



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 208
(Private)

**An Act concerning the transfer of
a right of emphyteusis to the Ville
d'Alma**

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Assented to 11 December 2019**

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Bill 208

(Private)

AN ACT CONCERNING THE TRANSFER OF A RIGHT OF EMPHYTEUSIS TO THE VILLE D'ALMA

AS, on 12 September 1975, Commission scolaire régionale du Lac St-Jean transferred to Cité d'Alma the right of emphyteusis for the subdivisions of lots 14A (14-A-332), 15B (15-B-129) and 15A (15-A-119) of range 9 to the official cadastre of Canton de Signay, registration division of Lac-St-Jean Est, for the construction of Centre Mario-Tremblay, which includes an arena and a baseball field;

AS, on 15 November 1994, an addendum by a private writing for the 1975 act of emphyteusis was made between Commission scolaire régionale du Lac St-Jean and Cité d'Alma to extend the emphyteusis site to other parts of lots 14A and 15B, range 9, of the official cadastre of Canton de Signay, registration division of Lac-St-Jean Est, for the development of tennis courts;

AS the 15 November 1994 addendum also entailed a land exchange between Ville d'Alma and Commission scolaire régionale du Lac St-Jean, a transaction that was completed following the signing of that addendum;

AS, on 15 November 1994, section 272 of the Education Act (chapter I-13.3) allowed Commission scolaire régionale du Lac St-Jean to alienate an immovable in accordance with the provisions of the Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board (chapter I-13.3, r. 2);

AS the regulation provided that the Commission scolaire régionale du Lac St-Jean could not transfer the right of emphyteusis without obtaining the authorization of the Minister of Education, Recreation and Sports;

AS, for the 15 November 1994 addendum and the transfer of the right of emphyteusis on an additional area of land, the authorization of the Minister of Education, Recreation and Sports was not obtained;

AS such transfer made without such approval is absolutely null;

AS the private writing was not published and only one copy of the original could be found;

AS none of the parties to the copy of the act challenge its authenticity;

AS, under article 2982 of the Civil Code, all applications for registration at the registry office established for the registration division in which the immovable is situated are made by presenting the act itself or an authentic extract of the act, which cannot be provided;

AS the publication of the private writing and the correction of the lack of authorization by the Minister of Education, Recreation and Sports affecting the immovable are essential, especially since the area of the emphyteusis granted in 1975 and 1994 must be further expanded to regularize the titles of ownership of the Centre multisport of Ville d'Alma;

AS section 7 of the Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board (chapter I-13.3, r. 7) requires the Commission scolaire régionale du Lac St-Jean to obtain authorization from the Minister of Education, Recreation and Sports for the new expansion;

AS the conditions of this new transfer of the right of emphyteusis between the Commission scolaire du Lac-Saint-Jean and Ville d'Alma meet the requirements of the Ministère de l'Éducation et de l'Enseignement supérieur;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Despite section 272 of the Education Act (chapter I-13.3), the transfer by the Commission scolaire régionale du Lac St-Jean to Ville d'Alma, by private writing made on 15 November 1994, of a right of emphyteusis for the parts of lots 14A and 15B of range 9 of Canton de Signay, registration division of Lac-Saint-Jean-Est within the limits of Ville d'Alma, now designated as part of lot 6 135 833 of the cadastre of Québec, cannot be cancelled because of the failure to obtain the authorization required by that Act.
- 2.** Despite article 2982 of the Civil Code, the application for registration of a copy of the private writing made on 15 November 1994 must be received by the registry office, registration division of Lac-Saint-Jean-Est, and published in the land register.
- 3.** The Commission scolaire du Lac-Saint-Jean is authorized to transfer to Ville d'Alma, in accordance with the Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board (chapter I-13.3, r. 7), a right of emphyteusis for an additional area of 2,339.5 square metres, establishing a right of emphyteusis for the entire lot 6 135 833 of the cadastre of Québec, registration division of Lac-Saint-Jean-Est.
- 4.** This Act comes into force on 11 December 2019.