



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 24

**An Act to amend the Act to promote
the reform of the cadastre in
Québec and other legislative
provisions**

Introduction

**Introduced by
Madam Lise Bacon
Minister of Energy and Resources**

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EXPLANATORY NOTES

This bill amends the Act to promote the reform of the cadastre in Québec by establishing a presumption of concordance between the description of the lot contained in the titles of ownership and the description appearing on the cadastral renewal plan. It also provides that the titles, deeds or other acts and their registration cannot be invalidated for the sole reason that the description they contained is not concordant with the description of the renewed lot.

In addition, the bill provides a new tariff of fees which will be collected by registrars for the registration of documents and paid into the Québec cadastre reform fund.

Finally, the bill introduces a provision permitting the Government to adopt regulations fixing the fees payable for the filing of cadastral plans or for obtaining goods and services related to the cadastre, and validates retrospectively the collection of fees made in that respect.

ACTS AMENDED BY THIS BILL:

- Civil Code of Lower Canada
- Registry Office Act (R.S.Q., chapter B-9)
- Cadastre Act (R.S.Q., chapter C-1)
- Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1)
- Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11)

Bill 24

An Act to amend the Act to promote the reform of the cadastre in Québec and other legislative provisions

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) is amended by inserting, after section 2, the following section:

“2.1 The sums paid into the fund are subject to the provisions of sections 22 to 27, 33, 35, 45, 47, 48, 51, 57 and 70 to 72 of the Financial Administration Act (R.S.Q., chapter A-6) and sections 49 to 49.2 of the said Act, enacted by section 1 of chapter 73 of the statutes of 1991, with the required adaptations.

The fiscal year of the fund ends on 31 March.”

2. Section 4 of the said Act is amended

(1) by inserting, after paragraph 1, the following paragraph:

“(1.1) the sums collected by registrars under section 8.1.”;

(2) by striking out paragraph 2.

3. Section 8 of the said Act is repealed.

4. The said Act is amended by inserting, after section 8, the following sections:

“8.1 Registrars are required to collect, from 1 January 1993, the following fees:

(1) \$28 for the registration or filing of a document referred to in sections 2 and 3 of the Tariff of fees for registration and other services performed by registrars made by Order in Council 288-89 dated 1 March 1989 and amended by Order in Council 1227-91 dated 4 September 1991;

(2) \$28 for the registration or filing of a document cancelling an entry plus \$5 per instrument or document in the margin of which an entry of such cancellation must be made, in the cases provided for in section 4 of the said Tariff.

The fees are adjusted on 1 April every year from 1 April 1994, according to the cumulative rate of increase in the general Consumer Price Index for Canada established by Statistics Canada for the period commencing on 31 December 1992 and ending on 31 December of the year preceding the adjustment.

Once adjusted, the fees are reduced to the nearest dollar where they include a dollar fraction under \$0.50, or increased to the nearest dollar where they include a dollar fraction equal to or over \$0.50.

The fees shall be collected without charge by registrars and paid into the Québec cadastre reform fund.

“8.2 On the recommendation of the Minister of Energy and Resources, the Government may, by regulation, amend or replace the tariff of fees established by section 8.1.”

5. The said Act is amended by inserting, after section 10, the following section:

“10.1 The Minister shall give notice of his intention to renew the cadastre to the registry office of the registration division and the municipality concerned; he shall also give such notice to the owner of each lot affected by the renewal, at the address appearing on the assessment roll.

The notice shall indicate, in particular, the object, procedure and consequences of the renewal; it shall be posted at the registry office of the registration division by the registrar.”

6. Section 14 of the said Act is amended by replacing the words “municipality concerned” in the first and second lines of the first paragraph by the word “Minister”.

7. The said Act is amended by inserting, after section 19, the following sections:

“19.1 Upon the deposit of the renewal plan in the registry office of the registration division, the registrar shall establish an index of immovables for the lots shown on the plan.

He shall enter opposite each lot the concordance between the lot number stated in the instrument of acquisition, the lot number affected by the title and the new lot number; he shall also enter the name of the owner, the mode of acquisition and the registration number of his title of ownership.

“19.2 From the date of the entry contemplated in section 19.1, the description of the lot contained in the instrument of acquisition of the owner and in the acts evidencing the charges, privileges, hypothecs or other rights affecting the lot is deemed to be concordant with that of the lot shown on the renewal plan. In case of discrepancy, the description contained in the instrument or acts need not be corrected by judgment or otherwise.

The instrument of acquisition, the acts and the registration thereof cannot be invalidated for the sole reason that the description they contain is not concordant with that of the renewed lot.”

8. Article 2173.1 of the Civil Code of Lower Canada is repealed.

9. The second paragraph of section 37 of the Registry Office Act (R.S.Q., chapter B-9) is repealed.

10. The Cadastre Act (R.S.Q., chapter C-1) is amended by inserting, after section 21.6, the following section:

“21.6.1 The Government may, by regulation, fix the fees payable for the deposit of cadastral plans, the examination of plans not deposited and the provision of goods and services resulting from work, operations and technological developments related to the cadastre.

The collection of fees by the Minister for such purposes since 1 April 1982 is valid.”

11. Section 2 of the Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11) is amended by inserting the figures “, 10, 11” after the figure “9” in the first line of the second paragraph.

12. Section 4.1 of the said Act is amended by replacing the figure “2173.1” in the first line by the figure “2173.2”.

13. Section 6 of the said Act is amended by inserting the words “enter the concordance established on the plan between the former lot numbers and the new lot numbers; he shall” after the word “and” in the second line.

14. This Act does not apply to cadastral renewals in progress before (*insert here the date of assent to this Act*).

15. This Act comes into force on (*insert here the date of assent to this Act*), with the exception of paragraph 2 of section 2 and sections 3 and 9 which will come into force on the date fixed by the Government.
