



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 219
(Private)

**An Act respecting an immovable
located on Rue University in Montréal
(on the Royal Victoria Hospital site)**

**Introduced 11 November 2020
Passed in principle 30 November 2021
Passed 30 November 2021
Assented to 3 December 2021**

**Québec Official Publisher
2021**

Bill 219

(Private)

AN ACT RESPECTING AN IMMOVABLE LOCATED ON RUE UNIVERSITY IN MONTRÉAL (ON THE ROYAL VICTORIA HOSPITAL SITE)

AS the McGill University Health Centre, hereinafter called the “MUHC”, owns renewed lots 1 341 182 and 1 354 912 of the cadastre of Québec, registration division of Montréal, hereinafter called the “immovable”, acquired with other lots belonging to the Royal Victoria Hospital, hereinafter called the “Royal Victoria”, under an act of transfer, hereinafter called the “deed of transfer”, executed by notary Angelo Febbraio on 26 May 2020, under number 1627 of his minutes, and registered on 26 May 2020 at the registry office of the registration division of Montréal, under number 25 401 715;

AS part of renewed lot 1 341 182 derives, among other things, from the replacement of part of lot 1816 of the cadastre of the City of Montréal (St. Antoine ward), and part of renewed lot 1 354 912 derives, among other things, from the replacement of part of lot 6 of the cadastre of the municipality of the parish of Montréal;

AS that part of lot 1816 of the cadastre of the City of Montréal (St. Antoine ward) and that part of lot 6 of the cadastre of the municipality of the parish of Montréal were acquired by the Royal Victoria from George Stephen Baronet and Donald A. Smith under a deed of donation, hereinafter called the “gift”, executed by notary William de M. Marler on 23 March 1891, under number 16 917 of his minutes, and registered on 8 October 1891 at the registry office of the former registration division of Montreal West (now the registration division of Montréal), under number 121 304, and on 21 October 1891 at the registry office of the former registration division of Hochelaga and Jacques Cartier (now the registration division of Montréal), under number 39 704;

AS it appears from section 7 of the statute entitled An Act to incorporate the Royal Victoria Hospital (Statutes of Canada, 50-51 Victoria (1887), chapter 125), amended by the Act respecting the Royal Victoria Hospital (Statutes of Canada, 19-20-21 Elizabeth II, chapter 67), that the Royal Victoria was incorporated with the mission of offering health services to any sick or injured person, without distinction, exclusion or preference based on race, colour, sex or religion, hereinafter called the “mission”;

AS, on certain parts of renewed lots 1 341 182 and 1 354 912 of the cadastre of Québec, registration division of Montréal, hereinafter called the “parts of the lots affected by the restrictions”, the gift includes conditions, a restriction

as to use or charge and stipulations of inalienability and unseizability imposed by the donors, whose presumed interest was to ensure the sustainability of the Royal Victoria's mission;

AS the Royal Victoria operated its institution in accordance with its mission until 1 June 1972, the date of coming into force of the former Act respecting health services and social services (1971, chapter 48), which resulted in a reorganization of the health system in the province of Québec, in particular a reorganization of health institutions regardless of the Act governing them and despite any general law or special Act;

AS that Act was replaced by the current Act respecting health services and social services (chapter S-4.2), which currently governs the health system in Québec in conjunction with the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2);

AS it appears from the Act respecting health services and social services and the Charter of human rights and freedoms (chapter C-12) that any person who is sick or injured is entitled to receive health services and social services, without distinction, exclusion or preference based on race, colour, sex or religion, and as, consequently, the Royal Victoria continued to operate its institution in accordance with its mission;

AS, under section 330 and following of the Act respecting health services and social services, a number of hospitals, including the Royal Victoria, decided to group their activities together under a new entity within the framework of an integration agreement dated 7 October 1997, hereinafter called the "integration agreement", which was approved by the Minister of Health and Social Services;

AS, under the integration agreement, it was agreed, with the Montreal General Hospital, hereinafter called the "integrating institution", that the activities of the Royal Victoria would be integrated into the integrating institution, that the integrating institution would pursue the Royal Victoria's mission and that the Royal Victoria's immovables would be transferred to the integrating institution;

AS, on 7 April 1999, the integrating institution changed its name to McGill University Health Centre;

AS, in 2015, the Royal Victoria's hospital activities were transferred to that new institution after construction of the MUHC's new hospital complex was completed;

AS, since 2015, the immovable and the other lots affected by the deed of transfer, hereinafter called the "RV site", as well as the buildings found there, have no longer been used to treat sick or injured persons because this activity is now carried on in the MUHC's new hospital complex;

AS the sick or injured persons who were to receive health care at the Royal Victoria can continue to receive this same care at the MUHC or in other hospitals;

AS, in the end, the presumed interest that had justified the donors' imposing conditions, a restriction as to use or charge and stipulations of inalienability and unseizability in the gift is now otherwise served, indeed in a better manner, considering that the MUHC is an ultra-modern hospital centre;

AS, in accordance with the integration agreement, the Royal Victoria transferred the RV site to the MUHC in compliance with the requirements of the law, as it appears from the deed of transfer;

AS the deed of transfer could be annulled by reason of the conditions, restriction as to use or charge or stipulations of inalienability and unseizability appearing in the gift;

AS, in addition, despite the deed of transfer, the Royal Victoria is no longer able to comply with the conditions, restriction as to use or charge and stipulations of inalienability and unseizability appearing in the gift, considering that its activities were transferred to the MUHC's new hospital complex and considering that the character of the RV site was converted;

AS, on 22 June 2018, the government authorized the MUHC to develop the RV site and to entrust the Société québécoise des infrastructures, hereinafter called the "SQI", with converting the site's character, which involves a change in vocation and redevelopment of the entire RV site as well as the site's transfer by the MUHC to the SQI, free of the conditions, restriction as to use or charge and stipulations of inalienability and unseizability appearing in the gift;

AS the SQI's mission is to support public bodies in managing their public infrastructure projects and to develop, maintain and manage immovable assets that meet the needs of these bodies;

AS the uses that will be developed on the RV site are not yet known and as public consultations will be held before determining those uses;

AS there are plans, in particular, for the Royal Institution for the Advancement of Learning/McGill University to occupy part of the RV site for teaching, learning and research purposes;

AS the RV site forms part of the Mont-Royal heritage site, declared as such under the Cultural Heritage Act (chapter P-9.002), and as it is covered by the protection provided for in that Act;

AS the SQI intends to convert the RV site's character based on government guidelines and by giving priority to public uses;

AS it is appropriate and in the public interest that, in the course of conversion of the RV site's character and the transfer to be made to the SQI, the deed of transfer by the Royal Victoria to the MUHC be validated, despite any condition, restriction as to use or charge or stipulation of inalienability and unseizability appearing in the gift and affecting part of the immovable;

AS it is also appropriate and in the public interest to extinguish any condition, restriction as to use or charge or stipulation of inalienability and unseizability appearing in the gift and affecting part of the immovable;

AS it is appropriate and in the public interest that this Act be registered in the land register;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The restrictions as to use or charges and any stipulation of inalienability and unseizability appearing in the deed of donation executed by notary William de M. Marler on 23 March 1891, under number 16 917 of his minutes, and registered on 8 October 1891 at the registry office of the former registration division of Montreal West (now the registration division of Montréal), under number 121 304, and on 21 October 1891 at the registry office of the former registration division of Hochelaga and Jacques Cartier (now the registration division of Montréal), under number 39 704, hereinafter called the “gift”, which relates to part of lot 1816 of the cadastre of the City of Montréal (St. Antoine ward), which has been renewed and now forms part of lot 1 341 182 of the cadastre of Québec, and to part of lot 6 of the cadastre of the municipality of the parish of Montréal, which has been renewed and now forms part of lot 1 354 912 of the cadastre of Québec, all currently in the registration division of Montréal, hereinafter called the “parts of the lots affected by the restrictions”, are extinguished.

2. The transfer of renewed lots 1 341 182 and 1 354 912 of the cadastre of Québec, registration division of Montréal, including the parts of the lots affected by the restrictions, entered into by the Royal Victoria Hospital and the McGill University Health Centre, under an act of transfer executed by notary Angelo Febbraio on 26 May 2020, under number 627 of his minutes, and registered on 26 May 2020 at the registry office of the registration division of Montréal, under number 25 401 715, is validated.

3. The parts of the lots affected by the restrictions may not be utilized for divided or undivided co-ownership-type residential purposes or commercial hotel establishment purposes unless such uses are incidental or part of an institutional or public project.

In addition, no buildings may be erected for the purposes described in the first paragraph on the parts of the lots affected by the restrictions unless the uses of such buildings are incidental or part of an institutional or public project.

The parts of the lots affected by the restrictions that will eventually be transferred to the Royal Institution for the Advancement of Learning/McGill University may be utilized only for educational or research institution-type institutional purposes, including complementary uses that may be associated with them, in particular, student or researcher residences. The use restrictions imposed on those parts of immovables under this Act must be reported in any act of transfer.

4. This Act must be registered in the index of immovables at the registry office of the registration division of Montréal against lots 1 341 182 and 1 354 912 of the cadastre of Québec, registration division of Montréal, but without requiring that the conditions, restriction as to use or charge or stipulations of inalienability and unseizability appearing in the gift be removed.

5. This Act comes into force on 3 December 2021, except sections 1 and 2, which have effect from 26 May 2020.

