



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 233

(Private)

An Act respecting an immovable located on Boulevard Décarie in Montréal

Introduction

**Introduced by
Mr. David Birnbaum
Member for D'Arcy-McGee**

**Québec Official Publisher
2017**

Bill 233

(Private)

AN ACT RESPECTING AN IMMOVABLE LOCATED ON BOULEVARD DÉCARIE IN MONTRÉAL

AS the MAB-Mackay Rehabilitation Centre (MAB-Mackay Centre) is a legal person converted to a public institution by letters patent of conversion issued by the enterprise register on 17 October 2016 under the Act respecting health services and social services (chapter S-4.2);

AS, pursuant to section 329 of the Act respecting health services and social services, the MAB-Mackay Centre owns an immovable located at 3500 Boulevard Décarie in Ville de Montréal, known and designated, since the cadastral renewal of 24 February 2012 (cadastral renewal), as lot 4 139 929 of the cadastre of Québec, registration division of Montréal (lot 4 139 929);

AS, in October 2016, under the Act respecting health services and social services, the MAB-Mackay Centre and the Constance-Lethbridge Rehabilitation Centre (Constance-Lethbridge Centre), both mandated to operate a rehabilitation centre for physically impaired persons, entered into an integration agreement (integration agreement) approved by the Minister of Health and Social Services, under which the MAB-Mackay Centre transferred complete and definitive operation of the activities of its rehabilitation centre for physically impaired persons to the Constance-Lethbridge Centre and agreed to transfer lot 4 139 929 to the Constance-Lethbridge Centre, making it the owner, without any restriction or reservation;

AS conditions stipulated in the deed of donation by Hugh Mackay to The Mackay Institution for Protestant Deaf Mutes, a predecessor of the MAB-Mackay Centre, on 26 August 1884, before notary John Fair, under number 293 of his minutes, and registered on 29 August 1884 at the registry office of the registration division of Hochelaga and Jacques-Cartier (now forming part of the registration division of Montréal) under number 16 233 (1884 deed of donation), affect a portion of lot 4 139 929 which, before the cadastral renewal, was composed of lots 181-81 and 181-82 of the cadastre of the municipality of the parish of Montréal, registration division of Montréal (Hugh Mackay lots);

AS, contrary to the provisions of the integration agreement, lot 4 139 929 cannot, as a result, be transferred to the Constance-Lethbridge Centre without any restriction or reservation;

AS another portion of lot 4 139 929 which, before the cadastral renewal, was composed of lots 181-58, 181-59, 181-60, 181-61, 181-62, 181-63, 181-83, 181-84, 181-85, 181-86, 181-87 and 181-88 of the cadastre of the municipality of the parish of Montréal, registration division of Montréal (Joseph Mackay lots), was affected by conditions stipulated in a deed of donation by Joseph Mackay to The Protestant Institution for Deaf-Mutes and for the Blind, a predecessor of the MAB-Mackay Centre, on 19 January 1878, before notary Ernest Henry Stuart, under number 12 385 of his minutes (1878 deed of donation), which were of the same nature as the conditions affecting the Hugh Mackay lots;

AS, under section 9 of the Act to amalgamate and consolidate The Mackay Institution for Protestant Deaf Mutes and The School for Crippled Children, Montreal, under the name of Mackay Center for Deaf and Crippled Children (1960-61, chapter 153), as amended by chapter 109 of the statutes of 1989 (Act of 1960), the Joseph Mackay lots were vested in the Mackay Center for Deaf and Crippled Children, a predecessor of the MAB-Mackay Centre, free and clear of the conditions imposed by the 1878 deed of donation, and as all of the conditions were extinguished;

AS the vesting and extinguishment were justified, under section 9 of the Act of 1960, by the broadening of the purposes for which the Mackay Center for Deaf and Crippled Children was established and to facilitate the achievement of those purposes;

AS, for the same reason, vesting the Hugh Mackay lots in the Mackay Center for Deaf and Crippled Children, free and clear of the conditions imposed by the 1884 deed of donation, and extinguishing the conditions should have been prescribed under the Act of 1960 but was omitted;

AS, to this day, the conditions imposed by the 1884 deed of donation have not been amended or extinguished;

AS the Act of 1960 was never registered in the land register as provided for in section 11 of the Act of 1960;

AS it is in the interest of the MAB-Mackay Centre and the Constance-Lethbridge Centre, and in the public interest, to confirm, under this Act, that lot 4 139 929, composed in part of the Joseph Mackay lots and the Hugh Mackay lots, has, since 22 December 1960, been free and clear of the conditions imposed by the 1878 deed of donation and the 1884 deed of donation respectively and that all conditions have been extinguished since that date;

AS it is in the interest of the MAB-Mackay Centre and the Constance-Lethbridge Centre to permit the MAB-Mackay Centre to transfer lot 4 139 929 to the Constance-Lethbridge Centre without any restriction or reservation, as provided for in the integration agreement;

AS it is expedient and in the public interest that the extinguishment of the conditions be acknowledged under one and the same Act;

AS it is also in the public interest that this Act be registered in the land register;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The conditions imposed by the deed of donation relating to former lots 181-81 and 181-82 of the cadastre of the municipality of the parish of Montréal, registration division of Montréal (Hugh Mackay lots), which were renewed and now form part of lot 4 139 929 of the cadastre of Québec, registration division of Montréal (lot 4 139 929), by Hugh Mackay to The Mackay Institution for Protestant Deaf Mutes on 26 August 1884, before notary John Fair, under number 293 of his minutes, and registered on 29 August 1884 at the registry office of the registration division of Hochelaga and Jacques-Cartier (now forming part of the registration division of Montréal) under number 16 233 (1884 deed of donation), are extinguished.

2. The Hugh Mackay lots, vested in the Mackay Center for Deaf and Crippled Children on 22 December 1960 under the Act to amalgamate and consolidate The Mackay Institution for Protestant Deaf Mutes and The School for Crippled Children, Montreal, under the name of Mackay Center for Deaf and Crippled Children (1960-61, chapter 153), as amended by chapter 109 of the statutes of 1989 (Act of 1960), are deemed to have been vested in it free and clear of the conditions imposed by the 1884 deed of donation.

3. The extinguishment, on 22 December 1960, of the conditions imposed by the deed of donation relating to former lots 181-58, 181-59, 181-60, 181-61, 181-62, 181-63, 181-83, 181-84, 181-85, 181-86, 181-87 and 181-88 of the cadastre of the municipality of the parish of Montréal, registration division of Montréal (Joseph Mackay lots), which were renewed and now form part of lot 4 139 929, by Joseph Mackay in favour of The Protestant Institution for Deaf-Mutes and for the Blind on 19 January 1878, before notary Ernest Henry Stuart, under number 12 385 of his minutes (1878 deed of donation), and the vesting, free and clear of those conditions, on 22 December 1960 of the Joseph Mackay lots in the Mackay Center for Deaf and Crippled Children, enacted by section 9 of the Act of 1960, are confirmed.

4. Lot 4 139 929, vested in the MAB-Mackay Rehabilitation Centre on 17 October 2016 pursuant to section 329 of the Act respecting health services and social services (chapter S-4.2), is free and clear of the conditions imposed by the 1878 deed of donation and the 1884 deed of donation.

5. This Act must be registered by an appropriate method at the registry office of the registration division of Montréal against lot 4 139 929.

6. This Act comes into force on (*insert the date of assent to this Act*). However, sections 1 and 2 have effect from 22 December 1960.

