



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 228

(Private)

An Act respecting the co-ownership Le 221 St-Sacrement

Introduction

Introduced by

Madam Manon Massé

Member for Sainte-Marie–Saint-Jacques

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Bill 228

(Private)

AN ACT RESPECTING THE CO-OWNERSHIP LE 221 ST-SACREMENT

AS Le 221 St-Sacrement, Limited Partnership acquired lot 1 180 890 of the cadastre of Québec, registration division of Montréal, from MRRM (CANADA) Inc. on 28 February 2005 by the deed of sale signed before notary Charlotte Pinsonnault and registered at the registry office of the registration division of Montréal on 1 March 2005 under number 12 107 739;

AS lot 1 180 890 of the cadastre of Québec was divided and replaced by lots 3 564 490, 3 564 491, 3 564 492 and 3 564 493 of the cadastre of Québec on 20 March 2006 pursuant to a replacement plan to register a horizontal divided co-ownership registered by Éric Deschamps, land surveyor;

AS lot 3 564 492 and part of lot 3 564 490 of the cadastre of Québec were replaced by lot 3 849 700 of the cadastre of Québec and part of lot 3 564 490 of the cadastre of Québec was replaced by lot 3 849 701 on 27 December 2006 pursuant to a replacement plan to register a horizontal divided co-ownership registered by Éric Deschamps, land surveyor;

AS the lots, buildings and annexes were converted to a horizontal divided co-ownership under a declaration of divided co-ownership and servitudes registered at the registry office of the registration division of Montréal on 21 March 2007 under number 14 079 674;

AS Terry J. Kocisko and Elizabeth May Prosen acquired an immovable known and designated as lot 3 564 493 of the cadastre of Québec, registration division of Montréal, from Le 221 St-Sacrement, Limited Partnership on 23 March 2007;

AS the deed of sale, signed before notary Robert Alain under number 8 835 of his minutes, was registered at the registry office of the registration division of Montréal on 23 March 2007 under number 14 085 994;

AS lot 3 564 491 of the cadastre of Québec was replaced by lots 3 945 204 to 3 945 209 of the cadastre of Québec on 21 June 2007 pursuant to a vertical cadastral plan registered by Éric Deschamps, land surveyor;

AS the immovable erected on lot 3 945 204 located on former lot 3 564 491 was subdivided to form lots 3 945 204 to 3 945 209 and converted to a vertical divided co-ownership under a declaration of divided co-ownership and servitudes registered at the registry office of the registration division of Montréal on 24 July 2007 under number 14 471 749;

AS 222 Hospital Street Trust acquired lots 3 945 205, 3 945 206, 3 945 207 and 3 945 208 of the cadastre of Québec, registration division of Montréal, from Le 221 St-Sacrement, Limited Partnership on 1 August 2007;

AS the deeds of sale, signed before notary Robert Alain under numbers 9 063, 9 064, 9 065 and 9 066 of his minutes, were registered at the registry office of the registration division of Montréal on 2 August 2007 under numbers 14 494 530, 14 494 528, 14 494 529 and 14 494 531;

AS Kocisko Development Corporation Inc. acquired the land, buildings and annexes known as lot 3 849 700 of the cadastre of Québec, registration division of Montréal, from Le 221 St-Sacrement, Limited Partnership on 28 December 2007;

AS the deed of sale, signed before notary Robert Alain under number 9 334 of his minutes, was registered at the registry office of the registration division of Montréal on 28 December 2007 under number 14 889 372;

AS 222 Hospital Street Trust acquired lot 3 945 209 of the cadastre of Québec, registration division of Montréal, from Le 221 St-Sacrement, Limited Partnership on 17 June 2013;

AS the deed of sale, signed before notary Robert Alain under number 12 192 of his minutes, was registered at the registry office of the registration division of Montréal on 18 June 2013 under number 20 043 131;

AS Terry J. Kocisko acquired 50% of lot 3 564 493 of the cadastre of Québec, registration division of Montréal, from Elizabeth May Prosen on 19 June 2015;

AS the deed of sale, signed before notary Robert Alain under number 13 119 of his minutes, was registered at the registry office of the registration division of Montréal on 19 June 2015 under number 21 633 482;

AS Terry Kocisko Holdings Inc. acquired lot 3 564 493 of the cadastre of Québec, registration division of Montréal, from Terry J. Kocisko on 22 October 2015;

AS the deed of sale, signed before notary Robert Alain under number 13 294 of his minutes, was registered at the registry office of the registration division of Montréal on 23 October 2015 under number 21 917 715;

AS the immovables at 221 rue du Saint-Sacrement (Maison Silvain-Laurent-dit-Bérichon) and 222 rue de l'Hôpital (Henry-Judah Store/Warehouse) are located within the historic district of Montréal, declared as such on 8 January 1964 by the adoption of Order in Council 26;

AS, under section 48 of the Cultural Property Act (chapter B-4), no person was allowed to divide, subdivide, redivide or parcel out a lot in a historic district without the authorization of the Minister of Culture and Communications;

AS the authorization of the Minister of Culture and Communications required under section 48 of the Cultural Property Act was not obtained when lot 1 180 890 forming lots 3 564 490, 3 564 491, 3 564 492 and 3 564 493 of the cadastre of Québec was divided and the plans creating the lots were registered in the land register despite the lack of authorization;

AS the authorization of the Minister of Culture and Communications required under section 48 of the Cultural Property Act was not requested when lot 3 564 490, of which one subdivided part forms lot 3 849 700 of the cadastre of Québec following its amalgamation with lot 3 564 492 and the other part forms lot 3 849 701 of the cadastre of Québec, was subdivided and the plans creating the lots were registered in the land register despite the fact that authorization was not obtained;

AS the authorization of the Minister of Culture and Communications required under section 48 of the Cultural Property Act was not requested when lot 3 564 491 forming lots 3 945 204 to 3 945 209 of the cadastre of Québec was subdivided and the plans creating the lots were registered in the land register despite the fact that authorization was not obtained;

AS, under section 57 of the Cultural Property Act, the Minister of Culture and Communications may obtain an order of the Superior Court for the cessation of any act or operation undertaken or continued without the authorization required under section 48 of the Act;

AS, under section 57.1 of the Cultural Property Act, no division or subdivision plan or any other form of parcelling out of land situated in a historic district may be registered in the land register if the conditions of an authorization given under that Act have not been met or if such authorization has not been given;

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

AS section 195 of the Cultural Heritage Act, which provides that the Minister of Culture and Communications may obtain an order of the Superior Court for the cessation of an act or operation undertaken or continued without the authorization required under section 47 to 49, 64 or 65 of that Act, has replaced section 57 of the Cultural Property Act;

AS section 261 of the Cultural Heritage Act provides that the Minister of Culture and Communications may obtain an order of the Superior Court referred to in section 195 of that Act with regard to an act or operation undertaken or continued before 19 October 2012 in contravention of section 48 of the Cultural Property Act;

AS section 245 of the Cultural Heritage Act provides that historic districts declared as such before 19 October 2012 become heritage sites declared as such under that Act and as, consequently, the historic district of Montréal has become the Montréal heritage site;

AS a deed of hypothec in favour of HSBC Bank Canada was registered at the registry office of the registration division of Montréal on 6 August 2007 under number 14 500 637, in particular against the private portion consisting of lot 3 945 207 of the cadastre of Québec commonly known by the civic address 202–222, rue de l’Hôpital, Montréal, with the undivided rights of ownership in the common portions;

AS a deed of hypothec in favour of HSBC Bank Canada was registered at the registry office of the registration division of Montréal on 6 August 2007 under number 14 500 639, in particular against the private portion consisting of lot 3 945 208 of the cadastre of Québec commonly known by the civic address 201–222, rue de l’Hôpital, Montréal, with the undivided rights of ownership in the common portions;

AS a deed of hypothec in favour of HSBC Bank Canada was registered at the registry office of the registration division of Montréal on 6 August 2007 under number 14 500 640, in particular against the private portion consisting of lot 3 945 205 of the cadastre of Québec commonly known by the civic address 102–222, rue de l’Hôpital, Montréal, with the undivided rights of ownership in the common portions;

AS a deed of hypothec in favour of Dany Laflamme was registered at the registry office of the registration division of Montréal on 27 April 2009 under number 16 112 658, in particular against the private portion consisting of lot 3 849 700 of the cadastre of Québec commonly known by the civic address 221, rue de l’Hôpital, Montréal, with the undivided rights of ownership in the common portions;

AS a deed of hypothec in favour of Scotia Mortgage Corporation was registered at the registry office of the registration division of Montréal on 23 October 2015 under number 21 919 375, in particular against the private portion consisting of lot 3 564 493 of the cadastre of Québec commonly known by the civic address 221, rue du Saint-Sacrement, Montréal, with the undivided rights of ownership in the common portions;

AS a deed of hypothec in favour of CIBC Mortgages Inc. was registered at the registry office of the registration division of Montréal on 20 July 2016 under number 22 495 166, in particular against the private portion consisting of lot 3 945 206 of the cadastre of Québec commonly known by the civic address 101–222, rue de l’Hôpital, Montréal, with the undivided rights of ownership in the common portions;

AS it is important to Le 221 St-Sacrement, Limited Partnership, Kocisko Development Corporation Inc., 222 Hospital Street Trust, Terry J. Kocisko, Elizabeth May Prosen and Terry Kocisko Holdings Inc. that the failure to obtain the authorization of the Minister of Culture and Communications be remedied;

AS the syndicates of co-owners have agreed to the introduction and passage of this Act;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The division of lot 1 180 890, the subdivisions of lots 3 564 490, 3 564 491 and 3 564 492 and the plans creating lots 3 564 490, 3 564 491, 3 564 492, 3 564 493, 3 849 700, 3 849 701, 3 945 204, 3 945 205, 3 945 206, 3 945 207, 3 945 208 and 3 945 209 of the cadastre of Québec, registration division of Montréal, may not be cancelled and the plans' registration in the land register may not be cancelled because the authorization of the Minister of Culture and Communications was not obtained as required under section 48 of the Cultural Property Act (chapter B-4) despite sections 57 and 57.1 of that Act and section 195 of the Cultural Heritage Act (chapter P-9.002).
- 2.** This Act must be registered at the registry office of the registration division of Montréal and the appropriate entries registered against the lots listed in section 1.
- 3.** This Act comes into force on (*insert the date of assent to this Act*).

