



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 202

(Private)

An Act respecting Hillcrest Protestant Cemetery of Deux-Montagnes

Introduced 5 November 2003

Passage in principle 12 December 2003

Passage 12 December 2003

Assented to 18 December 2003

**Québec Official Publisher
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Bill 202

(Private)

AN ACT RESPECTING HILLCREST PROTESTANT CEMETERY OF DEUX-MONTAGNES

WHEREAS Hillcrest Protestant Cemetery of Deux-Montagnes is a legal person governed by the Cemetery Companies Act (R.S.Q., chapter C-40) and Part III of the Companies Act (R.S.Q., chapter C-38);

Whereas Hillcrest Protestant Cemetery of Deux-Montagnes wishes to transfer the vacant land described in the schedule by onerous title to a person who is not an entity or a duly constituted authority of a religious denomination within the meaning of section 9 of the Cemetery Companies Act;

Whereas the land described in the schedule was never used for burial purposes and is physically separate from the cemetery;

Whereas the land described in the schedule will not be needed for burial purposes in future given that Hillcrest Protestant Cemetery of Deux-Montagnes owns other land nearby with an area fully sufficient to meet the long-term needs of the Protestant population of Deux-Montagnes;

Whereas the transfer by onerous title of the vacant land described in the schedule is necessary for the financial survival of Hillcrest Protestant Cemetery of Deux-Montagnes and the adequate maintenance of the cemetery situated near that vacant land;

Whereas sections 6 and 8 of the Cemetery Companies Act do not allow a legal person governed by the Act to transfer immovable property upon which a cemetery is established;

Whereas section 6 of the Cemetery Companies Act does not define the expression “immovable property upon which a cemetery is established”;

Whereas, in the absence of a definition of the expression “immovable property upon which a cemetery is established” and given the proximity of the cemetery run by Hillcrest Protestant Cemetery of Deux-Montagnes, the transfer of the vacant land described in the schedule could be considered a transfer of immovable property upon which a cemetery is established and the transfer of such property is not allowed under sections 6 and 8 of the Cemetery Companies Act;

Whereas it is preferable, given the ambiguity of the expression “immovable property upon which a cemetery is established”, that the transfer of the said vacant land be authorized by the Parliament of Québec in order to confer certain title of that land to the subsequent acquirer;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Hillcrest Protestant Cemetery of Deux-Montagnes is authorized to transfer the land described in the schedule by onerous title to a person who is not an entity or a duly constituted authority of a religious denomination within the meaning of section 9 of the Cemetery Companies Act (R.S.Q., chapter C-40).
- 2.** This Act comes into force on 18 December 2003.

SCHEDULE

Vacant land known and designated as lots THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-TWO (3,027,342), THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-THREE (3,027,343), THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-FOUR (3,027,344), THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-FIVE (3,027,345), THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-SIX (3,027,346), THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-SEVEN (3,027,347), THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-EIGHT (3,027,348), THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FORTY-NINE (3,027,349) and THREE MILLION TWENTY-SEVEN THOUSAND THREE HUNDRED AND FIFTY (3,027,350) of the cadastre of Québec, registration division of Deux-Montagnes.