

Doncaster Ballyhoo

FOR LAURENTIAN WATERFRONT AND RECREATIONAL PROPERTY

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Many of us have heard about the project called Stonehaven that is to be built on the grounds of the Oblate Brothers' property on Chemin Lac des Sables. The developer, Yves Langlois, hopes to build a golf course and spa, convert the existing building into hotel-condos and build more units. They have enough land across the road on Lac des Sables to build a wharf and to allow some boating. Mr. Langlois stressed that they are not going to put in a marina, so the concerns of many of us can be put to rest on that score. In any case, they are in discussions with the town on this matter and with the Minister of the Environment regarding the golf course. Petit Lac des Sables, currently used as a reservoir for the town's water, could be affected by the development and some sort of understanding on this front has yet to be established. The developer held a public meeting to answer the many questions that residents had. Stonehaven, the working name of the project to this point, is the name that Lorne McGibbon gave the property at the beginning of the Twentieth Century. He was a Montreal businessman who was the main player behind the construction of the Laurentian San TB hospital, the building that grew into our general hospital and one of the major benefactors in the history of Ste. Agathe.

Last spring the town engaged Pierre Trudel of École des Hautes Études Commerciales of the Université de Montréal to recommend what would be the most advantageous usage of the land behind the new Provigo. His recommendation was that a Walmart would be the best fit. It would take up around 80% of the available space and it would contribute towards consolidation of the commercial centre. In studies of the impact of Walmart in Victoriaville and Valleyfield, retail sales more than doubled in a ten kilometre radius around the stores and was significantly reduced at a distance between 10 km and 25 km. Trudel also said that businesses carrying competitive lines can find a better niche by going upscale and/or offering more service. The general reaction of business owners present was mixed with about one third expressing nervousness and a fair number willing to give it the old college try. It was pointed out that such a development would serve to focus the business community and that most communities don't get to benefit from the studies before anything happens, but call for them after the fact. This brought forward the need to re-examine projects like "Rue Principale," an initiative of the Heritage Canada Foundation that helps towns to revitalize their downtown cores.

Ste. Agathe is headed into elections this autumn and we are happy to hear that Laurent Paquette is putting together a team. He is an insurance broker with Groupe Lyras and has been a municipal councillor for a number of years. He is one of the most pro-active people we have met in the region and is a problem solver. Soft-spoken and most of the time rather silent, he has been there for many of us time and again over the years both professionally and civically. Laurent will be running for mayor and his team will include, among others, Claire Richer Leduc of Ivry and Grant MacKenzie of Ste. Agathe Nord. Keep an eye on the local papers for more information on them and their platform. Remember that even in a municipal election, our voice stands more chance of being heard if we get out and vote.

The Laurentian Canadian Club has been reborn as the Laurentian Club of Canada with an interesting roster of speakers this season, including Peter Hadekel of the Gazette, Brian McKenna, documentary filmmaker, Graeme Decarie, historian, and Norman Kohn of Igloolik Isuma Productions. They meet one Tuesday afternoon per month in Ste. Agathe. For a detailed schedule, go to <http://doncaster.ca/associations/laurentian-club/agenda.pdf>.

Vacation time!

We will be on vacation from October 14th to October 31st. If you need either Sheila or Joseph during that period, we won't be available, but for any other needs or inquiries, just let our office know and our son David will try to help.

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The Davids of Val David

The town of Val David, the first settlement north of Ste. Adele, had its post office named Mont Morin in 1873, in honour of A.N. Morin. The first few families, the Ménards and Dufrenses, were larger than life, both figuratively and physically. Two Ménard brothers married Dufrense sisters and the Dufrense brother did right by a Ménard sister. It is no surprise that the Ménards' mother became known far and wide as *La Mère Ménard*. Though smaller than her sons, she was about six feet tall and was a woman to be reckoned with. One story is told about her private trout lake: It was completely off-limits to anyone without her say-so and a poor would-be poacher discovered the penalty one morning when he was spotted fishing on the shore. *La Mère Ménard* lumbered out to the pond in her nightgown, picked him up, put him over her knee and spanked him. These early settlers, Morin's colonists, were colourful and industrious. They were the men and women who came north to establish *Les Pays d'en Haut*, a phrase that resonated in French like "Out West" once did in English. They established mills, farms, hotels and stores.

In the 1890's when the railway came through, the new station was named Belisle's Mill in honour of Joseph Belisle, who owned a mill for grinding grain, sawing wood and carding wool. When the parish broke away in 1917, it became known as Saint-Jean-Baptiste-de-Belisle in honour of the mill as well as of the priest in the mother parish of Ste. Agathe, Curé Jean-Baptiste Bazinet. The town was incorporated in 1921 using the same name, mostly out of habit, but in 1923, the post office was renamed Val David in honour of L.O. David. It fell to the large institutions, Canadian Pacific and the church to name their properties, and the name of the post office was often adopted colloquially by a village.

Laurent Olivier David was born in Sault-au-Récollet in 1840. At 24 years of age he began his practice as a lawyer in Montreal and within one year was co-owner of the publication *le Colonisateur*. He went from there to becoming editor of *L'Union Nationale* and by 1880 owned *La Tribune*. During that time and for the balance of his life he was a loyal member of the Liberal party, having run and lost in five out of six elections, and was eventually recognised for his statesmanship and accomplishments with a seat in the Canadian Senate in 1903. During his career he wrote and published 16 books including studies of the Patriots, of Papineau and later, of Laurier. Laurent Olivier was one of the eminent men of his time, but his success was not limited to his public life, as his progeny would demonstrate. Although not their only child, he and his wife Albina Chenet could take pride in their son, Louis Athanase David.

Louis Athanase, born in Montreal in 1882, began his law career in 1905. While he did not follow his father's career into journalism, he succeeded where his father had

failed in politics. He won Terrebonne for the Liberals in 1919 and continued to represent the area with wins in six successive elections. He was a minister in the cabinets of both Gouin and Taschereau. It was early in his term as minister that he created the literary prize *Le Prix David*. In 1940 he followed his father to the Senate. While he is acknowledged for his long service to our region, he is best remembered for creating the literary prize. Athanase David had good reason to create a prize for writing since both his father and his father-in-law, G.A. Nantel were leaders in the fields of literature, journalism and history. Today, the Prix du Québec recognises achievement in many cultural disciplines including literature, cinema, music, architecture and design. Louis Athanase David died in January 1953 and is buried at the Catholic cemetery in Ste. Agathe des Monts, where his family had a country home from 1925.

In 1944, St-Jean-Baptiste-de-Belisle changed its name officially to Val David in recognition of both father and son. In the years that followed, Val David grew into its name by becoming a centre for arts, music and crafts. The legendary La Butte à Mathieu was one among many *boîtes à chansons* that sprang into life, and soon other artisans found Val David and an artist's colony flourished, as though in gratitude to Athanase David for having done so much for Quebec culture.

In the meantime the David family continued to make its mark.

Dr. Paul David was born in Montreal in 1919. He studied medicine in Paris and in Montreal. He specialized in cardiology at the Massachusetts General Hospital and Hôpital Lareboisière in Paris. On his return to Montreal he founded the Montreal Heart Institute in 1954, the year after his father died. The institute went on to have a world-class reputation and was the first in Canada to perform heart transplants. It continues to be a leader in cardiology. Dr. David authored 170 publications in his discipline, was involved in many American cardiology institutions and societies and was a co-founder of both the Canadian and Quebec Cardiology Foundations. The list of awards and recognition that he received in his lifetime includes Companion of the Ordre Nationale du Québec, the same organisation that awards the Prix David, named for his father. In 1985 he, too, was named to the Canadian Senate, in recognition of his contributions to society. Like his father, he cherished his connection with our region. He owned a country home on Trout Lake in Ste. Agathe for many years. He died in Montreal in 1999.

Val David continues to maintain its strong identity as a centre for the arts and culture. The backbone of its economy is still dependant on the descendants of the Dufrenses and the Ménards, but the David family will always be remembered for their strong presence here.

What's it Worth

or

Acquisitive Prescription:

Do you own what you think you own?

In 1991 the Quebec Government adopted the new Civil Code which came into force on January 1, 1994. Rewriting it was a monumental task as it was a complete overhaul of the Civil Code of Lower Canada, which had been in place since before Confederation. Civil laws were updated, refined and harmonized, giving Quebecers a solid fabric of laws with which to meet the Twenty-First Century.

One change that affects real property rights is the chapter dealing with *acquisitive prescription*. We have all heard phrases like “possession is nine tenths of the law” and “they got it by squatter’s rights.” Many of us believe that someone can claim ownership of a property simply by using it uncontested for thirty years. Based on the old civil code that might have been true, but the period of possession required for acquisitive prescription for immovables under the new civil code has been reduced to ten years.

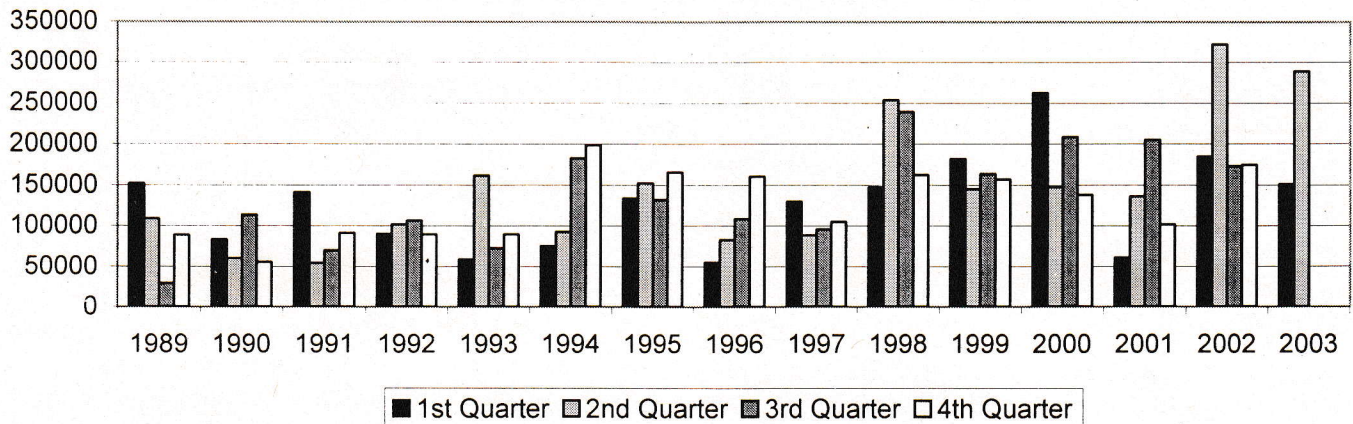
One is most likely to encounter such a situation in relation to encroachments. Suppose your neighbour set a fence along your common property line but in fact the fence did not follow the line, veering in slightly onto your property. This is an encroachment. The property on her side of the fence, used by her family actively, would lead any casual observer to suppose that the property bounded by her fence was hers. In fact, you may know that it is not, because you may know that the fence does not follow the titled line. Let’s suppose further that the fence was built in 1980. Under the old terms of the law, her family or any new owner of her property could claim ownership in 2010 provided that you never challenged the location of the fence. Under the new law, it would only require ten years from the coming in to effect of the law before the neighbour could acquire ownership, meaning that her claim to ownership by acquisitive prescription would arise in 2004.

However, ownership is not acquired by the mere passage of time. There is another step required, that of judgement. The person who wants title through acquisitive prescription must go before the courts to make a claim. But if you wait until the prescription deadline before challenging the location of the fence, you might discover that the judge is awarding title to your neighbour.

Acquisitive prescription does not apply to servitudes, and it does not apply where the parties have come to an agreement regarding the location of a fence or other encroachment. If there is an exchange of letters acknowledging an arrangement regarding the fence, this would certainly weaken any claim to acquisition that the neighbour might have, and it is possible that a simple challenge or advisory to an encroaching neighbour could recommence the ten year period from the date of the challenge. To be sure, if you have reason to believe that your property may be subject to such an acquisition, consult your notary or lawyer to make sure that you take the appropriate action. But remember that while you should not be shy to exercise your rights of ownership, mediation and accommodation generally make it easier to remain on good terms with the neighbours.

MARKET TRENDS

Average Sale Price



The chart above indicates that we are experiencing a significant firming of prices in the area. Although the first two quarters this year show a slight drop over the first two quarters last year, this is in part because of a higher volume of sales. The overall numbers are clearly trending upwards but we will certainly see some bumps up and down since our sample is fairly limited. Keep in mind that we are now showing you what is happening in the predominantly recreational market in which we work rather than in the broader based full market spectrum that we used to use. This change was necessary due to the amalgamation of Ste. Agathe.

MAIN STREET

Are you aware that there is an English-language monthly publication serving the Laurentians? It is called *Main Street* and is published by Jack Burger. It will keep you up-to-date on issues and events throughout the Laurentian region and it even includes a regular history feature written by Joseph Graham. The schedule of events for the summer was published there this year, too. For a subscription, call 1-866-660-6246. Support our community and it will grow and be healthy.

If you would like back issues of the Doncaster Ballyhoo, give us a call or drop by. We will happily add the names of your friends or neighbours to our list if they would like to receive their own copy. Please let us know if you change your address. Having an accurate mailing list helps us keep our costs (and waste) down.

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