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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 115  
(2000, chapter 42)

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

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**Introduced 10 May 2000  
Passage in principle 1 June 2000  
Passage 1 December 2000  
Assented to 5 December 2000**

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## **EXPLANATORY NOTES**

*The main object of this bill is to make the necessary amendments to the Civil Code and other legislation to provide for the gradual implementation of a single, fully computerized land register for Québec, and to make related changes to the structure of the organization currently responsible for land registration in Québec.*

*The bill is also intended to simplify the legal framework of land registration and to ensure that the Civil Code reflects the true state of the law applicable in this area, by transferring exceptions and supplementary rules from statutes and the regulations under the Code to the Code itself. The bill is also designed to correct a certain number of difficulties encountered in the interpretation or application of the current provisions governing land registration.*

*Last, the bill redefines ministerial responsibilities as regards the publication of rights. The Minister of Natural Resources, instead of the Minister of Justice, is now to be in charge of organizing and inspecting land registry offices and for supervising the registrars assigned to those offices. However, the Minister of Justice remains responsible for the formulation of the rules governing land registration contained in the Civil Code and other legislation, and for the interpretation and legal application of those rules.*

### **LEGISLATION AMENDED BY THIS BILL :**

- Civil Code of Québec ;
- Act respecting the implementation of the reform of the Civil Code (1992, chapter 57) ;
- Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1) ;
- Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) ;
- Legal Aid Act (R.S.Q., chapter A-14) ;
- Land Surveyors Act (R.S.Q., chapter A-23) ;
- Building Act (R.S.Q., chapter B-1.1) ;

- Cultural Property Act (R.S.Q., chapter B-4);
- Act respecting registry offices (R.S.Q., chapter B-9);
- Cadastre Act (R.S.Q., chapter C-1);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1);
- Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2);
- Timber-Driving Companies Act (R.S.Q., chapter C-42);
- Gas, Water and Electricity Companies Act (R.S.Q., chapter C-44);
- Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1);
- Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70);
- Religious Corporations Act (R.S.Q., chapter C-71);
- Public Curator Act (R.S.Q., chapter C-81);
- Deposit Act (R.S.Q., chapter D-5);
- Territorial Division Act (R.S.Q., chapter D-11);
- Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);
- Land Transfer Duties Act (R.S.Q., chapter D-17);
- Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01);
- Expropriation Act (R.S.Q., chapter E-24);

- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Act respecting Héma-Québec and the haemovigilance committee (R.S.Q., chapter H-1.1);
- Education Act (R.S.Q., chapter I-13.3);
- Disorderly Houses Act (R.S.Q., chapter M-2);
- Mining Act (R.S.Q., chapter M-13.1);
- Act respecting the Ministère de la Justice (R.S.Q., chapter M-19);
- Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2);
- Notarial Act (R.S.Q., chapter N-2);
- Pesticides Act (R.S.Q., chapter P-9.3);
- Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1);
- Environment Quality Act (R.S.Q., chapter Q-2);
- Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1);
- Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7);
- Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8);
- Act respecting the Société de financement agricole (R.S.Q., chapter S-11.0101);
- Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01);
- Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1);
- Act respecting the Société nationale de l’amiante (R.S.Q., chapter S-18.2);

- Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1);
- Act respecting lands of religious congregations (R.S.Q., chapter T-7);
- Act respecting agricultural lands in the public domain (R.S.Q., chapter T-7.1);
- Act respecting the lands in the public domain (R.S.Q., chapter T-8.1);
- Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11);
- Act respecting the Olympic Village (1976, chapter 43).



## **Bill 115**

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

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### CIVIL CODE OF QUÉBEC

1. Article 306 of the Civil Code of Québec (1991, chapter 64) is amended by replacing “in the registry office for the division where the immovable under co-ownership is situated” at the end by “apply for the registration of such a notice in the land register”.

2. Article 358 of the said Code is amended by replacing “in the registry office for the division where the immovable under co-ownership is situated,” in the third and fourth lines of the first paragraph by “apply for the registration of such a notice in the land register,”.

3. Article 1049 of the said Code is amended by striking out “and may not be published” in the second line.

4. Article 2723 of the said Code is amended, in the French text, by replacing “l’officier d’inscription” in the second line of the first paragraph by “l’officier de la publicité des droits”.

5. Article 2730 of the said Code is amended by replacing the last sentence of the second paragraph by the following sentence: “The notice is filed with a copy of the judgment ; it must be served on the debtor.”

6. Article 2764 of the said Code is amended by replacing “in writing by the person surrendering the property” at the end of the second paragraph by “in a deed made by the person surrendering the property and accepted by the creditor”.

7. Article 2781 of the said Code is amended

(1) by inserting “by the person against whom the hypothecary right is exercised, and accepted by the creditor” after “voluntarily made” in the fourth line of the first paragraph ;

(2) by inserting “and accepted” after “voluntarily made” in the first line of the second paragraph.

8. Article 2799 of the said Code is amended by adding the following paragraph at the end:

“This rule does not apply in the case of hypothecs securing the price of emphyteusis, a rent constituted for the price of an immovable, a life annuity or a usufruct for life, hypothecs given in favour of the Société de financement agricole or the Société d’habitation du Québec, or hypothecs in favour of a person holding a power of attorney from the creditors to secure payment of bonds or other evidences of indebtedness.”

9. Article 2801 of the said Code is amended by inserting “and accepted” after “voluntarily made” in the last line.

10. Article 2918 of the said Code is amended

(1) by replacing “, as owner, an immovable that is not registered in the land register” in the first and second lines of the first paragraph by “an immovable as its owner”;

(2) by striking out the second paragraph.

11. The said Code is amended by inserting the following article after article 2934:

“2934.1. The registration of rights in the land register is effected by indicating summarily the nature of the document presented to the registrar and making a reference to the application pursuant to which registration is effected.

The registration is valid only for the rights requiring or admissible for publication that are mentioned in the application, or where the application is in the form of a summary, in the accompanying document.”

12. The heading of Chapter II of Title One of Book Nine of the said Code is amended by inserting “OR ADMISSIBLE FOR” after “REQUIRING”.

13. Article 2943 of the said Code is replaced by the following article:

“2943. A right that is registered in a register in respect of property is presumed known to any person acquiring or publishing a right in the same property.

A person who does not consult the appropriate register or, in the case of a right registered in the land register, the application to which the registration refers, and the accompanying document if the application is in the form of a summary, may not invoke good faith to rebut the presumption.”

14. The said Code is amended by inserting the following article after article 2943:



“2943.1. The registration in the land register of a real right established by agreement or of an agreement concerning a real right takes effect only from the registration of the title of the grantor or last holder of the right.

This rule does not apply where the right of the grantor or last holder was acquired without a title, in particular by natural accession, or where the title concerned is an original title of the State.”

15. Article 2944 of the said Code is amended by striking out the second paragraph.

16. Article 2945 of the said Code is amended by inserting “or, in the case of an application for registration in the land register, in the book of presentation” after “memorial of presentation” in the second line of the first paragraph.

17. Article 2949 of the said Code is amended by replacing “at the office of the registration division” in the first line of the third paragraph by “in the land book for the registration division”.

18. Article 2957 of the said Code is amended by striking out the second paragraph.

19. Article 2962 of the said Code is repealed.

20. Article 2969 of the said Code, amended by section 14 of chapter 5 of the statutes of 1998, is replaced by the following section :

“2969. A land register and a register of mentions are kept in the Land Registry Office, together with any other register the keeping of which is prescribed by law or by the regulations under this Book.

In addition, a register of personal and movable real rights is kept in the Personal and Movable Real Rights Registry Office.

The Land Registrar and the Personal and Movable Real Rights Registrar are charged, respectively, with keeping such registers.”

21. Article 2970 of the said Code is amended by replacing “of the registry office of the division in which the immovable is situated” in the second and third lines of the first paragraph by “, in the land book for the registration division in which the immovable is situated”.

22. Article 2971 of the said Code is replaced by the following article :

“2971. The registers and other documents kept for publication purposes in registry offices are public documents ; the consultation procedure is prescribed by the regulations under this Book.”

23. Article 2971.1 of the said Code, enacted by section 15 of chapter 5 of the statutes of 1998, is amended by replacing “documents kept in registry offices” in the second line by “other documents kept in registry offices”.

24. Article 2972 of the said Code is replaced by the following articles :

“2972. The land register contains one land book for each registration division in Québec.

Each land book contains an index of immovables, a register of real rights of State resource development, a register of public service networks and immovables situated in territory without a cadastral survey and an index of names. The index of names comprises all the entries that cannot be made in the index of immovables or the other registers kept by the Land Registrar.

“2972.1. The index of immovables contains one land file for each immatriculated immovable on the cadastral plan for the registration division.

“2972.2. The register of real rights of State resource development contains one land file, identified by a serial number, for each such real right in the registration division the *situs* of which is not immatriculated.

The register of public service networks and immovables situated in territory without a cadastral survey contains one land file, identified by a serial number, for each such non-immatriculated network or immovable in the registration division, even if two or more networks or immovables belong to the same owner.

A directory of real right holders completes the two registers.

“2972.3. Land files relating to immovables, rights or networks situated in territory without a cadastral survey and, where permitted by law, in territory with a cadastral survey, are opened in the manner prescribed in the regulations.

“2972.4. Each land file contained in the index of immovables, the register of real rights of State resource development or the register of public service networks and immovables situated in territory without a cadastral survey lists the entries made concerning the immovable, the real rights or the network concerned.”

25. Articles 2973 to 2977 of the said Code are repealed.

26. The heading of Section III, before article 2980 of the said Code, is replaced by the following headings and article :

### **“SECTION III**

#### **“REGISTER OF MENTIONS**

“2979.1. The register of mentions contains, in the cases prescribed by law, the mentions and entries required by law or by the regulations under this Book in connection with entries made in the land register or the other registers kept by the Land Registrar.

### **“SECTION IV**

#### **“REGISTER OF PERSONAL AND MOVABLE REAL RIGHTS”.**

27. Article 2980 of the said Code is amended by inserting the following paragraph after the first paragraph :

“Rights under a lease on movable property are registered in files kept solely under the description of the lessee named in the application whenever a file is otherwise kept under the identification number of the leased property.”

28. Article 2981 of the said Code is replaced by the following article :

“2981. Applications for registration in the land register, in addition to identifying the holders and grantors of the rights to be registered, contain, in particular, the description of the property concerned and the mentions prescribed by law or by the regulations under this Book.

Applications for registration in the register of personal and movable real rights identify the holders and grantors of the rights, state the nature of the rights, describe the property concerned and mention any other fact that is relevant for registration purposes, as prescribed by law or by the regulations under this Book.”

29. The said Code is amended by inserting the following articles after article 2981 :

“2981.1. Unless a land file identified by a serial number has been opened for the immovable concerned, an application for registration in the land register must include the name of the registration division in which the immovable is situated.

“2981.2. An application for registration in the land register of a hypothec, a restriction on the right to dispose of property or a right of fixed duration may fix the date after which the registration ceases to have effect.

An application for registration in the register of personal and movable real rights of a hypothec or of such a restriction or right must fix the date after which the registration ceases to have effect.”

30. Article 2982 of the said Code is replaced by the following article :

“2982. An application for registration in the land register is presented at the Land Registry Office or, if the application is presented in paper form, at the registry office established for the registration division in which the immovable is situated.

The application is made by presenting the act itself or an authentic extract of the act, by presenting a summary of the act or, where the law so provides, by means of a notice.”

31. Article 2983 of the said Code is amended

(1) by replacing “central register” in the second and third lines of the first paragraph by “Personal and Movable Real Rights Registry Office”;

(2) by striking out the second paragraph.

32. Article 2986 of the said Code is amended by inserting “in the register of personal and movable real rights” after “registration” in the first line of the first paragraph, by inserting “therein” after “published” at the end of that paragraph and, in the French text, by replacing “le registre” at the end of that paragraph by “ce registre”.

33. Article 2988 of the said Code is replaced by the following article :

“2988. A notary who executes an act requiring the registration of a right in or the removal of a right from the land register, or the reduction of an entry, certifies, merely by signing the document, that he has verified the identity, quality and capacity of the parties, and that the document represents the will expressed by the parties.”

34. Article 2989 of the said Code is replaced by the following article :

“2989. A land surveyor who draws up the minutes following a voluntary determination of boundaries, even one done informally, certifies, merely by signing the document, that he has verified the identity, quality and capacity of the parties and that the document represents the will expressed by the parties.”

35. Article 2990 of the said Code is replaced by the following article :

“2990. Officers of justice, municipal clerks or secretaries and other drafters of public authentic acts other than adjudicative acts must certify that they have verified the identity of the parties to the acts drawn up by them which require publication by registration in the land register.”

36. Article 2991 of the said Code is replaced by the following article :

“2991. An act in private writing requiring the registration of a right in or the removal of a right from the land register, or the reduction of an entry, must indicate the date and place it is drawn up and be accompanied with a certificate of a notary or advocate attesting that he has verified the identity, quality and capacity of the parties and the validity of the act as to form, and that the document represents the will expressed by the parties.”

37. Article 2993 of the said Code, amended by section 30 of chapter 33 of the statutes of 1995, is replaced by the following article :

“2993. Unless implicit in the signature of the notary or land surveyor, the certification is recorded in a declaration which must contain, in addition to the date on which it is made, the name and quality of the declarer and the place where the declarer exercises his functions or practises his profession.”

38. Article 2994 of the said Code is replaced by the following article :

“2994. Where an act requiring or admissible for publication by registration in the land register cannot be certified as required, the court may authorize publication of the rights evidenced in the act despite the lack of certification.

The application for registration must be accompanied with a copy of the judgment ; the application is not admissible unless the judgment has acquired the authority of *res judicata*.”

39. Article 2996 of the said Code is amended by replacing “deposited in the registry office” in the third line of the second paragraph by “indicated in the land register” and by replacing “in the land register” at the end of that paragraph by “in that register”.

40. Article 2997 of the said Code is amended

(1) by replacing the first paragraph by the following paragraph :

“2997. Where the deposit of a plan in the registry office is required by an Act, publication of the plan is obtained by presenting the plan and a notice describing the immovable represented on the plan.”;

(2) by replacing “to the deposit of” in the second paragraph by “to”.

41. Article 2999.1 of the said Code, enacted by section 2 of chapter 49 of the statutes of 1999, is amended

(1) by replacing “at the office of the registration division in which the immovable is situated” at the end of the first paragraph by “to the land registrar”;

(2) by replacing “It must also indicate” at the beginning of the second sentence of the second paragraph by “It must also, unless the registration concerns the assignment of the lease or the extinction of rights under the lease, indicate”.

42. Article 3003 of the said Code is amended by replacing the first and second paragraphs by the following paragraphs :

“3003. Where a hypothec is transferred by subrogation or assignment, the subrogation or assignment is published in the land register or in the register of personal and movable real rights, according to the immovable or movable nature of the hypothec.

A certified statement of registration must be furnished to the debtor, together with the application for registration in the case of registration in the land register and, if such application is in the form of a summary, the accompanying document.”

43. Article 3005 of the said Code is amended

(1) by replacing the first paragraph by the following paragraph :

“3005. A summary certified by a notary may set forth the lot number assigned to the immovable in which the right is held, or the serial land file number assigned to the immovable with, if applicable, its description by metes and bounds or its geodesic reference or geographic coordinates, even if such information does not appear in the document summarized.” ;

(2) by inserting “the name of the municipality or registration division in which the immovable is situated, and” after “thereof,” in the second line of the second paragraph and by replacing “named therein” in the third line of that paragraph by “named in the act”.

44. The said Code is amended by inserting the following article immediately before article 3007 :

“3006.1. For purposes of land registration, the registrar receives applications and enters the exact date, hour and minute of their presentation in the book of presentation, together with the particulars required to identify each application. Where an application is presented in paper form, the registrar converts the application and the accompanying documents to electronic form and forwards them in electronic form to the Land Registry Office, and returns the originals to the applicant.

Subsequently, in the order of presentation of the applications and with all possible diligence, the registrar makes the entries, mentions and references prescribed by law or by the regulations under this Book, in the appropriate register. The entries, mentions and references required by applications for the

registration of rights are made day by day, giving priority in all cases to those entries, mentions and references over any that are required by applications to strike or reduce an earlier entry.”

45. Article 3007 of the said Code is amended

(1) by replacing “registrar” in the first line of the first paragraph by “Personal and Movable Real Rights Registrar”;

(2) by striking out “appropriate” in the fourth line of the second paragraph.

46. Article 3011 of the said Code is amended by replacing the second sentence by the following sentence: “As regards land registration, a duplicate of the certified statement is appended to the application kept in the Land Registry Office.”

47. Article 3012 of the said Code is amended

(1) by replacing “entrusted with the keeping of the proper register” in the second and third lines of the first paragraph by “of the registry office where they are to be presented”;

(2) by replacing the third paragraph by the following paragraph:

“Applications delivered to the registry office of the registration division in which the immovable concerned is situated, or to the Personal and Movable Real Rights Registry Office, outside the hours for the presentation of documents or when the office is closed, are deemed presented at the time activities resume in the office; applications delivered to the Land Registry Office outside the hours for the presentation of documents at the registry office of the registration division in which the immovable concerned is situated, or when the latter registry office is closed, are deemed presented at the time activities resume in the latter registry office.”

48. Article 3013 of the said Code is repealed.

49. Article 3014 of the said Code is amended

(1) by inserting “, prior notice of the exercise of a hypothecary right” after “claim” in the second line;

(2) by adding the following paragraph at the end:

“Where the registration is made in the land register, a mention of the subrogation, assignment or renewal, together with its registration number, is entered in the register of mentions.”

50. The said Code is amended by inserting the following article after article 3014:

“3014. 1. Upon registration in the land register of a hypothec on a claim secured by an immovable hypothec, a mention of the hypothec, together with its registration number, is entered in the register of mentions.”

51. Article 3016 of the said Code is replaced by the following article :

“3016. Where the registrar notes a clerical error in a register, a certified statement or a mention in the margin of a document, or the omission of an entry or of a mention in a register or in the margin of a document, he corrects the error or makes the entry or mention in the manner prescribed by regulation.

Any interested person may, upon noting such an error or omission, request the registrar to make the appropriate correction, entry or mention; if an applicant notes such an error or omission, he is bound to make such a request.

In all cases, the registrar indicates the date, hour and minute the correction, entry or mention is made.”

52. Article 3017 of the said Code is amended by adding the following paragraph at the end:

“A person having required the registration of an electronic address is deemed to have been notified upon simple proof that the information the registrar is required to notify has been transmitted to that address.”

53. Article 3018 of the said Code, replaced by section 17 of chapter 5 of the statutes of 1998, is amended

(1) by inserting “, or the other documents he keeps,” after “the registers” in the second line of the first paragraph and by inserting “or mentioned” after “registered” in the third line of that paragraph;

(2) by inserting “or documents” after “registers” in the first line of the second paragraph and by replacing the second sentence of that paragraph by the following sentence: “Furthermore, no search by reference to a person’s name is permitted in the registers and documents kept by a land registrar, unless it concerns a notice of address, is carried out in the index of names or concerns an immovable, a real right of State resource development or public service network which is not immatriculated.”

54. Article 3019 of the said Code is amended

(1) by replacing the first paragraph by the following paragraph:



“3019. The registrar is bound to issue to any person who applies therefor a certified statement of the real rights, or of the hypothecs or charges, subsisting against a determined immovable or its owner or, where the application concerns the register of personal and movable real rights, a certified statement of the rights entered in that register; the statement indicates the date, hour and minute of updating of the register and if it is issued by a land registrar, it refers to the application.”;

(2) by replacing “forming part of the records of the office” in the second line of the second paragraph by “kept in the registry offices”.

55. Article 3021 of the said Code is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) to keep, in their original form or in any other form, in the registry offices, the documents transmitted to them for publication purposes;”;

(2) by replacing subparagraph 4 of the first paragraph by the following subparagraphs:

“(4) to establish and keep in a safe place other than the registry offices, a copy of the registers and other documents kept on a computer system;

“(5) for archival purposes, to maintain a record of entries in the register of personal and movable real rights which are no longer effective;

“(6) for archival purposes, to keep, in the registry offices or in any other place, the registers and documents in paper form which were converted to electronic form pursuant to a ministerial order under the Act respecting registry offices.”;

(3) by replacing, in the French text, “Ils” in the first line of the second paragraph by “Les officiers”.

56. Article 3022 of the said Code is amended

(1) by adding the following sentence at the end of the first paragraph: “They may not require that their address be registered in connection with a right published in the index of names of the land register.”;

(2) by replacing the second paragraph by the following paragraphs:

“Registration of an address in the land register is valid for a period of thirty years; it may be renewed. Registration of an address in the register of personal and movable real rights is valid for as long as the publication of the right to which it relates subsists.

Applications for the registration of an address require no certification.”

57. Article 3023 of the said Code is replaced by the following article :

“3023. The person for whose benefit an address is registered may, by means of a notice, require the registrar to effect a change in the address or in the person’s name, or in the reference to the registration number of the address.

The person may also, by means of a notice, require the registrar to enter in the register an omitted reference to the registration number of the address.”

58. The said Code is amended by inserting the following article after article 3023 :

“3023.1. To describe an immovable in an application presented pursuant to the provisions of this chapter, it is sufficient to indicate the lot number assigned to the immovable in the cadastre or the serial number of the land file concerning the immovable.

However, the immovable need not be described in a notice to change the address or name of a person that is registered in the register.”

59. Article 3025 of the said Code is replaced by the following article :

“3025. Where required by the circumstances, the minister in charge of the organization and inspection of a registry office may, by order, change the business hours of the registry office or close the registry office temporarily.”

60. Article 3026 of the said Code is amended by striking out “and the complementary file” in the fifth line of the second paragraph.

61. Article 3027 of the said Code is amended by replacing the third paragraph by the following paragraph :

“The cadastral plan, if transmitted in paper form and not converted to electronic form, is kept in the registry office for the registration division in which the immovables represented on the plan are situated.”

62. Article 3028 of the said Code is amended by striking out “of the registry office concerned” at the end of the first paragraph.

63. The said Code is amended by inserting the following article after article 3028 :

“3028.1. The publication of a hypothec on an immovable represented on a cadastral plan established pursuant to section 1 of the Cadastre Act must, except if the hypothec has been entered in a serially-numbered land file

opened for that immovable, be renewed within two years following the opening of the land file in the index of immovables.

If the publication is not renewed, the rights recorded by the initial registration have no effect with respect to other creditors or subsequent purchasers whose rights are duly published.”

64. Article 3029 of the said Code is amended by replacing “deposits a copy certified by him” in the third line by “transmits a copy certified by him for deposit”.

65. Article 3034 of the said Code is amended

(1) by inserting “of an immovable situated in a territory without a cadastral survey or of a network” after “owner” in the first line of the first paragraph;

(2) by striking out the second paragraph;

(3) by replacing, in the French text, “celui-ci” in the fourth line of the third paragraph by “cet immeuble”.

66. Article 3035 of the said Code is amended by adding the following paragraphs at the end:

“No application for the opening of a file is necessary, if the application in respect of the immovable, network or right does not pertain to any real right established by agreement or to any agreement relating to a real right; however, until a land file is opened, registration may only be effected in the index of names.

A land file identified by a serial number cannot be opened in respect of a real right of State resource development unless the right is declared by law to be property separate from the land in which it is held.”

67. Article 3036 of the said Code is amended by adding the following paragraph at the end:

“The description of an immovable in a territory without a cadastral survey made according to a geodesic reference system determined by regulation or, subject to the conditions prescribed by regulation, using geographic coordinates based on such a system is nevertheless admissible, provided that the description, which must also state that no land file exists, allows the immovable to be properly identified and its relative position to be properly located.”

68. Article 3040 of the said Code is amended by replacing “register” at the end of the second paragraph by the following: “land register, either in the index of immovables or in the register of public service networks and immovables situated in territory without a cadastral survey; the right is enforceable against third persons only from the time the relevant correspondences are entered in the register”.

69. Article 3042 of the said Code is amended by striking out “at the registry office” in the second line of the second paragraph.

70. Article 3043 of the said Code is amended

(1) by replacing “The owner of a lot may submit to the minister responsible for the cadastre a plan, signed by him, to amend the plan of the lot by subdivision or otherwise” in the first paragraph by “Any person may submit a plan, signed by him, to the minister responsible for the cadastre in order to amend, by subdivision or otherwise, the plan of a lot he owns or to amend, by parcelling, the plan of a lot the ownership of which he has acquired otherwise than by agreement”;

(2) by inserting the following paragraph after the first paragraph :

“The acceptance by the minister of a plan the purpose of which is to amend, by parcelling, the plan of a lot the ownership of which has been acquired by a person otherwise than by agreement compensates for the absence of the signature of any other person having rights in the lot represented on the plan.”

71. Article 3044 of the said Code is amended by replacing “registration certificate” in the second line of the second paragraph by “certified statement of registration”.

72. Article 3045 of the said Code is amended by replacing the second paragraph by the following paragraph :

“When opening a land file required by a cadastral renumbering, the registrar establishes, where applicable, according to what is shown on the plan, the correspondence between the old lot number or the old serial number of the land file and the new lot number.”

73. Chapter III of Title Four of Book Nine of the said Code, entitled “CARRY-OVER OF RIGHTS” and comprising articles 3046 to 3053, is repealed.

74. Article 3054 of the said Code is amended by striking out the second paragraph.

75. Article 3055 of the said Code is amended by replacing “of the registration division in which the lot is situated” at the end of the first paragraph by “for the registration division in which the lot is situated”.

76. Article 3057 of the said Code is replaced by the following articles :

“3057. Cancellation arises from an entry to strike an earlier registration from a register.

To cancel a registration in the land register, the entry is made in the register of mentions.

“3057.1. Unless otherwise provided by law, cancellation is obtained by presenting an application made in accordance with the rules applicable to the land register or the register of personal and movable real rights. However, applications for cancellation of a registration in the land register may be presented in the form of a summary only in the cases determined by law.

Cancellation is voluntary or, failing that, judicial ; it may also be legal.

“3057.2. Cancellation arising from an entry in the register of mentions must be noted in the land register, except in the index of names.”

77. Article 3058 of the said Code is amended by replacing “or entered in the register” in the fourth line by “or by the application and, where applicable, entered in the register”.

78. Article 3059 of the said Code is amended by replacing the second paragraph by the following paragraph :

“Nevertheless, the registration in the land register of a hypothec or of a restriction to the right to dispose of property, or of any other right with a fixed term, which has expired because the date after which it ceases to be effective has arrived, or the registration of a hypothec which is extinguished because the time prescribed by law has elapsed, may be cancelled on presentation of an application made by any interested person ; the registration in the register of personal and movable real rights of a hypothec, or of such a restriction or right which, according to the register, has expired, or the registration of an address that no longer has effect, may be cancelled by the registrar on his own initiative. The cancellation of a registration in the register of personal and movable real rights must give reasons and be dated.”

79. Article 3060 of the said Code is repealed.

80. Article 3061 of the said Code is amended by replacing “within six months after the date of registration” in the fourth line of the first paragraph by “within six months after the later of the date of registration and the date of completion of the work” and by adding “; the application must state the reasons for the cancellation and be presented with proof that it was served upon the creditors not less than ten days before its presentation to the registrar” at the end of that paragraph.

81. Article 3064 of the said Code is repealed.

82. The said Code is amended by inserting the following articles immediately before article 3067 :

“3066.1. Registration of the address of a co-owner in indivision may be cancelled on the application of any interested person.

The application for cancellation must refer to the act constituting the undivided co-ownership and the act terminating the undivided co-ownership with respect to the co-owner and contain the description of the co-owner and the registration number of his address in the register.

“3066.2. A notice of advance registration of a judicial demand is cancelled upon registration of a judgment dismissing the demand or ordering the cancellation, or upon presentation of a certificate of the clerk of the court stating that the demand has been discontinued.

A notice of advance registration of rights arising from a will is cancelled upon the application of any interested person, if the will was not published within three years of the date of opening of the succession. The application must be accompanied with the act of death of the testator.”

83. Article 3069 of the said Code is amended

(1) by replacing “as of right” at the end of the first paragraph by “by the registrar”;

(2) by adding the following paragraph at the end:

“Applications for the cancellation of a registration in the land register under this article may be in the form of a summary of the document.”

84. Article 3070 of the said Code is amended by adding the following paragraph at the end:

“The cancellation of a registration under this article may be applied for by means of a summary of the document.”

85. The said Code is amended by inserting the following article after article 3072:

“3072.1. Applications for the cancellation of a registration or the reduction of an entry in the land register need not contain the description of the property concerned, except where a reduction in the *situs* of the registered right is applied for.”

86. The said Code is amended by inserting the following article after article 3075:

“3075.1. Any application presented to a land registrar, including an application under article 3069 or 3070, for both the registration of a right and the cancellation of a registration or the reduction of an entry in the land register must indicate expressly, in the manner prescribed by regulation, for what purposes the application is presented.

In the absence of such indication, the registrar is only required to proceed with the registration of the right.”

#### ACT RESPECTING THE IMPLEMENTATION OF THE REFORM OF THE CIVIL CODE

87. Section 143 of the Act respecting the implementation of the reform of the Civil Code (1992, chapter 57) is amended by replacing the first paragraph by the following paragraph :

“143. A person who, when the new legislation comes into force, has not yet acquired by prescription ownership of an immovable which he has possessed as owner is subject to the provisions of article 2918 of the new Code.”

88. Sections 144 and 145 of the said Act are repealed.

89. Section 146 of the said Act is amended by striking out the first and second paragraphs.

90. Sections 147 to 149 of the said Act are repealed.

91. Sections 150 to 154 of the said Act are repealed.

92. Section 155 of the said Act, amended by section 6 of chapter 33 of the statutes of 1995, is replaced by the following section :

“155. Until the territory in which an immovable is situated has been the subject of a cadastral renovation, the articles of Book Nine of the new Code shall apply, with regard to that immovable, subject to the following restrictions :

(1) the second paragraph of article 2996, the first paragraph of article 3030, the last paragraph of article 3043 and article 3054 are not applicable ;

(2) the requirement under articles 3036 and 3037 that measurements be mentioned is not applicable, and the following shall apply in place of the provisions of the second paragraph of article 3037 :

“The description of a part of a lot as the remainder after separation of other parts of the lot is admissible only if the separated parts are described in accordance with the provisions of article 3036.” ;

(3) article 3042 is not applicable where the application for registration of the transfer, cession or right referred to in that article includes a statement, made by the person authorized to expropriate the immovable or to appropriate a right of ownership in the immovable, that the immovable comprising the required part and the remainder corresponded to one or more parts of a lot at the time when the notice of expropriation or appropriation was registered.

In addition, if the territory has not been the subject of a cadastral renovation after 22 June 1992, pursuant to the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1), the presumption of accuracy attaching to the cadastral plan, as established by article 3027 of the new Code, is not applicable and the titles relating to the immovable prevail over the cadastral plan.”

93. Section 155.1 of the said Act is repealed.

94. Subdivision 3 of Division IX of Chapter II of Title I of the said Act, comprising sections 165 and 166, is repealed.

#### ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

95. Section 2 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), amended by section 3 of chapter 40 of the statutes of 1999, is again amended by replacing paragraphs 2 and 3 by the following paragraph :

“(2) the registers and other documents kept in registry offices for publication purposes;”.

#### ACT RESPECTING THE ACQUISITION OF FARM LAND BY NON-RESIDENTS

96. Section 22 of the Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) is repealed.

97. Section 23 of the said Act is replaced by the following section :

“23. The registrar shall notify the commission of the acquisition of farm land by a person who is not a resident of Québec by transmitting to the commission a copy of the application for registration and, where the application is in the form of a summary, a copy of the accompanying document, not later than the fifteenth day of the month following the month of the registration of the acquisition.”

98. Section 24 of the said Act is amended by striking out the second paragraph.

#### LEGAL AID ACT

99. Section 87.2 of the Legal Aid Act (R.S.Q., chapter A-14) is amended by replacing “to the register fund of the Ministère de la Justice the amounts relating to goods and services financed by that fund” in the last sentence by “to the register fund of the Ministère de la Justice and to the land information fund of the Ministère des Ressources naturelles the amounts relating to goods and services financed by each of the funds”.



## LAND SURVEYORS ACT

100. Section 53 of the Land Surveyors Act (R.S.Q., chapter A-23), amended by section 22 of chapter 40 of the statutes of 1999, is again amended by replacing subsection 4 by the following subsection :

“(4) The land surveyor is bound to require that all minutes of boundary determination prepared by him be registered in the land register and the registrar is bound to enter them in the register.”

## BUILDING ACT

101. Section 126 of the Building Act (R.S.Q., chapter B-1.1), amended by section 55 of chapter 74 of the statutes of 1991 and by section 37 of chapter 40 of the statutes of 1999, is again amended by replacing the second paragraph by the following paragraph :

“The Régie may apply for registration by presenting a copy of the order to the registrar. The registration fees shall be borne by the owner of the immovable.”

## CULTURAL PROPERTY ACT

102. Section 16 of the Cultural Property Act (R.S.Q., chapter B-4), amended by section 39 of chapter 40 of the statutes of 1999, is again amended by replacing “in the land register of the registry office of the registration division where it is situated” by “in the land register”.

103. Section 20 of the said Act, amended by section 39 of chapter 40 of the statutes of 1999, is again amended by striking out “of the registration division where the immovable is situated” in the third paragraph.

104. Section 25 of the said Act, amended by section 39 of chapter 40 of the statutes of 1999, is again amended by replacing “in the land register of the registry office of the registration division where the property he wishes to classify is situated” and “in the land register of the registry office of the registration division where the immovable is situated” in the first paragraph by “of the property in the land register” and “in the land register”.

105. Section 28 of the said Act, amended by section 39 of chapter 40 of the statutes of 1999, is again amended by striking out “of the registry office of the registration division where the immovable is situated;”.

106. Section 32 of the said Act, amended by section 39 of chapter 40 of the statutes of 1999, is again amended by replacing “registered at the registry office of the registration division where it is situated” in the last paragraph by “registered in the land register”.

107. Section 50 of the said Act, amended by section 39 of chapter 40 of the statutes of 1999, is again amended by striking out “of the registry office of the registration division where the immovable is situated” at the end.

#### ACT RESPECTING REGISTRY OFFICES

108. Section 1 of the Act respecting registry offices (R.S.Q., chapter B-9) is replaced by the following sections :

“1. The Minister of Natural Resources is in charge of the organization and inspection of the Land Registry Office and the registry offices established for the registration divisions in Québec and has superintendence over the registrars assigned to those registry offices.

The Minister of Justice is in charge of the organization and inspection of the Personal and Movable Real Rights Registry Office and has superintendence of the registrar assigned to that registry office.

Unless otherwise specified, the provisions of this Act apply having regard to the respective responsibilities of the Minister of Natural Resources and the Minister of Justice.

“1.1. The Minister of Natural Resources and the Minister of Justice jointly shall appoint a Land Registrar in charge of keeping the Land Registry Office and the registry offices established for the registration divisions in Québec.

The Minister of Justice shall appoint a Personal and Movable Real Rights Registrar in charge of keeping the Personal and Movable Real Rights Registry Office.

Registrars appointed under this section must be advocates or notaries.

“1.2. The Land Registrar shall exercise his or her functions, when acting as an administrator, under the authority of the Minister of Natural Resources and, when acting as a public officer, under the authority of the Minister of Justice. The Personal and Movable Real Rights Registrar shall exercise his or her functions under the sole authority of the Minister of Justice.

In the exercise of his or her functions as a public officer, the Land Registrar shall be assisted by a committee responsible for advising the Land Registrar regarding the legal interpretation or application of legislation respecting land registration. The committee shall comprise two representatives of the Ministère des Ressources naturelles and two representatives of the Ministère de la Justice, and its directions are binding on the Land Registrar. If the committee is unable to act or cannot agree, the directions shall be given by the Minister of Justice.

An advisory committee shall be established, composed of a representative of the Ministère des Ressources naturelles, the Ministère de la Justice, the Barreau du Québec, the Chambre des notaires du Québec and the Ordre des arpenteurs-géomètres du Québec. The mandate of the committee is to give its views on any matter concerning land registration submitted by the Land Registrar, the Minister of Natural Resources or the Minister of Justice.”

109. Section 2 of the said Act is replaced by the following section :

“2. The Minister shall appoint one or more deputy registrars for the Land Registry Office and the Personal and Movable Real Rights Registry Office. The Minister shall also appoint other deputy registrars for the registry offices established in land registration divisions.

Subject to the restrictions contained in their acts of appointment, deputy registrars have, in all respects, the same powers, duties and obligations as the Registrar and act under the authority of the Registrar.

The Minister may delegate to any public servant with the Minister’s department designated in writing the power to appoint deputy registrars with limited powers, or to appoint deputy registrars with full powers for a limited time.”

110. Section 3 of the said Act is amended by replacing “The Minister of Justice” at the beginning of the first paragraph by “The Minister”.

111. The said Act is amended by inserting the following section after section 4 :

“4.1. The Minister may, upon noting an irregularity in the authentication of or manner of keeping the registers, issue an order in each case specifying how the registrar is to remedy the situation. Similarly, the Minister may, where required by circumstances, authorize the registrar to temporarily surrender the books, registers or other documents in his custody to facilitate their replacement or reconstitution ; the order shall list the documents concerned and fix the maximum period during which they may be surrendered.”

112. The said Act is amended by inserting the following section after section 5 :

“5.1. For the purposes of the laws respecting the publication of rights, the secretaries of the Ordre des notaires du Québec and the Ordre des arpenteurs-géomètres du Québec shall assign to all notaries and land surveyors who apply therefor a personal code allowing them to transmit, in an electronic medium, applications for registration and other documents bearing their signature for presentation to the Land Registrar.”

113. Section 6 of the said Act is amended by replacing “the Minister of Justice” in the first and second lines by “the Minister”.

114. Section 7 of the said Act, amended by section 41 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing the introductory lines of the first paragraph by the following :

“7. Upon their appointment, registrars shall take the following oath before a judge of the Superior Court or the Court of Québec, a clerk of either of those courts or a public servant designated in writing by the Minister:”;

(2) by replacing the second paragraph by the following paragraph :

“The oath is filed at the directorate within the department which, under the Minister’s authority, is in charge of registry offices. The public servant designated in writing by the Minister shall issue, upon request, a certified copy of the oath.”

115. The said Act is amended by inserting the following section after section 7 :

“7.1. The Minister may, by order and subject to the conditions fixed by the Minister, allow the signature of a registrar to be affixed by means of an automatic device or electronic process.

The Minister may also, by order and on the conditions fixed by the Minister, allow a facsimile of such a signature to be engraved, lithographed or printed.”

116. Section 8 of the said Act is amended by striking out the second and last paragraphs.

117. Section 10 of the said Act is amended

(1) by replacing paragraph 2 by the following paragraph :

“(2) for searches in connection with such hypothecs, made in person either at a registry office established for a registration division in the case of an immovable hypothec, or at the Personal and Movable Real Rights Registry Office in the case of a movable hypothec;”;

(2) by replacing “or by mail” in the first line of paragraph 3 by “, by regular mail or by electronic mail”.

118. Section 11 of the said Act is amended

(1) by replacing “in which there is a land register, within the meaning of article 2972 of the Civil Code of Québec,” in the first and second lines of the first paragraph by “in which registry offices are established”;

(2) by striking out the second paragraph.

119. Section 12 of the said Act is replaced by the following sections :

“12. To ensure the updating of municipal assessment rolls, copies of all applications, together with copies of the accompanying documents where the application is in the form of a summary, for the registration of any act listed below which has been registered in the land register concerning an immovable situated in the area of jurisdiction of a municipal body responsible for assessment shall be forwarded by the registrar to the municipal body within 15 days following the registration :

- an act of abandonment of ownership ;
- a notice of change of name ;
- an act of partition of a succession ;
- a notice of the Public Curator by which the State is declared the owner of an immovable without an owner ;
- minutes of boundary determination ;
- an act creating usufruct or emphyteusis ;
- a declaration of divided co-ownership of an immovable, an amendment to such a declaration or a decision terminating divided co-ownership, or a declaration of co-emphyteusis ;
- an act of sale following a failure to pay property taxes ;
- a judgment ordering the revocation of a gift or pronouncing the extinction of a real right ;
- a lease, or a notice of registration of rights under a lease ;
- a cadastral notice ;
- a notice of classification, declassification, recognition or cancellation of recognition under the Cultural Property Act (chapter B-4) ;
- an agreement providing for the establishment of a controlled zone, wildlife preserve or wildlife sanctuary under the Act respecting the conservation and development of wildlife (chapter C-61.1) ;
- a notice of the Public Curator’s capacity as administrator under the Public Curator Act (chapter C-81) ;
- a description of a golf course under the Act respecting municipal taxation (chapter F-2.1) ;

– an act to cancel, rectify or amend letters patent, or the letters patent themselves if preceded by a location ticket, in particular under the Mining Act (chapter M-13.1), the Act respecting agricultural lands in the public domain (chapter T-7.1) or the Act respecting the lands in the public domain (chapter T-8.1);

– a declaration of transfer of ownership under the Act respecting the Société immobilière du Québec (chapter S-17.1);

– a notice of bankruptcy, or a notice of quit claim or disclaimer by the trustee, under the Bankruptcy and Insolvency Act (Revised Statutes of Canada, 1985, chapter B-3).

“12.1. The provisions of section 12 are not applicable to applications or documents relating to the registration of deeds of transfer that are subject to the provisions of section 10 of the Act respecting duties on transfers of immovables (chapter D-15.1).

“12.2. It is incumbent upon each municipal body responsible for assessment to provide the registrar with an up-to-date list of the immatriculated immovables situated in its area of jurisdiction, and to inform the registrar of any modification to the list, other than a change to the cadastral designation of an immovable, which includes the number assigned to it on the cadastral plan.

If the body is responsible for assessment in two or more local municipalities, the list shall be provided together with a list of those municipalities and with a classification of immovables by local municipality.”

120. Section 13 of the said Act is replaced by the following section:

“13. An application for registration, or the accompanying document where the application is in the form of a summary, must, if either document relates to the registration of an act listed in section 12 and if the immovable concerned is not immatriculated, indicate the name of the local municipality in which the immovable is situated. The information must appear either in the description of the immovable, or under a separate heading at the end of the application or accompanying document.

If these formalities are not complied with, the application must be refused by the registrar unless the applicant produces with the application a statement of one of the parties to the act that contains the required information.”

## CADASTRE ACT

121. Section 4.4 of the Cadastre Act (R.S.Q., chapter C-1) is amended by replacing “in the registry office of the registration division where the territory contemplated by the plan or the book of reference bearing a certificate of correction, of regularization or of putting into force is situated, a copy, certified by him, of the plan or book of reference” in the first paragraph by “in

the registry office a copy, certified by him, of the plan or book of reference bearing a certificate of correction, regularization or putting into force”.

122. Section 4.5 of the said Act is amended by replacing “in the registry office of the registration division” at the end of the first paragraph by “in the registry office”.

123. Section 4.6 of the said Act is amended by replacing “in the registry office of the registration division” in the first and second lines by “in the registry office”.

124. Section 6 of the said Act is amended by replacing “to the registry office of the appropriate registration division” at the end by “to the registry office”.

125. Section 19 of the said Act is amended by striking out “referred to in paragraph 3 of section 155 of the Act respecting the implementation of the reform of the Civil Code (1992, chapter 57)” in the second and third lines of the first paragraph.

#### CITIES AND TOWNS ACT

126. Section 422 of the Cities and Towns Act (R.S.Q., chapter C-19), amended by section 51 of chapter 40 of the statutes of 1999, is again amended by replacing “office of the registrar of the registration division where the lands concerned are situated” in subparagraph 3 of the first paragraph by “registry office”.

127. Section 514 of the said Act, amended by section 51 of chapter 40 of the statutes of 1999, is again amended by replacing “to the registrar of the registration division in which is situated the immovable advertised for sale” in the second paragraph by “to the registrar”.

128. Section 523 of the said Act, amended by section 51 of chapter 40 of the statutes of 1999, is again amended by replacing “the certificate” and “the cost of the certificate” in the second paragraph by “the certified statement” and “the cost of the certified statement”.

#### CODE OF CIVIL PROCEDURE

129. Article 663 of the Code of Civil Procedure (R.S.Q., chapter C-25), amended by section 56 of chapter 40 of the statutes of 1999, is again amended by replacing “upon the registrar of the registry office of the division in which the immovable is situated” in the first and second lines of the first paragraph by “upon the registrar”.

130. Article 703 of the said Code is amended by striking out “of the registration division in which the immovable is situated” in the second and third lines.

131. Article 704 of the said Code is amended

(1) by replacing the first two paragraphs by the following paragraphs :

“704. The statement mentions the hypothecs or charges subsisting in the land register in respect of the immovable.

In addition to the particulars prescribed by article 3019 of the Civil Code and by the regulations under the Civil Code, the certified statement contains, for each entry, the name and address of the creditor.”;

(2) by striking out “beyond the date of carry-over of the rights appearing on the land file or” in the first and second lines of the third paragraph.

132. Article 807 of the said Code is repealed.

133. Article 813.4 of the said Code is amended by replacing the first paragraph by the following paragraph :

“813.4. An application for separation as to property, separation as to bed and board, nullity of marriage or divorce may be notified to the registrar by one of the spouses if a spouse may claim to have a right in an immovable under the matrimonial regime or if the immovable used as principal family residence is owned by one of the spouses.”

134. Article 900 of the said Code is amended by adding the following sentence at the end of the first paragraph: “The notice must be published at least 30 days before the date fixed for the sale or, in the case of a sale of movable property, at least 10 days before the date fixed for the sale.”

## MUNICIPAL CODE OF QUÉBEC

135. Article 200 of the Municipal Code of Québec (R.S.Q., chapter C-27.1) is repealed.

136. Article 1027 of the said Code, amended by section 60 of chapter 40 of the statutes of 1999, is again amended by replacing “to the registrar of the registration division in which the immovable advertised for sale is situated” in the third paragraph by “to the registrar”.

137. Article 1032 of the said Code, amended by section 60 of chapter 40 of the statutes of 1999, is again amended by replacing “the certificate” and “the cost of the certificate” in the third paragraph by “the certified statement” and “the cost of the certified statement”.



## ACT RESPECTING THE COMMISSION MUNICIPALE

138. Section 64 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), amended by section 65 of chapter 40 of the statutes of 1999, is again amended by replacing “to the registrar of the registration division in which each immovable advertised for sale is situated” in the second paragraph by “to the registrar”.

## ACT RESPECTING THE COMMUNAUTÉ URBAINE DE L’OUTAOUAIS

139. Section 178 of the Act respecting the Communauté urbaine de l’Outaouais (R.S.Q., chapter C-37.1), amended by section 67 of chapter 40 of the statutes of 1999, is again amended by replacing “in the office of the registration division contemplated” in the second paragraph by “at the registry office”.

## ACT RESPECTING THE COMMUNAUTÉ URBAINE DE MONTRÉAL

140. Section 115 of the Act respecting the Communauté urbaine de Montréal (R.S.Q., chapter C-37.2), amended by section 68 of chapter 40 of the statutes of 1999, is again amended by striking out “by depositing two copies” in the third paragraph and by replacing “in the registry office of the registration division of the immovable affected” in the same paragraph by “at the registry office”.

141. Section 291.26 of the said Act, amended by section 68 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry office of the registration division” in the second paragraph by “at the registry office”.

142. Section 310 of the said Act, amended by section 68 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry office of the registration division concerned” by “at the registry office”.

## TIMBER-DRIVING COMPANIES ACT

143. Section 44 of the Timber-Driving Companies Act (R.S.Q., chapter C-42), amended by section 72 of chapter 40 of the statutes of 1999, is again amended by replacing “registered in the registry office of the registration division in which the work is situated” at the end by “entered in the land register”.

## GAS, WATER AND ELECTRICITY COMPANIES ACT

144. Section 8 of the Gas, Water and Electricity Companies Act (R.S.Q., chapter C-44), amended by section 73 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing “shall be deposited in the registry office of the registration division in which the territory of the municipality is comprised” at the end of the first paragraph by “shall forthwith be transmitted to the Inspector General of Financial Institutions who shall deposit them in the register instituted under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45)”;

(2) by striking out the second paragraph.

145. Section 11 of the said Act is repealed.

146. Section 27 of the said Act, amended by section 73 of chapter 40 of the statutes of 1999, is again amended by striking out “, and shall be deposited in the registry office of the registration division where the business of the company is carried on” at the end.

147. Section 30 of the said Act, amended by section 73 of chapter 40 of the statutes of 1999, is again amended by striking out “, and also in the registry office of the registration division”.

#### ACT RESPECTING THE CONSERVATION AND DEVELOPMENT OF WILDLIFE

148. Section 104 of the Act respecting the conservation and development of wildlife (R.S.Q., chapter C-61.1), amended by section 85 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry office of the registration division in which the land is situated” in the third paragraph by “at the registry office”.

149. Section 111 of the said Act, amended by section 85 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry office of the registration division in which the land is situated” in the third paragraph by “at the registry office”.

150. Section 122 of the said Act, amended by section 96 of chapter 36 and section 85 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry office of the registration division in which the land is situated” in the third paragraph by “at the registry office”.

151. Section 171.3 of the said Act, amended by section 119 of chapter 36 of the statutes of 1999, is again amended by replacing “in the land register of the registration division in which private land is situated” and “in the registry office of the registration division in which the land is situated” in the second paragraph by “in the land register” and “at the registry office”.

## ACT RESPECTING MUNICIPAL AND INTERMUNICIPAL TRANSIT CORPORATIONS

152. Section 59 of the Act respecting municipal and intermunicipal transit corporations (R.S.Q., chapter C-70), amended by section 91 of chapter 40 of the statutes of 1999, is again amended by replacing “in the office of the registration division concerned” in the second paragraph by “at the registry office”.

## RELIGIOUS CORPORATIONS ACT

153. Section 17 of the Religious Corporations Act (R.S.Q., chapter C-71), amended by section 92 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry offices of the registration divisions where the immoveables are situated” by “at the registry office”.

## PUBLIC CURATOR ACT

154. Section 31 of the Public Curator Act (R.S.Q., chapter C-81), amended by section 20 of chapter 80 of the statutes of 1997, is replaced by the following section:

“31. The Public Curator must, with regard to every immovable entrusted to his administration, publish his capacity as administrator in the land register. From the time of publication, the registrar is bound to inform the Public Curator by way of a written notice of any subsequent registration made in respect of any such immovable.

The registration of the Public Curator’s capacity as administrator is obtained upon presentation of a notice describing the immovable concerned. The cancellation of such registration is obtained upon presentation of a certificate of the Public Curator attesting that he has terminated his administration.”

## DEPOSIT ACT

155. Section 21 of the Deposit Act (R.S.Q., chapter D-5), amended by section 102 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry office of the registration division where the claim is registered” by “at the registry office”.

## TERRITORIAL DIVISION ACT

156. The Territorial Division Act (R.S.Q., chapter D-11) is amended by inserting the following section before section 18:

“17.1. The Minister of Justice is responsible for the administration of this Act, except paragraph 3 of section 1 and section 11, the administration of which comes under the authority of the Minister of Natural Resources.”

## ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

157. Section 3 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1) is replaced by the following section:

“3. The clerk or the secretary-treasurer of the municipality must send a notice to the Land Registrar indicating the name of the person or service designated by the municipality for the purposes of section 10.”

158. Section 9 of the said Act is amended

(1) by adding “, if the immovable is not immatriculated” at the end of subparagraph *d* of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

“The application must, in addition, indicate whether or not the transfer is of both a corporeal immovable and movables referred to in section 1.0.1. If so, the application shall include the particulars required under subparagraphs *e* to *h* of the first paragraph in respect of all movables referred to in section 1.0.1 which are transferred with the immovable.”

159. Section 9.1 of the said Act is repealed.

160. Section 9.2 of the said Act is amended by replacing the second paragraph by the following paragraph:

“However, the registrar cannot refuse to register the transfer because the information required under subparagraph *d* of the first paragraph of section 9 is missing, if the applicant produces, with the application, a statement of one of the parties to the act that contains that information.”

161. Section 10 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“10. Within 15 days of the registration of the transfer of an immovable, the registrar shall give notice of the transfer to the person or service designated by a resolution of the municipality in whose territory the immovable is situated, by transmitting a copy of the application, together with a copy of the accompanying document where the application is in the form of a summary.”;

(2) by replacing “officer” in the second line of the second paragraph by “person or service”, and by striking out “to him” in that line;

(3) by adding the following paragraph at the end:

“In all cases, it is incumbent upon the municipality to provide the registrar with an up-to-date list of the immatriculated immovables situated in its

territory, and to inform the registrar of any modification to the list, other than a change to the cadastral designation of an immovable, which includes the number assigned to it on the cadastral plan.”

#### LAND TRANSFER DUTIES ACT

162. Section 10 of the Land Transfer Duties Act (R.S.Q., chapter D-17) is amended by striking out “, if the applicant does not present the copy contemplated in section 19” in the third line of the first paragraph.

163. Section 19 of the said Act is repealed.

164. Section 20 of the said Act is amended by replacing “the copy presented by the applicant pursuant to section 19” at the end by “a copy of the application for registration, together with a copy of the accompanying document if the application is in the form of a summary”.

165. Section 33 of the said Act is amended by replacing “registration certificate” in paragraph *b* by “certified statement of registration”.

#### ACT RESPECTING THREATENED OR VULNERABLE SPECIES

166. Section 41 of the Act respecting threatened or vulnerable species (R.S.Q., chapter E-12.01), amended by section 133 of chapter 36 and section 122 of chapter 40 of the statutes of 1999, is again amended by replacing “in the land register of the registration division in which private land is situated” and “in the registry office of the registration division in which the land is situated” in the second paragraph by “in the land register” and “at the registry office”.

#### EXPROPRIATION ACT

167. Section 42 of the Expropriation Act (R.S.Q., chapter E-24), amended by section 131 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office of the registration division where the property to be expropriated is situated” by “in the land register”.

168. Section 42.1 of the said Act, amended by section 131 of chapter 40 of the statutes of 1999, is again amended by replacing “certificate of registration” at the end by “certified statement of registration”.

169. Section 52.1 of the said Act, amended by section 131 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office of the registration division where the notice of expropriation had been registered” in the first paragraph by “in the land register”.

170. Section 53.1 of the said Act, amended by section 131 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office of

the registration division in which the property is situated” at the end by “in the land register”.

171. Section 54 of the said Act, amended by section 131 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office” in the second paragraph by “in the land register”.

172. Section 55 of the said Act, amended by section 131 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office of the registration division in which the property is situated” in the first paragraph by “in the land register”.

173. Section 60.2 of the said Act, amended by section 131 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office of the registration division in which the immovable is situated” by “in the land register”.

174. Section 81 of the said Act, amended by section 131 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry office of the division where the immovable or real right affected by it is situated” at the end by “in the land register”.

175. Section 81.2 of the said Act, amended by section 131 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office of the registration division where the property is situated” in the first paragraph by “in the land register”.

176. Section 83 of the said Act, amended by section 131 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office of the division where the immovable or real right subject to the reserve is situated” at the end by “in the land register”.

#### ACT RESPECTING MUNICIPAL TAXATION

177. Section 212 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), amended by section 133 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office of the registration division where the land is situated” by “at the registry office”.

#### ACT RESPECTING HÉMA-QUÉBEC AND THE HAEMOVILIGANCE COMMITTEE

178. Section 62 of the Act respecting Héma-Québec and the haemovigilance committee (R.S.Q., chapter H-1.1), amended by section 350 of chapter 40 of the statutes of 1999, is again amended by replacing “in the land register of the registry office of the registration division in which the immovable is situated” by “in the land register”.

## EDUCATION ACT

179. Section 121 of the Education Act (R.S.Q., chapter I-13.3), amended by section 158 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office of the registration division in which the immovable is situated” at the end by “at the registry office”.

180. Section 716 of the said Act, amended by section 158 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office of the registration division in which the immovable is situated” at the end by “at the registry office”.

## DISORDERLY HOUSES ACT

181. Section 8 of the Disorderly Houses Act (R.S.Q., chapter M-2), amended by section 171 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry office of the registration division in question” by “at the registry office”.

182. Section 10 of the said Act, amended by section 171 of chapter 40 of the statutes of 1999, is again amended by replacing “the registrar of the registration division in which the building is situated” in the first paragraph by “the registrar”.

183. Section 20 of the said Act, amended by section 171 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office for the registration division in which the immoveable property affected is situated” in subsection 1 by “at the registry office”.

184. Section 21 of the said Act, amended by section 171 of chapter 40 of the statutes of 1999, is again amended by replacing the last clause of the first paragraph by “and the registrar shall, upon presentation of a certified copy of such order, cancel in the land register the registration of the judgment the operation of which is so suspended”.

## MINING ACT

185. Section 10 of the Mining Act (R.S.Q., chapter M-13.1) is amended by replacing the text preceding the list of mining rights by the following :

“10. The following are exempt from registration at the registry office:”.

186. Section 126 of the said Act, amended by section 57 of chapter 24 of the statutes of 1998, is replaced by the following section :

“126. The Minister shall notify the Registrar of Québec of the issue, correction or cancellation of letters patent.

Mention shall be made of any correction or cancellation in the margin of the registered letters patent together with a reference to the registration number of the correction or cancellation.”

187. Section 164 of the said Act, amended by section 75 of chapter 24 of the statutes of 1998 and by section 158 of chapter 36 of the statutes of 1999, is again amended by replacing paragraph 4 by the following paragraph :

“(4) he has registered, in the registry office, a declaration of the existence and location of the closed well. The declaration shall be registered in the register of real rights of State resource development and, where applicable, in the file relating to the immovable affected by the well, either in the index of immovables or in the register of public service networks and immovables situated in territory without a cadastral survey.”

188. Section 293 of the said Act, amended by section 125 of chapter 24 of the statutes of 1998, is again amended by replacing the first paragraph by the following paragraph :

“293. The Minister shall also forward a thirty days’ notice of his intention not to renew or to revoke a mining right that is not exempt, under section 10, from registration at the registry office to the creditors having registered an instrument contemplated in paragraph 3 of section 13.”

#### ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

189. Section 3 of the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19), amended by section 184 of chapter 40 of the statutes of 1999, is again amended by replacing paragraphs *e* and *f* by the following paragraphs :

“(e) is in charge of the organization of the judicial system and of the inspection of the offices of the courts, and is in charge of the organization and inspection of the Personal and Movable Real Rights Registry Office ;

“(f) has superintendence over judicial officers and the Personal and Movable Real Rights Registrar ;”.

190. Section 32.1 of the said Act, amended by section 184 of chapter 40 of the statutes of 1999, is again amended

(1) by striking out subparagraph 5 of the first paragraph ;

(2) by replacing “a registry office” at the end of subparagraph 6 of the first paragraph by “the Personal and Movable Real Rights Registry Office”.

191. Section 32.2 of the said Act is amended by striking out the second paragraph.



ACT RESPECTING THE MINISTÈRE DES RESSOURCES  
NATURELLES

192. Section 12 of the Act respecting the Ministère des Ressources naturelles (R.S.Q., chapter M-25.2), amended by section 189 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing paragraph 8.1 by the following paragraph:

“(8.1) providing, on request and in return for payment, specialized services of aerial photography or filming, cartography, geodesy and remote sensing;”;

(2) by replacing “and cartography” in paragraph 17 by “cartography, land registration”;

(3) by inserting the following paragraphs after paragraph 17:

“(17.1) being in charge of the organization and inspection of the Land Registry Office and the registry offices established for the registration divisions in Québec;

“(17.2) having superintendence over the Land Registrar and the deputy registrars;

“(17.3) renewing the cadastre, keeping cadastral plans up to date and ensuring the publication of cadastral data;

“(17.4) keeping the land register and ensuring the publication of land rights;

“(17.5) preparing a catalogue of State lands, a register of resource development rights and a *terrier*, and keeping them up to date;

“(17.6) providing, on request and in return for payment, specialized goods and services in the field of land surveying and in the fields referred to in paragraphs 17.3 to 17.5;

“(17.7) supplying, on request and in return for payment, information in the field of land surveying and in the fields referred to in paragraph 17.6;”.

193. The heading of the division preceding section 17.2 of the said Act is replaced by the following headings:

**“DIVISION II.1**

**“SPECIAL FUNDS**

“§1. — *Geographic information fund*”.

194. Section 17.2 of the said Act is amended by replacing “A fund called the “land and geographic fund” by “A geographic information fund”.

195. The said Act is amended by inserting the following heading and sections after section 17.12:

“§2. — *Land information fund*

“17.12.1. A land information fund is hereby established.

“17.12.2. The fund shall be made up of the following:

- (1) the sums received for the goods and services financed by the fund;
- (2) the sums paid into it by the Minister out of the appropriations allocated for that purpose by Parliament;
- (3) the advances received from the Minister of Finance pursuant to section 17.12.7, and the sums borrowed from the Minister of Finance out of the financing fund of the Ministère des Finances pursuant to section 17.12.8;
- (4) the sums referred to in section 17.12.9; and
- (5) the fees collected pursuant to section 8.1 of the Act to promote the reform of the cadastre in Québec (chapter R-3.1).

“17.12.3. The fund shall serve to finance the cost of the goods and services supplied by the Minister pursuant to paragraphs 17.3 to 17.7 of section 12.

“17.12.4. The management of the sums making up the fund is entrusted to the Minister of Finance. The sums shall be paid to the order of and deposited with the financial institutions designated by the Minister of Finance.

The Minister of Natural Resources shall keep the books of account of the fund and record the financial commitments chargeable to it. The Minister of Natural Resources shall also ensure that such commitments and the payments arising therefrom do not exceed and are consistent with the available balances.

“17.12.5. Sections 20, 21 and 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (2000, chapter 15) apply to the fund, with the necessary modifications.

“17.12.6. The remuneration and expenses pertaining to the employment benefits and other employment conditions of the persons assigned, pursuant to the Public Service Act (chapter F-3.1.1), to activities related to the fund shall be paid out of the fund.

“17.12.7. The Minister of Finance may, with the authorization and subject to the conditions determined by the Government, advance sums to the fund out of the consolidated revenue fund.

The Minister of Finance may, conversely, advance to the consolidated revenue fund, on a short-term basis and subject to the conditions the Minister of Finance determines, any part of the sums making up the fund that is not required for its operation.

Any advance paid into a fund shall be repayable out of that fund.

“17.12.8. The Minister may, as the manager of the fund, borrow from the Minister of Finance out of the financing fund of the Ministère des Finances.

“17.12.9. The Minister may, subject to the applicable legislative provisions and with the authorization of the Government, make agreements with any government, body or person to facilitate the production of the goods and services financed by the fund. Any sums payable pursuant to such an agreement shall be paid into the fund.

“17.12.10. The fiscal year of the fund ends on 31 March.

“17.12.11. Notwithstanding any provision to the contrary, the Minister of Finance must, in the event of a deficiency in the consolidated revenue fund, pay out of the fund the sums required for the execution of a judgment against the State that has become *res judicata*.”

#### NOTARIAL ACT

196. Section 9 of the Notarial Act (R.S.Q., chapter N-2), amended by section 197 of chapter 40 of the statutes of 1999, is again amended by replacing “, or for the rectification, reduction or cancellation of an entry in the land book or in the register of personal and movable real rights” in the fourth, fifth and sixth lines of subparagraph *e* of the first paragraph by “, or for registration in the land register or in the register of personal and movable real rights or for the rectification, reduction or cancellation of an entry in either of those registers”.

#### PESTICIDES ACT

197. Section 25 of the Pesticides Act (R.S.Q., chapter P-9.3), amended by section 211 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry office of the registration division where the immovable is situated” in the second paragraph by “at the registry office”.

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND  
AND AGRICULTURAL ACTIVITIES

198. Section 24 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1), amended by section 235 of chapter 40 of the statutes of 1999, is again amended by replacing “and, for the purposes of registration, in the record office of the registration division concerned by the decree” at the end of the first paragraph by “and a certified true copy of the notice and the summary plan shall be forwarded to the registry office for registration purposes”.

199. Section 35 of the said Act, amended by section 235 of chapter 40 of the statutes of 1999, is again amended by replacing the third paragraph by the following paragraph:

“A copy of the provisional plan shall also be forwarded to the registry office for registration purposes.”

200. Section 36 of the said Act, amended by section 235 of chapter 40 of the statutes of 1999, is again amended by replacing “and to the registry office of the appropriate registration division” in the second paragraph by “and a copy has been sent to the registry office”.

201. Section 37 of the said Act, amended by section 235 of chapter 40 of the statutes of 1999, is again amended by replacing “and the registry office of the appropriate registration division” in the third paragraph by “and a copy shall be forwarded to the registry office”.

202. Section 52 of the said Act, amended by section 235 of chapter 40 of the statutes of 1999, is again amended by replacing “and to the registrar of the registration division in which the territory of the municipality is situated” by “; it shall also send a certified true copy of the decree, plan and technical description to the registrar”.

203. Section 67 of the said Act, amended by section 235 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry office of the registration division in which the lot is situated, two certified true copies” in the first paragraph by “at the registry office, a certified true copy”.

204. Section 79.2 of the said Act is amended by replacing “has filed, for entry in the land register at the registry office concerned” in the second paragraph by “has presented, for purposes of registration in the land register”.

205. Section 84 of the said Act, amended by section 235 of chapter 40 of the statutes of 1999, is again amended by striking out “of the registry office in which the lot affected by the judgment is situated” in the second paragraph.

206. Section 105.1 of the said Act is amended

(1) by replacing “file” and “two certified true copies” in the first and second paragraphs by “present” and “a certified true copy”;

(2) by replacing “such filing” in the third paragraph by “such presentation”.

#### ENVIRONMENT QUALITY ACT

207. Section 31.47 of the Environment Quality Act (R.S.Q., chapter Q-2), amended by section 239 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry office of the registration division in which the contaminated lot is located” in the first paragraph by “at the registry office”.

208. Section 31.48 of the said Act, amended by section 239 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office of the registration division where the contaminated soil is located” in the first paragraph by “at the registry office”.

209. Section 31.50 of the said Act, amended by section 239 of chapter 40 of the statutes of 1999, is again amended by replacing “with the registrar of the registry office of the registration division concerned” in the first paragraph by “with the registrar”.

#### ACT TO PROMOTE THE REFORM OF THE CADASTRE IN QUÉBEC

210. Sections 2 to 8 of the Act to promote the reform of the cadastre in Québec (R.S.Q., chapter R-3.1) are repealed.

211. Section 8.1 of the said Act is amended by replacing “Québec cadastre reform fund” at the end by “land information fund established under the Act respecting the Ministère des Ressources naturelles (chapter M-25.2)”.

212. Section 10.1 of the said Act is amended

(1) by replacing “to the registry office of the registration division and the municipality affected” in the first and second lines of the first paragraph by “to the registry office and the municipality concerned”;

(2) by inserting “concerned” after “registration division” in the third line of the second paragraph.

213. Section 16 of the said Act is replaced by the following section :

“16. Before the beginning of the prohibition period, the Minister shall send a copy of the notice to the registry office.

The notice shall be posted up in the registry office of the registration division concerned throughout the prohibition period.”

214. Section 18 of the French text of the said Act is amended by replacing “au bureau de la circonscription foncière” at the end of the second paragraph by “au bureau de la publicité des droits”.

215. Section 19.1 of the said Act is amended

(1) by replacing “Upon the deposit of the renewal plan at the registry office of the registration division” at the beginning of the first paragraph by “Upon receiving the renewal plan”;

(2) by striking out “; he shall also enter the name of the owner, the mode of acquisition and the registration number of his title of ownership” at the end of the second paragraph.

216. Section 20 of the said Act is amended by replacing “the deposit of the renewal plan in the registry office of the registration division” in the first and second lines by “the coming into force of the renewal plan at the registry office”.

217. Section 63 of the said Act is amended by striking out “the second paragraph of section 16,” in the second line.

#### ACT RESPECTING THE RÉGIE DES INSTALLATIONS OLYMPIQUES

218. Section 17 of the Act respecting the Régie des installations olympiques (R.S.Q., chapter R-7), amended by section 246 of chapter 40 of the statutes of 1999, is again amended by replacing “The registrar of the registration division of Montréal” at the beginning of the first paragraph by “The registrar”.

#### ACT RESPECTING THE SOCIÉTÉ D’HABITATION DU QUÉBEC

219. Section 58 of the Act respecting the Société d’habitation du Québec (R.S.Q., chapter S-8), amended by section 273 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry offices of the registration divisions where the immovables are situated,” in the fourth paragraph by “at the registry office”.

#### ACT RESPECTING THE SOCIÉTÉ DE FINANCEMENT AGRICOLE

220. Section 4 of the Act respecting the Société de financement agricole (R.S.Q., chapter S-11.0101), amended by section 278 of chapter 40 of the statutes of 1999, is again amended by replacing the second paragraph by the following paragraph:

“The Société shall notify the Land Registrar of the publication of the notice. The notice shall have the same effect for each of the immovables hypothecated in favour of the Société as though it had been given pursuant to the provisions of articles 3022 and 3023 of the Civil Code. The notice removes the obligation to comply with the prescriptions of those articles.”

221. Section 50 of the said Act, amended by section 278 of chapter 40 of the statutes of 1999, is again amended by replacing “the registrar of each registration division” by “the Land Registrar” and by replacing the last sentence by the following sentence: “The notice removes the obligation to comply with the prescriptions of those articles.”

#### ACT RESPECTING THE SOCIÉTÉ DES ÉTABLISSEMENTS DE PLEIN AIR DU QUÉBEC

222. Section 25 of the Act respecting the Société des établissements de plein air du Québec (R.S.Q., chapter S-13.01), replaced by section 284 of chapter 40 of the statutes of 1999, is amended by replacing “the registrar of the registration division in which the immovable is situated” by “the registrar”.

#### ACT RESPECTING THE SOCIÉTÉ IMMOBILIÈRE DU QUÉBEC

223. Section 30 of the Act respecting the Société immobilière du Québec (R.S.Q., chapter S-17.1), amended by section 295 of chapter 40 of the statutes of 1999, is again amended by replacing “the registrar of the registration division in which the immovable is situated” by “the registrar”.

#### ACT RESPECTING THE SOCIÉTÉ NATIONALE DE L’AMIANTE

224. Section 24 of the Act respecting the Société nationale de l’amiante (R.S.Q., chapter S-18.2), amended by section 297 of chapter 40 of the statutes of 1999, is again amended by replacing “The registrar of the registration division where the expropriated property is situated” at the beginning of the second paragraph by “The registrar”.

#### ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE D’ASSAINISSEMENT DES EAUX

225. Section 22 of the Act respecting the Société québécoise d’assainissement des eaux (R.S.Q., chapter S-18.2.1), amended by section 298 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry office of the appropriate registration division” in the second paragraph by “at the registry office”.

#### ACT RESPECTING LANDS OF RELIGIOUS CONGREGATIONS

226. Section 15 of the Act respecting lands of religious congregations (R.S.Q., chapter T-7), amended by section 315 of chapter 40 of the statutes of 1999, is again amended

(1) by striking out the last clause of the first paragraph;

(2) by striking out “or a copy certified by the registrar of the registration division wherein the same shall have been deposited according to this section,” in the second paragraph.

## ACT RESPECTING AGRICULTURAL LANDS IN THE PUBLIC DOMAIN

227. Section 26 of the Act respecting agricultural lands in the public domain (R.S.Q., chapter T-7.1), amended by section 316 of chapter 40 of the statutes of 1999, is again amended by striking out “and to the registrar of the registration division concerned” in the second paragraph.

228. Section 27 of the said Act, amended by section 316 of chapter 40 of the statutes of 1999, is again amended by striking out “the registrar of the registration division concerned and”.

229. Section 43.1 of the said Act, amended by section 316 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office of the registration division concerned” in the first paragraph by “at the registry office”.

230. Section 43.8 of the said Act, amended by section 316 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office of the registration division concerned” in the first paragraph by “at the registry office”.

## ACT RESPECTING THE LANDS IN THE PUBLIC DOMAIN

231. Section 19 of the Act respecting the lands in the public domain (R.S.Q., chapter T-8.1), amended by section 317 of chapter 40 of the statutes of 1999, is again amended by replacing “at the registry office of the registration division in which the land is situated” at the end of the second paragraph by “at the registry office”.

232. Section 32 of the said Act is amended by striking out “in the registry office of the registration division concerned” at the end of the first paragraph.

233. Section 45.5 of the said Act, amended by section 317 of chapter 40 of the statutes of 1999, is again amended by replacing “in the registry office of the registration division in which the reserve is situated” at the end of the third and sixth paragraphs by “at the registry office”.

234. Section 72 of the said Act, amended by section 317 of chapter 40 of the statutes of 1999, is again amended by replacing “the registrars of the registration divisions concerned” at the end of the second paragraph by “the registrar”.

## ACT RESPECTING LAND TITLES IN CERTAIN ELECTORAL DISTRICTS

235. Section 8 of the Act respecting land titles in certain electoral districts (R.S.Q., chapter T-11), amended by section 318 of chapter 40 of the statutes of 1999, is again amended by replacing “the registrar of the registration



division wherein the said lot is situated” and “concerning said lot” in the third paragraph by “the Land Registrar” and “concerning the lot in question”.

#### ACT RESPECTING THE OLYMPIC VILLAGE

236. Section 4 of the Act respecting the Olympic Village (1976, chapter 43), amended by section 334 of chapter 40 of the statutes of 1999, is again amended by replacing “The registrar of the registration division of Montréal” at the beginning by “The registrar”.

#### TRANSITIONAL AND FINAL PROVISIONS

237. Until the date fixed in a notice published in the *Gazette officielle du Québec* by the Minister of Natural Resources stating that a registry office established in a registration division in Québec is fully computerized for land registration purposes, the application of the provisions of this Act as they concern that registry office is subject to the restrictions contained in the following sections.

The notice may suspend temporarily, for the period indicated, certain computerized services at the registry office, or other services affected by the computerization such as consultation of documents kept at the registry office; the registry office shall be considered to be fully computerized despite such suspension.

Notice of the publication in the *Gazette officielle du Québec* shall be published in a daily or weekly newspaper circulated in the registration division concerned.

238. Until the date fixed in the notice of the Minister of Natural Resources stating that a registry office is fully computerized for land registration purposes, the provisions of the Civil Code, as amended by this Act, shall apply subject to the following restrictions:

(1) the land register within the meaning of article 2972 and the other articles that refer thereto means the land register kept in that registry office, consisting of an index of names, an index of immovables, a register of real rights of State resource development, a register of public service networks and immovables situated in territory without a cadastral survey and the directory which completes the latter two registers; in addition, a land file within the meaning of those articles means a leaf of the index of immovables, the register of real rights of State resource development or the register of public service networks and immovables situated in territory without a cadastral survey;

(2) the date, hour and minute according to which the rights published in the land register kept in that registry office rank pursuant to article 2945 shall be entered on the memorial of presentation;

(3) notwithstanding article 2969, the registers and documents kept or preserved in that registry office on (*insert here the date of the day preceding the day of coming into force of section 20*) shall continue to be kept or preserved in that registry office ;

(4) rights concerning an immovable situated in the registration division for which the registry office is established shall, for the purposes of article 2970, be published in the land register kept in that registry office ;

(5) article 2981.1 is not applicable in that registry office ;

(6) notwithstanding article 2982, an application for registration concerning an immovable situated in the registration division for which the registry office is established can only be presented at that registry office and in paper form ;

(7) a subrogation or assignment referred to in article 3003 shall be published in the land register kept in that registry office if the hypothec concerned was also published in that registry office, and the documents that must be furnished to the debtor pursuant to that article are the application presented, bearing the registration certificate, and, where if application is in the form of a summary, the accompanying document ;

(8) for the purposes of article 3006.1, the registrar assigned to that registry office shall enter the date, hour and minute of presentation of an application on a memorial of presentation which he shall give to the applicant ; the registrar shall neither convert the application or the documents to electronic form, transmit them in electronic form to the Land Registry Office, nor return the originals to the applicant ;

(9) the certified statement that the registrar assigned to that registry office must remit to the applicant pursuant to article 3011 means a duplicate of the application presented, bearing the registration certificate ; as well, for the purposes of that article, the registrar shall keep a duplicate of the application presented, bearing the registration certificate ;

(10) the registrar is not required, in that registry office, to make the verifications prescribed by article 3014 concerning the title of indebtedness, and the mentions required by that article, with the related indications, shall be entered in the margin of the application relating to the right or the debt concerned ;

(11) the certified statement referred to in articles 3016 and 3044 means, in that registry office, the registration certificate ;

(12) the certified statement of a particular entry referred to in the second paragraph of article 3019 means, in that registry office, the registration certificate affixed to an authentic copy of the application, if the application is authentic but not notarized *en brevet*, or on a duplicate of the application, where it is notarized *en brevet* or in private writing ;

(13) for the purposes of article 3022, the registrar may not be required in that registry office to register an electronic address ;

(14) the cancellation, in that registry office, of a registration within the meaning of article 3057 means a cancellation arising from an entry made in the margin of the document or application relating to the right to be cancelled ; a reference to the registration number of the application requiring the cancellation shall be made in the appropriate register, except the index of names ;

(15) article 3057.2 is not applicable in that registry office ;

(16) the following provisions apply, in that registry office, in place of the provisions of article 3075.1 :

“3075.1. Notwithstanding articles 3069 and 3070, if a single document requires both the registration of a right and the cancellation of a registration or the reduction of an entry, the registration and the cancellation or reduction must be applied for separately by means of separate applications or by the presentation of an additional copy of the document.”

239. Until the date fixed in the notice of the Minister of Natural Resources stating that a first registry office is fully computerized for land registration purposes, any immovable to which article 2918 of the Civil Code applies must be considered as non-registered for the purposes of that article.

240. Notwithstanding section 94 of this Act, the Provisional Regulation respecting the land register made by Order in Council 1596-93 (1993, G.O. 2, 6239), except sections 18, 48 and 48.1, shall remain applicable to every registry office established in a registration division in Québec until the date fixed in the notice of the Minister of Natural Resources stating that that registry office is fully computerized for land registration purposes.

The Government may, in view of the temporary continuation of non-computerized registry offices, amend the regulation to prescribe any measure necessary for the purposes of this Act, and may enact provisions that differ from those provided in Book Nine of the Civil Code or in other legislation amended by this Act.

241. Until the date fixed in the notice of the Minister of Natural Resources stating that a registry office is fully computerized for land registration purposes the following provisions, in force on (*insert here the date of the day preceding the day of coming into force of sections 96 to 98, 101, 119, 120, 131, 157 to 165, 168, 198 to 203, 206, 220 and 221*), shall remain applicable to that registry office :

(1) sections 22, 23 and 24 of the Act respecting the acquisition of farm land by non-residents (R.S.Q., chapter A-4.1) ;

- (2) section 126 of the Building Act (R.S.Q., chapter B-1.1);
- (3) sections 12 and 13 of the Act respecting registry offices (R.S.Q., chapter B-9);
- (4) article 704 of the Code of Civil Procedure (R.S.Q., chapter C-25);
- (5) sections 3, 9, 9.1, 9.2 and 10 of the Act respecting duties on transfers of immovables (R.S.Q., chapter D-15.1);
- (6) sections 10, 19, 20 and 33 of the Land Transfer Duties Act (R.S.Q., chapter D-17);
- (7) section 42.1 of the Expropriation Act (R.S.Q., chapter E-24);
- (8) sections 24, 35 to 37, 52, 67 and 105.1 of the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., chapter P-41.1); and
- (9) sections 4 and 50 of the Act respecting the Société de financement agricole (R.S.Q., chapter S-11.0101).

242. The indexes of immovables kept in a registry office on the date fixed in the notice of the Minister of Natural Resources stating that the registry office is fully computerized for land registration purposes are deemed to be authentic despite any irregularity that may, before that date, have occurred in the opening or transfer of land files in or to those indexes, in the format or physical presentation of those indexes or in references to cadastral designations in those indexes.

243. From the date fixed in the notice of the Minister of Natural Resources stating that a registry office is fully computerized for land registration purposes, corrections of clerical errors in the mentions or entries made in the margin of applications or in the complementary register, as well as mentions and entries omitted in the margin of applications or in the complementary register are entered in the register of mentions provided for in article 2979.1 of the Civil Code, introduced by section 26, as regards any document published in that registry office before the date fixed in the Minister's notice. Likewise, corrections of clerical errors in certified statements of registration are entered in the register of mentions as regards any act published in that registry office before the date fixed in the Minister's notice.

244. As of the date fixed in the notice of the Minister of Natural Resources stating that the registry office for the registration division of Montréal is fully computerized for land registration purposes, mentions and entries contained in the register of mentions for microfilmed acts kept for that office are entered in the register of mentions provided for in article 2979.1 of the Civil Code, introduced by section 26.

245. The following registers and documents, kept or preserved in a registry office on the date fixed in the notice of the Minister of Natural Resources stating that the office is fully computerized for land registration purposes, shall be preserved in that registry office: the index of names, the book of presentation, the register of farm and forest pledges, the register of commercial pledges, the register of *procès-verbaux*, deeds of agreement or by-laws relating to roads, bridges and watercourses, the list referred to in paragraph 2 of article 2161 of the Civil Code of Lower Canada, as it read on 31 December 1993, the register of addresses and the list of memorials of presentation.

The index of names kept in the registry offices established for the registration divisions of Laval and Montréal shall be preserved only for the period preceding 1 January 1994.

246. The Personal and Movable Real Rights Registrar shall, from 5 December 2000, keep the register of transfers of property in stock, and any document presented in support of an entry or cancellation in that register.

247. The registrars who, on the date on which the Land Registrar appointed under section 1.1 of the Act respecting registry offices takes up duties, are assigned to a registry office established for a registration division shall become, as of that date, deputy registrars.

Such registrars, and all deputy registrars assigned to such a registry office shall, as of that date, act under the authority of the Land Registrar; they shall retain all the powers, duties and obligations of their office on that date, so long as they are not modified by a new instrument of appointment issued by the Minister of Natural Resources or a public servant with the Minister's department, designated in writing by the Minister.

248. The Personal and Movable Real Rights Registrar may, where the conditions under which the second paragraph of article 2980 of the Civil Code introduced by section 27 of this Act are fulfilled, strike all entries made before 5 December 2000 in the files kept under the description of lessors or transferors of leased property.

249. The personal code assigned to a notary or land surveyor pursuant to section 5.1 of the Act respecting registry offices introduced by section 112 of this Act constitutes, subject to the conditions and according to the terms prescribed by a regulation of the Bureau of the order to which the notary or land surveyor belongs, his or her official signature equivalent to his or her handwritten signature.

250. Until the first regulation is made under section 11 of the Act respecting registry offices, the territories of the registration divisions in which the registry offices mentioned in that section are established are the territories described in the Territorial Division Act (R.S.Q., chapter D-11).

251. As of 5 December 2000, the land information fund established by section 17.12.1 of the Act respecting the Ministère des Ressources naturelles, introduced by this Act, continues the Québec cadastre reform fund, as well as the part of the register fund of the Ministère de la Justice that serves to finance goods and services related to the publication of immovable real rights.

Consequently, the assets and liabilities of the Québec cadastre reform fund and the part of the register fund of the Ministère de la Justice that serves such purpose become, as of that date, the assets and liabilities of the land information fund.

252. The provisions of this Act come into force on the date or dates to be fixed by the Government, except the provisions of the following sections, which come into force on 5 December 2000:

- sections 3 to 9, 12, 22, 23, 27 and 33 to 40;
- section 41, where it amends the second paragraph of article 2999.1 of the Civil Code;
- sections 53, 59, 63, 66, 68, 70, 79, 80, 82 and 87;
- section 89, where it strikes out the second paragraph of section 146 of the Act respecting the implementation of the reform of the Civil Code;
- section 91, where it repeals the first sentence of section 151 of the Act respecting the implementation of the reform of the Civil Code, the second paragraph of section 152 of that Act and paragraph 2 of section 153 of that Act;
- section 92, where it repeals paragraphs 2.3 and 2.4 of section 155 of the Act respecting the implementation of the reform of the Civil Code; and
- sections 94, 95, 99, 108 to 116, 118, 128, 134, 135, 137, 144 to 147, 154, 156, 186, 187, 189 to 196, 210, 211, 215, 217, 226 to 228, 237, 239, 240 and 246 to 252.