



NATIONAL ASSEMBLY OF QUÉBEC

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FORTY-SECOND LEGISLATURE

Bill 200

(Private)

**An Act respecting certain immovables
situated on a mining concession of
the cadastre of Canton de
Bourlamaque, registration division
of Abitibi**

Introduction

**Introduced by
Madam Suzanne Blais
Member for Abitibi-Ouest**

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Bill 200

(Private)

AN ACT RESPECTING CERTAIN IMMOVABLES SITUATED ON A MINING CONCESSION OF THE CADASTRE OF CANTON DE BOURLAMAQUE, REGISTRATION DIVISION OF ABITIBI

AS a notice of expropriation was published on 19 October 1967 at the registry office of the registration division of Abitibi under number 95 925;

AS, through that notice, the Commission scolaire régionale de La Vérendrye (school board), now known as “Commission scolaire de l’Or-et-des-Bois”, notified the owners of an immovable, formerly known as part of Block 15 of the cadastre of Canton de Bourlamaque of that registration division, of its intention to acquire the immovable by expropriation;

AS, despite article 774 of the Code of Civil Procedure (1965, chapter 80), which applied to such expropriations at the time, no appraisal of the property to expropriate, plan of the immovable or description signed by a land surveyor was attached to the notice as published;

AS, in accordance with article 783 of the Code, the amount of the compensation was set at \$10,000 by an order of the Régie des services publics issued on 4 September 1970 (case number 2887-X);

AS this order was homologated by a judgment of the Superior Court of the district of Abitibi rendered on 1 February 1971 (case number C. S. 14-760);

AS, despite paragraph 1 of article 786 of the Code, the judgment was not published or registered at the registry office of the registration division of Abitibi;

AS the school board deposited \$2,775 for expropriation of the immovable with the office of the Superior Court of the district of Abitibi, as certified by the assistant prothonotary of that court under the terms of a deposit receipt dated 16 October 1967 and published on 19 October 1967 at the registry office of the registration division of Abitibi under number 95 930;

AS, despite paragraph 2 of article 786 of the Code, the amount mentioned on the deposit receipt did not correspond to the amount of the indemnity;

AS the school board did not become the owner of the immovable, given that the requirements under articles 774 and 786 of the Code were not met;

AS the immovable was subject to a mining concession;

AS, in accordance with the first paragraph of section 115.1 of the Mining Act (chapter M-13.1), as of 17 June 1998, in addition to that Act, lands in the domain of the State that are subject to a mining concession are governed by the Act respecting the lands in the domain of the State (chapter T-8.1) and the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2);

AS, in accordance with the second paragraph of that section, the first paragraph also applies to lots whose alienation was authorized but for which no instrument of alienation was made and published at the registry office on that date;

AS the immovable's alienation was authorized, in accordance with section 130 of the Mining Act (1965, chapter 34), but no valid instrument of alienation was made and published at the registry office of the registration division of Abitibi before 17 June 1998;

AS that immovable now corresponds to the following immovables: lots 2 297 271, 2 297 272, 2 297 273, 2 297 274, 2 297 275, 2 297 276, 2 297 277, 2 297 278, 2 297 279, 2 297 280, 2 297 281, 2 297 282, 2 297 283, 2 297 284, 2 297 285, 2 297 286, 2 297 287, 2 300 338, 2 300 339, 2 300 340, 2 300 684, 5 695 573, 5 980 959, 5 980 960, 5 980 961, 6 044 843, 6 198 245, 6 198 246, 6 198 247, 6 250 656, 6 250 657, 6 250 658 and 6 250 659 of the cadastre of Québec, registration division of Abitibi;

AS, in accordance with section 115.1 of the Mining Act, in addition to that Act, the immovables have been governed by the Act respecting the lands in the domain of the State and the Act respecting the Ministère des Ressources naturelles et de la Faune since 17 June 1998;

AS a number of the immovables were involved in real estate transactions and as non-compliance with the procedure applicable to expropriation of part of Block 15 of the cadastre of Canton de Bourlamaque and the effect of section 115.1 of the Mining Act compromise the rights of the persons shown as owners in the land register as well as the other rights the immovables are subject to;

AS, given the exceptional nature of the situation and the serious injury suffered by those persons, it is essential that those rights be validated;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Despite non-compliance with articles 774 and 786 of the Code of Civil Procedure (1965, chapter 80), the Commission scolaire régionale de La Vérendrye became the owner of the immovable mentioned in the judgment rendered by the Superior Court of the district of Abitibi on 1 February 1971 (case number C. S. 14-760) as of that date. That immovable now corresponds

to the following immovables: lots 2 297 271, 2 297 272, 2 297 273, 2 297 274, 2 297 275, 2 297 276, 2 297 277, 2 297 278, 2 297 279, 2 297 280, 2 297 281, 2 297 282, 2 297 283, 2 297 284, 2 297 285, 2 297 286, 2 297 287, 2 300 338, 2 300 339, 2 300 340, 2 300 684, 5 695 573, 5 980 959, 5 980 960, 5 980 961, 6 044 843, 6 198 245, 6 198 246, 6 198 247, 6 250 656, 6 250 657, 6 250 658 and 6 250 659 of the cadastre of Québec, registration division of Abitibi.

2. Despite the first paragraph of section 115.1 of the Mining Act (chapter M-13.1), the lots referred to in section 1 have not been governed by the Act respecting the lands in the domain of the State (chapter T-8.1) or the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2) since 17 June 1998.

3. This Act is to be published by presenting a certified copy at the registry office of the registration division of Abitibi. The registrar must register it against the lots referred to in section 1.

4. This Act comes into force on (*insert the date of assent to this Act*).

