**Schedule V**

(*Section 38 of the Act respecting expropriation (2023, chapter 27)*)

INFORMATION TEXT FOR THE

NOTICE OF TRANSFER OF RIGHT

**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.]

**Transfer of the expropriated right**

1. [*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.
2. The Superior Court may, on an application by you served on the expropriating party within 15 days after service of the notice of transfer of right and filed in the office of the Court without delay, prohibit the expropriating party from having the notice registered in the land register or, if it has already been registered, order cancellation of the registration if the conditions set out in section 38 of the Act respecting expropriation (CQLR, chapter E‑25) have not been complied with. The application must be heard and decided on an urgent basis and the judgment rendered cannot be appealed.

Those conditions include the following:

(1)   the expropriating party must first have served the notice on you;

(2)   the expropriating party must first have served a notice of intention to register a notice of transfer on the lessees and occupants in good faith of the expropriated immovable;

(3)   the expropriating party must first have paid you the initial provisional indemnity or deposited it, on your behalf, in the office of the Superior Court;

(4)   registration of the notice of transfer of right in the land register cannot be later than the vacancy date; and

(5)   the notice and the notice of intention to register a notice of transfer must contain

(*a*)   the description of the expropriated immovable;

(*b*)   the right that is to be acquired by expropriation;

(*c*)   where the right is a dismemberment of the right of ownership,

i.   the nature of the dismemberment;

ii.  the duration of the dismemberment; and

iii.if applicable, the rights and conditions related to the exercise of the dismemberment;

(*d*)   the vacancy date;

(*e*)   the amount of the initial provisional indemnity; and

(*f*)   the information text established by the Minister of Transport and Sustainable Mobility.

1. The notice must be filed by the expropriating party with the Administrative Tribunal of Québec within 30 days after the date of registration in the land register.

**Vacating of the expropriated immovable**

1. If you do not vacate the expropriated immovable on the date on which 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.