



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 208
(Private)

An Act respecting the Centre de Ski Le Relais Inc.

Introduction

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

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Bill 208

(Private)

An Act respecting the Centre de Ski Le Relais 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 parish municipality of Saint-Dunstan-du-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 the District of Québec (currently known under the name of "Board of Trade 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 "Board of Trade 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 Board of Trade 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 the Centre de Ski Le Relais Inc., and whereas the Centre de Ski Le Relais Inc. declares that part of the immovables may be described pursuant to Schedule C;

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, preclude the establishment by the Centre de Ski Le Relais Inc. of a security in respect of 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 Board of Trade and Industry of Metropolitan Québec, the parish municipality of Saint-Dunstan-du-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 and reproduced in paragraphs 1 and 2 of Schedule A, to the extent that they concern the immovables described in Schedule B and in paragraphs 1 to 5 of Schedule C, are hereby 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, to the extent that it concerns the immovables described in Schedule C, are also cancelled.

2. Upon the deposit of a true copy of this Act, the registrar shall enter 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 and 1 137 210 the words “Clause prohibiting resale for commercial purposes cancelled by the Act registered under number... .., to the extent that it concerns the immovables described in the said Act”, and he shall write in the margin of the deed registered at the same registry office under number 655 282 the words “Clause prohibiting resale for commercial purposes cancelled by the Act registered under number...”.

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 the Centre de Ski Le Relais 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*

“et 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 "Board of Trade 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 part of the immovables subject
to an emphyteutic lease registered at the registry office
of the registration division of Québec
under number 1 137 210*

Immovables belonging to the Board of Trade of the District of Québec (currently called the "Board of Trade and Industry of Metropolitan Québec"), namely, 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 and the following parts of lots of the said cadastre:

(1) Part of lot 74

Part of lot 74, of very irregular shape, bounded on the northeast by lots 74-9, 74-10-4, 74-21, 74-10-3 and 75, on the southeast by another part of lot 74 and by lots 74-10-4 and 74-21, on the southwest by lots 73, 74-12 and 74-19, on the west by lot 74-22, on the northwest by lot 74-12 (boulevard du Lac), lots 74-21, 74-22, 74-18.1, 74-18 and 74-19; measuring successively 916 feet on the northeast, 973 feet on the southeast, 960 feet on the southwest, 266 feet on the northwest, 190.9 feet on the southwest, 383 feet on the northwest, 143 feet on the northeast, 160 feet on the southeast, 17.12 feet on the northeast, 21.82 feet on the southeast, 102.8 feet on the northeast, 41.8 feet on the northwest, 3.15 feet on the northeast, 42 feet and 101 feet on the northwest, 10.6 feet on the west, 32.5 feet on the northwest, 92 feet on the southwest, 320 feet on the northwest; containing an area of approximately 951 500 square feet;

(2) Part of lot 9 of the subdivision of lot 74

Part of lot 9 of the subdivision of lot 74, of irregular shape, bounded on the northeast by lot 74-18, on the southeast by lot 74-10-2, on the southwest by lot 74, on the northwest by the boulevard du Lac; measuring 15 feet in width in its northwest and southeast lines by 145 feet in depth in its northeast line and 143 feet in its southwest line; containing an area of approximately 2 160 square feet;

(3) Part of lot 19 of the subdivision of lot 74

Part of lot 19 of the subdivision of lot 74, of irregular shape, bounded on the northeast and the southeast by lot 74, on the west by lot 74-19-1,

on the southwest by lot 74-10-2, on the northwest by lot 74-18; measuring 92 feet on the northeast, 32.5 feet on the southeast, 31.25 feet on the west, 70 feet on the southwest and 7 feet on the northwest; containing an area of approximately 902 square feet;

(4) *Part of lot 19 of the subdivision of lot 74*

Another part of lot 19 of the subdivision of lot 74, of triangular shape, bounded on the northwest by lots 74-10-3 and 74-19-1, on the southeast by lot 74; measuring 16.2 feet and 26 feet on the northwest, 42 feet on the southeast; containing an area of 42 square feet;

(5) *Part of lot 75*

Part of lot 75, of irregular shape, bounded on the northeast by lots 76-69 to 76-74 inclusively, lot 76-75 and lot 76-77, on the southeast by another part of lot 75, on the southwest by lot 74, on the northwest by lots 75-38, 75-39 and 75; measuring 863 feet on the northeast, 479 feet on the southeast, 916 feet on the southwest and 455.3 feet on the northwest; containing an area of approximately 414 square feet.

English measure.