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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 207

(Private)

## **An Act respecting Le Parc Co-ownership**

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**Introduced 31 October 2006**

**Passage in principle 14 December 2006**

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**Assented to 14 December 2006**

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## **Bill 207**

(Private)

### **AN ACT RESPECTING LE PARC CO-OWNERSHIP**

AS RWI Holdings Limited and RWI Holdings Two Ltd. acquired lot 1758-11 of the official cadastre of the City of Montréal (Saint-Antoine ward) from Mountain Place Limited on 19 November 1976 by a deed of sale received before Pierre Desjardins, notary, and published at the registry office of the registration division of Montréal under number 2740582;

AS RWI Holdings Two Ltd. / Gestion RWI Deux Ltée changed its name by a certificate of amendment dated 21 August 1981 and is now known under the name Immoparc Holdings Two Ltd. / Gestions Immoparc Deux Ltée;

AS RWI Holdings Limited / Gestion RWI Limitée changed its name by a certificate of amendment dated 15 September 1988 and is now known under the name Regentor IC Holdings Inc. / Gestion Regentor IC Inc.;

AS the immovable underwent a cadastral renewal on 20 July 1999 and was known from then on as lot 1 338 668 of the cadastre of Québec, registration division of Montréal;

AS lot 1 338 668 of the cadastre of Québec was totally replaced on 7 February 2006 by lots 3 472 891, 3 472 892, 3 472 893, 3 472 894, 3 472 895, 3 472 896, 3 472 897, 3 472 898 and 3 472 899 of the cadastre of Québec, registration division of Montréal;

AS the immovable is partially situated in the protected area of classified cultural property under the terms of a notice published by the Minister of Cultural Affairs on 18 June 1975 at the registry office of the registration division of Montréal under number 2610966;

AS, under sections 48 and 50 of the Cultural Property Act (R.S.Q., chapter B-4), no person may, as far as immovables or parts of immovables situated in a protected area are concerned, divide, subdivide, re-divide or parcel out a lot without the authorization of the Minister of Culture and Communications;

AS the authorization of the Minister of Culture and Communications required under sections 48 and 50 of the Cultural Property Act was not obtained when lot 1 338 668 was divided into lots 3 472 891, 3 472 892, 3 472 893, 3 472 894, 3 472 895, 3 472 896, 3 472 897, 3 472 898 and 3 472 899, and the plans creating the lots were registered in the land register despite the lack of authorization;

AS, under section 57 of the Cultural Property Act, the Minister of Culture and Communications may obtain an order from the Superior Court for the cessation of any act or operation undertaken or continued without the authorization required under section 48 of that Act;

AS, under section 57.1 of the Cultural Property Act, no division or subdivision plan or any other form of parcelling out of land situated in a protected area may be registered in the land register if the conditions of an authorization given under that Act have not been met or if such an authorization has not been given;

AS the immovable was converted to divided co-ownership under the terms of a declaration of divided co-ownership and servitude registered on 27 March 2006 at the registry office of the registration division of Montréal under number 13 145 372;

AS a deed of servitude was registered against one of the private portions of the co-ownership property on 28 March 2006 at the registry office of the registration division of Montréal under number 13 148 606 in order to grant another private portion of the same property the use of seventy (70) parking spaces;

AS a deed of hypothec in favour of 6212344 Canada Limited was registered on 31 March 2006 at the registry office of the registration division of Montréal under number 13 161 837 against the private portions consisting of lot 3 472 892 of the cadastre of Québec and Tower A bearing the civic address 3450, rue Drummond, Montréal, and lot 3 472 893 of the cadastre of Québec and Tower B bearing the civic address 3450-60, rue Drummond, Montréal, with the undivided rights of ownership in the common portions;

AS another deed of hypothec in favour of Laurentian Bank of Canada was registered on 3 April 2006 at the registry office of the registration division of Montréal under number 13 166 398 against a private portion consisting of lot 3 472 894 of the cadastre of Québec and Tower C bearing the civic address 3475, rue de la Montagne, Montréal, with the undivided rights of ownership in the common portions;

AS it is important to Regentor IC Holdings Inc. / Gestion Regentor IC Inc. and Immoparc Holdings Two Ltd. / Gestions Immoparc Deux Ltée that the absence of the authorization of the Minister of Culture and Communications with respect to the co-ownership property be remedied;

AS the syndicate of co-owners has agreed to the introduction and passage of this Act;

AS the Minister of Culture and Communications was notified of the introduction of this Act and did not object to it;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Despite sections 57 and 57.1 of the Cultural Property Act (R.S.Q., chapter B-4), the plans creating lots 3 472 891, 3 472 892, 3 472 893, 3 472 894, 3 472 895, 3 472 896, 3 472 897, 3 472 898 and 3 472 899 of the cadastre of Québec, registration division of Montréal, may not be cancelled because the authorization of the Minister of Culture and Communications was not obtained as required under sections 48 and 50 of that Act.
- 2.** Moreover, the declaration of divided co-ownership and servitude registered under number 13 145 372, the deed of servitude registered under number 13 148 606, the deed of hypothec registered under number 13 161 837, the deed of hypothec registered under number 13 166 398 and the alienation of any of the private portions with the undivided rights of ownership in the common portions may not be cancelled because the plans creating the lots listed in section 1 were not authorized by the Minister of Culture and Communications.
- 3.** This Act must be published at the registry office of the registration division of Montréal and the appropriate entries registered against the lots listed in section 1.
- 4.** This Act comes into force on 14 December 2006.





