

Draft Regulation

An Act respecting registry offices
(R.S.Q., c. B-9; 2000, c. 42)

Tariff of fees respecting land registration

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Tariff of fees respecting land registration, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Tariff is to set the fees payable for products and services offered at the Land Registry Office and at registry offices that have been subject to a notice of the Minister of Natural Resources, in accordance with section 237 of chapter 42 of the Statutes of 2000, stating that those offices are fully computerized.

To date, study of the matter has shown no impact on the public or on businesses since the global cost paid by the public for the publication of their land rights should not increase. Computerization of the land register will allow professionals working in the field of land registration and acting on behalf of the public and businesses to make savings.

Further information on the draft Tariff respecting land registration may be obtained by contacting Alain Simard, 150, boulevard René-Lévesque Est, 7^e étage, Québec (Québec) G1R 2B2, by telephone at (418) 646-9606 or by fax at (418) 646-9687.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the undersigned, 5700, 4^e Avenue Ouest, Charlesbourg (Québec) G1H 6R1.

JACQUES BRASSARD,
Minister of Natural Resources

Tariff of fees respecting land registration

An Act respecting registry offices
(R.S.Q., c. B-9, s. 8; 2000, c. 42, s. 116)

1. This Tariff applies to any registration division as of the date fixed in the notice of the Minister of Natural Resources, in accordance with section 237 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), stating that the registry office established therein is fully computerized for land registration purposes.

2. The fee for the registration of an application for registration of a right is \$50 where the application is presented in paper form to a registry office established for a registration division. The fee is reduced by \$10 where the application is presented electronically to the Land Registry Office.

3. Notwithstanding section 2, the fee for the registration of an application for registration of a right presented in the form of a summary is \$50 per summarized document where the application is presented in paper form to a registry office established for a registration division. The fee is reduced by \$10 per summarized document where the application is presented electronically to the Land Registry Office.

4. The fee for the registration of an application for cancellation or reduction of registration is \$60, including the cancellation or reduction of the rights provided for in the first application for registration covered by the application for cancellation or reduction, plus \$40 for every additional application, where the application for cancellation or reduction is presented in paper form to a registry office established for a registration division. The fee is reduced, respectively, by \$10 where the application for cancellation or reduction is presented electronically to the Land Registry Office.

5. The fee for the registration of a prior notice of sale for non-payment of immovable taxes is \$50 plus \$7 per lot or part of a lot where the application is presented in paper form to a registry office established for a registration division. The fee is \$40 plus \$7 per lot or part of a lot where the application is presented electronically to the Land Registry Office.

6. The fee for the registration of an application for registration of an address, by a notice or by a reference to a notice already published, of the renewal of the registration of an address or the omitted reference to a notice of address is \$30.

Notwithstanding the foregoing, the fee shall not be payable for the registration of the change in a reference to a notice of address.

7. Notwithstanding sections 2 to 6, no fee is payable for the registration of

(1) a change in the address or in the name of the persons referred to in article 3022 of the Civil Code of Québec (1991, c. 64) or a cancellation or reduction of the registration of a notice of address;

(2) a list of immovables that were not sold at a sale for non-payment of immovable taxes;

(3) a document evidencing the redemption of lots adjudicated at a sale for non-payment of immovable taxes;

(4) a notice served pursuant to article 813.4 of the Code of Civil Procedure (R.S.Q., c. C-25);

(5) a disposal permit required under the Succession Duty Act (R.S.Q., c. D-13.2);

(6) an action against the owner of the immovable following a legal hypothec in favour of persons having participated in the construction or renovation of an immovable or following a legal hypothec of a syndicate of co-owners on a fraction of a co-owner;

(7) a list of immovables adjudicated at the sale for non-payment of immovable taxes;

(8) a notice of a sheriff's sale;

(9) a release from a sheriff's seizure;

(10) a clerk's certificate attesting that an action has been discontinued;

(11) a certificate of the Attorney General stating that a hypothec in favour of the State is extinguished or reduced; and

(12) the abandonment or revocation of a real right of State resource development that is not exempt from registration.

8. The fee for the statements certified by the registrar provided for in the first paragraph of article 3019 of the Civil Code and in article 704 of the Code of Civil Procedure is \$10 for the certified statement and \$10 for each copy of application for registration, including the accompanying document where it is in the form of a summary, composing the statement.

9. The fee for any other certificate is \$10, unless the law specifically provides that no fees are to be collected or that specific fees are fixed.

10. The fee for each copy of or extract from a register kept at the Land Registry Office is \$15 per land file or per file opened in the index of names, directory of addresses, directory of holders of real rights or per date and registration division for the book of presentation. The fee is \$15 per file for the register complementary to the index of names in the form of microfilms or microfiches kept for the registration divisions of Montréal and Laval.

The fee for each copy of or extract from the register kept, under section 245 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), in a registry office established for a registration division is \$15 per page of the register.

The fee for each copy of the plan of a lot is \$5. The fee is \$15 for each copy of or extract from an application for registration, including the accompanying document where it is in the form of a summary, or from any other document.

11. The fee for copies of applications, including the accompanying documents where they are in the form of a summary, forwarded for the purposes of transfers of immovables or the updating of the municipal assessment rolls, is \$3 per copy, regardless of the means used to issue such copies.

12. The municipal bodies are billed monthly for the fees payable owing to the copies of applications and documents that are forwarded to them for the purposes of transfers of immovables and the updating of the municipal assessment rolls.

13. The fee to complete the form of the Ministère du Revenu concerning a person who appears as being registered as owner of a lot, part of a lot or an immovable identified by a serial number in the registers is \$5 for each form completed.

14. The fee to consult, in registry offices established for registration divisions, registers, plans and other documents kept in paper form, on microfilms or microfiches is \$5 per person per day or fraction of a day. The consultation fee includes copies of registers and other microfilmed or microphotographed documents made using the printers available to the public. No fee is payable where the consultation is carried out for the purposes of making cadastres under the Act to promote the reform of the cadastre in Québec (R.S.Q., c. R-3.1) or the Act respecting land titles in certain electoral districts (R.S.Q., c. T-11).

15. The fee to consult the registers, plans and other documents kept on a computer system is \$3 per lot, document, name, registration division or other character researched, according to the document or register consulted. The fee is \$1 per lot, document, name, registration division or other character researched, where the consultation is not carried out by means of display screens available in registry offices established for registration divisions. The consultation fee includes the copies of registers, plans and other documents kept on a computer system made by the public using the printers put at their disposal. No fee is payable where the consultation is

carried out, by means of display screens available in registry offices established for registration divisions, for the purposes of making cadastres under the Cadastre Act (R.S.Q., c. C-1), the Act to promote the reform of the cadastre in Québec or the Act respecting land titles in certain electoral districts.

16. Unless the documents are forwarded for the purposes of making cadastres under the Cadastre Act, the Act to promote the reform of the cadastre in Québec or the Act respecting land titles in certain electoral districts, a fee of \$15 is added to the fee payable where a copy, an extract or a statement is forwarded by fax.

17. The fee for a certified statement of registration in paper form is \$10. Notwithstanding the foregoing, the fee shall not be payable for a first certified statement of registration issued in respect of an application for registration presented in paper form to a registry office established in a registration division.

18. The fee provided for in this Tariff shall be indexed on 1 April of each year from 1 April 2003 on the basis of the cumulative rate of increase in the general Consumer Price Index for Canada for the period beginning on 31 December 2001 and ending on 31 December of the year preceding the indexing, as determined by Statistics Canada. The fee indexed in the prescribed manner shall be reduced to the nearest dollar where it contains a fraction of a dollar less than \$0.50. It shall be increased to the nearest dollar where it contains a fraction of a dollar equal to or greater than \$0.50.

19. Until 1 January 2002, the provisions of this Tariff shall be considered with the following restrictions:

(1) the fee for the registration of an application for registration of a right is \$42 where the application is presented in paper form to a registry office established for a registration division. The fee shall not be payable where the application is presented electronically to the Land Registry Office;

(2) the fee for the registration of an application for registration of a right presented in the form of a summary is \$42 per summarized document where the application is presented in paper form to a registry office established for a registration division. The fee shall not be applicable where the application is presented electronically to the Land Registry Office;

(3) the fee for the registration of an application for cancellation or reduction of a registration is \$42 per claim, per principal right or per notice, plus \$10 per registration in the register of mentions provided for in article 2979.1 of the Civil Code, introduced by sec-

tion 26 of the Act to amend the Civil Code and other legislative provisions relating to land registration, where the application is presented in paper form to a registry office established for a registration division. The fee shall not be payable where the application is presented electronically to the Land Registry Office;

(4) the fee for the registration of a prior notice of sale for non-payment of immovable taxes is \$20 plus \$5 per lot or part of a lot where the application is presented in paper form to a registry office established for a registration division. The fee shall not be payable where the application is presented electronically to the Land Registry Office;

(5) the fee for the registration of an application for registration of an address, per notice or reference to a notice already published, for the renewal of the registration of an address or for the omitted reference to a notice of address shall not be payable;

(6) the fee for statements certified by a registrar provided for in the first paragraph of article 3019 of the Civil Code and in article 704 of the Code of Civil Procedure is \$20 for the certified statement and \$5 for each copy of the application for registration, including the accompanying document where the application is in the form of a summary, making up the statement;

(7) the fee for any other certificate is \$5, except where the law specifically provides that no fee is collected or that a specific fee is fixed;

(8) the fee to consult registers, plans and other documents kept in paper form or on microfilms or microfiches in registry offices established for registration divisions is \$5 per hour or fraction of an hour; and

(9) the fee to consult registers, plans and other documents kept on a computer system is \$5 per hour or fraction of an hour. The fee shall not be payable where the consultation is carried out in another way than by using display screens available in registry offices established for registration divisions.

20. This Tariff comes into force on the date fixed in the notice of the Minister of Natural Resources, in accordance with section 237 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), stating that a first registry office is fully computerized for land registration purposes, with the exception of section 10 insofar as it provides the fee payable for copies of or extracts from the register complementary to the index of names in the form of microfilms or microfiches kept for the registration divisions of Montréal and Laval, which will come

into force, for each of those registration divisions, on the dates fixed in the notices of the Minister of Natural Resources stating that each of those offices is fully computerized for land registration purposes.

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Draft Regulation

An Act respecting registry offices
(R.S.Q., c. B-9; 2000, c. 42)

Tariff of fees respecting publication by registration in the land register and the application of certain transitional provisions relating to the former registers of registry offices — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Tariff of fees respecting publication by registration in the land register and the application of certain transitional provisions relating to the former registers of registry offices, which appears below, may be made by the Government upon the expiry of 45 days following this publication.

Registry offices established for registration divisions will be, one by one, computerized as of October 2001 and a new tariff will provide the fees payable in those offices. In this context, it is important to amend the tariff governing non-computerized offices to specify that it no longer applies to all registration divisions, but to the ones where the offices are not computerized.

Moreover, for equity purposes, it is expedient to standardize the fees required by non-computerized offices with those required for remote transactions by computerized offices. Furthermore, for certain services, the new tariff principles applicable to computerized offices will be introduced into the tariff imposed by non-computerized offices.

Consequently, the main purpose of this draft Regulation is to revise the fees payable for certain services rendered by non-computerized registry offices and the annual indexing of the fees payable. Furthermore, the draft Regulation proposes harmonizing the provisions of the tariff with those of the Civil Code of Québec amended by the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42)

The amendments proposed in the draft Regulation will come into force on the date of computerization of a first registry office, except for some provisions which will come into force only on 1 January 2002.

The draft regulation has no significant impact on the public and on businesses. The propositions made in the draft Regulation will allow clients to benefit, as soon as a first office is computerized, from reduced tariffs applicable to computerized offices for the registration of rights.

For more information on the draft Regulation to amend the Tariff of fees respecting publication by registration in the land register and the application of certain transitional provisions relating to the former registers of registry offices may be obtained by contacting Alain Simard, 150, boulevard René-Lévesque Est, 7^e étage, Québec (Québec) G1R 2B2; by telephone: (418) 646-9606 or by fax: (418) 646-9687.

Any interested person having comments to make on the matter is asked to do so in writing, before the expiry of the expiry of the 45-day period, to the undersigned, 5700, 4^e Avenue Ouest, Charlesbourg (Québec) G1H 6R1.

JACQUES BRASSARD,
Minister of Natural Resources

Regulation to amend the Tariff of fees respecting publication by registration in the land register and the application of certain transitional provisions relating to the former registers of registry offices*

An Act respecting registry offices
(R.S.Q., c. B-9, s. 8; 2000, c. 42, s. 116)

1. The Tariff of fees respecting publication by registration in the land register and the application of certain transitional provisions relating to the former registers of registry offices is amended by substituting the following for section 1:

“1. This Tariff applies to any registration division that was not subject to a notice of the Minister of Natural Resources, in accordance with section 237 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, c. 42), stating that the registry office established therein is fully computerized for land registration purposes.”

* The Tariff of fees respecting publication by registration in the land register and the application of certain transitional provisions relating to the former registers of registry offices, made by Order in Council 1597-93 dated 17 November 1993 (1993, G.O. 2, 6257), has not been amended since it was made.