

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 2

Insert in alphabetical order:

“agricultural enterprise” means an enterprise carrying on agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), activities to produce an agricultural product within the meaning of the Farm Producers Act (chapter P-28) or any other activity of the same nature;

*Adopté
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SECTION 8

Replace by:

8. Before serving the notice of expropriation, the expropriating party must file with the Administrative Tribunal of Québec,

(1) if the expropriated right concerns a whole lot situated in a territory that has been the subject of a cadastral renewal, an extract from the cadastre of Québec showing the expropriated immovable; or

(2) if the expropriated right does not concern a lot referred to in subparagraph 1, a plan of the expropriated immovable, accompanied by a technical description if only part of an immovable is concerned.

If more than one right is to be expropriated, the expropriating party may file a general plan instead.

The plans, except the extract from the cadastre of Québec, and, if applicable, the technical description referred to in this section must be signed by a land surveyor.

Adopté
ML

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SECTION 9

Replace the second paragraph by:

The notice of expropriation must be accompanied by an extract from the cadastre of Québec showing the expropriated immovable if the expropriated right concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the expropriated immovable signed by a land surveyor.

*Adopté
ML*

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SECTION 11

Replace subparagraph 5 of the first paragraph by:

(5) be accompanied by an extract from the cadastre of Québec showing the immovable if the right concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the immovable signed by a land surveyor.

*Adopté
ml*

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SECTION 12

1. Replace the second paragraph by:

An expropriated party who fails to send the information mentioned in the first paragraph relating to a lessee whose lease is not registered in the land register or to an occupant in good faith is alone liable for the injury resulting from such failure. The lessee or the occupant in good faith is entitled to damages resulting from that failure.

2. Replace "person or partnership" in subparagraph 2 of the fourth paragraph by "natural or legal person, a general or limited partnership, an association or another group not endowed with juridical personality".

*Adopté
me*

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SECTION 13

Replace the first sentence by: "Where the expropriation covers movables and the expropriated party is a natural person, the expropriated party must send their date of birth to the expropriating party within 30 days after the latter's request to obtain it."

Adopté
m

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SECTION 12

Replace subparagraph c of subparagraph 2 of the fourth paragraph by:

(c) occupies the immovable after having entered into an agreement with the holder of the right in that immovable,

Adopté
ML

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SECTION 14

Replace “a plan of the expropriated immovable, signed by a land surveyor” in the third paragraph by “an extract from the cadastre of Québec showing the expropriated immovable if the expropriated right concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the expropriated immovable signed by a land surveyor”.

Adopté
ML

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SECTION 15

Insert "the extract from the cadastre of Québec or" after "notice of expropriation and" in the first paragraph.

*Adopté
m*

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SECTION 20

Replace "Where the Superior Court grants the application of the expropriated party contesting the right to expropriate and requesting the cancellation of the notice of expropriation," in the first paragraph by "Where the application of the expropriated party contesting the right to expropriate and requesting the cancellation of the notice of expropriation is granted,".

Adopté
ML

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SECTION 21

Replace "Where the Superior Court grants the application of the expropriated party contesting the right to expropriate and requesting the cancellation of the notice of expropriation," in the first paragraph by "Where the application of the expropriated party contesting the right to expropriate and requesting the cancellation of the notice of expropriation is granted,".

Adopt
ml

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SECTION 23

Replace the second paragraph by:

The notice also indicates that the divested party

(1) might obtain an additional provisional indemnity following receipt by the expropriating party of the documents specified in the third paragraph of section 24 or in the first paragraph of section 51; and

(2) may, at any time, apply to the Administrative Tribunal of Québec to obtain a supplemental provisional indemnity.

*Adopté
me*

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SECTION 25

Insert the following paragraph after the second paragraph:

Where a divested party has requested that an additional provisional indemnity be determined under section 24, the notice must be notified to the divested party within two months after receipt of the application.

Adopted
ML

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SECTION 26

Insert before paragraph 1:

(0.1) six months after the date of expropriation, where the residence of a lessee or of an occupant in good faith forms part of the expropriated immovable;

*Adopte
me*

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SECTION 38

Insert "by the expropriating party" at the end.

Adopté
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SECTION 39

Replace "receipt" by "service".

*Adopté
me*

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SECTION 40

Replace by:

40. Despite the transfer of the expropriated right, the expropriating party may not take possession of the leased or occupied premises before paying the initial provisional indemnity to the lessee or to the occupant in good faith who leases or occupies the premises, or before depositing that indemnity on their behalf in the office of the Superior Court. However, the expropriating party may take possession of the premises if the expropriating party has notified a notice to the lessee or to the occupant in good faith indicating that they are not entitled to any amount as an initial provisional indemnity.

The first paragraph does not apply if the expropriating party has not been informed, in accordance with the first paragraph of section 12, that the premises are leased or occupied and, if leased, that the lease is not registered in the land register.

Adopté
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SECTION 42

1. Replace "deposited with" in subparagraph 3 of the first paragraph by "deposited on their behalf in".
2. Insert "or deposited on their behalf in the office of the Superior Court" after "an occupant in good faith" in the fourth paragraph.

*Adopte'
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heading and s. 43

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SUBDIVISION 3 OF DIVISION VI OF CHAPTER II OF TITLE III OF PART I

Withdraw subdivision 3 of Division VI of Chapter II of Title III of Part I, comprising section 43.

Adopte
ml

AMENDMENT

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AN ACT RESPECTING EXPROPRIATION

SECTION 45

Withdraw.

*Adopted
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AN ACT RESPECTING EXPROPRIATION

SECTION 58.1

Insert after section 58:

58.1. The following are required to be represented by a lawyer before the Administrative Tribunal of Québec:

(1) representatives, mandataries, tutors and other persons acting on behalf of a divested party who, for serious reasons, cannot act on their own behalf;

(2) legal persons;

(3) general or limited partnerships and associations and other groups not endowed with juridical personality, unless all the partners or members act themselves or mandate one of their number to act;

(4) the Public Curator, guardians and sequestrators; and

(5) liquidators, except liquidators of a succession, trustees and other representatives of collective interests when acting in that capacity.

The first paragraph does not apply where

(1) the divested party is a natural person; or

(2) the divested party meets the following conditions:

(a) it is a legal person, a general or limited partnership, an association or another group not endowed with juridical personality; and

(b) a maximum of 10 persons bound to it by an employment contract were under its direction or control at any time during the 12-month period preceding the date of expropriation, in the case of an expropriated party, or the date of service of the notice to vacate the expropriated immovable, in the case of a lessee or an occupant in good faith.

*Adopté
ML*

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AN ACT RESPECTING EXPROPRIATION

SECTION 47

Withdraw.

*Adopte'
ML*

AMENDMENT

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AN ACT RESPECTING EXPROPRIATION

SECTION 48.1

Insert after section 48:

48.1. The expropriated party must, within two months after the date of expropriation, respond to the notice of expropriation and send the response to the Tribunal and to the expropriating party.

*Adopté
ML*

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AN ACT RESPECTING EXPROPRIATION

SECTION 49

Withdraw.

*Adopted
ml*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 50.1

Insert after section 50:

50.1. The lessee and the occupant in good faith must, within two months after the date of service of the notice to vacate the expropriated immovable, respond to the notice and send the response to the Tribunal and to the expropriating party.

*Adopté
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AN ACT RESPECTING EXPROPRIATION

SECTION 53

Replace "la décision de" in the first paragraph in the French text by "que soit rendue la décision portant sur".

*Adopté
ML*

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AN ACT RESPECTING EXPROPRIATION

SECTION 55

1. In the first paragraph,
 - (a) replace "three" in subparagraph 1 by "four";
 - (b) replace "two" in subparagraph 2 by "three".
2. Replace "30 days" in the second paragraph by "two months".

Adopte'
ML

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AN ACT RESPECTING EXPROPRIATION

SECTION 56

Add the following paragraph at the end:

Where a party fails to communicate to the other party the documents requested by the latter, the Tribunal may order the defaulting party to communicate those documents within the time it determines and, despite the first paragraph, may fix the date of the hearing, which date is to be at least two months after the expiry of that time.

*Adopté
me*

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AN ACT RESPECTING EXPROPRIATION

SECTION 61

Strike out "without the authorization of the Tribunal" in the second paragraph.

Adopte'
ML

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 62

1. Strike out “, excluding the calculation of the value of a right or of damages”.
2. Replace “, in particular as regards examinations’ terms, number and length” by “and only in keeping with the examinations’ number and length and with the terms set in the timetable”.

*Adopté
ML*

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AN ACT RESPECTING EXPROPRIATION

SECTION 67

Replace by:

67. Despite section 53 and except to update the amounts in a detailed declaration or to correct an error in writing or calculation, or any other clerical error, no detailed declaration may be withdrawn or amended,

(1) as regards the elements for which a party has the burden of proof, after the time limit applicable to the transmission of the expert evidence referred to in subparagraph a of paragraph 4 of section 60; and

(2) as regards the elements for which a party does not have the burden of proof, after the time limit applicable to the transmission of the expert evidence referred to in subparagraph b of paragraph 4 of section 60.

*Adopté
ml*

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AN ACT RESPECTING EXPROPRIATION

SECTION 70

Add the following paragraph after the second paragraph:

The new right holder must inform the expropriating party of the transfer and of who is entitled to the indemnities and damages according to the deed of transfer. If not so informed, the expropriating party has no obligation toward the new right holder with regard to those indemnities and damages.

*Adopté
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AN ACT RESPECTING EXPROPRIATION

SECTION 72

Replace the first sentence by: "If the Tribunal grants the application provided for in section 71, it so informs the parties and indicates to them the amount of the supplemental provisional indemnity determined."

*Adopte'
ML*

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AN ACT RESPECTING EXPROPRIATION

SECTION 74

Replace by:

74. Where the value of the indemnity claimed or offered is \$500,000 or more, the divested party must prepare an expenditure budget detailing the various expenditure items as well as the amount that the divested party intends to incur for each item and plans to claim from the expropriating party as part of the final indemnity. The expenditure budget must be sufficiently detailed so as to allow the expropriating party to analyze what is proposed in it.

Sum 1

The divested party must notify the expenditure budget to the expropriating party. Within 30 days after the notification, the expropriating party must notify the divested party of whether it agrees with the budget or not. If the expropriating party does not agree with it, the parties must attempt to resolve the issue. If the disagreement persists between the parties, they must, before the expenses are incurred, apply to the Administrative Tribunal of Québec for a ruling on the disagreement.

Adopté Amendé
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SUBAMENDMENT

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AN ACT RESPECTING EXPROPRIATION

SECTION 74

Replace "\$500,000" in the first paragraph of proposed section 74 by "\$750,000".

Adopt
ML

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AN ACT RESPECTING EXPROPRIATION

SECTION 78

Insert "to the remainder or" after "moved" in the introductory clause of the third paragraph.

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AMENDMENT

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AN ACT RESPECTING EXPROPRIATION

SECTION 69

Strike out the second paragraph.

*Adopté
m*

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AN ACT RESPECTING EXPROPRIATION

SECTION 81

Replace subparagraph 3 of the second paragraph by:

(3) the expropriated party is the owner of the substitute immovable and the re-establishment work has begun.

*Adopté
ML*

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SECTION 82

Insert the following paragraph after the first paragraph:

Despite the first paragraph, where the immovable indemnity is established on the basis of a use other than the use as at the date of expropriation, the expropriated party is not entitled to any of the indemnities provided for in sections 89 to 106, except the indemnity to compensate for the injuries referred to in section 97.

*Adopté
ML*

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SECTION 84

Replace the second paragraph by:

Despite the first paragraph, where the immovable indemnity is established according to

(1) the approach based on the re-establishment theory, the indemnity instead corresponds to the indemnity for the replacement of buildings and improvements to which is added, as applicable, the cost of acquiring new land or, if the expropriated party re-establishes itself on land it owns, the market value of the expropriated land; or

(2) a use other than the use as at the date of expropriation, the indemnity corresponds only to the market value of the expropriated right.

*Adopté
ml*

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AN ACT RESPECTING EXPROPRIATION

SECTION 10

Insert "or, if the expropriated party re-establishes itself on land it owns, the market value of the expropriated land" at the end of subparagraph *b* of paragraph 6.

*Adopté
ML*

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AN ACT RESPECTING EXPROPRIATION

SECTION 86

Replace subparagraph iii of subparagraph c of paragraph 2 by:

iii. all considerations extraneous to the right, such as advantageous financing conditions for the acquirer or other conditions or advantages granted to the latter as an incentive to acquire the right, are disregarded, and

*Adopté
12*

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SECTION 87

1. Add the following sentence at the end of the second paragraph:
"Furthermore, a possible amendment to the laws of Québec and Canada and to the regulations enacted under such laws, including municipal by-laws, must in no case be taken into account so as to allow uses other than those possible as at the date of expropriation."

2. Add the following paragraph at the end:

Despite the second paragraph, a municipal planning by-law that could reduce or increase the value of the expropriated immovable must not be taken into consideration if it is adopted before the date of expropriation and its purpose is to allow the carrying out of the expropriating party's project or to reduce the costs of the expropriation. In such a case, the Tribunal may take into consideration the planning standards applicable before the adoption of that by-law.

*Adopté
ML*

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AN ACT RESPECTING EXPROPRIATION

SECTION 91

1. Replace "inventory cost" in subparagraph 1 of the first paragraph by "inventory value".
2. Replace "their market value or cost, as applicable," in the second paragraph by "their value or market value".

*Adopte'
ML*

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AN ACT RESPECTING EXPROPRIATION

SECTION 92

Replace paragraph 2 by:

- (2) that is established
 - (a) as at the date of expropriation,
 - (b) according to the highest and best use of the assets, and
 - (c) in a free and open market that meets the following conditions:
 - i. the parties are properly informed of the condition of the corporeal assets and of the market conditions and have reasonable knowledge of the highest and best use of the assets,
 - ii. the corporeal assets were put up for sale for a sufficient period, taking into account their nature, the importance of the price and the economic situation, and
 - iii. all considerations extraneous to the corporeal assets themselves, such as advantageous financing conditions for the acquirer or other conditions or advantages granted to the latter as an incentive to acquire the assets, are disregarded.

Adopté ML

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SECTION 94

Withdraw.

Adopte
ML

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SECTION 95

Strike out ", using similar and modern materials equivalent to those of the expropriated building, according to current construction standards and according to current development concepts and methods, and taking into account the legal and contractual constraints" in paragraph 1.

*Adopté
ML*

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SECTION 95.1

Insert after section 95:

95.1. In establishing an indemnity under this subdivision II, the costs are valuated taking into account that the work must be carried out using similar and modern materials equivalent to those of the expropriated immovable or, as applicable, to those of the leased or occupied part of the expropriated immovable, according to current construction standards and according to current development concepts and methods, and taking into account the legal and contractual constraints.

*Adapté
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AN ACT RESPECTING EXPROPRIATION

SECTION 96

1. Replace the first paragraph by:

The indemnity in reparation for injuries corresponds to the actual cost at present value of the material injuries directly caused by the expropriation, whether or not referred to in sections 97 to 100, and suffered by the divested party.

2. Strike out the last paragraph.

*Adopté
ML*

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SECTION 99

Replace "within the year" in subparagraph 4 of the first paragraph by "within three years".

Adopté
ML

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SECTION 102

1. Replace "the work relating to the project" in subparagraph *d* of paragraph 2 by "the project or the work related to it".
2. Replace "the" in paragraph 9 by "the payment of the".

Adopt
ML

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AN ACT RESPECTING EXPROPRIATION

SECTION 102

Add the following paragraph at the end:

(10) the payment of the notaries' professional fees, except those paid for the preparation of a deed of acquisition of an immovable, for its signature by the parties and for registration of the deed in the land register.

*Adopté
m c*

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AN ACT RESPECTING EXPROPRIATION

SECTION 104

Replace "\$20,000" in the first paragraph by "\$30,000".

*Adopted
ML*

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AN ACT RESPECTING EXPROPRIATION

SECTION 106

Replace "\$5,000" in the first paragraph by "\$10,000".

*Adopted
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AN ACT RESPECTING EXPROPRIATION

SUBDIVISION 4 OF DIVISION III OF CHAPTER III OF TITLE III OF PART I

Withdraw subdivision 4 of Division III of Chapter III of Title III of Part I, comprising sections 107 to 114.

*Adopted
m6*

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AN ACT RESPECTING EXPROPRIATION

SECTION 115

Replace by:

115. The Administrative Tribunal of Québec determines the amount of an expropriated party's final indemnity by retaining the highest indemnity among the final indemnities established according to

- (1) a use other than the use as at the date of expropriation, if that use is the highest and best use;
- (2) the approach based on the re-establishment theory; or
- (3) the compensation approach that grants the lesser of the indemnities among those provided for in subparagraphs 1 to 5 of the first paragraph of section 75.

For the purposes of the first paragraph, the Tribunal takes into account only the uses and approaches that are applicable and that have been proven by the parties.

*Adopté
ML*

AMENDMENT

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AN ACT RESPECTING EXPROPRIATION

SECTION 105

Replace the second paragraph by:

The indemnity may be claimed only by the following divested parties:

(1) a divested party whose residence is part of the expropriated immovable; and

(2) a divested party who meets the following conditions:

(a) it is a natural or legal person, a general or limited partnership, an association or another group not endowed with juridical personality, and

(b) a maximum of 10 persons bound to it by an employment contract were under its direction or control at any time during the 12-month period preceding the date of expropriation, in the case of an expropriated party, or the date of service of the notice to vacate the expropriated immovable, in the case of a lessee or an occupant in good faith.

*Adopté
ML*

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AN ACT RESPECTING EXPROPRIATION

SECTION 115.1

Insert after section 115:

115.1. Where a right is in lieu of indemnity in accordance with section 11, the Tribunal determines

- (1) the right that is transferred and the immovable or part of the immovable in which the right is held;
- (2) if the right is a dismemberment of the right of ownership,
 - (a) the nature of the dismemberment,
 - (b) the duration of the dismemberment, and
 - (c) if applicable, the rights and conditions related to the exercise of the dismemberment; and
- (3) the market value of the right.

Adopte' ml

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AN ACT RESPECTING EXPROPRIATION

SECTION 115.2

Insert after section 115.1, introduced by amendment:

115.2. Where the Tribunal determines that the expropriated party must move a structure in accordance with the second or third paragraph of section 78, it determines

- (1) the immovable onto which the structure must be moved;
- (2) the time allotted for moving the structure;
- (3) the displacement indemnity to which the expropriated party is entitled to move the structure, reinstall it and connect it to the public service networks; and
- (4) the market value of the transferred right where the structure is moved to an immovable owned by the expropriating party.

When determining the displacement indemnity to which the expropriated party is entitled to move the structure, reinstall it and connect it to the public service networks, the Tribunal may review that amount when determining the final indemnity.

*Adopté
ML*

AMENDMENT

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AN ACT RESPECTING EXPROPRIATION

SECTION 115.3

Insert after section 115.2, introduced by amendment:

115.3. One-half of the displacement indemnity determined under subparagraph 3 of section 115.2 must be paid to the expropriated party before the displacement and the other half immediately afterwards.

*Adopté
ml*

AMENDMENT

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AN ACT RESPECTING EXPROPRIATION

SECTION 115.4

Insert after section 115.3, introduced by amendment:

115.4. If the expropriated party fails to comply with the Tribunal's decision rendered under section 115.2, within the prescribed time, the expropriating party may itself have the displacement work carried out and have the structure of the expropriated party placed at the location determined by the Tribunal; to that end, it may have recourse to the execution proceedings provided for in section 44.

*Adopté
ML*

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SECTION 115.5

Insert after section 115.4, introduced by amendment:

115.5. Where a decision of the Tribunal provides that a right in an immovable is to be transferred to the expropriated party, the Tribunal's decision must indicate, in particular,

- (1) the description of the immovable in which the transferred right is held;
- (2) the right that is transferred;
- (3) where the right is a dismemberment of the right of ownership,
 - (a) the nature of the dismemberment;
 - (b) the duration of the dismemberment; and
 - (c) if applicable, the rights and conditions related to the exercise of the dismemberment;
- (4) the description of the expropriated immovable;
- (5) the right that is acquired by expropriation; and
- (6) where the right is a right of ownership, the prior claims, hypothecs or charges against the expropriated immovable that must be carried over to the transferred immovable and cancelled on the expropriated immovable.

*Adopté
ML*

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AN ACT RESPECTING EXPROPRIATION

SECTION 115.6

Insert after section 115.5, introduced by amendment:

115.6. The decision referred to in section 115.5 is filed by the expropriating party with the Land Registrar for registration in the land register. The decision must be accompanied by a sworn statement from the expropriating party, made at least 30 days after the date of the decision, in which it is stated that the decision cannot be appealed, that the decision has been confirmed on appeal or that, as applicable, the time limits to make an application for leave to appeal having expired, the decision was not the subject of an appeal or of an application for review or revocation.

The expropriated party becomes the holder of the right referred to in paragraph 2 of section 115.5 on the date of the registration. Where applicable, the prior claims, hypothecs and charges against the expropriated immovable are carried over by the Land Registrar to the immovable transferred to the expropriated party. This carrying-over of those prior claims, hypothecs and charges preserves their opposability at their initial rank. The Land Registrar must also cancel the prior claims, hypothecs and charges registered against the expropriated immovable and that were carried over.

The expropriating party notifies to the expropriated party, without delay, the certified statement of the registration in the land register.

The carrying-over provided for in the second paragraph may not constitute a failure by the debtor as regards the debtor's privileged and secured creditors.

Adopté
ML

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AN ACT RESPECTING EXPROPRIATION

SECTION 115.7

Insert after section 115.6, introduced by amendment:

115.7. Where the decision on the transfer to the expropriated party of a right in an immovable has been the subject of an appeal or judicial review and the resulting decision authorizes the transfer, the expropriating party instead files the latter decision with the Land Registrar for registration in the land register. The sworn statement accompanying the decision must then state that the decision is not the subject of an application for judicial review, of an appeal or of an application for revocation of judgment.

*Adopte
ML*

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SECTION 117

Replace "the fourth" by "subparagraph 3 of the first".

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AN ACT RESPECTING EXPROPRIATION

SECTION 120

Replace "109" in paragraph 2 by "115.3".

Adopte' m l

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AN ACT RESPECTING EXPROPRIATION

SECTION 122

1. Replace "on which possession of the expropriated immovable is taken or from the date of homologation of the order, whichever occurs first" in the introductory clause of subparagraph 1 of the first paragraph by "of the transfer of the expropriated right".

2. Insert the following subparagraph after subparagraph a of subparagraph 1 of the first paragraph:

(a.1) the market value of the expropriated land, if the expropriated party re-establishes itself on land it owns;

3. Insert "subparagraph 1 of" after "referred to in" in subparagraph 2 of the first paragraph.

4. Add the following paragraphs at the end:

In addition, indemnities that must be returned by the divested party do not bear interest.

Despite the first paragraph, if a delay is attributable to the divested party, the Tribunal may suspend, for the period it determines, the application of the interest rate on a value, cost or indemnity.

*Adopté
ml*

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Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 129

Replace "may also include" and "was necessary" by "also include" and "is necessary", respectively.

*Adopted
ML*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 129

Strike out "comprendre" in the first paragraph in the French text.

Adopté
ML

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 137

1. Replace "paid" in the first paragraph by "due".
2. Insert "in the land register" after "by registration" in the first paragraph.

Adopter
me

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 140

Replace "by the registration of the notice of transfer of right, the judgment authorizing the transfer of the right in the immovable or the homologated decision of the Administrative Tribunal of Québec concerning the final indemnity" in the first paragraph by "by the transfer of the expropriated right".

*Adopté
ML*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 142

Replace "the date on which the preparatory work is to begin" in the fourth paragraph by "the date on which the person who may carry out preparatory work intends to move about on the immovable or enter the immovable".

Adopté
ML

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 143

Strike out "45 and" in the second paragraph.

*Adopted
ML*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 148

1. Insert "to be reserved" after "immovable" in subparagraph 1 of the first paragraph.

2. Replace the second paragraph by:

The notice must be accompanied by an extract from the cadastre of Québec showing the immovable to be reserved where the reserve concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the immovable to be reserved signed by a land surveyor.

Adopté
ml

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 150

1. Strike out “, as well as of the date on which the reserve ends”.
2. Add the following paragraphs at the end:

The document contains, in particular,

- (1) the description of the reserved immovable;
- (2) a precise statement of the purposes for which the reserve is established;
- (3) the date on which the reserve is to end; and
- (4) the information text established by the Minister.

The document must be accompanied by an extract from the cadastre of Québec showing the reserved immovable where the reserve concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the reserved immovable signed by a land surveyor.

*Adopté
ML*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 158

Replace "The validity of a reserve is contested" in the first paragraph by "A contestation of the validity of a reserve and an application for the cancellation of the notice of establishment of a reserve are made".

*Adopté
Mc*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 164

Strike out "45 and" in the first paragraph.

*Adopted
ML*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 152

Replace by:

152. The holder of a right in a reserved immovable as well as the lessee and the occupant in good faith of a reserved immovable who carry on activities on the immovable, as at the date of establishment of the reserve, may, for serious reasons, request from the expropriating party an authorization to carry out a construction, an improvement or an addition necessary for carrying on those activities.

If the expropriating party denies that authorization, the right holder, the lessee and the occupant in good faith may apply to the Superior Court for an authorization to carry out the construction, improvement or addition. The application must be filed in the office of the Superior Court and notified to the person establishing the reserve. The application must be heard and decided on an urgent basis and the judgment rendered cannot be appealed.

The Superior Court may, on the conditions it determines, grant the authorization if the construction, improvement or addition the right holder, the lessee or the occupant in good faith wishes to carry out is the only option possible for ensuring the continuation of the activities.

Adopté
ML

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 35

1. Insert "and before a notice of transfer of right is registered in the land register" at the end of the second paragraph.

2. Replace the third paragraph by:

A decision authorizing a total or partial discontinuance of the expropriation procedure is to be filed by the expropriating party with the Land Registrar for registration in the land register. The decision must be accompanied by a sworn statement from the expropriating party, made at least 30 days after the date of the decision, in which it is stated that the decision is not the subject of an application for leave to appeal, of an appeal or of an application for review or revocation.

The discontinuance has effect as of that registration.

Adopté
ML

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 35.1

Insert after section 35:

35.1. Where the decision on an application referred to in the first paragraph of section 35 has been the subject of an appeal or of a judicial review and the resulting decision authorizes a total or partial discontinuance of the expropriation procedure, the expropriating party instead files the latter decision with the Land Registrar for registration in the land register. The sworn statement accompanying the decision must then state that the decision is not the subject of an application for judicial review, of an appeal or of an application for revocation of judgment.

Adopte'
m.c.

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 30

Replace "properly used in whole or in part. The same applies in the case of a farm if the expropriation seriously jeopardizes the farm's operation" in the first paragraph by "used according to the highest and best use of the expropriated immovable as at the date of expropriation".

*Adopté
me*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 54.1

Insert after section 54:

54.1. The president of the Tribunal, the vice-president responsible for the immovable property division, the member designated by either or one of the members called on to sit in the proceeding convenes the parties to a conciliation session on a specified date. However, the president, vice-president or member may, on their own initiative or on an application by a party, replace that session by a case management conference if no agreement is reached or if they consider that the circumstances and the parties' interest warrant it.

The conciliation session is presided over by a member chosen by the president of the Tribunal, the vice-president responsible for the immovable property division or the person designated by the president or vice-president.

*Adopté
ML*

AM 82
s. 59

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 59

Withdraw.

Adopte
ML

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 60

Strike out paragraph 3.

*Adopted
m.c.*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 185 (concerning section 256.4 of the Act respecting land use planning and development)

Replace proposed section 256.4 by:

256.4. A structure, work, use or lot is protected by acquired rights from the time it becomes non-conforming by reason of the acquisition of a part of an immovable for public service purposes by a person who has powers of expropriation if, immediately before that acquisition, the structure, work, use or lot was in conformity with the applicable by-laws or protected by acquired rights.

*Adopté
m l*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 185 (concerning section 256.5 of the Act respecting land use planning and development)

Replace subparagraph 1 of the second paragraph of proposed section 256.5 by:

(1) the structure, work or use was not, immediately before the acquisition, in conformity with the applicable by-laws or protected by acquired rights;

Adopté

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 201 (concerning section 119 of the Act respecting administrative justice)

1. Insert before proposed paragraph 2:

(1.1) an application under section 11 of the Act respecting expropriation (*insert the year and chapter number of that Act*) which pertains to the determination of the market value of a right that is transferred in lieu of an indemnity;

2. Replace "the expenses that may be incurred" in proposed paragraph 3.5 by "an expenditure budget".
3. Strike out proposed paragraph 3.7.

Adapté
ML

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 165

Replace by:

165. For the purposes of this Part,

(1) “tunnel” also includes any underground infrastructure, in particular stations, depots, garages and parking lots; and

(2) “underground volume” means the volume occupied by the tunnel, by a 5-metre thickness surrounding the interior concrete wall of the tunnel and by the anchors required to immobilize the tunnel.

*Adopté
me*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 166

1. In the first paragraph,

(a) replace “occupied by the tunnel and of the volume extending 5 metres outward from the interior concrete wall of the tunnel if the upper limit” by “if the upper limit of the exterior concrete wall”;

(b) replace “favour of the volume occupied by the tunnel” by “favour of the underground volume”.

2. Replace “tunnel” in the third paragraph by “underground volume”.

3. Replace the fourth paragraph by:

The new owner must serve on the holder of a right in the immovable concerned by a transfer of right under this section a notice informing the right holder of the registration.

Adopté
me

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 167

Replace "within six months after the date of service of the notice provided for in the second" in the second paragraph by "not later than six months after the date of service of the notice provided for in the fourth".

*Adopted
ML*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 168

1. Replace "tunnel" in the first paragraph by "underground volume. However, that plan may be a provisional plan if the work is not completed when the plan is filed".
2. In the second paragraph,
 - (a) strike out "45 and";
 - (b) replace "les articles" in the French text by "aux articles".

*Adopté
me*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 241.1

Insert after section 241:

241.1. For the purpose of applying sections 165 to 169 to construction work carried out for the project to extend the Montréal metro's blue line from the Saint-Michel station to Anjou, the first paragraph of section 166 must be read without reference to "if the upper limit of the exterior concrete wall of the tunnel is at least 15 metres underground".

*Adopté
ML*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 118

Add the following paragraph at the end:

Despite the first paragraph, that indemnity must not be added to the expropriated party's indemnity if the latter renounces it and receives the part of the equivalence indemnity provided for in the second or, as applicable, in the third paragraph of section 93.

Adopté ML

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 93

1. Strike out the last sentence.
2. Add at the end:

The difference between the lesser of the following amounts, that is, the acquisition cost of the substitute immovable or its market value as at the date of acquisition, and the market value of the expropriated right must be added to those costs if

- (1) the expropriated right is a right of ownership in all of the immovable;
- (2) the expropriated party's residence is or was part of the expropriated immovable;
- (3) the expropriated party owns the substitute immovable or has accepted a promise of sale for that immovable;
- (4) the expropriated party has established its residence on the substitute immovable or, in the case of a promise of sale for that immovable, will do so;
- (5) the substitute immovable is equivalent to the expropriated immovable; and
- (6) the expropriated party renounces the indemnity provided for in section 118.

However, where the expropriated party becomes the owner of the substitute immovable or, as applicable, accepts a promise of sale for that immovable after the date that is one year after the date of expropriation, the difference between the lesser of the following amounts, that is, the acquisition cost of the substitute immovable or its market value as at the date that is one year after the date of expropriation, and the market value of the expropriated right must be added instead.

For the purposes of the second and third paragraphs, where the expropriated party's residence is only part of the substitute immovable or expropriated immovable, the market value or the acquisition cost of the immovable concerned must cover that part only.

The contributive value of the characteristics that the substitute immovable possesses and that the expropriated immovable or, as applicable, the leased or occupied part of the expropriated immovable is not endowed with must be deducted from the total of the costs established under the first paragraph and from the amount established under the second paragraph.

Adopte'
ML

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 23

Add the following sentence at the end of the third paragraph: "The payment or deposit, as applicable, must be made within three months after the date of expropriation if the expropriated right is a right of ownership in all of the immovable and the expropriated party's residence is part of that immovable."

Adopte
ML

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 140.1

Insert after section 140:

140.1. The expropriating party or the party on whose behalf the expropriating party is carrying out the expropriation must offer to reconvey a lot acquired by expropriation, back to the party from whom the lot was acquired, if the lot is situated in an agricultural zone, if the lot is used for the practice of agriculture or if the lot, due to the purposes of the expropriation, has been excluded from an agricultural zone or has been authorized for a use other than agriculture.

The expropriating party or the party on whose behalf the expropriating party is carrying out the expropriation must send the offer of reconveyance to the party from whom the lot was acquired

(1) within one year after a final decision denying the application to exclude the lot from the agricultural zone or the application to use the lot for purposes other than agriculture if the expropriating party or the party on whose behalf the expropriating party is carrying out the expropriation may not use the lot for the purposes of the expropriation due to that decision;

(2) within one year after the transfer of ownership of the lot to the expropriating party or the party on whose behalf the expropriating party is carrying out the expropriation if the party must, to use the lot for the purposes of the expropriation, obtain, under that Act, an authorization to exclude the lot from the agricultural zone or to use it for purposes other than agriculture, and if they have not made any application to that end or, if applicable, obtained an authorization under section 66 of that Act; or

(3) within three years after the decision of the expropriating party or of the party on whose behalf the expropriating party is carrying out the expropriation to no longer use the lot for the purposes of the expropriation

(a) if the lot has been excluded from an agricultural zone;

(b) if a use of the lot for purposes other than agriculture has been authorized; or

(c) if no authorization is required under that Act or its regulations.

That offer must be equal to the market value of the lot established as at the date of the offer of reconveyance and, if applicable, the expropriating party or the party on whose behalf the expropriating party is carrying out the expropriation pays the notaries' professional fees required for the preparation of the deed of reconveyance, for its signature by the parties and for the registration of the deed in the land register.

If the lot is not longer situated in an agricultural zone when the decision to make an offer of reconveyance is made, the expropriating party or the party on whose behalf the expropriating party is carrying out the expropriation must, prior to that offer, apply to have the lot included again in an agricultural zone in accordance with section 58 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1). That application is not subject to section 58.5 of that Act. However, sections 67 to 69 of that Act apply, with the necessary modifications.

For the purposes of this section and of sections 140.2 and 240.1,

(1) "lot" means a lot within the meaning of subparagraph 8 of the first paragraph of section 1 of the Act respecting the preservation of agricultural land and agricultural activities; and

(2) "agriculture" means agriculture within the meaning of subparagraph 1 of the first paragraph of section 1 of that same Act.

Adopté
ML

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 140.2

Insert after section 140.1, introduced by amendment:

140.2. In case of disagreement over the market value of the lot in respect of which reconveyance was offered, the expropriating party, the party on whose behalf the expropriating party is carrying out the expropriation or the party from whom either one had acquired the lot may apply to the Tribunal to have the market value determined. The application must be served on the other party.

The rules of evidence and procedure provided for in sections 55 to 57 and, if applicable, in sections 58 to 69 apply to the application, with the necessary modifications. The Tribunal determines the market value of the lot established as at the date of the offer of reconveyance. It also rules on the legal costs, in accordance with sections 129 to 133.

*Adopté
ml*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 240.1

Insert after section 240:

240.1. Sections 140.1 and 140.2 apply only where the transfer of ownership of the lot to the expropriating party occurs after *(insert the date preceding the date that is one month after the date of assent to this Act)*.

Adupke'
ML

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 202 (concerning Schedule II of the Act respecting administrative justice)

Insert "or to determine the market value of a lot in respect of which reconveyance is offered" after "full right".

*Adopté
ML*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 203 (concerning section 9 of the Act respecting the Ministère
des Transports)

Insert "examination," after "survey," in paragraph 2.

*Adopté
ML*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

**SECTION 204.1 (concerning section 11.1.1 of the Act respecting the
Ministère des Transports)**

Insert after section 204:

204.1. Section 11.1.1 of the Act is replaced by the following section:

"11.1.1. The first and second paragraphs of article 3042 of the Civil Code also apply to the Minister of Transport where the Minister makes an acquisition by agreement under this Act or any other legislative provision."

*Adopté
ML*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 205 (concerning section 11.1.2 of the Act respecting the
Ministère des Transports)

Replace "and cause to be registered the notice of transfer of right provided for in section 37 of the Act respecting expropriation (*insert the year and chapter number of that Act*)" in proposed section 11.1.2 by "the notice of transfer of right and the notice of intention to register a notice of transfer provided for in section 37 of the Act respecting expropriation (*insert the year and chapter number of that Act*) and cause the notice of transfer of right to be registered in the land register".

Adopté
ml

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 209 (concerning section 8 of the Act respecting the Réseau électrique métropolitain)

Replace the last proposed paragraph in paragraph 2 by:

Consequently, the first paragraph of section 4, the obligation to have a notice served set out in the second paragraph and subparagraph 2 of the third paragraph of section 37, and section 41 of the Act respecting expropriation do not apply to such an expropriation. The other provisions of that Act apply, with the necessary modifications."

*Adopté
ML*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 211 (concerning section 7 of the Act respecting the Réseau structurant de transport en commun de la Ville de Québec)

Replace the last proposed paragraph by:

Consequently, the first paragraph of section 4, the obligation to have a notice served set out in the second paragraph and subparagraph 2 of the third paragraph of section 37, and section 41 of the Act respecting expropriation do not apply to such an expropriation. The other provisions of that Act apply, with the necessary modifications.”

*Adopté
ML*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 236.1 (concerning section 8 of the Regulation respecting the signing of certain deeds, documents or writings of the Ministère des Transports)

Insert after section 236:

REGULATION RESPECTING THE SIGNING OF CERTAIN DEEDS, DOCUMENTS OR WRITINGS OF THE MINISTÈRE DES TRANSPORTS

236.1. Section 8 of the Regulation respecting the signing of certain deeds, documents or writings of the Ministère des Transports (chapter M-28, r. 6) is amended by inserting the following paragraph after paragraph 10:

“(10.1) a notice of transfer of right or a notice of intention to register a notice of transfer provided for in section 37 of the Act respecting expropriation (*insert the year and chapter number of that Act*);”.

*Adopté
ML*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 238.1 (concerning various Acts)

Insert after section 238:

238.1. The expression “à l’amiable” is replaced by “de gré à gré” wherever it appears in the French text of the following provisions:

- (1) section 48 of the Act respecting the Commission municipal (chapter C-35);
- (2) section 2 of the Act respecting municipal industrial immovables (chapter I-0.1);
- (3) sections 242 and 245 of the Mining Act (chapter M-13.1);
- (4) sections 11, 11.1 and 11.3 of the Act respecting the Ministère des Transports (chapter M-28);
- (5) section 5 of the Act respecting the Saguenay — St. Lawrence Marine Park (chapter P-8.1);
- (6) section 2.1 of the Parks Act (chapter P-9);
- (7) section 4 of the Act respecting transport infrastructure partnerships (chapter P-9.001);
- (8) section 42 of the Environment Quality Act (chapter Q-2);
- (9) section 67 of the Watercourses Act (chapter R-13).

*Adopté
ML*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 244

Replace "*six months*" by "*one month*".

Adopted
m c

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 240

Replace by:

240. Every expropriation proceeding begun in accordance with section 40 of the Expropriation Act and any other proceeding to which provisions of the Expropriation Act are applicable, in particular expropriation proceedings provided for in Acts other than the Expropriation Act and proceedings relating to an exchange of immovables, that is in progress on *(insert the date preceding the date that is one month after the date of assent to this Act)* remains governed by the provisions of the Acts that were applicable to them on that date.

Adopté
m.c.

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 241

1. Replace "*six months*" by "*one month*".
2. Add at the end: ", but not for the expropriation procedure that may follow that reserve".

Adopté
m.c.

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 242

Replace "*six months*" in the second paragraph by "*one month*".

Adopté
ML

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

PART V

Withdraw Part V, comprising sections 170 and 171.

*Adopte'
m2*

AMENDMENT

Bill 22

AN ACT RESPECTING EXPROPRIATION

SECTION 171.1

Insert before section 172:

171.1. No acquisition by expropriation procedure and no transfer of right by operation of law provided for by law may be exercised against property in the domain of the State, subject to an express provision of law.

*Adopté
ML*