

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 111

An Act respecting the transfer of the ownership of an immovable to the Commission scolaire de Montréal and amending the Education Act

Introduction

Introduced by
Mr François Legault
Minister of Education

Québec Official Publisher
2000

EXPLANATORY NOTES

This bill provides that the English-Montréal School Board must, not later than 30 June 2000, transfer the ownership of one of the two immovables described in the schedule to the Commission scolaire de Montréal so that the latter school board may establish a school. If the English-Montréal School Board does not transfer the ownership of one of the immovables within the allotted time, the Minister will determine which immovable is to become the property of the Commission scolaire de Montréal. The bill also specifies the indemnity that is to be paid.

The Education Act is amended to authorize the Government to order, on the recommendation of the Minister of Education, that the ownership of an immovable belonging to a school board be transferred to another school board. The bill provides that the Government will determine whether or not an indemnity is to be paid as consideration for the transfer and if so, the amount of the indemnity.

Bill 111

AN ACT RESPECTING THE TRANSFER OF THE OWNERSHIP OF AN IMMOVABLE TO THE COMMISSION SCOLAIRE DE MONTRÉAL AND AMENDING THE EDUCATION ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Not later than 30 June 2000, the English-Montréal School Board must transfer the ownership of one of the two immovables described in the schedule to the Commission scolaire de Montréal for the establishment of a school.

2. If the English-Montréal School Board does not proceed with the transfer, the Minister of Education shall determine which of the immovables is to become the property of the Commission scolaire de Montréal on the date determined by the Minister.

3. As consideration for the transfer, the Minister shall pay to the English-Montréal School Board an indemnity equal to 30% of the standardized value of the immovable the ownership of which is transferred to the Commission scolaire de Montréal.

The standardized value of the immovable is obtained by multiplying the value entered on the municipal assessment roll in respect of the immovable by the comparative factor established for that roll under section 264 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1).

4. The English-Montréal School Board may use the indemnity only for the renovation of those of its immovables in which educational institutions are established.

The renovation work must be authorized by the Minister.

5. Notwithstanding the provisions of the Education Act (R.S.Q., chapter I-13.3) that apply to the revocation of a deed of establishment, a deed of establishment issued in accordance with that Act and in force on 30 June 2000 that places all or part of the immovable referred to in section 1 or in section 2 at the disposal of an educational institution shall cease to have effect

(1) on 30 June 2000, if a decision is made under section 1; or

(2) on the date of the day preceding the date determined by the Minister under section 2.

6. Where the ownership of an immovable is transferred pursuant to section 2, a notice stating the facts that establish the transfer and containing a description of the immovable concerned shall be given to the registrar of the registration division in which the immovable is situated.

7. The Education Act (R.S.Q., chapter I-13.3) is amended by inserting the following sections after section 477.1:

"477.1.1. On the recommendation of the Minister, the Government may, if it considers it advisable in the public interest and so as to foster effective and efficient management of the immovables belonging to school boards, order that the ownership of an immovable belonging to a school board be transferred to another school board so that the latter school board may establish an educational institution.

Such a transfer shall take effect on 1 July following the decision or on any later date determined by the Government.

"477.1.2. The Government shall determine, by order in council, whether an indemnity is to be paid as consideration for the transfer and, where applicable, the amount of the indemnity and the other conditions of the transfer.

"477.1.3. Before making a recommendation to the Government, the Minister must give the school boards concerned an opportunity to present observations in writing and grant them at least 30 days to do so.

"477.1.4. Notwithstanding section 40 and paragraph 1 of section 79, a deed of establishment that places all or part of the immovable to which the decision applies at the disposal of an educational institution shall cease to have effect

(1) on 30 June, if the decision takes effect on 1 July following the decision; or

(2) on the date of the day preceding the date determined by the Government under section 477.1.1.

"477.1.5. Where the ownership of an immovable is transferred pursuant to section 477.1.1, a notice stating the facts that establish the transfer and containing a description of the immovable concerned shall be given to the registrar of the registration division in which the immovable is situated."

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

SCHEDULE
(*Sections 1 and 2*)

— The immovable situated at 6855 rue Cartier, Montréal, and occupied on (*insert here the date of introduction of this Act*) by Francesca Cabrini School established by the English-Montréal School Board.

— The immovable situated at 7400 rue Sagard, Montréal, and occupied on (*insert here the date of introduction of this Act*) by Emily Carr School established by the English-Montréal School Board.