

NATIONAL ASSEMBLY

FIRST SESSION

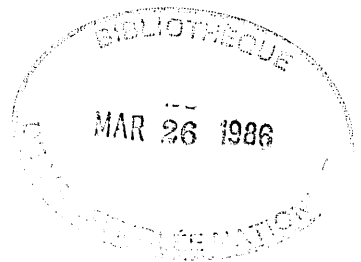
THIRTY-THIRD LEGISLATURE

Bill 216
(Private)

An Act respecting the regional county municipality of La Rivière-du-Nord

Introduction

Introduced by
Mr Robert Thérien
Member for Rousseau



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Bill 216

(Private)

An Act respecting the regional county municipality of La Rivière-du-Nord

WHEREAS the regional county municipality of La Rivière-du-Nord, pursuant to its letters patent of incorporation, which came into force on 1 January 1983, succeeded to the municipal county corporation of Terrebonne;

Whereas under the Municipal Code and with respect to the municipalities governed by the said Code, the regional county municipality of La Rivière-du-Nord, acting under the rights and obligations of the municipal county corporation of Terrebonne, is responsible for the sale, for non-payment of taxes, of immovables situated in its territory;

Whereas, since 28 July 1847, as regards all sales of immovables for non-payment of taxes made by the municipal county corporation of Terrebonne in its territory, and by the regional county municipality of La Rivière-du-Nord, the description of immovables was made by referring to the registration number of the deed of acquisition of each of the immovables, thereby contravening the prescriptions of article 2168 of the Civil Code;

Whereas failure to comply with the prescriptions of article 2168 of the Civil Code vitiates and invalidates the titles transferred to the purchasers of immovables thus sold for taxes and to any subsequent purchaser of the said immovables;

Whereas under article 1026 of the Municipal Code, the secretary-treasurer of every county corporation must, each year, before the eighth day of the second month preceding the month fixed for the sale of immovables for non-payment of taxes, prepare the list of the said

immovables from the statements transmitted to him by the local corporations;

Whereas under article 1027 of the Municipal Code, the list of immovables to be sold for non-payment of taxes must be published in the ordinary manner in the municipalities in which the immovables advertised for sale are situated, and also twice in a newspaper circulated in those municipalities during the second month preceding the month fixed for the sale;

Whereas under article 1028 of the Municipal Code, the secretary-treasurer of the municipal county corporation must notify, by registered mail, each person whose property is to be sold, of the date and place of such sale;

Whereas the time limit prescribed in article 1028 of the Municipal Code is identical to that prescribed in article 1027, namely that the formalities to be carried out by the secretary-treasurer of the municipal county corporation must be carried out before the eighth day of the second month preceding the month fixed for the sale of immovables for non-payment of taxes;

Whereas it has been impossible, in practice, to comply with the relatively short period of time prescribed since the secretary-treasurer of the municipal county corporation of Terrebonne and of the regional county municipality of La Rivière-du-Nord receives on 20 December, each year, the statements of immovables to be sold, as prescribed by article 1024 of the Municipal Code, and that he is required to prepare a list in accordance with article 1026 of the Municipal Code and transmit a notice to every owner concerned before the following 8 January;

Whereas, in many cases, the secretary-treasurer of the municipal county corporation of Terrebonne and of the regional county municipality of La Rivière-du-Nord was unable to comply with the time limit prescribed by article 1028 of the Municipal Code;

Whereas many purchasers in good faith, and the subsequent purchasers of immovables sold for non-payment of taxes, suffer a serious prejudice resulting from the situation;

Whereas the economic cost for each of the purchasers of immovables sold for taxes, or for subsequent purchasers of the said immovables, for the correction and redrafting of the property titles to render them valid, represents considerable pecuniary disbursements;

Whereas it is in the interest of all parties concerned that the sales made by the municipal county corporation of Terrebonne and by the

regional county municipality of La Rivière-du-Nord, be ratified to provide the present owners with good and valid property titles, free of contestation in respect of the said immovables;

Whereas it is expedient to remedy the situation and prevent that any irregularity and failure to comply with the formalities prescribed by law be raised;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Notwithstanding any general law or special Act to the contrary, all sales for non-payment of taxes of immovables formerly situated in the territory of the municipal county corporation of Terrebonne, made since 28 July 1847 by the municipal county corporation of Terrebonne and by the regional county municipality of La Rivière-du-Nord by referring to the registration numbers of the deeds of acquisition of each of the immovables as the description of the said immovables, are deemed to have been made as if the description of the immovables contained in the deeds of acquisition had been faithfully reproduced.

2. Notwithstanding any general law or special Act to the contrary, all sales for non-payment of taxes of immovables formerly situated in the territory of the municipal county corporation of Terrebonne, made since 28 July 1847 by the municipal county corporation of Terrebonne and by the regional county municipality of La Rivière-du-Nord and for which the time limit prescribed in article 1028 of the Municipal Code was not complied with, are hereby ratified and declared valid.

3. No irregularity or illegality committed at the time of the sale for non-payment of taxes of immovables formerly situated in the territory of the municipal county corporation of Terrebonne, since 28 July 1847, by the municipal county corporation of Terrebonne and by the regional county municipality of La Rivière-du-Nord, may be ascribed to the fact that the description of the immovables was made by referring to the registration numbers of the deeds of acquisition of each of the said immovables or that the time limit prescribed in article 1028 of the Municipal Code was not complied with, or justify the cancellation of the purchases made in respect of the said immovables or the deeds of sale confirming the said purchases.

4. This Act does not preclude the continuance of judicial proceedings pertaining to any of the irregularities contemplated in the preceding section and that were instituted before the coming into force of this Act.

- 5.** Registration of a certified copy of this Act is made by deposit.
- 6.** This Act comes into force on (*insert here the date of assent to this Act*).