

1990, chapter 33

**AN ACT RESPECTING THE BUILDING OF A SECTION
OF HIGHWAY 30 BETWEEN CHÂTEAUGUAY AND
SAINTE-CATHERINE**

Bill 82

Introduced by Mr Yvon Vallières, Minister for Transport

Introduced 30 August 1990

Passage in principle 30 August 1990

Passage 30 August 1990

Assented to 30 August 1990

Coming into force: 30 August 1990

Act amended: None



CHAPTER 33

An Act respecting the building of a section of Highway 30 between Châteauguay and Sainte-Catherine

[Assented to 30 August 1990]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Powers
of the
Minister

1. The Minister of Transport is authorized to build or cause to be built a section of Highway 30 linking Highway 138 in Châteauguay and Highway 132 in Sainte-Catherine and may exercise, in respect of that section of highway, the powers listed in paragraphs 1 to 5 of section 10 of the Roads Act (R.S.Q., chapter V-8).

Acquisition

2. The Minister may acquire, by agreement or expropriation, even without the authorization of the Government,

(1) any immovable or immovable real right, including the servitudes referred to in section 12 of the Roads Act, which he deems necessary for the building of the section of Highway 30 or for the exercise, in respect of that section of highway, of the powers listed in paragraphs 4 and 5 of section 10 of the said Act, the re-establishment of the situation of divided land, the removal of constructions or the reduction of the cost of acquisition of the site;

(2) any immovable or immovable real right which he deems necessary for the relocation of electric power transmission or distribution lines, transformer stations or other equipment belonging to Hydro-Québec and situated on or near the section of highway to be built;

(3) any immovable situated between the section to be built and the reserve of Kahnawake, and any real right affecting such an immovable.

Movables The acquisition by agreement or expropriation may affect movable property where such property is an accessory to the immovable to be acquired.

Transfer, lease or exchange **3.** The Minister may transfer, lease or exchange any property built, established or acquired under section 1 or 2 or dispose thereof in the manner he deems appropriate; he shall, however, put any property acquired under subparagraph 2 of the first paragraph of section 2 at the disposal of Hydro-Québec on the conditions determined by the Government.

Expropriation without notice **4.** Sections 5 to 12 apply to any expropriation authorized by this Act and in respect of which no notice of expropriation has been served pursuant to section 40 of the Expropriation Act (R.S.Q., chapter E-24) before 30 August 1990.

Provision not applicable Unless otherwise provided in this Act, Title II of the Expropriation Act does not apply to such an expropriation.

Deposit of plan **5.** Expropriation commences by the deposit, in the registry office for the registration division in which the immovables and immovable real rights to be expropriated are situated, of a general plan of such property signed by a land surveyor. The plan must be accompanied with a summary description and an overall assessment of the immovables and immovable real rights to be expropriated.

Description The summary description shall indicate the numbers of the lots in respect of which rights are acquired by expropriation, the nature of those rights and the area affected by the expropriation.

Modification The Minister may modify the deposited plan and descriptions at any time; however, after the transfer of title to a property, he shall not withdraw the documents, or part thereof, deposited in respect of that property, or otherwise modify them.

Filing A copy of every document deposited in the registry office shall be filed in the Expropriation Division of the Court of Québec.

Provisional indemnity **6.** The Minister shall deposit, on behalf of the expropriated party, in the office of the Superior Court of the district in which the immovable or immovable real right to be expropriated is situated, a provisional indemnity of not less than 70 % of the municipal assessment of the property or, if the Minister deems it expedient, of not less than 70 % of the assessment made by him.

Receipt The prothonotary of the Superior Court shall issue to the Minister a receipt for the deposit of the provisional indemnity; the receipt shall

mention the lot number corresponding to the deposit of the indemnity and the name of the expropriated party on behalf of whom the deposit was made. The prothonotary shall, in addition, carry out the requirements of the first paragraph of section 53.15 of the Expropriation Act.

Notice

7. The Minister shall transmit a notice of the expropriation proceedings to the expropriated party by registered or certified mail or by the means he considers most appropriate; such notice shall set out

(1) the rules provided in section 8 with regard to transfer of title;

(2) a request that the expropriated party state in writing to the Minister the names and addresses of his lessees, the nature, date and term of, and rent for, each lease and the names and addresses of the occupants in good faith and the conditions on which they occupy the premises.

Ownership

8. The Crown in right of Québec shall become the owner of the expropriated property by registration by deposit, in the registry office for the registration division in which the property is situated, of the receipt for the deposit of the provisional indemnity, and the possession of such property shall be devolved forthwith on the Minister.

Provisions applicable

In case of resistance to the taking of possession, section 56 of the Expropriation Act applies.

Lessee or occupant

9. The Minister shall, within 30 days of receiving a notice informing him that a lessee or occupant in good faith occupies the expropriated property, deposit, on behalf of the latter, in the office of the Superior Court of the district in which the property is situated, a lump sum equivalent to three months' rent according to the rental value assessment of the expropriated property made by the Minister, to which an amount fixed by the Minister may be added in the case of an agricultural operation, a business or an industrial concern.

Real rights

10. Where the expropriated property is affected by registered real rights, such real rights shall be discharged by registration of the receipt for the deposit of the provisional indemnity, as shall be actions in dissolution, in revendication and other real actions, which shall be converted into personal claims against the expropriated party.

Resolutive clause extinguished

The effects of any forfeiture of term clause, including a giving in payment clause and a resolutive clause, are extinguished by registration of the receipt for deposit.

Provisional indemnity The registrar is required to cancel the rights so discharged. The prothonotary shall distribute the provisional indemnity in the manner prescribed in section 53.15 of the Expropriation Act, and section 53.16 of the said Act applies to this distribution.

Fixing of indemnity **11.** Failing agreement on the final indemnity, the Minister or the expropriated party may apply to the Expropriation Division to have the indemnity fixed.

Application by lessee or occupant A lessee or occupant in good faith of an expropriated property may apply to the Expropriation Division for the fixing of the indemnity owed to him by reason of damage directly resulting from the expropriation.

Provisions applicable Sections 58, 59, 64, 67, 67.1 and 68 of the Expropriation Act, adapted as required, apply to the fixing of the indemnity; for the purposes of section 64, the reservation contained therein is a reservation with respect to the provisions of sections 4 to 12 of this Act; for the purposes of section 67.1, the expression "notice of expropriation" designates the notice provided for in section 7 of this Act.

Provisional indemnity **12.** If the deposit of the provisional indemnity was not sufficient to discharge the debts secured by real rights registered before registration of the receipt for this deposit, the Minister may deposit the balance of the indemnity in the office of the Superior Court; in such case, the prothonotary shall continue the distribution in the manner prescribed in section 53.15 of the Expropriation Act.

Interpretation **13.** For the purposes of application of the provisions of the Civil Code of Lower Canada with respect to expropriations made under sections 5 to 12 of this Act, a reference to the Expropriation Act is a reference to this Act.

Provisions not applicable **14.** The Act respecting land use planning and development (R.S.Q., chapter A-19.1) does not apply to interventions of the Government or of the Minister of Transport, within the meaning of section 149 of the said Act, which result from the carrying out of this Act. The same applies to interventions of Hydro-Québec relating to the relocation of electric power transmission or distribution lines, transformer stations or other equipment, as referred to in subparagraph 2 of the first paragraph of section 2.

Provisions not applicable **15.** The Act to preserve agricultural land (R.S.Q., chapter P-41.1) does not apply to alienations in favour of the Crown in right of Québec or in favour of Hydro-Québec, to subdivisions, to the use of property for purposes other than agriculture or to other acts

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otherwise governed by the said Act, if they are performed in view of the carrying out of works or constructions referred to in this Act, including those relating to the relocation of electric power transmission or distribution lines, transformer stations or other equipment, or if they result from the carrying out of such works or constructions.

Provisions not applicable **16.** The Environment Quality Act (R.S.Q., chapter Q-2) does not apply to works and constructions referred to in this Act, including those relating to the relocation of electric power transmission or distribution lines, transformer stations or other equipment.

Retroactive effect **17.** Sections 1 to 3, 15 and 16 have effect from 30 August 1989.

Coming into force **18.** This Act comes into force on 30 August 1990.