



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 229

(Private)

**An Act respecting certain alienations
involving the Unity Building**

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Passed in principle 16 June 2017

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Assented to 16 June 2017

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(Private)

AN ACT RESPECTING CERTAIN ALIENATIONS INVOLVING THE UNITY BUILDING

AS the Unity Building, erected on lot 1073 of the official plans and books of reference of Ville de Montréal's Saint-Antoine Ward and bearing civic addresses 454 rue De La Gauchetière Ouest and 1030 rue Saint-Alexandre, was classified a historic monument on 11 February 1985 by the Minister of Cultural Affairs, on the advice of the Commission des biens culturels du Québec and by virtue of the powers vested in him by the Cultural Property Act (chapter B-4);

AS the notice entering the Unity Building in the register of classified cultural property was registered in the land register by the registrar of the registry office of the registration division of Montréal on 26 February 1985 under number 3 560 231;

AS section 20 of the Cultural Property Act stated, in particular, that no person could alienate recognized cultural property without giving the Minister at least 60 days' previous written notice;

AS section 23 of the Cultural Property Act provided, among other things, that notice in writing of the alienation of a recognized cultural property had to be given to the Minister within 30 days of its occurrence;

AS section 34 of the Cultural Property Act provided, in particular, that sections 20 and 23 applied to classified cultural property;

AS Hampstead Estates sold the Unity Building divided co-ownership fractions known and designated as lots 2 431 387 and 2 431 297 and the share of the undivided rights in the common portions appurtenant to lots 2 431 229 and 2 452 676 of the cadastre of Québec, registration division of Montréal, to Michel Veilleux on 4 June 2002 by a deed of sale registered in the land register of the registry office of that registration division on 5 June 2002 under number 5 357 659;

AS George Ewins sold the Unity Building divided co-ownership fractions known and designated as lots 2 431 282 and 2 431 344 and the share of the undivided rights in the common portions appurtenant to lots 2 431 229 and 2 452 676 of the cadastre of Québec, registration division of Montréal, to Diane Jutras on 3 April 2006 by a deed of sale registered in the land register of the registry office of that registration division on 4 April 2006 under number 13 172 505;

AS, at the time of the two alienations by deeds of sale registered under numbers 5 357 659 and 13 172 505, the notices required under sections 20 and 23 of the Cultural Property Act were not given;

AS section 56 of the Cultural Property Act stated that every alienation of cultural property made contrary to that Act was absolutely null and that the right of action to have such nullity recognized was not subject to prescription;

AS the Cultural Property Act was replaced by the Cultural Heritage Act (chapter P-9.002) on 19 October 2012;

AS section 242 of the Cultural Heritage Act provides, among other things, that cultural property classified before 19 October 2012 becomes classified heritage property under that Act;

AS section 54 of the Cultural Heritage Act states, in particular, that no person may sell a classified heritage immovable without giving the Minister at least 60 days' prior written notice;

AS Diane Jutras sold the Unity Building divided co-ownership fractions known and designated as lots 2 431 282 and 2 431 344 and the share of the undivided rights in the appurtenant common portions of the cadastre of Québec, registration division of Montréal, to Michel Courchesne and Sylvain Dion on 28 December 2012 by a deed of sale registered in the land register of the registry office of that registration division on 31 December 2012 under number 19 666 222;

AS, at the time of the sale registered under number 19 666 222, the prior written notice required under section 54 of the Cultural Heritage Act was not given;

AS section 194 of the Cultural Heritage Act provides that the alienation of classified heritage property in contravention of the Act is absolutely null and that the right of action to have such nullity recognized is not subject to prescription;

AS Michel Veilleux sold the Unity Building divided co-ownership fractions known and designated as lots 2 431 387 and 2 431 297 and the share of the undivided rights in the appurtenant common portions of the cadastre of Québec, registration division of Montréal, to Josefina Hernandez de Ramirez on 15 February 2006 by a deed of sale registered in the land register of the registry office of that registration division on 16 February 2006 under number 13 061 914;

AS Josefina Hernandez de Ramirez gave the Unity Building divided co-ownership fraction known and designated as lot 2 431 297 and the share of the undivided rights in the appurtenant common portions of the cadastre of Québec, registration division of Montréal, to Joselyne Luisa Maria Ramirez Hernandez on 12 January 2017 by a deed of gift registered in the land register of the registry office of that registration division on 12 January 2017 under number 22 842 371;

AS Josefina Hernandez de Ramirez sold the Unity Building divided co-ownership fraction known and designated as lot 2 431 387 and the share of the undivided rights in the appurtenant common portions of the cadastre of Québec, registration division of Montréal, to Guillaume Chevalier-Soudeyns on 13 January 2017 by a deed of sale registered in the land register of the registry office of that registration division on 16 January 2017 under number 22 846 916;

AS Michel Courchesne and Sylvain Dion sold the Unity Building divided co-ownership fraction known and designated as lot 2 431 282 and the share of the undivided rights in the appurtenant common portions of the cadastre of Québec, registration division of Montréal, to Guillaume Chevalier-Soudeyns on 13 January 2017 by a deed of sale registered in the land register of the registry office of that registration division on 16 January 2017 under number 22 846 994;

AS Michel Courchesne and Sylvain Dion sold the Unity Building divided co-ownership fraction known and designated as lot 2 431 344 and the share of the undivided rights in the appurtenant common portions of the cadastre of Québec, registration division of Montréal, to Saguy Elbaz on 1 May 2017 by a deed of sale registered in the land register of the registry office of that registration division on 2 May 2017 under number 23 041 252;

AS it is important for the past and current owners of the Unity Building divided co-ownership fractions known and designated as lots 2 431 282, 2 431 344, 2 431 387 and 2 431 297 and the shares of the undivided rights in the common portions appurtenant to lots 2 431 229 and 2 452 676 of the cadastre of Québec, registration division of Montréal, that the absolute nullity of certain alienations resulting from failure to give the notices required under the Cultural Property Act and the Cultural Heritage Act be remedied;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Despite section 56 of the Cultural Property Act (chapter B-4) and failure to give the notices required under sections 20 and 23 of that Act, the alienations made by deeds of sale registered in the land register of the registry office of the registration division of Montréal under numbers 5 357 659 and 13 172 505 are not absolutely null under that Act.
- 2.** Despite section 194 of the Cultural Heritage Act (chapter P-9.002) and failure to give the notice required under section 54 of that Act, the sale registered in the land register of the registry office of the registration division of Montréal under number 19 666 222 is not absolutely null under that Act.
- 3.** This Act must be registered in the land register of the registry office against lots 2 431 282, 2 431 344, 2 431 387, 2 431 297, 2 431 229 and 2 452 676 of the cadastre of Québec, registration division of Montréal.
- 4.** This Act comes into force on 16 June 2017.

