

## Regulations and other Acts

### M.O., 2023

#### Order 2023-31 of the Minister of Transport and Sustainable Mobility dated 27 December 2023

Act respecting expropriation  
(2023, chapter 27)

Information texts established by the Minister of Transport and Sustainable Mobility pursuant to sections 9, 14, 29, 31, 38, 149 and 151 of the Act respecting expropriation (2023, chapter 27)

THE MINISTER OF TRANSPORT AND SUSTAINABLE MOBILITY,

CONSIDERING subparagraph 6 of the first paragraph of section 9 of the Act respecting expropriation (2023, chapter 27) providing that the expropriating party serves on the holder of a right in the expropriated immovable a notice of expropriation containing, in particular, the information text established by the Minister of Transport and Sustainable Mobility;

CONSIDERING subparagraph 3 of the second paragraph of section 14 of the Act providing that the notice to vacate the expropriated immovable must contain, in particular, the information text established by the Minister of Transport and Sustainable Mobility;

CONSIDERING subparagraph 3 of the second paragraph of section 29 of the Act providing that the notice of change of the vacancy date must contain, in particular, the information text in accordance with that which may be established by the Minister of Transport and Sustainable Mobility;

CONSIDERING subparagraph 4 of the third paragraph of section 31 of the Act providing that the notice of discontinuance must contain, in particular, the information text in accordance with that which may be established by the Minister of Transport and Sustainable Mobility;

CONSIDERING subparagraph 3 of the fifth paragraph of section 38 of the Act providing that the notice of transfer of right and the notice of intention to register a notice of transfer must contain, in particular, the information text established by the Minister of Transport and Sustainable Mobility;

CONSIDERING subparagraph 3 of the first paragraph of section 149 of the Act providing that the notice of establishment of a reserve in the land register contains, in particular, the information text established by the Minister of Transport and Sustainable Mobility;

CONSIDERING subparagraph 4 of the second paragraph of section 151 of the Act providing that the document informing the lessee and occupant in good faith of the existence of the reserve on the leased or occupied immovable contains, in particular, the information text established by the Minister of Transport and Sustainable Mobility;

CONSIDERING that it is expedient to establish the information texts;

ORDERS AS FOLLOWS:

1. The following information texts appended to this Ministerial Order are hereby established:

— Information text for the notice of expropriation;

— Information text for the notice to vacate the expropriated immovable;

— Information text for the notice of change of the vacancy date;

— Information text for the notice of discontinuance;

— Information text for the notice of transfer of right;

— Information text for the notice of intention to register a notice of transfer;

— Information text for the notice of establishment of a reserve;

— Information text for the notice of acquisition of the benefit of the reserve;

— Information text for the information document on the existence of the reserve on the leased or occupied immovable;

— Information text for the information document on the existence of the acquisition of the benefit of the reserve.

2. The information texts appearing as Schedules to this Ministerial Order are amended by replacing the numerical designation of the Act respecting expropriation in the annual volume of the Statutes of Québec by the numerical designation for that Act in the Compilation of Québec Laws and Regulations.

3. This Ministerial Order comes into force on 29 December 2023, except section 2 which comes into force as of the integration of the Act respecting expropriation (2023, chapter 27) into the Compilation of Québec Laws and Regulations.

Québec, 27 December 2023

GENEVIÈVE GUILBAULT  
*Minister of Transport and Sustainable Mobility*

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## SCHEDULE I

*(Section 9 of the Act respecting expropriation (2023, chapter 27))*

### INFORMATION TEXT FOR THE NOTICE OF EXPROPRIATION

#### Information text established by the Minister of Transport and Sustainable Mobility

*(Insert the preamble text only if adaptations to the Act respecting expropriation are provided for by another Act.)*

#### Preamble

[Note that this text must be read taking into account the adaptations required by the application of [section / sections] [insert the section numbers] of the [insert the name of and reference to the Act]. For additional information, it is advised you contact the expropriating party.]

#### Documents

1. The notice of expropriation must be accompanied by

(1) an extract from the cadastre of Québec showing the expropriated immovable if the expropriated right concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the expropriated immovable signed by a land surveyor;

(2) the expropriating party's initial detailed declaration, which at a minimum indicates the market value of the expropriated right; and

(3) the response model established by the Administrative Tribunal of Québec and published on its website.

#### Important dates

2. The date of expropriation is the date on which the notice of expropriated was served on you. If there is more than one holder of the expropriated right, the date of expropriation is the date that is the latest among the dates of service of the notice of expropriation on those holders.

3. The vacancy date is the date on which you must have vacated the expropriated immovable.

The vacancy date entered on the notice of expropriation cannot be earlier than the date that is

(1) six months after the date of expropriation, in the case where the residence of a lessee or occupant in good faith is part of the expropriated immovable;

(2) two months after the date of expropriation, in the case of expropriation of a dismemberment of the right of ownership; or

(3) four months after the date of expropriation, in all other cases.

If that date is to be changed, a notice of change of the vacancy date will be notified to you. If an earlier date is to be set, the expropriating party will be required to have obtained your written consent along with that of the lessees and occupants in good faith of the expropriated immovable.

#### Sending of information to the expropriating party

4. You must, within 30 days after the date of expropriation, send the expropriating party the leases or any other written agreements entered into with the lessees of the expropriated immovable. In the absence of such agreements, you must send that party, in writing, the names and addresses of the lessees and the occupants in good faith of the expropriated immovable, as well as the nature and term of each lease or agreement, the date it was entered into, the details of what it includes and the amount of the rent or the conditions on which the lessees or the occupants in good faith occupy the expropriated immovable.

Should you fail to send that information concerning a lessee whose lease is not registered in the land register or an occupant in good faith, you will be liable for any injury resulting from that failure. The lessee or occupant in good faith could then be entitled to damages in reparation for that injury.

You are required to disclose the existence of expropriation procedures to all lessees and occupants in good faith whose lease or any other written agreement was entered into after the date of expropriation or, in the absence of a lease or any other written agreement, whose rental or occupation of the expropriated immovable began after that date. Failure on your part to do so means you will, alone, be liable for any injury resulting from the failure.

5. If you are a natural person and the expropriation covers movables, you must send your date of birth to the expropriating party within 30 days after the expropriating party's request for you to do so. That information may be used only for the purpose of consulting the register of personal and movable real rights.

### **Registration of the notice of expropriation in the land register**

6. The expropriating party must, within 30 days after the date of expropriation, have the notice of expropriation and the extract from the cadastre of Québec or the plan of the expropriated immovable, mentioned above, registered in the land register. If the expropriating party fails to do so, any interested party, which includes you, may file an application for cancellation of the registration of the notice of expropriation in the office of the competent court. You must serve the application on the expropriating party and the Administrative Tribunal of Québec. The application must be filed by you before a notice of transfer of right is registered in the land register.

7. If the notice of expropriation registered for an immovable is the subject of an application for cancellation, the expropriating party cannot have a notice of transfer of right for the immovable registered in the land register unless the interested person has discontinued their application, or the judgment refusing the application for cancellation has become final.

As part of the expropriation indemnity proceeding and within six months after registration in the land register of a notice of transfer of right in contravention of the first paragraph, you may apply to the Administrative Tribunal of Québec for damages in reparation for any injury resulting from the registration. You are required to notify the application to the expropriating party.

### **Contestation of the expropriating party's right to expropriate**

8. You may, within 30 days after the date of expropriation, contest the right of the expropriating party to expropriate and request cancellation of the notice of expropriation by filing an application with the Superior

Court of the district in which the expropriated immovable is situated. The application must be served on the expropriating party and the Administrative Tribunal of Québec. The application does not stay the expropriation procedure unless, on an application made by you, the Superior Court decides otherwise.

If the application contesting the right to expropriate and requesting cancellation of the notice of expropriation is granted, as part of the expropriation indemnity proceeding you may apply to the Administrative Tribunal of Québec for damages in reparation for any injury resulting from the expropriation procedure. The application must be filed with the Administrative Tribunal of Québec within six months after the date on which the judgment becomes final and you must also notify the application to the expropriating party within the same time. Those time limits are strict time limits.

As part of the same proceeding and within six months after the date on which the judgment becomes final, the expropriating party may apply to the Administrative Tribunal of Québec for an order directing you to return all or part of the indemnities. The application must be notified to you within the same time. Those time limits are strict time limits.

### **Provisional indemnity**

9. The expropriating party determines the initial provisional indemnity to which you are entitled. The indemnity is an amount at least equal to 100% of the market value of the expropriated right specified in the expropriating party's initial detailed declaration.

A notice [*is / will be*] notified to you indicating the amount of the initial provisional indemnity the expropriating party has determined. The amount [*is / will be*] broken down on the basis of the applicable compensation items set out in the Act respecting expropriation (S.Q. 2023, chapter 27).

10. At any time before the application for determination of the final indemnity as part of the expropriation indemnity proceeding is taken under advisement, you may request the expropriating party to determine an additional provisional indemnity to allow you to continue your activities until payment of the final indemnity without the activities being jeopardized.

However, in the case of discontinuance of an enterprise's operations, the purpose of the additional provisional indemnity is instead to allow you to pay the expenses related to the discontinuance.

Your request seeking to obtain an additional provisional indemnity must specify the amount of the request. That amount must be broken down on the basis of the following applicable compensation items and the request must be accompanied by the documents justifying the amount:

- (1) the market value of the expropriated right;
- (2) the redevelopment indemnity;
- (3) the displacement indemnity;
- (4) the enterprise closure indemnity;
- (5) the equivalence indemnity;
- (6) the indemnity established according to the approach based on the re-establishment theory, listing the following separately:
  - (a) the indemnity for the replacement of buildings and improvements, and
  - (b) the value of the new land or, if the expropriated party re-establishes itself on land it owns, the market value of the expropriated land;
- (7) the indemnity in reparation for injuries;
- (8) the indemnity for loss of suitability value; and
- (9) the indemnity for trouble, nuisance and inconvenience.

The framework for the final indemnity is set out in sections 75 to 106 of the Act respecting expropriation (S.Q. 2023, chapter 27) which set forth each of the approaches enabling the applicable indemnities to be determined, defining the indemnities and indicating the parties entitled to them.

**11.** You may at any time apply to the Administrative Tribunal of Québec to obtain a supplemental provisional indemnity allowing you to continue your activities until payment of the final indemnity without the activities being jeopardized, if the initial provisional or additional indemnity is insufficient for that purpose. However, in the case of discontinuance of an enterprise's operations, the purpose of the supplemental provisional indemnity is instead to allow you to pay the expenses related to the closure of the enterprise. You are required to notify the application to the expropriating party.

### **Final indemnity**

**12.** In order to make it possible to determine the final indemnity, you and the expropriating party must be transparent with each other, in particular by sharing the information you hold and that is useful in determining the indemnity, and you must co-operate actively in searching for a solution.

**13.** Where the value of the indemnity claimed or offered is \$750,000 or more, you must prepare an expenditure budget detailing the various expenditure items as well as the amount you plan to incur for each item and to claim from the expropriating party as part of the final indemnity. The expenditure budget must be sufficiently detailed so as to allow the expropriating party to analyse what is proposed in it.

You are required to notify the expenditure budget to the expropriating party. Within 30 days after the notification, the expropriating party must notify to you whether it agrees with the budget or not. If the expropriating party does not agree with it, you must attempt to resolve the issue. If the disagreement persists between you and the expropriating party, both parties must, before the expenditures are incurred, apply to the Administrative Tribunal of Québec for a ruling on the disagreement.

**14.** Unless an agreement is reached with the expropriating party, the Administrative Tribunal of Québec will set the amount of the final indemnity.

### **Procedure before the Administrative Tribunal of Québec**

**15.** As of the filing in the record of the Administrative Tribunal of Québec of a detailed declaration equal to or greater than \$500,000, whether or not the declaration is subsequently amended to lower that amount, you are required to be represented by a lawyer before the Administrative Tribunal of Québec if you are

- (1) a representative, mandatary, tutor or other person acting on behalf of an expropriated party person who, for serious reasons, cannot act on their own behalf;
- (2) a legal person;
- (3) a general or limited partnership, an association or another group not endowed with juridical personality, unless all the partners or members act themselves or mandate one of their number to act;
- (4) the Public Curator, a guardian or a sequestrator; or

(5) a liquidator, except a liquidator of a succession, a trustee or other representative of collective interests when you are acting in that capacity.

That requirement does not apply if you are

(1) a natural person; or

(2) meet the following two conditions:

(a) you are a legal person, a general or limited partnership, an association or another group not endowed with judicial personality; and

(b) a maximum of 10 persons bound to you by an employment contract were under your direction or control at any time during the 12-month period preceding the date of expropriation.

**16.** You are required, within two months after the date of expropriation, to respond to the notice of expropriation and send the response to the Administrative Tribunal of Québec and to the expropriating party.

**17.** You are required, within four months after the date of expropriation, to file your detailed declaration in the record of the Administrative Tribunal of Québec and notify it to the expropriating party. Your declaration must state the amount of the final indemnity claimed, and that amount must be broken down on the basis of the compensation items listed in the third paragraph of section 10 of this text.

Should you fail to file your detailed declaration within the allotted time, the expropriating party may proceed by default.

**18.** The expropriating party may, within eight months after the date of expropriation, file in the record an amended detailed declaration, in particular to add to it the amounts offered for the indemnities for which the expropriating party does not have the burden of proof. The amended detailed declaration must be notified to you.

**19.** You may, before the decision on the application to determine the final indemnity is rendered, amend your detailed declaration or withdraw it if doing so does not delay the conduct of the proceeding or is not contrary to the interests of justice. You must notify the amended detailed declaration or, as applicable, your intention to withdraw the declaration, to the expropriating party. The expropriating party then has 10 days to notify a notice of objection to you. In the case of an objection, you will have to file your application with the Administrative Tribunal of Québec for a decision.

The expropriating party may do the same. If it amends or withdraws its detailed declaration, you may amend your detailed declaration accordingly.

During the hearing and in the presence of the parties, the Administrative Tribunal of Québec may authorize an amendment or withdrawal of a detailed declaration without the formalities described above.

The Administrative Tribunal of Québec may, on an application notified by one party to the other or, if applicable, on an application made by a party during the case management conference, authorize an extension of the time limits set for filing a detailed declaration or amending or withdrawing it if the circumstances warrant doing so.

### **Application for total or partial expropriation of the remainder**

**20.** Following expropriation of a right in a part of an immovable, you may apply to have the Administrative Tribunal of Québec order that the right or, where the right is a dismemberment of the right of ownership, order that that right or the right of ownership in all or part of the remainder also be expropriated, if the remainder may no longer be used according to the highest and best use of the expropriated immovable as at the date of expropriation.

You must make the application as part of the expropriation indemnity proceeding and notify it to the expropriating party.

### **Total or partial discontinuance of the expropriation procedure**

**21.** The expropriating party may, with your written consent, discontinue the expropriation procedure totally or partially at any time before the expropriated right is transferred to the expropriating party.

**22.** On an application by the expropriating party, the Administrative Tribunal of Québec may authorize total or partial discontinuance of the expropriation procedure.

The application must be served on you and be made as part of the expropriation indemnity proceeding, before a notice of transfer of right is registered in the land register.

**23.** If the discontinuance is total, it terminates the expropriation procedure, without however terminating the expropriation indemnity proceeding whereby the Tribunal may, if applicable, determine damages in reparation for any injury resulting from the discontinuance.

If the discontinuance is partial, it terminates only the expropriation procedure with regard to the right that is the subject of the discontinuance.

You may, as part of the expropriation indemnity proceeding and within six months after notification of the notice of discontinuance or, as applicable, the certified statement of registration of the discontinuance in the land register, apply to the Tribunal for damages in reparation for any injury resulting from the discontinuance. The application must be notified to the expropriating party within the same time. Those time limits are strict time limits.

As part of the same proceeding and within six months after registration of the notice of discontinuance in the land register or, as applicable, the decision authorizing total or partial discontinuance of the expropriation procedure, the expropriating party may apply to the Tribunal for an order directing you to return all or part of the provisional indemnities. The application must be notified to you within the same time. Those time limits are strict time limits.

### **Transfer of the expropriated right**

**24.** The expropriating party may transfer the expropriated right by having a notice of transfer of right registered in the land register. [*The expropriating party / The party on whose behalf the expropriating party is expropriating*] becomes the holder of the expropriated right on the vacancy date entered on the notice. The notice will be served on you.

**25.** The expropriating party may also apply to the Superior Court to authorize at any time the transfer of the expropriated right if the following conditions are met:

(1) it is so urgent for [*the expropriating party / the party on whose behalf the expropriating party is expropriating*], that any delay in the transfer of the expropriated right would entail a considerable prejudice for the party;

(2) you, the lessees and occupants in good faith of the expropriated immovable suffer no irremediable prejudice as a result;

(3) the initial provisional indemnity has been paid to you or deposited, on your behalf, in the office of the Superior Court; and

(4) the initial provisional indemnity has been paid to the lessees and occupants in good faith of the expropriated immovable or deposited, on their behalf, in the office of the Superior Court.

The application will be served on you.

### **Occupation of the expropriated immovable after the transfer**

**26.** If you do not vacate the expropriated immovable on the date the expropriated right is transferred, the expropriating party may apply to the Superior Court for an order to have you evicted. The application will be served on you unless the judge decides otherwise.

You may apply to the Superior Court, for serious reasons and if it is not so urgent for the expropriating party as to entail a serious prejudice for it should there be any delay in taking possession of the expropriated immovable, to allow you to remain in possession of the expropriated immovable for such period and on such conditions as the Court may determine, although that period cannot exceed the vacancy date by more than six months. You must serve the application on the expropriating party.

The Superior Court fixes the rent owed to the expropriating party for the occupation of the expropriated immovable during that period.

### **Transfer of a right in the expropriated immovable to a third party**

**27.** If you transfer a right in all or part of the expropriated immovable to a third party, you must inform the new holder of the right of the existence of the expropriation procedure and of the expropriation indemnity proceeding.

The deed transferring the right must specify who, either you or the new right holder, is entitled to the indemnities and damages paid under the Act respecting expropriation (S.Q. 2023, chapter 27). If not specified in the deed, the new right holder is the person entitled to those indemnities and to those damages, except the indemnity arising after the establishment of a reserve.

The new right holder must inform the expropriating party of the transfer and specification of who is entitled to the indemnities and damages. If not so informed, the expropriating party has no obligation toward the new right holder with regard to those indemnities and damages.

The expropriation procedure continues by operation of law against the new right holder, while the proceeding to determine the indemnity continues against you as long as the new right holder has not continued the proceeding or intervened.

The cumulative amount of the final indemnities and damages determined for you and the new right holder cannot be greater than the cumulative amount of the final indemnity and damages that would have been paid to you by the expropriating party had there been no continuance of proceeding or intervention.

## Payment made under the Act respecting expropriation

28. A payment made under the Act respecting expropriation (S.Q. 2023, chapter 27) to one of your creditors does not constitute advance repayment for which the creditor may claim an indemnity.

## SCHEDULE II

*(Section 14 of the Act respecting expropriation (2023, chapter 27))*

### INFORMATION TEXT FOR THE NOTICE TO VACATE THE EXPROPRIATED IMMOVABLE

#### Information text established by the Minister of Transport and Sustainable Mobility

*(Insert the preamble text only if adaptations to the Act respecting expropriation are provided for by another Act.)*

#### Preamble

[Note that this text must be read taking into account the adaptations required by the application of [section / sections] [insert the section numbers] of the [insert the name of and reference to the Act]. For additional information, it is advised you contact the expropriating party.]

#### Documents

1. The notice to vacate the expropriated immovable must be accompanied by

(1) an extract from the cadastre of Québec showing the expropriated immovable if the expropriated right concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the expropriated immovable signed by a land surveyor;

(2) the expropriating party's initial detailed declaration, which at a minimum indicates an amount at least equal to three months of rent if the residence of the lessee or occupant in good faith is part of the expropriated immovable; and

(3) the response model established by the Administrative Tribunal of Québec and published on its website.

The rent corresponds,

(1) in the case of a lessee who is a person related, within the meaning of the Taxation Act (CQLR, chapter I-3), to the holder of a right in the leased immovable,

to the market's average monthly rent for a rental that is equivalent to that of the leased or occupied immovable at the date of expropriation;

(2) in the case of an occupant in good faith, to the market's average monthly rent for a rental that is equivalent to that of the leased or occupied immovable at the date of expropriation; and

(3) in any other case, to the monthly rent provided for in the contract of lease.

#### Important dates

2. The vacancy date is the date on which you must have vacated the expropriated immovable.

The vacancy date entered on the notice to vacate the expropriated immovable cannot be earlier than the date that is

(1) six months after the date of expropriation, in the case where the residence of a lessee or occupant in good faith is part of the expropriated immovable;

(2) two months after the date of expropriation, in the case of expropriation of a dismemberment of the right of ownership; or

(3) four months after the date of expropriation, in all other cases.

If that date is to be changed, a notice of change of the vacancy date will be notified to you. If an earlier date is to be set, the expropriating party will be required to have obtained your written consent along with that of the lessees and occupants in good faith of the expropriated immovable.

#### Registration of the notice of expropriation in the land register

3. The expropriating party must, within 30 days after the date of expropriation, have the notice of expropriation and the extract from the cadastre of Québec or the plan of the expropriated immovable, mentioned above, registered in the land register. If the expropriating party fails to do so, any interested party, which includes you, may file an application for cancellation of the registration of the notice of expropriation in the office of the competent court. You must serve the application on the expropriating party and the Administrative Tribunal of Québec. The application must be filed by you before a notice of transfer of right is registered in the land register.

4. If the notice of expropriation registered for an immovable is the subject of an application for cancellation, the expropriating party cannot have a notice of transfer of right for the immovable registered in the land register unless the interested person has discontinued their application, or the judgment refusing the application for cancellation has become final.

As part of the expropriation indemnity proceeding and within six months after registration in the land register of a notice of transfer of right in contravention of the first paragraph, you may apply to the Administrative Tribunal of Québec for damages in reparation for any injury resulting from the registration. You are required to notify the application to the expropriating party.

### Provisional indemnity

5. The expropriating party determines the initial provisional indemnity to which you are entitled. The indemnity is an amount at least equal to three months of rent when your residence is part of the expropriated immovable.

A notice [*is / will be*] notified to you indicating the amount of the initial provisional indemnity the expropriating party has determined or stating that you are not entitled to any amount as an initial provisional indemnity. If applicable, the amount [*is / will be*] broken down on the basis of the applicable compensation items set out in the Act respecting expropriation (S.Q. 2023, chapter 27).

6. At any time before the application for determination of the final indemnity as part of the expropriation indemnity proceeding is taken under advisement, you may request the expropriating party to determine an additional provisional indemnity to allow you to continue your activities until payment of the final indemnity without the activities being jeopardized.

However, in the case of discontinuance of an enterprise's operations, the purpose of the additional provisional indemnity is instead to allow you to pay the expenses related to the discontinuance.

Your request seeking to obtain an additional provisional indemnity must specify the amount of the request. The amount must be broken down on the basis of the following applicable compensation items and the request must be accompanied by the documents justifying the amount:

- (1) the redevelopment indemnity;
- (2) the enterprise closure indemnity;
- (3) the equivalence indemnity;
- (4) the indemnity in reparation for injuries;

(5) the indemnity for loss of suitability value; and

(6) the indemnity for trouble, nuisance and inconvenience.

The framework for the final indemnity is set out in sections 75 to 106 of the Act respecting expropriation (S.Q. 2023, chapter 27) which set forth each of the approaches enabling the applicable indemnities to be determined, defining the indemnities and indicating the parties entitled to them.

7. You may at any time apply to the Administrative Tribunal of Québec to obtain a supplemental provisional indemnity allowing you to continue your activities until payment of the final indemnity without the activities being jeopardized, if the initial provisional or additional indemnity is insufficient for that purpose. However, in the case of discontinuance of an enterprise's operations, the purpose of the supplemental provisional indemnity is instead to allow you to pay the expenses related to the closure of the enterprise. You are required to notify the application to the expropriating party.

### Final indemnity

8. In order to make it possible to determine the final indemnity, you and the expropriating party must be transparent with each other, in particular by sharing the information you hold and that is useful in determining the indemnity, and you must co-operate actively in searching for a solution.

9. Where the value of the indemnity claimed or offered is \$750,000 or more, you must prepare an expenditure budget detailing the various expenditure items as well as the amount you plan to incur for each item and to claim from the expropriating party as part of the final indemnity. The expenditure budget must be sufficiently detailed so as to allow the expropriating party to analyse what is proposed in it.

You are required to notify the expenditure budget to the expropriating party. Within 30 days after the notification, the expropriating party must notify to you whether it agrees with the budget or not. If the expropriating party does not agree with it, you must attempt to resolve the issue. If the disagreement persists between you and the expropriating party, both parties must, before the expenditures are incurred, apply to the Administrative Tribunal of Québec for a ruling on the disagreement.

10. Unless an agreement is reached with the expropriating party, the Administrative Tribunal of Québec will set the amount of the final indemnity.



### Procedure before the Administrative Tribunal of Québec

**11.** As of the filing in the record of the Administrative Tribunal of Québec of a detailed declaration equal to or greater than \$500,000, whether or not the declaration is subsequently amended to lower that amount, you are required to be represented by a lawyer before the Administrative Tribunal of Québec if you are

(1) a representative, mandatary, tutor or other person acting on behalf of a lessee or an occupant in good faith if that person, for serious reasons, cannot act on their own behalf;

(2) a legal person;

(3) a general or limited partnership, an association or another group not endowed with juridical personality, unless all the partners or members act themselves or mandate one of their number to act;

(4) the Public Curator, a guardian or a sequestrator; or

(5) a liquidator, except a liquidator of a succession, a trustee or other representative of collective interests when you are acting in that capacity.

That requirement does not apply if you are

(1) a natural person; or

(2) meet the following two conditions:

(a) you are a legal person, a general or limited partnership, an association or another group not endowed with judicial personality; and

(b) a maximum of 10 persons bound to you by an employment contract were under your direction or control at any time during the 12-month period preceding the date of expropriation.

**12.** You are required, within two months after the date of service of the notice to vacate the expropriated immovable, to respond to the notice of expropriation and send the response to the Administrative Tribunal of Québec and to the expropriating party.

**13.** You are required, within four months after service of the notice to vacate the expropriated immovable, to file your detailed declaration in the record of the Administrative Tribunal of Québec and notify it to the expropriating party. Your declaration must state the amount of the final indemnity claimed, and that amount must be broken down on the basis of the compensation items listed in the third paragraph of section 6 of this text.

If you fail to file your detailed declaration before the date on which the expropriated right is transferred or before the date that is four months after the date of service of the notice to vacate the expropriated immovable, whichever date is later, you are presumed to have accepted the offer set out in the expropriating party's initial detailed declaration.

The Administrative Tribunal of Québec, on an application by the expropriating party and proceeding on the record, is to close the record if there is no detailed declaration by you in the record of the Administrative Tribunal of Québec and no amount was offered to you in the expropriating party's initial detailed declaration or, as applicable, the amount offered in that detailed declaration was paid to you or deposited, on your behalf, in the office of the Superior Court. The expropriating party must notify that application to you.

Despite the closing of the record, the Administrative Tribunal of Québec may relieve you from the failure to act within the time allotted to file your detailed declaration if you establish that you were unable, for valid reasons, to act sooner and the Tribunal considers that the [*expropriating party / party on whose behalf the expropriating party is expropriating*] suffers no serious prejudice as a result. Once relieved from such failure, the record is reopened and the proceeding continues in accordance with the law. You then have two months to file your detailed declaration, failing which you are deemed to have accepted the offer and the Administrative Tribunal of Québec closes the record.

**14.** The expropriating party may, within eight months after the date of expropriation, file in the record an amended detailed declaration, in particular to add to it the amounts offered for the indemnities for which the expropriating party does not have the burden of proof. The amended detailed declaration must be notified to you.

**15.** You may, before the decision on the application to determine the final indemnity is rendered, amend your detailed declaration or withdraw it if doing so does not delay the conduct of the proceeding or is not contrary to the interests of justice. You must notify the amended detailed declaration or, as applicable, your intention to withdraw the declaration, to the expropriating party. The expropriating party then has 10 days to notify a notice of objection to you. In the case of an objection, you will have to file your application with the Administrative Tribunal of Québec for a decision.

The expropriating party may do the same. If it amends or withdraws its detailed declaration, you may amend your detailed declaration accordingly.

During the hearing and in the presence of the parties, the Administrative Tribunal of Québec may authorize an amendment or withdrawal of a detailed declaration without the formalities described above.

The Administrative Tribunal of Québec may, on an application notified by one party to the other or, if applicable, on an application made by a party during the case management conference, authorize an extension of the time limits set for filing a detailed declaration or amending or withdrawing it if the circumstances warrant doing so.

### **Total or partial discontinuance of the expropriation procedure**

16. The expropriating party may, with the written consent of the expropriated party, discontinue the expropriation procedure totally or partially at any time before the expropriated right is transferred to the expropriating party.

17. On an application by the expropriating party, the Administrative Tribunal of Québec may authorize total or partial discontinuance of the expropriation procedure.

The application must be made before a notice of transfer of right is registered in the land register.

18. If the discontinuance is total, it terminates the expropriation procedure, without however terminating the expropriation indemnity proceeding whereby the Tribunal may, if applicable, determine damages in reparation for any injury resulting from the discontinuance.

If the discontinuance is partial, it terminates only the expropriation procedure with regard to the right that is the subject of the discontinuance.

As part of the expropriation indemnity proceeding and within six months after notification of the notice of discontinuance or, as applicable, the certified statement of registration of the discontinuance in the land register, you may apply to the Tribunal for damages in reparation for any injury resulting from the discontinuance. The application must be notified to the expropriating party within the same time. Those time limits are strict time limits.

As part of the same proceeding and within six months after registration of the notice of discontinuance in the land register or, as applicable, the decision authorizing total or partial discontinuance of the expropriation procedure, the expropriating party may apply to the Tribunal for an order directing you to return all or part of the provisional indemnities. The application must be notified to you within the same time. Those time limits are strict time limits.

### **Transfer of the expropriated right**

19. The expropriating party may transfer the expropriated right by having a notice of transfer of right registered in the land register. [*The expropriating party / The party on whose behalf the expropriating party is expropriating*] becomes the holder of the expropriated right on the vacancy date entered on the notice. Prior to the registration, a notice of intention to register a notice of transfer of right will be served on you.

20. The expropriating party may also apply to the Superior Court to authorize at any time the transfer of the expropriated right if the following conditions are met:

(1) it is so urgent for [*the expropriating party / the party on whose behalf the expropriating party is expropriating*], that any delay in the transfer of the expropriated right would entail a considerable prejudice for the party;

(2) you, the expropriated party, and the other lessees and occupants in good faith of the expropriated immovable suffer no irremediable prejudice as a result;

(3) the initial provisional indemnity has been paid to you or deposited, on your behalf, in the office of the Superior Court; and

(4) the initial provisional indemnity has been paid to the expropriated party and to the other lessees and occupants in good faith of the expropriated immovable or deposited, on their behalf, in the office of the Superior Court.

The application will be served on you.

### **Occupation of the expropriated immovable after the transfer**

21. If you do not vacate the expropriated immovable on the date the expropriated right is transferred, the expropriating party may apply to the Superior Court for an order to have you evicted. The application will be served on you unless the judge decides otherwise.

You may apply to the Superior Court, for serious reasons and if it is not so urgent for the expropriating party as to entail a serious prejudice for it should there be any delay in taking possession of the expropriated immovable, to allow you to remain in possession of the expropriated immovable for such period and on such conditions as the Court may determine, although that period cannot exceed the vacancy date by more than six months. You must serve the application on the expropriating party.

The Superior Court fixes the rent owed to the expropriating party for the occupation of the expropriated immovable during that period.

### **Payment made under the Act respecting expropriation**

**22.** A payment made under the Act respecting expropriation (S.Q. 2023, chapter 27) to one of your creditors does not constitute advance repayment for which the creditor may claim an indemnity.

### **SCHEDULE III**

*(Section 29 of the Act respecting expropriation (2023, chapter 27))*

#### **INFORMATION TEXT FOR THE NOTICE OF CHANGE OF THE VACANCY DATE**

#### **Information text established by the Minister of Transport and Sustainable Mobility**

*(Insert the preamble text only if adaptations to the Act respecting expropriation are provided for by another Act.)*

#### **Preamble**

[Note that this text must be read taking into account the adaptations required by the application of [section / sections] [insert the section numbers] of the [insert the name of and reference to the Act]. For additional information, it is advised you contact the expropriating party.]

#### **Change of the vacancy date**

**1.** The new vacancy date specified in the notice applies as of registration of the notice in the land register.

You must have vacated the expropriated immovable on that date.

**2.** If an earlier date is set, the expropriating party must have first obtained your written consent and that of all the divested parties.

#### **Material damage directly caused by the expropriation**

**3.** Any material damage caused by any of the following is material damage directly caused by the expropriation:

(1) postponement of the vacancy date;

(2) failure of the expropriating party to inform a divested party of the new vacancy date; or

(3) failure to obtain the divested party's consent when an earlier vacancy date is set by the expropriating party.

The damage must be claimed from the expropriating party during the expropriation indemnity proceeding. You must therefore include it in your detailed declaration.

### **SCHEDULE IV**

*(Section 31 of the Act respecting expropriation (2023, chapter 27))*

#### **INFORMATION TEXT FOR THE NOTICE OF DISCONTINUANCE**

#### **Information text established by the Minister of Transport and Sustainable Mobility**

*(Insert the preamble text only if adaptations to the Act respecting expropriation are provided for by another Act.)*

#### **Preamble**

[Note that this text must be read taking into account the adaptations required by the application of [section / sections] [insert the section numbers] of the [insert the name of and reference to the Act]. For additional information, it is advised you contact the expropriating party.]

#### **Document**

**1.** The notice of discontinuance must be accompanied by the certified statement of registration of the discontinuance in the land register.

#### **Discontinuance**

**2.** [Total / Partial] discontinuance of the expropriation procedure has effect as of registration of the notice in the land register.

**3.** [Total discontinuance terminates the expropriation procedure, without however terminating the expropriation indemnity proceeding whereby the Tribunal may, if applicable, determine damages in reparation for injury resulting from the discontinuance. / Partial discontinuance only terminates the expropriation procedure with regard to the right that is the subject of the discontinuance.]

## Damages and return of provisional indemnities

4. As part of the expropriation indemnity proceeding and within six months after notification of the notice of discontinuance, you may apply to the Tribunal for damages in reparation for injury resulting from the discontinuance. The application must be notified to the expropriating party within the same time. Those time limits are strict time limits.

As part of the same proceeding and within six months after registration of the notice of discontinuance in the land register, the expropriating party may apply to the Tribunal for an order directing you to return all or part of the provisional indemnities. The application must be notified to you within the same time. Those time limits are strict time limits.

## SCHEDULE V

(Section 38 of the Act respecting expropriation (2023, chapter 27))

### INFORMATION TEXT FOR THE NOTICE OF TRANSFER OF RIGHT

#### Information text established by the Minister of Transport and Sustainable Mobility

(Insert the preamble text only if adaptations to the Act respecting expropriation are provided for by another Act.)

#### Preamble

[Note that this text must be read taking into account the adaptations required by the application of [section / sections] [insert the section numbers] of the [insert the name of and reference to the Act]. For additional information, it is advised you contact the expropriating party.]

#### Transfer of the expropriated right

1. [The expropriating party / The party on whose behalf the expropriating party is expropriating] becomes the holder of the expropriated right on the vacancy date entered on the notice.

2. The Superior Court may, on an application by you served on the expropriating party within 15 days after service of the notice of transfer of right and filed in the office of the Court without delay, prohibit the expropriating party from having the notice registered in the land register or, if it has already been registered, order cancellation of the registration if the conditions set out in section 38 of the Act respecting expropriation (S.Q. 2023,

chapter 27) have not been complied with. The application must be heard and decided on an urgent basis and the judgment rendered cannot be appealed.

Those conditions include the following:

(1) the expropriating party must first have served the notice on you;

(2) the expropriating party must first have served a notice of intention to register a notice of transfer on the lessees and occupants in good faith of the expropriated immovable;

(3) the expropriating party must first have paid you the initial provisional indemnity or deposited it, on your behalf, in the office of the Superior Court;

(4) registration of the notice of transfer of right in the land register cannot be later than the vacancy date; and

(5) the notice and the notice of intention to register a notice of transfer must contain

(a) the description of the expropriated immovable;

(b) the right that is to be acquired by expropriation;

(c) where the right is a dismemberment of the right of ownership,

i. the nature of the dismemberment;

ii. the duration of the dismemberment; and

iii. if applicable, the rights and conditions related to the exercise of the dismemberment;

(d) the vacancy date;

(e) the amount of the initial provisional indemnity; and

(f) the information text established by the Minister of Transport and Sustainable Mobility.

3. The notice must be filed by the expropriating party with the Administrative Tribunal of Québec within 30 days after the date of registration in the land register.

#### Vacating of the expropriated immovable

4. If you do not vacate the expropriated immovable on the date on which the expropriated right is transferred, the expropriating party may apply to the Superior Court for an order to have you evicted. The application will be served on you unless the judge decides otherwise.

You may apply to the Superior Court, for serious reasons and if it is not so urgent for the expropriating party as to entail a serious prejudice for it should there be any delay in taking possession of the expropriated immovable, to allow you to remain in possession of the expropriated immovable for such period and on such conditions as the Court may determine, although that period cannot exceed the vacancy date by more than six months. You must serve the application on the expropriating party.

The Superior Court fixes the rent owed to the expropriating party for the occupation of the expropriated immovable during that period.

## SCHEDULE VI

*(Section 38 of the Act respecting expropriation (2023, chapter 27))*

### INFORMATION TEXT FOR THE NOTICE OF INTENTION TO REGISTER A NOTICE OF TRANSFER

#### Information text established by the Minister of Transport and Sustainable Mobility

*(Insert the preamble text only if adaptations to the Act respecting expropriation are provided for by another Act.)*

#### Preamble

[Note that this text must be read taking into account the adaptations required by the application of [section / sections] [insert the section numbers] of the [insert the name of and reference to the Act]. For additional information, it is advised you contact the expropriating party.]

#### Transfer of the expropriated right

1. [The expropriating party / The party on whose behalf the expropriating party is expropriating] becomes the holder of the expropriated right on the vacancy date entered on the notice.

2. The notice must be filed by the expropriating party with the Administrative Tribunal of Québec within 30 days after the date of registration of the notice of transfer of right in the land register.

#### Taking of possession of the [leased / occupied] premises

3. Despite the transfer of the expropriated right, the expropriating party cannot take possession of the [leased / occupied] premises before paying you the initial

provisional indemnity or before depositing the indemnity, on your behalf, in the office of the Superior Court. The expropriating party may, however, take possession of the premises if a notice has been notified to you by the expropriating party indicating that you are not entitled to any amount as an initial provisional indemnity.

#### Vacating of the expropriated immovable

4. If you do not vacate the expropriated immovable on the date on which the expropriated right is transferred, the expropriating party may apply to the Superior Court for an order to have you evicted. The application will be served on you unless the judge decides otherwise.

You may apply to the Superior Court, for serious reasons and if it is not so urgent for the expropriating party as to entail a serious prejudice for it should there be any delay in taking possession of the expropriated immovable, to allow you to remain in possession of the expropriated immovable for such period and on such conditions as the Court may determine, although that period cannot exceed the vacancy date by more than six months. You must serve the application on the expropriating party.

The Superior Court fixes the rent owed to the expropriating party for the occupation of the expropriated immovable during that period.

## SCHEDULE VII

*(Section 149 of the Act respecting expropriation (2023, chapter 27))*

### INFORMATION TEXT FOR THE NOTICE OF ESTABLISHMENT OF A RESERVE

#### Information text established by the Minister of Transport and Sustainable Mobility

*(Insert the preamble text only if adaptations to the Act respecting expropriation are provided for by another Act.)*

#### Preamble

[Note that this text must be read taking into account the adaptations required by the application of [section / sections] [insert the section numbers] of the [insert the name of and reference to the Act]. For additional information, it is advised you contact the expropriating party.]

#### Documents

1. The notice of establishment of a reserve must be accompanied

(1) by an extract from the cadastre of Québec showing the immovable to be reserved if the reserve concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the immovable to be reserved signed by a land surveyor; and

(2) the certified statement of registration of the notice in the land register.

### **Sending of information to the person establishing the reserve**

2. You must, within 30 days after service of the notice, send the person establishing the reserve the leases or any other written agreements entered into with the lessees of the reserved immovable. In the absence of such agreements, you must send that person, in writing, the names and addresses of the lessees and the occupants in good faith of the reserved immovable, as well as the nature and term of each lease or agreement, the date it was entered into, the details of what it includes and the amount of the rent or the conditions on which the lessees or the occupants in good faith occupy the reserved immovable.

Should you fail to send that information concerning a lessee whose lease is not registered in the land register or an occupant in good faith, you will be liable for any injury resulting from that failure. The lessee or occupant in good faith could then be entitled to damages in reparation for that injury.

You are required to disclose the existence of the reserve to lessees and occupants in good faith whose rental or occupation of the immovable begins after service of the notice of establishment of a reserve. Failure on your part to do so means you will, alone, be liable for any injury resulting from the failure.

### **Contestation of the right of the person establishing the reserve to establish a reserve**

3. No reserve may be established on an immovable on which a reserve was established in the preceding two years, unless that reserve has been invalidated.

4. A reserve may be declared invalid if the person establishing it does not have the power to do so or the procedure for establishing it has not been complied with, unless the person establishing it has remedied the reason for invalidity by making the required corrections to any errors in writing or calculation, or any other clerical error.

5. You may, within 30 days after service of the notice, contest the right of the person establishing the reserve to establish a reserve and request cancellation of the notice

of establishment of a reserve by filing an application with the Superior Court of the district in which the reserved immovable is situated. The application must be served by you on the person establishing the reserve. It does not stay the reserve unless, on an application made by you, the Superior Court decides otherwise.

If the application contesting the right to establish a reserve and requesting cancellation of the notice of establishment of a reserve is granted, as part of the indemnity proceeding following the establishment of a reserve, you may apply to the Administrative Tribunal of Québec for damages in reparation for injury resulting from the establishment of the reserve. The application must be filed by you with the Administrative Tribunal of Québec within six months after the date on which the judgment becomes final, and you must also notify the application to the person establishing the reserve within the same time. Those time limits are strict time limits.

### **Term of the reserve**

6. The reserve takes effect on the date of registration of the notice of establishment of a reserve in the land register and remains in effect for a four-year period.

The reserve may be set up against you only from the date of service of the notice.

### **Prohibition on constructions on the immovable or improvements or additions to it**

7. The reserve prohibits, during its term, any construction on the immovable on which it is established and any improvement and addition to it, except necessary repairs and construction on or improvement or addition to it if such work results from a measure provided for in section 231 of the Mining Act (CQLR, chapter M-13.1) or from a rehabilitation and restoration plan referred to in section 232.1 of that Act.

8. If you are carrying on activities on the reserved immovable, on the date of the establishment of the reserve, you may, for serious reasons, request the person establishing the reserve to allow you to carry out a construction, an improvement or an addition necessary for carrying on those activities.

Should the person establishing the reserve refuse the request, you may apply to the Superior Court for an authorization to carry out the construction, improvement or addition. Your application must be filed in the office of the Superior Court and notified to the person establishing the reserve.

The Superior Court may, on the conditions it determines, grant the authorization if the construction, improvement or addition you wish to carry out is the only option possible for ensuring the continuation of the activities.

### **Expiry of the reserve**

9. The reserve may be totally or partially abandoned by the person who has established it, in which case a declaration of abandonment will be served on you within 30 days after it is registered in the land register.

10. The reserve expires on the earliest of

(1) the date on which the person who established the reserve registers the declaration of abandonment in the land register;

(2) the date of registration of a notice of expropriation; and

(3) the date on which the period for which the reserve was established expires.

11. Where the reserve expires at the end of the period for which it was established, the Land Registrar must, at the request of any interested party, which includes you, cancel the reserve after making sure that the period for which it was established has expired.

The costs for cancelling a reserve are, in all cases, borne by the person who established the reserve.

### **Indemnity**

12. The establishment of a reserve gives rise to an indemnity, which corresponds to the sum of the indemnity in reparation for injuries and the indemnity for trouble, nuisance and inconvenience provided for in subdivisions III and V of subdivision 3 of Division III of Chapter III of Title III of Part I of the Act respecting expropriation (S.Q. 2023, chapter 27), with the necessary modifications.

The indemnity cannot include any amount with regard to the use that you could have made of the reserved immovable without that reserve.

Where the right in the reserved immovable is the subject of an expropriation before the expiry of the reserve, as part of the expropriation indemnity proceeding and within six months after the date of expropriation, you may apply to the Administrative Tribunal of Québec for the indemnity. The application must be notified to the expropriating party within the same time.

Where the right in the reserved immovable is not the subject of an expropriation before the expiry of the reserve, your application relating to the indemnity must be filed with the Administrative Tribunal of Québec within six months after the date on which the reserve expires or, as applicable, the date of service of the declaration of abandonment. The application must be notified to the person establishing the reserve within the same time. That time limit is a strict time limit.

### **Procedure before the Administrative Tribunal of Québec**

13. If you file an application for an indemnity with the Administrative Tribunal of Québec, the person establishing the reserve must, within 30 days after the date on which the application is served on the person, file the notice of establishment of the reserve and the plan of the reserved immovable with the Administrative Tribunal of Québec.

If the reserve is followed by an expropriation, those documents are filed in the expropriation record.

14. As of the filing in the record of the Administrative Tribunal of Québec of an application for an indemnity equal to or greater than \$500,000, whether or not the declaration is subsequently amended to lower that amount, you are required to be represented by a lawyer before the Administrative Tribunal of Québec if you are

(1) a representative, mandatary, tutor or other person acting on behalf of the holder of a right in the reserved immovable who, for serious reasons, cannot act on their own behalf;

(2) a legal person;

(3) a general or limited partnership, an association or another group not endowed with juridical personality, unless all the partners or members act themselves or mandate one of their number to act;

(4) the Public Curator, a guardian or a sequestrator; or

(5) a liquidator, except a liquidator of a succession, a trustee or other representative of collective interests when you are acting in that capacity.

That requirement does not apply if you are

(1) a natural person; or

(2) meet the following two conditions:

(a) you are a legal person, a general or limited partnership, an association or another group not endowed with judicial personality; and

(b) a maximum of 10 persons bound to you by an employment contract were under your direction or control at any time during the 12-month period preceding the date of notification of your application for an indemnity to the expropriating party or, as applicable, to the person establishing the reserve.

## SCHEDULE VIII

*(Sections 149 and 156 of the Act respecting expropriation (2023, chapter 27))*

### INFORMATION TEXT FOR THE NOTICE OF ACQUISITION OF THE BENEFIT OF THE RESERVE

#### Information text established by the Minister of Transport and Sustainable Mobility

*(Insert the preamble text only if adaptations to the Act respecting expropriation are provided for by another Act.)*

#### Preamble

[Note that this text must be read taking into account the adaptations required by the application of [section / sections] [insert the section numbers] of the [insert the name of and reference to the Act]. For additional information, it is advised you contact the expropriating party.]

#### Documents

1. The notice of acquisition of the benefit of the reserve must be accompanied by

(1) an extract from the cadastre of Québec showing the immovable to be reserved if the reserve concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the immovable to be reserved signed by a land surveyor; and

(2) the certified statement of registration of the notice in the land register.

#### Sending of information to the person acquiring the benefit of the reserve

2. You must, within 30 days after service of the notice, send the person acquiring the benefit of the reserve the leases or any other written agreements entered into with

the lessees of the reserved immovable. In the absence of such agreements, you must send that person, in writing, the names and addresses of the lessees and the occupants in good faith of the reserved immovable, as well as the nature and term of each lease or agreement, the date it was entered into, the details of what it includes and the amount of the rent or the conditions on which the lessees or the occupants in good faith occupy the reserved immovable.

Should you fail to send that information concerning a lessee whose lease is not registered in the land register or an occupant in good faith, you will be liable for any injury resulting from that failure. The lessee or occupant in good faith could then be entitled to damages in reparation for that injury.

You are required to disclose the existence of the reserve to lessees and occupants in good faith whose rental or occupation of the immovable begins after service of the notice of establishment of a reserve. Failure on your part to do so means you will, alone, be liable for any injury resulting from the failure.

#### Contestation of the right of the person acquiring the benefit of the reserve to establish a reserve

3. A reserve may be declared invalid if the person acquiring the benefit of the reserve does not have the power to do so or the procedure for establishing the reserve has not been complied with, unless the person establishing it has remedied the reason for invalidity by making the required corrections to any errors in writing or calculation, or any other clerical error.

4. You may, within 30 days after service of the notice, contest the right of the person acquiring the benefit of the reserve to acquire it and request cancellation of the notice of acquisition of the benefit of a reserve by filing an application with the Superior Court of the district in which the reserved immovable is situated. The application must be served on the person acquiring the benefit of the reserve. It does not stay the reserve unless, on an application made by you, the Superior Court decides otherwise.

If the application contesting the right to acquire the benefit of a reserve and requesting cancellation of the notice of acquisition of the benefit of a reserve is granted, as part of the indemnity proceeding following the establishment of a reserve, you may apply to the Administrative Tribunal of Québec for damages in reparation for any injury resulting from the procedure establishing the reserve. The application must be filed with the Administrative Tribunal of Québec within six months after the date on which the judgment becomes final and you must also notify the application to the expropriating party within the same time. Those time limits are strict time limits.



### Continuity of the reserve in effect

5. The reserve in effect as of the date of registration of the notice of establishment of a reserve in the land register remains in effect for the benefit of the person acquiring it.

6. For further information, please refer to the notice of establishment of a reserve or contact the party that has acquired the benefit of the reserve.

### SCHEDULE IX

*(Section 151 of the Act respecting expropriation (2023, chapter 27))*

#### INFORMATION TEXT FOR THE INFORMATION DOCUMENT ON THE EXISTENCE OF THE RESERVE ON THE LEASED OR OCCUPIED IMMOVABLE

#### Information text established by the Minister of Transport and Sustainable Mobility

*(Insert the preamble text only if adaptations to the Act respecting expropriation are provided for by another Act.)*

#### Preamble

[Note that this text must be read taking into account the adaptations required by the application of [section / sections] [insert the section numbers] of the [insert the name of and reference to the Act]. For additional information, it is advised you contact the expropriating party.]

#### Document

1. The document must be accompanied by an extract from the cadastre of Québec showing the immovable to be reserved if the reserve concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the immovable to be reserved signed by a land surveyor.

#### Term of the reserve

2. The reserve takes effect on the date of registration of the notice of establishment of a reserve in the land register and remains in effect for a four-year period.

The reserve may be set up against you only from the date of service of the document.

### Prohibition on constructions on the immovable or improvements or additions to it

3. The reserve prohibits, during its term, any construction on the immovable on which it is established and any improvement and addition to it, except necessary repairs and construction on or improvement or addition to it if such work results from a measure provided for in section 231 of the Mining Act (CQLR, chapter M-13.1) or from a rehabilitation and restoration plan provided for in section 232.1 of that Act.

4. If you are carrying on activities on the reserved immovable, on the date of establishment of the reserve, you may, for serious reasons, request the person establishing the reserve to allow you to carry out a construction, an improvement or an addition necessary for carrying on those activities.

Should the person establishing the reserve refuse the request, you may apply to the Superior Court for an authorization to proceed with the construction, improvement or addition. Your application must be filed in the office of the Superior Court and notified to the person establishing the reserve.

The Superior Court may, on the conditions it determines, grant the authorization if the construction, improvement or addition you wish to carry out is the only option possible for ensuring the continuation of the activities.

#### End of the reserve

5. The reserve may be totally or partially abandoned by the person who has established it, in which case a declaration of abandonment will be served on you within 30 days after it is registered in the land register.

6. The reserve expires on the earliest of

(1) the date on which the person who established the reserve registers the declaration of abandonment in the land register;

(2) the date of registration of a notice of expropriation; and

(3) the date on which the period for which the reserve was established expires.

7. Where the reserve expires at the end of the period for which it was established, the Land Registrar must, at the request of any interested party, which includes you, cancel the reserve after making sure that the period for which it was established has expired.

The costs for cancelling a reserve are, in all cases, borne by the person who established the reserve.

### Indemnity

8. The establishment of a reserve gives rise to an indemnity, which corresponds to the sum of the indemnity in reparation for injuries and the indemnity for trouble, nuisance and inconvenience provided for in subdivisions III and V of subdivision 3 of Division III of Chapter III of Title III of Part I of the Act respecting expropriation (S.Q. 2023, chapter 27), with the necessary modifications.

The indemnity cannot include any amount with regard to the use that you could have made of the reserved immovable without that reserve.

Where the right in the reserved immovable is the subject of an expropriation before the expiry of the reserve, as part of the expropriation indemnity proceeding and within six months after the date of expropriation, you may apply to the Administrative Tribunal of Québec for the indemnity. The application must be notified to the expropriating party within the same time.

Where the right in the reserved immovable is not the subject of an expropriation before the expiry of the reserve, your application relating to the indemnity must be filed with the Administrative Tribunal of Québec within six months after the date on which the reserve expires or, as applicable, the date of service of the declaration of abandonment. The application must be notified to the person establishing the reserve within the same time. That time limit is a strict time limit.

### Procedure before the Administrative Tribunal of Québec

9. If you file an application for an indemnity with the Administrative Tribunal of Québec, the person establishing the reserve must, within 30 days after the date on which the application is served on the person, file the notice of establishment of the reserve and the plan of the reserved immovable with the Administrative Tribunal of Québec.

If the reserve is followed by an expropriation, those documents are filed in the expropriation record.

10. As of the filing in the record of the Administrative Tribunal of Québec of an application for an indemnity equal to or greater than \$500,000, whether or not the declaration is subsequently amended to lower that amount, you are required to be represented by a lawyer before the Administrative Tribunal of Québec if you are

(1) a representative, mandatary, tutor or other person acting on behalf of a lessee or an occupant in good faith who, for serious reasons, cannot act on their own behalf;

(2) a legal person;

(3) a general or limited partnership, an association or another group not endowed with juridical personality, unless all the partners or members act themselves or mandate one of their number to act;

(4) the Public Curator, a guardian or a sequestrator; or

(5) a liquidator, except a liquidator of a succession, a trustee or other representative of collective interests when you are acting in that capacity.

That requirement does not apply if you are

(1) a natural person; or

(2) meet the following two conditions:

(a) you are a legal person, a general or limited partnership, an association or another group not endowed with juridical personality; and

(b) a maximum of 10 persons bound to you by an employment contract were under your direction or control at any time during the 12-month period preceding the date of notification of your application for an indemnity to the expropriating party or, as applicable, to the person establishing the reserve.

### SCHEDULE X

*(Sections 151 and 156 of the Act respecting expropriation (2023, chapter 27))*

INFORMATION TEXT FOR THE INFORMATION DOCUMENT ON THE EXISTENCE OF THE ACQUISITION OF THE BENEFIT OF THE RESERVE

### Information text established by the Minister of Transport and Sustainable Mobility

*(Insert the preamble text only if adaptations to the Act respecting expropriation are provided for by another Act.)*

### Preamble

[Note that this text must be read taking into account the adaptations required by the application of [section / sections] [insert the section numbers] of the

[insert the name of and reference to the Act]. For additional information, it is advised you contact the expropriating party.]

### **Document**

1. The document must be accompanied by an extract from the cadastre of Québec showing the immovable to be reserved if the reserve concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the immovable to be reserved signed by a land surveyor.

### **Continuity of the reserve in effect**

2. The reserve is in effect as of the date of registration of the notice of establishment of a reserve in the land register and remains in effect for the benefit of the party acquiring it.

3. For further information, please refer to the information document on the existence of the reserve on the leased or occupied immovable or contact the party that has acquired the benefit of the reserve.

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