Updated to 1 October 2014
This document has official status.

chapter T-8.1, r. 2

Regulation respecting the disposition of certain surplus or confiscated properties

An Act respecting the lands in the domain of the State
(chapter T-8.1, s. 71)

DIVISION I
SCOPE

1. This Regulation applies to surplus or confiscated buildings or improvements on lands in the domain of the State under the authority of the Minister of Natural Resources and Wildlife under section 3 of the Act respecting the lands in the domain of the State (chapter T-8.1).

O.C. 234-89, s. 1.

2. In this Regulation, “local municipality” means a municipality governed by whatever law, except a regional county municipality, Municipalité de Baie-James, the James Bay Regional Zone Council, the Kativik Regional Government and Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent.

O.C. 234-89, s. 2.

3. In this Regulation, “value” means the market value of an immovable determined by generally recognized techniques of property assessment or, in failure thereof, the amount of the municipal assessment.

O.C. 234-89, s. 3.

4. The Minister may dispose of a building or an improvement having a value of $5,000 or more that is surplus or has been confiscated, according to the following order of priority:

(1) where the property is located outside a built-up area, it shall first be offered to the Minister of Municipal Affairs and Regions, then to the Minister of Sustainable Development, Environment and Parks, then, if the value of the property is greater than $25,000, to the Société québécoise des infrastructures, and finally to the local municipality where the property is located;

(2) where the property is located within a built-up area, it shall first be offered to the Société québécoise des infrastructures, then to the Minister of Health and Social Services, then to the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology on behalf of an institution in their respective networks, and finally to the local municipality where the property is located.

Where an offer is accepted by a minister or the Société québécoise des infrastructures, the Minister shall transfer to the minister or the Société the administration of or authority over the land where the property is located.

Where an offer is accepted by a local municipality, the property shall be sold at a price of not less than 50% of its value.

Where none of the persons mentioned in subparagraphs 1 and 2 declares his intention of acquiring the property within 30 days of the offer, the Minister may then call for tenders in accordance with the procedure set out in sections 5 and 6.

O.C. 234-89, s. 4; S.Q. 2013, c. 28, s. 205.

5. The Minister may dispose of a building or an improvement having a value of less than $5,000 that is surplus or has been confiscated by calling for tenders.

The property shall be advertised for a period of 30 days by a posting on the site where the property is located or by publication in a newspaper distributed in the municipality where the property is located.

The advertisement shall indicate a minimum price, the terms of the sale and any obligation to relocate the property.

The Minister shall dispose of the property in favour of the person offering the highest price.

O.C. 234-89, s. 5.

6. Where the highest price offered at the time the property is advertised does not reach 50% of its value, the Minister may call for new tenders by invitation, transfer the property to the municipality in which it is located for a nominal sum, demolish it or call for tenders by invitation for that purpose.

O.C. 234-89, s. 6.

7. The Minister may order the demolition of a building or an improvement that is surplus or confiscated, and may call for tenders for that purpose in the following cases:

(1) the property constitutes a danger to the public;

(2) the property cannot be relocated, although the situation so requires;

(3) no tender has been received after a public call for tenders or an invitation to tender;

(4) the value of the property is less than $500.

O.C. 234-89, s. 7.

8. The Minister may also sell a building or improvement to the person occupying it, on the following conditions:

(1) where it is a surplus or confiscated property, at the value of the property, less the amount of the improvements made by the occupant; such amount may not exceed 50% of the value of the property;

(2) where it is a confiscated property occupied by the person who was the owner, at a price corresponding to 10% of the value of the property, with a maximum of $500.

O.C. 234-89, s. 8.

9. Buildings or improvements that are surplus or confiscated shall be sold, without administration fees, by notarial deed or by a contract in writing, at the expense of the purchaser.

O.C. 234-89, s. 9.

10. (Omitted).

O.C. 234-89, s. 10.

REFERENCES
O.C. 234-89, 1989 G.O. 2, 1490
S.Q. 2013, c. 23, s. 164
S.Q. 2013, c. 28, s. 205