



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 261
(Private)

An Act respecting the Association de villégiature de la station Mont Tremblant

Introduction

Introduced by
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(Private)

An Act respecting the Association de villégiature de la station Mont Tremblant

WHEREAS the limited partnership known under the name of “Station Mont Tremblant société en commandite” was duly formed on 16 August 1991 and whereas it acquired the Mont Tremblant ski centre on 31 August 1991;

Whereas the corporation “Stations Mont Tremblant (1991) inc.”, which was incorporated on 9 July 1991 under the Canada Business Corporations Act (R.S.C. 1985, chapter C-44), is the general partner of Station Mont Tremblant société en commandite;

Whereas Station Mont Tremblant société en commandite has entered into a lease with the Minister of Recreation, Fish and Game allowing the skiable portion of Mont Tremblant mountain which is part of the public domain to be operated;

Whereas Station Mont Tremblant société en commandite intends to develop in an integrated manner all features of the site as an international class all-season resort;

Whereas such development requires the establishment of a resort association consisting of, in particular, present and future owners of the immovables subject to the Act, so that services and resources may be pooled;

Whereas it is expedient to establish such an association and to confer upon it the powers necessary for the carrying out of its mandate;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. A non-profit corporation is hereby established under the name of "Association de villégiature de la station Mont Tremblant".

2. The objects of the Association are

(a) to promote and foster the development and operation of an international all-season resort, in particular for the Mont Tremblant ski centre;

(b) to supply to its members such services as may be required, including an integrated program of resort activities, a maintenance and security service, a reservation and information service and a marketing plan.

3. Part III of the Companies Act (R.S.Q., chapter C-38) and the sections of Part I that are applicable to Part III by virtue of section 224 of that Act apply to the Association, except for sections 2.1, 5, 8 to 10, 12, 18, 19, 20, 26, 27, 30, 37 to 40 and 80, the first paragraph of section 84, and sections 119, 120, 217, 218 to 221, 231 and 232.

4. The persons acting as administrators of Stations Mont Tremblant (1991) inc. shall be the provisional administrators of the Association.

Those persons shall remain in office until their due replacement and are deemed to be the founding members of the Association.

5. The head office of the Association shall be located in the municipality of Mont-Tremblant.

6. For the purposes of this Act, the first two lines of section 28 of the Companies Act are replaced by the following:

"28. The Association may be dissolved, on its application, if it proves to the Inspector General that it is so authorized by the Minister of Tourism and".

7. The following persons are members of the Association:

(a) the owner of an immovable included in the description of the servient land set forth in the act recognizing the servitude made before Réjean Villeneuve, notary, on 25 May 1993 under number 14598 of his minutes and a copy of which was registered in the registry

office of the registration division of Terrebonne on 25 May 1993 under number 1027203; and

(b) any person whom the Association admits in accordance with its by-laws.

8. The administrators of the Association may pass by-laws, in particular,

(a) to determine classes of members and the rights and obligations of the members of each class;

(b) to determine rules governing the allotment of the shares of the members or classes of members in the Association;

(c) to enable the administrators to determine the contributions payable to the Association by the members or classes of members and the terms and conditions of payment;

(d) to determine the voting rights within the Association and within its board of directors and the conditions for exercising the voting rights, including voting by proxy;

(e) to add other immovables to those referred to in paragraph *a* of section 7 of this Act, with written consent from the owner concerned.

Any by-law passed under the first paragraph must be ratified at the annual general meeting of the Association or at a general meeting duly called for that purpose.

The administrators of the Association shall, within thirty days of the ratification of a by-law passed under subparagraph *e* of the first paragraph, cause such by-law to be registered by deposit, together with a certified copy of this Act, in the registry office of the registration division in which the immovables added in accordance with the by-law so approved are located.

9. A member who owns an immovable subject to this Act is solidarily liable for the payment of any amount owed to the Association by another member occupying or leasing the immovable.

10. Where the owner of an immovable subject to this Act has defaulted for 30 days or more on payment of an amount owed to the Association, the Association may encumber the immovable of the defaulting owner with a legal hypothec to obtain payment of the amount.

The hypothec shall be registered by means of a notice or memorial in the form of an affidavit setting forth the amount of the claim and the designation of the immovable affected by the hypothec.

11. On 1 January 1994, the second paragraph of section 10 of this Act shall be replaced by the following paragraph:

“The hypothec is deemed to be the legal hypothec of the syndicate of co-owners with respect to the payment of the common expenses and contributions to the contingency fund, and is governed by the same legislative and regulatory provisions, in particular in respect of the formalities of its acquisition.”

12. On 1 January 1994, the third paragraph of section 8 of this Act shall be replaced by the following paragraph:

“The administrators of the Association shall, within thirty days of the ratification of a by-law passed under subparagraph *e* of the first paragraph, present such by-law to the registrar of the registration division in which the immovables added in accordance with the by-law so passed are located, so that the registrar may enter both the by-law and this Act in the land register.”

13. Registration of a certified copy of this Act is made by deposit.

Upon notice to the registrar, the registration shall be entered in the index of immovables for the immovables included in the description of the servient land set forth in the act recognizing the servitude made before Réjean Villeneuve, notary, on 25 May 1993 under number 14598 of his minutes and a copy of which was registered in the registry office of the registration division of Terrebonne on 25 May 1993 under number 1027203.

The notice shall be approved by resolution of the administrators of the Association.

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