**Schedule VIII**

(*Sections 149 and 156 of the Act respecting expropriation (2023, chapter 27)*)

INFORMATION TEXT FOR THE NOTICE OF

ACQUISITION OF THE BENEFIT OF THE RESERVE

**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 of acquisition of the benefit of the reserve must be accompanied by

(1)  an extract from the cadastre of Québec showing the immovable to be reserved if the reserve 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 immovable to be reserved signed by a land surveyor; and

(2)   the certified statement of registration of the notice in the land register.

**Sending of information to the person acquiring the benefit of the reserve**

**2.** You must, within 30 days after service of the notice, send the person acquiring the benefit of the reserve the leases or any other written agreements entered into with the lessees of the reserved immovable. In the absence of such agreements, you must send that person, in writing, the names and addresses of the lessees and the occupants in good faith of the reserved immovable, as well as the nature and term of each lease or agreement, the date it was entered into, the details of what it includes and the amount of the rent or the conditions on which the lessees or the occupants in good faith occupy the reserved immovable.

Should you fail to send that information concerning a lessee whose lease is not registered in the land register or an occupant in good faith, you will be liable for any injury resulting from that failure. The lessee or occupant in good faith could then be entitled to damages in reparation for that injury.

You are required to disclose the existence of the reserve to lessees and occupants in good faith whose rental or occupation of the immovable begins after service of the notice of establishment of a reserve. Failure on your part to do so means you will, alone, be liable for any injury resulting from the failure.

**Contestation of the right of the person acquiring the benefit of the reserve to establish a reserve**

**3.** A reserve may be declared invalid if the person acquiring the benefit of the reserve does not have the power to do so or the procedure for establishing the reserve has not been complied with, unless the person establishing it has remedied the reason for invalidity by making the required corrections to any errors in writing or calculation, or any other clerical error.

**4.** You may, within 30 days after service of the notice, contest the right of the person acquiring the benefit of the reserve to acquire it and request cancellation of the notice of acquisition of the benefit of a reserve by filing an application with the Superior Court of the district in which the reserved immovable is situated. The application must be served on the person acquiring the benefit of the reserve. It does not stay the reserve unless, on an application made by you, the Superior Court decides otherwise.

If the application contesting the right to acquire the benefit of a reserve and requesting cancellation of the notice of acquisition of the benefit of a reserve is granted, as part of the indemnity proceeding following the establishment of a reserve, you may apply to the Administrative Tribunal of Québec for damages in reparation for any injury resulting from the procedure establishing the reserve. The application must be filed with the Administrative Tribunal of Québec within six months after the date on which the judgment becomes final and you must also notify the application to the expropriating party within the same time. Those time limits are strict time limits.

**Continuity of the reserve in effect**

**5.** The reserve in effect as of the date of registration of the notice of establishment of a reserve in the land register remains in effect for the benefit of the person acquiring it.

**6.** For further information, please refer to the notice of establishment of a reserve or contact the party that has acquired the benefit of the reserve.