



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 38

**An Act to amend the Civil Code
as regards publication of certain rights
by means of a notice**

Introduction

**Introduced by
Madam Linda Goupil
Minister of Justice**

**Québec Official Publisher
1999**

EXPLANATORY NOTES

The object of this bill is to allow publication, in a land register, of rights under a non-residential lease by means of a notice whose content, determined by law, will preserve the confidentiality of the clauses stipulated by the parties as regards the rent. The bill also confirms for the past the validity of the publication, in such registers, of acts or documents containing the particulars that are required in the new notice.

A further object of the bill is to specify that publication, in a register of rights, of the designation or replacement of the liquidator of a succession must be effected by means of a notice identifying the succession and the liquidator, the act of designation or replacement and any immovables concerned.

Bill 38

AN ACT TO AMEND THE CIVIL CODE AS REGARDS PUBLICATION OF CERTAIN RIGHTS BY MEANS OF A NOTICE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Article 777 of the Civil Code of Québec (1991, chapter 64), amended by section 26 of chapter 51 of the statutes of 1998, is again amended by adding the following sentence at the end of the third paragraph: “Registration of the act of designation or replacement is obtained by presenting a notice which refers to the act of designation or replacement, identifies the deceased and the liquidator and contains the description of the immovables concerned, if any.”

2. The said Code is amended by inserting the following article after article 2999:

“2999.1. Registration of rights under a lease on an immovable other than a dwelling or of the assignment of such a lease may be obtained, in addition to the other modes provided for in this Book, by presenting a notice at the office of the registration division in which the immovable is situated.

The notice must refer to the lease concerned, identify the lessor and the lessee and contain the description of the immovable in which the leased premises are situated. It must also indicate, in particular, the effective date of the lease and the date of expiry, if any, or the particulars needed to determine such dates, as well as any rights existing in respect of the renewal of the lease.

The required certificate of verification must, with respect to the accuracy of the content of the notice, be drawn up by a notary or an advocate.”

3. Rights under a lease on an immovable other than a dwelling or the assignment of such a lease that are or is evidenced by an act or document registered in a land register on or after 1 January 1994 shall be deemed validly published provided that the act or document contains at the least the particulars required by article 2999.1 of the Civil Code enacted by this Act.

However, for the purposes of this rule, a reference to the lease to which the act or document relates and an indication of the rights existing in respect of the renewal of the lease are not required.

4. The provisions of this Act come into force on (*insert here the date of assent to this Act*), except those of section 1, which come into force on the date of coming into force of section 26 of chapter 51 of the statutes of 1998.