

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 204
(Private)

An Act respecting certain immovables of the cadastre of the parish of Saint-Esprit

Introduction

Introduced by
Madam Jocelyne Caron
Member for Terrebonne

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Bill 204

(Private)

AN ACT RESPECTING CERTAIN IMMOVABLES OF THE CADASTRE OF THE PARISH OF SAINT-ESPRIT

WHEREAS by a deed made on 13 August 1876 by H.-D. Grégoire, notary, and registered in the registry office of the registration division of Montcalm under number 8513, Michel Charron, priest, made a gift to the community of the Filles de Sainte-Anne (now known as "Les Soeurs de Sainte-Anne") of an immovable now consisting of lots 185, 186 and 180-2 of the cadastre of the parish of Saint-Esprit and of the remainder of lot 180 of that cadastre, excluding lot 180-2 of that cadastre, whereas the deed of gift provided that the immovable so given could be used only for the purpose of the education of girls and whereas, if the donee community could not use the immovable for that purpose, ownership of the immovable reverted to the Catholic bishop of the diocese who, as well, could not use it but for the same purpose;

Whereas considering the circumstances described in the preamble to the Act respecting an immoveable situated in the municipality of the parish of Saint-Esprit (1969, chapter 127), the National Assembly, by that Act, authorized Les Soeurs de Sainte-Anne to alienate the immovable described in the deed of gift in favour of L'Oasis St-Esprit inc., for the purpose of providing lodging for aged persons;

Whereas Les Soeurs de Sainte-Anne availed themselves of that authorization and transferred the said immovable to L'Oasis St-Esprit inc. by a deed registered in the registry office of the registration division of Montcalm under number 125373;

Whereas by deeds registered in the registry office of the registration division of Montcalm under numbers 188493 and 264622, L'Oasis St-Esprit inc. sold certain parts of lot 180 of the cadastre of the parish of Saint-Esprit which now form lot 180-2 of that cadastre to the Société d'habitation du Québec;

Whereas L'Oasis St-Esprit inc. considers that the lodging requirements of aged persons have been satisfied in particular by Villa Sainte-Anne, a residence for elderly persons built on lot 180-2 of the cadastre of the parish of Saint-Esprit, and whereas L'Oasis St-Esprit inc. no longer needs, for that purpose, the part of the immovable it acquired from Les Soeurs de Sainte-Anne and of which it remains the owner, which part is described in the schedule;

Whereas L'Oasis St-Esprit inc. was constituted for the purpose of providing lodging for aged persons and whereas it plans to apply for dissolution after disposing of its property, in particular the immovable described in the schedule which forms the largest part thereof;

Whereas the municipality of the parish of Saint-Esprit wishes to establish a childcare centre on the land currently owned by L'Oasis St-Esprit inc. and whereas the municipality does not consider it expedient to be subject to restrictions on the use of the land or affecting its power to dispose of the land;

Whereas the Société d'habitation du Québec does not intend, in the short or medium term, to cease using lot 180-2 of the cadastre of the parish of Saint-Esprit for the purpose of lodging aged persons, whereas, in the long term, the expediency and even the necessity of such a decision cannot be excluded, and whereas it wishes to take advantage of the consideration of this Act to be granted authorization to apply to a court should such a decision later be contemplated;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Every obligation to use the immovable described in the schedule for the purpose of lodging aged persons which may arise from the Act respecting an immoveable situated in the municipality of the parish of Saint-Esprit (1969, chapter 127) is hereby set aside.

2. L'Oasis St-Esprit inc. is authorized to transfer the immovable described in the schedule to the municipality of the parish of Saint-Esprit for any consideration and subject to any conditions agreed upon by both parties, in particular for a nominal sum and without the municipality being bound to fulfil any obligation or being subject to any restriction with regard to the use of the immovable or the power to dispose of it.

3. This Act shall not affect the obligation arising from the Act respecting an immoveable situated in the municipality of the parish of Saint-Esprit requiring the owner of lot 180-2 of the cadastre of the parish of Saint-Esprit to use the lot for the purpose of lodging aged persons.

The owner of the lot may, subject to the conditions prescribed in article 1294 of the Civil Code, obtain authorization from the court to use the lot for any public purpose other than the lodging of aged persons or the setting aside of the obligation to use the lot for public purposes.

4. Publication of this Act is effected by filing a certified copy of this Act in the registry office of the registration division of Montcalm.

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

SCHEDULE

(*Sections 1 and 2*)

DESCRIPTION OF AN IMMOVABLE OF THE CADASTRE OF THE PARISH OF SAINT-ESPRIT

A parcel of land of irregular shape consisting of lots 185 and 186 and of the remainder of lot 180, excluding lot 180-2, all such lots being lots of the cadastre of the parish of Saint-Esprit.