

NATIONAL ASSEMBLY
Thirty-third Legislature, first session

1987, chapter 133

**AN ACT RESPECTING CERTAIN IMMOVABLES
OF THE CADASTRE OF THE PARISH OF
SAINT-AMBROISE-DE-LA-JEUNE-LORETTE**

Bill 214

Introduced by Mr Rémy Poulin, Member for Chauveau

Introduced 3 June 1987

Passage in principle 23 June 1987

Passage 23 June 1987

Assented to 23 June 1987

Coming into force: 23 June 1987

Act amended: None



Éditeur officiel
Québec



CHAPTER 133

An Act respecting certain immovables of the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette

[Assented to 23 June 1987]

Preamble

WHEREAS, by a deed registered on 15 April 1980 at the registry office of the registration division of Québec under number 980 368, the Caisse populaire de Saint-François-d'Assise lent a sum of money and whereas an immovable then described as being composed of parts of lot 1027 of the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette was hypothecated to secure repayment of the loan;

Whereas, following the approval of subdivision plans on 11 November 1980 and 7 August 1981 and the observance of the other formalities prescribed by law, certain parts of the immovable hypothecated in 1980 are now designated as being lots 28 to 59 of the subdivision of lot 1027;

Whereas lots 28, 29, 50, 51, 55, 56 and 57 of the subdivision of lot 1027 have been disposed of in favour of third persons by deeds registered between 6 August 1981 and 24 February 1983; whereas the Caisse populaire de Saint-François-d'Assise had granted discharge of the hypothec on all those lots, except lot 55, by deeds registered before the issue of the writ of execution and whereas discharge of the hypothec on lot 55 was granted by a deed registered on 19 February 1985;

Whereas the Caisse populaire de Saint-François-d'Assise brought a hypothecary action to recover the sum lent in 1980 (no. 200-05-004213-828 in the records of the Superior Court for the

district of Québec), whereas the judgment ruled in its favour, and a writ of execution against the immovable hypothecated in 1980 was issued on 27 September 1983 and entered in the index of immovables in respect of lot 1027 under number 10579, and whereas the immovable was sold by judicial sale on 17 September 1984 and awarded to the town of Loretteville;

Whereas, in the writ of execution, in the notice of sale by sheriff and in the deed of sale by sheriff registered at the registry office of the registration division of Québec under number 1 126 449, the immovable concerned was described without account being taken of the subdivision plans or of the discharge of the hypothec on certain lots of the subdivision;

Whereas the town of Loretteville makes no pretension to the effect that the deed of sale by sheriff transferred to it any right in respect of lots 28, 29, 50, 51, 55, 56 and 57 of the subdivision of lot 1027 and whereas, furthermore, no mention of the deed was made in the index of immovables in respect of those lots;

Whereas doubts could be raised in respect of the title of the town of Loretteville to the immovables described in the schedule by reason of the price paid for the immovables in consideration of the maximum amount authorized by law and in respect of the town's right to retain the immovables for more than one year after the acquisition without the authorization of the Minister of Municipal Affairs;

Whereas the town has disposed of lots 52 to 54 of the subdivision of lot 1027 by a deed registered on 9 July 1985 but is still the owner of the other lots described in the schedule;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Title

1. The title of the town of Loretteville, or its representatives, to the immovables described in the schedule cannot be contested on the ground that, in the deed of sale by sheriff registered at the registry office of the registration division of Québec under number 1 126 449, in the writ of execution and in the notice of sale by sheriff that had preceded it, the immovables were described in the same manner as in the deed registered at the registry office of the said registration division under number 980 368 and, consequently, without account being taken of the subdivision plans approved on 11 November 1980 and 7 August 1981, respectively, or of the fact that, before the issue of the writ of execution, the hypothecary creditor had granted a discharge

of hypothec in respect of lots 28, 29, 50, 51, 56 and 57 of the subdivision of lot 1027 of the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette, or of the fact that the said lots of the subdivision of lot 1027 had been disposed of in favour of a third person.

Title **2.** The title of the town of Loretteville, or its representatives, to the immovables described in the schedule cannot be contested on the ground that the town of Loretteville has acquired them at a judicial sale for an amount that exceeded the total amount of taxes in principal, interest and costs, plus an amount sufficient to pay any privileged debt ranking ahead of or equally with municipal taxes.

Title **3.** The title of the town of Loretteville, or its representatives, to the immovables described in the schedule, other than lots 52 to 54, cannot be contested on the ground that more than one year has elapsed since the acquisition and that the town of Loretteville has not applied to the Minister of Municipal Affairs for the authorization to keep the immovables beyond that time.

Transfer of rights **4.** The deed of sale by sheriff is deemed not to have transferred any right to the town of Loretteville in respect of lots 28, 29, 50, 51, 55, 56 and 57 of the subdivision of lot 1027 of the cadastre of the parish of Saint-Ambroise-de-la-Jeune-Lorette.

Sale of immovables **5.** The immovables described in the schedule, other than lots 52 to 54, must be sold, in the manner prescribed in paragraph 2.1 of subsection 1 of section 28 of the Cities and Towns Act (R.S.Q., chapter C-19), within one year from 23 June 1987.

Additional time The Minister of Municipal Affairs may, in accordance with section 539 of the said Act, grant additional time or authorize the town to retain definitively the immovables it still owns and which it needs for its purposes.

True copy **6.** The registration of a true copy of the purview of this Act and of the schedule thereto shall be made by deposit.

Coming into force **7.** This Act comes into force on 23 June 1987.

SCHEDULE

(Sections 1, 2, 3, 5 and 6)

DESCRIPTION OF CERTAIN IMMOVABLES OF THE CADASTRE
OF THE PARISH OF SAINT-AMBROISE-DE-LA-JEUNE-LORETTE

(1) Lots 30 to 49, 52 to 54, 58 and 59 of the subdivision of lot 1027;

(2) An unsubdivided part of lot 1027, belonging to the town of Loretteville or its representatives, of irregular shape, bounded on the northwest for 144.44 metres by lot 59 of the subdivision of lot 1027, on the northeast for 204.35 metres by lot 17 of the subdivision of lot 1027 (street), on the southeast for 86.42 metres by lot 23 of the subdivision of lot 1027 and on the southwest for 50.29 metres by lot 23 of the subdivision of lot 1027 and for 164.62 metres by lots D and E of the subdivision of lot 1027; an area of 22 129.5 square metres;

(3) An unsubdivided part of lot 1027, belonging to the town of Loretteville or its representatives, of irregular shape, bounded on the northwest for 26.97 metres by lot 58 of the subdivision of lot 1027, on the northeast for 157.56 metres, 215.91 metres and 47.93 metres by lot 1596 (Indian reserve), on the southeast for 30.68 metres by that part of lot 1027 described in paragraph 4 and on the southwest for 414.07 metres by lot 17 of the subdivision of lot 1027 (street); an area of 11 908.6 square metres;

(4) An unsubdivided part of lot 1027, belonging to the town of Loretteville or its representatives, of irregular shape, bounded on the northwest for 30.68 metres by that part of lot 1027 described in paragraph 3, on the northeast for 70.07 metres, 116.54 metres, 74.10 metres, 30.60 metres, 59.04 metres, 85.47 metres, 59.68 metres and 93.61 metres by lot 1596 (Indian reserve), on the southeast for 33.51 metres by lot 49 of the subdivision of lot 1027, on the southwest for 595.85 metres by lot 17 of the subdivision of lot 1027 (street); an area of 19 217.9 square metres.