

NATIONAL ASSEMBLY

SECOND SESSION

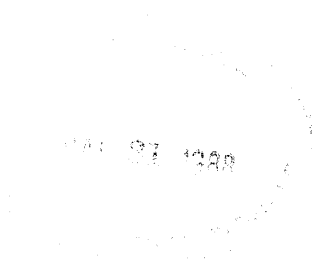
THIRTY-THIRD LEGISLATURE

Bill 223
(Private)

An Act respecting the town of Saint-Basile-le-Grand

Introduction

Introduced by
Mr Gérard Latulippe
Member for Chambly



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Bill 223

(Private)

An Act respecting the town of Saint-Basile-le-Grand

WHEREAS it is in the interest of the town of Saint-Basile-le-Grand that it be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The town of Saint-Basile-le-Grand may, with a view to regrouping or reconstituting the original lots, acquire, by private agreement or by expropriation, the immovables situated in the territories described in the schedule.

2. Where the municipal taxes on an immovable situated in the territories described in the schedule have not been paid for at least five consecutive years, the town may demand, by way of a motion, to be put into provisional possession of that immovable by a judge of the Superior Court sitting in the judicial district in which the immovable is situated.

Any period prior to the passage of this Act may be taken into account for the purpose of computing the five-year period.

A demand to be put into possession may contemplate several immovables belonging to different owners, providing it relates to the same original lot.

3. The demand to be put into provisional possession can be granted only after publication in the *Gazette officielle du Québec* of a notice

requiring any person who may have rights upon such immovables to present his claim before the judge within the six months following such publication.

All service is replaced by the publication of such notice unless the judge to whom the motion has been referred decides otherwise.

This notice is deemed to be sufficient if it refers to this section and mentions, in addition to the name of the registered owner, the lot number or, in the case of part of a lot, the original lot number and the registration number of the deed of purchase.

The town shall have such immovables entered in its name on the valuation and collection rolls, and tax them like any other taxable immovable. Such immovables remain subject to municipal and school taxes. School taxes thus imposed shall not be exigible from the town.

The putting into provisional possession interrupts prescription of arrears in municipal and school taxes and the prescription does not run during such possession.

4. If five years have passed since registration of the judgment ordering the putting into provisional possession, the town may, subject to the same formalities, demand to be put into definitive possession of the immovables. Within 30 days of the publication in the *Gazette officielle du Québec* of the notice of the demand to be put into possession, the town must also serve notice on the registrar of the registration division in which such immovables are situated.

Upon receiving the notice, the registrar shall immediately forward, by registered or certified mail, to each hypothecary or privileged creditor who has given notice of his address or of his elected domicile, to the beneficiary under a declaration of family residence, if he has been notified of his address or elected domicile, and to the Attorney-General in the case of an immovable hypothecated in favour of the Crown for any reason whatever, a notice informing them that the town is demanding to be put into definitive possession of the immovable hypothecated or encumbered with a privilege or right of family residence in their favour. Such notice shall indicate the place where and the date and time when the demand will be made, and that the judgment will have the effect of discharging their rights. The registrar is not bound to give the notice to any person whose notice of address is without effect under the terms of the third paragraph of article 2161*b* of the Civil Code.

5. The judgment ordering the putting into definitive possession has the effect of making the town the owner of the immovable

contemplated and of discharging it from any right, charge, privilege or hypothec that may encumber it, and from all exigible and non-exigible municipal and school taxes.

The registration of the judgment ordering the putting into definitive possession effects the cancellation of all rights, charges, privileges, and hypothecs which are registered against the immovable and which are extinguished by the judgment.

After such registration, if any person believes that he has a claim at law to any right respecting those immovables, his claim is converted into a personal claim against the town. The amount of such claim shall not exceed the real value of the immovable on the date of the judgment ordering the putting into definitive possession, after expenses incurred in its respect are deducted.

Such personal claim is prescribed on the day the real right would have been prescribed had it not been so converted.

6. At any time before the judgment ordering the putting into definitive possession, the owner by registered title or his assigns may, with the authorization of the court, retake possession of his immovable by paying the municipal and school taxes payable on such immovable and by reimbursing to the town the expenses incurred in its respect.

7. Notwithstanding article 2168 of the Civil Code, in any document drafted with a view to acquiring, under this Act, the possession or ownership of an immovable situated in the territories described in the schedule, a designation of the immovable that is similar to that appearing in the deed of acquisition of the owner by registered title is deemed sufficient for the purpose of transferring the right of possession or ownership of the immovable from the owner to the town. The same applies in the case where the owner by registered title has alienated parts of a lot, if the document mentions that it concerns the remainder of the lot or the part of lot acquired by such person.

8. The town may hold, lease or manage the immovables possessed or acquired under this Act. It may also carry out on such immovables any work required for the cultivation of the soil.

The town may alienate such immovables. The price of alienation must be sufficient to cover expenses incurred in its respect. However, the Minister of Municipal Affairs may authorize the town to alienate them for a lower price or gratuitously.

9. An immovable situated in the territories described in the schedule and which the town has acquired or acquires under section 536 of the Cities and Towns Act (R.S.Q., chapter C-19) is deemed to have been or to be acquired under section 1 of this Act. At the time of the acquisition, the town may increase its bid up to the amount of the standardized municipal assessment.

10. In the event that the owner of an immovable by registered title is deceased and had neither residence nor known domicile in Québec, the sworn statement or solemn declaration made by the testamentary executor, the heir or his attorney, to the effect that he possesses such quality and that he may dispose of the immovable, is sufficient to give the town good and valid title over the immovables acquired by private agreement under section 1 of this Act.

11. The town has always had the power to carry out drainage works ordered pursuant to its by-laws numbers 318, 319, 320, 321, 322, 331, 341 and 342, and to impose for the payment of such works, in accordance with section 487 of the Cities and Towns Act, a real estate tax on the immovables belonging to persons who farm the lands contemplated by such by-laws. Should the lands cease to be farmed, the tax is then assumed by the general fund.

This section does not affect any case pending or any decision or judgment rendered on 25 November 1987.

12. To reimburse a sum of money under the Regulation respecting government participation in the financing of municipal corporations (R.R.Q., chapter F-2.1, r. 7.1) with respect to an immovable situated in the territories described in the schedule, the town may order a loan by by-law which requires only the approval of the Minister of Municipal Affairs.

13. Upon application by the town, the Superior Court may order an inquiry into the sales of immovables for non-payment of municipal taxes made on 29 November 1982 and 21 December 1984.

Upon application by any person whose immovable was sold at one of those sales, by his assigns or by his attorney, the Superior Court may also order such an inquiry.

Notwithstanding section 800 of the Act respecting elections and referendums in municipalities (1987, chapter 57), sections 9 to 29 of the Act respecting municipal bribery and corruption (R.S.Q., chapter F-6), as it stood on 31 December 1987, apply, adapted as required, to

these applications. The judge may also cancel the sales, notwithstanding section 530 of the Cities and Towns Act.

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

SCHEDULE

(a) A territory comprising, with reference to the cadastre of the parish of Saint-Bruno, the lots or parts of lots and their present and future subdivisions as well as the roads, watercourses or parts thereof, the whole contained within the perimeter hereinafter described, to wit: starting from the west corner of lot 394-197 (park); thence, southwesterly along the limit of the agricultural zone to the east corner of lot 393-239; thence, southwesterly to the west corner of lot 389-22; thence, southwesterly to the west corner of lot 388-55; thence, westerly to the north corner of lot 387-11; thence, northerly to the west corner of lot 387-17; thence, northwesterly to the north corner of lot 387-59; thence, northwesterly to the south corner of lot 387-95; thence, southwesterly to the west corner of lot 385-119; thence, southwesterly to the east corner of lot 385-194; thence, northwesterly to the north corner of lot 384-88; thence, northwesterly to the north corner of lot 384-8; thence, westerly to the northwest corner of lot 384-68; thence, southerly to the northeast corner of lot 384-68; thence, westerly to the northwest corner of lot 384-17; thence, southwesterly to the northeast corner of lot 384-18; thence, westerly to the northeast corner of lot 384-66; thence, westerly to the northwest corner of lot 384-67; thence, southerly to the southwest corner of lot 384-67; thence, northwesterly to the intersection of the southwest limit of lot 384 and the east right of way of the Rang des Vingt; thence, northeasterly along the east right of way of the Rang des Vingt to the intersection of the southeast line of lot 491 (Canadian National Railways) thence, northeasterly along the southeast right of way of lot 491 (Canadian National Railways) to the starting point.

(b) A territory comprising, with reference to the cadastre of the parish of Saint-Bruno, the lots or parts of lots and their present and future subdivisions as well as the roads, watercourses, or parts thereof, the whole contained within the perimeter hereinafter described, to wit: starting from the east corner of lot 458-121; thence, southeasterly to the extension of the dividing line between lots 458 and 456 and the dividing line between the cadastres of the parishes of Saint-Joseph-de-Chambly and Saint-Bruno; thence, southwesterly along the said dividing line between cadastres to its intersection with the northeast right of way of a public road shown on the original plan; thence, northwesterly along the northeast right of way of the said road to the intersection of the northwest limit of the right of way of the existing power supply line with the southwest line of lot 468; thence, northeasterly along the limit of the agricultural zone to a point situated on the northwest limit of the existing power supply right of way 40.0 metres from the dividing line between lots 463 and 464 measured perpendicularly from the said

dividing line between lots 463 and 464; thence, along the limit of the agricultural zone which is a parallel line 40.0 metres from the line dividing lots 463 and 464 to a point situated southeast of Dupras street at a distance of 60.0 metres measured perpendicularly from the southeast limit of the right of way of the said street and northeast of the dividing line between lots 463 and 464, 40 metres measured perpendicularly from the said dividing line; thence, northeasterly along the limit of the agricultural zone to the starting point.

(c) A territory comprising, with reference to the cadastre of the parish of Saint-Joseph-de-Chambly, the lots or parts of lots and their present and future subdivisions as well as the roads, watercourses, or parts thereof, the whole contained within the perimeter hereinafter described, to wit: starting from the north corner of lot 16-223 (street); thence, southwesterly to the southeast corner of lot 16-5; thence, southwesterly to the north corner of lot 19-5; thence, southwesterly to the west corner of lot 19-3; thence, southwesterly to the west corner of lot 20-241; thence, southwesterly to the north corner of lot 21-391; thence, southwesterly to the west corner of lot 21-399; thence, southwesterly to the south corner of lot 21-406; thence, northwesterly to the point of intersection of the line dividing lots 21 and 22 and the dividing line between the cadastres of the parishes of Saint-Joseph-de-Chambly and Saint-Bruno; thence, northeasterly along the said dividing line between cadastres to the starting point.

(d) A territory comprising, with reference to the cadastre of the parish of Saint-Joseph-de-Chambly, part of lot 15 and its present and future subdivisions as well as the roads, watercourses, or parts thereof, the whole contained within the perimeter hereinafter described, to wit: starting from the south corner of lot 15-522; thence, northwesterly to the northwest corner of lot 15-499; thence, northeasterly along the dividing line between the cadastres of the parishes of Saint-Joseph-de-Chambly and Saint-Bruno to the northeast corner of lot 15-466; thence, southeasterly to the east corner of lot 15-511; thence, southwesterly to the south corner of lot 15-26 (street); thence, southeasterly to the east corner of lot 15-512; thence, southwesterly to the starting point.

(e) A territory comprising, with reference to the cadastre of the parish of Saint-Bruno, the lots or parts of lots and their present and future subdivisions as well as the roads, watercourses, or parts thereof, the whole contained within the perimeter hereinafter described, to wit: starting from the intersection of the dividing line between lots 437 and 438 and the east right of way of Rang des Vingt-Quatre (shown on the original plan); thence, northeasterly to the line dividing lots 434 and 435 and the east right of way of Rang des Vingt-Quatre; thence, southeasterly to the line dividing lots 435 and 436 and the northwest

right of way of the Sir Wilfrid Laurier boulevard (route no. 116); thence, southwesterly to the line dividing lots 437 and 439 and the northwest right of way of Sir Wilfrid Laurier boulevard (route no. 116); thence, northwesterly to the starting point.

(f) A territory comprising, with reference to the cadastre of the parish of Saint-Bruno, part of lot 471 and its present and future subdivisions as well as the roads, watercourses, or parts thereof, the whole contained within the perimeter hereinafter described, to wit: starting from the west corner of lot 471-19; thence, northeasterly to the north corner of lot 471-8; thence, southeasterly to the east corner of lot 471-56; thence, southwesterly to the south corner of lot 471-31; thence, northwesterly to the southwest corner of lot 471-30; thence, westerly to the southwest corner of lot 471-7 (street) to the starting point.