



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 212

(Private)

An Act respecting Ville de Mont-Saint-Hilaire

Introduced 13 May 2009

Passed in principle 18 June 2009

Passed 18 June 2009

Assented to 19 June 2009

**Québec Official Publisher
2009**

Bill 212

(Private)

AN ACT RESPECTING VILLE DE MONT-SAINT-HILAIRE

AS it is expedient that Ville de Mont-Saint-Hilaire be granted certain powers;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The municipality may, in the territory described in the schedule, be declared the owner of an immovable on which municipal taxes have not been paid for three consecutive years.
- 2.** The application is made by a motion presented before the Superior Court sitting in the district in which the immovable is situated. The motion may concern immovables belonging to different owners.

The motion may be granted only after publication, in a newspaper in the territory of the municipality, of a notice requesting all persons who may have rights against the immovables to appear in court within 60 days in order to claim compensation equal to the value of their rights, after deduction of an amount sufficient to pay all outstanding municipal and school taxes, any accrued interest and the costs related to the motion, including publication costs. The compensation claimed may not exceed the actual value of the immovable concerned on the date of coming into force of this Act before the deduction.

Publication of the notice replaces service. The notice must state that it is given under this Act.

The immovables concerned must be described in the motion in accordance with article 3033 of the Civil Code of Québec.

No appeal lies from the judgment rendered on the motion.

- 3.** The municipality becomes the owner of the immovables in respect of which the judgment declaring ownership is published at the registry office, and no claim may subsequently be made against them. The publication gives title to the municipality, the validity of which cannot be contested for any reason. The real rights that may affect the immovables, including prior claims, hypothecs, resolutive clauses or clauses granting rights of cancellation, and servitudes other than public servitudes, are extinguished.

The municipality may draw up a list of the real rights, other than public servitudes, that encumber the immovables described in the judgment declaring ownership, that have been published and that are extinguished under this section, and the registrar cancels the registration of those rights on an application to that effect.

4. To consolidate land in the territory described in the schedule and on which it wishes to promote, ensure or maintain agricultural operations or that it wishes to preserve as a natural area, the municipality may

- (1) acquire an immovable by agreement or by expropriation;
- (2) hold and manage the immovable;
- (3) carry out the required development, restoration, demolition or clearing work on the immovable; and
- (4) alienate or lease the immovable.

5. Acquisition by agreement or by expropriation under section 4 and alienation under section 10 do not constitute an alienation within the meaning assigned by section 1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1).

6. The Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) does not apply to transfers of immovables under section 4.

7. This Act does not operate to limit or prevent the application of all or any of the provisions of a fiscal law within the meaning of section 1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31).

This Act does not apply to an immovable real right published under an Act, regulation, order in council, order, agreement or arrangement administered by the Minister of Revenue.

8. In addition to any property tax that it may impose and levy on land situated in the territory described in the schedule, the municipality may, by by-law, impose and levy annually on that land a surtax that may be equal to the total property taxes that the municipality may impose and levy on that land for the fiscal year concerned.

The by-law may set a minimum amount for the surtax, which may not exceed \$200. It may also indicate the categories of land subject to the surtax and set different surtax rates for the different categories.

The following land is not subject to the surtax:

- (1) land on which there is a building whose property value exceeds 25% of the property value of the land according to the assessment roll in force;

(2) land owned by a railway undertaking on which there is a railway track;

(3) land used for overhead electric power lines;

(4) land forming part of an agricultural operation registered in accordance with a regulation under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (R.S.Q., chapter M-14); and

(5) land that may be used for purposes other than agriculture under an authorization of the Commission de protection du territoire agricole du Québec or that is subject to acquired rights within the meaning of Chapter VII of the Act respecting the preservation of agricultural land and agricultural activities.

9. The municipality must, by by-law, create a financial reserve for the benefit of the territory described in the schedule for the purpose of financing the consolidation of land, and allocate to that reserve the revenue from the surtax imposed under section 8.

The sums from the reserve are to be used solely to further the consolidation of land situated in the territory described in the schedule and its reconversion for agricultural purposes or to preserve the land as a natural area.

The by-law must set out, among other things, the length of time the reserve will exist and the allocation of the amount, if any, by which the income of the reserve exceeds its expenditures. If there is no such provision, any excess amount is paid into the general fund.

10. When, under this Act, the municipality becomes the owner of immovables that are sufficient to be used for genuine and sustained agricultural purposes or to be preserved as natural areas in the territory described in the schedule, it submits a plan to the Minister of Natural Resources and Wildlife entailing the striking out or replacement of the numbers of the lots it owns, in accordance with article 3043 of the Civil Code of Québec.

Every operation under the first paragraph must be authorized by the Minister of Agriculture, Fisheries and Food after the opinion of the Commission de protection du territoire agricole du Québec has been obtained.

Within two years after the authorization required under the preceding paragraph, the municipality must offer for sale, at its actual value, the lot concerned by the cadastral amendment and comprised in parcel 1 or 2 of the territory described in the schedule so that it may be used for agricultural purposes, and must so advise the Minister of Agriculture, Fisheries and Food and the Fédération régionale de l'Union des producteurs agricoles.

If the municipality fails to find a purchaser for a lot at its actual value within the required time, the municipality must so advise the Minister of Agriculture, Fisheries and Food, who may grant an extension to sell the lot or, at the request of the municipal council, authorize the municipality to retain the lot permanently.

The municipality may carry out development, restoration, demolition or clearing work on an immovable it is authorized to retain; it may also use or lease the immovable.

11. The financial reserve created under By-law 1122 of the municipality may also be used to further the consolidation of land situated in the territory described in the schedule and its reconversion for agricultural purposes or to preserve the land as a natural area. The financial reserve may be used, among other things, to acquire land by agreement or by expropriation.

12. This Act does not affect any case pending immediately before its coming into force.

13. The title obtained by the municipality under this Act to immovables situated in the territory described in the schedule may not be contested.

14. This Act comes into force on 19 June 2009.

SCHEDULE

Parcel 1:

All lots or parts of lots of the cadastre of Québec and their successor lots contained within the following boundaries:

Commencing at a point on the southeast limit of lot 2 349 174 at its intersection with the dividing line between lots 1 818 086 and 1 818 184; from that point, southeasterly, the southwest limit of lot 1 818 184 to a point on the north limit of lot 1 817 925 (Grande Allée); from that point, westerly, the north limit of lot 1 817 925 (Grande Allée) to its intersection with the dividing line between lots 1 817 828 and 1 817 897; from that point, northwesterly, the dividing line between lots 1 817 828 and 1 817 897 to the north limit of lot 1 817 828; from that point, westerly, the north limit of lot 1 817 828 to its intersection with the dividing line between lots 1 817 828 and 1 817 821; from that point, southeasterly, the dividing line between lots 1 817 821 and 1 817 828 to its intersection with the north limit of lot 1 817 925 (Grande Allée); from that point, westerly, the north limit of lot 1 817 925 (Grande Allée) to a point on the northeast limit of lot 1 817 718; from that point, northwesterly, the northeast limit of lots 1 817 718 and 3 977 574 to a point on the east limit of lot 1 815 220; from that point, northerly, the east limit of lots 1 815 220, 3 688 571 and 1 815 126 to a point on the southeast limit of lot 2 349 174; from that point, northeasterly, the southeast limit of lot 2 349 174 to the point of commencement. The perimeter so described includes lots 1 817 719 to 1 817 728, 1 817 730 to 1 817 766, 1 817 817 to 1 817 827, 1 817 841 to 1 817 848, 1 817 850 to 1 817 879, 1 817 881 to 1 817 913, 1 817 984 to 1 818 108 and 1 818 110 to 1 818 178, for a total of 419,823.9 square metres.

Parcel 2:

All lots or parts of lots of the cadastre of Québec and their successor lots contained within the following boundaries:

Commencing at a point on the south limit of lot 1 817 925 (Grande Allée) at its intersection with the dividing line between lots 1 817 924 and 1 818 180; from that point, southeasterly, the southwest limit of lot 1 818 180 to a point on the northwest limit of lot 2 348 955; from that point, southwesterly, the northwest limit of lot 2 348 955 to a point on the northeast limit of lot 1 817 716; from that point, northwesterly, the northeast limit of lot 1 817 716 to a point on the south limit of lot 1 817 925 (Grande Allée); from that point, easterly, the south limit of lot 1 817 925 to the point of commencement. The perimeter so described includes lots 1 817 768 to 1 817 816, 1 817 831 to 1 817 840, 1 817 914 to 1 817 921, 1 817 923, 1 817 924, 1 817 926 to 1 817 960 and 1 817 962 to 1 817 979, for a total of 114,556.3 square metres.

Parcel 3:

All lots or parts of lots of the cadastre of Québec and their successor lots contained within the following boundaries:

Commencing at a point on the southeast limit of lot 1 817 577 at its intersection with the dividing line between lots 1 817 488 and 1 817 691; from that point, southeasterly, the northeast limit of lots 1 817 488, 1 817 499, 1 817 506, 1 817 517, 1 817 528, 1 817 539, 1 817 551, 1 817 562, 1 817 573, 1 817 582 to 1 817 588, 1 817 590 to 1 817 598, 1 817 479 to 1 817 487 and 1 817 489 to 1 817 495 to a point on the west limit of lot 1 817 679 (rue Rouillard); from that point, southerly, the west limit of lot 1 817 679 (rue Rouillard) to a point on the north limit of lot 1 817 496; from that point, westerly, the north limit of lots 1 817 496 and 1 817 510 to a point on the east limit of lot 1 817 472; from that point, southerly, the east limit of lot 1 817 472 to its intersection with the dividing line between lots 1 817 508 and 1 817 473; from that point, southeasterly and easterly, the dividing line between lots 1 817 508 and 1 817 473 and the south limit of lots 1 817 948 and 1 817 679 to a point on the west limit of lot 1 818 987 (rue Rouillard); from that point, southerly, the west limit of lot 1 818 987 (rue Rouillard) to a point on the south limit of lot 1 817 473; from that point, westerly, the south limit of lot 1 817 473 to a point on the west limit of lot 1 817 579; from that point, southerly, the west limit of lot 1 817 579 to a point on the north limit of lot 1 817 500; from that point, easterly, the north limit of lot 1 817 500 to a point on the west limit of lot 1 817 668 (rue Rouillard); from that point, southerly, the west limit of lot 1 817 668 to a point on the northeast limit of lot 1 817 576; from that point, northwesterly, the southwest limit of lots 1 817 501, 1 817 502, 1 817 472, 1 817 476, 1 817 474, 1 817 462, 1 817 611, 1 817 449 and 1 817 463 to 1 817 466 to a point on the dividing line between lots 1 817 466 and 1 817 467; from that point, northeasterly, the dividing line between lots 1 817 466 and 1 817 467 to a point on the southwest limit of lot 1 817 449 (rue Boissy); from that point, northwesterly, the southwest limit of lot 1 817 449 to a point on the southeast limit of lot 1 817 673 (boulevard Sir-Wilfrid-Laurier); from that point, northeasterly, the southeast limit of lot 1 817 673 to a point on the dividing line between lots 1 817 449 and 1 817 633; from that point, generally southeasterly, the west limit of lot 1 817 633 and the southwest limit of lots 1 817 633 and 1 817 644 to a point on the dividing line between lots 1 817 449 and 1 817 550; from that point, generally easterly, the south and southeast limits of lot 1 817 644 to a point on the dividing line between lots 1 817 644 and 1 817 655; from that point, northwesterly, the dividing line between lots 1 817 644 and 1 817 655 to a point on the dividing line between lots 1 817 678 and 1 817 655; from that point, northeasterly, the southeast limit of lots 1 817 678 and 1 817 577 to the point of commencement. The perimeter so described includes lots 1 817 449 to 1 817 466, 1 817 471 to 1 817 477, 1 817 479 to 1 817 495, 1 817 499 to 1 817 507, 1 817 511 to 1 817 574, 1 817 582 to 1 817 599, 1 817 601 to 1 817 632, 1 817 634 to 1 817 643 and 1 817 645 to 1 817 665, for a total of 175,477.7 square metres.

Parcel 4:

All lots or parts of lots of the cadastre of Québec and their successor lots contained within the following boundaries:

Commencing at a point on the northeast limit of lot 1 818 554 at its intersection with the east limit of lot 2 349 291 (rue Rouillard); from that point, southeasterly, the southwest limit of lot 1 818 537 to a point on the east limit of lot 1 818 691; from that point, southerly, the east limit of lots 1 818 691, 1 818 702, 1 818 727, 1 818 811 and 1 818 819 to a point on the northeast limit of lot 1 818 977; from that point, northwesterly, the northeast limit of lot 1 818 977 to a point on the east limit of lot 2 349 291 (rue Rouillard); from that point, northerly, the east limit of lot 2 349 291 (rue Rouillard) to the point of commencement. The perimeter so described includes lots 1 818 538 to 1 818 842, for a total of 292,795.6 square metres.