



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 239

(Private)

**An Act respecting the subdivision of a lot
located within the Percé heritage site**

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Passed in principle 15 June 2018
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Assented to 15 June 2018**

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(Private)

AN ACT RESPECTING THE SUBDIVISION OF A LOT LOCATED WITHIN THE PERCÉ HERITAGE SITE

AS, on 20 August 1973, the Percé heritage site was declared a natural district under the Cultural Property Act (chapter B-4);

AS, under section 245 of the Cultural Heritage Act (chapter P-9.002), such natural districts became land areas declared heritage sites;

AS the approximate area of the Percé heritage site is 40 km², including the shoreline that runs along part of Ville de Percé;

AS, following the storms of 30 December 2016 and 11 January 2017, Ville de Percé had to carry out rehabilitation work on a seafront boardwalk and build structures to ensure public security;

AS, among other things, this work required subdividing lots;

AS, under section 64 of the Cultural Heritage Act, no person may, without the Minister's authorization, divide, subdivide, redivide or parcel out a lot in a land area declared a heritage site or on a classified heritage site;

AS, on 26 September 2017, as part of a cadastral operation, lot 5 084 153 of the cadastre of Québec, registration division of Gaspé, was subdivided to create lots 6 135 671 and 6 135 672 of the cadastre of Québec, registration division of Gaspé;

AS, prior to the subdivision of lot 5 084 153, the Minister's authorization required under section 64 of the Cultural Heritage Act was not obtained;

AS section 196 of the Cultural Heritage Act provides that the division, subdivision, redivision or parcelling out of land in contravention of section 49 or 64 may be annulled, and that any interested party, including the Minister, may apply to the Superior Court for a declaration of nullity;

AS, on 11 October 2017, Complexe Place du Quai S.E.C. sold lot 6 135 671 of the cadastre of Québec, registration division of Gaspé, to 9365-3897 Québec Inc. by a deed of sale registered at the registry office of that registration division under number 23 423 620;

AS it is important to the owners of lots 6 135 671 and 6 135 672 of the cadastre of Québec, registration division of Gaspé, that the failure to obtain the Minister of Culture and Communications' prior authorization, and the resulting defects of title affecting their respective properties, be remedied;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Despite section 196 of the Cultural Heritage Act (chapter P-9.002), the subdivision of lot 5 084 153 of the cadastre of Québec, registration division of Gaspé, and, consequently, the creation of lots 6 135 671 and 6 135 672 of the cadastre of Québec, registration division of Gaspé, cannot be annulled on the ground that the Minister of Culture and Communications' prior authorization under section 64 of the Act was not obtained.
- 2.** Moreover, the deed of sale registered at the registry office of the registration division of Gaspé under number 23 423 620 cannot be annulled on the ground that the Minister of Culture and Communications' authorization was not obtained for the subdivision mentioned in section 1.
- 3.** This Act must be registered at the registry office of the registration division of Gaspé and the appropriate entries registered against lots 6 135 671 and 6 135 672 of the cadastre of Québec, registration division of Gaspé.
- 4.** This Act comes into force on 15 June 2018.