



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 77

(2010, chapter 4)

An Act to amend the Cadastre Act and the Civil Code

Introduced 24 November 2009
Passed in principle 11 February 2010
Passed 25 March 2010
Assented to 1 April 2010

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EXPLANATORY NOTES

This Act amends the Cadastre Act to provide that any plan or subsequent amendment to a plan, in a renewed or non-renewed territory, is to be in computerized form only.

It amends the Civil Code to replace, in the case of a plan prepared to update the cadastre, the signing requirement by an approval of the owner, of the person authorized to expropriate or, as the case may be, of any person other than the owner who has rights in a lot affected by the updating.

It also amends the Civil Code to allow the plan of a lot whose ownership has been acquired by a person otherwise than by agreement to be amended not only by parcelling but also by using all existing cadastral amendments.

Lastly, this Act removes the obligation to transmit to the minister responsible for the cadastre the notarized consent of the hypothecary creditor and of the beneficiary of a declaration of family residence in the event of a cadastral amendment involving a renumbering.

LEGISLATION AMENDED BY THIS ACT:

- Cadastre Act (R.S.Q., chapter C-1);
- Civil Code of Québec.

Bill 77

AN ACT TO AMEND THE CADASTRE ACT AND THE CIVIL CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CADASTRE ACT

1. Section 21.3 of the Cadastre Act (R.S.Q., chapter C-1) is replaced by the following section:

“21.3. Every plan must be in computerized form.

A cadastral plan must be updated regularly by compiling all the data relating to a renewal plan, a revised plan, a plan showing a lot referred to in section 19, and any subsequent amendment to such a plan. The compilation is deemed to be a duplicate of all the plans concerned.”

CIVIL CODE OF QUÉBEC

2. Article 3042 of the Civil Code of Québec is amended by replacing “signed” in the first paragraph by “approved” and by replacing “he shall, in addition, in the case of a plan involving a renumbering, give notice of” in the same paragraph by “the approval, signed by the expropriating party, is received *en minute* by a land surveyor and refers to the minute number of the plan. In addition, in the case of a plan involving a renumbering, the expropriating party shall give notice of”.

3. Article 3043 of the Code is amended

(1) by replacing “signed” in the first paragraph by “approved” and by striking out “, by subdivision or otherwise,” and “to amend, by parcelling, the plan of a lot” in the same paragraph;

(2) by replacing “he” after the semi-colon in the first paragraph by “the approval, signed by the owner, is received *en minute* by a land surveyor and refers to the minute number of the plan concerned. The owner”;

(3) by striking out “, by parcelling,” in the second paragraph and by replacing “the signature” in the same paragraph by “the approval”.

4. Article 3044 of the Code is amended by striking out “and transmitted, with a certified statement of registration, to the minister responsible for the cadastre” in the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

5. Any plan submitted to the minister responsible for the cadastre before 1 November 2011 or an earlier date set by the Government is governed by the law in force at the time it was submitted.

6. This Act comes into force on 1 November 2011 or at an earlier date to be set by the Government, except sections 4 and 5, which come into force on 1 April 2010.