

NATIONAL ASSEMBLY

SECOND SESSION

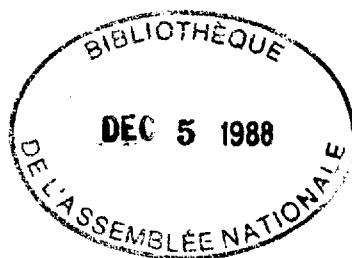
THIRTY-THIRD LEGISLATURE

Bill 249
(Private)

An Act respecting an immovable of the cadastre of the city of Montréal (Saint-Antoine ward)

Introduction

Introduced by
Mr Jacques Chagnon
Member for Saint-Louis



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Bill 249

(Private)

An Act respecting an immovable of the cadastre of the city of Montréal (Saint-Antoine ward)

WHEREAS Charles Séraphin Rodier died at Montréal on 26 January 1890, leaving a will executed on 23 January 1890 before Eustache Prud'homme, notary, a copy of which was registered at the registry office of the registration division of Montréal-Est under number 18520;

Whereas Charles Séraphin Rodier created a fiduciary substitution, giving the management and seizing of his property, until the opening of the substitution, to his testamentary executors as trustees;

Whereas Charles Séraphin Rodier granted to his testamentary executors the power to sell, by agreement or otherwise, all the immovables of the estate, save, among others, those situated within the boundaries of the city of Montréal;

Whereas the estate of Charles Séraphin Rodier included an immovable known as part of original lot number six hundred and ten F (610F) of the cadastre of the city of Montréal (Saint-Antoine ward), as described in the schedule, thence forming part of the property subject to the restriction respecting the testamentary executors' power to sell;

Whereas, under the terms of a judgment of the Superior Court of the district of Montréal dated 1 June 1945, in the case bearing number 971 in the records of the court, judge Edouard Fabre Surveyer authorized the sale of the immovable by the then

testamentary executors to Canadian Pacific Railway Company, the whole in accordance with the provisions of section 206 of the Railway Act (S.C., 1919, chapter 68);

Whereas, by deed of sale executed on 23 July 1945 before Hector Décary, notary and registered at the registry office of the registration division of Montréal under number 622378, Marie Joseph Louis Léonce Léopold Rodier and Marie Joseph Félix Edmond Rodier, acting as sole testamentary executors of the late Charles Séraphin Rodier, sold the immovable to The Scottish Trust Company instead of selling it to Canadian Pacific Railway Company;

Whereas it was only in 1949 that the testamentary executors were given, under the Act respecting the will of Charles Séraphin Rodier (1949, chapter 133), the power to sell all the immovables of the estate wherever they be situated;

Whereas the testamentary executors of the estate retained their office until the final settlement of the estate, the whole in accordance with the provisions of section 2 of the Act respecting the Charles Séraphin Rodier estate (1975, chapter 122);

Whereas, on 9 August 1977, the final settlement of the estate was achieved under the terms of a deed of final partition executed before Hubert Leroux, notary, under number 2054 of his minutes and whereas the testamentary executors consequently are no longer in office;

Whereas doubts remain as to the validity of the sale;

Whereas there would be practical difficulties in obtaining confirmation of the sale from the substitutes or their assigns;

Whereas La Société Immobilière Marathon Limitée is the registered owner of the immovable, having acquired it under the terms of a deed of sale by Canadian Pacific Limited executed before André Groulx, notary, on 13 October 1988, and registered at the registry office of the registration division of Montréal under number 4081844, and whereas it is therefore in the interest of the registered owner that its title of ownership be confirmed and that the sale registered at the registry office under number 622378 be validated;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The sale by the testamentary executors of Charles Séraphin odier to The Scottish Trust Company, executed before Hector écary, notary, on 23 July 1945, registered at the registry office of ie registration division of Montréal under number 622378 and fecting the immovable described in the schedule is hereby confirmed) the extent that it could be contested on the grounds that the)stamentary executors sold the immovable to The Scottish Trust ompany instead of to the Canadian Pacific Railway Company as they ere authorized to do by virtue of a judgment rendered on 1 June 1945 y judge Edouard Fabre Surveyer (no. 971 in the records of the uperior Court of the district of Montréal for the year 1945).

2. Real rights cancelled by this Act are replaced by personal ghts exercisable against Canadian Pacific Limited. The personal ghts have a value equal to the value of the real rights they replace s it stood immediately before (*insert here the date of coming into force f this Act*), and they are prescribed on the date on which, but for this ct, the real rights would have been prescribed.

3. Registration of a certified copy of this Act shall be made by eposit.

At the time of registration, the registrar shall write in the margin f the deed registered under number 622378 the words "Confirmed y the Act registered under number... as regards any defect corrected y the said Act".

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

SCHEDULE

(Section 1)

DESIGNATION

Part of original lot number six hundred and ten F (610 F) of the ffficial cadastre of the city of Montréal (Saint-Antoine ward), egistration division of Montréal, as shown on the plan prepared by ierre Alarie, land surveyor, dated 11 April 1969, bearing number '.S. 30739, reference 6904-003, bounded in front towards the outheast by de la Gauchetière street (no cadastral designation),

towards the southwest by lot 610E, towards the northwest by another part of lot 610 F and by part of lot 610 F-1, and towards the northeast by another part of lot 610 F and by lot 610 F-5, measuring twenty-one feet and eight tenths (21.8') along its southeast line, sixty-six feet and twenty-eight hundredths (66.28') along its southwest line, twenty-one feet and thirty hundredths (21.30') along its northwest line and sixty-eight feet and fifty-four hundredths (68.54') along its northeast line, and containing an area of one thousand four hundred and forty-nine square feet and seventy-one hundredths ($1\,449.71\text{ ft}^2$).

The whole, English measure, more or less.