

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1993, chapter 90
AN ACT RESPECTING THE CITY OF GRAND-MÈRE

Bill 258

Introduced by Mr Jean-Pierre Jolivet, Member for Laviolette

Introduced 25 May 1993

Passage in principle 2 November 1993

Passage 2 November 1993

Assented to 4 November 1993

Coming into force: 4 November 1993

Act amended: None



CHAPTER 90

An Act respecting the city of Grand-Mère

[Assented to 4 November 1993]

Preamble

WHEREAS the National Assembly, by the Act respecting the city of Grand-Mère (1982, chapter 100), granted to the city of Grand-Mère certain powers concerning an industrial fund established by means of an agreement signed on 11 May 1931 before Dakers Cameron, notary, between The Shawinigan Water and Power Company, Laurentide Company Limited and the city of Grand-Mère;

Whereas the Comité industriel de Grand-Mère inc., incorporated on 26 September 1985 by letters patent under Part III of the Companies Act (R.S.Q., chapter C-38), holds part of the property of the industrial fund, namely, the immovables purchased by the corporation from the city of Grand-Mère in its capacity as trustee of the industrial fund, by a deed of sale recorded before Michel Desaulniers, notary, in Grand-Mère on 15 May 1986 under number 15 767 of his minutes and registered on 16 May 1986 in the registry office of the registration division of Shawinigan under number 129 444;

Whereas it is expedient to grant certain additional powers to the city to allow it to carry out the combining provided for in the Act of 1982 in respect of the industrial fund and to establish divided co-ownership in respect of the industrial immovables acquired by the fund;

Whereas such combining entails the dissolution of the corporation;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

Devolution **1.** All the property, rights and obligations of the industrial fund referred to in section 2 of the Act respecting the city of Grand-Mère (1982, chapter 100) devolve to the city of Grand-Mère.

Dissolution of corporation All the property, rights and obligations of the Comité industriel de Grand-Mère inc., incorporated on 26 September 1985 by letters patent under Part III of the Companies Act (R.S.Q., chapter C-38), and, in particular, the immovables purchased by the corporation from the city in its capacity as trustee of the industrial fund referred to in the first paragraph, by a deed of sale recorded before Michel Desaulniers, notary, in Grand-Mère on 15 May 1986 under number 15 767 of his minutes and registered on 16 May 1986 at the registry office of the registration division of Shawinigan under number 129 444, devolve to the city and the corporation is dissolved.

Notice of dissolution The clerk of the city of Grand-Mère shall publish a notice of the dissolution in the *Gazette officielle du Québec* and inform the Inspector General of Financial Institutions of the dissolution.

Description of immovables The clerk of the city shall take the necessary measures to ensure that the immovables having devolved to the city pursuant to this Act are described in accordance with the provisions governing registration. He shall also register a certified copy of this Act by deposit.

Registration This Act shall be registered in the index of immovables for the immovables described in a notice to the registrar; the notice shall indicate the number under which this Act was registered. If the notice is not given by notarial deed, it must be approved by resolution of the council of the city of Grand-Mère.

Divided co-ownership **2.** The city may, with the authorization of the Minister of Industry, Trade and Technology and the Minister of Municipal Affairs, and on the conditions the ministers determine, establish divided co-ownership in respect of the immovables having devolved to it pursuant to section 1. The city must give lessees a notice of intention no less than 60 days before the registration of a declaration of co-ownership.

Declaration of co-ownership The declaration of co-ownership may provide that the council of the city will act as administrator so long as the city owns 50 % or more of the value of the fractions. The declaration may also provide that the city will have a right of veto over certain decisions of the

administrators or of the general meeting of coproprietors so long as the city owns at least one fraction or holds securities for payment of the balance of the sale price of the divided portions.

Provisions
applicable

So long as the city holds one fraction, sections 573, 573.1, 573.2 and 573.3 of the Cities and Towns Act (R.S.Q., chapter C-19) apply to the awarding of contracts by the administrators or the general meeting of coproprietors, to the extent that the portion of the projected expenditures which may be charged to the city, given the fractions it holds, represents an amount equal to or greater than the amounts which render those sections applicable.

Offer to
lessee

3. Before selling a fraction of the immovables referred to in section 2 to a person other than the lessee occupying the fraction, the city must offer it to the lessee at the price and on the conditions agreed upon with that other person. The lessee must, within one month after receiving the offer of sale, notify the city in writing of his acceptance or refusal of the offer, failing which he is deemed to have refused it. If the deed of sale is not signed within two months of the acceptance of the offer or after a longer time limit agreed upon by the parties, the city may sell the fraction without having to offer it again to the lessee, unless the failure to sign the deed results from circumstances beyond the control of the lessee.

Applicability

4. The Act respecting municipal industrial immovables (R.S.Q., chapter I-0.1), adapted as required, applies to the immovables having devolved to the city pursuant to this Act and, where applicable, to every fraction of the immovables in respect of which divided co-ownership has been established.

Expenses

5. The city may, by by-law, incur expenses under this Act to a limit of \$5 000 000. A certified copy of the by-laws shall be sent to the Minister of Industry, Trade and Technology and to the Minister of Municipal Affairs.

Loans

6. The city may, with the sole approval of the Minister of Industry, Trade and Technology and the Minister of Municipal Affairs, within 12 months of the coming into force of this Act, authorize loans by by-law in order to assume the rights and obligations appurtenant to the property having devolved to the city pursuant to section 1. The Minister of Industry, Trade and Technology and the Minister of Municipal Affairs may, upon application by the city and on the conditions the ministers determine, grant a 12-month extension of the time limit.

Loans

Notwithstanding section 5, the city may also, with the approval of the Minister of Industry, Trade and Technology and the Minister

of Municipal Affairs, authorize loans by by-law in order to recover the immovables having devolved to it pursuant to section 1 which it has sold, or, where applicable, to recover a fraction of the immovables following the purchaser's default in payment.

Industrial
committee

7. The Comité industriel de Grand-Mère inc., incorporated on 26 September 1985 by letters patent under Part III of the Companies Act, is deemed to be a mandatory body of the city from the date of its incorporation. The industrial committee set up under the agreements ratified by the Act of 1982 is also, notwithstanding that Act, deemed to be a mandatory body of the city from 23 June 1982.

Coming into
force

8. This Act comes into force on 4 November 1993.