

NATIONAL ASSEMBLY
Thirty-third Legislature, second session

1989, chapter 107

**AN ACT RESPECTING THE INSTITUTION
MONSEIGNEUR GUAY AND THE ROMAN CATHOLIC
ARCHBISHOP OF QUÉBEC**

Bill 282

Introduced by Mr Jean Leclerc, Member for Taschereau

Introduced 5 June 1989

Passage in principle 21 June 1989

Passage 21 June 1989

Assented to 22 June 1989

Coming into force: 22 June 1989

Act amended: None





CHAPTER 107

An Act respecting the Institution Monseigneur Guay and the Roman Catholic Archbishop of Québec

[Assented to 22 June 1989]

Preamble WHEREAS, by a notarial deed of transfer executed on 18 October 1988 and registered at the registry office of the registration division of Lévis under number 325275, the Institution Monseigneur Guay transferred to His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec (hereinafter called “Archbishop Vachon”) its immovable property, to wit, the immovables described in Schedules A and B;

Whereas the Institution Monseigneur Guay also transferred its movable property to Archbishop Vachon;

Whereas the said property was transferred within a context described in greater detail in the Act respecting the Institution Monseigneur Guay and La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi (1989, chapter 106) and, in particular, in pursuance of the clause reproduced in Schedule C and contained in the deed registered at the registry office of the registration division of Lévis under number 39839;

Whereas Archbishop Vachon was, despite much effort, unable to find another religious community which would continue to maintain a charitable institution on the immovables described in Schedules A and B;

Whereas in practice, the powers conferred on Archbishop Vachon under the clause reproduced in Schedule C have been exercised by the Roman Catholic Archbishop of Québec, a corporation governed by the Roman Catholic Bishops Act (R.S.Q., chapter E-17) and it is

therefore expedient that the situation be officialized and that the Roman Catholic Archbishop of Québec exercise the powers conferred on Archbishop L.N. Bégin, Archbishop of Québec, or his successors under the clause reproduced in Schedule C;

Whereas the immovables described in Schedules A and B are situated in the territory of the town of Lauzon, whereas the town has passed a by-law under the authority of the Act to authorize municipalities to collect duties on transfers of immoveables (R.S.Q., chapter M-39), whereas the said immovables are subject to the trust established by the deed registered at the registry office of the registration division of Lévis under number 39839 and are to remain subject thereto after 22 June 1989, whereas the transfer of the immovables by Archbishop Vachon to the Roman Catholic Archbishop of Québec is thus somewhat similar to the situation described in paragraph *c* of section 20 of the Act to authorize municipalities to collect duties on transfers of immoveables and whereas it is consequently fitting that no transfer duties be exigible upon the transfer of the immovables described in Schedules A and B by Archbishop Vachon to the Roman Catholic Archbishop of Québec;

Whereas included in the property transferred by the Institution Monseigneur Guay to Archbishop Vachon are various objects intended for liturgical purposes and it is appropriate that the Roman Catholic Archbishop of Québec be allowed to keep them in full ownership;

Whereas the manner of disposing of the property of the Institution Monseigneur Guay, stipulated in the clause reproduced in Schedule C, is not necessarily the most appropriate in the current circumstances;

Whereas it is just and reasonable that the Roman Catholic Archbishop of Québec be allowed to reimburse the Institution Monseigneur Guay or La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi, out of proceeds of the sale of the property of the Institution Monseigneur Guay, for expenses incurred in administering and preserving the property for the period extending from 9 March 1987 to 18 October 1988 and that he be allowed to reimburse himself for expenses incurred in administering, preserving and disposing of the property for the period subsequent to 18 October 1988, for the fees and costs of his attorneys which he assumed for his own account and for the account of Archbishop Vachon as well as for the fees paid for the passage of this Act, the obtaining of a certified copy thereof and the registration of that document;

Whereas the clause reproduced in Schedule C entrusts the administration of the proceeds of the sale to the Séminaire de Québec, but does not provide that the latter may receive remuneration;

Whereas the Séminaire de Québec renounced the responsibility imposed on it by the said clause and whereas the Roman Catholic Archbishop of Québec is willing to assume the responsibility but considers it expedient that his powers be defined as regards the administration and disposition of the proceeds of the sale and of the income yielded by the proceeds;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Cancellation
of clause

1. The clause contained in the deed of transfer registered at the registry office of the registration division of Lévis under number 39839 and reproduced in Schedule C is hereby cancelled.

Transfer of
immovables

2. The immovables described in Schedules A and B, transferred to His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec (hereinafter called "Archbishop Vachon"), by a notarial deed of transfer executed on 18 October 1988 and registered at the registry office of the registration division of Lévis under number 325275, are transferred by operation of law to the Roman Catholic Archbishop of Québec.

Transfer of
movable
property

The same applies to the movable property transferred by the Institution Monseigneur Guay to Archbishop Vachon.

Exemption

The transfer of immovables under this section is exempt from the payment of transfer duties under the by-law of the town of Lauzon passed under the authority of the Act to authorize municipalities to collect duties on transfers of immoveables (R.S.Q., chapter M-39).

Exemption

Archbishop Vachon is exempt from any obligation to render an account to the Roman Catholic Archbishop of Québec in respect of the movable or immovable property transferred under this section.

Property
intended for
liturgical
purposes

3. The Roman Catholic Archbishop of Québec may withhold, in full ownership, from the property transferred to him under section 2, all or part of the property intended for liturgical purposes.

Residue of
property
transferred

The Roman Catholic Archbishop of Québec shall, with all possible dispatch, sell the residue of the property transferred to him under section 2, separately or as a whole, directly or through remunerated mandataries, for such prices and on such terms and conditions as he may consider appropriate.

Reimburse-
ment

4. The Roman Catholic Archbishop of Québec is authorized to reimburse, out of the proceeds of the sale of the property contemplated by the second paragraph of section 3,

(1) La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi for the sums of money allocated by that congregation or by the Institution Monseigneur Guay to the administration and preservation of the property of the Institution Monseigneur Guay for the period extending from 9 March 1987 to 18 October 1988;

(2) himself for expenses incurred in taking possession of the property transferred by the Institution Monseigneur Guay, including the fees and costs paid to the notary who executed the deed registered under number 325275;

(3) himself for expenses incurred in administering and preserving the property transferred by the Institution Monseigneur Guay and in alienating the property he is required to alienate;

(4) himself for the fees paid for the passage of this Act, the obtaining of a certified copy thereof and the registration of that document.

Reimburse-
ment

5. The Roman Catholic Archbishop of Québec may reimburse La Congrégation des Soeurs de Notre-Dame du Bon Conseil de Chicoutimi for all or part of the expense referred to in paragraph 1 of section 4 before disposing of the property he is required to alienate under the second paragraph of section 3.

Reimburse-
ment

In such a case, he is authorized to reimburse himself out of the proceeds of the sale of the property for the sums thus paid.

Residue of
proceeds
of sale

6. After making the reimbursements provided for in sections 4 and 5, the Roman Catholic Archbishop of Québec shall invest the residue of the proceeds of the sale of the property contemplated by the second paragraph of section 3 and use the income therefrom to support the poor of the parish of Saint-Joseph de Lévis, as the parish existed on 29 December 1901, which is the date of execution of the deed registered at the registry office of the registration division of Lévis under number 39839.

Administra-
tion
of capital
of trust

7. The Roman Catholic Archbishop of Québec may entrust the administration of all or part of the capital of the trust contemplated by this Act to one or more trust companies governed by the Act respecting trust companies and savings companies (1987, chapter 95) and make an agreement with them as to reasonable remuneration.

Compensation

Where he administers all or part of the capital of the trust himself, he is entitled to a maximum compensation of 3.5% per year of the income derived from the property under his administration.

Distribution of income

8. The Roman Catholic Archbishop of Québec may entrust the distribution of the income derived from the capital of the trust to fabriques, religious corporations, whether or not they are established under the Religious Corporations Act (R.S.Q., chapter C-71), or to non-profit organizations, whether or not they are legal persons.

Application for incorporation

To distribute the said income, he may also apply for the incorporation of a corporation in accordance with Part III of the Companies Act (R.S.Q., chapter C-38) or with the Roman Catholic Bishops Act (R.S.Q., chapter E-17).

Insufficient income

9. If the income derived from the capital of the trust contemplated by this Act is less than \$20 000 and there is no reasonable hope of improvement in the near future, the Roman Catholic Archbishop of Québec is authorized to encroach upon the capital and to distribute all or part thereof in accordance with sections 6 and 8 until the capital is depleted.

Adjustment

The figure \$20 000 shall, at the time prescribed under section 119 of the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9), be adjusted annually according to the rate of increase in the Pension Index determined by the said Act.

Registration

10. Registration of a true copy of this Act shall be made by deposit.

Cancellation of registration

On effecting the registration, the registrar shall cancel the registration of the clause contained in the deed registered at the registry office of the registration division of Lévis under number 39839 and reproduced in Schedule C with respect to the immovables described in Schedules A and B.

Coming into force

11. This Act comes into force on 22 June 1989.

Effect

Notwithstanding the foregoing, section 2 has effect from 18 October 1988.

SCHEDULE A

(Sections 2 and 10)

Description of an immovable contemplated by the deed of transfer between the Institution Monseigneur Guay, transferor, and His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec, transferee, registered at the registry office of the registration division of Lévis under number 325275

Lot 1 of the subdivision of lot 3 of the subdivision of the original lot 16 (16-3-1) of the cadastre for the parish of Saint-Joseph, registration division of Lévis.

SCHEDULE B

(Sections 2 and 10)

Description of an immovable contemplated by the deed of transfer between the Institution Monseigneur Guay, transferor, and His Eminence Louis-Albert Cardinal Vachon, Archbishop of Québec, transferee, registered at the registry office of the registration division of Lévis under number 325275

Lot 1 of the subdivision of lot 3 of the subdivision of the original lot 15 (15-3-1) of the cadastre for the parish of Saint-Joseph, registration division of Lévis.

SCHEDULE C

(Sections 1 and 10)

Clause contained in the deed of transfer registered at the registry office of the registration division of Lévis under number 39839
(TRANSLATION)

“(8) (...) However, if Monsignor Charles Guay were dead at that time, all the property would be entrusted to Archbishop L.N. Bégin, Archbishop of Québec, or to his successors who would entrust it to other nuns charged with pursuing the work. If, for the second time, the said hospital did not succeed, all movable and immovable property then forming part thereof would be sold by two persons appointed by the aforementioned Archbishop of Québec or his successors, and the proceeds of the sale would be capitalized and deposited with the

Séminaire de Québec, and the annual interest on the capital would be used to support the poor of the parish of Saint-Joseph de Lévis.”