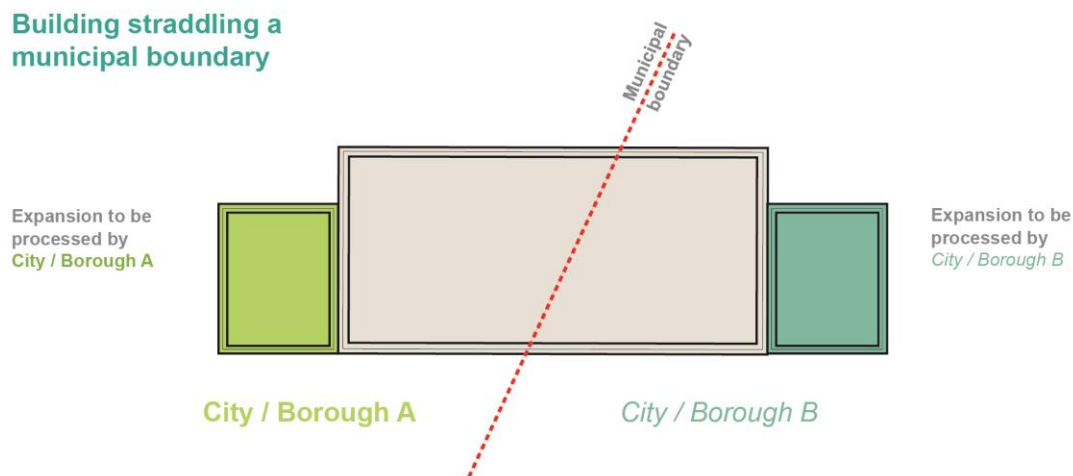


#### 4.2.2 WORK IN RESPECT OF A BUILDING LOCATED IN MORE THAN ONE MUNICIPALITY OR BOROUGH

When work of a type set out in the By-law is carried out in respect of a building located wholly or partly within a transportation dues zone, and the said building is located in the territory of more than one municipality or borough, each municipality or borough collects the transportation dues relating to work carried out in its territory and for which it issues a permit.

The figure below illustrates a hypothetical expansion of a building straddling a municipal or borough boundary, to provide a visual illustration of the application of the By-law.

**Figure 4.2. Building located in the territory of more than one municipality or borough**



### 4.3 QUESTIONS AND ANSWERS

QUESTIONS	ANSWERS
Q1. How can one know where the transportation dues zone boundary is located?	A1. Transportation dues zones are illustrated in Schedule B of the By-law. To facilitate application of the By-law, the ARTM has published geomatic files of transportation dues zones on its website ( <a href="http://www.artm.quebec/politiques-reglements/">http://www.artm.quebec/politiques-reglements/</a> ).
Q2. The REM station of the relevant transportation dues zone is inaccessible from the relevant building without a major detour; is an exemption possible?	A2. No, a transportation dues zone corresponds to a circle determined by the radius measured from a station, and not by the distance of the pedestrian or road network one must traverse in order to reach it.

## 5 Which work is subject to the By-law?

### 5.1 TRANSPORTATION DUES TO BE PAID

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References<sup>2</sup>: Sections 2, 10 and Act respecting the ARTM a. 97.6

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**All** work of a type set out in the By-law which is subject to the transportation dues **requires** the issuance of a permit and the payment of the transportation dues.

The issuance of a permit is conditional on the payment of the transportation dues, as estimated by the municipality delivering the permit, based on information provided with the permit application.

Work subject to the payment of transportation dues carried out without a permit remains subject to the payment of transportation dues.

The dues collected are reimbursed if the permit to which they relate is cancelled. Any request for refund must be addressed to the municipality that issued the permit. The municipality will then conduct the necessary follow-ups with the ARTM.

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<sup>2</sup> In the absence of an explicit reference, the sections mentioned are those of the By-law.



## 5.2 TYPES OF WORK SET OUT IN THE BY-LAW

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References: Sections 3, 4 and Schedule D and Act respecting the ARTM a. 97.2

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The following types of work are set out in the By-law as being subjected to the transportation dues:

1. Erection of a building;
2. Rebuilding of a building, except for floor area reconstruction following a fire that occurred in the preceding 24 months;
3. Increase in the floor area of a building;
4. Redevelopment of a building in connection with a change in use, even partial, consisting of a change from one to another of the following 8 classes, described in Schedule D of the By-law (reproduced in Section 5.2.1 of this application guide):
  1. Housing;
  2. Retail, restaurant, or entertainment trade and personal services;
  3. Business offices and professional services;
  4. Accommodation or conference venue business;
  5. Institutional;
  6. Industry, wholesale trade, para-industrial services and automobile services;
  7. Research and development industry and data centres;
  8. Other.

It is important to note that work in connection with a change in use, consisting of a change from one to another of the subclasses listed in the subparagraphs of the same class, is **not subject** to payment of transportation dues. For example, redevelopment work to transform urban planners' offices into lawyers' offices would not be subject because both of these uses are part of the same class.

Moreover, work carried out in respect of an immovable forming part of an **agricultural operation is not subject** to the payment of transportation dues [[RLRQ c. M-14 Section 36.2](#)].

### 5.2.1 CLASSES OF USE SET OUT IN SCHEDULE D

The classes of use and their associated uses set out in Schedule D are as follows:

1. **Housing**, namely uses involving residential housing with one or more dwellings and supervised or non-supervised collective housing with single rooms, including but not limited to:
  - Single, double and triple-family housing
  - Multi-family housing
  - Collective housing, seniors' or student residence
2. **Retail, restaurant or entertainment trade and personal services**, refers to establishments selling goods at retail, offering a restaurant or alcoholic beverage service, whose main activity is dancing or a performance, or another form of entertainment that is generally integrated into commercial arteries or shopping malls or whose use involves the sale of personal services, maintenance or repair services or rental of miscellaneous products, including but not limited to:
  - Convenience store, grocery or hardware store
  - Shop or shopping mall
  - Restaurant, bar, discotheque, performance hall, theatre
  - Movie theatre, bowling alley, pool hall
  - Sports hall, gym
  - Real estate or financial agency, bank branch
  - Childcare services, language school
  - Personal care services, beauty care, hairdressing
  - Medical services, medical clinics, other health professionals.
3. **Business offices and professional services**, whose use involves the supply of professional or administrative services, including but not limited to:
  - Architectural, city planning or engineering services, services of a notary or lawyer
  - Administrative offices for financial, insurance or banking business
4. **Accommodation or conference venue business**, whose use involves an accommodation service for persons temporarily lodged or rental of conference rooms, in convention centres, including but not limited to:
  - Hotel, motel, inn or B&B establishment
  - Tourist home
  - Other accommodation activities
  - Meeting room, conference centre

5. **Institutional**, whose use involves the management of public affairs or contributes to the well-being and physical, intellectual or spiritual development of the population, including but not limited to:
- Teaching institutions such as a school, university
  - Health and social service institutions such as a hospital or long-term care centre
  - Sports facilities such as an arena, sports centre, pool or stadium
  - Establishments related to public affairs and community services, such as recreational centre, park, playground, public administration offices
  - Places of worship and establishments of a religious nature such as a house belonging to a religious institution, a cemetery or a mausoleum
  - Cultural establishments: libraries, museums
6. **Industry, wholesale trade, para-industrial services and automobile services**, whose use involves industrial manufacturing that may also include designing and developing goods and products, raw materials development, or whose use involves the sale of a good or product at wholesale or the sale of a service that may require extensive storage space, an exterior display, manipulation or parking of vehicle fleets, or the sale of services relating to an automobile or recreational vehicle, including but not limited to:
- Manufacturing or industrial production, including furniture manufacture, metalworking, auto body repair shops and welding shops
  - Film production studios or linen and industrial laundry services
  - Sale of food and goods at wholesale, such as clothing, professional equipment or parts
  - Storage
  - A garage, vehicle maintenance centre or service station
7. **Research and development industry and data centres**, whose use involves discovery processes originating from product or process research and design, or data storage and distribution, including but not limited to:
- Research and development centres for advanced technology or emerging activities, including software or software package publishers and pharmaceutical research centres
  - Physical and chemical research centres, life science research, mathematics, computer science, communications and telecommunications research centres
  - Clusters of computer facilities used to store, distribute or process data
8. Any **other use** not comprised in the classes listed in paragraphs 1 to 7.

## 5.3 APPLICABILITY OF THE BY-LAW

References: Sections 4, 5 and 9 and Act respecting the ARTM Section 97.2

### 5.3.1 MINIMUM THRESHOLDS

In order for transportation dues to apply, work of a type set out in the By-law must meet two conditions which serve as minimum thresholds for application of the transportation dues.

Thus, work is subject to the payment of transportation dues where:

1. its value exceeds the applicable amount, after annual indexation thereof, which amount is, as of the date of this application guide, \$756,150<sup>3</sup>
2. it covers a floor area equal to or greater than 186 m<sup>2</sup> (2,000 ft<sup>2</sup>).

Both conditions must be met for work to be subject to the payment of transportation dues. The following table illustrates various scenarios:

**Table 5.1. Applicability of transportation dues according to value of and floor area covered by work**

		Value of work	
		\$756,150 <sup>4</sup> or less	Over \$756,150 <sup>5</sup>
Total floor area covered by the work	Less than 186 m <sup>2</sup>	Not applicable (area too small and value too low).	Not applicable (area too small).
	186 m <sup>2</sup> or more	Not applicable (value too low).	Applicable

The methods for determination of value of the work and the floor area covered by the work are set out respectively in Sections 5.3.2 and 6.1 of this guide.

<sup>3</sup> Amount for the year 2018. The Minister of Transport, Sustainable Mobility and Transport Electrification publishes the result of the indexation of the amount in the *Gazette officielle du Québec* annually. This information will be published on the ARTM's website.

<sup>4</sup> *Idem.*

<sup>5</sup> *Idem.*

### 5.3.2 DETERMINATION OF THE VALUE OF THE WORK

The value of the work is established:

- by the municipality;
- based on information provided with the permit application;
- at the time of **issuance** of the permit;
- and includes all of the following costs (excluding taxes):
  1. fees for supplying and installing all materials and equipment integrated into the building, including the materials and equipment relating to architecture, structure, mechanics and electricity, but not including fees for supplying and installing devices used in connection with an industrial process or industrial production;
  2. excavation and backfilling fees.

The value of the work represents the value of work of a type set out in the By-law carried out in respect of a building located wholly or partly within the charging zone.

### 5.3.3 AGGREGATION OF PRIOR WORK

Assessment of whether the threshold levels are met for work subject to payment of dues must take into consideration:

1. the value of the constructions and works and the movables incorporated<sup>6</sup>,

as well as

2. the floor area

previously authorized for a building owned by the same owner in the **48 months since the last authorization**, since the entry into force of the By-law.

For the purposes of application of the By-law, the “last authorization” refers to the **date of issuance of the permit under review**.

The purpose of this provision of Section 9 of the By-law is to prevent applicant from avoiding payment of the transportation dues by splitting up work of a type set out in the By-law.

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<sup>6</sup> This value is assessed in the manner described in Section 5 of the Bylaw for the determination of the value of work of a type set out in the By-law. The notion of “incorporated movables” must also be interpreted in the same manner as the expression “materials and equipment integrated into the building” By way of example, a sprinkler system will be considered as an integrated movable.

Work for which the relevant permit was issued before May 1, 2018, the date of coming into force of the By-law, is not counted as falling within the 48-month period since the last authorization.

Table 5.2 set out, for illustrative purposes, a hypothetical example for the determination of applicability of the minimum thresholds. For the purposes of this example, it is assumed that, over time, several permit applications have been submitted for instances of work of a type set out in the By-law which, individually, do not meet the applicability thresholds, but which are subjected to the transportation dues once the aggregation of such work meets the minimum thresholds. The timeline in Figure 5.1 illustrates this example.

As provided for in the By-law, the aggregation of previously authorized work of a type set out in the By-law is possible in respect of a building owned by the same owner. Work carried out by a prior owner are excluded from the aggregation.

**Table 5.2. Hypothetical impact of previous work on the applicability threshold**

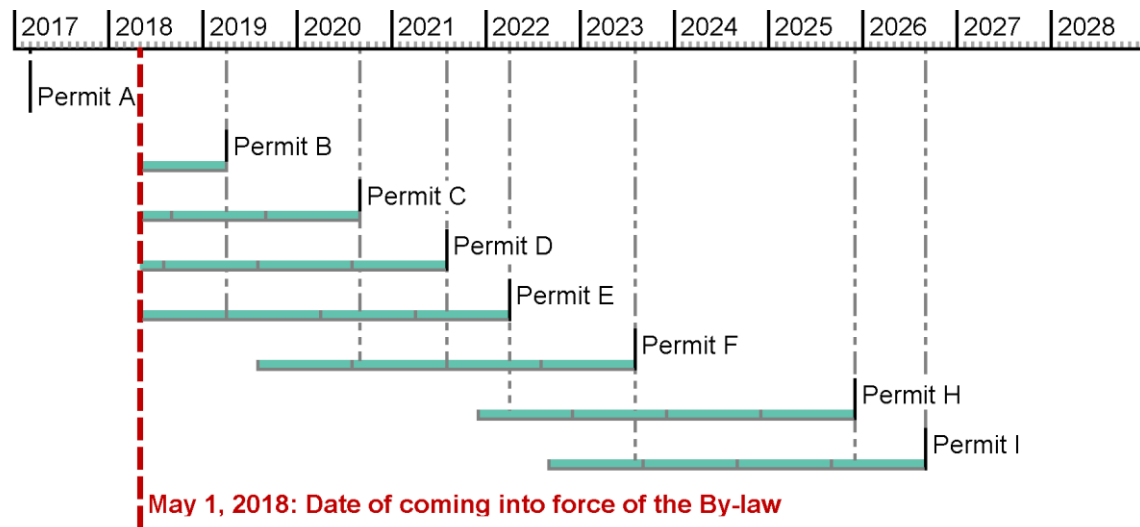
Permit		Work		Comments	
	Date of permit issuance	Floor area covered by the work (m <sup>2</sup> )	Value (\$)	Applicability and amount of transportation dues	
<b>A</b>	March 9, 2017	Not applicable	Not applicable	Not applicable	Precedes the date of coming into force of the By-law
	May 1, 2018				By-law comes into force.
<b>B</b>	April 1, 2019	100	300,000	No	
<b>C</b>	Sept. 1, 2020	20	10,000	No	
<b>D</b>	August 10, 2021	50	100,000	No	
<b>E</b>	April 20, 2022	50	100,000	No	Cumulative area is 220 m <sup>2</sup> , but cumulative value is only \$510,000. (Aggregation includes Permits B, C, D and E)
<b>F</b>	August 15, 2023	150	500,000	No	Cumulative area is 270 m <sup>2</sup> , but cumulative value is only \$710,000. (Aggregation includes Permits C, D, E and F)
<b>N/A</b>	March 3, 2024	0	0	No	Permit application for a type of work not set out in the By-law (i.e. replacement of a sign).
<b>H</b>	Dec. 2, 2025	150	500,000	Yes Dues = 350 m <sup>2</sup> x [rate as indexed in 2025 <sup>7</sup> ]	Cumulative area is 350 m <sup>2</sup> , and cumulative value is \$1,100,000*. (Aggregation includes Permits E and F)
<b>I</b>	Sept. 25, 2026	100	300,000	No	Transportation dues were paid at the time of the previous permit issuance. The floor area in respect of which transportation dues were paid is not counted twice. (Aggregation may only include Permit I).

\* Assuming that the minimum value threshold, as indexed, is less than this amount.


Figure 5.1 illustrates the example set out in Table 5.2 in a timeline format.

<sup>7</sup> Transportation dues are indexed on January 1 of each year. Indexation rate will be published on the ARTM's website.

**Figure 5.1. Hypothetical impact of previous work on the applicability threshold**



**Legend:**

 Period during which prior work is aggregated (48 months, but not before the date of coming into force of the By-law).

Transportation dues apply when the minimum thresholds are met, taking into account the aggregation of work of a type set out in the By-law carried out during the **48 months preceding the last authorization**.

The applicable rate of transportation dues is the rate then in effect on the date of issuance a permit that meets the minimum thresholds (with or without aggregation of prior work).

The relevant provisions of the By-law do not permit to take into consideration the progressive application of the rate of transportation dues in respect of the applicability of transportation dues to work aggregated over a period of **48 months preceding the last authorization**.



## 5.4 QUESTIONS AND ANSWERS

QUESTIONS	ANSWERS
Q3. Does refusal to pay the transportation dues prevent issuance of a permit?	A3. Yes. As of May 1, 2018, for work of a type set out in the By-law which is subjected to the payment of transportation dues, the issuance of a permit is conditional upon payment of said dues.
Q4. Do transportation dues apply to redevelopment work in connection with a change in use from one subclass - to another subclass, if both subclasses are comprised within the same class in Schedule D?	A4. No, only redevelopment work in connection with a change in use from one class to another is subject to the payment of transportation dues
Q5. Is a change in use from one class to another, made without requiring any redevelopment work, subject to the payment of transportation fees?	A5. No, because it is the work which is subject to the payment of transportation dues.
Q6. If the property is sold, is there a “reset” of the aggregation of prior work?	A6. Yes.
Q7. How are prior work which do not meet the minimum thresholds tracked, given that they are not subjected to the payment of transportation dues?	A7. Schedule E, or the “Formulaire relatif à la redevance” if required by the municipality, filled out by applicants, allows to track work which are not subjected to the payment of transportation dues.

## 6 How is the amount of the transportation dues calculated?

References: Section 6

### 6.1 DETERMINATION OF THE FLOOR AREA

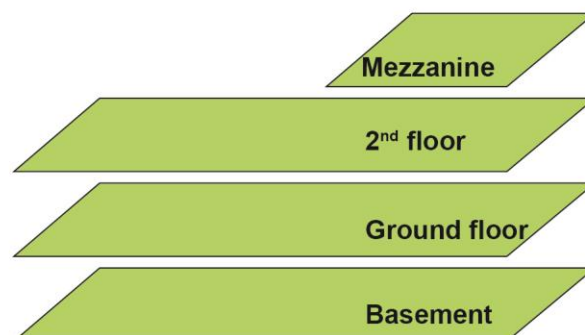
The floor area of work subject to the payment of transportation dues is equal to **the sum of all floors covered by the work, including each mezzanine and basement floor.**

Floor area is measured from the **outside surface of the external walls.**

It is the floor area covered by the work of a type set out in the By-law which must be taken into account to determine whether the minimum thresholds are met and to calculate the amount of the transportation dues. This floor area is measured from the **outside surface of the external walls.**

Where there is a common (*mitoyen*) wall (for semi-detached or attached buildings), the property line is deemed to be an external wall, given that the floor area which is subject to the payment of transportation dues cannot exceed that of the immovable of the owner who is the debtor of the transportation dues.

Figure 6.1. Floor areas (erection of a building)



Upon the reconstruction of a building following a fire, the floor areas rebuilt by reason of the fire **are not subject** to the payment of transportation dues if the fire occurred during the 24 months preceding the reconstruction. However, if increases in floor area are built concurrently, the increases **are subject** to the payment of transportation dues.

Figure 6.2. Floor areas (reconstruction of a building)

### RECONSTRUCTION

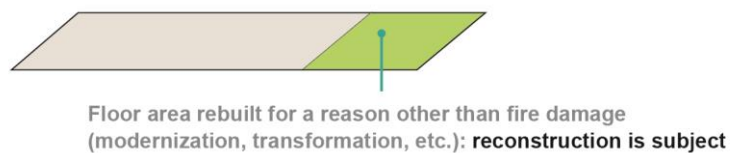
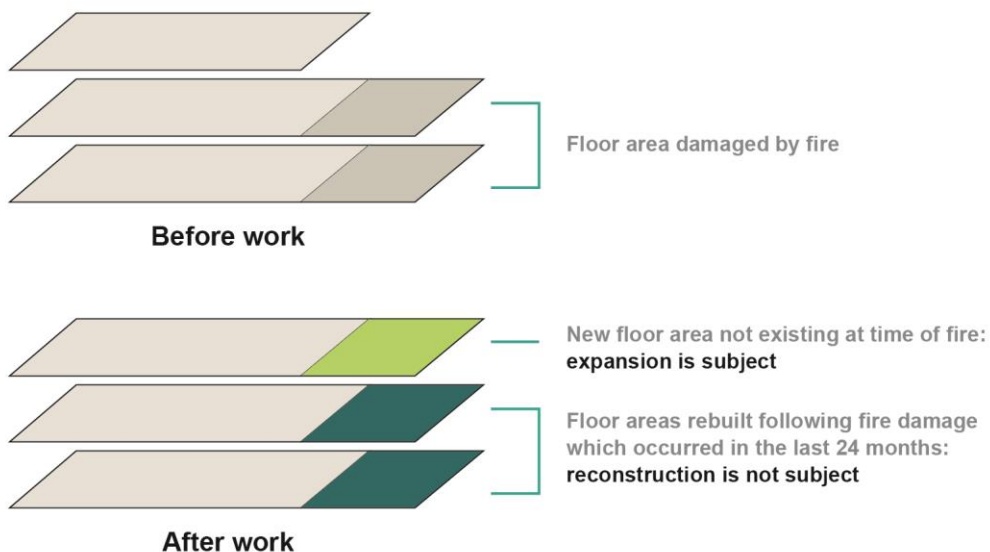


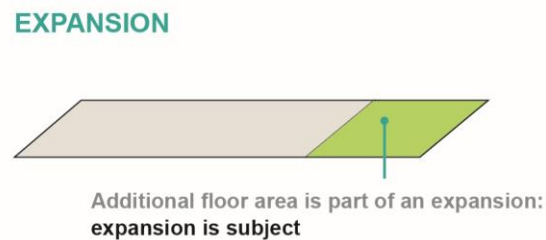
Figure 6.3. Floor areas (building reconstruction following fire damage)

### DAMAGE



For work carried out to **increase the floor area of a building**, only floor areas covered by such work are taken into account.

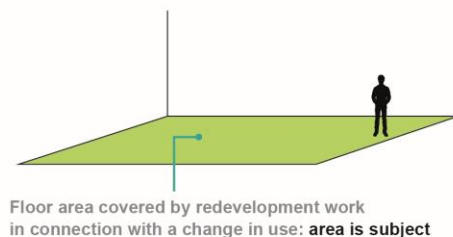
**Figure 6.4. Floor area (building expansion)**



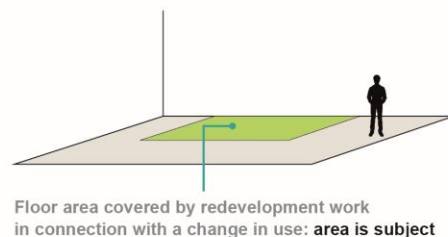
For work carried out to redevelop a **building in connection with a change in use**, even partial, consisting of a change from one to another of the eight classes described in Schedule D (see Section 5.2.1), in the absence of exterior walls, the external surface of the walls delineating the work should be used. In the complete absence of walls, it is the floor area covered by the work that must be used in calculating the minimum thresholds and the amount of the transportation dues.

**Figure 6.5. Floor area (redevelopment work in connection with a change in use)**

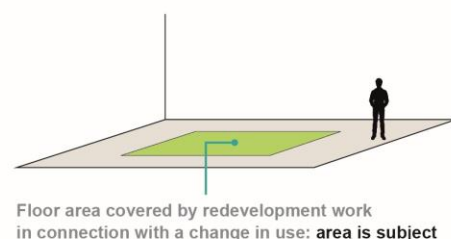
**CHANGE IN USE FOR  
AN ENTIRE FLOOR**



**CHANGE IN USE FOR  
PART OF A FLOOR**

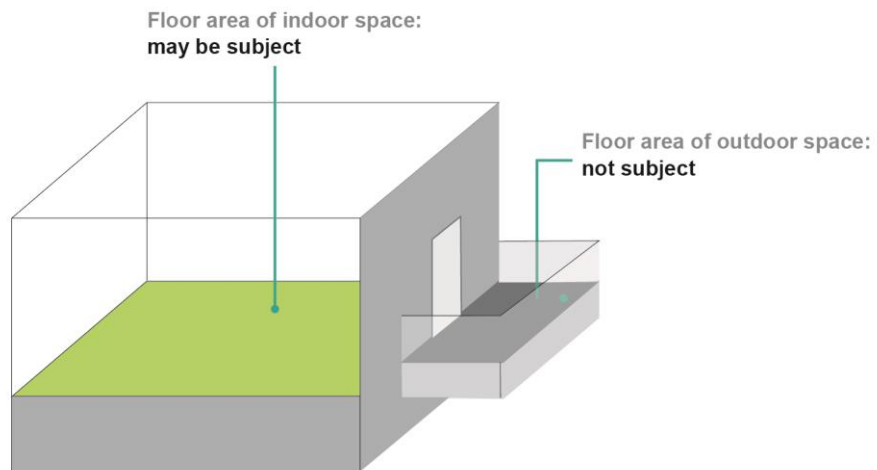


**CHANGE IN USE FOR  
PART OF A FLOOR**

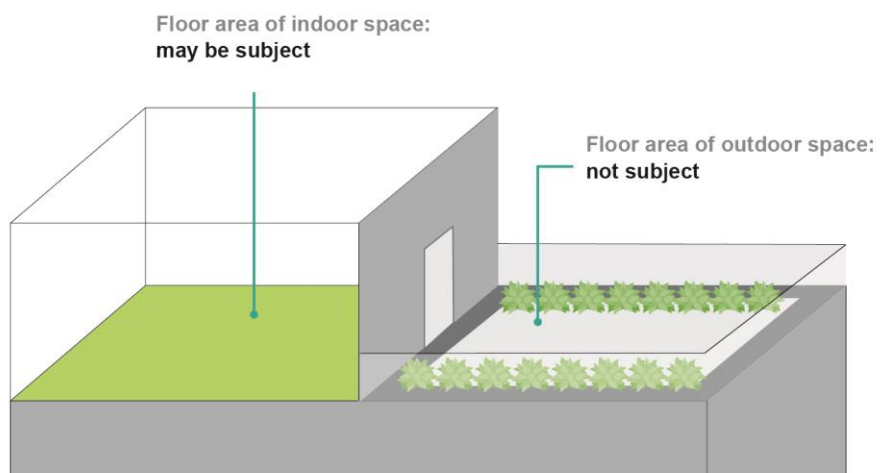


The floor area calculation excludes the area of outdoor spaces (such as a balcony or rooftop terrace).

**Figure 6.6. Outdoor floor area – Example 1**



**Figure 6.7. Outdoor floor area – Example 2**



## 6.2 QUESTIONS AND ANSWERS

QUESTIONS	ANSWERS
Q8. Do excavation and backfilling fees include the cost of environmental rehabilitation of land?	A8. No, only the cost of excavation and backfilling for foundations are subject to transportation dues. Given that excavation and backfill operations have no actual floor, they are considered only for the purposes of determination of the value of the work.
Q9. Is underground parking considered part of the floor area?	A9. Yes.
Q10. Is an indoor pool area considered part of the floor area?	A10. Yes.
Q11. Is a rooftop pool area considered part of the floor area?	A11. No, the area is not considered if it is outdoors.

## 7 When are the transportation dues collected?

References: Sections 3 and 8

Transportation dues are calculated **at the time of issuance of the relevant permit** in respect of subject work.

Transportation dues must be paid **in full at the time of issuance of the permit**, and are payable by **bank draft** only.

### 7.1 QUESTIONS AND ANSWERS

QUESTIONS	ANSWERS
Q12. Why isn't payment of the transportation dues required at the time of filing of a permit application?	A12. The By-law requires that the transportation dues be paid at the time of issuance of the permit. Applicants may therefore be required to make two separate payments: one for the permit fees and one for the transportation dues.
Q13. Certain permits can be paid for with a credit card or cash; is it necessary to require a separate type of payment for the transportation dues?	A13. Yes. The By-law requires that transportation dues be paid by bank draft. It should be noted that the minimum amount to be paid is \$20,021.04 (i.e. 186 m <sup>2</sup> multiplied by \$107.64).

## 8 How much are the transportation dues?

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References: Section 3, Schedule C, Act respecting the ARTM, Section 97.2 al. 2 and Section 97.3, Act respecting the REM, Section 85

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### 8.1 FORMULA FOR CALCULATING THE AMOUNT OF TRANSPORTATION DUES

The amount of the transportation dues corresponds to the product of the rate of the transportation dues by the floor area covered by the work.

**Transportation dues = Rate of transportation dues X Floor area covered by the work**

If the building in respect of which work of a type set out in the By-law is carried out is located within more than one transportation dues zone, the transportation dues are calculated only once.

### 8.2 RATE OF TRANSPORTATION DUES

The rate of transportation dues is the same for all transportation dues zones.

The rate of transportation dues is set out in Schedule C of the By-law and reproduced below.



**Table 8.1. Rate of transportation dues by station**

Zone	Rate (\$/m <sup>2</sup> )	Zone	Rate (\$/m <sup>2</sup> )
Station Terminale Rive-Sud	107.64	Station Bois-Franc	107.64
Station Du Quartier	107.64	Station Sunnybrooke	107.64
Station Panama	107.64	Station Roxboro-Pierrefonds	107.64
Station Île des Sœurs	107.64	Station Île-Bigras	107.64
Station Gare Centrale	107.64	Station Sainte-Dorothée	107.64
Station McGill	107.64	Station Grand-Moulin	107.64
Station Édouard-Montpetit	107.64	Station Deux-Montagnes	107.64
Station Canora	107.64	Station Technoparc Montréal	107.64
Station Mont-Royal	107.64	Station Aéroport de Montréal	107.64
Station A40	107.64	Station Des Sources	107.64
Station Montpellier	107.64	Station Pointe-Claire	107.64
Station Du Ruisseau	107.64	Station Sainte-Anne-de-Bellevue	107.64

Note: As of the date of publication of this application guide, transportation dues zones in respect of Kirkland and Bassin Peel stations have not yet been designated. It is expected that they will be designated subsequently.

The rate of transportation dues is indexed annually on January 1 according to the Consumer Price Index (CPI) for the province of Quebec, as provided for in the By-law and the *Act respecting the ARTM*. The indexation method is the same as that applicable to the indexation of the minimum threshold for the value of the work (presently an amount of \$756,150<sup>8</sup>).

While the threshold for the value of the work was originally established at \$750,000 and indexed to \$756,150, the rate of transportation dues has not yet been indexed, as it was enacted by the By-law in 2018. The first indexation of the rate of transportation dues will occur on January 1, 2019.

<sup>8</sup> Amount for the year 2018. The Minister of Transport, Sustainable Mobility and Transport Electrification publishes the result of the indexation of the amount in the *Gazette officielle du Québec* annually. This information will be published on the ARTM's website.

## 8.3 PROGRESSIVE APPLICATION OF THE RATE OF TRANSPORTATION DUES

As a transitory provision, the rate of transportation dues is reduced for the first few years. It will be increased progressively each year until it applies fully starting in 2021.

The proportion of the progressive application of the rate of transportation dues is as follows:

- May 1 to December 31, 2018 = **50%** of the rate of transportation dues;
- January 1 to December 31, 2019 = **65%** of the rate of transportation dues, as indexed;
- January 1 to December 31, 2020 = **80%** of the rate of transportation dues, as indexed;
- As of January 1, 2021 = **100%** of the rate of transportation dues, as indexed.

## 8.4 QUESTIONS AND ANSWERS

QUESTIONS	ANSWERS
Q14. How can one find out what will be the new indexed rates of transportation dues?	A14. The rate of indexation will be the same as that published in the Minister of Transportation's indexation notice applicable to the minimum threshold for the value of work. This information will be posted on the ARTM's website.
Q15. How can one find out what is the applicable proportion of the progressive application of the rate of transportation dues during the transitory period?	A15. The relevant proportions are automatically modified on the given dates.
Q16. The By-law does not refer to the progressive application of the rates of transportation dues, is this normal?	A16. Yes, because the progressive application of the rate of transportation dues is provided for in the <i>Act respecting the REM</i> , not the By-law.

## 9 Who pays the transportation dues?

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References: Sections 7, 8, 12, Act respecting the ARTM, Section 97.12 and Order 382-2018

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### 9.1 WHO PAYS THE TRANSPORTATION DUES

The debtor is the “Owner” of an immovable on which subject work is carried out.

“Owner” means one of the following persons:

1. the person holding the **right of ownership** in an immovable;
2. the person possessing an immovable as the **emphyteuta**;
3. the person possessing an immovable as the **usufructuary**;
4. the person holding a **right of superficies** in an immovable;
5. **the occupant** of an immovable belonging to a person referred to in [Section 97.12](#) of the *Act respecting the Autorité de transport régional métropolitain* (listed in Section 9.2 of this application guide) or belonging to any other person not subject to payment of the transportation dues, excluding occupancy by any of those persons;
6. the **syndicate of co-owners**.

Payment by a third person is deemed to be made on behalf of the owner. The transportation dues may thus be paid by the permit applicant or his/her/its mandatary.

It should be noted that in the event of a refund, the amount will be paid **to the person or entity whose name appears on the bank draft**, unless a power of attorney authorizes the payment to another third party.

## 9.2 WHO IS EXEMPTED

No transportation dues are payable by the following entities:

1. A **public body** within the meaning of the first paragraph of Section 3 of the *Act respecting Access to documents held by public bodies and the Protection of personal information* [RLRQ c. A-2.1, Section 3].  
For ease of reference, the Liste de la Commission d'accès à l'information identifies those public bodies. Professional orders on this list are not public bodies as defined in Section 3, and are therefore not exempt from transportation dues.
2. A **childcare centre** (*centre de la petite enfance*, or CPE) within the meaning of the *Educational Childcare Act* [RLRQ c. S-4.1.1].  
A childcare centre must hold a permit as set out in Section 7 of this Act. A day care centre holding a permit as set out in Section 11 of this Act does not constitute a childcare centre and is therefore not exempt.
3. A **non-profit body** or a **solidarity cooperative** that carries out work relating to an immovable that is or will be acquired, built or renovated under a **program** implemented under the *Act respecting the Société d'habitation du Québec* [chapter S-8] and for which an operating agreement is or will be in force, for the purposes specified in the agreement.  
List of SHQ programs.
4. A **mandatary of the State**  
The vast majority of mandataries of the State are public bodies referred to in Item 1. Without limitation, the following are also mandataries of the State: 1) a subsidiary of the Société d'habitation du Québec and 2) a wholly owned subsidiary of the Caisse de dépôt et placement du Québec.  
A subsidiary of the *Caisse de dépôt et placement du Québec* is not exempt from paying the dues when it carries on a commercial activity other than building or operating a shared transportation system. In such a case, it would be subject to the transportation dues despite its status as a mandatary of the State.
5. A **community action body** that receives financial assistance from a government department or body and that, as applicable:
  1. is registered as such on the list of the Ministère de l'Emploi et de la Solidarité sociale; or
  2. holds a certificate in that regard issued by the Minister of Employment and Social Solidarity in the 12 months before the body applied for a permit for the work.
6. Any other person designated by the Government:

1. **Aéroports de Montréal** when it performs work related to a control tower, a hangar, a terminal or associated immovables on the site of Montréal–Pierre Elliott Trudeau International Airport, or any other person carrying out such work on this site. [\[Order 382-2018\]](#).

## 9.3 MIXED-USE BUILDINGS

It is possible that works of a type set out in the By-law take place within the same building but for the benefit of various occupants, some of whom may be exempt entities. The By-law applies such that the transportation dues are payable by the owner, typically the person whose name appears or will appear on the unit of assessment.

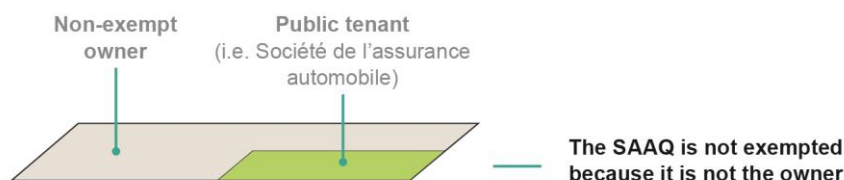
Two scenarios are possible, depending upon whether the building's owner is exempt or not.

### 9.3.1 WHEN AN EXEMPT ENTITY OCCUPIES A BUILDING WHOSE OWNER IS NOT EXEMPTED

Because the transportation dues are payable by the owner, an entity that is exempt (for example, a public body) must have the status of an owner (within the meaning given to this expression by the By-law, as set out in Section 9.1) in order to be exempt. Thus, if an exempt entity is an occupant (in the capacity of a tenant or otherwise) without being the owner (as defined in the By-law), work subject to the transportation dues will not be exempted.

Figure 9.1 sets out a hypothetical scenario, in order to illustrate the application of the By-law to an exempt entity who is the occupant of a building owned by a non-exempt entity.

**Figure 9.1. An exempt entity occupying a building owned by a non-exempt entity**



If, however, the exempt entity qualifies as the owner as defined in the By-law (for example, if the entity is usufructuary), the work subject to the transportation dues carried out by such entity may benefit from the exemption which relates to such entity's status or identity.

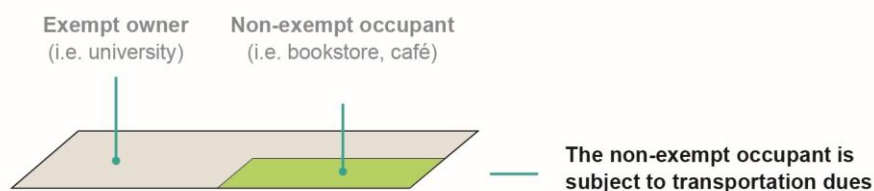
### 9.3.2 WHEN A NON-EXEMPT ENTITY OCCUPIES A BUILDING WHOSE OWNER IS EXEMPTED

Because transportation dues are payable by the owner, if an exempt entity carries out work subject to transportation dues in respect of a building which it owns, that work will be exempted. However, **the floor area where such work is carried out for an occupant who is not exempted will be subject to transportation dues** because that occupant will be considered as an owner within the meaning given to the term “owner” in the By-law (refer to Item 5 of Section 9.1).

If the municipal employees responsible for issuance of a permit in respect of such work notices that part of the floor area covered by the work is intended to be occupied by a non-exempt occupant, they must subject this floor area to the transportation dues if other applicability criteria are met.

Figure 9.2 set out a hypothetical scenario, in order to illustrate the application of the By-law to a non-exempt entity that occupies space in a building owned by an exempt organization.

**Figure 9.2. A non-exempt entity occupies a building owned by an exempt entity**



## 9.4 QUESTIONS AND ANSWERS

QUESTIONS	ANSWERS
Q17. If work of a type set out in the By-law is carried out on a building leased by an exempt entity, is the work still subject to transportation dues?	A17. Yes, as transportation dues must be paid by the owner.
Q18. If subject work is carried out on a building owned by an exempt entity, but whose occupant is not exempted, is said work still subject to transportation dues?	A18. Yes, transportation dues apply because the occupant is considered as the owner.

## 10 Other provisions

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References: Sections 13, 14, 15, 18, 19, Schedule E and Act respecting the ARTM, Section 97.10

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### 10.1 OBLIGATIONS OF MUNICIPALITIES

#### 10.1.1 THE COLLECTION OF TRANSPORTATION DUES

The municipality is required to collect transportation dues for the ARTM.

The municipality must require the information and supporting documents set out in Schedule E, or the “Formulaire relatif à la redevance” if required by the municipality, in order to determine whether work set out in a permit application is subject to the transportation dues, which determination must take into account prior permits issued during the 48-month period preceding the last authorization.

**If the municipality did not previously require a permit to perform certain work subject to transportation dues, it must require one from now on. The municipality is responsible for issuing this permit.**

The municipality must notify the ARTM if it observes a discrepancy between the characteristics of the building once built and the information provided in the permit application. It must inform the ARTM if the discrepancy is such that it would cause the amount of the transportation dues to be increased or decreased, and the discrepancy relates to the following:

- The building location;
- The actual floor area of the subject work;
- The actual value of the subject work.

#### 10.1.2 REMITTANCE OF TRANSPORTATION DUES TO THE ARTM

The municipality must remit transportation dues to the ARTM three times per year according to the following schedule:

**Table 10.1. Dates of remittance of transportation dues to the ARTM**

Relevant Period	Remittance Date
January 1 to April 30	June 1
May 1 to September 30	November 1
October 1 to December 31	February 1

## 10.2 PENAL PROVISIONS

Failure or refusal to pay transportation dues is an offence.

The ARTM will institute penal proceedings as required.

In the event of the commission of an offence, the offender is liable to a fine set out in the By-law, equivalent to the sum of the transportation dues and an additional sum corresponding to the following:

**Table 10.2. Additional amounts applicable to fines**

Offender	Offence	Additional amount
Natural person	1st offence	\$250 to \$5,000
	Repeat offences	\$500 to \$10,000
Other offenders	1st offence	\$250 to \$10,000
	Repeat offences	\$500 to \$20,000

## 10.3 QUESTIONS AND ANSWERS

QUESTIONS	ANSWERS
Q19. How will transportation dues be collected for work done without a permit?	A19. The municipality must notify the ARTM, who will take the necessary steps to obtain payment of the transportation dues.



# Appendix 1 – By-law Structure

	Sections
<b>CHAPTER I</b>	<b>INTRODUCTION _____ 1 TO 2</b>
<b>CHAPTER II</b>	<b>DETERMINATION OF TRANSPORTATION DUES</b>
Division 1	Rate and calculation of dues ..... 3
Division 2	Work subject to payment of dues ..... 4
Division 3	Value of work ..... 5
Division 4	Determination of the floor area of work subject to payment of transportation dues..... 6
Division 5	Payment of dues ..... 7 to 10
<b>CHAPTER III</b>	<b>RULES FOR THE DETERMINATION OF ZONES LENDING THEMSELVES TO COORDINATION OF URBANIZATION AND SHARED TRANSPORTATION SERVICES _ 11</b>
<b>CHAPTER IV</b>	<b>EXEMPTIONS _____ 12</b>
<b>CHAPTER V</b>	<b>OBLIGATIONS OF THE MUNICIPALITY _____ 13 TO 18</b>
<b>CHAPTER VI</b>	<b>OFFENCE PROVISIONS _____ 19</b>
<b>CHAPTER VII</b>	<b>FINAL _____ 20</b>
<b>SCHEDULE A</b>	<b>DELINEATION AND STATIONS</b>
<b>SCHEDULE B</b>	<b>ZONES</b>
<b>SCHEDULE C</b>	<b>RATE OF TRANSPORTATION DUES PER SQUARE METRE OF AREA OF WORK SUBJECT TO PAYMENT OF DUES</b>
<b>SCHEDULE D</b>	<b>REDEVELOPMENT OF A BUILDING IN CONNECTION WITH A CHANGE IN USE</b>
<b>SCHEDULE E</b>	<b>WORK PERMIT ISSUE SYSTEM</b>

## Appendix 2 – Quick Reference Checklist

<b>Where?</b>	Is the building located wholly or partly within a transportation dues zone, or will its projected expansion be located within one?	If yes, proceed to next step. If no, follow the usual permit issuance procedure.
<b>What?</b>	Does the work include the following: 1. Erection of a building; 2. Rebuilding a building except for floor area reconstruction following a fire that occurred in the preceding 24 months; 3. An increase in the floor area of a building; 4. Redevelopment of a building in connection with a change in use, even partial, consisting of a change from one to another of the 8 classes described in Schedule D of the By-law.	If yes, proceed to next step. If no, follow the usual permit issuance procedure.
<b>Conditions?</b>	Does the floor area covered by the work measure 186 m <sup>2</sup> or more and does the value of the work exceed \$756,150? <sup>9</sup>	If yes, proceed to next step. If no, follow the usual permit issuance procedure and require a completed Schedule E, or the “Formulaire relatif à la redevance”.
<b>Who?</b>	Is the applicant on the list of entities exempted from paying transportation dues?	If yes, follow the usual permit issuance procedure and require a completed Schedule E, or the “Formulaire relatif à la redevance”. If no, proceed to next step.
	Calculate the applicable transportation dues.	

<sup>9</sup> Amount for the year 2018. The Minister of Transport, Sustainable Mobility and Transport Electrification publishes the result of the indexation of the amount in the *Gazette officielle du Québec* annually. This information will be published on the ARTM's website.