



CHAPTER 85

An Act respecting the Metropolitan Trust Company of Canada

[Assented to 22 June 1995]

Preamble

WHEREAS, on 22 May 1992, the sheriff of the district of Québec adjudged to the Metropolitan Trust Company of Canada an immovable known and described as subdivision ONE of original lot THREE THOUSAND AND ONE (3001-1) of the cadastre of the city of Québec (du Palais ward) and the building situated thereon bearing civic numbers 1044 and 1046 Saint-Jean street in the city of Québec;

Whereas the said immovable is classified cultural property pursuant to Order in Council 1198 dated 1 May 1967, and whereas the said Order in Council was registered at the registry office of the registration division of Québec under number 611 976;

Whereas the sheriff issued the certificate of sale on 7 December 1992, and whereas the certificate was registered at the registry office of the registration division of Québec on 23 December 1992 under number 1 496 854;

Whereas certain provisions of the Cultural Property Act (R.S.Q., chapter B-4) applicable to classified cultural property under section 34 of the said Act were not complied with in connection with the sale:

(1) previous written notice of at least 60 days was not given before the sale to the Minister responsible for the administration of the Cultural Property Act, currently named the “Minister of Culture and Communications”, and a copy of the notice was not sent to the clerk of the said city, within the territory of which the cultural property is situated, in contravention of section 20;

(2) notice in writing of the alienation of the cultural property was not given to the Minister of Culture and Communications within 30 days of its occurrence, in contravention of section 23;

Whereas the principal establishment of the Metropolitan Trust Company of Canada is situated in Edmonton, and is therefore situated outside Québec;

Whereas, by reason thereof, section 32 of the Cultural Property Act applied, and whereas the said section provides, in particular, that the alienation of classified cultural property in favour of any legal person whose principal establishment is not situated in Québec must be authorized by the Minister of Culture and Communications and, if the classified cultural property concerned is immovable property, that the authorization must be attached to the deed of alienation registered, and whereas the said provisions were not complied with in connection with the judicial sale referred to in this Act;

Whereas, by an act registered at the registry office of the registration division of Québec under number 1 562 396, the Metropolitan Trust Company of Canada sold lot 3001-1 of the cadastre of the city of Québec (du Palais ward) and the building situated thereon to Groupe La Récréathèque Inc., and whereas payment of the sale price is secured by hypothec on the immovable sold;

Whereas, in accordance with sections 20 and 34 of the Cultural Property Act, previous written notice of 60 days was given before the sale to the Minister of Culture and Communications and a copy of the notice was sent to the clerk of the said city, and whereas, in contravention of sections 23 and 34 of the Cultural Property Act, the sale was not notified in writing to the Minister of Culture and Communications within 30 days of its occurrence;

Whereas several alienations of cultural property made on or before 2 April 1986 were confirmed under section 132 of the Cultural Property Act;

Whereas between 3 April 1986 and 16 May 1990, the date of registration of the last deed of conveyance of ownership of lot 3001-1 of the cadastre of the city of Québec (du Palais ward) before the judicial sale of the immovable, the immovable was the subject of various alienations, and whereas it is possible that one or more of the formalities required by the Cultural Property Act in respect of the alienation of a classified cultural property were not observed before or after all or some of the alienations were made;

Whereas section 56 of the Cultural Property Act states, in particular, that every alienation of cultural property made contrary to the Act is null;

Whereas it is expedient to rectify the defects in the title obtained by the Metropolitan Trust Company of Canada and the defect in the title it passed to Groupe La Récréathèque Inc.;

Whereas the Minister of Culture and Communications has been informed of the introduction of this Act and does not object to its passage;

Whereas Groupe La Récréathèque Inc. has also been informed of the introduction of this Act and the company does not object to its passage;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Annulment

1. Notwithstanding section 56 of the Cultural Property Act (R.S.Q., chapter B-4), the sale to the Metropolitan Trust Company of Canada of lot 3001-1 of the cadastre of the city of Québec (du Palais ward) and of the building situated thereon bearing civic numbers 1044 and 1046 Saint-Jean street in the city of Québec may not be annulled for either of the following reasons:

(1) the alienation of the said lot and of the said building, evidenced in a deed registered at the registry office of the registration division of Québec under number 1 496 854, was not preceded by a written notice of at least 60 days to the Minister responsible for the administration of the Cultural Property Act, currently named the “Minister of Culture and Communications”, and a copy of the notice was not sent to the clerk of the said city, within the territory of which the cultural property is situated, in contravention of sections 20 and 34 of the Cultural Property Act; or

(2) notice in writing of the alienation of the said lot and of the said building was not sent to the Minister of Culture and Communications within 30 days of its occurrence, in contravention of sections 23 and 34 of the Cultural Property Act.

Annulment

2. Notwithstanding section 56 of the Cultural Property Act, the sale to the Metropolitan Trust Company of Canada of lot 3001-1 of the cadastre of the city of Québec (du Palais ward) and of the building situated thereon may not be annulled by reason of the fact that the alienation of the said lot and of the said building, evidenced

in a deed registered at the registry office of the registration division of Québec under number 1 496 854, in favour of a legal person the principal establishment of which is not situated in Québec, was not authorized by the Minister of Culture and Communications, and that authorization by the Minister was not attached to the deed of alienation registered at the registry office of the registration division of Québec where the cultural property was situated, in contravention of section 32 of the Cultural Property Act.

Annulment

3. Notwithstanding section 56 of the Cultural Property Act, the sale to Groupe La Récréathèque Inc. of lot 3001-1 of the cadastre of the city of Québec (du Palais ward) and of the building situated thereon, evidenced in an act registered at the registry office of the registration division of Québec under number 1 562 396, may not be annulled by reason of the fact that the sale was not notified in writing to the Minister of Culture and Communications within 30 days of its occurrence, in contravention of sections 23 and 34 of the Cultural Property Act.

Annulment

4. Notwithstanding section 56 of the Cultural Property Act, no alienation of lot 3001-1 of the cadastre of the city of Québec (du Palais ward) made between 3 April 1986 and 16 May 1990 may be annulled by reason of the fact that one or more formalities required by the Cultural Property Act in respect of the alienation of a classified cultural property were not observed before or after the alienation was made.

Publication

5. Publication of this Act is effected by the filing of a true copy of the Act at the registry office of the registration division of Québec.

*Coming into
force*

6. This Act comes into force on 22 June 1995.