



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 84

An Act to amend the Act respecting the lands in the public domain

Introduction

**Introduced by
Mr John Ciaccia
Minister of Energy and Resources**



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EXPLANATORY NOTES

This bill abolishes, for the future, the legal reserve of 60 metres bordering on the rivers and lakes of Québec. For the past, ownership of the reserve of three chaines or 60 metres is ascribed to the holder of the original title of the grant or his assigns, except in certain cases where ownership is maintained for reasons of public interest or for the protection of the rights of individuals.

The bill also provides that the devolution of the reserve will be subject to a pedestrian right of way in favour of the public over 10 metres in depth from the edge of certain rivers listed in a schedule to the bill.

The bill also provides for the issue of an attestation of the devolution of the reserve having the same effect as letters patent; the attestation may be registered at the registry office.

Technical amendments are made to the Act respecting the lands in the public domain.

Bill 84

An Act to amend the Act respecting the lands in the public domain

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 26 of the Act respecting the lands in the public domain (1987, chapter 23) is amended by replacing the words “, leases or occupation licences” in the fifth line of the first paragraph by the words “or leases”.

2. The said Act is amended by inserting, after section 35, the following section:

“35.1 Where a sale is subject to a restrictive clause, the Minister may, at the request of the purchaser or of his assigns, amend the clause or waive it on such conditions and for such price as he may determine.”

3. Section 43 of the said Act is replaced by the following sections:

“43. The Minister may amend or rectify letters patent where, in his opinion, the amendments or rectifications that are sought may be made without cancelling the letters patent.

“43.1 The Minister shall inform the Registrar of Québec of any amendment, rectification or cancellation of letters patent so that he may enter it opposite their registration.”

4. Section 45 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

“Sales or transfers of lands granted after (*insert here the date of coming into force of this section*) are no longer subject to the reserve, in full ownership in favour of Québec, of sixty metres in depth of the lands bordering on all the rivers and all the lakes of Québec.”

5. The said Act is amended by inserting, after section 45, the following sections:

“**45.1** The reserve resulting from the application of the first three paragraphs of section 45 and forming part of the public domain on (*insert here the date of coming into force of this section*) shall, from that date, devolve, free of charge and in full ownership, to the holder of the original title of the grant affected by the reserve or to his assigns.

Where letters patent are issued in respect of land pursuant to Division I of Chapter II and Division IV of Chapter III of the Act respecting public agricultural lands (R.S.Q., chapter T-9.1) after (*insert here the date of coming into force of this section*), the reserve affecting the land shall devolve, free of charge, to the holder of the letters patent from their date of issue.

This section does not apply in the cases provided for in section 45.2.

“**45.2** Until the reserve resulting from the application of the first three paragraphs of section 45 is disposed of in accordance with section 45.3, it shall remain in the public domain in the following cases:

(1) if it is subject, in whole or in part, to a lease made pursuant to the Lands and Forests Act (R.S.Q., chapter T-9) with a person other than a person contemplated by section 45.1;

(2) if it is used, in whole or in part, for public purposes by a department, a public body or a municipality, or is subject to a right of occupation or use, including road purposes, under a title, permit, servitude or authorization granted or issued, in favour of a person other than a person contemplated by section 45.1, pursuant to an Act, a decree or an order;

(3) if it affects a land referred to in Schedule I;

(4) if it is occupied on (*insert here the date of introduction of Bill 84*) by a person, other than a person contemplated by section 45.1, who is eligible for the granting of a title under Order 1279-85 of 26 June 1985, as amended by Order 1417-86 of 17 September 1986.

“**45.3** The Minister may sell, transfer gratuitously, lease or exchange all or part of the reserve remaining in the public domain on

such conditions and for such price as he may determine in accordance with the regulations of the Government to that effect.

The Minister may grant rights in the reserve in the same manner.

“45.4 Where affected by the reserve on (*insert here the date of introduction of Bill 84*), the lands listed in Schedule II and those bordering on parts of rivers also listed in Schedule II are subject to a pedestrian right of way, in favour of the public, over a strip of land 10 metres in depth from the edge of the river.

The Minister may, by order, exempt certain lands from the application of this section; the order shall take effect on the date of its publication in the *Gazette officielle du Québec*.

“45.5 Where land is separated from a stretch of water solely by a reserve devolved under section 45.1, the reserve shall be subject to a right of way in favour of the land.

To enjoy the benefit of that right, the owner of the land must enter into an agreement with the person to whom the reserve has devolved as to the site of the servitude following a request to that effect; the request must be made not later than (*insert here the date occurring two years after the date of coming into force of this section*) or, in the cases provided for in the second paragraph of section 45.1, within two years of the date of issue of the letters patent.

If an agreement is reached by the parties, the act recognizing the servitude shall be registered in the registry office of the registration division in which the reserve is situated.

Failing an agreement and on an application by either of the parties, the Minister shall, by order, establish the site of the servitude upon that part of the reserve where it will be least injurious.

Before rendering his decision, the Minister shall notify the parties, by certified mail, of his intention; the parties may make representations within the time indicated in the notice to the representative of the minister identified in the notice.

The order shall be registered by deposit, at the expense of the beneficiary of the servitude, at the registry office of the registration division in which the reserve is situated.

The costs of establishing and maintaining the site of the servitude shall be payable by the beneficiary of the servitude.

“45.6 On payment of the fees fixed by regulation of the Government, the Minister may issue to any person applying therefor an attestation that the reserve affecting any land has devolved pursuant to section 45.1.

The attestation may be registered by deposit at the registry office of the registration division in which the reserve is situated.”

6. Section 50 of the said Act is amended by inserting, at the end of the second paragraph, the following sentence: “Such a licence is not registered in the register instituted under section 26.”

7. Section 66 of the said Act is amended by inserting the words “or from the date on which it is mailed where no publication is required” after the word “publication” in the second line of the third paragraph.

8. Section 71 of the said Act is amended by replacing the words “and occupation licences” in the third line of subparagraph 3 of the first paragraph, by the words “, occupation licences, any attestation issued pursuant to section 45.6 and the granting of any other right”.

9. Section 72 of the said Act is amended by replacing the words “lease or occupation licence” in the third line of the first paragraph, by the words “or lease”.

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

SCHEDULE I

(Section 45.2, paragraph 3)

LANDS PRESERVED FOR ACCESS PURPOSES

TOWNSHIP	RANGE	LOT
Antoine	I	25
Arago	I	23
Arundel	V	21
	VI	24
	VII	23
Boyer	VI	25
Callières	Bloc B	—
Campbell	I	16
	II	22
	III	17
	Sud-Est	40
Cranbourne	XI	39
De Calonne	Caché	2 to 4
	IV	22
Décarie	IX	24
De Sales	E	4
Dudley	VIII	41
Forsyth	V	4
Grandison	III	26
Gravel	II	2
Joliette	III	19

TOWNSHIP	RANGE	LOT
Joly	F i M	38 25 28, 29, A, B and C
La Minerve	IX	15 and 16
Loranger	VI VII	47 52
Marchand	S.-O. Riv. Rouge N. Riv. Macaza D	23 7 and 12 9
Marston	VI X	22 (east bank) 7
Mékinac	III	20
Metgermette-Sud	IX	12 and 14
Montigny	N. Ch. Chapleau	33
Moreau	IV V VI	23 19 16
Pelletier	V Rivière aux Rats	1 19
Pérodeau	II V	7 6
Pope	II III	30 12
Robertson	V VII VIII XIII	39 22 50 and 58 55
Rochon	VII	27
Simard	IX	81, 82 and 83

TOWNSHIP	RANGE	LOT
Wolfe	X XI	44 26 and 35

SCHEDULE II

(Section 45.4)

LANDS SUBJECT TO A RIGHT OF WAY

TOWNSHIP	RANGE	LOT
Alleyn	VI VII	9 5
Alton	V	3
Belleau	I	34 and 38
Bourgeois	Sud-Est	5 and 6
Chavigny	III N.-E.	13
Cranbourne	III	29 and 30
De Calonne	I II	2 to 6, 11 to 14, 16 to 19, 31 to 33, 36 and 37 3
Désaulniers	I	1
Ditton	III	34 and 35
Dumas	I-E (Petit Saguenay) I-O (Petit Saguenay)	1 to 9, 12 to 14 and 47 to 51 3 to 6, 14, 49 and 50
Emberton	II III	11 and 12 12 to 14
Ham-Nord	III IV X A N-E	5 5, 6 and 22 to 24 20 to 25 3 and 4

TOWNSHIP	RANGE	LOT
Hartwell	II	4, 5 W part and 9
Lambton	VII VIII	26 to 31 26
Langelier	Ouest Est	2 to 9, 12 to 15, 17 to 55 and 57 to 67 1 to 3, 7, 8, 14 to 17, 19 to 21, 23 to 45, 47 to 60, 67 to 74, 79 and 80
Lingwick	K i	30 and 32 30 and 31
Marlow	I II	15 14 and 15
Marston	IX X	17 and 18 8 and 17 to 19
Matane	VIII X XI XII Rivière Matane	1 and 2 3 1 1 6 to 18
Mékinac	III	5 and 6
Ponsonby	III VI VII	North half 22 to 25 20 19 and 20
Preston	III IV	21 and 33 33 and 34
Spalding	I	27 to 37
Stratford	VI	2, 3 and 4
Tessier	V VI VII Nord-Est Riv. Matane Sud-Ouest Riv. Matane	1, 2 and 3 1 to 5, 7, 8 and 9 4 to 10 1 to 43 1 to 43

TOWNSHIP	RANGE	LOT
Whitton	V N.-E.	32 to 36
Winslow	I S.-E.	21 to 23
	II S.-E.	20 and 21
	II N.-O.	22 to 25
	III S.-E.	19 and 20
	III N.-O.	25 to 27
	IV S.-E. (east part)	16 and 19
	V S.-E. (east part)	26 to 29
Woburn	V Bloc A	4 to 7 and 16 to 29 —

OUANANICHE AND SALMON RIVERS

TOWNSHIP	RIVER
Ashuapmouchouan	À l'Ours
Bagot	À Mars
Dalmas	Petite-Pérignonka
De Meulles	Aux Saumons
Dolbeau	Petite-Pérignonka
Dufferin	Pémonca Aux Saumons
Girard	Ouasiemsca
Metabetchouan	Metabetchouan
Ouiatchouan	Ouiatchouaniche
Roberval	Ouiatchouaniche

SALMON RIVERS**REGIONAL COUNTY
MUNICIPALITY****RIVER**

Avignon

Assemetquaquan
Millstream
Patapédia
Ristigouche

Bonaventure

Bonaventure
Bonaventure-Ouest
Cascapédia
Garin
Mourier
Petite-Cascapédia
Petite-Cascapédia-Est
Petite-Cascapédia-Ouest
Petite-Port-Daniel
Port-Daniel
Reboul

Pabok

Grand-Pabos
Grand-Pabos-Ouest
Grande-Rivière
Malbaie
Petit-Pabos
Saint-Jean-Sud

Côte-de-Gaspé

Darmouth
Madeleine
Saint-Jean
Saint-Jean-Sud
York

Denis-Riverin

Bonaventure
Cap-Chat
Madeleine
Petite-Cascapédia-Est
Petite-Cascapédia-Ouest
Sainte-Anne
Sainte-Anne-Nord-Est

Matane

Cap-Chat
Cascapédia
Pineault
Petite-Matane

REGIONAL COUNTY MUNICIPALITY	RIVER
Matapédia	Cascapédia Causapscal Matapédia Pineault Ristigouche
Mitis	Keg Mestigouèche Mitis Patapédia
Rimouski-Neigette	Kedgwick Keg Murray Quigley Rimouski Sud-Ouest
Fjord-du-Saguenay	Saint-Jean Sainte-Marguerite
Les Basques	Sud-Ouest
Kamouraska	Ouelle
L'Islet	Ouelle
Charlevoix	Du Gouffre
Charlevoix-Est	Du Gouffre
Mingamie	Aguanus Au Bouleau Au Saumon Chécatica Coacoachou Corneille Coxipi Etamaniou Gros Mécatina Jupitagon Kégashka Magpie

**REGIONAL COUNTY
MUNICIPALITY**

RIVER

Mingan
Musquanousse
Musquaro
Nabisipi
Napetipi
Natashquan
Nétagamiou
Olamane
Petite-Mécatina
Petit-Watshishou
Piashti
Romaine
Saint-Augustin
Saint-Augustin-Nord-Ouest
Saint-Jean
Saint-Paul
Sheldrake
Vieux-Fort
Washicoutai
Watshishou

Sept-Rivières

Au Bouleau
Aux Roches
De la Petite-Trinité
De la Trinité
Du Calumet
Matamec
Moisie
Pigou

Manicouagan

Betsiamites
De la Petite-Trinité
Des Anglais
Franquelin
Godbout
Mistassini

Haute-Côte-Nord

Betsiamites
Des Escoumins
Laval
Sainte-Marguerite

**REGIONAL COUNTY
MUNICIPALITY**

RIVER

Municipality of the North Shore of the Gulf of St. Lawrence	À la Baleine
	Brador
	Chécatica
	Coacoachou
	Coxipi
	Darby
	Des Belles Amours
	Etamaniou
	Gros Mécatina
	Kégashka
	Musquanousse
	Musquaro
	Napetipi
	Natashquan
	Nétagamiou
	Olamane
	Petit-Mécatina
	Ruisseau-au-Saumon
	Saint-Augustin
	Saint-Augustin-Nord-Ouest
	Saint-Paul
	Vieux-Fort
	Washicoutai