



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 77

An Act to amend the Cadastre Act and the Civil Code

Introduction

**Introduced by
Mr. Serge Simard
Minister for Natural Resources and Wildlife**

**Québec Official Publisher
2009**

EXPLANATORY NOTES

This bill amends the Cadastre Act to provide that any plan or subsequent amendment to a plan, in a renewed or non-renewed territory, is to be in computerized form only.

The bill amends the Civil Code to replace, in the case of a plan prepared to update the cadastre, the signing requirement by an approval of the owner, of the person authorized to expropriate or, as the case may be, of any person other than the owner who has rights in a lot affected by the updating.

The bill also amends the Civil Code to allow the plan of a lot whose ownership has been acquired by a person otherwise than by agreement to be amended not only by parcelling but also by using all existing cadastral amendments.

Lastly, the bill removes the obligation to transmit to the minister responsible for the cadastre the notarized consent of the hypothecary creditor and of the beneficiary of a declaration of family residence in the event of a cadastral amendment involving a renumbering.

LEGISLATION AMENDED BY THIS BILL:

- Cadastre Act (R.S.Q., chapter C-1);
- Civil Code of Québec (1991, chapter 64).

Bill 77

AN ACT TO AMEND THE CADASTRE ACT AND THE CIVIL CODE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CADASTRE ACT

1. Section 21.3 of the Cadastre Act (R.S.Q., chapter C-1) is replaced by the following section:

“21.3. Every plan must be in computerized form.

A cadastral plan must be updated regularly by compiling all the data relating to a renewal plan, a revised plan, a plan showing a lot referred to in section 19, and any subsequent amendment to such a plan. The compilation is deemed to be a duplicate of all the plans concerned.”

CIVIL CODE OF QUÉBEC

2. Article 3042 of the Civil Code of Québec (1991, chapter 64), amended by section 69 of chapter 42 of the statutes of 2000, is again amended by replacing “signed” in the first paragraph by “approved”.

3. Article 3043 of the Code, amended by section 70 of chapter 42 of the statutes of 2000, is again amended

(1) by replacing “signed” in the first paragraph by “approved” and by striking out “, by subdivision or otherwise,” and “to amend, by parcelling, the plan of a lot” in the same paragraph;

(2) by striking out “, by parcelling,” in the second paragraph and by replacing “the signature” in the same paragraph by “the approval”.

4. Article 3044 of the Code, amended by section 71 of chapter 42 of the statutes of 2000, is again amended by striking out “and transmitted, with a certified statement of registration, to the minister responsible for the cadastre” in the second paragraph.

TRANSITIONAL AND FINAL PROVISIONS

- 5.** Any plan submitted to the minister responsible for the cadastre before 1 October 2010 is governed by the law in force at the time it was submitted.
- 6.** This Act comes into force on 1 October 2010.