



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 215

(Private)

An Act respecting Municipalité de Sainte-Anne-de-Sorel

Introduction

**Introduced by
Mr. Sylvain Rochon
Member for Richelieu**

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Bill 215

(Private)

AN ACT RESPECTING MUNICIPALITÉ DE SAINTE-ANNE-DE-SOREL

AS it is in the interest of Municipalité de Sainte-Anne-de-Sorel that it be granted certain powers, primarily to allow it to consolidate lots situated in an agricultural zone and to be declared the owner of abandoned lots and lots on which property taxes have not been paid for a number of years;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Municipalité de Sainte-Anne-de-Sorel may, to consolidate land in the part of its territory delimited on the north by Chemin du Chenal-du-Moine, on the south by the municipal boundary, on the west by lot 4 799 328 and on the east by lots 4 799 862, 4 799 863 and 4 799 864 of the cadastre of Québec, be declared the owner of an immovable on which municipal taxes have not been paid for three consecutive years or be declared the owner of an immovable which is not entered on the assessment roll or is exempt from property tax and is identified as or considered by the court to be a future thoroughfare.

2. The application is made by a motion presented before the Superior Court sitting in the district in which the immovable is situated. The motion may concern immovables belonging to different owners, provided the name of each owner entered on the assessment roll is indicated for his or her immovable.

The motion may be granted only after publication of a notice in a newspaper in the territory of the municipality requesting all persons who may have rights against the immovables to appear in court within 60 days in order to claim compensation equal to the value of their rights, after deduction of an amount sufficient to pay all outstanding municipal and school taxes. The compensation claimed may not exceed the actual value of an immovable on the date of coming into force of this Act before the deduction.

Publication of the notice replaces service. The notice must state that it is given under this Act.

The judgment granting the motion orders the registrar to enter the judgment in the immovables' land register to stand in lieu of title for the municipality.

No appeal lies from the judgment rendered on the motion.

3. The municipality becomes the owner of the immovables in respect of which the judgment declaring ownership is published at the registry office, and no claim may subsequently be made against them. The publication gives title to the municipality, the validity of which cannot be contested for any reason. The real rights that may affect the immovables concerned, including prior claims, hypothecs, resolutive clauses or clauses granting rights of cancellation, and servitudes other than public servitudes, are extinguished.

The municipality may draw up a list of the real rights, other than public servitudes, that encumber the immovables described in the judgment declaring ownership, that have been published and that are extinguished under this section, and the registrar cancels the registration of those rights on an application to that effect.

The municipality may renounce rights arising from the judgment declaring ownership by filing a total or partial renunciation in the office of the court. No notice or service is required.

If the right being renounced is published in the land register, the court homologates the renunciation and orders cancellation of the registration for the immovable concerned. An application for cancellation in the land register is made in the form of a notice given by the municipality. In addition to the requirements of the regulation made under Book Nine of the Civil Code, the notice must indicate the legislative provision under which it is given.

4. To consolidate land in order to constitute or reconstitute agricultural operations in the sector to be consolidated, the municipality may acquire an immovable by agreement or by expropriation, lease the immovable, or entrust its operation to a non-profit organization, which the municipality helps fund.

5. Despite article 1104 of the Municipal Code of Québec (chapter C-27.1) and section 272 of the Education Act (chapter I-13.3), the municipality may acquire immovables and real rights owned by the Commission scolaire de Sorel-Tracy in the sector to be consolidated, except lot 4 484 510 of the cadastre of Québec. Failing an agreement approved by the Minister of Education, Higher Education and Research, the value of an immovable may not exceed the value entered for it on the municipality's assessment roll on the date of the notice of the immovable's acquisition, multiplied by the comparative factor established for the roll under section 264 of the Act respecting municipal taxation (chapter F-2.1).

6. Acquisition by agreement or expropriation and alienation under section 12, if any, do not constitute an alienation within the meaning assigned by section 1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1).

7. This Act does not operate to limit or prevent the application of all or any of the provisions of a fiscal law within the meaning of section 1 of the Act respecting the Ministère du Revenu (chapter M-31).

8. This Act does not apply to an immovable real right published under an Act, regulation, order in council, order, agreement or arrangement administered by the Minister of Revenue.

9. The municipality may create a financial reserve for the purpose of financing the consolidation of land and its reconversion for agricultural purposes, and may, for the purpose of constituting the reserve, impose and levy an annual surtax not exceeding \$100 on land situated in the sector to be consolidated.

10. The following lands must be exempted from the surtax:

(1) land on which there is a building whose property value exceeds 25% of the property value of the land, according to the assessment roll in force;

(2) an immovable exempt from property taxes;

(3) land forming part of an agricultural operation registered in accordance with a regulation under section 36.15 of the Act respecting the Ministère de l'Agriculture, des Pêcheries et de l'Alimentation (chapter M-14);

(4) land that may be used for purposes other than agriculture under an authorization of the Commission de protection du territoire agricole du Québec or that is subject to acquired rights within the meaning of Chapter VII of the Act respecting the preservation of agricultural land and agricultural activities.

The by-law must set out, among other things, the length of time the reserve will exist and the allocation of the amount, if any, by which the reserve's income exceeds its expenditures. If there is no such provision, any excess amount is paid into the general fund.

11. When, under this Act, the municipality becomes the owner of immovables that are sufficient in area or in number to be used for genuine and sustained agricultural purposes, it submits a plan to the Minister of Energy and Natural Resources relating to a cadastral operation entailing replacement in order to consolidate and renumber the lots. This plan must be authorized by the Minister of Agriculture, Fisheries and Food after the opinion of the Commission de protection du territoire agricole du Québec has been obtained.

12. Within two years after the authorization required under section 11, the municipality must offer for sale, at their actual value, the lots concerned by the cadastral amendment so that they can be used for agricultural purposes, and must so advise the Minister of Agriculture, Fisheries and Food and the regional federation of the Union des producteurs agricoles. The Minister may authorize the transfer of the lots at a price that is lower than their actual value and, if necessary, an extension for the selling of the lots.

13. The title obtained by the municipality under this Act to immovables situated in the sector to be consolidated may not be contested.

14. This Act does not affect any case pending immediately before its coming into force.

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

