

which its incorporating instrument became effective if it does not obtain an order approving the commencement and carrying on of business within that year.

tence légale, sauf pour la liquidation de ses affaires internes.

Allowed disbursements

65. (1) Where an order approving the commencement and carrying on of business is not made for an association, no part of the moneys of the association shall be used for the payment of incorporation and organization expenses, other than remuneration and costs referred to in section 58, unless the payment has been approved by a special resolution.

5 65. (1) À défaut d'agrément, les fonds de l'association ne peuvent servir à régler les frais de constitution et d'organisation autres que ceux visés à l'article 58, sauf résolution extraordinaire adoptée à cette fin.

Paiements autorisés

Application to court to settle disbursements

(2) If the amount allowed by a special resolution for the payment of any incorporation and organization expenses referred to in subsection (1) is considered insufficient by the directors or if no special resolution for the payment of such expenses is passed, the directors may apply to any court having jurisdiction in the place where the head office of the association is situated to settle and determine the amounts to be paid out of any moneys of the association.

(2) Faute d'une telle résolution ou s'ils jugent insuffisant le montant alloué par celle-ci, les administrateurs peuvent demander à tout tribunal compétent au lieu du siège de l'association de statuer sur les montants à prélever sur les fonds de celle-ci.

Saisine de juridiction

Notice of application to court

(3) The directors shall, at least twenty-one days prior to the date fixed for the hearing of the application referred to in subsection (2), send to the members or incorporators, as the case may be, a notice of the application, which notice shall contain a statement of the amounts that are proposed to be settled and determined by the court.

(3) Les administrateurs envoient aux associés ou aux fondateurs un préavis de la demande au moins vingt et un jours avant la date d'audition de celle-ci, auquel ils joignent un état des frais sur lesquels le tribunal aura à statuer.

Préavis

Ratio payable

(4) In order that the amounts paid and payable under this section may be equitably borne by the members or incorporators, as the case may be, the directors shall, after the amounts of the payments have been approved by special resolution or settled and determined by a court, fix the proportionate part thereof chargeable to each member or incorporator as the ratio of the amount paid in by the member or incorporator to the aggregate of all the amounts paid in by the members or incorporators.

(4) Après que les montants ont été approuvés par résolution extraordinaire ou fixés par le tribunal, les administrateurs, pour assurer une répartition équitable entre les associés ou les fondateurs des frais payables aux termes du présent article, déterminent la contribution de chacun d'eux au prorata de son apport.

Quote-part

Return of excess

(5) After the amounts referred to in this section have been paid, the directors shall pay, with any interest earned thereon, to the members or incorporators, the respective balances of the moneys paid in by them, less the

(5) Après le paiement des frais à acquitter aux termes du présent article, les administrateurs remboursent à chaque associé ou fondateur le montant de son apport, intérêts créditeurs compris, moins sa contribution

Répartition du solde disponible