

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1993, chapter 102
**AN ACT RESPECTING THE COMPAGNIE DE CHEMIN DE
FER DE L'OUTAOUAIS**

Bill 244

Introduced by Mr Robert LeSage, Member for Hull

Introduced 18 December 1992

Passage in principle 14 June 1993

Passage 14 June 1993

Assented to 15 June 1993

Coming into force: 15 June 1993

Act amended: None





CHAPTER 102

An Act respecting the Compagnie de chemin de fer de l'Outaouais

[Assented to 15 June 1993]

Preamble WHEREAS the municipalities of Hull, Chelsea and La Pêche resolved to promote the development and operation of a tourist industry product within their communities;

Whereas, to achieve those objectives, they initiated a process leading to the creation of the “Conseil de développement touristique Hull-Chelsea-La Pêche Inc.”, incorporated on 18 June 1986 under the Canada Corporations Act (R.S.C., 1970, chapter C-32);

Whereas the Conseil developed the concept of a tourist train to run within the Hull-La Pêche corridor and whereas the train has been operating since 27 June 1992;

Whereas, for the purposes of creating, setting up and operating the tourist train, the Conseil joined with 275-4541 Canada Inc., which was incorporated on 25 September 1991 under the Canada Business Corporations Act (R.S.C., 1985, chapter C-44);

Whereas the acquiring of the property or rights required to realize the project led the Conseil de développement touristique Hull-Chelsea-La Pêche Inc. to enter into various contracts and agreements, including 25-year emphyteutic leases with the city of Hull and the municipality of La Pêche and a lease renewable for 5-year periods until the year 2017 with the municipality of Chelsea;

Whereas the Hull-Wakefield tourist train project is part of the tourism development strategy of the Outaouais region because, among other things, of the train's proximity to the national capital;

Whereas, to ensure existing obligations are honoured and provide the Outaouais region with an instrument capable of securing the continued operation of a tourist railway, it is appropriate to establish a railway company;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Establish-
ment

1. A non-profit corporation is hereby established under the name “Compagnie de chemin de fer de l'Outaouais”.

Object

2. The object of the Company is to promote the tourist, cultural and historical development of the Outaouais region; for such purposes, the Company may, in particular, acquire, possess and operate the Hull-Chelsea-Wakefield railway line and any extension to that line. For the same purposes, the Company may operate, on the authorization of the Minister of Transport, any other railway line in that region.

Operation of
railway line

On the authorization of the Minister of Transport, a corporation established under Part 1A of the Companies Act (R.S.Q., chapter C-38) may, notwithstanding section 123.5 of that Act, operate any railway line entrusted to it by the Company.

Object

3. An additional object of the Company is to promote the implementation of tourist infrastructures of a public nature along the railway line, to promote the involvement and participation of the private sector in the operation of the sites and tourist facilities and to promote the tourist development of the region.

Applicable
provisions

4. Part III of the Companies Act and the sections of Part I which apply to Part III by virtue of section 224 of that Act apply to the Company, except for the following sections: 2.1, 5, 8 to 10, 12, 18, 19, 20, 26, 27, 30, 37 to 40, 80, the first paragraph of 84, 119, 120, 217, 218 to 221, 231 and 232.

Non applica-
bility of
Railway Act

The Railway Act (R.S.Q., chapter C-14) does not apply to the Company.

Provisional
directors

5. The persons acting as directors of the Conseil de développement touristique Hull-Chelsea-La Pêche Inc. shall be the provisional directors of the Company and their number constitutes the number of permanent directors to be elected. The provisional directors shall remain in office until duly replaced and are deemed to be the founding members of the Company.

Head office **6.** The head office of the Company shall be situated in the city of Hull.

c. C-38,
s. 28, am.
for the
Company

7. For the purposes of this Act, the first and second lines of section 28 of the Companies Act are replaced by the following lines:

Conditions
of dissolution

"28. The Company may be dissolved, on its application, if it proves to the Inspector General that the dissolution is authorized by the Minister of Transport and."

Contractual
rights and
obligations

8. The Company shall assume the contractual rights and obligations of the Conseil de développement touristique Hull-Chelsea-La Pêche Inc. relating to the operation of the Hull-Chelsea-Wakefield railway line and the property connected with the operation shall be transferred to the Company.

Corporation

A corporation entrusted by the Company under section 2 with the operation of a railway line may assume the contractual rights and obligations of 275-4541 Canada Inc. in respect of the operation.

Registration

9. The registration of a certified copy of this Act is effected by deposit.

Index of
immovables

The registration may be entered in the index of immovables for the immovables described in a notice to the registrar; the notice shall indicate the number under which this Act was registered.

Resolution
of board of
directors

Where such notice is not given by notarial deed, it must be approved by resolution of the board of directors of the Company.

Coming into
force

10. This Act comes into force on 15 June 1993.