

NATIONAL ASSEMBLY

FIRST SESSION

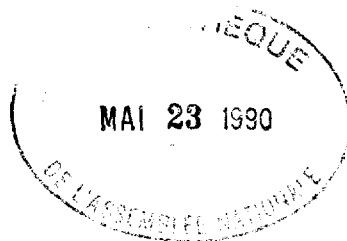
THIRTY-FOURTH LEGISLATURE

Bill 230
(Private)

An Act respecting the Montreal Diocesan Theological College

Introduction

Introduced by
Mr Jacques Chagnon
Member for Saint-Louis



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Bill 230

(Private)

An Act respecting the Montreal Diocesan Theological College

WHEREAS the Montreal Diocesan Theological College, a corporation incorporated by chapter 72 of the statutes of 1879, leases its residences to all students regardless of whether or not they are enrolled in the College;

Whereas pursuant to article 1661.5 of the Civil Code of Lower Canada, the College is empowered to demand the resiliation of a student's lease only if the latter ceases to be a student in that educational institution and not if he is enrolled in another educational institution;

Whereas this provision in the Civil Code of Lower Canada presents the College with a serious difficulty in that the College has no legislative basis upon which to demand the resiliation of leases entered into between the College and students of other educational institutions;

Whereas the College would prefer that its residences be used for the purpose for which they were intended, namely, the housing of students alone;

Whereas the College and the students would benefit from the right to demand the resiliation of the aforementioned leases in that the College would be encouraged to expand its residences and continue to enter into leases with students regardless of whether or not they are enrolled in its educational institution;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Montreal Diocesan Theological College shall have the right to demand the resiliation of leases of dwellings entered into with students enrolled in an educational institution other than the College, if any such student ceases to be a full-time student in such other educational institution.

2. The term “full-time student” means a person enrolled on a full-time basis in an educational institution at the post-secondary level whose principal occupation consists in pursuing at such institution a course of studies recognized by the Minister of Education and lasting at least 26 weeks a year.

3. The right conferred by section 1 shall be conditional upon the College inserting a notice in its leases that pursuant to the provisions of this Act a lease of a dwelling between the College and a student enrolled in an educational institution other than the College, can be resiliated by the College upon demand if such student ceases to be a full-time student in such other educational institution.

4. Notwithstanding section 3, this Act shall have a retroactive effect in order to permit the College to resiliate a lease of a dwelling entered into between the College and a student prior to the coming into force of this Act, where such student has ceased to be a full-time student in another educational institution. The right conferred by this section to resiliate the lease is conditional upon the College providing such student with three months’ notice.

5. No right granted hereby shall constitute a derogation from or diminution of any right which the College possesses under any other legislation and more particularly, but without limitation, under article 1661.5 of the Civil Code of Lower Canada.

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