



BY-LAW 640-2022
Regarding the exercise of the right of first refusal on
an immovable in the territory

EXPLANATORY NOTE

The by-law provides for the exercise of the Municipality's right of first refusal on the lots identified in the by-law.

It specifies that the municipal council may, by resolution, exercise such a right, for any of the municipal purposes set out in the by-law.

It sets out the municipal purposes for which it may exercise a right and the conditions for doing so.

WHEREAS THAT the Municipality, in accordance with its strategic vision statement and urban plan, wishes to have a right of first refusal on certain lots for municipal purposes;

CONSIDERING Articles 1104.1.1 and following of the Municipal Code (RLRQ, ch. C-27.1);

WHEREAS THAT a notice of motion was given by Councillor Peter MacLaurin at the regular Council meeting of July 13th, 2022;

WHEREAS THAT the draft by-law was presented to Council and explained by the Director general at the regular Council meeting of July 13th, 2022;

CONSEQUENTLY, the municipal council decrees the following:

CHAPTER 1: INTRODUCTORY PROVISIONS

1. **Goal** – The purpose of this by-law is to enable the Municipality to exercise a right of first refusal on part of its territory in accordance with the Law.
2. **Objectives** – The objectives of the by-law are to determine the portions of territory, lots and immovables subject to a right of first refusal exercised at the discretion of council and to provide for the manner in which the right of first refusal is to be exercised for the intended municipal purposes.

CHAPTER 2: TERRITORY AND MUNICIPAL PURPOSES

3. **Territory** – Any lot and any immovable within the territory of the Municipality may be subject to the exercise of a right of first refusal under this by-law.
4. **Municipal purposes** – An immovable referred to in section 3 may be subject to the exercise of the right of first refusal for any of the following municipal purposes :

- a) The conservation of its natural state;
- b) The expansion of the outdoor network or one of the recreational trails of the Municipality;
- c) To allow the realization of an affordable housing project, subject to section 68.3 of the Act respecting the Société d'habitation du Québec (RLRQ, ch. S-8);
- d) The protection of the environment;
- e) The preservation of the heritage value of the building not covered by provincial legislation but identified as such by the local heritage council;
- f) The creation of a wildlife corridor;

CHAPTER 3 : MODALITY OF EXERCISE

5. **Resolution of Council**– The publication of a notice that an immovable is subject to the right of first refusal set out in section 3 is authorized by resolution of the municipal council.

6. **Notice of subjection** – The right provided for in the by-law may only be exercised on an immovable identified in section 3 and for which a notice of subjection has been served on the owner and entered in the land register.

This notice is valid for a period of ten (10) years from the date of its registration in such register.

7. **Formal exercise of right** – When the Municipality wishes to exercise its right of first refusal on an immovable that is the subject of the notice provided for in section 5, it shall attempt to conclude the property transfer transaction giving effect to the right of first refusal by notarial contract.

Failure to do so, it becomes the owner of the immovable by entering in the land register a notice of transfer of ownership containing the description of the immovable, the price and conditions of its acquisition and the date on which it will take possession of it.

The notice must be accompanied by documents establishing that the price has been paid to the owner or that the amount provided for has been deposited in the registry of the Superior Court and by proof of service under section 8.

8. **Notice to owner** – The notice of transfer referred to in section 6 shall be served to the owner at least thirty (30) days before it is registered in the land registry.

9. **Compensation** – When the Municipality avails itself of the right of first refusal provided for in this by-law, it shall compensate the person who intended to acquire the immovable in question for the reasonable expenses incurred by that person in negotiating the price and conditions of the proposed alienation.

For this purpose, the Municipality may require any appropriate supporting documentation from the person referred to in paragraph 1.

CHAPTER 4 : FINAL PROVISIONS

10. **Entering into effect** – The by-law enters into effect in accordance to the Law.



Timothy Watchorn
Mayor



Hugo Lépine
Director general / registrar-treasurer