



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 216

(Private)

An Act respecting Dixville Home Inc.

Introduced 29 May 2012
Passed in principle 15 June 2012
Passed 15 June 2012
Assented to 15 June 2012

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(Private)

AN ACT RESPECTING DIXVILLE HOME INC.

AS Dixville Home Inc. is a public institution constituted as a legal person on 22 March 1965 under Part III of the Companies Act (R.S.Q., 1964, chapter 271) and its mission is to operate a rehabilitation centre of the class of rehabilitation centres for mentally impaired persons or persons with a pervasive developmental disorder, in accordance with section 84 and paragraph 1 of section 86 of the Act respecting health services and social services (R.S.Q., chapter S-4.2);

AS Dixville Home Inc. is a legal person designated by the Minister of Health and Social Services under section 139 of the Act respecting health services and social services;

AS, by a deed registered on 23 July 1974 at the registry office of the registration division of Coaticook under number 49 704, Dixville Home Inc. acquired the immovable summarily designated as lots number 110, 111, 112, 117 and 118 of the cadastre of the village of Dixville in the registration division of Coaticook and parts of lots number 108 and 117 of the cadastre of the village of Dixville in the registration division of Coaticook, identified as the Old Mill;

AS, by a deed registered on 23 July 1974 at the registry office of the registration division of Coaticook under number 49 705, Dixville Home Inc. acquired the immovable summarily designated as part of lot number 120 of the cadastre of the village of Dixville in the registration division of Coaticook, identified as the Village Store;

AS, by a deed registered on 2 December 1977 at the registry office of the registration division of Coaticook under number 53 617, Dixville Home Inc. acquired the immovable designated as lots number 114, 115 and 116 of the cadastre of the village of Dixville in the registration division of Coaticook;

AS, by a deed registered on 6 April 1978 at the registry office of the registration division of Coaticook under number 54 037, Dixville Home Inc. acquired the immovable summarily designated as parts of lots number 101, 102, 152 and 153 of the cadastre of the village of Dixville in the registration division of Coaticook;

AS, contrary to section 44 of the Act respecting health services and social services (1971, chapter 48) applicable at the time, Dixville Home Inc. failed to obtain the authorization of the Lieutenant-Governor in Council to acquire lots number 110, 111, 112, 117 and 118 as well as parts of lots number 108 and 117, part of lot number 120, lots number 114, 115 and 116 and parts of

lots number 101, 102, 152 and 153 of the cadastre of the village of Dixville in the registration division of Coaticook, and its deeds of acquisition are therefore null under section 48 of that Act;

AS, by a notarial deed made on 1 June 1986 before John Everett Todd, notary in Westmount, and registered on 8 June 1987 at the registry office of the registration division of Coaticook under number 66 522, Dixville Home Inc. acquired the immovable summarily designated as part of lot number 132 of the cadastre of the village of Dixville in the registration division of Coaticook, identified as the Thomas Markey Building;

AS, contrary to section 72 of the Act respecting health services and social services (R.S.Q., chapter S-5) applicable at the time, Dixville Home Inc. failed to obtain the authorization of the Government or consult the regional council concerned to acquire the lot, and its deed of acquisition is therefore null under section 75 of that Act;

AS, by a deed registered on 7 November 1991 at the registry office of the registration division of Coaticook under number 72 840, Dixville Home Inc. acquired the immovable designated as part of lot number 133 of the cadastre of the village of Dixville in the registration division of Coaticook, identified as the Parking Area;

AS, contrary to section 72 of the Act respecting health services and social services (R.S.Q., chapter S-5) applicable at the time, Dixville Home Inc. failed to obtain the authorization of the Conseil du trésor or consult the regional council concerned to acquire the lot, and its deed of acquisition is therefore null under section 75 of that Act;

AS, by a deed registered on 9 May 2003 at the registry office of the registration division of Coaticook under number 10 391 008, Dixville Home Inc. acquired the immovable designated as lot number 208 of the cadastre of the village of Dixville in the registration division of Coaticook, identified as Church Street;

AS, contrary to section 260 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) applicable at the time, Dixville Home Inc. failed to obtain the authorization of the Minister and the Conseil du trésor or the advice of the regional board concerned to acquire the lot, and its deed of acquisition is therefore null under section 264 of that Act;

AS Dixville Home Inc. acquired all of those immovables to carry out the mission of the institution and used them for that purpose for many years;

AS it is in the interest of Dixville Home Inc. that its failure to obtain the required authorizations at the time it acquired the immovables, and the resulting defects of title affecting them, be remedied;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Despite sections 44 and 48 of the Act respecting health services and social services (1971, chapter 48) applicable at the time, the deed of sale registered under number 49 704 at the registry office of the registration division of Coaticook, by which Dixville Home Inc. acquired the immovable summarily designated as lots number 110, 111, 112, 117 and 118 of the cadastre of the village of Dixville in the registration division of Coaticook and parts of lots number 108 and 117 of the cadastre of the village of Dixville in the registration division of Coaticook (the Old Mill), the cadastral designation of which, as established at the time, appears in Schedule I, may not be annulled on the grounds that the authorization of the Lieutenant-Governor in Council was not obtained, and no allegation of irregularity or illegality may be raised against the right of ownership of Dixville Home Inc. in the immovable.

2. Despite sections 44 and 48 of the Act respecting health services and social services (1971, chapter 48) applicable at the time, the deed of sale registered under number 49 705 at the registry office of the registration division of Coaticook, by which Dixville Home Inc. acquired the immovable summarily designated as part of lot number 120 of the cadastre of the village of Dixville in the registration division of Coaticook (the Village Store), the cadastral designation of which, as established at the time, appears in Schedule II, may not be annulled on the grounds that the authorization of the Lieutenant-Governor in Council was not obtained, and no allegation of irregularity or illegality may be raised against the right of ownership of Dixville Home Inc. in the immovable.

3. Despite sections 44 and 48 of the Act respecting health services and social services (1971, chapter 48) applicable at the time, the deed of sale registered under number 53 617 at the registry office of the registration division of Coaticook, by which Dixville Home Inc. acquired the immovable summarily designated as lots number 114, 115 and 116 of the cadastre of the village of Dixville in the registration division of Coaticook, the cadastral designation of which, as established at the time, appears in Schedule III, may not be annulled on the grounds that the authorization of the Lieutenant-Governor in Council was not obtained, and no allegation of irregularity or illegality may be raised against the right of ownership of Dixville Home Inc. in the immovable.

4. Despite sections 44 and 48 of the Act respecting health services and social services (1971, chapter 48) applicable at the time, the deed of sale registered under number 54 037 at the registry office of the registration division of Coaticook, by which Dixville Home Inc. acquired the immovable summarily designated as parts of lots number 101, 102, 152 and 153 of the cadastre of the village of Dixville in the registration division of Coaticook, the cadastral designation of which, as established at the time, appears in Schedule IV, may not be annulled on the grounds that the authorization of the Lieutenant-Governor in Council was not obtained, and no allegation of irregularity or illegality may be raised against the right of ownership of Dixville Home Inc. in the immovable.

5. Despite sections 72 and 75 of the Act respecting health services and social services (R.S.Q., chapter S-5) applicable at the time, the deed of sale registered under number 66 522 at the registry office of the registration division of Coaticook, by which Dixville Home Inc. acquired the immovable summarily designated as part of lot number 132 of the cadastre of the village of Dixville in the registration division of Coaticook (Thomas Markey Building), the cadastral designation of which, as established at the time, appears in Schedule V, may not be annulled on the grounds that the authorization of the Government was not obtained or the regional council concerned was not consulted, and no allegation of irregularity or illegality may be raised against the right of ownership of Dixville Home Inc. in the immovable.

6. Despite sections 72 and 75 of the Act respecting health services and social services (R.S.Q., chapter S-5) applicable at the time, the deed of sale registered under number 72 840 at the registry office of the registration division of Coaticook, by which Dixville Home Inc. acquired the immovable summarily designated as part of lot number 133 of the cadastre of the village of Dixville in the registration division of Coaticook (Parking Area), the cadastral designation of which, as established at the time, appears in Schedule VI, may not be annulled on the grounds that the authorization of the Conseil du trésor was not obtained or the regional council concerned was not consulted, and no allegation of irregularity or illegality may be raised against the right of ownership of Dixville Home Inc. in the immovable.

7. Despite sections 260 and 264 of the Act respecting health services and social services (R.S.Q., chapter S-4.2) applicable at the time, the deed of sale registered under number 10 391 008 at the registry office of the registration division of Coaticook, by which Dixville Home Inc. acquired the immovable summarily designated as lot number 208 of the cadastre of the village of Dixville in the registration division of Coaticook (Church Street), the cadastral designation of which, as established at the time, appears in Schedule VII, may not be annulled on the grounds that the authorization of the Minister and the Conseil du trésor or the advice of the regional board concerned was not obtained, and no allegation of irregularity or illegality may be raised against the right of ownership of Dixville Home Inc. in the immovable.

8. This Act must be registered at the registry office of the registration division of Coaticook and the appropriate entries registered against lots 101, 102, 108, 110, 111, 112, 114, 115, 116, 117, 118, 120, 132, 133, 152, 153 and 208 of the cadastre of the village of Dixville in the registration division of Coaticook.

9. This Act comes into force on 15 June 2012.

SCHEDULE I

(Section 1)

LOTS NUMBER 110, 111, 112, 117 AND 118 AND PARTS OF LOTS
NUMBER 108 AND 117 (THE OLD MILL):

DESIGNATION [In French and English in the original]

[Translation of original French]

1. An immovable situated in the village of Dixville and comprising pieces of land known and designated as lots number ONE HUNDRED AND TEN, ONE HUNDRED AND ELEVEN, ONE HUNDRED AND TWELVE and ONE HUNDRED AND SEVENTEEN (110, 111, 112 and 117) of the official plan and book of reference of the village of Dixville;

With the house, saw mill and other buildings thereon erected.

2. Another immovable situated in the village of Dixville, being the piece of land known and designated as lot number ONE HUNDRED AND EIGHTEEN (118) of the official plan and book of reference of the village of Dixville;

With the servitudes, active or passive, apparent or unapparent, attached to said immovable;

[Original English]

“A certain piece of land of irregular figure, with ex-powthouse and penstock erected thereon, situated in the village of Dixville known and designated as beign part of lot number ONE HUNDRED AND SEVENTEEN (Ptie 117) of the official cadastral plan and book of reference for the village of Dixville, County of Stanstead, comprising all that part of said lot between the river and the private road limited to the south-west by a straight line at ten (10) feet North-east of the foundation wall of the old flour mill and containing a superficial area of about three thousand and one hundred and forty (3140') square feet and bounded to the North-west by the Coaticook River, to the North-east by part of lot number ONE HUNDRED AND EIGHT (108) to the South-east by a private road and to the South-west by another part of lot number ONE HUNDRED AND SEVENTEEN (117).

In as far as the Coaticook River is considered nonnavigable and with out warranty of possession, the Vendor cedes, grants the river bed fronting said parts of lots number ONE HUNDRED AND EIGHT AND ONE HUNDRED AND SEVENTEEN (108 & 117) of said cadastre for half its normal with following all its sinuosities and containing an approximate area of twelve thousand five hundred (12,500) square feet, which area the Vendor will not be liable for.

The penstock (water, pipe) leading to the Power house from the dam together with the rights for its installation, maintenance and access to, across that northern part of lot number ONE HUNDRED AND EIGHTEEN (N.P. 118) and the part of lot number ONE HUNDRED AND SEVENTEEN (Ptie 117) bounded to the North-west by the Coaticook River to the North-east by another part of lot number ONE HUNDRED AND SEVENTEEN (117) to the south-east by a private road and to the South-west by said northern part of lot number ONE HUNDRED AND EIGHTEEN (118).

The purchaser agrees and accepts the above mentioned descriptions of properties and shall not pretend to limitation of such properties with iron bornes or request technical descriptions, the Purchaser shall not contest and mentioned areas which were rendered on good faith, by the Vendor.

As the property now subsists with all its rights, members and appurtenances, and without any exception or reserve from the vendor, except as hereinafter mentioned.”

[Translation of original French]

The whole without guarantee as to measurements, “bornes” (boundary posts) or other superficial areas, the Vendor intending only to cede the rights, titles and interests in said lands.

AS the whole now subsists, with all the servitudes, active or passive, apparent or unapparent, attached to said properties, the Purchaser declaring to know the whole and to be satisfied with it.

SCHEDULE II
(Section 2)

PART OF LOT NUMBER 120 (VILLAGE STORE):

DESIGNATION [Translation of original French]

A property including a store and dwellings situated in the village of Dixville, known and designated as part of lot number one hundred and twenty (Pt. 120) of the official plan and book of reference of the cadastre of the village of Dixville, bounded and described as follows:

Commencing at the southeast corner of said lot, thence westerly along Chamberland Street to a point sixteen feet (16') east of the southwesterly corner of the property that the Vendor acquired from Wilfrid J. Vanasse; and from that point, northerly, at right angles, a distance of fifty-nine feet (59'), said line running between the store and the garage building reserved by the Vendor; thence, westerly, a distance of ten feet (10'), to a point; thence again northerly, at right angles, a distance of ninety-nine feet (99'), that is, to the north line of said lot one hundred and twenty; thence, easterly along the north line of said lot one hundred and twenty, a distance of seventy and a half feet (70.5'); and finally, thence southerly, along the west side of Mill Road, a distance of one hundred and eighty-eight and a half feet (188.5') to the point of commencement, the measurements being more or less and the north line being bounded by the property of one Buzzell.

The whole with the buildings thereon erected and appurtenances.

As the property now subsists, subject to all the servitudes, active or passive, apparent or unapparent, attached to said property, the purchaser declaring to know the whole and to be satisfied with it.

SCHEDULE III
(Section 3)

LOTS NUMBER 114, 115 AND 116:

DESIGNATION [Translation of original French]

Certain immovables known and designated as lots number ONE HUNDRED AND FOURTEEN, ONE HUNDRED AND FIFTEEN and ONE HUNDRED AND SIXTEEN (114, 115 and 116) of the official plan and book of reference of the village of Dixville.

SCHEDULE IV

(Section 4)

PARTS OF LOTS NUMBER 101, 102, 152 AND 153:

DESIGNATION [In French and English in the original]

[Translation of original French]

1. Of the part of the pieces of land known and designated as lots number ONE HUNDRED AND ONE and ONE HUNDRED AND TWO (Pt. 101 and 102) of the official plan and book of reference of the village of Dixville, which is described as follows in the Vendor's deed of acquisition cited below:

[Original English]

“a) A piece of land in the Village of Dixville composed of cadastral lot number ONE HUNDRED AND ONE and ONE HUNDRED AND TWO (L. 101 & 102) SAVE AND EXCEPT that part thereof that has been sold to E. G. Willis by deed before Me. G.A. Normandin, the 22nd November, 1922, SAVE AND EXCEPT also parts of said two lots that have been of August, 1945, registered at Coaticook in reg. “B” Vol. 51, no 26043, that part sold to said Grady being described as follows: That certain residence property in the Village of Dixville, measuring seventy-two feet in front on Main Street by two hundred feet (200') in depth on School Street, composed of parts of cadastral lots ONE HUNDRED AND ONE and ONE HUNDRED AND TWO (101 & 102) bounded and described as follows: South by Main Street, East by School Street, North by remaining part of lot number ONE HUNDRED AND TWO (102) belonging to Maxime Bégin or representatives, and West by the remaining part of lot number ONE HUNDRED AND TWO and ONE HUNDRED AND ONE (102 & 101) remaining to Maxime Bégin or representatives; commencing at the south-east corner of lot number ONE HUNDRED AND ONE (101) at the corner of Main and School Street, thence towards North following the West side of said School Street, the whole length of lot number ONE HUNDRED AND ONE (101) and about eight feet in lot ONE HUNDRED AND TWO (102) thence at right angle towards West on the lot number ONE HUNDRED AND TWO (102) seventy-two feet to a point thence at right angle towards south about eight feet to the North line of lot number ONE HUNDRED AND ONE (101) and thence across lot number ONE HUNDRED AND ONE (101) to the North side of said Main Street, to a point seventy-two feet to the South east corner of said lot number ONE HUNDRED AND ONE (101) thence towards east following the North side of said Main Street seventy-two feet to the point of beginning.

With the right to leave and repair a cesspool from said property across lot number ONE HUNDRED AND ONE and ONE HUNDRED AND TWO (101 & 102) as by actual installation, without any damage to the property of Maxime Bégin or representatives:

And with the house and other buildings thereon erected;”

[Translation of original French]

AND SAVE AND EXCEPT the site sold to Charles Duteau by deed before Me. G.A. Normandin, N.P., the seventh of May, nineteen hundred and forty-eight (1948) registered under lot number 28448 and described as follows: A piece of land in the village of Dixville taken from the northeast corner of cadastral lot number ONE HUNDRED AND TWO (Pt. 102) being a strip of land six feet (6') wide by one hundred and forty-eight feet (148') deep, bounded to the north by the property belonging to the purchaser, to the east by School Street, to the south by the property belonging to Maxime Bégin or representatives, and to the west by part of the property belonging to Maxime Bégin, the land here sold being the extension towards the south of the property belonging to the purchaser with all its rights and privileges.

AND SAVE AND EXCEPT the piece of land sold to one Lefebvre, measuring fifty feet by one hundred feet and described as follows: composed of part of lot number ONE HUNDRED AND TWO and part of lot number ONE HUNDRED AND THREE (Pt. 102 and 103) of said village of Dixville, taken from the west part of those two lots, bounded to the north by part of lot ONE HUNDRED AND TWO (Pt. 102), to the east by part of lots number ONE HUNDRED AND TWO and ONE HUNDRED AND THREE (Pt. 102 and 103), to the south by Main Street, and to the west by another street running north to south and more fully described in said deed to which reference is made.

AND SAVE AND EXCEPT another piece of land sold to Madam Rose Nadeau, spouse of A. Désindes, also measuring fifty feet by approximately one hundred feet deep.

AND SAVE AND EXCEPT another piece of land reserved by (Maxime Bégin) sixty feet wide by one hundred feet deep, bordering the property of Madam Désindes on the east side.

SAVE AND EXCEPT THE PARTS OF SAID LOTS NUMBER 101, 102 AND 103 that were expropriated by the Government of Canada for the construction of a post office as it appears in the deed registered at Coaticook under number 43515;

2. Another immovable composed of part of the pieces of land known and designated as lots number ONE HUNDRED AND FIFTY-TWO and ONE HUNDRED AND FIFTY-THREE (Pt. 152 and 153) of the official plan and book of reference of the village of Dixville, said part of lot number ONE HUNDRED AND FIFTY-TWO (Pt. L. 152) being bounded as follows: to the south by the old road to the Dixville railway station, to the west by the new provincial highway 22, to the north and to the east by part of the same lot remaining to Alphonse Meunier or representatives, measuring two hundred and ninety feet (290') along its east and west lines; three hundred feet (300') along its north and south lines; commencing on the east side of the new provincial highway 22, thence easterly along the old road to the railway station three hundred feet (300') to a point; thence northerly at right angles, two hundred and ninety feet (290') to a point; thence westerly at right angles, three hundred

feet (300') to the east side of the new provincial highway 22; thence southerly along the east side of the new provincial highway 22, two hundred and ninety feet (290') to the point of commencement, the land being fenced and the fence being included in the sale; the purchaser being required however to continue the upkeep and maintenance of the fenced property at the purchaser's expense, and said part of lot number ONE HUNDRED AND FIFTY-THREE (Pt. 153) being the whole part of that lot situated to the southeast of the new provincial highway 22.

With the servitudes, active or passive, apparent or unapparent, attached to said immovables.

This description was provided by the parties herein, who declare being satisfied with it.

SCHEDULE V
(Section 5)

PART OF LOT NUMBER 132 (THOMAS MARKEY):

DESIGNATION [Original English]

“1. That certain parcel of land and premises formerly situated and being in the Township of Barford, known and distinguished as part of original lot number FOURTEEN (14), RANGE FIVE (5), as described in a Deed of Sale drawn before witnesses on the thirteenth day of February, one thousand eight hundred and eighty-nine (1889), and registered in the Coaticook Division Registry Office in Register B, Volume 16, under No. 3615 on the eighth day of November, one thousand eight hundred and eighty-nine (1889), and which lot of land is presently known and designated on the Cadastral Plan and in the Book of Reference for the Village of Dixville as part of Cadastral lot number ONE HUNDRED AND THIRTY-TWO (Pt. 132) of the Ville de Dixville, and described as follows:

Commencing twenty (20) feet easterly from low-water mark of the Coaticook River, at a point about eight (8) rods North of the Northerly end of the Baptist Church Building formerly known as the Methodist Church, as there now stands; thence easterly ten and three-quarters (10-3/4) rods; thence Southerly twenty (20) rods; thence Westerly, four end three-quarters (4-3/4) rods, to a point twenty (20) feet Easterly from low-water mark on the said river; thence Northerly along a line twenty (20) feet Easterly from low-water mark of said river, to the place of beginning, by the same, more or less.

2. That certain parcel of land situate in the Village of Dixville formerly being a part of original lot number FOURTEEN (14) in the FIFTH (5th) RANGE, of the Township of Barford as described in Deed of Sale drawn before John Fraser, Notary Public, on the twenty-second day of January, one thousand eight hundred and ninety (1890), and registered in the Coaticook Division Registry Office in Register B, Volume 16, under number 3853, on the twenty-eighth day of March, one thousand eight hundred and ninety (1890), and which lot is presently known and designated on the Cadastral Plan and Book of Reference for the Village of Dixville as part of lot number ONE HUNDRED AND THIRTY-TWO (Pt. 132) of the Village of Dixville, and described as follows:

Commencing at a point on the South-Easterly side of the Street leading to the Baptist Church in the said Village of Dixville, distant ten (10) rods and eight (8) feet from the North-Easterly corner of the said Baptist Church; thence South-Easterly at right angles to said Street eight (8) rods more or less to a post on the North-Westerly line of land formerly owned by Joseph Mayhew; thence South-Westerly along the said North-Westerly line of said land of Joseph Mayhew until it strikes the Easterly line of the lot known as the Baptist Church lot heretofore conveyed in Deed above cited in Paragraph 1; thence Northerly along the said Easterly line of the said Baptist Church lot to the South-Easterly side of the said Street, thence North-Easterly along the South-Easterly side of

the Street to the place of beginning, the said parcel of land adjoining the Baptist Church lot above described in paragraph 1, and situated on the Easterly side of same.

With the building thereon erected.

As the said immovable property now subsists with all its rights, members and appurtenances, without exception or reserve of any kind on the part of the Vendor.”

SCHEDULE VI

(Section 6)

PART OF LOT NUMBER 133 (PARKING AREA):

DESIGNATION [Translation of original French]

An immovable situated in Municipalité du Village de Dixville, known and designated as being part of lot number ONE HUNDRED AND THIRTY-THREE (Pt. 133) in the official plan and book of reference of the cadastre of the village of Dixville and more fully described as follows:

Commencing at a point situated seventy feet (70') from the corner of Main Street and Alexandre Street, on the northwest side of said Alexandre Street; and from that point, fronting said Alexandre Street, on its northwest side, a distance of seventy feet (70') southwesterly, by the depth between said Alexandre Street and the river; the southwest and northeast lines being parallel to Main Street; said property being bounded to the southeast by Alexandre Street, to the northwest by the river, to the southwest and to the northeast by other parts of said lot number ONE HUNDRED AND THIRTY-THREE (Pts. 133) of the cadastre of the village of Dixville.

The whole without buildings.

SCHEDULE VII
(Section 7)

LOT NUMBER 208 (CHURCH STREET):

DESIGNATION [Translation of original French]

An immovable situated in Municipalité de DIXVILLE, known and designated as lot number TWO HUNDRED AND EIGHT (208) in the official plan and book of reference of the cadastre of the VILLAGE OF DIXVILLE, in the registration division of COATICOOK.

The whole WITHOUT buildings thereon erected.