



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 11

An Act to amend various legislative provisions respecting the cadastre

Introduction

**Introduced by
Mr John Ciaccia
Minister of Energy and Resources**

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EXPLANATORY NOTES

This bill is designed to simplify the coming into force of original cadastral plans and of plans prepared under the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) by removing the obligation to publish ministerial orders.

The date of the coming into force of all cadastral plans is made uniform and fixed, for registration purposes, on the date on which they are deposited in the office of the registration division.

Specifications are also brought in respect of the provisions pertaining to the preparation of subdivision plans of divided co-ownership.

Lastly, the formalities whereby the plans prepared under the Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11) become effective are simplified and adjusted to those prescribed in cases of cadastral renewal.

ACTS AMENDED BY THIS BILL

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

Bill 11

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF LOWER CANADA

1. Article 2166 of the Civil Code of Lower Canada, amended by section 12 of chapter 71 of the statutes of 1947, by section 5 of chapter 76 of the statutes of 1969, by section 20 of chapter 81 of the statutes of 1979 and by section 21 of chapter 22 of the statutes of 1985, is again amended

- (1) by striking out the word “all” in the first paragraph;
- (2) by inserting the words “covered by such plan and” after the word “thereof,” in the first paragraph.

2. Article 2168 of the said Code, amended by section 1 of chapter 77 of the statutes of 1915, by section 1 of chapter 35 of the statutes of 1916 (1st session), by section 2 of chapter 109 of the statutes of 1933, by section 37 of chapter 72 of the statutes of 1947, by section 31 of chapter 11 of the statutes of 1980 and by section 23 of chapter 22 of the statutes of 1985, is again amended

- (1) by striking out the words “for the whole of a registration division” and the words “and notice has been given by order in the manner mentioned in article 2169,” in the first paragraph;

- (2) by striking out the words “and notice thereof has been given” in the third paragraph.

3. Article 2169 of the said Code, amended by section 13 of chapter 71 of the statutes of 1947, by section 31 of chapter 11 of the statutes of 1980 and by section 24 of chapter 22 of the statutes of 1985, is replaced by the following article:

“2169. Every plan or amendment to a plan and, where such is the case, to a book of reference takes effect, for registration purposes, from the date on which it is deposited in the office of the registration division.”

4. Article 2169.1 of the said Code is repealed.

5. Article 2171 of the said Code, amended by section 31 of chapter 11 of the statutes of 1980 and by section 26 of chapter 22 of the statutes of 1985, is again amended by replacing the words “From and after the day appointed by such order” by the words “From and after such deposit”.

6. Article 2172 of the said Code, amended by section 5844 of the revised statutes of 1888, by section 10 of chapter 46 of the statutes of 1943, by section 38 of chapter 72 of the statutes of 1947, by section 31 of chapter 11 of the statutes of 1980, and by sections 27 and 61 of chapter 22 of the statutes of 1985, is again amended by replacing the words “Within two years after the day fixed by the order of the Minister of Energy and Resources published in the *Gazette officielle du Québec*, bringing the provisions of article 2168 into force in any registration division” in the first paragraph by the words “Within two years after the deposit in the office of the registration division of a plan prepared under section 1 of the Cadastre Act”.

7. Article 2173.2 of the said Code, enacted by section 28 of chapter 22 of the statutes of 1985, is amended

(1) by inserting, after the words “of a lot” in the first paragraph, the words “situated, in whole or in part, in the territory”;

(2) by replacing the third paragraph by the following paragraph:

“The registration of the deed is of no effect in respect of the part of the lot until an amendment assigning a separate number to that part on a plan, or annexing that part to a contiguous lot, is deposited in the office of the registration division and notice of the amendment is registered by deposit.”

8. Article 2173.6 of the said Code, enacted by section 28 of chapter 22 of the statutes of 1985, is amended by replacing the second paragraph by the following paragraph:

“The person who is authorized to expropriate the lot shall certify the plan in lieu of the owner. In the case of a plan for the replacement of numbers, the person so authorized shall also transmit the notices provided for in article 2174*b*.”

9. Article 2174 of the said Code, amended by section 1 of chapter 11 of the statutes of 1886, by Appendix A p. XII of the revised statutes of 1888, by section 14 of chapter 71 of the statutes of 1947, by section 20 of chapter 81 of the statutes of 1979 and by section 29 of chapter 22 of the statutes of 1985, is again amended by inserting, after the second paragraph, the following paragraph:

“Correction of a lot described in a plan and book of reference may be made by way of a supplementary plan without it being required to indicate the correction in the book of reference, provided the particulars therein are transferred to the supplementary plan.”

10. Article 2176*a* of the said Code is repealed.

CADASTRE ACT

11. Section 19 of the Cadastre Act (R.S.Q., chapter C-1) is amended

(1) by inserting, after the word “situated” in the second line, the words “, in whole or in part,”;

(2) by replacing the words “parcelling out” in the sixth line by the words “identification of the parcelling out”;

(3) by adding, at the end, the following paragraph:

“Notwithstanding the foregoing, if any such part is to be annexed to a contiguous lot, identification is effected by assigning a separate number to the new lot so formed.”

12. Section 19.1 of the said Act is amended

(1) by inserting, after the words “and situated” in the second line, the words “, in whole or in part,”;

(2) by replacing the words “the parcelling out” in the third line by the words “the identification of the parcelling out”;

(3) by adding, at the end, the following paragraph:

“Notwithstanding the foregoing, if any such part is to be annexed to a contiguous lot, identification is effected by assigning a separate number to the new lot so formed.”

13. Section 19.2 of the said Act is amended

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

“However, separate original lot numbers shall be assigned to non-contiguous lands contemplated by the plan or to lots of exclusive portions forming part of a second declaration of co-ownership concomitant with the first declaration.”;

(2) by replacing the words “The parcelling out of the lot” in the first line of the second paragraph by the words “Identification of the parcelling out of the lots”;

(3) by replacing the words “the parcelling out” in the third line of the third paragraph by the words “identification of the parcelling out”.

14. The said Act is amended by inserting, after section 19.2, the following section:

“19.3 The lots shown on a plan prepared under section 1 are subject to the criteria of parcelling out provided in sections 19 and 19.1 and in article 2173.2 of the Civil Code, adapted as required, where the plan includes a certificate from the Minister to that effect.

Where opening a leaf of the index of immovables, the registrar shall mention such certificate, if any, and its contents under the number of each lot shown on the plan.”

ACT TO PROMOTE THE REFORM OF THE CADASTRE IN QUÉBEC

15. Section 13 of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) is amended by striking out the second paragraph.

16. Section 15 of the said Act is amended by replacing the word “order” in both the second and third lines of the first paragraph by the word “notice”.

17. Section 16 of the said Act is amended by replacing the word “order” in the second line of the first paragraph and in the first line of the second paragraph by the word “notice”.

18. Section 17 of the said Act is amended by replacing the word “order” in the second line of the first paragraph and in the first line of the second paragraph by the word “notice”.

19. Section 18 of the said Act is amended by replacing the word “order” in the third line of both the first and second paragraphs by the word “notice”.

ACT RESPECTING LAND TITLES IN CERTAIN ELECTORAL DISTRICTS

20. Section 2 of the Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11) is amended by inserting, after the first paragraph, the following paragraph:

“The preparation of the plans is subject to sections 9 to 18 and 20 of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1), adapted as required, and the plans come into force on the date of their deposit in the office of the registration division.”

21. Section 2.1 of the said Act is repealed.

22. Section 3 of the said Act is amended by striking out paragraph *a*.

23. Section 4 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**4.** During the eight months following the date of deposit of the plans in the office of the registration division, any interested person may consult them without charge. At the expiration of such delay the Minister shall deliver a certificate of ownership to any occupant of the immovable with or without titles, even though he be only an administrator or mere operator, except in case of written opposition by an interested person. Any real right affecting a lot comprised in the territory for which a plan has been deposited shall be renewed within the same delay, in the manner prescribed by articles 2172 and 2172*a* of the Civil Code of Lower Canada, except a real right affecting any lot indicated on a vertical cadastral plan or a divided co-ownership subdivision plan, whether identified or not on the revised plan.”

24. Section 5 of the said Act is repealed.

25. Section 6 of the said Act is replaced by the following section:

“Upon deposit of the plans, the registrar shall draw up an index of the immovables and send, by registered or certified letter, to each hypothecary or privileged creditor who has given notice of his address or of his elected domicile, a notification, over his signature, to renew the registration of the real right of which he appears to be the holder.”

26. Section 7 of the said Act is amended

(1) by replacing the words “the publication of the proclamation in the *Gazette officielle du Québec*” in the first and second lines of the first paragraph by the words “the deposit of the plans in the office of the registration division”;

(2) by striking out the second paragraph.

27. Section 8 of the said Act is amended by replacing the words “the last publication in the *Gazette officielle du Québec*, of the proclamation provided for in section 4” in the second, third and fourth lines of the third paragraph by the words “the deposit of the plans in the office of the registration division”.

28. This Act comes into force on 1 October 1988.