



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 204
(Private)

**An Act respecting La Maison-Alcan
and the Complexe-de-La-Maison-
Alcan heritage site**

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(Private)

AN ACT RESPECTING LA MAISON-ALCAN AND THE COMPLEXE-DE-LA-MAISON-ALCAN HERITAGE SITE

AS, on 9 November 2015, the Minister of Culture and Communications, under the powers conferred on the Minister by the Cultural Heritage Act (chapter P-9.002), sent a notice of intent to proceed with the classification of La Maison-Alcan and the Complexe-de-La-Maison-Alcan heritage site;

AS, on 10 November 2015, the notice of intent to classify was registered at the registry office of the registration division of Montréal under number 21 956 162;

AS section 34 of the Cultural Heritage Act provides that classification takes effect on the date the notice of intent is sent;

AS section 54 of the Cultural Heritage Act states, in particular, that no person may, without giving the Minister at least 60 days' prior written notice, sell a classified heritage immovable or an immovable situated on a classified heritage site;

AS section 57 of the Cultural Heritage Act provides that, at the expiry of the period provided for in section 54, if the Minister has not notified the intention of exercising the right of pre-emption referred to in section 56, the classified heritage property may be sold to the person interested in acquiring it at the price submitted to the Minister under section 54;

AS, on 29 June 2016, by a deed of sale under a private writing registered the same day at the registry office of the registration division of Montréal under number 22 440 084, Société en commandite Nacla acquired from Rio Tinto Alcan Inc. the lots forming part of La Maison-Alcan and the Complexe-de-La-Maison-Alcan heritage site, that is, lots 1 338 859, 1 338 860, 1 338 861, 1 338 862, 1 514 587, 1 514 588, 1 514 589, 1 514 590, 1 515 236, 1 515 237, 1 515 238, 1 515 239, 1 515 240, 1 515 241, 1 515 242, 1 515 243, 1 515 244, 1 515 245, 1 515 246, 1 515 247, 1 515 248, 1 515 249, 1 515 250, 1 515 251, 1 515 252, 1 515 253, 1 515 254, 1 515 255, 1 515 256, 1 515 257, 1 515 258, 1 515 259, 1 515 260, 1 515 261, 1 515 262, 1 515 263, 1 515 264, 1 515 265 and 1 515 266 of the cadastre of Québec, registration division of Montréal, including the buildings erected on them, hereinafter called the "lots forming La Maison-Alcan and the Complexe-de-La-Maison-Alcan heritage site";

AS, at the time of the sale by Rio Tinto Alcan Inc. to Société en commandite Nacla, the prior written notice provided for in section 54 of the Cultural Heritage Act had been sent to the Minister on 16 December 2015 and amended on 18 April 2016;

AS it was mentioned in the notice that the sale would be at the price of \$49,776,201, whereas the deed of sale of 29 June 2016 provides for a price of \$48,392,126;

AS, on 2 February 2016 and on 24 May 2016, Rio Tinto Alcan Inc. was notified that the Minister did not intend to exercise the Minister's right of pre-emption in the context of the sale;

AS, on 3 November 2016, the Minister of Culture and Communications, under the powers conferred on the Minister by section 32 of the Cultural Heritage Act, extended the notice of intent to classify La Maison-Alcan and the Complexe-de-La-Maison-Alcan heritage site;

AS, on 23 February 2017, the Minister of Culture and Communications, under the powers conferred on the Minister by section 29 of the Cultural Heritage Act, proceeded with the classification of La Maison-Alcan and the Complexe-de-La-Maison-Alcan heritage site;

AS, on 1 March 2017, the two notices of classification were registered at the registry office of the registration division of Montréal under numbers 22 926 623 and 22 926 610, respectively;

AS, on 18 February 2021, by a deed of sale received before Lorena Lopez Gonzalez, notary, and registered at the registry office of the registration division of Montréal on 19 February 2021 under number 26 076 873, Société en commandite Nacla sold the lots forming La Maison-Alcan and the Complexe-de-La-Maison-Alcan heritage site to Société en commandite Neonacla;

AS, at the time of the sale on 18 February 2021, the prior written notice provided for in section 54 of the Cultural Heritage Act had been sent to the Minister on 10 December 2020;

AS it was mentioned in the notice that the person interested in the acquisition was Société en commandite Nacla II and not the acquirer Société en commandite Neonacla;

AS, on 11 January 2021, Société en commandite Nacla was notified that the Minister did not intend to exercise the Minister's right of pre-emption in the context of the sale;

AS section 194 of the Cultural Heritage Act provides that the alienation of classified heritage property in contravention of that Act is absolutely null and that the right of action to have such nullity recognized is not subject to prescription;

AS, because the prior written notices given to the Minister contained information that did not match the information in the deeds of sale registered under numbers 22 440 084 and 26 076 873, the alienations are absolutely null under section 194 of the Cultural Heritage Act;

AS it is important for the owners of the lots forming La Maison-Alcan and the Complexe-de-La-Maison-Alcan heritage site that the absolute nullity of certain alienations resulting from information that did not match the prior written notices given to the Minister be remedied;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Despite section 194 of the Cultural Heritage Act (chapter P-9.002), the alienations made by the deed of sale of which a copy was registered at the registry office of the registration division of Montréal on 29 June 2016 under number 22 440 084 and the deed of sale of which a copy was registered at the registry office of the registration division of Montréal on 19 February 2021 under number 26 076 873 are not absolutely null because of information that did not match the prior written notices given to the Minister under section 54 of the Cultural Heritage Act. The right of action to have the nullity of the alienations recognized are, for that reason, prescribed.

2. This Act must be registered at the registry office, in the index of immovables, under lot numbers 1 338 859, 1 338 860, 1 338 861, 1 338 862, 1 514 587, 1 514 588, 1 514 589, 1 514 590, 1 515 236, 1 515 237, 1 515 238, 1 515 239, 1 515 240, 1 515 241, 1 515 242, 1 515 243, 1 515 244, 1 515 245, 1 515 246, 1 515 247, 1 515 248, 1 515 249, 1 515 250, 1 515 251, 1 515 252, 1 515 253, 1 515 254, 1 515 255, 1 515 256, 1 515 257, 1 515 258, 1 515 259, 1 515 260, 1 515 261, 1 515 262, 1 515 263, 1 515 264, 1 515 265 and 1 515 266, all of the cadastre of Québec, registration division of Montréal.

3. This Act comes into force on 9 June 2022.

