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# NATIONAL ASSEMBLY

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FOURTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 236  
(Private)

## **An Act respecting certain lots of the official cadastre of the parish of Pointe-aux-Trembles**

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### **Introduction**

Introduced by  
Mr Herbert Marx  
Member for D'Arcy McGee



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## Bill 236

(Private)

### **An Act respecting certain lots of the official cadastre of the parish of Pointe-aux-Trembles**

WHEREAS 90059 Canada Inc. acquired lots 90-959 to 90-967, 90-part 976, 90-part 986, 92-1174, 92-1176, 92-1200 and 92-part 1198 on the official cadastre of the parish of Pointe-aux-Trembles by deed of sale dated 21 March 1979, and registered at Montréal under number 2953095;

Whereas 90059 Canada Inc. changed its name to Mississauga Linerboard Limited — Cartonnerie Mississauga Limitée, and that the latter sold the said lots to Domtar Inc. by deed executed before Gilles Pharand, notary, on 6 August 1980, and registered at Montréal under number 3105635;

Whereas lots 90-959 to 90-966 of the cadastre of the parish of Pointe-aux-Trembles were sold at a sale for taxes by the city of Montreal East on 18 December 1935, against La Compagnie Immobilière de Montréal-Est Limitée and whereas the sale for taxes was not made in conformity with the Act to incorporate the Island of Montreal Metropolitan Commission (1921, chapter 140, amended by 1932, chapter 129), with regard to the date of the sale;

Whereas lots 90-967, 90-976, 90-986, 92-1174, 92-1176 and 92-1198 are shown as streets or lanes on the subdivision plan deposited on 19 February 1910;

Whereas it is impossible to obtain voluntary renunciation to the right of passage on the said streets or lanes by the owners of all the other lots shown on the plan;

Whereas by deed of exchange dated 10 May 1930, and registered under number 247807, the city of Montreal East ceded lots 92-1174 and 92-part 1198, which were lanes;

Whereas a municipality was not authorized to change a street except by by-law, Cities and Towns Act (Revised Statutes, 1925, chapter 102) or except with the approval of the Montreal Metropolitan Commission (1928, chapter 120);

Whereas it does not appear in the deed registered under number 247807 that the Commission gave its approval nor that the city acted by by-law;

Whereas the only by-law passed by the city in relation to the closing of the lanes, lots 92-1174 and 92-part 1198, is by-law 288 dated 6 August 1956, to which approval of the Montreal Metropolitan Commission dated 29 August 1956 is annexed;

Whereas there is doubt as to the retroactive effect of the said by-law 288 and of the approval of the Commission dated 29 August 1956;

Whereas by deed dated 21 January 1958 and registered under number 1318971, the city of Montreal East sold lots 92-part 1176 and 92-part 1200, being lanes, in which deed the city is declared to be acting pursuant to by-law 288 of 6 August 1956, approved by the Montreal Metropolitan Commission on 8 January 1958;

Whereas by-law 288 contains no description of lot 92-part 1176 or lot 92-part 1200;

Whereas only the present owner, as the rightful successor of the original owners, has an interest in the lots and parcels of land the title of which may be questioned;

Whereas it is expedient to confirm the right of ownership of the owner on the said lots and parcels of lands;

#### THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** By the deed of sale registered on 2 March 1979 at the registry office of the registration division of Montréal under number 2953095, 90059 Canada Inc., now Cartonnerie Mississauga Limitée, became the absolute owner of lots 90-959 to 90-967, 92-1174, 92-1176 and 92-1200, parts of lots 90-976 and 90-986 and part of lot 92-1198 on the official cadastre of the parish of Pointe-aux-Trembles described therein.

**2.** No irregularity or illegality in relation to the sale for taxes made on 18 December 1935 of lots 90-959 to 90-966 on the official cadastre of the parish of Pointe-aux-Trembles may be set up against the deed of sale contemplated in section 1.

**3.** The right of passage created on lots 90-967, 90-976, 90-986, 92-1174, 92-1176 and 92-1198 by the deposit of the subdivision plan on 19 February 1910, is extinguished.

**4.** Neither the absence of a by-law closing the lanes, namely lots 92-1198, 92-1176 and 92-1200, nor the absence of the approval of the Montreal Metropolitan Commission in the deed of exchange dated 10 May 1930 and registered at the registry office of the registration division of Montréal under number 247807 and in the deed of sale dated 21 January 1958 and registered at the same office under number 1318971, may be set up against the deed of sale contemplated in section 1.

**5.** If any natural or legal person or any partnership would, but for sections 1 to 4, be entitled to claim by way of an action any real right on the whole or any part of the immovables contemplated in those sections, the claim is converted into a personal claim against Cartonnerie Mississauga Limitée for an amount equal to the value of that real right computed at the date of sanction of this Act.

**6.** Every personal claim is prescribed on the same day as the claim for the real right that it replaces would have been prescribed had it not been so converted; neither the amount of the claim nor the claim itself shall constitute a real right or a charge on the lots or any part thereof, the whole without prejudice to any right of action in warranty of the present owner or his assigns against any natural or legal person or any partnership that may be bound to the payment of the claim.

**7.** This Act comes into force on the day of its sanction.