

1984, chapter 68

AN ACT RESPECTING CENTRAL TRUST COMPANY AND CROWN TRUST COMPANY

Bill 202

Introduced by Madam Huguette Lachapelle, Member for Dorion

Introduced 16 May 1984

Passage in principle 20 June 1984

Passage 20 June 1984

Assented to 20 June 1984

Coming into force: 20 June 1984

Act amended: None



CHAPTER 68

An Act respecting Central Trust Company and Crown Trust Company

[Assented to 20 June 1984]

Preamble

WHEREAS Crown Trust Company, originally incorporated on 24 February 1897 and existing under the Loan and Trust Corporations Act of the Province of Ontario (R.S.O., 1980, chapter 249), has its head office and principal place of business therein;

Whereas Crown Trust Company has done business in the Province of Québec and many persons continue to have contractual relations with Crown Trust Company therein;

Whereas the Legislature of the Province of Ontario has enacted the Crown Trust Company Act, 1983 (S.O., 1983, chapter 7) to facilitate the preservation of certain assets and obligations of Crown Trust Company, including deposit accounts and trust property, through arrangements for their sale or management;

Whereas pursuant to the provisions of such act of Ontario, Central Trust Company, continued by an amalgamation on 1 March 1981 under the Trust Companies Act of Canada (R.S.C., 1970, chapter T-16) and having its head office in the Province of Nova Scotia and registered in the Province of Québec to do business as a trust company, has been appointed manager of the business of Crown Trust Company and Central Trust Company is acting as such in relation to such business, including such business in the Province of Québec;

Whereas the Legislature of the Province of Ontario has also enacted the Central Trust Company Act, 1983 (S.O., 1983, chapter 64) to effect the transfer of the trust company and agency business of Crown Trust Company in Ontario to Central Trust Company so that the rights and

obligations of those who have relations with Crown Trust Company and Central Trust Company with respect to that trusteeship and agency business may be clearly determined;

Whereas it is expedient to enact an Act to protect the rights and obligations of persons having business with Crown Trust Company with respect to which rights and obligations are assumed by Central Trust Company; and

Whereas Crown Trust Company and Central Trust Company have consented to the enactment of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Substituted
fiduciary

1. Central Trust Company is substituted *pleno jure* for Crown Trust Company wherever Crown Trust Company is acting for or for the benefit of any person as a trust company as defined in section 2 of the Trust Companies Act (R.S.Q., chapter C-41) and under any other appointment and under every undischarged judgment or order and whether such designation is made by contract or by judicial order or order of other competent authority; and all activities for which such substitution is effected are designated in this Act by the expression “fiduciary business”.

Effect of the
substitution

2. Without limiting the scope of section 1 hereof,

(a) when the name Crown Trust Company appears in any notarial deed, private writing, judgment, court order or other document, the name Central Trust Company shall be substituted for it with the same effect as if it appeared there;

(b) mandates given to Crown Trust Company devolve to Central Trust Company; and

(c) all property, movable and immovable, tangible and intangible, registered in the name of Crown Trust Company or of which it is seized with respect to its fiduciary business is transferred *pleno jure* to Central Trust Company, which shall be seized thereof to the same extent and for the same purposes.

Legal
proceedings

3. (1) No suit, action, appeal, application or other proceeding being carried on and no power or remedy being exercised by or against Crown Trust Company in any court of Québec, or before any tribunal or agency of Québec in respect of the fiduciary business of Crown Trust Company is to be discontinued or abated by reason of the coming into force of this Act, but may be continued in the name of Central Trust Company

upon written notice duly served on all interested parties and filed in the proceeding.

Legal
proceedings

(2) A suit, action, appeal, application or other proceeding, or a power, right or remedy that might have been brought or exercised by or against Crown Trust Company in respect of the fiduciary business of Crown Trust Company may be brought or exercised by or against Central Trust Company.

Legal
proceedings

(3) In a suit, action, appeal, application or other proceeding that is continued or commenced in the name of Central Trust Company under subsection 1 or 2, Crown Trust Company and its officers and employees are deemed to act on behalf of Central Trust Company, whether before or after the coming into force of this Act, and for purposes of examination for discovery or production of documents in relation to any such proceeding, Crown Trust Company and its officers or employees are subject to the same obligations as if this Act had not been enacted.

Rights of
third parties

4. Nothing in this Act affects the rights of any person having a claim against Crown Trust Company in respect of the fiduciary business of Crown Trust Company, or impairs, modifies or affects the liability of Crown Trust Company to any such person, but all such rights in Québec may be asserted against Central Trust Company.

Payments to
Central
Trust on
notice

5. Where a person is under an obligation to make payments in relation to property that is vested in Central Trust Company in respect of the fiduciary business of Crown Trust Company, the person may make the payments to Crown Trust Company until Central Trust Company gives notice in writing to the person that payment is to be made to Central Trust Company, and thereupon the person's obligation is owed to Central Trust Company.

Signature

6. Central Trust Company may sign in the place and stead of Crown Trust Company any receipt and any discharge, mainlevée or retrocession which any person is entitled to receive from Crown Trust Company and arising from its fiduciary business.

Registration
of real rights

7. (1) Registration in the name of Central Trust Company of the real rights registered in the name of Crown Trust Company, in any capacity whatsoever at the time of coming into force of this Act and of which Central Trust Company is seized under sections 1 and 2, may be effected by the deposit of a true copy of this Act and of a notice to the registrar containing the description of each right concerned and a reference to the registration number of this Act.

Registration
of real rights

(2) The registrar may accept such notice signed by an officer of Central Trust Company and is to register the same to give effect thereto without further proof of the signature or of the authority of such officer.

Rights not
affected

8. This Act shall not be construed to deny any person who has entrusted fiduciary business to Crown Trust Company to exercise such rights as he may have to entrust such fiduciary business to a person other than Central Trust Company.

Non-
application

9. Notwithstanding the foregoing, this Act does not apply to the following classes of business activity of Crown Trust Company, namely:

(1) property, movable or immovable and tangible or intangible, and every interest therein of which Crown Trust Company is seized or possessed exclusively for its own use and benefit and not for the use or benefit of any other person or for any other purpose;

(2) monies received for guaranteed investment and any property, movable or immovable, tangible or intangible, held in trust by Crown Trust Company with respect to any such guaranteed investment; but this exception does not include such monies and property held under any registered retirement savings plan, registered retirement income fund, registered home ownership savings plan, deferred profit-sharing plan or income averaging annuity as defined in the Income Tax Act (R.S.C., 1970, chapter I-5) or the Taxation Act (R.S.Q., chapter I-3).

Coming into
force

10. This Act comes into force on 20 June 1984.