



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 200
(Private)

**An Act respecting the cancellation of
a servitude encumbering certain lots
situated in Ville de Carignan**

**Introduced 26 April 2023
Passed in principle 6 June 2023
Passed 6 June 2023
Assented to 7 June 2023**

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Bill 200

(Private)

AN ACT RESPECTING THE CANCELLATION OF A SERVITUDE ENCUMBERING CERTAIN LOTS SITUATED IN VILLE DE CARIGNAN

AS the construction of two public interest projects, that is, an elementary school and a seniors home, is planned on lots 2 599 675, 2 599 706, 6 444 188, 6 444 189, 6 444 190, 6 444 191, 6 495 127, 6 495 131, 6 495 134 and 6 507 648 of the cadastre of Québec, registration division of Chambly, hereinafter collectively designated as “the lots”;

AS, before the cadastral renewal, the lots were designated as subdivisions or parts of subdivisions of lot 128 of the cadastre of Paroisse de Saint-Joseph-de-Chambly;

AS, before its subdivision, lot 128 of the cadastre of Paroisse de Saint-Joseph-de-Chambly was wholly owned by The Montreal River Land Company Ltd., which had acquired the lot under the terms of an act published at the Land Registry Office of the registration division of Chambly on 22 May 1912, under number 38 958;

AS, in the subdivision plan of lot 128 of the cadastre of Paroisse de Saint-Joseph-de-Chambly, signed on 23 May 1912 and deposited in the land register on 13 July 1912 by The Montreal River Land Company Ltd., in accordance with article 2175 of the Civil Code of Lower Canada, the lots are indicated as “street”;

AS, under the terms of an act published at the Land Registry Office of the registration division of Chambly on 26 January 1959, under number 181 647, it is mentioned that lots appearing as “street” in the official cadastre are sold subject to a right of way of all jointly interested persons;

AS the deposit of the subdivision plan would have established, by destination of the owner, against the parcels identified in the plan as “street”, a servitude of right of way in favour of the lots shown on the same plan or, at least, in favour of the lots which, because of their location, would be likely to enjoy such a servitude;

AS the beneficiaries of the servitude cannot be identified and, consequently, it is impossible to obtain their unanimous renunciation of the servitude;

AS the beneficiaries have other suitable ways to access the public road and, consequently, will not suffer damage;

AS a good and valid title, free of any encumbrance, is required for the predictability of the above-mentioned public interest projects;

AS it is expedient and in the public interest to cancel the real right of way, established by destination of the owner, encumbering the lots;

AS it is expedient and in the public interest that this Act be published at the Land Registry Office of the registration division of Chambly;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The real right of way, established by destination of the owner by the deposit of the subdivision plan in the cadastre of Paroisse de Saint-Joseph-de-Chambly on 13 July 1912 and referred to in the terms of the deed of sale registered under number 181 647, is cancelled.

2. This Act must be published at the Land Registry Office of the registration division of Chambly and the appropriate entries registered against lots 2 599 675, 2 599 706, 6 444 188, 6 444 189, 6 444 190, 6 444 191, 6 495 127, 6 495 131, 6 495 134 and 6 507 648 of the cadastre of Québec. The application for registration will be made by filing a copy of this Act certified by the public registrar who is its depositary; if required for the publication of this Act, such a copy will be accompanied by a summary or a cadastral notice.

3. No damages or compensation may be claimed in relation to this Act.

4. This Act comes into force on 7 June 2023.