

This table summarizes the proposed amendments to the Civil Code of Quebec (“C.C.Q”) and their impact on immovable transactions. To highlight the proposed changes to the C.C.Q., we have marked all additions in **bold italicized blue** and all deletions in **bold struck out red**. This summary is based on the current draft of Bill 96 and discussions that we have had with representatives from the Land Registry Office.

Bill 96	CCQ Amendments	Application of the proposed amendment
<p>LANGUAGE OF REGISTRATION</p> <p><u>125.</u> Article 2984 of the C.C.Q. is amended by adding the following paragraph at the end: “Applications for registration are drawn up exclusively in French.”</p>	<p>CHAPTER II: APPLICATIONS FOR REGISTRATION - DIVISION I GENERAL RULES.</p> <p><u>2984.</u> Applications for registration are signed, certified and presented in the manner prescribed by law, this Title or the regulations.</p> <p><i>[Addition:] Applications for registration are drawn up exclusively in French.</i></p>	<p>Under the current system, documents presented for registration (known as an application for registration) may be in either French or English. Therefore, for English language documents, the parties typically add the “language clause” at the end of the document, which stipulates that the parties have agreed that the document can be drafted in a language other than French (i.e. English). However, Bill 96 changes the current system. According to Section 125 of Bill 96, applications for registration filed at the Land Registry Office will be required to be drafted exclusively in French.</p> <p>Examples of applications for registration include:</p> <ul style="list-style-type: none"> • Deeds of Sale; • Deeds of Hypothec; • Notices of Lease; • Amendments; and, • Radiations (i.e. cancellations) of a registered right.
<p>ACCOMPANYING DOCUMENTS</p> <p><u>126.</u> Article 3006 of the C.C.Q. is amended by striking out “or English”.</p>	<p>CHAPTER II: APPLICATIONS FOR REGISTRATION - DIVISION III SPECIAL REGISTRATION RULES</p> <p><u>3006.</u> Where the law prescribes that the application shall, upon presentation, be accompanied by other documents, any such documents drawn up in a language other than French or English shall themselves be accompanied by a translation authenticated in Québec.</p>	<p>Under the current system, any documents accompanying an application for registration, if in a language other than French or English, must be accompanied by a French or English language translation. If Bill 96 is adopted as presently drafted, the Land Registry Office shall no longer accept applications for registration that are accompanied by English documents. Accordingly, all English accompanying documents will have to be translated and submitted to the Land Registry Office with a Quebec authenticated translation of the document in question.</p> <p>Examples of accompanying</p>

Bill 96	CCQ Amendments	Application of the proposed amendment
		<p>documents include:</p> <ul style="list-style-type: none"> • Divorce or death certificates; • Affidavits; • Certified declarations of liquidation, succession or dissolution; • Judgements; and • Resolutions. <p>Both the original document and the authenticated translation will be registered and appear on title at the Land Registry Office.</p>
<p style="text-align: center;">CO-OWNERSHIP</p> <p>124. Article 1060 of the C.C.Q. is amended, in the first paragraph, (1) by inserting “exclusively in French” after “are filed”;</p> <p>(2) by adding the following sentence at the end: “The amendments must be made exclusively in French.”</p>	<p style="text-align: center;">DIVISION III DECLARATION OF CO-OWNERSHIP - § 1. — <i>Content of the declaration</i></p> <p>1060. The declaration and any amendments to the act constituting the co-ownership or the description of the fractions are filed [addition] exclusively in French at the registry office. The declaration is registered in the land register under the registration numbers of the common portions and the private portions. The amendments are registered under the registration number of the common portions only, unless they directly affect a private portion. However, amendments to the by-laws of the immovable must be made expressly, in minutes or in a resolution in writing of the co-owners, and it is sufficient for such amendments to be filed in the register held by the syndicate in accordance with article 1070.</p> <p>The emphyteuta or superficiary, if any, shall give notice of the registration to the owner of the immovable under emphyteusis or on which superficies has been established.</p> <p>[Addition] The amendments must be made exclusively in French.</p>	<p>Under the current system, declarations and amendments to acts of co-ownership, or the descriptions of the fractions thereof, can be drafted in French or English. If Bill 96 is adopted, then all declarations of co-ownership or any amendments to the act constituting the co-ownership or the description of the fractions must be drafted exclusively in French. Any other notices relating to co-ownership must also be drafted exclusively in French.</p>

Bill 96	CCQ Amendments	Application of the proposed amendment
<p style="text-align: center;">EXCEPTION</p> <p><u>196.</u> Despite articles 1060, 2984 and 3006 of the C.C.Q., amended respectively by sections 124 to 126, any act that amends or corrects another act that was filed at the registry office exclusively in a language other than French before (insert the date of coming into force of section 124) may be filed there exclusively in that other language.</p>		<p>Any amendments or corrections of a registration that was registered exclusively in English, prior to the coming into force of Bill 96, may be done in English. For example, the parties are allowed to correct a document where the lot number was erroneously indicated or the name of a party was misspelled. Bill 96's proposed amendments which impact the ability to present documents for registration in English will thus only apply to future real estate documents, and will not apply to English language documents that have already been registered at the Land Registry Office.</p>
<p style="text-align: center;">COMING INTO FORCE DATE</p> <p><u>201.</u> The provisions of this Act come into force on (insert the date of assent to this Act), except</p> <p>(1) section 5 insofar as it enacts section 9 of the Charter of the French language, section 19 insofar as it enacts section 29.14 of that Charter, to the extent that section 29.15 of that Charter refers to that section, and sections 29.15 and 29.16 of that Charter with regard to the directive made under section 29.15, and <u>sections 116, 125 and 126, which come into force on (insert the date that is three months after the date of assent to this Act);</u></p>		<p>The amendments to Articles 2984 and 3006 of the C.C.Q. will come into force three (3) months after the date of assent of Bill 96.</p>