



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 259

(Private)

**An Act respecting the Fondation du
Centre hospitalier de l'Université
de Montréal**

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Passage in principle 19 December 1997
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Assented to 19 December 1997**

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Bill 259

(Private)

AN ACT RESPECTING THE FONDATION DU CENTRE HOSPITALIER DE L'UNIVERSITÉ DE MONTRÉAL

WHEREAS, on 1 October 1996, Hôtel-Dieu de Montréal, Hôpital Notre-Dame and Hôpital Saint-Luc were amalgamated to form a new public institution designated under the name of Centre hospitalier de l'Université de Montréal by letters patent issued under the Act respecting health services and social services (R.S.Q., chapter S-4.2);

Whereas three separate foundations responsible for the collection, administration and investment of gifts, namely, the Fondation Hôtel-Dieu de Montréal, the Notre-Dame Hospital Foundation and the Fondation de l'Hôpital Saint-Luc, were attached to the three amalgamated institutions;

Whereas the Fondation Hôtel-Dieu de Montréal and the Notre-Dame Hospital Foundation are non-profit legal persons incorporated on 15 November 1974 and 8 June 1972, respectively, under the Canada Corporations Act (R.S.C., 1970, chapter C-32), and the Fondation de l'Hôpital Saint-Luc is a non-profit legal person incorporated on 18 December 1979 under the Companies Act (R.S.Q., chapter C-38);

Whereas it is expedient that only one juridical entity act as a foundation attached to the Centre hospitalier de l'Université de Montréal;

Whereas the Acts incorporating those foundations, namely, the Canada Corporations Act and the Companies Act, do not authorize the amalgamation of legal persons each incorporated under one of those jurisdictions;

Whereas, on 9 July 1997, the Fondation du Centre hospitalier de l'Université de Montréal was incorporated under Part III of the Companies Act in order to be attached to the Centre hospitalier de l'Université de Montréal;

Whereas, on 4 November 1997, the Fondation Hôtel-Dieu de Montréal, the Notre-Dame Hospital Foundation and the Fondation de l'Hôpital Saint-Luc agreed to transfer their assets to the Fondation du Centre hospitalier de l'Université de Montréal;

Whereas the aforementioned transfer does not entitle the Fondation du Centre hospitalier de l'Université de Montréal to receive the mandates, gifts or legacies promised, committed, given or granted to the Fondation Hôtel-Dieu de Montréal, the Notre-Dame Hospital Foundation or the Fondation de

l'Hôpital Saint-Luc and does not enable it to fully assume its role as a foundation attached to the Centre hospitalier de l'Université de Montréal;

Whereas it is expedient that the Fondation du Centre hospitalier de l'Université de Montréal be substituted for all legal purposes for the Fondation Hôtel-Dieu de Montréal, the Notre-Dame Hospital Foundation and the Fondation de l'Hôpital Saint-Luc to receive in their place and stead the mandates, gifts or legacies promised, committed, given or granted to those foundations;

Whereas the directors and members of the Fondation Hôtel-Dieu de Montréal, the Notre-Dame Hospital Foundation and the Fondation de l'Hôpital Saint-Luc have undertaken to dissolve those legal persons or to change their names or objects upon the passage of this Act;

Whereas the directors and members of the Fondation Hôtel-Dieu de Montréal, the Notre-Dame Hospital Foundation and the Fondation de l'Hôpital Saint-Luc have agreed, by resolution, to the passage of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

- 1.** The mandates, gifts or legacies promised, committed, given or granted to the Fondation Hôtel-Dieu de Montréal, the Notre-Dame Hospital Foundation or the Fondation de l'Hôpital Saint-Luc are deemed to devolve upon the Fondation du Centre hospitalier de l'Université de Montréal.
- 2.** The Fondation du Centre hospitalier de l'Université de Montréal is substituted for all legal purposes for the Fondation Hôtel-Dieu de Montréal, the Notre-Dame Hospital Foundation and the Fondation de l'Hôpital Saint-Luc to receive the mandates, gifts or legacies promised, committed, given or granted to those foundations.
- 3.** The Fondation du Centre hospitalier de l'Université de Montréal may, in the place and stead of the Fondation Hôtel-Dieu de Montréal, the Notre-Dame Hospital Foundation and the Fondation de l'Hôpital Saint-Luc, exercise any judicial or other remedy, claim any right, require any payment or the performance of any obligation or other charge, and sign any legal or other document in relation to any mandate, gift or legacy promised, committed, given or granted to any of them.
- 4.** The mandates, gifts or legacies referred to in this Act may derive from a judgment, a judicial order, a will, a deed of gift, a contract or any other document of any nature whatsoever, whether in notarial form or not.
- 5.** Notwithstanding the third paragraph of section 271 of the Act respecting health services and social services (R.S.Q., chapter S-4.2), the funds may validly be transferred directly by the Fondation Hôtel-Dieu de Montréal, the Notre-Dame Hospital Foundation and the Fondation de l'Hôpital Saint-Luc to the Fondation du Centre hospitalier de l'Université de Montréal.

6. The collection, administration or transfer of any gift or contribution by the Fondation Hôtel-Dieu de Montréal and the Notre-Dame Hospital Foundation and the transfer thereof to third persons in connection with their objects or activities shall not be invalid solely by reason of the fact that they were legal persons incorporated elsewhere than in Québec.

7. This Act comes into force on 28 February 1998.