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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 272

(Private)

## **An Act respecting Municipalité de Saint-Jean-des-Piles**

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**Introduced 12 May 1998**

**Passage in principle 19 June 1998**

**Passage 19 June 1998**

**Assented to 20 June 1998**

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**Québec Official Publisher  
1998**



## **Bill 272**

(Private)

### **AN ACT RESPECTING MUNICIPALITÉ DE SAINT-JEAN-DES-PILES**

WHEREAS it is expedient to validate certain compensation payable to and levied by Municipalité de Saint-Jean-des-Piles in respect of immovables situated in its territory ;

Whereas it is in the public interest that the carrying out of certain work near Lac des Piles and the loans and expenses incurred for that purpose by the municipality be validated ;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. Loan By-laws 285-11-92 and 325-11-95 of Municipalité de Saint-Jean-des-Piles as well as the work carried out, the expenses incurred and the contracts awarded under those by-laws may not be invalidated on any of the following grounds :

(1) work was carried out on lands that did not belong to the municipality ;

(2) a contract was not awarded in accordance with articles 934 to 936 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) ;

(3) a contract was not approved by the council before being concluded, contrary to article 142 of the Municipal Code of Québec.

No judicial recourse may be exercised on any of the grounds mentioned in the first paragraph.

2. No compensation payable and levied under the by-laws referred to in section 1 and no payment in a single instalment made under article 1072.1 of the Municipal Code of Québec may be invalidated on any of the grounds mentioned in section 1 or because the amount of the compensation payable and levied or of the payment made is not the amount that it should have been.

3. A loan by-law passed by the council before 18 September 1998 to complete the work carried out under the by-laws referred to in section 1 may provide, notwithstanding article 1072.1 of the Municipal Code of Québec, that a ratepayer required to pay compensation may be exempted therefrom by paying in one instalment that portion of the capital which, upon maturity of the loan, would have been provided by the compensation.

The by-law may also amend the provisions of By-laws 285-11-92 and 325-11-95 that establish a compensation; the new compensation and the new tax so ordered shall have effect retroactively to the date of coming into force of those by-laws.

The Amicale des Écoles de Grand-Mère may transfer, by agreement, to the municipality the portion of its land which the municipality proposes to acquire under section 3 of By-law 360-04-98 passed on 20 April 1998, even without the consent of 90% of all its members in good standing, as provided for in the amendment brought to its charter on 27 May 1962.

4. The municipality shall, before 18 October 1998, establish a reapportionment of the tax burden imposed by loan By-laws 285-11-92 and 325-11-95 as amended by the by-law referred to in section 3.

The municipality shall establish, in particular, for each ratepayer concerned by compensation that is amended by the by-law,

(1) the total amount of the taxes and compensation that should have been paid, each year, pursuant to the amended provisions or, as the case may be, the amount that should have been paid pursuant to article 1072.1 of the Municipal Code of Québec;

(2) the total amount of compensation paid each year or, as the case may be, the amount paid pursuant to article 1072.1 of the Municipal Code of Québec.

A copy of the reapportionment shall be sent to the Minister of Municipal Affairs.

5. Where the amount established under subparagraph 1 of the second paragraph of section 4 exceeds the amount established under subparagraph 2 of that paragraph, the municipality shall send to the ratepayer, before 17 November 1998, a tax account in an amount equal to that difference.

Where a ratepayer has, under article 1072.1 of the Municipal Code of Québec, paid the ratepayer's portion of the loan ordered by By-law 285-11-92 in one instalment, the municipality shall send to the ratepayer, within the same time, a claim for the difference between the two amounts.

The ratepayer is exempted from the payment of the compensation ordered by the by-law, pursuant to article 1072.3 of the Municipal Code of Québec, only if the ratepayer pays the amount claimed within 30 days of the claim. Where no such payment is made, the ratepayer is exempted only in the proportion that the amount paid by the ratepayer is of the amount that the ratepayer should have paid.

6. Where the amount established under subparagraph 2 of the second paragraph of section 4 exceeds the amount established under subparagraph 1 of that paragraph, the amount of that difference shall be paid by the municipality

to the person concerned or be set off against any sum payable to the municipality by that person.

7. The servitudes of right of way established on the private road situated on lots 368 (part), 369 (part), 370 (part) and 371 (part) of the official cadastre of the parish of Sainte-Flore by the acts published at the registry office of the registration division of Shawinigan under Nos. 167281, 164391, 157559 and 142126 and at the registry office of the registration division of Champlain under Nos. 132476, 196792, 164713, 159169 and 179576, are extinguished.

In addition, the servitudes of right of way established on the private road situated on lots 373 (part) and 374 (part) of the official cadastre of the parish of Sainte-Flore by the acts published under No. 123843 at the registration division of Shawinigan and No. 180573 at the registration division of Champlain are also extinguished.

Every servitude of right of way established before 1 December 1997 on any of the private roads mentioned in this section and not published on that date is also extinguished.

8. On application by the municipality, the cancellation of the servitudes referred to in the first and second paragraphs of section 7 shall be effected by the publication, at the registry office of the registration division of Shawinigan and at the registry office of the registration division of Champlain, of a notice referring to section 7 and reproducing the provisions thereof, and certifying that the work ordered by a by-law under sections 1 and 3 is completed.

Notwithstanding articles 2981, 2990 and 2991 of the Civil Code of Québec, the signature of the secretary-treasurer of Municipalité de Saint-Jean-des-Piles on the notice is sufficient.

Where a servitude referred to in the third paragraph of section 7 is published after 1 December 1997, it may be cancelled in accordance with this section.

9. The compensation required, under a loan by-law referred to in section 3, of the beneficiaries of the servitudes extinguished under section 7 shall not exceed 60% of the compensation required of the ratepayers whose immovables are situated on the shore of Lac des Piles and who were not entitled to any access to the public highway before the beginning of the work provided for by By-laws 285-11-92 and 325-11-95.

The difference between the two compensations referred to in the first paragraph shall be in lieu of any indemnity and any damages related to the cancellation of the servitudes extinguished under this Act.

10. The secretary-treasurer of the municipality shall enter a reference to this Act in the book of the by-laws of the municipality at the end of each by-law referred to in this Act.

11. This Act does not affect any case pending on 1 December 1997.

12. Section 3 has effect from 20 April 1998.

13. Section 7 becomes effective on the day of the publication of the notice referred to in section 8.

14. This Act comes into force on 20 June 1998.