

1986, chapter 145

AN ACT RESPECTING THE FOYER SAINT-ANTOINE DE LONGUEUIL

Bill 224

Introduced by Mr Claude Dauphin, Member for Marquette

Introduced 15 May 1986

Passage in principle 19 June 1986

Passage 19 June 1986

Assented to 19 June 1986

Coming into force: 19 June 1986

Act amended: None



CHAPTER 145

An Act respecting the Foyer Saint-Antoine de Longueuil

[Assented to 19 June 1986]

Preamble

WHEREAS Joseph Goguet, notary, gave lot 215 of the cadastre of the village of Longueuil, with the buildings erected thereon, to the Rev. George Thibault, pastor of the parish of Longueuil, by deed of gift executed before Pierre Brais, notary, on 28 April 1876 and registered at the registry office of the registration division of Chambly at Longueuil under number 13 595;

Whereas the Rev. George Thibault subsequently gave the immovable to the religious corporation of the Soeurs Grises de Montréal, of whom the Province Ville-Marie de Montréal is the assign, by deed of gift executed before Pierre Brais, notary, on 30 May 1876 and registered at the registry office of the registration division of Chambly at Longueuil under number 13 774, the whole in execution of the conditions of the gift made by Joseph Goguet, notary, and subject in particular to the condition that the immovable serve as a shelter (*hospice*) or charitable institution (*maison de charité*);

Whereas the original buildings had to be demolished around 1903 and replaced by a more adequate building, which required the acquisition of several adjacent lots, namely lots 216, 217, 218 and 219 of the cadastre of the village of Longueuil, and whereas, as a result, all of these lots are now used for the operation of the Foyer Saint-Antoine;

Whereas the community has complied with the conditions of the gift for over one hundred years;

Whereas the deed of gift contains a resolutive condition which stipulates that should the charity cease for more than two years, lot 215 is to be sold by the churchwarden in charge of the Fabrique of the parish of Longueuil and the proceeds distributed to the poor of the city and parish of Longueuil;

Whereas it may be that the charity is not continued and whereas the Province Ville-Marie des Soeurs Grises de Montréal, wishes to have its titles confirmed in order to have a clear title to the whole immovable used for the operation of the Foyer Saint-Antoine de Longueuil;

Whereas, for that purpose and in order to comply with the intention of the donor, the Province Ville-Marie des Soeurs Grises de Montréal wishes to establish the value of the rights of the poor under the deed of gift registered under number 13 595 so that the corresponding amount can be distributed in accordance with the said deed;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Cancellation
of condi-
tions

1. Every obligation, charge or condition requiring that lot 215 of the cadastre of the village of Longueuil or the buildings erected thereon be used as a shelter for children or for the aged which may derive from the deeds of gift registered at the registry office of the registration division of Chambly at Longueuil under numbers 13 595 and 13 774, is hereby cancelled.

Registration

The registration of any such obligation, charge or condition stipulated in the deeds of gift is cancelled on the deposit of a certified copy of the purview of this Act.

Power
cancelled

2. The power of the churchwarden in charge of the Fabrique of the parish of Saint-Antoine de Longueuil to sell lot 215 of the cadastre of the village of Longueuil and appurtenances if the lot ceases to be used for the purposes stipulated in the deeds of gift registered at the registry office of the registration division of Chambly at Longueuil, under numbers 13 595 and 13 774, is hereby cancelled.

Owner

3. The Province Ville-Marie des Soeurs Grises de Montréal becomes the owner of lot 215 of the cadastre of the village of Longueuil.

Payment

It shall pay to the Fabrique of the parish of Saint-Antoine de Longueuil in its capacity as trustee for the poor of the city of Longueuil under the deed of gift registered at the registry office of the registration division of Chambly at Longueuil, under number 13 595, an amount

equal to 5.5% of the combined value of lot 215 and the buildings erected thereon, such amount being not less than \$25 000.

Exigibility **4.** The amount referred to in section 3 shall become exigible upon the first alienation by onerous title of lot 215 of the cadastre of the village of Longueuil occurring after 19 June 1986, in favour of a person dealing at arm's length with the Province Ville-Marie des Soeurs Grises de Montréal within the meaning of the Taxation Act (R.S.Q., chapter I-3).

Value of lot The value of lot 215 and that of the buildings erected thereon are as stated in the deed of alienation.

Advance payment **5.** The owner of lot 215 of the village of Longueuil may pay all or part of the debt due under section 3 before it becomes exigible.

Value of lot In that case, the combined value of lot 215 and the buildings erected thereon is their market value as of the date the payment is made.

Hypothec **6.** Payment of the debt due under section 3 is guaranteed by a hypothec upon lot 215 of the cadastre of the village of Longueuil and the buildings erected thereon, in favour of the Fabrique of the parish of Saint-Antoine de Longueuil in its capacity as trustee for the poor of the city of Longueuil under the deed of gift registered at the registry office of the registration division of Chambly at Longueuil, under number 13 595.

Discharge On payment of the total amount referred to in section 4 or 5, the Fabrique shall give full discharge and release from the hypothec.

Priority The Fabrique may also cede priority of hypothec and give partial release for value.

Appraisal **7.** Where section 5 applies, the market value of lot 215 on the date referred to in the said section shall be determined by a chartered appraiser selected by the owner of the lot and by the Fabrique of the parish of Saint-Antoine de Longueuil.

Selection of appraiser If there is disagreement as to the selection of the appraiser, either party may, by a motion served on the other party, apply to a judge of the Superior Court for the selection of an appraiser.

Distribution to the poor **8.** The Fabrique of the parish of Saint-Antoine de Longueuil shall distribute the money received pursuant to section 4 or 5 to the poor of the city of Longueuil that it considers most deserving of assistance and shall be deemed to be thus exercising a power similar to the power

conferred on the churchwarden in charge by the deed of gift registered at the registry office of the registration division of Chambly at Longueuil, under number 13 595.

Personal
rights

9. Real rights upon lot 215 of the cadastre of the village of Longueuil, cancelled under section 1, are replaced by personal rights exercisable against the Province Ville-Marie des Soeurs Grises de Montréal.

Value

The personal rights have a value equal to that of the real rights they replace, immediately before 19 June 1986, and are prescribed by not over ten years from that date.

Presumption

10. For the purposes of the second paragraph of section 1 and the first paragraph of section 6, the registration of the purview of this Act shall be deemed to have been effected on or before the date of publication of this Act in the *Gazette officielle du Québec*.

Extinction

11. Notwithstanding article 2081*a* of the Civil Code, the hypothec provided for in section 6 shall not become extinct thirty years from the date of registration of the purview of this Act and the registration need not be renewed.

Coming into
force

12. This Act comes into force on 19 June 1986.