



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 93

**An Act respecting, in particular,
the transfer of ownership
of an immovable of Ville de Blainville**

Introduction

**Introduced by
Madam Maïté Blanchette Vézina
Minister of Natural Resources and Forests**

**Québec Official Publisher
2025**

EXPLANATORY NOTES

The main purpose of this bill is to transfer the ownership of an immovable to the State so that a site used for the final disposal of materials from the stabilization and solidification treatment of residual hazardous materials may be established and operated on that immovable.

To that end, the bill places the immovable under the authority of the Minister of Natural Resources and Wildlife and confers on the Minister the power to grant, on the conditions that the Minister considers justified, all the required immovable rights. The bill determines the indemnity paid by the Minister as consideration for the transfer of the immovable and provides that the sum is debited from the Territorial Information Fund.

The bill contains various measures to facilitate the project to establish the disposal site on the transferred immovable as well as its operation.

The bill also allows the Government, in the year following its assent, to modify any rule included in an order in council or in an authorization governing the post-closure management of the disposal site operated on an immovable neighbouring the transferred immovable, including by requiring that a financial guarantee be modified or established.

Lastly, the bill contains provisions to, among other things, ensure the opposability and publication of the transfer of the immovable and limit the proceedings that may be brought, in particular against the State.

Bill 93

AN ACT RESPECTING, IN PARTICULAR, THE TRANSFER OF OWNERSHIP OF AN IMMOVABLE OF VILLE DE BLAINVILLE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

TRANSFER OF OWNERSHIP OF AN IMMOVABLE

1. The immovable known and designated as part of lot 6 375 021 of the cadastre of Québec, registration division of Terrebonne, described in Schedule I becomes, without further formality, the property of the State. The immovable is under the authority of the Minister of Natural Resources and Wildlife, pursuant to section 3 of the Act respecting the lands in the domain of the State (chapter T-8.1).

2. Not later than (*insert the date that is 60 days after the date of assent to this Act*), the Minister pays to the person or group who was the owner of the immovable described in Schedule I immediately before its transfer under section 1 a sum of \$17,002,580 as an indemnity corresponding to the fair market value of the immovable.

CHAPTER II

POWERS OF THE MINISTER

3. Despite any provision of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), the Act respecting the lands in the domain of the State (chapter T-8.1) or the regulations made under those Acts, the Minister may grant all the immovable rights required for an operator to establish and operate, on the immovable transferred under section 1, a site used for the final disposal of materials from the stabilization and solidification treatment of residual hazardous materials. The rights are granted on the conditions that the Minister considers justified, which may, among other things, include establishing a financial guarantee and be determined according to the direct or indirect impacts arising from the activities carried out on the immovable.

CHAPTER III

MEASURES RELATING TO THE ESTABLISHMENT AND OPERATION OF THE IMMOVABLE

4. The Government may, in any authorization issued before (*insert the date that is one year after the date of assent to this Act*) under section 31.5 of the Environment Quality Act (chapter Q-2) for the carrying out of a project to establish a site used in whole or in part for the final disposal of materials from the stabilization and solidification treatment of residual hazardous materials on the immovable transferred under section 1, prescribe any standard that differs from those prescribed by section 202 of the Clean Air Regulation (chapter Q-2, r. 4.1), including determining that the concentration of contaminants in the atmosphere is to be calculated according to other terms.

5. Any lease relating to the immovable transferred under section 1 terminates

(1) at its expiry if, on (*insert the date of assent to this Act*), the unexpired term of the lease is six months or less;

(2) on (*insert the date that is 182 days after the date of assent to this Act*) if, on (*insert the date of assent to this Act*), the unexpired term of the lease is more than six months; or

(3) on (*insert the date of assent to this Act*), if the lease was entered into during the period from (*insert the date of introduction of this bill*) to (*insert the date preceding the date of assent to this Act*).

The renewal or any other extension, during the period from (*insert the date of introduction of this bill*) to (*insert the date of assent to this Act*), of a lease relating to the immovable transferred under section 1 is without effect.

Despite the first paragraph of articles 1851 and 1854 of the Civil Code, the holder of an authorization referred to in section 4 may, until (*insert the date that is 182 days after the date of assent to this Act*) or until any earlier date determined by the Minister, access the immovable transferred under section 1 to carry out on it all activities required for the construction of any road, the felling of trees and the harvesting of timber to prepare for the establishment of a disposal site referred to in section 4. Any lessee under a lease referred to in the first paragraph must, during that same period, allow the holder of such an authorization to exercise those activities on the leased premises.

6. The holder of an authorization referred to in section 4 is deemed to hold a forestry permit issued in accordance with section 74 of the Sustainable Forest Development Act (chapter A-18.1) authorizing, until (*insert the date that is seven months after the date of assent to this Act*), the construction of any road, the felling of trees and the harvesting of timber on the immovable transferred under section 1 to prepare for the establishment of a disposal site referred to

in section 4. The Minister may, in respect of those activities, determine any condition that the Minister considers justified, in particular as regards timber transportation and disposal.

7. No standard enacted by Ville de Blainville, by the Municipalité régionale de comté de Thérèse-De Blainville or by the Communauté métropolitaine de Montréal regarding development, urban planning, land use or construction applies to the following interventions:

(1) the establishment and operation, by the holder of an authorization referred to in section 4, of a disposal site referred to in that section on the immovable transferred under section 1;

(2) any other incidental intervention necessary for the establishment or operation referred to in subparagraph 1, including any construction, alteration, addition, demolition or installation of equipment or infrastructures, or any felling of trees; or

(3) the subdivision of lot 6 375 021 of the cadastre of Québec, registration division of Terrebonne.

The carrying out of an intervention referred to in the first paragraph must first be the subject of a written notice to Ville de Blainville.

CHAPTER IV

MISCELLANEOUS AND FINAL PROVISIONS

8. The Government may, before (*insert the date that is one year after the date of assent to this Act*), on the recommendation of the Minister of Sustainable Development, Environment and Parks, modify any specific standards or conditions, restrictions or prohibitions governing the post-closure management of the site for the final disposal of residual hazardous materials established by Order in Council 1317-81 dated 13 May 1981 (French only), by any amendments to that Order in Council or by any resulting authorizations, as well as impose new ones. The Government may, in particular, require that a financial guarantee be modified or established and prescribe its terms and conditions.

A decision made under this section prevails over any incompatible provision of an Act, by-law, regulation or order in council.

Before recommending to the Government that it make a decision under the first paragraph, the Minister must grant the holder of the authorization provided for by Order in Council 1317-81 dated 13 May 1981 (French only) at least 15 days to submit written observations.

9. Despite article 2941 of the Civil Code, the transfer of the immovable described in Schedule I may be set up against third parties as of *(insert the date of assent to this Act)*.

For the purposes of the cadastral amendments resulting from the parcelling of the lot brought about by the transfer of that immovable, the Minister mandates a land surveyor to prepare and sign a plan of the transferred immovable, accompanied by a technical description. In the case of a discrepancy between the description provided for in Schedule I and the description accompanying the plan provided for in this paragraph, the latter prevails. It is deemed to replace the description provided for in Schedule I as at *(insert the date of assent to this Act)*.

The Minister files with the Land Registrar a declaratory notice stating the transfer of the immovable made by this Act, which contains the description of the immovable.

10. Despite section 17.4 of the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2), the sum referred to in section 2 is debited from the Territorial Information Fund established under section 17.2 of that Act.

11. If the Government authorizes the project to establish a disposal site referred to in section 4 on the immovable transferred under section 1, the holder of the authorization referred to in section 4, and the holder's employees and mandataries may not, until 15 April 2025, be prosecuted or be the subject of an injunction or other provisional measure for any act performed in conformity with the authorization referred to in section 4, the permit referred to in section 6 and the provisions of this Act, except in the case of a gross or intentional fault. This paragraph does not apply to judicial applications that may be instituted by the Attorney General.

In addition, despite any provision to the contrary, the application of the provisions of this Act does not give the right to any indemnity, compensation or reparation, including for damages, from the State, other than that provided for in section 2.

12. Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be brought, nor any injunction granted, nor any other provisional measure taken against the Government or a minister of the Government or any person, whether or not a public servant, acting under their authority or on their instructions in a matter relating to the exercise of their function or of the authority conferred on them by this Act.

A judge of the Court of Appeal may, on an application, summarily annul a decision, order or injunction made or granted contrary to this section.

13. The Minister of Natural Resources and Wildlife is responsible for the administration of this Act.

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

SCHEDULE I
(Section 1)

TRANSFERRED IMMOVABLE

Part of lot 6 375 021 of the cadastre of Québec, whose perimeter commences at the intersection of the northeastern limit of lot 2 272 801 and the northwestern limit of lot 2 274 134 and that runs along the following lines and demarcations:

- northwesterly, a part of the northeastern limit of lot 2 272 801 for a distance of 35 metres;
- northeasterly, a line parallel to and 35 metres from the northwestern limit of lot 2 274 134, to its intersection with the extension, southerly, of the western limit of the right-of-way of an existing access road (located at the southeastern extremity of projected cell number 6), situated 30 metres from the centre line of that road's roadbed;
- northerly, the said extension, then the western limit of the right-of-way of an existing access road (located at the southeastern extremity of projected cell number 6), situated 30 metres from the centre line of that road's roadbed, to its intersection with a line parallel to and 17.5 metres from the centre line of an existing access road's roadbed (located at the southwestern extremity of projected cell number 6);
- northwesterly, a line parallel to and 17.5 metres from the centre line of an existing access road (located at the southwestern extremity of projected cell number 6) and its extension, to its intersection with the northwestern limit of lot 6 375 021;
- northeasterly, a part of two segments of the northwestern limits of lot 6 375 021, to its intersection with the extension of a line parallel to and 95 metres from the centre line of an existing road's roadbed (located at the northeastern extremity of projected cell number 6);
- southeasterly, the said extension, then a line parallel to and 95 metres from the centre line of an existing road's roadbed (located at the northeastern extremity of projected cell number 6), to its intersection with the extension, northerly, of the eastern limit of the right-of-way of an existing access road (located at the southeastern extremity of projected cell number 6), situated 5 metres from the centre line of that road's roadbed;
- southerly, so as to exclude the ditch, the extension of the eastern limit of the right-of-way of an existing access road (located at the southeastern extremity of projected cell number 6), situated 5 metres from the centre line of that road's roadbed, then the eastern limit of that right-of-way situated 5 metres from the centre line of that road's roadbed, extended to its intersection with the northwestern limit of lot 2 274 134;

- lastly, southwesterly, a part of the northwestern limit of lot 2 274 134, to the point of commencement.

