



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 38

An Act to amend the Act respecting land use planning and development

Introduction

**Introduced by
Mr André Bourbeau
Minister of Municipal Affairs**

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EXPLANATORY NOTES

The object of this bill is to include in the Act respecting land use planning and development provisions recognizing the right to divide, on certain conditions, tracts of land that are too small to be divided according to the general norms but which were already built upon when the norms were established, or which have become too small as a result of the intervention of a public authority, as in the case of an expropriation for road construction.

In addition, the bill enables the city of Laval and the town of Mirabel to adopt a special planning program for that part of each of their territories designated as the city centre without being required to incorporate it with their development plans.

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An Act to amend the Act respecting land use planning and development

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting land use planning and development (R.S.Q., chapter A-19.1) is amended by inserting, after section 29, the following section:

“**29.1** If the period granted to the council of the regional county municipality to amend its development plan in conformity with the Minister’s notice is extended by the Minister pursuant to section 239, the Minister may amend his notice in accordance with section 27 during the first third of the additional period.

If the Minister avails himself of the first paragraph, the additional period granted to the council of the regional county municipality to amend its development plan in conformity with the amended notice runs from service of the notice.”

2. Section 205.1 of the said Act is amended by striking out the words “and woodlots” in the first and second lines of subparagraph *d* of paragraph 2.

3. The said Act is amended by inserting, after section 256.1, the following sections:

“**256.2** No permit authorizing a cadastral operation may be refused on the sole ground that the area or the dimensions of the tract of land do not allow it to satisfy the pertinent requirements of an interim control by-law or of a subdivision by-law in respect of a tract of land that meets the following conditions:

(1) on 30 November 1982 or on the date preceding the date of the coming into force of the first interim control by-law of the regional county municipality, whichever date is the later, the tract of land did not form one or several separate lots on the official plans of the cadastre;

(2) on the date applicable under subparagraph 1, the tract of land was the site of a structure built and used in accordance with the by-laws in force at that time, if such was the case, or protected by acquired rights.

To be authorized, the cadastral operation must result in the creation of a single lot or, where the tract of land is comprised in several original lots, of a single lot for each original lot.

The first two paragraphs apply even if the structure is destroyed by a disaster after the applicable date.

“256.3 No permit authorizing a cadastral operation may be refused on the sole ground that the area or the dimensions of the tract of land do not allow it to satisfy the pertinent requirements of an interim control by-law or of a subdivision by-law in respect of a tract of land that is the remainder of a tract of land

(1) part of which has been acquired for purposes of public utility by a public body or some other person having powers of expropriation, and

(2) which immediately before the acquisition had sufficient area and dimensions to conform with the by-laws in force at that time or could have been the subject of a cadastral operation pursuant to section 256.1 or 256.2.

To be authorized, the cadastral operation must result in the creation of a single lot or, where the tract of land is comprised in several original lots, of a single lot for each original lot.”

4. Section 264 of the said Act is amended by inserting, after subparagraph *c* of paragraph 1 of the second paragraph, the following subparagraph:

“(c.1) section 85.1 applies to the City of Laval as if its development plan were not in force;”.

5. Section 264.0.1 of the said Act is amended by inserting, after subparagraph *c* of paragraph 1 of the second paragraph, the following subparagraph:

“(c.1) section 85.1 applies to the town of Mirabel as if its development plan were not in force;”.

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