

C H A P. 81

An Act respecting the owners of houses used as disorderly houses

[Assented to, 14th of February, 1920]

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

Definitions. **1.** In this act the following terms and expressions shall have the meanings hereinafter given them, unless the context clearly indicates a different meaning:

“Person;” *a.* “Person” shall mean and include any individual, corporation, association, partnership, firm, trustee, lessee, agent or assignee;

“Disorderly House.” *b.* “Disorderly House” shall mean a house used for any of the purposes which constitute a disorderly house within the meaning of Part V of the Criminal Code.

Illegal for owner or occupant to allow building to be used as disorderly house. **2.** It shall be illegal for any person who owns or occupies any house or building of any nature whatsoever, to use or to allow any person to use the same as a disorderly house. A certified copy of any judgment convicting any person of an offence under section 228, 228*a*, 229 or 229*a* of the Criminal Code shall be *prima facie* proof of such use of the house in respect of which such conviction was had.

Notice by registered letter may be sent by any person. **3.** Any person knowing or having reason to believe that any building or part of a building is being made use of as a disorderly house, may send to the registered owner, or to the lessor, or to the agent of the registered owner, or to the lessee of such building, a notice, accompanied by a certified copy of any conviction as aforesaid, if any there be, by registered mail to the last known address of the said owner, lessor, agent or lessee, as the case may be.

Application for injunction. **4.** Ten days after the mailing of such notice, if such building or any part thereof still continues to be used as a disorderly house, any person may apply for and obtain an injunction directed to the owner, lessor, lessee or occupant of such building, or to all such persons, restraining them, their heirs, assignees or successors from using or permitting the use of such building or any other building for the purposes above mentioned.

5. All the provisions of the Code of Civil Procedure respecting injunctions shall apply to the injunction referred to in section 4, unless expressly derogated from by this act. Provisions to apply.

6. Service of such injunction and of all proceedings preliminary to or in connection therewith shall be made personally upon the owner, or other person or persons whom it is directed if they can be found in the district. If they cannot be so found, a copy thereof shall be delivered to any adult residing in said building, and upon the agent, if any, of the owner. If no such adult be found, or service cannot be had upon such agent, if any, then service shall be made as the court shall direct. Upon whom service to be made. Mode of service.

7. If the judge finds that the use of such building as a disorderly house continues, he shall by his final judgment, in addition to all other orders he is by law empowered to make, order the closing of the said building against its use for any purpose whatsoever for a period of not more than one year from the date of judgment, which said order shall be registered at the registry office of the registration division in question within ten days thereof with a notice stating that it affects the immoveable property concerned. In certain case judge may order closing of house for not more than one year.

The judgment shall affect the property only from the date of its registration, and shall have no effect whatever against any persons acquiring rights in or upon such property prior to such registration.

8. At any time after the said judgment ordering the closing of the building, the registered owner of the said building, upon establishing his good faith and his ignorance of the purpose for which the said building had been used in contravention of the provisions hereof, and upon furnishing a cash bond to the extent of one thousand dollars to be deposited in court as security that the said building shall not again be used for the said purposes, may obtain an order suspending the operation of the said judgment; and the registrar of the registration division in which the immoveable property affected is situated, upon receiving a certified copy of the said order, shall cancel and discharge from his books the judgment the operation of which is so suspended. Operation of judgment may be suspended on certain conditions.

Upon application by the interested parties and upon receiving evidence therewith to the effect that, notwithstanding the said bond and security, the said building is again being used in contravention of the provisions of this act, the judge may order the forfeiture of the said bond and the confiscation to the Crown of the said money Forfeiture of bond.

deposited, and the renewal of the registration of the original judgment so suspended.

Partial occupation of house, to protect it from damage.

9. Should it appear to the judge upon application of the owner that the building or its contents is or are likely to suffer damage by reason of its closing as aforesaid, the judge, under such conditions and limitations as he may impose, may permit the occupation of the said building as far as may be necessary to prevent it or its contents from being damaged; and where in any proceedings the owner is not represented, the judge may attach such conditions to the closing order as will serve to protect the property from damage.

Leases to be void.

10. The lease of any building or part of a building which is used for any of the purposes aforesaid shall be held void and of no effect, save that the owner or lessor may invoke such lease as the basis of an action at law to have the lessee ejected from the premises leased.

Coming into force.

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

CHAP. 82

An Act to amend articles 227 and 408 of the Quebec Municipal Code

[Assented to, 14th of February, 1920]

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

Mun. Code, art. 227, am.

1. Article 227 of the Quebec Municipal Code, as amended by the act 9 George V, chapter 83, section 1, is again amended by inserting therein, after the word: "services", in the fifth line of paragraph 14 thereof, the words: "unless, in the latter case, such money or other consideration is received as pay for services other than those on municipal roads".

Id., 408, am.

2. Article 408 of the Quebec Municipal Code is amended by replacing paragraph 5 thereof by the following:

Lighting.

"5. To provide for the lighting of the municipality at the expense of the corporation, or of part of the municipality at the expense of such part of the municipality."