



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 208
(Private)

**An Act respecting certain alienations
involving the maison Larue located at
306 rue des Érables, Neuville**

Introduction

**Introduced by
Mr. Vincent Caron
Member for Portneuf**

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Bill 208

(Private)

AN ACT RESPECTING CERTAIN ALIENATIONS INVOLVING THE MAISON LARUE LOCATED AT 306 RUE DES ÉRABLES, NEUVILLE

AS, on 8 July 1976, 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 (1972, chapter 19), classified the following immovable as cultural property: “[*Translation*] a house located at number 218 rue des Érables, on land known and designated as lot thirty-three (33) of the official cadastre of Paroisse de Pointe-aux-Trembles, registration division of Portneuf”;

AS that house is now designated as “maison Larue”;

AS the entry in the register of cultural property of the maison Larue was made on 18 November 1976 under file number 111-127, a copy of which was registered at the registry office of the registration division of Portneuf in Cap-Santé on 25 November 1976 under number 225 279;

AS the civic address of the maison Larue was changed in August 1985 and is now 306 rue des Érables, Neuville;

AS the Cultural Property Act (1972, chapter 19), as it read on 31 December 1977, was repealed by the coming into force of the Cultural Property Act (chapter B-4);

AS the first paragraph of section 20 of the Cultural Property Act (chapter B-4) stated that no person shall alienate recognized cultural property without giving the Minister at least 60 days’ previous written notice;

AS section 23 of the Cultural Property Act (chapter B-4) stated that notice in writing of the alienation of recognized cultural property must be given to the Minister within 30 days of its occurrence;

AS section 34 of the Cultural Property Act (chapter B-4) stated that sections 17 and 19 to 23 of that Act apply, adapted as required, to classified cultural property;

AS, on 17 March 1993, Alberta Jobin gave the maison Larue erected on a part of lot 33 of the official plans and books of reference of the cadastre of Paroisse de Pointe-aux-Trembles, registration division of Portneuf, to her son Jean Larue by a deed of gift published at the registry office of the registration division of Portneuf on 4 June 1993 under number 456 506;

AS, at the time of the alienation by a deed of gift published under number 456 506, the notice required under sections 20 and 23 of the Cultural Property Act (chapter B-4) was not given;

AS section 56 of the Cultural Property Act (chapter B-4) stated that every alienation of cultural property made contrary to that Act is absolutely null and the right of action to have such nullity recognized is not subject to prescription;

AS, on 17 February 2010 and after the cadastral renewal, the part of lot 33 of the official plans and books of reference of the cadastre of Paroisse de Pointe-aux-Trembles where the maison Larue is erected became known and designated as lot 3 832 411 of the cadastre of Québec, registration division of Portneuf;

AS, on 19 October 2012, the Cultural Property Act (chapter B-4) was replaced by the Cultural Heritage Act (chapter P-9.002);

AS section 242 of the Cultural Heritage Act states that cultural property classified before 19 October 2012 becomes classified heritage property under that Act;

AS, on 29 March 2019, Denis Larue and Jules Larue sold the maison Larue located at 306 rue des Érables, Neuville, and erected on land known and designated as lot 3 832 411 of the cadastre of Québec, registration division of Portneuf, to Tristan Alain-Larue by a deed of sale published in the land register of the registry office of that registration division on 2 April 2019 under number 24 500 127;

AS section 54 of the Cultural Heritage Act states that no person may, without giving the Minister at least 60 days' prior written notice, sell a classified heritage immovable;

AS, at the time of the sale published under number 24 500 127, the prior written notice required under section 54 of the Cultural Heritage Act was not given;

AS section 194 of the Cultural Heritage Act provides that the alienation of classified heritage property in contravention of that Act is absolutely null and the right of action to have such nullity recognized is not subject to prescription;

AS it is important for the past and current owners of the maison Larue erected on land known and designated as lot 3 832 411 of the cadastre of Québec, registration division of Portneuf, that the absolute nullity of certain alienations resulting from failure to give the notices required under the Cultural Property Act (chapter B-4) and the Cultural Heritage Act be remedied;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Despite sections 56 of the Cultural Property Act (chapter B-4) and 194 of the Cultural Heritage Act (chapter P-9.002), the alienations concerning the heritage property designated as “maison Larue” made by a deed of gift published in the land register of the registry office of the registration division of Portneuf under number 456 506 and by a deed of sale published in the land register of the registry office of the registration division of Portneuf under number 24 500 127 are not absolutely null on the ground that the notices required by sections 20 and 23 of the Cultural Property Act and 54 of the Cultural Heritage Act were not given. The right of action to have the nullity of those alienations recognized is, for that reason, prescribed.
- 2.** This Act must be published in the land register of the registry office of the registration division of Portneuf and the appropriate entries registered against lot 3 832 411 of the cadastre of Québec, registration division of Portneuf.
- 3.** This Act comes into force on (*insert the date of assent to this Act*).

