

C H A P. 143

An Act to ratify a building permit issued by the city of Montreal to James Morgan

[Assented to, the 15th of March, 1924]

Preamble.

WHEREAS James Morgan, merchant; Alphée Gauthier, both of the city of Montreal, and Grant Distributing Company of Canada, Limited, a corporate body, duly incorporated and having its principal place of business in the said city, have, by their petition, represented:

That, long before the 4th of August, 1915, the said James Morgan acquired an immoveable property situated between Sherbrooke and Jeanne-Mance streets and Park Avenue, in Montreal, and known and designated under the numbers 43 and 67 on the official plan and book of reference of St. Lawrence ward;

That the said lot number 43 has been subdivided into several lots, one of which is designated under the number 43-1, fronting on Jeanne-Mance street;

That on the 4th of August, 1915, the city of Montreal has passed a by-law bearing the number 570, forbidding on certain streets, and particularly on Jeanne-Mance street, between Sherbrooke street and Pine Avenue, the erection of buildings for any purpose other than residential;

That the said James Morgan, who was ignorant of the existence of such by-law, applied in good faith to the municipal authorities, through his contractor, Henry Morgan and Company Limited, a body corporate, duly incorporated, having its principal place of business at Montreal, for permission to erect a garage upon the property hereinabove described, and, in support of his application, he produced plans and specifications showing that such garage would extend as far as Jeanne-Mance street;

That, on the 29th of June, 1916, upon a favourable report of the architect and building-inspector, after a visit to the place and examination of the plans and specifications, the Board of Commissioners of the city of Montreal passed a resolution granting the permit applied for;

That, on the 3rd of July, 1916, the secretary of the Board of Commissioners, in writing, notified the said Henry Morgan and Company Limited of the granting of such permit and that the chief engineer of the city had issued a building permit;

That at the same date the city treasurer issued a certificate attesting the previous examination of the plans and specifications, and the payment of the fee payable on the issue of a building permit;

That, on the 10th of July, 1916, the sanitary engineer and the City Superintendent of Building approved the plans and specifications, and particularly on the said lot number 43-1 fronting on Jeanne-Mance street;

That the city engineers and their employees issued a certificate fixing the level and the lines of demarcation for the erection of the said garage and particularly on the land fronting on Jeanne-Mance street;

That, on the strength of the foregoing, the said James Morgan, at great expense, erected a garage on the said immovable property, in accordance with the plans and specifications approved by the city of Montreal, and leased the same for a term of ten years to the said Grant Distributing Company of Canada, Limited, of which company the petitioner Gauthier is the manager and the most interested party;

That the erection of such garage took place in the sight and to the knowledge of the officers and employees of the city whose duty it is to inspect buildings and to apply the municipal by-laws;

That towards the end of 1916, when the erection of the said garage was almost completed, and after the signature of the lease above mentioned, the city of Montreal notified the said James Morgan that he would have to demolish the said garage;

That, in January, 1917, the city of Montreal instituted an action with the object of securing the demolition of the said garage as being erected in contravention of by-law 570, and although the judgment of the court of last resort has been rendered in favour of the city, the majority of the judges of the different courts called upon to decide thereon have declared its pretensions to be badly founded;

That the petitioner, Grant Distributing Company of Canada, Limited, had not been made a party to the said action, and it has proceeded against the said judgment by means of an opposition by a third party, and such issue is still pending;

That if the judgment ordering the demolition of the said building were confirmed and executed, the petitioners would thereby suffer a serious and irreparable damage without any profit for the city of Montreal;

That the said garage is situated in a locality destined to become more and more a commercial centre;

That the said James Morgan erected the said garage on the strength of a permit and authorizations granted by the city of Montreal through its officers and representatives, and that it would be unjust to oblige him to demolish it for an alleged contravention of the said by-law number 570;

That the petitioners have by their petition prayed for the passing of an act to ratify the permit issued by the city of Montreal; and

Whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Certain
building
permit
validated,

1. The permit issued by the municipal authorities of the city of Montreal on the 29th of June, 1916, for the erection of a garage on the lots known and designated under the numbers 67 and 43-1 on the official plan and book of reference of St. Lawrence ward, in the city of Montreal, is declared to have always been and to be valid for all legal purposes, provided the city authorizes such construction by a resolution of its council.

Proviso.

Coming into
force.

2. This act shall come into force on the day of its sanction.

C H A P. 144

An Act to ratify the donation by Théophile Décarie to Horace Décarie and others, on the ninth of April, 1923, of part of lot number two hundred and two of the cadastre of the Parish of Montreal, and the sale of the same immoveable by the said Horace Décarie and others to Victor E. Lambert, on the 11th of April, 1923.

[Assented to, the 15th of February, 1924]

Preamble.

WHEREAS Théophile Décarie, gentleman, Horace Décarie, gardener, Béatrice Décarie, Claire Décarie, Delphine Décarie and Agnès Décarie, spinsters of the age of majority, and Victor E. Lambert, builder, all residing in the city of Montreal, in the said district, have, by their petition, represented:

That, on the third of February, 1881, by deed of donation, in the form of a partition, passed before Mtre. Alphonse Clovis Decary, notary, Joseph Décarie, Senior, farmer, then living in Côte St. Antoine in the parish of Notre-Dame-de-Grâces, in the county of Hochelaga, in the district of Montreal, acting both in his personal name and in virtue of powers in him vested by the last will and testament of the late Dame Véronique Gougeon, his wife, executed before Mtre. E. Prud'homme, notary, on the 20th of January, 1878, gave to Théophile Décarie, one of his sons, who was