

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1993, chapter 106

AN ACT RESPECTING THE ASSOCIATION DE VILLÉGIATURE DE LA STATION MONT TREMBLANT

Bill 261

Introduced by Mr Georges Farrah, Member for Îles-de-la-Madeleine

Introduced 14 June 1993

Passage in principle 18 June 1993

Passage 18 June 1993

Assented to 18 June 1993

Coming into force: 18 June 1993

Act amended: None



CHAPTER 106

An Act respecting the Association de villégiature de la station Mont Tremblant

[Assented to 18 June 1993]

Preamble WHEREAS the limited partnership known under the name of “Station Mont Tremblant société en commandite” was duly formed on 16 August 1991 and whereas it acquired the Mont Tremblant ski centre on 31 August 1991;

Whereas the corporation “Stations Mont Tremblant (1991) inc.”, which was incorporated on 9 July 1991 under the Canada Business Corporations Act (R.S.C. 1985, chapter C-44), is the general partner of Station Mont Tremblant société en commandite;

Whereas Station Mont Tremblant société en commandite has entered into a lease with the Minister of Recreation, Fish and Game allowing the skiable portion of Mont Tremblant mountain which is part of the public domain to be operated;

Whereas Station Mont Tremblant société en commandite intends to develop in an integrated manner all features of the site as an international class all-season resort;

Whereas such development requires the establishment of a resort association consisting of, in particular, present and future owners of the immovables subject to the Act, so that services and resources may be pooled;

Whereas it is expedient to establish such an association and to confer upon it the powers necessary for the carrying out of its mandate;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Establishment **1.** A non-profit corporation is hereby established under the name of "Association de villégiature de la station Mont Tremblant".

Objects **2.** The objects of the Association are

(a) to promote and foster the development and operation of an international all-season resort for the Mont Tremblant centre;

(b) to supply to its members such services as may be required, including an integrated program of resort activities, a maintenance and security service, a reservation and information service and a marketing plan.

Applicable provisions **3.** Part III of the Companies Act (R.S.Q., chapter C-38) and the sections of Part I that are applicable to Part III by virtue of section 224 of that Act apply to the Association, except for sections 2.1, 5, 8 to 10, 12, 18, 19, 20, 26, 27, 30, 37 to 40 and 80, the first paragraph of section 84, and sections 119, 120, 217, 218 to 221, 231 and 232.

Administrators **4.** The persons acting as administrators of Stations Mont Tremblant (1991) inc. shall be the provisional administrators of the Association.

Term of office Those persons shall remain in office until their due replacement and are deemed to be the founding members of the Association.

Head office **5.** The head office of the Association shall be located in the municipality of Mont-Tremblant.

c. C-38, s. 28, am. for the Association **6.** For the purposes of this Act, the first two lines of section 28 of the Companies Act are replaced by the following:

Dissolution **"28.** The Association may be dissolved, on its application, if it proves to the Inspector General that it is so authorized by the Minister of Tourism and".

Members **7.** The following persons are members of the Association:

(a) the owner of an immovable included in the description of the servient land set forth in the act recognizing the servitude made before Réjean Villeneuve, notary, on 11 June 1993, in French under number 14633 of his minutes and in English under number 14632 of his minutes, and registered on 14 June 1993 in the registry office of the registration division of Terrebonne under number 1029958 as

regards the act in French and under number 1029959 as regards the act in English; and

(b) any person whom the Association admits in accordance with its by-laws.

By-laws

8. The administrators of the Association may pass by-laws, in particular,

(a) to determine classes of members and the rights and obligations of the members of each class;

(b) to determine rules governing the allotment of the shares of the members or classes of members in the Association;

(c) to enable the administrators to determine the contributions payable to the Association by the members or classes of members and the terms and conditions of payment;

(d) to determine the voting rights within the Association and within its board of directors and the conditions for exercising the voting rights, including voting by proxy;

(e) to add an immovable to those referred to in paragraph *a* of section 7 of this Act, with written consent from the owner of that immovable.

By-laws

Any by-law passed under the first paragraph must be ratified at the annual general meeting of the Association or at a general meeting duly called for that purpose.

Registration

The administrators of the Association shall, within thirty days of the ratification of a by-law passed under subparagraph *e* of the first paragraph, cause such by-law to be registered by deposit, together with a certified copy of this Act, in the registry office of the registration division in which the immovables added in accordance with the by-law so approved are located.

Liability

9. A member who owns an immovable subject to this Act is solidarily liable for the payment of any amount owed to the Association by another member occupying or leasing the immovable.

Claim

10. Any claim of the Association for amounts owed to it by the owner of an immovable subject to this Act creates a legal hypothec on the immovables that are subject to this Act.

Legal hypothec The legal hypothec shall encumber the immovable of the owner who has defaulted for 30 days or more on payment of the amounts owed by him, whether personally or by virtue of section 9.

Registration The hypothec shall be registered by means of a notice or memorial in the form of an affidavit setting forth the amount of the claim and the designation of the immovable affected by the hypothec.

Provisions replaced **11.** On 1 January 1994, the third paragraph of section 10 of this Act shall be replaced by the following paragraph:

Presumption "The hypothec, taking account of the required adaptations, is deemed to be the legal hypothec of the syndicate of co-owners with respect to the payment of the common expenses and contributions to the contingency fund, and it shall be acquired only upon registration of a notice stating the nature of the claim and the amount payable on the day the notice is registered."

Provisions replaced **12.** On 1 January 1994, the third paragraph of section 8 of this Act shall be replaced by the following paragraph:

Land register "The administrators of the Association shall, within thirty days of the ratification of a by-law passed under subparagraph *e* of the first paragraph, present such by-law to the registrar of the registration division in which the immovables added in accordance with the by-law so ratified are located, so that the registrar may make the appropriate entries in the land register."

Registration **13.** Registration of a certified copy of this Act is made by deposit.

Index of immovables Upon notice to the registrar, the registration shall be entered in the index of immovables for the immovables included in the description of the servient land set forth in the act recognizing the servitude made before Réjean Villeneuve, notary, on 11 June 1993, in French under number 14633 of his minutes and in English under number 14632 of his minutes, and registered on 14 June 1993 in the registry office of the registration division of Terrebonne under number 1029958 as regards the act in French and under number 1029959 as regards the act in English.

Notice The notice shall be approved by resolution of the administrators of the Association.

Coming into force **14.** This Act comes into force on 18 June 1993.