

chapter R-3.1

ACT TO PROMOTE THE REFORM OF THE CADASTRE IN QUÉBEC

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CHAPTER I

GENERAL PROVISIONS

DIVISION I

OBJECTS OF THE REFORM

1. The Minister of Natural Resources and Wildlife is responsible for the reform of the cadastre in Québec and, in particular, for

- (1) renewal of the cadastre of the territory;
- (2) seeing that cadastral plans are kept up to date.

1985, c. 22, s. 1; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

DIVISION II

FINANCING

2. *(Repealed).*

1985, c. 22, s. 2; 1994, c. 13, s. 15; 2000, c. 42, s. 210.

2.1. *(Repealed).*

1992, c. 29, s. 1; 2000, c. 8, s. 181; 2000, c. 15, s. 142; 2000, c. 42, s. 210.

3. *(Repealed).*

1985, c. 22, s. 3; 1994, c. 13, s. 15; 2000, c. 42, s. 210.

4. *(Repealed).*

1985, c. 22, s. 4; 1992, c. 29, s. 2; 1994, c. 13, s. 15; 2000, c. 42, s. 210.

5. *(Repealed).*

1985, c. 22, s. 5; 2000, c. 42, s. 210.

6. *(Repealed).*

1985, c. 22, s. 6; 1994, c. 13, s. 15; 2000, c. 42, s. 210.

7. *(Repealed).*

1985, c. 22, s. 7; 1994, c. 13, s. 15; 2000, c. 42, s. 210.

8. *(Repealed).*

1985, c. 22, s. 8; 1991, c. 20, s. 9; 1992, c. 57, s. 682; 1994, c. 13, s. 15; 2000, c. 42, s. 210.

8.1. Registrars are required to collect the following fees:

(1) \$56 for the registration of an application for registration referred to in section 2 or 3 of the Tariff of fees respecting publication by registration in the land register and the application of certain transitional provisions relating to the former registers of registry offices (O.C. 1597-93, 93-11-17), or in section 1 or 2 of the Schedule I of the Act respecting registry offices (chapter B-9);

(2) \$56 for the registration of an application referred to in section 4 of the Tariff of fees respecting publication by registration in the land register and the application of certain transitional provisions relating to the former registers of registry offices, or in section 3 of the Schedule I of the Act respecting registry offices, which includes the cancellation or reduction of the rights set out in an initial application for registration to which the application for cancellation or reduction relates, plus \$33 for each additional application.

The fees are adjusted on 1 April every year from 1 April 2003, according to the cumulative rate of increase in the general Consumer Price Index for Canada established by Statistics Canada for the period commencing on 31 December 2001 and ending on 31 December of the year preceding the adjustment.

Once adjusted, the fees are reduced to the nearest dollar where they include a dollar fraction under \$0.50, or increased to the nearest dollar where they include a dollar fraction equal to or over \$0.50.

The fees shall be collected without charge by registrars and credited to the Territorial Information Fund established under the Act respecting the Ministère des Ressources naturelles et de la Faune (chapter M-25.2).

1992, c. 29, s. 4; 1993, c. 52, s. 22; 2000, c. 42, s. 211; 2001, c. 62, s. 1; 2003, c. 8, s. 6; 2006, c. 3, s. 35; 2011, c. 16, s. 43; 2011, c. 18, s. 279; 2013, c. 16, s. 50; I.N. 2016-12-01; I.N. 2020-03-01.

8.2. On the recommendation of the Minister of Natural Resources and Wildlife, the Government may, by regulation, amend or replace the tariff of fees established by section 8.1.

1992, c. 29, s. 4; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

8.3. An exemption from the payment of fees for the registration of a right or a document at a registry office granted by a legislative provision adopted before 23 June 1992 includes an exemption from the payment of the fees provided for in sections 8.1 and 8.2.

1992, c. 29, s. 4; 1993, c. 52, s. 23.

8.4. There is an exemption from the payment of fees under sections 8.1 and 8.2 in the cases provided for in section 6 of the Tariff of fees respecting publication by registration in the land register and the application of certain transitional provisions relating to the former registers of registry offices, established by Order in Council 1597-93 dated 17 November 1993 (1993, G.O. 2, 6257), and in section 7 of the Tariff of fees respecting land registration (chapter B-9, r. 1).

2001, c. 62, s. 2.

CHAPTER II

RENEWAL OF THE CADASTRE

9. The cadastre of a territory shall be renewed by identifying each unit of the parcelling out of the territory on a plan and, where required, by changing cadastral designations, including the numbering.

1985, c. 22, s. 9.

10. The Minister of Natural Resources and Wildlife shall prepare a cadastral renewal plan for a territory when he is of opinion that the parcelling out of the territory or the changes made to that parcelling out require it.

The Minister may for that purpose consult any plan or book of reference where he considers it useful or necessary, even where it was prepared in an irregular manner or has not been put into force.

1985, c. 22, s. 10; 1994, c. 13, s. 15; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

10.1. The Minister shall give notice of his intention to renew the cadastre to the registry office and the municipality concerned; he shall also give such notice to the owner of each lot affected by the renewal, at the address appearing on the assessment roll.

The notice shall indicate, in particular, the object, procedure and consequences of the renewal; it shall be posted at the registry office of the registration division concerned, by the registrar.

1992, c. 29, s. 5; 1993, c. 52, s. 24; 2000, c. 42, s. 212.

11. When preparing a renewal plan, the Minister shall change any erroneous cadastral designation or any designation which, in his opinion, is a source of error or confusion.

The Minister may also change any cadastral designation where he considers it useful or necessary.

1985, c. 22, s. 11.

12. The Minister may or may not identify on a renewal plan the lots indicated on a vertical cadastral plan, a divided co-ownership plan or a co-emphyteusis plan.

The lots are deemed to form part of the renewal plan even if the Minister does not identify them on the plan.

1985, c. 22, s. 12; 1993, c. 52, s. 25.

13. A draft renewal plan shall be submitted to a public hearing at which persons who so wish may express their views.

1985, c. 22, s. 13; 1988, c. 22, s. 15.

14. Notice of the hearing shall be mailed by the Minister to every owner of lots contemplated in the plan, to the address appearing on the assessment roll, not later than seven days before the date of the hearing.

The notice shall indicate the object, place, date and time of the hearing.

1985, c. 22, s. 14; 1988, c. 22, s. 16; 1992, c. 29, s. 6.

15. For the purposes of completing the renewal plan, the Minister shall next, by notice, fix a period of not more than 15 days during which the alienation of a right of ownership in lots contemplated in the notice is prohibited.

The prohibition shall be lifted, even before the expiry of the period of 15 days, from the coming into force of the renewal plan.

1985, c. 22, s. 15; 1988, c. 22, s. 17; 1993, c. 52, s. 26; 1995, c. 33, s. 26.

16. Before the beginning of the prohibition period, the Minister shall send a copy of the notice to the registry office.

The notice shall be posted up in the registry office of the registration division concerned throughout the prohibition period.

1985, c. 22, s. 16; 1988, c. 22, s. 18; 2000, c. 42, s. 213.

17. The Minister shall, at least 15 days before the beginning of the period of prohibition, publish the notice in the *Gazette officielle du Québec* and in a newspaper circulated in the territory covered by the renewal plan.

If no newspaper is circulated in the territory, the notice shall be posted up in a public place determined by the Minister.

1985, c. 22, s. 17; 1988, c. 22, s. 19.

18. During the period of prohibition, no right of ownership may be registered in the land register against a lot contemplated by the notice.

The Minister shall not, during such period, accept the deposit of a plan amending a lot contemplated in the notice, unless the renewal plan has been deposited at the registry office.

1985, c. 22, s. 18; 1988, c. 22, s. 20; 1993, c. 52, s. 28; 1995, c. 33, s. 27.

19. *(Repealed).*

1985, c. 22, s. 19; 1993, c. 52, s. 29.

19.1. Upon receiving the renewal plan, the registrar shall establish a land file for each lot shown on the plan.

He shall enter opposite each lot the concordance between the lot number stated in the instrument of acquisition, the lot number affected by the title and the new lot number.

1992, c. 29, s. 7; 1993, c. 52, s. 30; 2000, c. 42, s. 215.

19.2. From the date of the entry contemplated in section 19.1, the description of the lot contained in the instrument of acquisition of the owner and in the acts evidencing the charges, prior claims, hypothecs or other rights affecting the lot is presumed to be concordant with that of the lot shown on the renewal plan. In case of discrepancy, the description contained in the instrument or acts need not be corrected by judgment or otherwise.

The instrument of acquisition, the acts and the registration thereof cannot be invalidated for the sole reason that the description they contain is not concordant with that of the renewed lot.

1992, c. 29, s. 7; 1993, c. 52, s. 31.

20. The registration, before the coming into force of the renewal plan at the registry office, of a document affecting a lot contemplated in the plan cannot be invalidated for the sole reason that the document contains an error in a cadastral designation or affects a lot for which the plan or book of reference has been prepared in an irregular manner or has not been put into force.

1985, c. 22, s. 20; 2000, c. 42, s. 216.

CHAPTER III

MISCELLANEOUS PROVISIONS

21. *(Omitted).*

1985, c. 22, s. 21.

22. *(Omitted).*

1985, c. 22, s. 22.

23. *(Omitted).*

1985, c. 22, s. 23.

24. *(Omitted).*

1985, c. 22, s. 24.

25. *(Omitted).*

1985, c. 22, s. 25.

26. *(Omitted).*

1985, c. 22, s. 26.

27. *(Omitted).*

1985, c. 22, s. 27.

28. *(Omitted).*

1985, c. 22, s. 28.

29. *(Omitted).*

1985, c. 22, s. 29.

30. *(Omitted).*

1985, c. 22, s. 30.

31. *(Omitted).*

1985, c. 22, s. 31.

32. *(Omitted).*

1985, c. 22, s. 32.

33. *(Omitted).*

1985, c. 22, s. 33.

34. *(Omitted).*

1985, c. 22, s. 34.

35. *(Omitted).*

1985, c. 22, s. 35.

36. *(Omitted).*

1985, c. 22, s. 36.

REGISTRY OFFICE ACT

37. *(Amendment integrated into c. B-9, s. 37).*

1985, c. 22, s. 37.

CADASTRE ACT

38. *(Amendment integrated into c. C-1, Division I).*

1985, c. 22, s. 38.

39. *(Amendment integrated into c. C-1, s. 1).*

1985, c. 22, s. 39.

40. *(Amendment integrated into c. C-1, s. 2).*

1985, c. 22, s. 40.

41. *(Amendment integrated into c. C-1, s. 3).*

1985, c. 22, s. 41.

42. *(Amendment integrated into c. C-1, ss. 4-4.7).*

1985, c. 22, s. 42.

43. *(Amendment integrated into c. C-1, s. 5).*

1985, c. 22, s. 43.

44. *(Amendment integrated into c. C-1, s. 14).*

1985, c. 22, s. 44.

45. *(Amendment integrated into c. C-1, s. 15).*

1985, c. 22, s. 45.

46. *(Omitted).*

1985, c. 22, s. 46.

47. *(Amendment integrated into c. C-1, s. 17).*

1985, c. 22, s. 47.

48. *(Amendment integrated into c. C-1, s. 18).*

1985, c. 22, s. 48.

49. *(Amendment integrated into c. C-1, ss. 19-19.2).*

1985, c. 22, s. 49.

50. *(Amendment integrated into c. C-1, Division V).*

1985, c. 22, s. 50.

51. *(Amendment integrated into c. C-1, ss. 21.1-21.7).*

1985, c. 22, s. 51.

STAMP ACT

52. *(Amendment integrated into c. T-10, s. 28).*

1985, c. 22, s. 52.

ACT RESPECTING LAND TITLES IN CERTAIN ELECTORAL DISTRICTS

53. *(Amendment integrated into c. T-11, s. 2).*

1985, c. 22, s. 53.

54. *(Amendment integrated into c. T-11, s. 2.1).*

1985, c. 22, s. 54.

55. *(Amendment integrated into c. T-11, s. 3).*

1985, c. 22, s. 55.

56. *(Amendment integrated into c. T-11, s. 4).*

1985, c. 22, s. 56.

57. *(Amendment integrated into c. T-11, s. 4.1).*

1985, c. 22, s. 57.

58. *(Amendment integrated into c. T-11, s. 6).*

1985, c. 22, s. 58.

59. *(Amendment integrated into c. T-11, s. 7).*

1985, c. 22, s. 59.

60. *(Amendment integrated into c. T-11, ss. 8.1-8.2).*

1985, c. 22, s. 60.

61. *(Omitted).*

1985, c. 22, s. 61.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

62. Section 61 amending section 31 of the Act to amend various legislative provisions (1980, chapter 11) has effect from 18 July 1980.

1985, c. 22, s. 62.

63. The Minister of Natural Resources and Wildlife is responsible for the administration of Chapters I and II of this Act, except the first paragraph of section 18 and section 20, the administration of which is the responsibility of the Minister of Justice.

1985, c. 22, s. 63; 1994, c. 13, s. 15; 2000, c. 42, s. 217; 2003, c. 8, s. 6; 2006, c. 3, s. 35.

64. *(This section ceased to have effect on 20 June 1990).*

1985, c. 22, s. 64; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

65. *(Omitted).*

1985, c. 22, s. 65.

REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), chapter 22 of the statutes of 1985, in force on 1 September 1985, is repealed, except sections 21 to 36, 61 and 65, effective from the coming into force of chapter R-3.1 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), sections 9 to 20, 27, paragraph 2 of section 30, paragraph 4 of section 31, paragraphs 1 and 8 of section 32, sections 33, 35, 38 to 51 and 53 to 60 of chapter 22 of the statutes of 1985, in force on 1 March 1986, are repealed effective from the coming into force of the updating to 1 March 1986 of chapter R-3.1 of the Revised Statutes.