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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 226  
(Private)

## **An Act respecting “Centre de Ski Le Relais (1988) Inc.”**

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### **Introduction**

**Introduced by  
Mr Rémi Poulin  
Member for Chauveau**

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## Bill 226

(Private)

### **An Act respecting “Centre de Ski Le Relais (1988) Inc.”**

WHEREAS, by a deed registered at the registry office of the registration division of Québec on 21 October 1954 under number 394 030, the Québec Winter Sport Association transferred certain immovables situated in the municipality of Lac-Beauport to the Québec Automobile Club;

Whereas, by a deed registered at the same registry office on 12 April 1961 under number 487 446, the Québec Automobile Club transferred immovables which it declared to have acquired under the terms of the deed registered under number 394 030 to the Board of Trade of Québec (currently known under the name of “Chamber of Commerce and Industry of Metropolitan Québec”);

Whereas, by a deed registered at the same registry office on 17 September 1969 under number 655 282, the Board of Trade of the District of Québec (currently called the “Chamber of Commerce and Industry of Metropolitan Québec”) transferred the immovables described in Schedule B which it declared to have acquired under the terms of the deed registered under number 487 446 to Laurentide Ski-Tows Limited, and whereas it has acquired from the said company lots 3 and 4 of the subdivision of lot 10 of the subdivision of lot 74 of the cadastre of the parish of Saint-Dunstan-du-Lac-Beauport;

Whereas, by a deed registered at the same registry office on 4 February 1985 under number 1 137 210, the Chamber of Commerce and Industry of Metropolitan Québec transferred by emphyteutic lease immovables which it declared to have acquired under the terms of the deed registered under number 487 446 to “Centre de Ski Le Relais Inc.”, and whereas “Centre de Ski Le Relais (1988) Inc.” declares that those immovables may be described in accordance with Schedule C;

Whereas, by a deed registered on 4 November 1988 at the registry office of the registration division of Québec under number 1 304 378, "Centre de Ski Le Relais Inc." transferred all its property to its single shareholder, 2627-5446 Québec Inc., and whereas on 7 November 1988, the latter company changed its corporate name to that of "Centre de Ski Le Relais (1988) Inc.";

Whereas the deeds registered under numbers 394 030, 487 446 and 1 137 210 all include a clause prohibiting the resale for commercial purposes of the immovables described therein, and whereas such clauses, which are reproduced in paragraphs 1, 2 and 4 of Schedule A, constitute a hindrance for "Centre de Ski Le Relais (1988) Inc." whenever it wishes to create a security upon the immovables subject thereto;

Whereas the deed registered under number 655 282 also includes the said clause, which is reproduced in paragraph 3 of Schedule A, and whereas the fact of leaving that clause in the deed registered under number 655 282 while removing it from the deeds registered under numbers 394 030, 487 446 and 1 137 210, would tend to worsen the defect of title arising therefrom;

Whereas, according to the context of the deed registered under number 394 030, it would be reasonable to conclude that the clause prohibiting resale for commercial purposes constituted a provision for the conferment of a benefit on third persons who were operating a restaurant or a hotel in the vicinity of the immovables transferred under the said deed, and whereas, therefore, it is not certain that it would be possible to terminate all the rights conferred by the said clause by means of an agreement between the parties to the deed registered under number 394 030, and whereas, furthermore, the Québec Winter Sport Association was dissolved on 27 April 1974;

Whereas, considering that the ski resort established on the immovables subject to the clauses prohibiting resale for commercial purposes included in the deeds registered under numbers 394 030, 487 446 and 1 137 210 and the immovable subject to the clause included in the deed registered under number 655 282 have been operated for commercial purposes for many years, the cancellation of the clauses should not cause any prejudice to any person whatsoever;

Whereas the Québec Automobile Club, the Chamber of Commerce and Industry of Metropolitan Québec, the municipality of Lac-Beauport, the owners of the immovables contiguous to those described in Schedule C and the Public Curator have all been notified of the introduction of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The clauses of the deeds registered at the registry office of the registration division of Québec under numbers 394 030 and 487 446, reproduced in paragraphs 1 and 2 of Schedule A and concerning the immovables described in Schedules B and C, are cancelled.

The clause of the deed registered at the same registry office under number 655 282, reproduced in paragraph 3 of Schedule A and concerning the immovable described in Schedule B, and the clause of the deed registered at the same registry office under number 1 137 210, reproduced in paragraph 4 of Schedule A and concerning the immovable described in Schedule C, are also cancelled.

**2.** Upon the deposit of a true copy of this Act, the registrar shall enter the words “Clause prohibiting resale for commercial purposes cancelled by the Act registered under number...” in the margin of each of the deeds registered at the registry office of the registration division of Québec under numbers 394 030, 487 446, 655 282 and 1 137 210.

**3.** Any person claiming to be suffering prejudice owing to the cancellation of the clauses referred to in section 1 may, within 10 years of *(insert here the date of coming into force of this Act)*, bring an action for damages against “Centre de Ski Le Relais (1988) Inc.” or its assigns.

**4.** This Act comes into force on *(insert here the date of assent to this Act)*.

SCHEDULE A  
(Section 1)

CLAUSES PROHIBITING RESALE FOR COMMERCIAL PURPOSES INCLUDED IN CERTAIN DEEDS REGISTERED AT THE REGISTRY OFFICE OF THE REGISTRATION DIVISION OF QUÉBEC

(1) *Deed registered under number 394 030*

“et de ne pas les revendre pour des fins commerciales”

(2) *Deed registered under number 487 446*

“et la Chambre de Commerce ne pourra les revendre pour des fins commerciales”

(3) *Deed registered under number 655 282*

“à ne pas les revendre pour des fins commerciales”

(4) *Deed registered under number 1 137 210*

“ainsi que l’interdiction de revendre le terrain pour des fins commerciales”

## SCHEDULE B (Section 1)

DESCRIPTION OF THE IMMOVABLE TRANSFERRED BY THE BOARD OF TRADE OF THE DISTRICT OF QUÉBEC (CURRENTLY CALLED THE “CHAMBER OF COMMERCE AND INDUSTRY OF METROPOLITAN QUÉBEC”) APPEARING IN THE DEED OF EXCHANGE REGISTERED AT THE REGISTRY OFFICE OF THE REGISTRATION DIVISION OF QUÉBEC UNDER NUMBER 655 282

Lot 1 of the subdivision of lot 19 of lot 74 of the cadastre of the parish of Saint-Dunstan-du-Lac-Beauport and lots 21 and 22 of the subdivision of lot 74 of the same cadastre.

## SCHEDULE C (Section 1)

DESCRIPTION OF THE IMMOVABLES SUBJECT TO AN EMPHYTEUTIC LEASE REGISTERED AT THE REGISTRY OFFICE OF THE REGISTRATION DIVISION OF QUÉBEC UNDER NUMBER 1 137 210

### 1. Part of lot 74

Part of lot SEVENTY-FOUR (74-Part) of the cadastre of the parish of Saint-Dunstan-du-Lac-Beauport, of irregular shape, measuring approximately two thousand six hundred four feet and five-tenths (2604.5') on the southwest, English measure, containing an area of approximately seventy-two (72) square arpents; bounded on the northwest by lot 74-12, Boulevard du Lac (South) (lot 74-Part), lot 74-21, parts of lot 74-19, lot 74-22, part of lot 74-18, and lot 74-18-1, on the northeast by lots 74-9, 74-10-4, 74-21, 74-10-3 and 75, on the southeast by the dividing line between the parishes of Saint-Dunstan-du-Lac-Beauport and Charlesbourg and on the southwest by part of lot 73, part of lot 74-12 and part of lot 74-19.

### 2. Part of lot 9 of the subdivision of lot 74

Part of subdivision NINE of lot SEVENTY-FOUR (74-9 Part) of the abovementioned cadastre, of rectangular shape, measuring

FIFTEEN feet (15') in width on the southeast and on the northwest, one hundred forty-three feet (143') on the northeast and on the southwest, containing an area of two thousand one hundred and forty-five square feet (2145 sq. ft.), English measure; bounded on the northwest by Boulevard du Lac (South) (lot 74-9 Part), on the northeast by part of lot 74-18, on the southeast by lot 74-10-2 and on the southwest by part of lot 74.

### **3. 74-10-3**

Resubdivision THREE of subdivision TEN of lot SEVENTY-FOUR (74-10-3) of the abovementioned cadastre.

### **4. 74-10-4**

Resubdivision FOUR of subdivision TEN of lot SEVENTY-FOUR (74-10-4) of the abovementioned cadastre.

### **5. Part of lot 19 of the subdivision of lot 74**

Part of subdivision NINETEEN of lot SEVENTY-FOUR (74-19 East Part) of the abovementioned cadastre; of irregular shape, measuring thirty-two feet and five-tenths (32.5') on the southeast, thirty-one feet and twenty-five hundredths (31.25') on the east, seventy feet (70') on the southwest and seven feet (7') on the northwest, containing an area of nine hundred two square feet (902 sq. ft.), English measure; bounded on the northeast and the southeast by parts of lot 74, on the west by lot 74-19-1, on the southwest by lot 74-10-2 and on the northwest by part of lot 74-18.

### **6. Part of lot 19 of the subdivision of lot 74**

Part of subdivision NINETEEN of lot SEVENTY-FOUR (74-19 Part) of the abovementioned cadastre (West Part), of triangular shape, measuring forty-two feet (42') on the southeast, containing an area of forty-two square feet (42 sq. ft.), all English measure; bounded on the northwest by lots 74-10-3 and 74-19-1, and on the southeast by part of lot 74.

### **7. Part of lot 75**

Part of lot SEVENTY-FIVE (75 Part) of the foresaid cadastre, of irregular shape, measuring four hundred and fifty-five feet and three-tenths (455.3') on the northwest and two thousand five hundred feet (2500') on the northeast, English measure, containing an area of thirty-two square arpents (32 sq. arp.); bounded on the northwest by another part of lot 75 and by lots 75-38 and 75-39, on the northeast

by lots 76-69 to 76-75 inclusively, lots 76-77 and 76-103, part of lot 76, and lot 841 of the cadastre of the parish of Charlesbourg, on the southeast by the dividing line between the parishes of Saint-Dunstan-du-Lac-Beauport and Charlesbourg, and on the southwest by the part of lot 74 previously described.