

Fees

In the case of acquisition by agreement or by expropriation, the owner may engage the services of an assessment expert. The fees paid to this expert are reimbursed by the Minister of Transport according to pre-established percentage rates.

Attorney's fees are not paid by the Minister, with the exception of legal fees set by the Administrative Tribunal of Québec.

Information

The ministère des Transports serves all of Québec through a number of territorial divisions. Representatives of the Minister in each division can provide any additional information desired.

www.mtq.gouv.qc.ca

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Une version française de ce document est disponible sur demande.

ACQUISITION OF IMMOVABLE PROPERTY FOR GOVERNMENT PURPOSES

This is an information leaflet for owners and lessees who, at the request of the Minister of Transport of Québec, have to transfer or move their property in favour of the domain of the State.

The Minister may lease, exchange, or acquire by agreement or by expropriation any property in favour of the domain of the State, notably for the construction or alteration of a road.

LEGISLATION

The *Act respecting roads* provides that any property may be acquired either by agreement or by expropriation.

Acquisition by agreement

AGREEMENT WITH THE OWNER

The first time the Minister's representative goes to inform the owner of acquisition procedures, the representative makes a record of the immovable property (land and buildings) and any improvements (trees or lawn, for instance). The owner usually receives an indemnity offer in the following weeks.

If an agreement is reached between the owner and the Minister's representative, the two parties fill out the form entitled *Proposal Agreement*. A notarial contract subsequently makes the transaction official. The notary's fees are paid by the Minister of Transport.

AGREEMENT WITH THE LESSEE

The legislation recognizes that a lessee is entitled to an indemnity according to the damage sustained. The lessee must show the nature of the damage and negotiate the indemnity accordingly.

Acquisition by expropriation

If no agreement is possible between the parties, the Minister may initiate the expropriation process. The legal provisions governing expropriation are set out in the *Expropriation Act*. The steps in the process are as follows:

- First of all, a notice of expropriation is served by bailiff on the owner. Generally, the Minister attaches a detailed offer to the notice of expropriation. The owner is responsible for providing the expropriating party with a written list of the lessees and occupants of the expropriated immovable so that indemnities, if applicable, can be paid to them.
- The notice of expropriation is published in the registry office of the registration division where the property to be expropriated is located. It is subsequently filed with the Administrative Tribunal of Québec.

Once these steps have been taken, the expropriated party is called to appear before the Administrative Tribunal of Québec. An acknowledgment of receipt can be sent to the Tribunal in lieu of an appearance.

During the expropriation process, if the expropriated party accepts the offer or concludes an agreement further to negotiations, the Minister proceeds to the signing of the notarial contract, as in the case of acquisition by agreement. The record of the Administrative Tribunal of Québec is closed following the filing of a declaration of out-of-court settlement.

The expropriated property belongs to the Minister of Transport once a notice of transfer of title has been registered at the registry office. However, the registration is conditional on the payment of a provisional indemnity (70% of the offer or of the municipal assessment) to the expropriated party or on its deposit with the Superior Court, and on 90 days having elapsed since the registration of the notice of expropriation.

The Minister cannot take possession of the expropriated property until at least 15 days after the registration of the notice of transfer of title.

If the expropriated party turns down the Minister's offer, it must submit its claim to the Administrative Tribunal of Québec. Each party is required to establish before the Tribunal the merits of its position, and the Tribunal determines the amount of the indemnity to be paid.

LIST OF TERRITORIAL DIVISIONS

OF THE MINISTÈRE DES TRANSPORTS DU QUÉBEC

Direction de l'Île-de-Montréal

440, boulevard René-Lévesque Ouest,
10^e étage
Montréal (Québec) H2Z 2A6
Tel.: (514) 873-7781

Direction de Laval-Mille-Îles

1725, boulevard Le Corbusier
Laval (Québec) H7S 2K7
Tel.: (450) 680-6330

Direction de l'Est-de-la-Montérégie

201, place Charles-Le Moyne, 5^e étage
Longueuil (Québec) J4K 2T5
Tel.: (450) 677-8974

Direction de l'Ouest-de-la-Montérégie

245, boulevard Saint-Jean-Baptiste
Châteauguay (Québec) J6K 3C3
Tel.: (450) 698-3400

Direction de l'Estrie

200, rue Belvédère Nord, bureau 2.02
Sherbrooke (Québec) J1H 4A9
Tel.: (819) 820-3280

Direction des Laurentides-Lanaudière

222, rue Saint-Georges, 2^e étage
Saint-Jérôme (Québec) J7Z 4Z9
Tel.: (450) 569-3057

Direction de l'Outaouais

170, rue de l'Hôtel-de-Ville, 5^e étage
Hull (Québec) J8X 4C2
Tel.: (819) 772-3107

Direction de l'Abitibi-Témiscamingue

–Nord-du-Québec
80, avenue Québec
Rouyn-Noranda (Québec) J9X 6R1
Téléphone : (819) 763-3237

Direction de Québec

Les Cours de l'Atrium
475, boulevard de l'Atrium, 2^e étage
Charlesbourg (Québec) G1H 7H9
Téléphone : (418) 380-2003

Direction de la Chaudière-Appalaches

1156, boulevard de la Rive-Sud
Saint-Romuald (Québec) G6W 5M6
Téléphone : (418) 839-5581

Direction du Bas-Saint-Laurent

–Gaspésie-Îles-de-la-Madeleine
92, 2^e Rue Ouest, 1^{er} étage
Rimouski (Québec) G5L 8E6
Téléphone : (418) 727-3674

Direction du Saguenay-Lac-Saint-Jean

–Chibougamau
3950, boulevard Harvey, 1^{er} étage
Jonquière (Québec) G7X 8L6
Téléphone : (418) 695-7916

Direction de la Côte-Nord

625, boulevard Laflèche, bureau 110
Baie-Comeau (Québec) G5C 1C5
Téléphone : (418) 295-4765

Direction de la Mauricie-Centre-du-Québec

100, rue Laviolette, 4^e étage
Trois-Rivières (Québec) G9A 5S9
Téléphone : (819) 371-6896