



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 210
(Private)

An Act respecting the subdivision of a lot located in the Maison Roussil protection area in Terrebonne and partly in the Maison Bélisle protection area in Terrebonne

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AN ACT RESPECTING THE SUBDIVISION OF A LOT LOCATED IN THE MAISON ROUSSIL PROTECTION AREA IN TERREBONNE AND PARTLY IN THE MAISON BÉLISLE PROTECTION AREA IN TERREBONNE

AS, on 6 June 1972, by resolution of the Commission des monuments historiques du Québec and with the owner's consent, the following immovable was classified as a historic monument and site:

“A stone house dating from around 1823, the “Maison ROUSSIL”, corresponding to numbers 870-872 Rue Saint-Louis in Terrebonne and located on a part of original lot number two hundred seventy (Pt. 270) of the official cadastre of Ville de Terrebonne, registration division of Terrebonne”;

AS section 61 of the Cultural Property Act (1972, chapter 19) states that classified property and historic localities declared as such under the Historic Monuments Act (Revised Statutes, 1964, chapter 62) are deemed classified cultural property and declared historic districts under the Cultural Property Act;

AS the classification was approved under Order in Council 1832-72 dated 28 June 1972, a copy of which was registered at the registry office of Terrebonne on 8 August 1972 under number 406 220;

AS shown by a notation, in French, in the register of cultural property, the “Maison Roussil” has had a protection area since 23 July 1975 (the notation stating that the protection area, formerly called “protected area” in the Cultural Property Act, is defined in that Act as an area whose perimeter is five hundred feet (500') from a classified historic monument or archaeological site):

“Que cette aire de protection est définie à la Loi sur les biens culturels comme une aire dont le périmètre est à cinq cents pieds (500 ') d'un monument historique ou d'un site archéologique classé;”;

AS, on 25 August 1973, by decision of the Minister of Cultural Affairs of Québec, on the advice of the Commission des biens culturels and by virtue of the powers vested by the Cultural Property Act, the following immovable was classified as a historic monument and site:

“A stone house, owned by Wilfrid Bélisle, the “Maison Bélisle”, corresponding to number 844 Rue Saint-François in Terrebonne and located on lot two hundred ninety-three (293) and part of lot two hundred ninety-four (Pt. 294) of the official cadastre of Ville de Terrebonne, registration division of Terrebonne”;

AS paragraph *j* of section 1 of the Cultural Property Act defines the protected area as being an area whose perimeter is five hundred feet (500') from a classified historic monument or archaeological site;

AS the entry in the register of cultural property was made on 30 October 1973 under file number 111-010, a copy of which was registered at the registry office of Terrebonne on 2 November 1973 under number 429 883;

AS the notices of classification for “Maison Roussil” and “Maison Bélisle” were registered against original lot 269 of the official cadastre of Ville de Terrebonne, registration division of Terrebonne, under numbers 467 123 and 544 545, respectively, since original lot 269 of the official cadastre of Ville de Terrebonne is totally and partially located in the protection area of the said historic monuments and sites;

AS, on 15 November 2012, the Syndicat de la copropriété Les berges de l'étang acquired lot 5 001 932 of the cadastre of Québec, registration division of Terrebonne, from Conrad Therrien to install a community garden there for the benefit of the co-owners of Les berges de l'étang co-ownership, thus establishing a real and perpetual non-construction servitude on the said lot to maintain the current state of the premises;

AS, after the acquisition of lot 5 001 932 of the cadastre of Québec, registration division of Terrebonne, the declaration of Les berges de l'étang co-ownership was amended to include, for each of the 18 private portions, a right of use of the community garden;

AS the sale, the servitude of non-construction and the amendment to the declaration of co-ownership were registered at the registry office of the registration division of Terrebonne under numbers 19 566 873 and 19 651 425, respectively;

AS lot 5 001 932 of the cadastre of Québec, registration division of Terrebonne, is located in the “Maison Roussil” protection area and partly in the “Maison Bélisle” protection area;

AS, on 3 October 2012, prior to the acquisition of lot 5 001 932 by the Syndicat de la copropriété Les berges de l'étang, a cadastral operation that subdivided lot 2 438 361 of the cadastre of Québec, registration division of Terrebonne (formerly original lot 269), to create lots 5 001 931 and 5 001 932, both of the cadastre of Québec, registration division of Terrebonne, was carried out;

AS, prior to the subdivision of lot 2 438 361 of the cadastre of Québec, registration division of Terrebonne, the Minister's authorization required under section 48 of the Cultural Property Act (chapter B-4) was not obtained;

AS section 48 of the Cultural Property Act states that no person may, in any historic or natural district or on any classified historic site divide or subdivide, redivide or parcel out any lot without authorization of the Minister of Culture and Communications;

AS section 50 of the Cultural Property Act states that the first paragraph of section 48 of that Act applies also in relation to all immovables or parts of immovables situated in a protected area upon each owner's being sent a notice from the Minister informing him that the whole or part of his immovable is situated in the protected area of a classified historic monument and that the notice has been registered in the land register;

AS section 57.1 of the Cultural Property Act prescribes that no division or subdivision plan or any other form of parcelling out of land situated in historic or natural districts, classified historic sites or protected areas may be registered in the land register if the conditions of an authorization given under that Act have not been met or if such an authorization has not been given;

AS it is important to the owners that the failure to obtain the required authorization prior to the cadastral operation that created the lots henceforth known and designated as lots 5 001 931 and 5 001 932, both of the cadastre of Québec, registration division of Terrebonne, as well as the registration of the subdivision plans in the land register be remedied;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The subdivision of lot 2 438 361 of the cadastre of Québec, registration division of Terrebonne, and, consequently, the creation of lots 5 001 931 and 5 001 932, both of the cadastre of Québec, registration division of Terrebonne, as well as the registration of the plans in the land register cannot be annulled on the ground that the authorization required under sections 48 and 50 of the Cultural Property Act (chapter B-4) was not obtained, despite section 57.1 of that Act.
- 2.** This Act must be registered at the registry office of the registration division of Terrebonne and the appropriate entries registered against lots 5 001 931 and 5 001 932, both of the cadastre of Québec, registration division of Terrebonne.
- 3.** This Act comes into force on 12 November 2020.