



CHAPTER 69

An Act respecting the redemption of lands held under contract of lease, alienation for rent or *constitut*, in certain electoral districts

[Assented to, the 20th of April, 1934]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. The Revised Statutes, 1925, are amended by adding thereto, after chapter 260 thereof, the following chapter: R. S., c.
260A,
added.

“CHAPTER 260A

“AN ACT RESPECTING THE REDEMPTION OF LANDS HELD UNDER CONTRACT OF LEASE, ALIENATION FOR RENT OR CONSTITUT, IN CERTAIN ELECTORAL DISTRICTS

“**1.** This act may be cited as the *Certain Electoral Districts Constitut or Tenure System Act*. Short title.

“**2.** This act shall apply only to the electoral districts of Beauce, Bonaventure, Charlevoix, Kamouraska, l'Islet, Matane, Rimouski, Rivière-du-Loup, Saguenay, St. Hyacinthe and Temiscouata. Application
of act.

“**3.** The lots or lands held under contract of lease, alienation for rent, or *constitut*, upon which the holder, the lessee, the party owing the rent or their *auteurs* have built a house at their own cost which is used as a dwelling or place of business by the lessee or holder of the immovable or have made improvements thereon, the value whereof is equal to or exceeds that of the lot or land, may be acquired by Acquisi-
tions.

the latter, in full ownership, upon paying the value thereof to the proprietor after fulfilling the formalities hereinafter set forth.

Offering of price to proprietor.

“4. The lessee or holder of the immoveable shall offer to the proprietor, or his agent if the proprietor does not reside in the Province, the price he is willing to pay him for the immoveable. Such offer shall be made in writing, containing a description of the immoveable made in accordance with the provisions of Article 2168 of the Civil Code, and the sum at which he values the constructions and improvements made, and containing a notice to the proprietor of the lessee’s or holder’s wish to purchase the immoveable for the price which he offers, and to have the price fixed by the Quebec Public Service Commission, if the proprietor refuses to sell the immoveable voluntarily for such price, or if he has not agreed to sell within three months after the service of the notice.

How offer made.

Drawing, etc., of writing.

“5. The writing may be drawn up by a notary under the form of a summons or putting in default and be served upon the proprietor or agent by the notary who drew it up. It may also be under private signature, provided that it be made in duplicate and bear the signatures of two witnesses, one of whom shall testify under oath, before a judge, magistrate or any official authorized to administer oaths, that he was present at the signing of the writing and that he saw the lessee or holder of the immoveable as well as the other witness affix their signatures.

When under private signature.

When the writing is under private signature, it shall be served upon the proprietor or his agent by a bailiff of the Superior Court, who shall draw up a return of the service, as in ordinary cases.

Non-resident proprietor, etc.

“6. If the proprietor does not reside and has no agent to represent him in the Province, the writing may be made in duplicate under private signature, in the manner indicated in section 5, and a notice thereof of thirty days shall be given in a French newspaper and in an English newspaper of the district.

Petition to Quebec Public Service Commission in certain case.

“7. If, within the three months from the service of the notice or from the last insertion in the newspapers, the proprietor has not agreed to the sale of the immoveable for the price offered in the notice, the lessee or holder may apply by petition to the Quebec Public Service Commis-

sion requesting it to confirm the offer made by him or to itself fix the price for the lot or land and to order the proprietor to give him a title upon payment of the said price.

“**8.** The petition must set forth the facts necessary for the Commission to know in order to determine the matter and to be in a position to fix the sale price. It must be accompanied by an affidavit of the petitioner. Contents of petition.

“**9.** The petition must be served upon the proprietor, or his agent if the proprietor does not reside in the Province, but without a notice of the date of its presentation. The petitioner shall mail it to the secretary of the Quebec Public Service Commission, at Quebec. Service of petition.

If the proprietor does not reside and has no agent in the Province, the service of the petition is made in accordance with section 6. Non-resident proprietor, etc.

The proprietor or his agent may answer it in writing and mail his answer to the secretary of the Commission after serving it upon the lessee or holder of the immovable. Answer.

The secretary shall give at least fifteen days' notice to the parties in the case, by registered letters, of the day, hour and place where the Quebec Public Service Commission will sit to hear them. Notice of sitting.

“**10.** The proceedings are summary and it shall not be necessary to take the evidence in writing. Summary proceedings.

The decision of the Commission shall be final and without appeal. Decision.

The costs shall be against the lessee or holder if the price fixed by the Commission is higher than the sum offered to the proprietor under section 4, if it is not, they shall be against the proprietor. Payment of costs.

“**11.** The order of the Commission fixing the sale price obliges the proprietor or his agent to give a title deed of ownership in favour of the lessee or holder, within sixty days from the date of the order, upon payment of the price fixed by it. It also obliges the lessee or holder to purchase the immovable, if the price fixed is not higher than the sum offered under section 4. If the price is higher than the offer, the lessee or holder may, at his option, within thirty days after its decision is rendered, surrender his right to purchase or declare that he agrees to buy the immovable at the price. When the lessee or holder surrenders his right to purchase, he shall be liable for the costs and damages. Effect of order of Commission.

Proceedings
in certain
case.

“**12.** If the lessee or holder is obliged to buy the immoveable or agrees to buy it, as the case may be, he must, within sixty days after the date of the Commission’s order, if the proprietor or his agent has not then offered to give him a deed of sale, deposit the amount of the price fixed by the order, and the amount of the costs and damages when same are to be borne by him, in the hands of the prothonotary of the Superior Court of the district in which the immoveable is situated, who shall receive any such amount as agent for the Provincial Treasurer, and shall give him a receipt and a copy thereof certified by his signature.

Service of
receipt.

The lessee or holder shall then have the receipt served upon the proprietor or his agent, as the case may be, by having delivered to him the copy certified by the prothonotary.

Obligation
upon prop-
rietor, etc.

The proprietor or his agent shall be bound to effect, within eight days of such service, a deed of sale in favour of the lessee or holder according to the terms of the order by the Commission. If he refuses or neglects to do so within this delay, the order of the Quebec Public Service Commission shall take the place of a title, and the registration of a copy of such order together with the prothonotary’s receipt for the sale price and the costs and damages in the case where same must be deposited shall constitute the lessee or holder the proprietor of the immoveable.

Fixing of
sale price by
arbitration.

“**13.** At any time before the hearing of the matter by the Quebec Public Service Commission, the parties may agree to have the sale price fixed by three arbitrators, one chosen by the proprietor, one by the lessee or holder, the third to be appointed by the two arbitrators chosen by the proprietor and the lessee or holder. If they fail to agree upon the choice of such third arbitrator, the matter shall be heard before the Quebec Public Service Commission.

Arbitration
proceedings.

“**14.** The arbitrators shall proceed at the time and place fixed by them, whereof they shall have given a special notice of at least ten days to the interested parties.

Decision by
arbitrators.

After having heard the parties and their witnesses under oath which they are authorized to administer, the arbitrators shall give their decision by a certificate signed by them or by the majority of them, and deposit such certificate in the office of the secretary-treasurer of the municipality wherein the immoveable is situated.

After ren-
dering of
award.

“**15.** When the arbitrators have rendered their award, the lessee or holder may compel the proprietor to transfer

the ownership of the immoveable to him, by proceeding in the manner prescribed by section 12, and the registration of the receipt given by the prothonotary, and of a copy of the arbitrators' award certified by the secretary-treasurer of the municipality wherein the immoveable is situated, shall have the same effect as the registration mentioned in the said section 12.

“**16.** The usufructuary or the institute in a substitution ^{Proprietor.} possessing in such capacity one or more of the lands to which this act applies, the tutor, curator, testamentary executor, administrator, agent or attorney of the proprietor of one or more of such lands, shall be considered as proprietor of said land and shall have all the rights and be subject to all the obligations of a proprietor for the purposes of this act.

“**17.** The Quebec Public Service Commission shall fix ^{Tariff of} the tariff for all proceedings under this act, including the ^{proceedings.} remuneration of the arbitrators.

“**18.** This act shall not apply to any land held or ^{Application} leased under a contract by which the lessee has an option ^{restricted.} to purchase the land at a price agreed upon or fixed in the lease.”

2. This act shall come into force on the day of its ^{Coming into} sanction. ^{force.}

