



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-NINTH LEGISLATURE

Bill 37

**An Act to amend the Civil Code and
other legislative provisions as regards
land registration**

Introduction

**Introduced by
Mr. Serge Simard
Minister for Natural Resources and Wildlife**

**Québec Official Publisher
2011**

EXPLANATORY NOTES

This bill amends the Civil Code to introduce new measures relating to the presentation of certain applications for registration. The Code and other provisions relating to land registration are also amended to solve certain practical problems.

In future, no application for registration in the land register, whether in paper or electronic form, will be accepted unless a dynamic form is filled out beforehand. The form will be available on the land register website.

It will be possible, on certain conditions, to apply for the registration in the land register of a notarial deed executed en brevet or an act in private writing by presenting an electronic reproduction of the deed or act, provided it bears the electronic signature of the notary or advocate who made the reproduction.

Furthermore, the Land Registrar is expressly given the discretion to cancel a notice of address in any case described in article 3074 of the Civil Code, that is, where the principal right has been cancelled. The registrar is also empowered to cancel the registration of the address of an undivided co-owner if the undivided co-ownership has been terminated, while the possibility of such a registration being cancelled on the application of any interested person is maintained.

In addition, the bill specifies that the validity of a notice of address under article 3022 of the Civil Code begins on the date of the actual registration of the notice in the land register, no matter what that date may be. However, in the case of notices of address already registered, a three-year transition period is provided for the renewal of notices that lapse owing to the introduction of that provision.

Lastly, it is specified that the documents currently preserved in registry offices can be preserved in any other place the Land Registrar deems appropriate.

LEGISLATION AMENDED BY THIS BILL:

- Civil Code of Québec;
- Act to amend the Civil Code and other legislative provisions relating to land registration (2000, chapter 42).

Bill 37

AN ACT TO AMEND THE CIVIL CODE AND OTHER LEGISLATIVE PROVISIONS AS REGARDS LAND REGISTRATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

1. Article 2982 of the Civil Code of Québec is amended by adding the following paragraph at the end:

“In all cases, before an application for registration and the accompanying documents may be presented, the data on, among other things, the nature of the act or rights to be registered, the identity of the parties to the act or of the holder of the rights and the description of the immovable concerned must be entered on the dynamic form posted by the Land Registrar on the land register website. If the application is presented in paper form, it must be accompanied by the registration slip printed from the dynamic form.”

2. The Code is amended by inserting the following article after article 2982:

“2982.1. An application for registration in the land register made by presenting a notarial deed executed *en brevet* or an act in private writing resulting from the transfer into electronic form of the information contained in the original deed or act may not be accepted by the registrar unless the application bears the electronic signature of the notary or advocate who made the transfer.

A certificate by the notary or advocate attesting that the transfer was made from the original deed or act, that the transfer is documented in accordance with section 17 of the Act to establish a legal framework for information technology (chapter C-1.1) and that the documentation is being adequately preserved must be attached to the application.”

3. Article 3021 of the Code is amended by replacing “the registers and documents in paper form which were” in subparagraph 6 of the first paragraph by “registers and documents in paper form, including registers and documents that have been”.

4. Article 3066.1 of the Code is amended by inserting the following sentence at the end of the first paragraph: “It may also be cancelled on the registrar’s

own initiative when the registrar becomes aware that the undivided co-ownership has been terminated.”

5. Article 3074 of the Code is amended by adding the following paragraph at the end:

“However, in land matters, the only address registrations that may be cancelled on the registrar’s own initiative are those which are no longer effective by reason of the cancellation of a principal right.”

ACT TO AMEND THE CIVIL CODE AND OTHER LEGISLATIVE PROVISIONS RELATING TO LAND REGISTRATION

6. Section 245 of the Act to amend the Civil Code and other legislative provisions relating to land registration (2000, chapter 42) is amended by adding the following paragraph at the end:

“This section does not prevent the Land Registrar from preserving these registers and documents in any other place the registrar deems appropriate.”

FINAL PROVISIONS

7. The period of 30 years set in article 3022 of the Civil Code with regard to the validity of the registration of an address in the land register is deemed to begin on the registration of the address in the register, even if the registration was made before 9 October 2001.

This section does not affect the validity of the registration of an address made more than 30 years prior to (*insert the date of coming into force of this section*) and not cancelled at that date, provided the registration is renewed within three years of that date.

8. The provisions of this Act come into force on the date or dates to be set by the Government.

