



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 205
(Private)

An Act respecting the Outaouais-Hull school board

Introduction

**Introduced by
Mr John Kehoe
Member for Chapleau**



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Bill 205

(Private)

An Act respecting the Outaouais-Hull school board

WHEREAS the Outaouais-Hull school board has jurisdiction over the school municipality of Outaouais-Hull and succeeds to the rights of The Catholic School Commission of Hull in accordance with the Act respecting the regrouping and management of school boards (1971, chapter 67), the latter itself succeeding to the rights of The school commissioners for the municipality of the city of Hull in accordance with the Act respecting The catholic school Commissioners of the city of Hull (1952-53, chapter 115),

(hereinafter called “the board”);

Whereas the board has occupied for a great many years lots ONE HUNDRED AND EIGHTY-NINE, ONE HUNDRED AND NINETY, ONE HUNDRED AND NINETY-FIVE, ONE HUNDRED AND NINETY-SIX, TWO HUNDRED AND TWENTY-ONE, TWO HUNDRED AND TWENTY-TWO, TWO HUNDRED AND TWENTY-SEVEN, TWO HUNDRED AND TWENTY-EIGHT, TWO HUNDRED AND FIFTY-THREE, TWO HUNDRED AND FIFTY-FOUR, TWO HUNDRED AND FIFTY-NINE AND TWO HUNDRED AND SIXTY (189, 190, 195, 196, 221, 222, 227, 228, 253, 254, 259 and 260) of the cadastre of the city of Hull, Ward IV, with the buildings thereon erected and appurtenances,

(hereinafter called “the immovable”);

Whereas the board has occupied the immovable publicly as proprietor, in a continuous, unequivocal and peaceable manner;

Whereas in the year 1900, the registry office of the registration division of Hull and the documents deposited therein were destroyed by fire;

Whereas on the cadastre of the city of Hull, Ward IV, brought into force on 28 September 1882, “Les Révérends Pères Oblats” are entered as the proprietors of the immovable;

Whereas on the new cadastre brought into force on 18 November 1961 following the cadastral revision, the board appears as the proprietor of the immovable;

Whereas because of the fire, there is no document in existence which establishes the link between “Les Révérends Pères Oblats” and the board and, by that very fact, the title of the board to the immovable;

Whereas several hypothecary bonds, which are now cancelled and prescribed, appear, in the indexes of immovables concerned, to have been granted by the board since the date of the fire;

Whereas because of the absence of documents predating the fire, it is impossible to determine whether the board had the power to acquire the immovable under the laws that govern it today or governed it in the past;

Whereas doubt could arise as to the power and capacity of the board at the time of the acquisition or in the event of a sale and whereas it is in the public interest to dispel any doubt in that respect;

Whereas in addition, the following problems, among others, arise from the acts listed below, which are entered in the index of immovables, to wit:

(a) “The school commissioners for the municipality of the city of Hull” (“Les commissaires d’écoles pour la municipalité de la cité de Hull”) are sometimes referred to as “The school commissioners of the municipality of the city of Hull” (“Les commissaires d’écoles de la municipalité de la cité de Hull”);

(b) There is no proof or mention of the authorization of the Lieutenant-Governor in Council acting on the recommendation of the Superintendent of Education in respect of The school commissioners for the municipality of the city of Hull, there is an error in the dimensions of the lot sold, namely lot ONE HUNDRED AND EIGHTY-NINE (189) of the cadastre of the city of Hull, Ward IV, and there is no mention of the civil status or matrimonial regime of Joseph Séguin in the deed of sale between The school commissioners of the municipality of the city of Hull and Joseph Séguin executed before Paul T. Desjardins, notary, on 21 May 1900 under number 5 022 of his minutes and registered in the registry office of the registration division under number 68;

(c) There is no mention of the civil status or matrimonial regime of Joseph Séguin, referred to as the vendor on the sale memorial for which Marie Louise Caron appeared before Edgar Laberge, notary, on 18 March 1911, which memorial was registered in the registry office of the registration division of Hull under number 17 467 and in which Marie Louise Caron states that Joseph Séguin sold to her lot ONE HUNDRED AND EIGHTY-NINE (189) of the cadastre of the city of Hull, Ward IV, by a deed of sale executed before the same notary on 15 March 1911;

(d) There is no proof or mention of the authorization of the Lieutenant-Governor in Council acting on the recommendation of the Superintendent of Education in respect of the acquisition of lot ONE HUNDRED AND EIGHTY-NINE (189) of the cadastre of the city of Hull, Ward IV, by The school commissioners for the municipality of the city of Hull, in the deed of sale in favour of the latter, granted by Marie Louise Caron and executed before Edgar Laberge, notary, on 18 March 1911 and registered in the registry office of the registration division of Hull under number 17 468;

(e) The registration of a deed of sale by Charles Bélanger in favour of Guillaume Barette, executed before N. Tétreau, notary, on 4 August 1900 and registered in the registry office of the registration division of Hull under number 333 in respect of the northern half of lot TWO HUNDRED AND TWENTY-TWO (222) of the cadastre of the city of Hull, Ward IV, contains a right of redemption in favour of the vendor and is subject to an annuity of \$7.50 payable to Damien Richer. Moreover, there is no mention of the civil status or matrimonial regime of those who appeared before the notary for the purposes of the deed;

(f) The registration of a deed of sale by Charles Bélanger in favour of Charles Boulet, executed before N. Tétreau, notary, on 4 August 1900 and registered in the registry office of the registration division of Hull under number 1883 in respect of the northern half of lot TWO HUNDRED AND TWENTY-TWO (222) of the cadastre of the city of Hull, Ward IV, contains a right of redemption in favour of the vendor and is subject to an annuity of \$7.50 payable to Damien Richer. Guillaume Barette who appeared before the notary for the purposes of the deed declared therein that he agreed to the retrocession owing to the exercise of the right of redemption stipulated in favour of the vendor in the deed registered under number 333. In addition, there is no mention of the civil status or matrimonial regime of those who appeared before the notary for the purposes of the deed;

(g) There is no cancellation of the rights, privileges and hypothecs established in favour of the Crédit Foncier Franco Canadien or its

successors under the terms of a notice of renewal by the latter, executed before Henri Pépin, notary, on 25 August 1900, in respect of the bond secured by hypothec executed before J.A. Malo, notary, on 19 October 1897 and declared to be registered in the registry office of the registration division of the county of Wright under number 880 and another bond executed before J.A. Malo, notary, on 9 March 1897 and declared to be registered in the registry office of the registration division of the county of Ottawa under number 365 and, affecting, under the terms of the aforementioned deeds, lots TWO HUNDRED AND FIFTY-NINE, TWO HUNDRED AND FIFTY-SEVEN, TWO HUNDRED AND TWENTY-SEVEN, TWO HUNDRED AND TWENTY-EIGHT, TWO HUNDRED AND FIFTY-THREE AND TWO HUNDRED AND SIXTY (259, 257, 227, 228, 253 and 260) of the cadastre of the city of Hull, Ward IV;

(h) The registration of a deed of gift made in respect of the southern half of lot TWO HUNDRED AND TWENTY-SEVEN (227) of the cadastre of the city of Hull, Ward IV, by Fabien Soulière and Angèle Courville in favour of Irène Soulière, the spouse of Émile Chartrand, executed before François A. Binet, notary, on 20 June 1931 and registered in the registry office of the registration division of Hull under number 63 813;

(i) The validity of a deed of rectification between Émile Chartrand and his spouse, Irène Soulière, parties of the first part, and Lorenzo Soulière and Georges Hector Soulière, parties of the second part, the latter declaring that they are the universal legatees of the donors in the deed registered under number 63 813, which deed of rectification was executed before Henri Desrosiers, notary, on 21 April 1936 and registered in the registry office of the registration division of Hull under number 69 729, whereby the parties declare that in the deed bearing number 63 813, the immovable concerned had been erroneously described as being the southern half of lot TWO HUNDRED AND TWENTY-SEVEN (227) of the cadastre of the city of Hull, Ward IV, whereas the immovable concerned is, in fact, the southern half of lot TWO HUNDRED AND TWENTY-NINE (229) of the cadastre of the city of Hull, Ward IV;

Whereas negotiations and agreements are in progress in relation to the alienation of the immovable;

Whereas it is in the public interest, as well as in the interest of the alienation or any other transaction, that the title to the immovable described above be settled;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Outaouais-Hull school board is deemed to have acquired before 26 April 1900, by onerous title and in good faith, with all the required authorizations, and in the same manner, to hold from the same date, but from 18 March 1911 in the case of lot 189 of the cadastre of the city of Hull, Ward IV, free of all encumbrances, privileges and hypothecs, the following immovable, to wit:

DESCRIPTION

Lots ONE HUNDRED AND EIGHTY-NINE, ONE HUNDRED AND NINETY, ONE HUNDRED AND NINETY-FIVE, ONE HUNDRED AND NINETY-SIX, TWO HUNDRED AND TWENTY-ONE, TWO HUNDRED AND TWENTY-TWO, TWO HUNDRED AND TWENTY-SEVEN, TWO HUNDRED AND TWENTY-EIGHT, TWO HUNDRED AND FIFTY-THREE, TWO HUNDRED AND FIFTY-FOUR, TWO HUNDRED AND FIFTY-NINE AND TWO HUNDRED AND SIXTY (189, 190, 195, 196, 221, 222, 227, 228, 253, 254, 259 and 260) of the cadastre of the city of Hull, Ward IV, with the buildings thereon erected and appurtenances, hereinafter called "the immovable".

2. The Registrar of the registration division of Hull is hereby ordered to cancel any encumbrance, privilege or hypothec affecting the immovable or of which mention is made in the deeds entered in the indexes of immovables concerned as well as in such indexes of immovables from the time of the cadastre to the 24th day of February 1986 and cancel any entry inconsistent with section 1, more particularly, the deed of sale by Charles Bélanger in favour of Guillaume Barette executed before N. Tétreau, notary, on 4 August 1900, and registered in the registry office of the registration division of Hull under number 333 and the deed of sale by Charles Bélanger in favour of Charles Boulet executed before N. Tétreau, notary, on 4 August 1900 and registered in the registry office of the registration division of Hull under number 1 883.

3. A true copy of the purview of this Act shall be registered by deposit.

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