**Schedule II**

(*Section 14 of the Act respecting expropriation (2023, chapter 27)*)

INFORMATION TEXT FOR THE NOTICE TO

VACATE THE EXPROPRIATED IMMOVABLE

**Information text established by the Minister of Transport and Sustainable Mobility**

*(Insert the preamble text only if adaptations to the Act respecting expropriation are provided for by another Act.)*

**Preamble**

[Note that this text must be read taking into account the adaptations required by the application of [*section / sections*] [*insert the section numbers*] of the [*insert the name of and reference to the Act*]. For additional information, it is advised you contact the expropriating party.]

**Documents**

1. The notice to vacate the expropriated immovable must be accompanied by

(1)  an extract from the cadastre of Québec showing the expropriated immovable if the expropriated right concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the expropriated immovable signed by a land surveyor;

(2)   the expropriating party’s initial detailed declaration, which at a minimum indicates an amount at least equal to three months of rent if the residence of the lessee or occupant in good faith is part of the expropriated immovable; and

(3)   the response model established by the Administrative Tribunal of Québec and published on its website.

The rent corresponds,

(1) in the case of a lessee who is a person related, within the meaning of the Taxation Act (CQLR, chapter I-3), to the holder of a right in the leased immovable, to the market’s average monthly rent for a rental that is equivalent to that of the leased or occupied immovable at the date of expropriation;

(2) in the case of an occupant in good faith, to the market’s average monthly rent for a rental that is equivalent to that of the leased or occupied immovable at the date of expropriation; and

(3) in any other case, to the monthly rent provided for in the contract of lease.

**Important dates**

1. The vacancy date is the date on which you must have vacated the expropriated immovable.

The vacancy date entered on the notice to vacate the expropriated immovable cannot be earlier than the date that is

(1)   six months after the date of expropriation, in the case where the residence of a lessee or occupant in good faith is part of the expropriated immovable;

(2)   two months after the date of expropriation, in the case of expropriation of a dismemberment of the right of ownership; or

(3) four months after the date of expropriation, in all other cases.

If that date is to be changed, a notice of change of the vacancy date will be notified to you. If an earlier date is to be set, the expropriating party will be required to have obtained your written consent along with that of the lessees and occupants in good faith of the expropriated immovable.

**Registration of the notice of expropriation in the land register**

1. The expropriating party must, within 30 days after the date of expropriation, have the notice of expropriation and the extract from the cadastre of Québec or the plan of the expropriated immovable, mentioned above, registered in the land register. If the expropriating party fails to do so, any interested party, which includes you, may file an application for cancellation of the registration of the notice of expropriation in the office of the competent court. You must serve the application on the expropriating party and the Administrative Tribunal of Québec. The application must be filed by you before a notice of transfer of rightis registered in the land register.
2. If the notice of expropriation registered for an immovable is the subject of an application for cancellation, the expropriating party cannot have a notice of transfer of right for the immovableregistered in the land register unless the interested person has discontinued their application, or the judgment refusing the application for cancellation has become final.

As part of the expropriation indemnity proceeding and within six months after registration in the land register of a notice of transfer of right in contravention of the first paragraph, you may apply to the Administrative Tribunal of Québec for damages in reparation for any injury resulting from the registration. You are required to notify the application to the expropriating party.

**Provisional indemnity**

1. The expropriating party determines the initial provisional indemnity to which you are entitled. The indemnity is an amount at least equal to three months of rent when your residence is part of the expropriated immovable.

A notice [*is / will be*] notified to you indicating the amount of the initial provisional indemnity the expropriating party has determined or stating that you are not entitled to any amount as an initial provisional indemnity. If applicable, the amount [*is / will be*] broken down on the basis of the applicable compensation items set out in the Act respecting expropriation (CQLR, chapter E‑25).

1. At any time before the application for determination of the final indemnity as part of the expropriation indemnity proceeding is taken under advisement, you may request the expropriating party to determine an additional provisional indemnity to allow you to continue your activities until payment of the final indemnity without the activities being jeopardized.

However, in the case of discontinuance of an enterprise’s operations, the purpose of the additional provisional indemnity is instead to allow you to pay the expenses related to the discontinuance.

Your request seeking to obtain an additional provisional indemnity must specify the amount of the request. The amount must be broken down on the basis of the following applicable compensation items and the request must be accompanied by the documents justifying the amount:

(1)  the redevelopment indemnity;

(2)  the enterprise closure indemnity;

(3)  the equivalence indemnity;

(4)  the indemnity in reparation for injuries;

(5)  the indemnity for loss of suitability value; and

(6) the indemnity for trouble, nuisance and inconvenience.

The framework for the final indemnity is set out in sections 75 to 106 of the Act respecting expropriation (CQLR, chapter E‑25) which set forth each of the approaches enabling the applicable indemnities to be determined, defining the indemnities and indicating the parties entitled to them.

1. You may at any time apply to the Administrative Tribunal of Québec to obtain a supplemental provisional indemnity allowing you to continue your activities until payment of the final indemnity without the activities being jeopardized, if the initial provisional or additional indemnity is insufficient for that purpose. However, in the case of discontinuance of an enterprise’s operations, the purpose of the supplemental provisional indemnity is instead to allow you to pay the expenses related to the closure of the enterprise. You are required to notify the application to the expropriating party.

**Final indemnity**

1. In order to make it possible to determine the final indemnity, you and the expropriating party must be transparent with each other, in particular by sharing the information you hold and that is useful in determining the indemnity, and you must co-operate actively in searching for a solution.
2. Where the value of the indemnity claimed or offered is $750,000 or more, you must prepare an expenditure budget detailing the various expenditure items as well as the amount you plan to incur for each item and to claim from the expropriating party as part of the final indemnity. The expenditure budget must be sufficiently detailed so as to allow the expropriating party to analyse what is proposed in it.

You are required to notify the expenditure budget to the expropriating party. Within 30 days after the notification, the expropriating party must notify to you whether it agrees with the budget or not. If the expropriating party does not agree with it, you must attempt to resolve the issue. If the disagreement persists between you and the expropriating party, both parties must, before the expenditures are incurred, apply to the Administrative Tribunal of Québec for a ruling on the disagreement.

1. Unless an agreement is reached with the expropriating party, the Administrative Tribunal of Québec will set the amount of the final indemnity.

**Procedure before the Administrative Tribunal of Québec**

1. As of the filing in the record of the Administrative Tribunal of Québec of a detailed declaration equal to or greater than $500,000, whether or not the declaration is subsequently amended to lower that amount, you are required to be represented by a lawyer before the Administrative Tribunal of Québec if you are

(1)  a representative, mandatary, tutor or other person acting on behalf of a lessee or an occupant in good faith if that person, for serious reasons, cannot act on their own behalf;

(2)  a legal person;

(3)  a general or limited partnership, an association or another group not endowed with juridical personality, unless all the partners or members act themselves or mandate one of their number to act;

(4)  the Public Curator, a guardian or a sequestrator; or

(5)  a liquidator, except a liquidator of a succession, a trustee or other representative of collective interests when you are acting in that capacity.

That requirement does not apply if you are

(1)  a natural person; or

(2)  meet the following two conditions:

(*a*)   you are a legal person, a general or limited partnership, an association or another group not endowed with judicial personality; and

(*b*)    a maximum of 10 persons bound to you by an employment contract were under your direction or control at any time during the 12-month period preceding the date of expropriation.

1. You are required, within two months after the date of service of the notice to vacate the expropriated immovable, to respond to the notice of expropriation and send the response to the Administrative Tribunal of Québec and to the expropriating party.
2. You are required, within four months after service of the notice to vacate the expropriated immovable, to file your detailed declaration in the record of the Administrative Tribunal of Québec and notify it to the expropriating party. Your declaration must state the amount of the final indemnity claimed, and that amount must be broken down on the basis of the compensation items listed in the third paragraph of section 6 of this text.

If you fail to file your detailed declaration before the date on which the expropriated right is transferred or before the date that is four months after the date of service of the notice to vacate the expropriated immovable, whichever date is later, you are presumed to have accepted the offer set out in the expropriating party’s initial detailed declaration.

The Administrative Tribunal of Québec, on an application by the expropriating party and proceeding on the record, is to close the record if there is no detailed declaration by you in the record of the Administrative Tribunal of Québec and no amount was offered to you in the expropriating party’s initial detailed declaration or, as applicable, the amount offered in that detailed declaration was paid to you or deposited, on your behalf, in the office of the Superior Court. The expropriating party must notify that application to you.

Despite the closing of the record, the Administrative Tribunal of Québec may relieve you from the failure to act within the time allotted to file your detailed declaration if you establish that you were unable, for valid reasons, to act sooner and the Tribunal considers that the [*expropriating party / party on whose behalf the expropriating party is expropriating*] suffers no serious prejudice as a result. Once relieved from such failure, the record is reopened and the proceeding continues in accordance with the law. You then have two months to file your detailed declaration, failing which you are deemed to have accepted the offer and the Administrative Tribunal of Québec closes the record.

1. The expropriating party may, within eight months after the date of expropriation, file in the record an amended detailed declaration, in particular to add to it the amounts offered for the indemnities for which the expropriating party does not have the burden of proof. The amended detailed declaration must be notified to you.
2. You may, before the decision on the application to determine the final indemnity is rendered, amend your detailed declaration or withdraw it if doing so does not delay the conduct of the proceeding or is not contrary to the interests of justice. You must notify the amended detailed declaration or, as applicable, your intention to withdraw the declaration, to the expropriating party. The expropriating party then has 10 days to notify a notice of objection to you. In the case of an objection, you will have to file your application with the Administrative Tribunal of Québec for a decision.

The expropriating party may do the same. If it amends or withdraws its detailed declaration, you may amend your detailed declaration accordingly.

During the hearing and in the presence of the parties, the Administrative Tribunal of Québec may authorize an amendment or withdrawal of a detailed declaration without the formalities described above.

The Administrative Tribunal of Québec may, on an application notified by one party to the other or, if applicable, on an application made by a party during the case management conference, authorize an extension of the time limits set for filing a detailed declaration or amending or withdrawing it if the circumstances warrant doing so.

**Total or partial discontinuance of the expropriation procedure**

1. The expropriating party may, with the written consent of the expropriated party, discontinue the expropriation procedure totally or partially at any time before the expropriated right is transferred to the expropriating party.
2. On an application by the expropriating party, the Administrative Tribunal of Québec may authorize total or partial discontinuance of the expropriation procedure.

The application must be made before a notice of transfer of right is registered in the land register.

1. If the discontinuance is total, it terminates the expropriation procedure, without however terminating the expropriation indemnity proceeding whereby the Tribunal may, if applicable, determine damages in reparation for any injury resulting from the discontinuance.

If the discontinuance is partial, it terminates only the expropriation procedure with regard to the right that is the subject of the discontinuance.

As part of the expropriation indemnity proceeding and within six months after notification of the notice of discontinuance or, as applicable, the certified statement of registration of the discontinuance in the land register, you may apply to the Tribunal for damages in reparation for any injury resulting from the discontinuance. The application must be notified to the expropriating party within the same time. Those time limits are strict time limits.

As part of the same proceeding and within six months after registration of the notice of discontinuance in the land register or, as applicable, the decision authorizing total or partial discontinuance of the expropriation procedure, the expropriating party may apply to the Tribunal for an order directing you to return all or part of the provisional indemnities. The application must be notified to you within the same time. Those time limits are strict time limits.

**Transfer of the expropriated right**

1. The expropriating party may transfer the expropriated right by having a notice of transfer of right registered in the land register. [*The expropriating party / The party on whose behalf the expropriating party is expropriating*] becomes the holder of the expropriated right on the vacancy date entered on the notice. Prior to the registration, a notice of intention to register a notice of transfer of right will be served on you.
2. The expropriating party may also apply to the Superior Court to authorize at any time the transfer of the expropriated right if the following conditions are met:

(1)  it is so urgent for [*the expropriating party / the party on whose behalf the expropriating party is expropriating*], that any delay in the transfer of the expropriated right would entail a considerable prejudice for the party;

(2)  you, the expropriated party, and the other lessees and occupants in good faith of the expropriated immovable suffer no irremediable prejudice as a result;

(3)  the initial provisional indemnity has been paid to you or deposited, on your behalf, in the office of the Superior Court; and

(4)  the initial provisional indemnity has been paid to the expropriated party and to the other lessees and occupants in good faith of the expropriated immovable or deposited, on their behalf, in the office of the Superior Court.

The application will be served on you.

**Occupation of the expropriated immovable after the transfer**

1. If you do not vacate the expropriated immovable on the date the expropriated right is transferred, the expropriating party may apply to the Superior Court for an order to have you evicted. The application will be served on you unless the judge decides otherwise.

You may apply to the Superior Court, for serious reasons and if it is not so urgent for the expropriating party as to entail a serious prejudice for it should there be any delay in taking possession of the expropriated immovable, to allow you to remain in possession of the expropriated immovable for such period and on such conditions as the Court may determine, although that period cannot exceed the vacancy date by more than six months. You must serve the application on the expropriating party.

The Superior Court fixes the rent owed to the expropriating party for the occupation of the expropriated immovable during that period.

**Payment made under the Act respecting expropriation**

1. A payment made under the Act respecting expropriation (CQLR, chapter E‑25) to one of your creditors does not constitute advance repayment for which the creditor may claim an indemnity.