

1986, chapter 127

**AN ACT RESPECTING CERTAIN IMMOVABLES
OF THE CADASTRE OF THE PARISH OF LAPRAIRIE
DE LA MADELEINE**

Bill 245

Introduced by Mr Jean-Pierre Saintonge, Member for Laprairie

Introduced 19 June 1986

Passage in principle 19 June 1986

Passage 19 June 1986

Assented to 19 June 1986

Coming into force: 19 June 1986

Act amended: None





CHAPTER 127

An Act respecting certain immovables of the cadastre of the parish of Laprairie de La Madeleine

[Assented to 19 June 1986]

Preamble

WHEREAS, by an offer to purchase dated 6 December 1985, Les Développements Astra Levant Ltée offered to purchase a certain vacant tract of land situated in Brossard;

Whereas, by resolution number 85-424 dated 9 December 1985, the town of Brossard duly accepted the offer made by Les Développements Astra Levant Ltée;

Whereas a shopping centre is to be erected on the said vacant tract of land;

Whereas the by-laws of the town of Brossard permit the use of the tract of land for the aforementioned purposes;

Whereas a servitude prohibiting the erection of buildings other than private dwellings contained in the deeds of alienation registered in the registry office of the registration division of Laprairie under numbers 25 589, 26 432 (as corrected by a deed registered under number 26 934), 28 444 and 29 346, affects certain lots mentioned in the purchase offer, being the lots known and designated as subdivisions 14, 15, 18, 19, 20, 21, 72, 73 and 74 of original lot 96 of the cadastre of the parish of Laprairie de La Madeleine, registration division of Laprairie;

Whereas it is in the interest of Les Développements Astra Levant Ltée and the town of Brossard that the servitude contained in the deeds registered under numbers 25 589, 26 432, 28 444 and 29 346 be annulled;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Cancellation
of servitude

1. The clauses establishing a servitude prohibiting the erection of buildings other than private dwellings on subdivisions 18, 19 and 20 of original lot 96 of the cadastre of the parish of Laprairie de La Madeleine contained in the deed of alienation of the said subdivisions registered in the registry office of the registration division of Laprairie under number 26 432, as corrected by a deed registered in the same office under number 26 934, and appearing in the schedule hereto, are hereby annulled.

Similar
clauses

Moreover, clauses similar to those appearing in the schedule establishing a servitude prohibiting the erection of buildings other than private dwellings on subdivisions 14, 15, 21, 72, 73 and 74 of original lot 96 of the cadastre of the parish of Laprairie de La Madeleine contained in the deeds of alienation of the said subdivisions registered in the registry office of the registration division of Laprairie under numbers 25 589, 28 444 and 29 346, are hereby annulled.

Registration

2. The registration of the clauses annulled under section 1 shall be cancelled upon deposit of a certified copy of the purview of this Act and the schedule thereto.

Personal
rights

3. Any real rights which may derive from the clauses annulled under section 1 are replaced by personal rights exercisable against the owner of the lots designated in section 1 and its successors.

Value

The value of such personal rights shall be equal to the value of the real rights they replace immediately before 19 June 1986. Such personal rights are prescribed by a maximum of two years from 19 June 1986.

Similar
clauses

4. Clauses similar to those appearing in the schedule contained in the deeds of alienation registered in the registry office of the registration division of Laprairie under numbers 23 088, 23 089, 24 255, 24 256 and 25 715 and establishing a servitude prohibiting the erection of buildings other than private dwellings on parts of original lot 96 of the cadastre of the parish of Laprairie de La Madeleine alienated under the said deeds are hereby annulled.

Effect

This section has effect only to the extent that the lands to which the servitude is due would be subdivisions or parts of subdivisions of lot 96 of the cadastre of the parish of Laprairie de La Madeleine contemplated in resolution number 85-432 of the town of Brossard.

Coming into
force

5. This Act comes into force on 19 June 1986.

SCHEDULE

(Section 1)

“4th To use said lots for the erection of private dwellings, and accessories only and any buildings which may be erected on said lots shall be first class dwelling, detached or semi-detached and accessories, and not more than one dwelling shall be erected on a single lot and any building which may be erected thereon shall be placed at least fifteen feet back from the line of the street.

5th Not to erect or carry on or permit to be erected or carried on upon the said property any slaughter house, cow-byre, piggery, glue or soap factory, tannery, quarry, store, saloon, restaurant, livery stable or any other manufacture or any business which might deteriorate the adjacent property.

The foregoing fourth and fifth conditions are hereby constituted a servitude on the property hereby sold in favour of the other subdivisions of said Official Lot number ninety-six.”