

NATIONAL ASSEMBLY
Thirty-fourth Legislature, first session

1991, chapter 97
**AN ACT RESPECTING THE TOWN
OF SAINT-BASILE-LE-GRAND**

Bill 217

Introduced by Madam Christiane Pelchat, Member for Vachon

Introduced 19 December 1989

Passage in principle 13 March 1991

Passage 13 March 1991

Assented to 19 March 1991

Coming into force: 19 March 1991

Act amended: None





CHAPTER 97

An Act respecting the town of Saint-Basile-le-Grand

[Assented to 19 March 1991]

Preamble **WHEREAS** it is in the interest of the town of Saint-Basile-le-Grand that it be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Acquisition **1.** The town of Saint-Basile-le-Grand may acquire, by private agreement or, with the prior authorization of the Minister of Municipal Affairs and on the conditions he determines, by expropriation, the immovables situated in the territories described in the schedule to the Act respecting the town of Saint-Basile-le-Grand (1988, chapter 91), with a view to consolidation or reconstitution of the original lots.

Provisional possession **2.** Where the municipal taxes on an immovable contemplated by section 1 have not been paid for five or more consecutive years, the town may demand, by way of a motion, to be put into provisional possession of that immovable by a judge of the Superior Court sitting in the judicial district in which the immovable is situated.

Period Any period prior to the passage of this Act may be taken into account for the purpose of computing the period of five or more years.

Demand A demand to be put into possession may contemplate several immovables belonging to different owners, providing it relates to the same original lot.

Publication of notice **3.** The demand to be put into provisional possession can be granted only after publication, in a newspaper circulated in the district, of a notice of not less than six months before the demand is presented to the judge.

Affected property In addition, the clerk of the town shall, within the time limit provided for in the first paragraph, give notice of the demand to be put into provisional possession, by registered or certified mail, to every person whose property is affected by the demand. If the person has no known domicile in Québec, the formality as to the notice is not required.

Sufficient notice The notices are deemed sufficient if they refer to this section and mention, opposite the name of the registered owner, the lot number or, in the case of part of a lot, the original lot number and the registration number of the owner's deed of purchase.

Notice of publication Within 15 days after the publication provided for in the first paragraph, the clerk of the town shall publish in the *Gazette officielle du Québec* a notice of the publication, specifying the name of the newspaper and the date of the publication.

Taxation of immovables The town shall cause an entry of the immovables of which it obtained possession to be made in its name on the valuation and collection rolls, and tax them like any other taxable immovable. The immovables remain subject to municipal real estate taxes and school taxes and shall thus be taxed. School taxes imposed on the immovables shall not be exigible from the town.

Interruption of prescription The putting into provisional possession interrupts prescription of arrears in municipal real estate taxes and school taxes and prescription does not run during such possession.

Definitive possession 4. If five years have passed since registration in the index of immovables of the judgment ordering the putting into provisional possession, the town may, subject to the same formalities, demand to be put into definitive possession of the immovables. Within 30 days after the publication in the *Gazette officielle du Québec* of the notice of the demand to be put into definitive possession, the town shall also serve notice on the registrar of the registration division in which the immovables are situated. The registrar shall make a special entry of the notice in the index of immovables.

Description of immovables The immovables contemplated by the notices given under the first paragraph must be described in the same manner as in analogous notices given in the case of sales for non-payment of taxes.

Notice of demand Upon receiving the notice provided for in the first paragraph, the registrar shall immediately forward, by registered or certified mail, to each hypothecary or privileged creditor who has given notice of his address or of his elected domicile, to the beneficiary under a

declaration of family residence whose address or elected domicile has been the subject of a notice, and to the Attorney-General in the case of an immovable hypothecated in favour of the Crown for any reason whatever, a notice informing them that the town is demanding to be put into definitive possession of the immovable hypothecated or encumbered with a privilege or right of family residence in their favour, specifying the place, date and time of presentation of the demand and stating that the judgment will have the effect of extinguishing their rights. The registrar is not bound to give the notice to any person whose notice of address is without effect under the terms of the third paragraph of article 2161*b* of the Civil Code.

Effect of
definitive
possession

5. The judgment ordering the putting into definitive possession has the effect of making the town the irrevocable owner of the immovable concerned, of giving it good and valid title and of disencumbering it of any existing right, charge, privilege or hypothec and of all exigible or non-exigible municipal taxes and school taxes imposed.

Registration

The registration in the index of immovables of the judgment ordering the putting into definitive possession effects the cancellation of all rights, charges, privileges and hypothecs registered against the immovable and extinguished by the judgment.

Claims

After such registration, if a person believes that he has a claim at law to any right respecting one of the immovables, his claim is converted into a personal claim against the town. The amount of such claim shall not exceed the actual value of the immovable on the date of the judgment ordering the putting into definitive possession, after expenses incurred in respect of the immovable are deducted. The claim has the same rank as the real right that it replaces.

Prescription

The personal claim is prescribed by 30 years from the date of registration of the judgment ordering the putting into definitive possession.

Redemption

6. At any time before the judgment ordering the putting into definitive possession, the owner by registered title or his assigns may redeem the immovable by paying to the clerk of the town the municipal real estate taxes and school taxes imposed on the immovable and the expenses incurred by the town in respect of the immovable. Any interested person may redeem the immovable in the same manner, but only in the name and for the benefit of the owner. Sections 532 to 535 of the Cities and Towns Act (R.S.Q., chapter C-19), adapted as required, apply to the redemption of the immovable.

Sufficient
designation

7. Notwithstanding article 2168 of the Civil Code, in any document drafted with a view to acquiring provisional possession of an immovable under this Act, a designation of the immovable that is similar to that appearing in the deed of purchase of the owner by registered title is deemed sufficient for the purpose of transferring the right of possession of the immovable from the owner to the town. The same applies in the case where the owner by registered title has alienated parts of a lot, if the document mentions that it concerns the remainder of the lot or the part of lot acquired by such person.

Powers of
the town

8. The town may hold, lease and manage the immovables possessed or acquired under this Act. It may also carry out on such immovables any work required to permit the cultivation of the soil and the raising of crops.

Alienation

The town may alienate the immovables acquired under this Act. The price of alienation must be sufficient to cover expenses incurred in respect of the immovables. However, the Minister of Municipal Affairs may authorize the town to alienate them for a lower price or gratuitously.

Presumption

9. An immovable situated in the territories referred to in section 1 of this Act and which the town has acquired or acquires under section 536 of the Cities and Towns Act is deemed to have been or to be acquired under section 1 of this Act. At the time of the sale, the town may bid up to the amount of the standardized assessment.

Coming into
force

10. This Act comes into force on 19 March 1991.