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# NATIONAL ASSEMBLY

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FOURTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 225

(Private)

## **An Act respecting the city of Saint-Hubert**

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### **Introduction**

**Introduced by  
Mr David Payne  
Member for Vachon**

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## Bill 225

(Private)

### **An Act respecting the city of Saint-Hubert**

WHEREAS the territory described in the schedule is included in an agricultural zone established pursuant to the Act to preserve agricultural land (R.S.Q., chapter P-41.1);

Whereas the parcelling carried out in that territory prior to the application of the Act to preserve agricultural land is an obstacle to the development and utilization of the territory for agricultural purposes;

Whereas a great number of parcels of land resulting from the parcelling out have been alienated to different owners whose places of residence are dispersed over several continents;

Whereas the city of Saint-Hubert has repossessed, by reason of non-payment of taxes, numerous parcels of land in the territory and cannot easily dispose of them;

Whereas the consolidation of the parcels of land is an essential condition for their use for agricultural purposes;

Whereas the consolidation cannot easily be carried out by private agreements between owners by reason of their great number, the dispersal of their places of residence and the high cost they would have to assume;

Whereas it is expedient, by reason of the special circumstances, to authorize the city to proceed with the consolidation of the parcels of land on the basis of the original lots of the cadastre of the parish of Saint-Hubert and to provide every owner of a parcel of land with a title of ownership;

## THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

## DIVISION I

## CONSOLIDATION

§ 1.—*Land consolidation program*

**1.** The city of Saint-Hubert may, by by-law, adopt a land consolidation program in respect of not less than five parcels of land resulting from cadastral operations carried out before 9 November 1978 on the same original lot enclosed within the territory described in the schedule, in view of favouring the development and utilization of the land for agricultural purposes.

“Agricultural purposes” means any of the purposes contemplated in paragraph 1 of the definition of the word “farm” contained in the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

**2.** A land consolidation program may also include any parcel of land owned by the city and which results from a parcelling operation carried out after 8 November 1978.

**3.** In no case may a land consolidation program include any parcel of land subject to an acquired right pursuant to sections 101 to 105 of the Act to preserve agricultural land or any land in respect of which the owner has already availed himself of section 31 or 40 of the said Act on (*insert here the date of introduction of this Act*).

**4.** In no case may a by-law concerning a land consolidation program be passed by the council unless a notice to that effect has been sent by the clerk, not less than thirty days earlier, by certified or registered mail, to the address indicated on the assessment roll, opposite the name of each owner of a parcel of land included in the consolidation program.

**5.** The notice contemplated in section 4 must indicate the intention expressed by a member of the council to propose the passing of a by-law pursuant to section 1, reproduce the provisions of this Act, indicate the names and addresses entered on the assessment roll of all the owners of parcels of land included in the program and, where that is the case, identify the person proposed as the administrator pursuant to section 21.

**6.** A by-law concerning a land consolidation program requires the approval of the Minister of Municipal Affairs and of the Minister of Agriculture, Fisheries and Food. If the program is approved, the by-law is published in accordance with section 362 of the Cities and Towns Act (R.S.Q., chapter C-19).

**7.** Where a by-law concerning a land consolidation program is approved in accordance with section 6, the city shall file a plan and book of reference with the Minister of Energy and Resources as if it were the case of a renumbering of lots owned by the city.

The provisions of the first five paragraphs of article 2174*b* of the Civil Code apply to the plan and book of reference, insofar as they are not inconsistent with this Act.

**8.** The by-law concerning land consolidation program takes effect on the date the plan and book of reference are deposited at the registry office in accordance with article 2174*b* of the Civil Code.

The city shall send a notice of the taking of effect of the by-law by certified or registered mail to the address indicated on the assessment roll, opposite the name of each of the owners of the parcels of land included in the land consolidation program.

## *§ 2.—Undivided ownership*

**9.** If, on the effective date of a by-law concerning a land consolidation program, several persons are owners of the parcels of land included in the program, each such persons shall, from that date, become the owner of an undivided share of the lot resulting from the consolidation.

The share of each undivided owner is equal to the fraction represented by the area of any parcel of land he owned before the effective date of the by-law in relation to the aggregate of the consolidated parcels of land.

**10.** Every charge encumbering a parcel of land on the effective date of a consolidation program continues to be valid as if it had been created on the undivided share devolved to the owner by the effect of the consolidation.

**11.** A servitude established on a consolidated parcel of land in favour of a land not included in the land consolidation program shall encumber the lot resulting from the consolidation as if the servitude had been established thereon.

If the land to which the servitude is due is included in the consolidation program, the servitude shall remain due to the aggregate of the undivided owners. The consolidation shall not, in that case, be considered to be an aggravation of servitude.

§ 3.—*Rights and obligations of undivided owners*

**12.** In no case may the owner of an undivided share of a lot resulting from the consolidation cause the partition of the lot while sections 55 and 56 of the Act to preserve agricultural land are applicable to him.

**13.** A consolidation is not deemed to constitute a reduction of the guarantee for the purposes of a hypothecary loan contract binding the owner of a consolidated parcel of land on the date the consolidation is effective.

**14.** Every person who, before the effective date of a land consolidation program, has made with respect to a parcel of land that is included therein, a promise of purchase or a purchase contract providing for the transfer of property upon payment in full, becomes, upon that payment, the owner of an undivided share of the lot resulting from the consolidation. That share is equal to the fraction represented by the area of land for which the promise of purchase or the purchase contract was made in relation to the total area of the lot resulting from the consolidation.

**15.** Each undivided owner has, with respect to his share, the rights and obligations of an exclusive owner.

Each owner may thus alienate, hypothecate or otherwise grant security on his share and his creditors may seize that share.

**16.** No creditor, even a hypothecary or a privileged creditor, of an undivided owner may cause partition, except by indirect action in cases where the undivided owner would himself be entitled to cause partition. Creditors may, however, proceed with the seizure and sale of the share of their debtor.

**17.** Any property united by accession to a lot resulting from a consolidation belongs to all the undivided owners in proportion to their share in the immovable held in undivided ownership.

**18.** The fruits and revenues produced by a lot resulting from a land consolidation belong to the undivided owners in proportion to their share in the immovable held in undivided ownership.

The undivided owners may, once a year, claim their share of the fruits and revenues on the date determined by agreement or, if none, by the administrator appointed in accordance with subdivision 4.

Any share of the fruits or revenues unclaimed within three months of the date fixed belongs to the immovable held in undivided ownership.

**19.** The losses, administrative costs and other expenditures related to the lot resulting from the consolidation are borne by each undivided owner in proportion to his share in the immovable held in undivided ownership.

**20.** The city has a right of pre-emption on the share of another undivided owner who intends to transfer his share, by onerous title, to a person other than his spouse, an ascendant or a descendant and who is not an undivided owner.

§ 4.—*Administration of a lot resulting from the consolidation*

**21.** When a land consolidation program has taken effect, the city shall appoint an administrator for each lot resulting from the consolidation in which it becomes an owner in undivided ownership and in which no other undivided owner owns a majority of shares.

**22.** Where an undivided owner other than the city owns a majority of the undivided shares of a lot, he may appoint an administrator and inform the clerk thereof in writing.

**23.** In all the cases not provided for in section 21 or 22, the undivided owners who own a majority of the undivided shares may appoint an administrator.

**24.** An administrator appointed under section 22 or under section 23 must inform the clerk in writing of his appointment and establish to the satisfaction of the latter his capacity as administrator.

**25.** The city may appoint an administrator for a lot if the clerk has not been informed of the appointment of an administrator in accordance with section 22 or section 23 within ninety days of the effective date of the land consolidation program.

**26.** An administrator appointed pursuant to this subdivision shall remain in office until he is replaced by the decision of the undivided owners who own a majority of the undivided shares of the lot resulting from the consolidation.

**27.** An administrator appointed under this subdivision is responsible, on behalf of the undivided owners, for promoting the development and utilization, for agricultural purposes, of the lot resulting from the consolidation. He may, for such purpose, take any necessary administrative measure. He may lease the lot for a period of not over ten years and grant the rights of use and such rights of passage as are necessary for agricultural operations.

**28.** The undivided owners are bound by the acts of an administrator performed in good faith under his mandate.

## DIVISION II

## AGREEMENTS TO FAVOUR THE DEVELOPMENT AND UTILIZATION FOR AGRICULTURAL PURPOSES OF THE TERRITORY, AND SALE OF MUNICIPAL LAND

**29.** The city may enter into an agreement with the Minister of Agriculture, Fisheries and Food respecting the implementation, on the territory described in the schedule, of plans, programs or projects designed to strengthen or develop agriculture or to promote a better use or preservation of agricultural resources.

**30.** The Minister may, within the scope of an agreement under section 29, take charge of all drainage works within the meaning of section 22 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14).

**31.** The city may enter into an agreement with the Minister or with any agency designated by the Government under section 28 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation, to establish modalities for the transfer by the city to the Minister or the agency, of the ownerships or administration of any parcel of land or of any undivided share of a lot resulting from a land consolidation, for a compensation established in accordance with subparagraph 1 of the second paragraph of section 27 of the said Act.

An agreement under the first paragraph may provide for the delegation to the Minister or to the agency designated by the Government of any power conferred by this Act on the city as the owner of undivided shares or of parcels of land included in a land consolidation program.

**32.** The city may, with the Minister's approval, sell, for agricultural purposes, without any other formality or approval, a parcel of land or an undivided share of a lot resulting from a land consolidation program.

**33.** Any agreement made under this division must be published by the city clerk in the same manner as a municipal by-law pursuant to section 362 of the Cities and Towns Act.

## DIVISION III

## TAXES

**34.** Real estate taxes and other taxes computed on a basis that is specific to the immovable, and that are imposed by the city on a lot resulting from a land consolidation program, or that are imposed on the owners of the lot, are incumbent on each undivided owner, separately, each according to his share.



If an undivided owner fails to pay the taxes incumbent on him, the city is not authorized to require payment thereof from the other undivided owners but the city is authorized to institute tax recovery proceedings provided for by law against the defaulting undivided owner.

**35.** The treasurer shall, in the collection roll, fraction the basis of imposition on which the tax is imposed as if each undivided share were a separate immovable.

The share of taxes imputed to each undivided owner must correspond to the fraction that his undivided share is of the whole of the lot resulting from the land consolidation program.

**36.** The treasurer shall send to each undivided owner a demand for payment of his taxes and send a copy thereof to the administrator.

**37.** For the purposes of the application of sections 509 to 541 of the Cities and Towns Act, an undivided share of a lot resulting from a land consolidation program is deemed to be an immovable under exclusive ownership.

The same rule applies for the application of any legislative provision creating a privilege in favour of the city in respect of real estate taxes and other taxes computed on a basis that is specific to the immovable.

For the purposes of the application of section 513 of the Cities and Towns Act, the description of the immovable must, as the case may be, indicate the identity of the holder of the undivided share of the lot resulting from the land consolidation, as shown on the collection roll.

**38.** The provisions of this division apply, *mutatis mutandis*, to the imposition, levy and collection of school taxes in the territory described in the schedule.

Each share of the lot resulting from a land consolidation is assimilated, for the purposes of the provisions of this division and the provisions of the Education Act (R.S.Q., chapter I-14), to an immovable belonging to a legal person.

#### DIVISION IV

##### GENERAL AND FINAL PROVISIONS

**39.** The city may acquire by agreement or by expropriation any parcel of land likely to be included in a land consolidation program.

The city may hold, lease and administer the parcels of land referred to in the first paragraph, alienate them within the scope of an agreement

under Division II or, otherwise dispose of them with the approval of the Minister of Agriculture, Fisheries and Food.

**40.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

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

## SCHEDULE

The present territory of the city of Saint-Hubert comprising, with reference to the cadastres of the parishes of Saint-Hubert, Saint-Antoine-de-Longueuil and Sainte-Famille-de-Boucherville, registration division of Chambly, all the lots and parts of lots and their present and future divisions, excluding the portion of that territory situated in the cadastres of the parishes of Saint-Hubert and Saint-Antoine-de-Longueuil, comprised within the following limits, to wit: starting from the point of intersection of the northwest limit of the city of Saint-Hubert and the dividing line between lots 7 and 8 of the cadastre of the parish of Saint-Hubert; thence, southeasterly, the said dividing line between lots to the south limit of the right of way of chemin de la Savane; thence, generally northeasterly, the south and southeast limits of the right of way of the said road to its intersection with the northeast limit of the right of way of the Airport road; thence, generally south and southwesterly, the northeast and southeast limits of the said road and its extension to the north limit of the right of way of the Canadian National railways; thence, easterly, the north limit of the said railway right of way to its intersection with the southeast limit of the city of Saint-Hubert (southeast line of lot 20 of the cadastre of the parish of Saint-Hubert); thence, generally southeasterly, the limits of the city to the northwest limit of the right of way of autoroute number 30 (planned); thence, generally southwesterly, the northwest limit of the said right of way to its intersection with the southwest limit of the city of Saint-Hubert (dividing line between the cadastres of the parishes of Saint-Hubert and Laprairie de la Madeleine); finally, northwesterly as it was from the starting point, the limits of the city to the starting point.