

NATIONAL ASSEMBLY
Thirty-third Legislature, first session

1987, chapter 76

**AN ACT TO AMEND THE ACT RESPECTING
THE LANDS IN THE PUBLIC DOMAIN**

Bill 84

Introduced by Mr John Ciaccia, Minister of Energy and Resources

Introduced 12 November 1987

Passage in principle 3 December 1987

Passage 15 December 1987

Assented to 17 December 1987

Coming into force: 17 December 1987

Act amended:

Act respecting the lands in the public domain (1987, chapter 23)



CHAPTER 76

An Act to amend the Act respecting the lands in the public domain

[Assented to 17 December 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1987, c. 23,
s. 26, am.

1. Section 26 of the Act respecting the lands in the public domain (1987, chapter 23) is amended by replacing the words “, leases or occupation licences” in the fifth line of the first paragraph by the words “or leases”.

1987, c. 23,
s. 35.1,
added

2. The said Act is amended by inserting, after section 35, the following section:

Amendment
or waiver of
restrictive
clause

“35.1 Where a sale is subject to a restrictive clause, the Minister may, at the request of the purchaser or of his assigns, amend the clause or waive it on such conditions and for such price as he may determine.”

1987, c. 23,
s. 43,
replaced

3. Section 43 of the said Act is replaced by the following sections:

Amendment
or rectifica-
tion without
cancellation

“43. The Minister may amend or rectify letters patent where, in his opinion, the amendments or rectifications that are sought may be made without cancelling the letters patent.

Amend-
ment, rec-
tification or
cancellation

“43.1 The Minister shall inform the Registrar of Québec of any amendment, rectification or cancellation of letters patent so that he may enter it opposite their registration.”

1987, c. 23,
s. 45, am.

4. Section 45 of the said Act is amended by replacing the fourth paragraph by the following paragraph:

Sales or transfer of lands, after 17 December 1987

“Sales or transfers of lands granted after 17 December 1987 are no longer subject to the reserve, in full ownership in favour of Québec, of sixty metres in depth of the lands bordering on all the rivers and all the lakes of Québec.”

1987, c. 23, ss. 45.1-45.6, added

5. The said Act is amended by inserting, after section 45, the following sections:

Devolution of reserve

“45.1 The reserve resulting from the application of the first three paragraphs of section 45 and forming part of the public domain on 17 December 1987 shall, from that date, devolve, free of charge and in full ownership, to the holder of the original title of the grant affected by the reserve or to his assigns.

Devolution of reserve

Where letters patent are issued in respect of land pursuant to Division IV of Chapter III of the Act respecting public agricultural lands (R.S.Q., chapter T-9.1) after 17 December 1987 the reserve affecting the land shall devolve, free of charge, to the holder of the letters patent from their date of issue.

Applicability

This section does not apply in the cases provided for in section 45.2.

Reserve to remain in the public domain

“45.2 Until the reserve resulting from the application of the first three paragraphs of section 45 is disposed of in accordance with section 45.3, it shall remain in the public domain in the following cases:

(1) if it is subject, in whole or in part, to a lease made pursuant to the Lands and Forests Act (R.S.Q., chapter T-9) with a person other than a person contemplated by section 45.1;

(2) if it is used, in whole or in part, for public purposes by a department, a public body or a municipality, or is subject to a right of occupation or use, including road purposes, under a title, permit, servitude or authorization granted or issued, in favour of a person other than a person contemplated by section 45.1, pursuant to an Act, a decree or an order;

(3) if it affects a land referred to in Schedule I;

(4) if it is occupied, in whole or in part, on 12 November 1987 by a person, other than a person contemplated by section 45.1, who is eligible for the granting of a title under Order 1279-85 of 26 June 1985, as amended by Order 1417-86 of 17 September 1986.

Sale, transfer, lease or exchange of reserve

“45.3 The Minister may sell, transfer gratuitously, lease or exchange all or part of the reserve remaining in the public domain on

such conditions and for such price as he may determine in accordance with the regulations of the Government to that effect.

Granting of rights

The Minister may grant rights in the reserve in the same manner.

Pedestrian right of way

“**45.4** Where affected by the reserve on 12 November 1987, the lands listed in Schedule II and those bordering on parts of rivers also listed in Schedule II are subject to a pedestrian right of way, in favour of the public, over a strip of land 10 metres in depth from the edge of the river.

Exception

The Minister may, by order, exempt certain lands from the application of this section; the order shall take effect on the date of its publication in the *Gazette officielle du Québec*.

Right of way

“**45.5** Where land is separated from a stretch of water solely by a reserve and where the owner no longer has access to the stretch of water by such reserve owing to the devolution pursuant to section 45.1, the reserve shall be subject to a right of way in favour of the land.

Agreement on the site of the servitude

To enjoy the benefit of that right, the owner of the land must enter into an agreement with the person to whom the reserve has devolved as to the site of the servitude following a request to that effect; the request must be made not later than 17 December 1989 or, in the cases provided for in the second paragraph of section 45.1, within two years of the date of issue of the letters patent.

Registration

If an agreement is reached by the parties, the act recognizing the servitude shall be registered in the registry office of the registration division in which the reserve is situated.

Order

Failing an agreement and on an application by either of the parties, the Minister shall, by order, establish the site of the servitude upon that part of the reserve where it will be least injurious.

Prior notice to parties

Before rendering his decision, the Minister shall notify the parties, by certified mail, of his intention; the parties may make representations within the time indicated in the notice to the representative of the Minister identified in the notice.

Registration of order

The order shall be registered by deposit, at the expense of the beneficiary of the servitude, at the registry office of the registration division in which the reserve is situated.

Costs

The costs of establishing and maintaining the site of the servitude shall be payable by the beneficiary of the servitude.

Attestation
of devolu-
tion

“45.6 The Minister may issue to any person applying therefor an attestation that the reserve affecting any land has devolved pursuant to section 45.1. Section 45.2 is deemed to have never applied to a reserve forming the subject of an attestation.

Registration
of attesta-
tion

The attestation may be registered by deposit at the registry office of the registration division in which the reserve is situated, in which case it is not subject to the formalities prescribed in the fifth paragraph of article 2131 of the Civil Code.

Fee

The Government may, by regulation, fix the fee exigible for the issuance of an attestation.”

1987, c. 23,
s. 50, am.

6. Section 50 of the said Act is amended by inserting, at the end of the second paragraph, the following sentence: “Such a licence is not registered in the register instituted under section 26.”

1987, c. 23,
s. 66, am.

7. Section 66 of the said Act is amended by inserting the words “or from the date on which it is mailed where no publication is required” after the word “publication” in the second line of the third paragraph.

1987, c. 23,
s. 71, am.

8. Section 71 of the said Act is amended by replacing the words “and occupation licences” in the third line of subparagraph 3 of the first paragraph, by the words “, occupation licences, any attestation issued pursuant to section 45.6 and the granting of any other right”.

1987, c. 23,
s. 72, am.

9. Section 72 of the said Act is amended by replacing the words “lease or occupation licence” in the third line of the first paragraph, by the words “or lease”.

1987, c. 23,
Schedules I
and II,
added

10. The said Act is amended by adding, at the end, the following schedules:

“SCHEDULE I

LANDS AFFECTED UNDER SECTION 45.2 PARAGRAPH 3

(Original survey)

TOWNSHIP	RANGE	LOT
Antoine	I	25
Arago	I	23

TOWNSHIP	RANGE	LOT
Arundel	V	21
	VI	24
	VII	23
Boyer	VI	25
Callière	Bloc B	—
Campbell	I	16
	II	22
	III	17
	Sud-Est	40
Cranbourne	XI	39
De Calonne	Caché	2 to 4
	IV	22
Décarie	IX	24
De Sales	E	4
Dudley	VIII	41
Forsyth	V	4
Grandison	III	26
Gravel	II	2
Joliette	III	19
Joly	F	38
	i	25
	M	28, 29, A, B and C
La Minerve	IX	15 and 16
Loranger	VI	47
	VII	52

TOWNSHIP	RANGE	LOT
Marchand	S.-O. Riv. Rouge	23
	N. Riv. Macaza	7 and 12
	D	9
Marston	VI	22 (east bank)
	X	7
Mékinac	III	20
Metgermette-Sud	IX	12 and 14
Montigny	N. Ch. Chapleau	33
Moreau	IV	23
	V	19
	VI	16
Pelletier	V	1
	Rivière aux Rats	19
Pérodeau	II	7
	V	6
Pope	II	30
	III	12
Robertson	V	39
	VII	22
	VIII	50 and 58
	XIII	55
Rochon	VII	27
Simard	IX	81, 82 and 83
Wolfe	X	44
	XI	26 and 35

"SCHEDULE II

LANDS SUBJECT TO A RIGHT OF WAY UNDER SECTION 45.4

(Original survey)

TOWNSHIP	RANGE	LOT
Alleyn	VI	9
	VII	5
Alton	V	3
Belleau	I	34 and 38
Bourgeois	Sud-Est	5 and 6
Chavigny	III N.-E.	13
Cranbourne	III	29 and 30
De Calonne	I	2 to 6, 11 to 14, 16 to 19, 31 to 33, 36 and 37
	II	3
Desaulniers	I	1
Ditton	III	34 and 35
Dumas	I-E (Petit Saguenay)	1 to 9, 12 to 14 and 47 to 51
	I-O (Petit Saguenay)	4 to 6, 14, 49 and 50
Emberton	II	11 and 12
	III	12 to 14
Ham-Nord	III	5
	IV	5, 6 and 22 to 24
	X	20 to 25
	A N-E	3 and 4
Hartwell	II	4, 5 W part and 9

TOWNSHIP	RANGE	LOT
Lambton	VII VIII	26 to 31 26
Langelier	Ouest Est	2 to 9, 12 to 15, 17 to 55 and 57 to 67 1 to 3, 7, 8, 14 to 17, 19 to 21, 23 to 45, 47 to 60, 67 to 74, 79 and 80
Lingwick	K i	30 and 32 30 and 31
Marlow	I II	15 14 and 15
Marston	IX X	17 and 18 8 and 17 to 19
Matane	VIII X XI XII Rivière Matane	1 and 2 2 and 3 1 1 6 to 18
Mékinac	III	5 and 6
Ponsonby	III VI VII	North half 22 to 25 20 19 and 20
Preston	III IV	21 and 33 33 and 34
Spalding	I	27 to 37
Stratford	VI	2, 3 and 4
Tessier	V VI VII Nord-Est Riv. Matane Sud-Ouest Riv. Matane	1 1 to 5, 7, 8 and 9 4 to 10 1 to 30, 32, 35 and 37 to 43 1, 2, 4 to 17, 19 and 23 to 40

TOWNSHIP	RANGE	LOT
Whitton	V N.-E.	32 to 36
Winslow	I S.-E.	21 to 23
	II S.-E.	20 and 21
	II N.-O.	22 to 25
	III S.-E.	19 and 20
	III N.-O.	25 to 27
	IV S.-E. (east part)	16 and 19
	V S.-E. (east part)	26 to 29
Woburn	V Bloc A	4 to 7 and 16 to 29 —

OUANANICHE AND SALMON RIVERS

TOWNSHIP	RIVER
Ashuapmouchouan	À l'Ours
Bagot	À Mars
Dalmas	Petite-Péribonka
De Meulles	Aux Saumons
Dolbeau	Petite-Péribonka
Dufferin	Pémonca Aux Saumons
Girard	Ouasiemsca
Metabetchouan	Metabetchouan
Ouiatchouan	Ouiatchouaniche
Roberval	Ouiatchouaniche

SALMON RIVERS

REGIONAL COUNTY MUNICIPALITY	RIVER
Avignon	Assemetquagan Millstream Patapédia Ristigouche
Bonaventure	Bonaventure Bonaventure-Ouest Cascapédia Garin Mourier Petite-Cascapédia Petite-Cascapédia-Est Petite-Cascapédia-Ouest Petite-Port-Daniel Port-Daniel Reboul
Pabok	Grand-Pabos Grand-Pabos-Ouest Grande-Rivière Malbaie Petit-Pabos Saint-Jean-Sud
Côte-de-Gaspé	Darmouth Madeleine Saint-Jean Saint-Jean-Sud York
Denis-Riverin	Bonaventure Cap-Chat Madeleine Petite-Cascapédia-Est Petite-Cascapédia-Ouest Sainte-Anne Sainte-Anne-Nord-Est
Matane	Cap-Chat Cascapédia Pineault Petite-Matane

REGIONAL COUNTY MUNICIPALITY	RIVER
Matapédia	Cascapédia Causapscal Matapédia Pineault Ristigouche
Mitis	Keg Mestigouèche Mitis Patapédia
Rimouski-Neigette	Kedgwick Keg Murray Quigley Rimouski Sud-Ouest
Fjord-du-Saguenay	Saint-Jean Sainte-Marguerite
Les Basques	Sud-Ouest
Kamouraska	Ouelle
L'Islet	Ouelle
Charlevoix	Du Gouffre
Charlevoix-Est	Du Gouffre
Minganie	Aguanus Au Bouleau Au Saumon Chécatica Coacoachou Corneille Coxipi Etamaniou Gros Mécatina Jupitagon Kégashka Magpie

REGIONAL COUNTY MUNICIPALITY	RIVER
	Mingan
	Musquanousse
	Musquaro
	Nabisipi
	Napetipi
	Natashquan
	Nétagamiou
	Olamane
	Petite-Mécatina
	Petit-Watshishou
	Piashti
	Romaine
	Saint-Augustin
	Saint-Augustin-Nord-Ouest
	Saint-Jean
	Saint-Paul
	Sheldrake
	Vieux-Fort
	Washicouta
	Watshishou
Sept-Rivières	Au Bouleau
	Aux Roches
	De la Petite-Trinité
	De la Trinité
	Du Calumet
	Matamec
	Moisie
	Pigou
Manicouagan	Betsiamites
	De la Petite-Trinité
	Des Anglais
	Franquelin
	Godbout
	Mistassini
Haute-Côte-Nord	Betsiamites
	Des Escourains
	Laval
	Sainte-Marguerite

REGIONAL COUNTY MUNICIPALITY	RIVER
Municipality of the North Shore of the Gulf of St. Lawrence	À la Baleine
	Brador
	Chécatica
	Coacoachou
	Coxipi
	Darby
	Des Belles Amours
	Etamaniou
	Gros Mécatina
	Kégashka
	Musquanousse
	Musquaro
	Napetipi
	Natashquan
	Nétagamiou
	Olamane
	Petit-Mécatina
	Ruisseau-au-Saumon
	Saint-Augustin
	Saint-Augustin-Nord-Ouest
Saint-Paul	
Vieux-Fort	
Washicoutai''	

Coming into
force

11. This Act comes into force on 17 December 1987.