

1985, chapter 55

**AN ACT RESPECTING CERTAIN LOTS OF THE  
CADASTRE OF THE PARISH OF  
POINTE-AUX-TREMBLES  
(REGISTRATION DIVISION OF MONTRÉAL)**

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**Bill 236**

Introduced by Mr Herbert Marx, Member for D'Arcy-McGee

Introduced 16 May 1984

Passage in principle 20 June 1985

Passage 20 June 1985

**Assented to 20 June 1985**

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**Coming into force: 20 June 1985**

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**Act amended:** None





## CHAPTER 55

### **An Act respecting certain lots of the cadastre of the parish of Pointe-aux-Trembles (registration division of Montréal)**

*[Assented to 20 June 1985]*

#### Preamble

WHEREAS 90059 Canada Inc. acquired certain lots of the cadastre of the parish of Pointe-aux-Trembles by deed of sale dated 21 March 1979 and registered at the registry office of the registration division of Montréal under number 2 953 095 and subsequently sold those lots to Domtar Inc. by deed dated 6 August 1980 and registered at the same office under number 3 105 635;

Whereas subdivisions 959 to 966 of original lot 90 were sold at a sale for taxes by the town of Montreal East on 18 December 1935 against La Compagnie de Montréal-Est Limitée but it is uncertain whether that company still existed at the time of the sale and consequently, doubt subsists as to the identity of the owner at that time;

Whereas subdivisions 967, 976 and 986 of original lot 90 and subdivisions 1174 and 1198 of original lot 92 are shown as streets and lanes on the subdivision plan deposited on 19 February 1910;

Whereas it is in fact very difficult to obtain voluntary renunciation to the right of passage from the owners of the many other lots shown on the plan and it would be very costly to obtain a judgment recognizing the extinction by prescription of the right of passage that could be set up against all such owners;

Whereas by deed of exchange dated 10 May 1930 and registered at the same office under number 247 807, the town of Montreal East ceded part of subdivisions 1174 and 1198 of original lot 92, which parcels of land are shown as lanes on the subdivision plan;

Whereas a municipality was not authorized, at that time, to close a public road except by a by-law approved by the Montreal Metropolitan Commission (1928, chapter 120);

Whereas it is not apparent in the deed registered under number 247 807 that the Commission gave its approval nor that the town acted by by-law;

Whereas the only by-law passed by the town in relation to the closing of the lanes is by-law 288, dated 6 August 1956, to which approval of the Montreal Metropolitan Commission dated 29 August 1956 is annexed;

Whereas Domtar Inc. is in doubt as to the retroactive effect of the said by-law 288 and of the approval of the Commission dated 29 August 1956;

Whereas by a deed dated 21 January 1958 and registered at the same office under number 1 318 971, the town of Montreal East sold part of subdivisions 1176 and 1200 of original lot 92, each of the parcels of land being described in the deed as "*formerly being a lane*" and whereas the town of Montreal East then declared that it was acting pursuant to by-law 288 of 6 August 1956, approved by the Montreal Metropolitan Commission on 29 August 1956, but the by-law contains no description of any part whatever of subdivision 1176 or 1200 of original lot 92;

Whereas it is expedient to eliminate those defects of title without affecting the rights of the town of Montréal-Est on, or its interests in, certain parts of the right of way of Marien avenue;

Whereas on 10 June 1984, a redivision plan in respect of the parcels of land acquired by Domtar Inc. was deposited and consequently, lot 418 of the cadastre of the parish of Pointe-aux-Trembles was substituted for the subdivisions and parts of subdivisions contemplated in the deed registered under number 3 105 635, with the exception of part of subdivisions 1172, 1173, 1174, 1199 and 1200 of original lot 92 which is now occupied by the right of way of Marien avenue;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Validity of  
title

**1.** The title of Domtar Inc. to subdivisions 959 to 966 of original lot 90 of the cadastre of the parish of Pointe-aux-Trembles shall not be contested on the ground that it is uncertain whether, at the time of the sale for taxes effected on 18 December 1935 against La Compagnie

de Montréal-Est Limitée and concerning, in particular, the said parcels of land, the company still existed and that, consequently, doubt subsists as to the identity of the owner on that date.

Right of  
passage

**2.** Any right of passage on the lots described in the schedule that may have resulted from the subdivision plan deposited on 19 February 1910 is hereby extinguished.

Validity of  
title

**3.** The title of Domtar Inc. to those parts of subdivisions 1174 and 1198 of original lot 92 of the cadastre of the parish of Pointe-aux-Trembles described in a deed of exchange dated 10 May 1930 and registered at the registry office of the registration division of Montréal under number 247 807 shall not be contested on the ground that, at the time of the receipt of the deed, those parcels of land, which were shown as lanes on the subdivision plan, had not been the subject of a closing by-law approved by the Montreal Metropolitan Commission.

Validity  
of title

**4.** The title of Domtar Inc. to those parts of subdivisions 1176 and 1200 of original lot 92 of the cadastre of the parish of Pointe-aux-Trembles described in a deed of sale dated 21 January 1958, registered at the registry office of the registration division of Montréal under number 1 318 971 and in which the town of Montreal East is the vendor shall not be contested on the ground that each of those parcels of land is described in the deed as "*formerly being a lane*" without however, any mention thereof appearing in by-law 288 or apparently in any other street-closing or lane-closing by-law passed by the town of Montreal East before 21 January 1958.

Unaffected  
rights

**5.** Sections 3 and 4 do not affect the rights of the town of Montreal-Est on, or its interests in, those parts of subdivisions 1174 and 1200 of original lot 92 of the cadastre of the parish of Pointe-aux-Trembles which on 20 June 1985, form part of the right of way of the public road known as Marien avenue.

Personal  
claim

**6.** Any claim by way of an action in respect of a real right on the whole or any part of the immovables contemplated in sections 1 to 4 that is extinguished pursuant to those sections is converted into a personal claim against Domtar Inc. for an amount equal to the value of that real right on 20 June 1985.

Prescription

The personal claim is prescribed on the day the claim in respect of the real right would have been prescribed.

Registration

**7.** A certified copy of the purview of and schedule to this Act shall be registered by deposit.

Registered  
lot

The registration shall affect lot 418 of the cadastre of the parish  
of Pointe-aux-Trembles.

Coming into  
force

**8.** This Act comes into force on 20 June 1985.

SCHEDULE  
(section 2)

Description of the subdivisions of original lots 90 and 92 of the cadastre of the parish of Pointe-aux-Trembles, which are shown as lanes and streets on the subdivision plan deposited on 19 February 1910 and owned by Domtar Inc.

(1) subdivision 967 of original lot 90;

(2) that part of subdivision 976 of original lot 90 described as follows: in the shape of a parallelogram, bounded on the northeast for 15.2 metres by subdivisions 977 and 978 of the same original lot, on the southeast for 4.6 metres by subdivision 967 of the same original lot, on the southwest for 15.2 metres by subdivisions 968 and 969 of the same original lot, and on the northwest for 4.6 metres by subdivision 1077 of the same original lot; an area of approximately 69.68 square metres;

(3) that part of subdivision 986 of original lot 90 described as follows: in the shape of a parallelogram, bounded on the northeast for 49.4 metres by subdivisions 1166, 1174, 1175 and 1176 of original lot 92, on the southeast for 18.3 metres by subdivision 933 of original lot 90, a public road known as Rivet street, on the southwest for 49.4 metres by subdivisions 966, 967, 977 and 978 of original lot 90, on the northwest for 18.3 metres by subdivision 1077 of original lot 90; an area of approximately 902.9 square metres;

(4) that part of subdivision 1174 of original lot 92 described as follows: irregular in shape, bounded on the northeast for 4.58 metres following a curve having a radius of 218.18 metres by the remainder of subdivision 1174 forming part of the right of way of a public road known as Marien avenue, on the southeast for 59.23 metres by subdivisions 1166 to 1173 of original lot 92, on the southwest for 4.6 metres by subdivision 986 of original lot 90, on the northwest for 59.45 metres by subdivisions 1175, 1198 and 1199 of original lot 92;

(5) that part of subdivision 1198 of original lot 92 described as follows: in the shape of a parallelogram, bounded on the northeast for 15.2 metres by subdivisions 1199 and 1200 of original lot 92, on the southeast for 4.6 metres by subdivision 1174 of original lot 92, on the southwest for 15.2 metres by subdivisions 1175 and 1176 of original lot 92, and on the northwest for 4.6 metres by subdivision 1471 of original lot 92; an area of approximately 69.68 square metres.