

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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### Summary

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## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 212-2000, 1 March 2000**

#### **An Act to amend the Highway Safety Code and other legislative provisions (1999, c. 66)**

##### **— Coming into force of certain provisions**

COMING INTO FORCE of certain provisions of the Act to amend the Highway Safety Code and other legislative provisions

WHEREAS the Act to amend the Highway Safety Code and other legislative provisions (1999, c. 66) was assented to on 13 December 1999;

WHEREAS under paragraph 2 of section 37 of the Act, sections 8 to 10, 12, 13, 15, 18, 20, 22 to 24, 26 and 29 to 31 come into force on the date or dates to be fixed by the Government;

WHEREAS it is expedient to fix 1 April 2000 as the date of coming into force of sections 8, 9, 12, 13, 22 to 24, 30 and 31 of the Act;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Transport:

THAT the provisions of sections 8, 9, 12, 13, 22 to 24, 30 and 31 of the Act to amend the Highway Safety Code and other legislative provisions (1999, c. 66) come into force on 1 April 2000.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

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## Regulations and other acts

Gouvernement du Québec

### O.C. 145-2000, 16 February 2000

Professional Code  
(R.S.Q., c. C-26)

#### Psychologists — Conciliation and arbitration procedure for the accounts

Regulation respecting the conciliation and arbitration procedure for the accounts of psychologists

WHEREAS, under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the Order which may be used by persons having recourse to the services of the members;

WHEREAS, under that same section, the regulation must include, among others:

- (1) provisions allowing a person to avail himself of the procedure if he has already paid the account in whole or in part;
- (2) provisions for setting up a council of arbitration with the power to determine the amount of any reimbursement to which a person may be entitled;
- (3) provisions for the arbitration of an account by a council of arbitration composed of one or three arbitrators, according to the amount of the dispute as prescribed in the regulation.

WHEREAS the Bureau of the Ordre des psychologues du Québec adopted the Regulation respecting the conciliation and arbitration procedure of the accounts of psychologists, in replacement of the Regulation respecting the procedure for conciliation and arbitration of accounts of psychologists (R.R.Q., 1981, c. C-26, r. 151);

WHEREAS, under section 95.3 of the Professional Code, the draft Regulation was sent to every member of the Order at least 30 days before its adoption by the Bureau;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation was published as a draft in Part 2 of the *Gazette officielle*

*du Québec* of 30 December 1998 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following this publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec gave its recommendations;

WHEREAS it is expedient to approve the Regulation with amendments.

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the application of legislation respecting the professions:

THAT the Regulation respecting the conciliation and arbitration procedure for the accounts of psychologists, the text of which is attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

### Regulation respecting the conciliation and arbitration procedure for the accounts of psychologists

Professional Code  
(R.S.Q., c. C-26, s. 88)

#### SECTION 1 GENERAL PROVISIONS

1. The syndic of the Ordre des psychologues du Québec shall send a copy of this Regulation to any person who sends him an application for conciliation, as well as the form prescribed in Schedule I.

In this Regulation, “syndic” includes the assistant syndic and the corresponding syndic of the Order.

2. A client or the person who has a dispute with a member of the Order concerning the amount, in whole or in part, of an account for professional services may request conciliation by the syndic, even if the amount has been paid.

Where the dispute is not settled by conciliation, the client or the person may apply for arbitration.

3. A member of the Order may not institute proceedings concerning an account as long as the dispute can be settled by conciliation or arbitration, except with authorization of the syndic if there is any risk that, without those proceedings, the fees could not be recovered.

A member of the Order may however request provisional measures in accordance with article 940.4 of the Code of Civil Procedure (R.S.Q., c. C-25).

## SECTION II CONCILIATION PROCEDURE

4. An application for conciliation must be sent to the syndic on the form prescribed in Schedule I within 45 days from the date on which the client received the account.

Where the payment of the account has been withdrawn or withheld by the member of the Order from the funds he holds or receives for or on behalf of the client, the period runs from the day on which the client becomes aware of the withdrawal or withholding.

An application for conciliation in respect of an account that was not paid in full may be sent to the syndic after the expiry of 45 days provided that it is sent before the client is served with proceedings concerning the account.

5. Within 10 days of receiving an application for conciliation, the syndic shall notify the member of the Order personally or, if unable to do so, shall notify his office.

6. The syndic shall proceed with the conciliation using such procedure as he considers appropriate.

For that purpose, he may require of the member of the Order or of the client or of the person mentioned in section 2, any information or document that he deems necessary.

7. Any agreement reached during conciliation shall be put in writing on a form similar to that prescribed in Schedule II, shall be signed by the client or the person mentioned in section 2 and the member of the Order and shall be filed with the syndic.

8. Where conciliation does not lead to an agreement within 45 days from the date of receipt of the application for conciliation, the syndic shall send his conciliation report to the client or the person mentioned in section 2 and to the member of the Order by registered mail within the next 20 days.

The report shall contain the following information, where applicable:

(1) the amount of the account at the origin of the dispute;

(2) the amount that the client or the person mentioned in section 2 acknowledges owing;

(3) the amount that the member of the Order acknowledges having to reimburse or is willing to accept as a settlement of the dispute;

(4) the reason why the Regulation does not apply to the application for conciliation.

In addition, the syndic send to the client or the person mentioned in section 2 the form prescribed in Schedule III and shall inform him of the arbitration procedure and the deadline for submitting the dispute to arbitration.

9. The syndic may, for valid motives, extend the deadlines provided for in this division. In such case, he shall inform the client or the person mentioned in section 2 and the member of the Order thereof by registered mail.

## DIVISION III ARBITRATION PROCEDURE

### §1. *Application for arbitration*

10. Where the conciliation procedure did not lead to an agreement, the client or the person who forwarded the application for conciliation which did not result in an agreement, may, within 30 days of receiving the conciliation report, apply for arbitration of the account by sending the duly completed form prescribed in Schedule III to the secretary of the Order.

The application shall be accompanied with the conciliation report and, if applicable, the deposit of the amount that he acknowledged owing during conciliation, as stated in the syndic's report.

11. Within 10 days of receiving an application for arbitration, the secretary of the Order shall send a notice to the member of the Order in question by registered mail, and, if applicable, the notice shall be accompanied with the amount deposited in accordance with section 10. The arbitration shall proceed only to the amount still in dispute.

12. To withdraw his application, the client or the person mentioned in section 2 shall so notify the secretary of the Order in writing.



13. A member of the Order who acknowledges having to reimburse an amount shall deposit that amount with the secretary of the Order, who shall then remit it to the party in favour of which this acknowledgement was made.

In such case, the arbitration shall proceed only to the amount still in dispute.

14. Any agreement reached between the client or the person mentioned in section 2 and the member of the Order that occurs after the application for arbitration has been filed shall be put in writing, on a form similar to that prescribed in Schedule II, shall be signed by the parties and shall be filed with the secretary of the Order. If the agreement is reached after the council of arbitration has been formed, the agreement shall be recorded in the arbitration award.

#### §2. *Appointment of the council of arbitration*

15. A council of arbitration shall be composed of three arbitrators where the amount in dispute is \$2 500 or more, and of a single arbitrator where the amount is less than \$2 500.

16. The administrative committee shall appoint the member or members of the council of arbitration from among the members of the Order and, if the council is composed of three arbitrators, shall designate the chairman thereof.

The administrative committee shall also appoint a clerk to assist the council of arbitration.

17. The secretary of the Order shall send written notice to the arbitrators and to the parties informing them of the formation of the council.

18. Before acting, the member or members of the council of arbitration shall take the oath or make the solemn affirmation of office and discretion prescribed in Schedule IV.

19. A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure. The request shall be sent to the secretary of the Order, to the council of arbitration and to the parties or their advocates within 10 days of receipt of the notice provided for in section 17 or of the day on which the reason for the request becomes known.

The administrative committee shall decide on the request and, where applicable, shall see that the arbitrator is replaced.

20. Should an arbitrator die or be unable to act, the other arbitrators shall bring the matter to completion. Where the arbitrator is the chairman of the council of arbitration, the administrative committee shall designate one of the two other arbitrators to act as chairman.

If the council consists of a single arbitrator, he shall be replaced by a new arbitrator and the dispute shall be reheard.

#### §3. *Hearing*

21. The council of arbitration shall fix the date, time and place of the hearing. The clerk shall give the parties at least 10 days' notice of the date of the hearing by registered mail.

22. The parties are entitled to be represented or assisted by an advocate.

23. The council of arbitration shall, as soon as possible, hear the parties, receive their evidence or record their default. For those purposes, it shall follow such rules of procedure and rules of evidence as it considers appropriate.

Every hearing shall be public. However, the council of arbitration may, of its own initiative or upon request, order that a hearing be held *in camera*, in particular to preserve professional secrecy or to protect a person's privacy or reputation.

24. The council may ask the parties to submit, within a given time limit, a statement of their claims with supporting documents.

25. The clerk shall draw the minutes of the hearing and shall have them signed by the member or members of the council.

26. The party requesting that the testimony be recorded shall assume the organisation and the cost thereof.

#### §4. *Arbitration award*

27. The council shall issue its award within 60 days of the end of the hearing unless the parties agree in writing to extend that period which may not, however, exceed 90 days after the end of the hearing.

28. The award shall be a majority award of the members of the council of arbitration; failing that, it shall be granted by the chairman of the council.

The award shall give reasons and shall be signed by all the members; where a member refuses or is unable to sign, the others shall mention that fact and the award shall have the same effect as though it were signed by all the members.

29. In its award, the council of arbitration may uphold, reduce or cancel the account in dispute, determine the reimbursement or payment to which a party may be entitled, and rule on the amount that the client or the person mentioned in section 2 had acknowledged owing.

Where the account in dispute is upheld in whole or in part, or when a reimbursement is granted, the council of arbitration may add the interest and indemnity determined in accordance with the terms and conditions of articles 1618 and 1619 of the Civil Code of Québec, from the date of the application for conciliation.

The council may decide the arbitration expenses, which are the expenses incurred by the Order for the arbitration. The total expenses may not exceed 25 % of the amount of the account to which the arbitration pertains. However, in all cases, these expenses are of a minimum of \$50.

Where an agreement is reached between the parties before the decision of the council of arbitration is rendered, the latter shall nevertheless adjudge on the arbitration fees in accordance with this section.

30. The arbitration award is binding on the parties and is subject to compulsory execution after having been homologated in accordance with the procedure provided for in articles 946.1 to 946.5 of the Code of Civil Procedure.

31. The council of arbitration shall file the arbitration award with the secretary of the Order, who, within 10 days, shall send a true copy thereof to the parties or their advocates, the syndic and the administrative committee.

32. The costs incurred by a party for the arbitration shall be borne by that party.

33. This regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of psychologists (R.R.Q., 1981, c. C-26, r. 151), but the latter Regulation continues to govern the conciliation and arbitration procedure for disputes where conciliation was applied for before the coming into force of this Regulation.

34. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

## SCHEDULE I

(ss. 1 and 4)

### APPLICATION FOR CONCILIATION

I, the undersigned, \_\_\_\_\_  
(name and domicile of the client)

declare that:

(1) \_\_\_\_\_  
(name and domicile of the member of the Order)  
has claimed from me the sum of \_\_\_\_\_  
for professional services rendered between and  
\_\_\_\_\_ as attested to by:

(Check the appropriate box)

the account, a copy of which is attached hereto.

the document, a copy of which is attached hereto, indicating that the sum was withdrawn or withheld.

(2) I am contesting the sum claimed for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

but (where applicable) I acknowledge owing the sum of \_\_\_\_\_ for the professional services rendered.

(Check the appropriate box)

(3)  I did not pay the account.

I paid the account in full.

I paid the account up to the sum of \_\_\_\_\_

(4) I hereby apply for conciliation by the syndic, pursuant to Division II of the Regulation respecting the conciliation and arbitration procedure for accounts of psychologists.

Signed on \_\_\_\_\_  
(Signature of the client)

**SCHEDULE II**

(ss. 7 and 14)

**AGREEMENT RELATIVE TO A DISPUTE  
SUBMITTED FOR CONCILIATION OR  
ARBITRATION**\_\_\_\_\_  
(name and domicile of the client)

hereinafter referred to as “the client”

and

\_\_\_\_\_  
(name and domicile of the member of the Order)

member of the Ordre des psychologues du Québec, hereinafter referred to as “the psychologist”, who declare and agree to the following:

An agreement was entered into by the client and the psychologist concerning the dispute submitted for \_\_\_\_\_ applied for on \_\_\_\_\_  
(conciliation or arbitration) (date)

The agreement provides for the following terms and conditions:

\_\_\_\_\_  
\_\_\_\_\_

The client and the psychologist request that the procedures relating to the dispute referred to above be stayed.

Signed at \_\_\_\_\_ Signed at \_\_\_\_\_  
(place) (place)

on \_\_\_\_\_ on \_\_\_\_\_  
(date) (date)

\_\_\_\_\_  
(signature of the client) (signature of the psychologist)

Signed at \_\_\_\_\_  
(place)

on \_\_\_\_\_  
(date)

\_\_\_\_\_  
(signature of the syndic)

**SCHEDULE III**

(ss. 8 and 10)

**APPLICATION FOR ARBITRATION OF  
AN ACCOUNT**

I, the undersigned, \_\_\_\_\_  
(name of the client)

\_\_\_\_\_  
(domicile)

declare that:

(1) \_\_\_\_\_  
(name of the member of the Ordre)  
is claiming from me (or refuses to reimburse me) a sum of money for professional services.

(2) I have enclosed a copy of the conciliation report and, where applicable, a certified cheque payable to the member of the Order, in the amount of \_\_\_\_\_, which represents the sum of money that I acknowledge owing and that is stated in the conciliation report.

(3) I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of psychologists.

(4) I have received a copy of the above Regulation and have taken cognizance thereof.

(5) I agree to submit to the procedure provided for in the Regulation and, where required, to pay to \_\_\_\_\_ the amount of the arbitration award.  
(name of the member)

Signed on \_\_\_\_\_  
(date) (signature of the client)

**SCHEDULE IV**

(s. 18)

**OATH OR SOLEMN AFFIRMATION OF OFFICE  
OR DISCRETION**

I swear (or solemnly affirm) to perform all my duties and to exercise all my powers as an arbitrator faithfully, impartially and honestly, to the best of my ability and knowledge.

I swear (or solemnly affirm) that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.

Where an oath is taken, add "So help me God"

\_\_\_\_\_  
(signature of the arbitrator)

Oath or solemn affirmation sworn before me

\_\_\_\_\_  
(name and position, profession or capacity)

at \_\_\_\_\_ the \_\_\_\_\_  
(municipality) (date)

\_\_\_\_\_  
(signature of the person administering  
oath or solemn affirmation)

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Gouvernement du Québec

### **O.C. 166-2000, 1 March 2000**

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10)

#### **Government and Public Employees Retirement Plan — Amendments to Schedules I and II.1**

Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under section 1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the retirement plan applies to employees and persons designated in Schedule I, and employees and persons designated in Schedule II who were not members of a retirement plan on 30 June 1973 or who were appointed or engaged after 30 June 1973;

WHEREAS, under paragraph 6 of section 2 of the Act and under section 16.1 of the Act, the plan applies to an employee who is released with or without pay by his employer for union activities and who is in the employ of a body designated in Schedule II.1 if the employee belongs to the class of employees mentioned in that schedule in respect of that body;

WHEREAS, under the first paragraph of section 220 of the Act, the Government may, by order, amend Schedules I, II, II.1, II.2, III, III.1 and VI and any such order may have effect 12 months or less before it is made;

WHEREAS the Regulation under the Act respecting the Government and Public Employees Retirement Plan made by Order in Council 1845-88 dated 14 December 1988 and its subsequent amendments determines, in accordance with subparagraph 25 of the first paragraph of section 134 of the Act, the conditions which permit a body, according to the category determined by the regulation, to be designated by order in Schedule I or II.1;

WHEREAS the Comité patronal de négociation des collèges, the Coopérative des services regroupés en approvisionnement de la région de la Mauricie et du Centre-du-Québec, the Syndicat de l'enseignement des Deux Rives, the Syndicat de l'enseignement de Louis-Hémon, the Syndicat de l'enseignement des Vieilles-Forges, the Syndicat de l'enseignement Richelieu-Yamaska, the Syndicat des professionnels et des techniciens de la santé du Québec and the Syndicat des travailleurs de l'enseignement de l'Est du Québec meet those conditions;

IT IS ORDERED, therefore, upon the recommendation of the Minister for Administration and the Public Service and Chairman of the Conseil du trésor:

THAT the Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), attached hereto, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## Amendments to Schedules I and II.1 of the Act respecting the Government and Public Employees Retirement Plan\*

An Act respecting the Government and Public Employees Retirement Plan  
(R.S.Q., c. R-10, s. 220, 1st par.)

1. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the following bodies in alphabetical order in paragraph 1:

(1) the Comité patronal de négociation des collègues;

(2) the Coopérative des services regroupés en approvisionnement de la région de la Mauricie et du Centre-du-Québec;

(3) the Syndicat de l'enseignement Richelieu-Yamaska.

2. Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended by inserting the following bodies in alphabetical order:

(1) the Syndicat de l'enseignement des Deux Rives;

(2) the Syndicat de l'enseignement de Louis-Hémon;

(3) the Syndicat de l'enseignement des Vieilles-Forges;

(4) the Syndicat des professionnels et des techniciens de la santé du Québec;

(5) the Syndicat des travailleurs de l'enseignement de l'Est du Québec.

3. This Order in Council comes into force on the date it is made by the Government but has effect as of the dates indicated opposite each of the following bodies:

Comité patronal de négociation des collègues	1 January 2000
Coopérative des services regroupés en approvisionnement de la région de la Mauricie et du Centre-du-Québec	4 April 1999
Syndicat de l'enseignement des Deux Rives	15 August 1999
Syndicat de l'enseignement de Louis-Hémon	12 months before the date on which this Order in Council is made
Syndicat de l'enseignement Richelieu-Yamaska	25 August 1999
Syndicat de l'enseignement des Vieilles-Forges	18 June 1999
Syndicat des professionnels et des techniciens de la santé du Québec	1 January 2000
Syndicat des travailleurs de l'enseignement de l'Est du Québec	16 August 1999

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Gouvernement du Québec

### O.C. 202-2000, 1 March 2000

An Act respecting the civil aspects of international and interprovincial child abduction  
(R.S.Q., c. A-23.01)

#### Taking of effect of the Act — Republic of Georgia

Taking of effect of the Act respecting the civil aspects of international and interprovincial child abduction with regard to the Republic of Georgia

WHEREAS under section 41 of the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01), the Government, upon

\* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last updating of the Revised Statutes of Québec, to 1 April 1998, by Orders in Council 730-98 dated 3 June 1998 (1998, G.O. 2, 2207), 764-98 dated 10 June 1998 (1998, G.O. 2, 2289), 1155-98 dated 9 September 1998 (1998, G.O. 2, 3889), 1524-98 dated 16 December 1998 (1998, G.O. 2, 4801), 231-99 dated 24 March 1999 (1999, G.O. 2, 475), 467-99 dated 28 April 1999 (1999, G.O. 2, 1161), 633-99 dated 9 June 1999 (1999, G.O. 2, 1633), 819-99 dated 7 July 1999 (1999, G.O. 2, 2060) and 902-99 dated 11 August 1999 (1999, G.O. 2, 2791), 1398-99 dated 15 December 1999 (1999, G.O. 2, 5125) and 1399-99 dated 15 December 1999 (1999, G.O. 2, 5126) and by sections 61 of Chapter 17 of the Statutes of 1998, 48 of Chapter 42 of the Statutes of 1998, 53 of Chapter 44 of the Statutes of 1998, 54 of Chapter 11 of the Statutes of 1999, 54 of Chapter 34 of the Statutes of 1999 and 14 of Chapter 73 of the Statutes of 1999.

Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last updating of the Revised Statutes of Québec, to 1 April 1998, by Orders in Council 1525-98 dated 16 December 1998 (1998, G.O. 2, 4802), 467-99 dated 28 April 1999 (1999, G.O. 2, 1161), 633-99 dated 9 June 1999 (1999, G.O. 2, 1633), 819-99 dated 7 July 1999 (1999, G.O. 2, 2060), 947-99 dated 25 August 1999 (1999, G.O. 2, 2853), 1251-99 dated 17 November 1999 (1999, G.O. 2, 4381) and 1398-99 dated 15 December 1999 (1999, G.O. 2, 5125).

the recommendation of the Minister of Justice and, as the case may be, of the Minister responsible for Canadian Intergovernmental Affairs or the Minister of International Relations, shall designate by order published in the *Gazette officielle du Québec* any State, province or territory in which it considers that Québec residents may benefit from measures similar to those set out in the Act;

WHEREAS under the same section, the order shall indicate the date of the taking of effect of the Act for each State, province or territory designated in it;

WHEREAS by Order in Council 649-98 dated 13 May 1998, the Government designated the Republic of Georgia as a State to which the Act respecting the civil aspects of international and interprovincial child abduction applies;

WHEREAS that Order in Council provides that the Act will take effect, with regard to the Republic of Georgia, on a later date fixed by the Government;

WHEREAS it is expedient to fix the date of taking of effect of the Act with regard to that State;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Justice and the Minister of International Relations:

THAT the Act respecting the civil aspects of international and interprovincial child abduction (R.S.Q., c. A-23.01) take effect on 1 November 1999 with regard to the Republic of Georgia.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

## O.C. 203-2000, 1 March 2000

Public Curator Act  
(R.S.Q., c. C-81)

### Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Public Curator Act

WHEREAS under the second paragraph of section 41, the second paragraph of section 55 and paragraph 7 of section 68 of the Public Curator Act (R.S.Q., c. C-81), amended by Chapter 80 of the Statutes of 1997 and by

Chapters 30, 40 and 43 of the Statutes of 1999, the Government may make regulations in respect of the matters provided for therein;

WHEREAS the Regulation respecting the application of the Public Curator Act was made by Order in Council 361-90 dated 21 March 1990;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the application of the Public Curator Act was published in Part 2 of the *Gazette officielle du Québec* of 29 December 1999, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Relations with the Citizens and Immigration:

THAT the Regulation to amend the Regulation respecting the application of the Public Curator Act, the text of which is attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the application of the Public Curator Act<sup>1</sup>

Public Curator Act  
(R.S.Q., c. C-81, ss. 41, 2nd par., 55, 2nd par., 68, par. 7; 1997, c. 80; 1999, c. 30, 40, and 43)

1. The Regulation respecting the application of the Public Curator Act is amended in section 6.1

(1) by adding, “and in all other cases of a retirement plan governed by an act in force in Québec” to subparagraph 1 of the first paragraph after the reference “(R.S.Q., c. R-15.1)”;

<sup>1</sup> The Regulation respecting the application of the Public Curator Act, made by Order in Council 361-90 dated 21 March 1990 (1990, *G.O.* 2, 633), was last amended by the Regulation made by Order in Council 594-99 dated 26 May 1999 (1999, *G.O.* 2, 1583). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 September 1999.

(2) by substituting the following for clause *a* of subparagraph 1 of the first paragraph:

“(a) if the pension payments have begun, the sum of the payments owing but not paid, with interest accrued at the rate of return of the retirement fund up to the date of each transfer or, as the debtor chooses, that sum plus the residual value of the pension on the date of the transfer; the residual value must be assessed on the basis of the hypotheses used to calculate the liabilities of the retired participant on a solvency basis;”;

(3) by substituting the following for clause *a* of subparagraph 3 of the first paragraph:

“(a) if the pension payments have begun, the sum of the payments owing but not paid and, if any, the interest accrued at the rate provided for in the contract up to the date of each transfer or, as the debtor chooses, that sum plus the residual value of the pension on the date of the transfer;”;

(4) by substituting the following for the second paragraph:

“The values referred to in subparagraphs 1, 3 and 4 of the first paragraph shall be established without regard as to whether or not the benefits or pension credits are unclaimed property.”;

(5) by substituting, “sums referred to in subparagraphs 1, 3 and 4 of the first paragraph” for “sums referred to in clause *b* of subparagraphs 1 and 3, and subparagraph 4 of the first paragraph” in the third paragraph.

2. The following is inserted after section 6.5:

**“DIVISION II.3  
PROVISIONAL ADMINISTRATION OF  
PROPERTY**

**6.6.** For the purposes of paragraph 11 of section 24.1 of the Act, the following constitute unclaimed property: funds, securities and other property part of a registered education savings plan referred to in section 146.1 et seq. of the Income Tax Act (R.S.C., 1985, c. 1 (5th suppl.)) for which the interested party has made no claim, engaged in no transaction or given no instruction within three years following the expiry date of the registered education savings plan.”.

3. Section 8 is amended by striking out the words “the representation of persons,” after the words “which the Public Curator may charge for”.

4. The following is substituted for section 9:

“9. The Public Curator may charge, for the management of common trust funds whose portfolios are made up of fixed income investments maturing in less than two years, an amount corresponding to 0.75 % per year of the average assets under administration, payable monthly.

He may charge, for the management of all the other common trust funds, an amount corresponding to 2 % per year of the average assets under administration, payable monthly.”.

5. Schedule I.1 is amended by adding the words “including the date of birth and the social insurance number.” at the end of the second column of paragraph B.

6. The following is substituted for Schedule II:

**“SCHEDULE II  
(s. 8)**

**FEEES OF THE PUBLIC CURATOR**

**CHAPTER I  
GENERAL**

1. The fees that the Public Curator may charge for the services outlined below are as follows:

(1) for the publication of a notice at the registry office stating that the Public Curator is acting as the administrator of an immovable: \$37 per notice;

(2) except with respect to unclaimed property referred to in paragraph 7 of section 24 and in section 24.1 of the Act: \$5 for the preparation of any notice, call for tenders or other document that must be posted in a public place or published in a newspaper in order to establish the capacity of the Public Curator;

(3) for the administration of income property: 5 % of the gross income from the rental;

(4) for the direct sale of vacant land: 10 % of the sale price;

(5) for the direct sale of another immovable: 5 % of the price.

2. The fees that the Public Curator may charge for the search for assigns and other successors of property under provisional administration under section 24 of the Act or for a service not expressly identified in this

Schedule shall be established on the basis of the hourly rate of the person who rendered the service:

— Director	\$134/hour
— Service head	\$103/hour
— Physician	\$173/hour
— Legal adviser	\$113/hour
— Professional	\$86/hour
— Technician or investigator	\$57/hour
— Clerk or secretary	\$42/hour

Subject to the first paragraph, the Public Curator may not charge fees for services related to the protection of persons or of property referred to in paragraph 7 of section 24 or in section 24.1 of the Act.

3. The fees established in accordance with paragraphs 1 and 2 of section 1, paragraphs 2 to 4 of section 4, paragraphs 1 to 12 of section 5 and paragraphs 1 and 2 of section 6, and the hourly rates provided for in section 2 shall be indexed on 1 April of each year, according to the increase of the all-item Consumer Price Index for Canada, during the preceding year. The increase shall be calculated based on the ratio of the previous year's index over the index for the year preceding that one. The index for one year shall be the average of the monthly indexes published by Statistics Canada.

Those rates and fees, indexed in the prescribed manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50. The variations in the indexed hourly rate and fees shall be published by the Public Curator in Part I of the *Gazette officielle du Québec*.

## CHAPTER II ADMINISTRATION OF PROPERTY BELONGING TO PERSONS REPRESENTED

4. The fees that the Public Curator may charge with respect to the administration of property belonging to persons represented are as follows:

(1) for all services related to the collection of information for the inventory of the property of the person represented, the fees shall correspond to the hourly rate charged for a technician or an investigator, in accordance with section 2, subject however, to a minimum charge of \$25 per service;

(2) for the receipt of an amount of money, a negotiable instrument or another payment order related to a non-capital transaction: \$5, except with respect to income security and the old age pension;

(3) for the receipt of an amount of money, a negotiable instrument or another payment order related to a capital transaction: \$10;

(4) for a disbursement related to a non-capital transaction: \$5, except in the case of basic expenses related to the person.

## CHAPTER III PROVISIONAL ADMINISTRATION AND UNCLAIMED PROPERTY

5. The fees that the Public Curator may charge with respect to provisional administration and to unclaimed property are as follows:

(1) for services related to the opening of a file related to unclaimed successions under articles 696 to 702 of the Civil Code of Québec, including the successions covered by paragraph 4 of section 24 of the Public Curator Act: \$117;

(2) for services related to the opening of a file for the unclaimed succession of a person who was under protective supervision under articles 256 to 267 of the Civil Code of Québec: \$38;

(3) for services related to the opening of a file respecting dissolved legal persons or a file referred to in paragraph 10 of section 24 of the Public Curator Act replaced by section 8 of Chapter 80 of the Statutes of 1997: \$25;

(4) for the research on and receipt of an amount of money, a negotiable instrument or another payment order: \$9, except if it concerns property referred to in section 24.1 of the Act or if it concerns the alienation of property sold by the Public Curator;

(5) for the approval of a claim from a creditor in a succession: \$37 per claim;

(6) for the preparation of a notice of closure of the inventory of an unclaimed succession in accordance with article 795 of the Civil Code of Québec: \$37 per succession;

(7) for the preparation of a notice at the end of the liquidation of an unclaimed succession under article 700 of the Civil Code of Québec and for the preparation of a notice of closure of an account for an unclaimed succession under article 822 of the Civil Code of Québec: \$45 per succession;

(8) for the activities required to obtain homologation by the court of a payment proposal for the creditors of an



unclaimed succession in accordance with article 811 of the Civil Code of Québec: \$59 per homologation;

(9) for the activities required to obtain authorization of the court in accordance with section 37 of the Public Curator Act amended by section 22 of Chapter 80 of the Statutes of 1997 and by section 13 of Chapter 43 of the Statutes of 1999: \$59 per authorization;

(10) for the activities required to close a file for an unclaimed succession or a succession referred to in paragraph 4 of section 24 of the Act: \$25 per succession;

(11) for the provisional administration of an unclaimed motor vehicle entrusted to the Public Curator under sections 209.11 to 209.16 of the Highway Safety Code (R.S.Q., c. C-24.2): \$120 per vehicle;

(12) for the sale of motor vehicles abandoned on public roads and entrusted to the provisional administration of the Public Curator under sections 380 to 394 of the Highway Safety Code: \$100 per vehicle;

(13) for the direct sale of movable property or vehicles, with the exception of motor vehicles whose administration is entrusted to the Public Curator under the Highway Safety Code: 15 % of the gross proceeds of the sale of each movable property or vehicle;

(14) for the provisional administration of property referred to in paragraph 7 of section 24 and of unclaimed property referred to in section 24.1 of the Act and subsequently transferred to an interested party or to a succession: 10 % of the amount transferred to the assign, without exceeding \$200, per unclaimed property in administration.

#### **CHAPTER IV PRIVATE TUTORS AND CURATORS**

**6.** The fees that the Public Curator may charge with respect to the supervision of tutorships and curatorships are as follows:

(1) in cases where the assets and income of a minor are entirely frozen: \$25 at the time of the freeze;

(2) to locate the legal representative of a person represented: \$25 per investigation;

(3) to obtain and audit the annual reports, the hourly rate of a technician or an investigator as provided for in section 2, except in the following cases:

— 25 % of the hourly rate, if the audit is automatic and causes no rejection or correction;

— 50 % of the rate for a sight review of the audit that causes no rejection or correction.”

**7.** This Regulation comes into force on 1 April 2000.  
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Gouvernement du Québec

#### **O.C. 206-2000, 1 March 2000**

An Act respecting the Ministère du Revenu  
(R.S.Q., c. M-31)

#### **Road vehicle supply remission**

Road Vehicle Supply Remission Regulation

WHEREAS according to the administrative policy on Indians under the Québec sales tax, an Indian is exempt, when he provides proof of his status, from paying the tax payable under section 16 of the Act respecting the Québec Sales Tax (R.S.Q., c. T-0.1) for a road vehicle supplied outside a reserve, if that road vehicle is delivered into a reserve by the seller or his mandatary;

WHEREAS following pressure tactics, certain members of the Indian community were unable to have a road vehicle they had purchased outside a reserve delivered into a reserve and, consequently, they had to pay the tax payable for such a transaction;

WHEREAS under section 94 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), the Government, whenever it considers it in the public interest, and to save the public from serious inconvenience or individuals from hardship or injustice, may remit any amount payable or refund any amount paid to the State relating to any matter within the powers of the Parliament;

WHEREAS in the circumstances, it would be beneficial to remit any amount paid under Title I of the Act respecting the Québec Sales Tax by an Indian for the purchase of a road vehicle not delivered into a reserve between 1 December 1998 and 31 January 2000 inclusively;

WHEREAS it is expedient to make a regulation for that purpose;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided for in section 8 of that Act if the authority making it is of the

opinion that the fiscal nature of the norms established, amended or repealed therein warrants it;

WHEREAS under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec*, where the authority that has made it is of the opinion that the fiscal nature of the norms established, amended or repealed therein warrants it;

WHEREAS in the opinion of the Government, the fiscal nature of the norms established, amended or repealed by that Regulation justifies the absence of prior publication and such coming into force;

IT IS ORDERED, therefore, on the recommendation of the Minister of Revenue:

THAT the Road Vehicle Supply Remission Regulation, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## Road Vehicle Supply Remission Regulation

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, s. 94)

1. For the purposes of this Regulation,

“Act” means the Act respecting the Québec Sales Act (R.S.Q., c. T-0.1); (*Loi*)

“eligible period” means the period from 1 December 1998 to 31 January 2000 inclusively; (*période admissible*)

“eligible supply” means a road vehicle supply made outside a reserve by a supplier that holds a dealer’s licence issued under the Highway Safety Code (R.S.Q., c. C-24.2) whose delivery is made outside a reserve to an acquirer who receives it for his personal consumption, use or enjoyment but not for consumption, use or supply in the course of his commercial activities, unless the acquirer is a small supplier; (*fourniture admissible*)

“Indian” means a person who is registered as an Indian under the Indian Act (Revised Statutes of Canada, 1985, c. I-5); (*Indian*)

“reserve” means

(1) a reserve within the meaning of the Indian Act;

(2) Category 1A land or Category 1A-N land within the meaning of the Cree-Naskapi (of Quebec) Act (Statutes of Canada, 1984, c. 18);

(3) an Indian settlement within the meaning of the Indians and Bands on certain Indian Settlements Remission Order, made by Order in Council P.C. 1992-1052 of 14 May 1992, as amended by Order in Council P.C. 1994-2096 dated 14 December 1994, under the Financial Administration Act (Revised Statutes of Canada (1985), c. F-11), located in Québec;

(4) the Indian settlements of Hunter’s Point, Kitchisakik (Grand-Lac-Victoria), Pakuashipi and Winneway; (*réserve*)

“road vehicle” has the meaning given by section 1 of the Act; (*véhicule routier*)

“small supplier” has the meaning given by section 1 of the Act. (*petit fournisseur*)

2. Subject to section 3, the tax paid under Title I of the Act by an Indian who is the acquirer, at any time during the eligible period, of an eligible supply shall be remitted to him.

3. Remission shall be granted on the condition that

(1) the registered Indian files an application for remission in writing with the Minister of Revenue, not later than 31 July 2000, including

(a) a copy of his certificate of Indian status issued by the Department of Indian Affairs and Northern Development;

(b) a copy of the invoice or of the agreement relating to the eligible supply stating the name and address of the supplier, the date of the supply, the name of the acquirer, the value of the consideration, the tax paid under Title I of the Act for the supply and a description detailed enough to identify the road vehicle; and

(c) proof that the tax payable under Title I of the Act was paid; and

(2) the amount has not been otherwise refunded, credited or remitted under the Act or the Act respecting the Ministère du Revenu (R.S.Q., c. M-31).

4. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

## O.C. 210-2000, 1 March 2000

Midwives Act  
(1999, c. 24)

### Determination of a date of application

Determination of a date of application in accordance with the provisions of the first paragraph of section 67 and of the first paragraph of section 68 of the Midwives Act (1999, c. 24)

WHEREAS the Midwives Act (1999, c. 24), which constituted the Ordre des sages-femmes du Québec, was assented to on 19 June 1999;

WHEREAS that Act provides for various procedures to integrate midwives into the health and social services network;

WHEREAS under section 259.2 of the Act respecting health services and social services (R.S.Q., c. S-4.2), enacted by section 35 of the Midwives Act, a midwife who wishes to practise midwifery for an institution must enter into a service contract with an institution that operates a local community service centre;

WHEREAS for the purposes of sections 259.2 and following of the Act respecting health services and social services, the Minister may, with the approval of the Government, enter into an agreement with any body representing midwives under section 432.1 of the Act respecting health services and social services, enacted by section 38 of the Midwives Act;

WHEREAS until that agreement is entered into, various transitional provisions are to be applied, particularly those of sections 67 and 68 of the Midwives Act;

WHEREAS under those provisions, midwives employed under a contract by an institution responsible for a pilot project shall continue to practise under that contract until 31 March 2000 and, by the latter date, they must have entered into a service contract in conformity with the new provisions of the Act respecting health services and social services, enacted by the Midwives Act;

WHEREAS under the same provisions, every public institution referred to in section 66 of the Midwives Act must ensure that the midwifery services coordinator and the council of midwives, if any, are able to exercise their functions on 31 March 2000;

WHEREAS a first agreement will soon be entered into by the Minister and the body representing midwives, but it does not concern the application of sections 259.2 and following of the Act respecting health services and social services;

WHEREAS it will be impossible to abide by the date of 31 March 2000 because no agreement is yet entered into in accordance with section 432.1 of the Act respecting health services and social services, for the application of sections 259.2 and following of that Act;

WHEREAS such an agreement must be entered into to give effect to the new provisions of the Act respecting health services and social services, enacted by the Midwives Act;

WHEREAS it is expedient to fix another date, as allowed by the first paragraph of section 67 and the first paragraph of section 68 of the Midwives Act;

WHEREAS that new date shall be fixed in relation to the date of the Order in Council approving the agreement for the application of sections 259.2 and following of the Act respecting health services and social services to be entered into by the Minister of Health and Social Services and the body representing midwives under section 432.1 of the Act respecting health services and social services, and such date should correspond to the 180th day following the date of the Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Health and Social Services and Minister of Health and Social Services and of the Minister of Justice:

THAT the date of application of the provisions of sections 67 and 68 of the Midwives Act (1999, c. 24) to be determined by the Government be fixed on the 180th day following the date of the Order in Council approving the agreement required for the application of sections 259.2 and following of the Act respecting health services and social services (R.S.Q., c. S-4.2) to be entered into by the Minister of Health and Social Services and the body representing midwives under section 432.1 of that Act.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

**O.C. 217-2000, 1 March 2000**

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001)

**Commission des lésions professionnelles**  
**— Rules of evidence, procedure and practice**

Rules of evidence, procedure and practice of the Commission des lésions professionnelles

WHEREAS section 429.21 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) provides that the Commission des lésions professionnelles may, by by-law passed by a majority of the commissioners, make rules of evidence, procedure and practice specifying the manner in which the rules established under Division XV are to be applied;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Rules of evidence, procedure and practice of the Commission des lésions professionnelles were published in the *Gazette officielle du Québec* of 18 August 1999 with a notice that they could be submitted to the Government for approval upon the expiry of 45 days following the publication;

WHEREAS the Commission made the Rules of evidence, procedure and practice of the Commission des lésions professionnelles with amendments at its sitting of 3 December 1999;

WHEREAS it is expedient to approve the Rules;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour and Employment and Minister of Labour:

THAT the Rules of evidence, procedure and practice of the Commission des lésions professionnelles, the text of which is attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

**Rules of evidence, procedure and practice of the Commission des lésions professionnelles**

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001, s. 429.21)

**DIVISION I**  
**SCOPE AND PURPOSE**

1. This regulation applies to the proceedings on which the Commission des lésions professionnelles makes determinations under section 369 of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001).

Its purpose is to ensure the simple, flexible and rapid processing of applications, particularly by encouraging cooperation by the parties and their representatives and by the use of new information and communication technologies, in accordance with the rules of natural justice and the equality of parties before the board.

2. The board is not bound to apply the rules of civil evidence and procedure; it may for instance accept any evidence that it deems useful.

**DIVISION II**  
**APPLICATION**

3. In addition to the information required by section 429.23 of the Act, the application instituting the proceeding shall contain the following:

(1) the name and address of the applicant, his telephone number and, where applicable, his electronic mail address and his fax number;

(2) if the applicant is represented, the representative's name and address, his telephone number and, where applicable, his electronic mail address and his fax number;

(3) the names and addresses of the other parties to the application, their telephone numbers and, where applicable, their electronic mail addresses and fax numbers; and

(4) any other necessary information that the board may require.

The application shall be signed by the party or his representative and a copy of the contested decision shall be attached thereto.

4. Any change of address, telephone, fax number or electronic mail address of a party or his representative shall be notified to the board.

5. A party may desist from his application by means of a notice in writing, signed and produced by the party or his representative. A party may also desist from his application orally at the hearing.

6. Any change of address, telephone or fax number of a party or his representative shall be notified to the board.

7. An income and expenditures' form shall be forwarded to a party who, for a financial reason, applies for the issuance of an order to suspend provided for in section 380 of the Act.

The application shall be processed upon receipt of the required information.

### **DIVISION III REPRESENTATION**

8. A person who accepts to represent a party after the application instituting the proceeding has been filed shall so inform the board in writing. The representation is valid for the whole case.

A party or his representative shall inform the board in writing of the end of the representation.

### **DIVISION IV COMMUNICATION OF PROCEDURES AND EXHIBITS**

9. The board shall communicate to the party the notices, exhibits and other information related to the progress of the case. If a party is represented, the board shall communicate with the party's representative for that purpose .

However, the application instituting the proceeding, the notice of hearing and the decision rendered by the board shall be communicated to both the party and his representative.

10. A party who wants to file an exhibit in the record shall send it to the board as soon as possible so that it may reproduce it and send it to the other parties before the hearing.

However, a party who wants to file a written document in the record less than 15 days before the date of the hearing shall file five copies thereof with the board and send a copy to the other parties.

11. If the reproduction of an exhibit by the board involves technical difficulties, it may require from the party who filed it that he reproduce it and send it to the other parties within the time and on the conditions determined by the board.

As to the filing of a physical object, the board may, on the conditions determined by it, demand that a similar object be sent to the other parties.

12. An expert's report shall be filed in the record of the board at least 15 days before the date fixed for the hearing.

A commissioner may however authorize the late filing of such a report on the conditions he determines.

13. A party authorized to produce a writing at the hearing shall provide copies to the other parties present as well as to the assessor and to each member of the board.

14. A party may not, in the course of the proceedings, withdraw an exhibit that he has filed in the record, except with the permission of the board and upon the conditions it determines.

### **DIVISION V PRESENCE OF A WITNESS AT THE HEARING**

15. A party may require the presence of a person who will testify or produce an exhibit at the hearing by using the form provided by the board for that purpose.

The form signed by a commissioner shall be completed and notified by the party at his own expense, and it is incumbent on the party to prove the date of notification.

16. A subpoena issued at the request of a party shall be notified at least five clear days prior to the date of appearance.

However, in cases of urgency, a commissioner may, by special order entered on the form, reduce that period, provided that it is not less than 12 hours before the time fixed for appearance.

## DIVISION VI HEARING

17. The board shall prepare a roll for ordinary, urgent and priority proceedings; it shall also prepare a practice roll for the cases that must, in its opinion, be heard prior to the hearing on the merits.

The board may also prepare a provisional roll for delayed proceedings that it would like to see heard as soon as possible.

18. The hearing shall take place in the region of the worker's domicile.

The board may choose another place in the interest of justice.

19. A party who is obliged to request the postponement of a hearing shall, as soon as he becomes aware of the grounds he wants to invoke, submit a written application to the board stating the grounds and give notice thereof to the other parties; the application shall include supporting evidence, if required.

Furthermore, in order to make its processing easier, an application for postponement shall indicate whether it has been contested or agreed to by the other parties, the probable duration of the hearing, the presence of experts and possible dates of hearing chosen after consulting the board and the other parties.

The hearing shall be postponed only if the grounds invoked are serious and if required for the ends of justice.

20. The board may record testimonies and pleas on audio tape, by stenography or by any other appropriate means.

A party may also record such testimonies and pleas, at his own expense, if so authorized by the board and on the conditions it determines.

21. The board may, of his own authority or upon request from a party, prohibit or restrict the disclosure, publication or broadcasting of information or documents identified by it, where required to preserve public order or if the respect of their confidential nature so requires to ensure the proper administration of justice.

22. The minutes of the hearing shall contain:

(1) the names of the members and, where applicable, that of the assessor;

(2) the date and place of the hearing and the time at which it begins and ends;

(3) the name and address of each party and, where applicable, those of his representative and witnesses;

(4) the name and address of the interpreter, where applicable;

(5) the identification and code number of the exhibits;

(6) mention that the hearing is recorded;

(7) any decision rendered during the hearing;

(8) any admission and full or partial settlement;

(9) the date on which the case is taken under advisement; and

(10) any other mention useful for the purposes of the file.

23. All persons attending a hearing shall behave with dignity and in a manner that shows respect for the judicial process. They shall refrain from doing anything that could disrupt the hearing.

24. A witness may be questioned by each of the parties and by the members and the assessor, to the extent necessary to ensure a fair process.

25. Before being questioned, a witness shall swear that he will tell the truth.

He shall be exempted from this formality if he does not understand the nature of the oath; in such a case, he shall nevertheless be informed of his obligation to tell the truth.

The witness shall then state his name, address and date of birth.

26. The commissioner may order that a witness testify in the absence of other witnesses.

27. Where the services of an interpreter are needed for a fair hearing, the board shall make sure that the person proposed for that purpose is capable of doing the translation required; the interpreter shall swear that his translation shall be faithful.

28. The board shall take judicial notice of generally recognized facts and of opinions and information within its field of specialization.

29. No evidence may be relied on by the commissioner in making its decision unless the parties have been given an opportunity to comment on the substance of the evidence or to rebut it.

30. The commissioner may refuse to receive evidence that is irrelevant, unnecessarily redundant or of such a nature as to not serve the interests of justice.

31. Evidence provided in relation to a case may also be filed in another case of the Board with the authorization of the board and on the conditions it determines.

32. When a visit of the premises is ordered, the parties shall be informed of the place, date and time of the visit in advance so that they can be present.

The commissioner shall determine the rules applicable to the visit.

#### **DIVISION VII RECUSATION**

33. If a member other than the commissioner or if an assessor recuses himself at the hearing, the hearing shall resume if that member or that assessor is replaced or, in the case of the assessor, if the commissioner considers that the hearing may resume in his absence.

If the commissioner recuses himself, the hearing shall be suspended until another commissioner is appointed or until a new bench is formed.

34. An application for the recusation of a member addressed to the president in accordance with section 429.43 of the Act shall give a written account of the facts and grounds on which it is based.

Such an application suspends the proceedings as soon as it is notified to the board.

35. The member named in an application for recusation shall file in the record a statement indicating his position as to the truthfulness of the facts alleged in support of the application.

The declaration of the member whose recusation is sought can only be contradicted by written proof.

36. The decision of the president or member designated by him shall be rendered on the record unless the president or the member designated by him deems it necessary to hold a hearing.

If there is a hearing, it shall be held in the absence of the member whose recusation is sought.

37. A party may, at any time before the decision has been rendered, provided he acts with diligence, apply to the commissioner assigned to the case regarding the recusation of an assessor sitting with him, if the party has good reason to believe that a cause for recusation exists.

An application for recusation suspends the proceedings.

38. The facts and grounds on which the application for recusation is based and the declaration of the assessor as to the truthfulness of the alleged facts shall be recorded in the file.

The declaration of the assessor can only be contradicted by written proof.

39. Unless the assessor recuses himself, the commissioner shall decide the application on the record unless the commissioner deems it necessary to hold a hearing.

If there is a hearing, it shall be held in the absence of the assessor.

#### **DIVISION VIII NOTIFICATION AND DELAYS**

40. The notice of proof and hearing shall be sent to the last address of the party mentioned in the record of the board. If the notice is returned to the board, the board may give notice thereof by posting it in one of its offices.

41. A writing sent by mail is presumed to be filed with the board on the date postmarked.

A writing sent by fax is presumed to be filed with the board on the date appearing on the transmission slip.

A message sent by electronic mail is presumed to be filed with the board on the date of receipt, as recorded by the board's server.

42. In computing a delay prescribed by this regulation, the day marking the start of the delay is not counted and, except for a delay in clear days, the last day is counted. The non-judicial days are also counted.

The non-judicial days are:

- (1) Saturdays and Sundays;

- (2) January 1st and 2nd;
- (3) Good Friday;
- (4) Easter Monday;
- (5) The Monday preceeding May 25th;
- (6) June 24th;
- (7) July 1st;
- (8) the first Monday of September;
- (9) the second Monday of October;
- (10) December 24th, 25th, 26th and 31th;
- (11) any other day fixed by the Government.

43. When the date fixed for doing anything falls on a non-juridical day, such thing may be validly done on the next juridical day.

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Gouvernement du Québec

### O.C. 218-2000, 1 March 2000

Regulation to amend the Regulation respecting the register, monthly report, notices from employers and the designation of a representative

WHEREAS under subparagraph *b* of the first paragraph of section 82 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), amended by section 115 of Chapter 46 of the Statutes of 1998, the Commission de la construction du Québec may, by regulation approved by the Government and published in the *Gazette officielle du Québec* oblige any employer to transmit to it a monthly report in the form prescribed by the Commission;

WHEREAS the Commission made the Regulation respecting the register, monthly report, notices from employers and the designation of a representative approved by Order in Council 1528-96 dated 4 December 1996;

WHEREAS the Commission de la construction du Québec, after consultation with the Joint Committee on Construction following section 123.3 of the Act, made the Regulation to amend the Regulation respecting the register, monthly report, notices from employers and the designation of a representative;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft Regulation was published in Part 2 of the *Gazette officielle du Québec* of 27 October 1999 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS following that publication, no comments were received and it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour and Employment and Minister of Labour:

THAT the Regulation to amend the Regulation respecting the register, monthly report, notices from employers and the designation of a representative, attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting the register, monthly report, notices from employers and the designation of a representative<sup>(\*)</sup>

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, s. 82, 1<sup>st</sup> par., subpar. *b*; 1998, c.46, s. 115)

1. The Regulation respecting the register, monthly report, notices from employers and the designation of a representative is amended by substituting the following for section 11:

11. Every employer must send to the Commission a monthly report giving the necessary information allowing to identify each of his employees and indicating, for each of them and for each week, his competency including, as the case may be, the apprenticeship period, the regular and extra hours done each week and the nature of such work, the designation of the sector in which the work was performed, the wage paid including, as the case may be, the presentation hours, the paid holidays, the levy and the applicable contributions, assessments and dues. The independent contractor must indicate that information concerning the hours he worked himself.

<sup>(\*)</sup> The Regulation respecting the register, monthly report, notices from employers and the designation of a representative, approved by Order in Council 1528-96 dated 4 December 1996 (1996, *G.O.* 2, 5328), has not been amended since.



This report may be sent:

(1) on paper, either by completing the form provided by the Commission or by means of a printout of data processed by software, provided that, in the latter case, the information is clear and intelligible, and is presented in the same order as on that form;

(2) by computer medium, either by sending magnetic tapes or diskettes or by sending data by modem, provided that the report contains all the information prescribed in the form provided by the Commission and that the equipment and software used are compatible with those used by the Commission;

(3) by telephone, under the conditions and in the manner set forth in section 11.1.

“**11.1.** An employer who meets the requirements provided for in Division I and for whom less than 11 employees usually work during a monthly period of work may transmit his report by telephone.

The employer shall first register to that effect with the Commission, which shall provide him with a security code which, with the identification number provided for in section 1, makes it possible to identify the employer when he transmits the report. The Commission may change the code upon request.

The report may be transmitted by calling the Commission at the number and during the periods provided for this purpose.

After the report is transmitted, the Commission shall send the employer a notice of assessment indicating the amounts referred to in section 13 that he must pay, according to the information provided.”

2. Section 13 is amended:

(1) by substituting the following for the part preceding paragraph 1:

“**13.** The employer must, at the latest on the date provided for in the first paragraph of section 12, pay amounts equal to the following:”;

(2) by adding the following after paragraph 8:

“(9) fees provided for in section 126.0.2 of the Act.”.

3. Schedule I is repealed.

4. This Regulation comes into force of the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 246-2000, 8 March 2000**

Professional Code  
(R.S.Q., c. C-26),

**Psychologists**

— **Conciliation and arbitration procedure for the accounts**

— **Amendments**

Regulation to amend the Regulation respecting the conciliation and arbitration procedure for the accounts of psychologists

WHEREAS, under section 88 of the Professional Code (R.S.Q., c. C-26), the Bureau of a professional order must establish, by regulation, a conciliation and arbitration procedure for the accounts of the members of the order which may be used by persons having recourse to the services of the members;

WHEREAS, under that same section, the regulation must include, among others:

(1) provisions allowing a person to avail himself of the procedure if he has already paid the account in whole or in part;

(2) provisions for setting up a council of arbitration with the power to determine the amount of any reimbursement to which a person may be entitled;

(3) provisions for the arbitration of an account by a council of arbitration composed of one or three arbitrators, according to the amount of the dispute as prescribed in the regulation.

WHEREAS the Regulation respecting the conciliation and arbitration procedure for the accounts of psychologists was approved by Order in Council 145-2000 dated 16 February 2000;

WHEREAS it is expedient to replace the English version of the Regulation;

WHEREAS under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation may be approved without having been published as provided for in section 8 of the Act, where the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS section 13 of the Act provides that the reason justifying the absence of such publication shall be published with the regulation;

WHEREAS the Government is of the opinion that the urgency of the situation due to the following circumstances justifies the absence of prior publication:

— the amendments made by the Government to the Regulation adopted by the Bureau de l'Ordre des psychologues du Québec were not made to the English version of the Regulation and it is imperative that such corrections be made without delay, given that the Regulation was approved by the Government on 16 February 2000 and that it must be published within the next 30 days under section 11.1 of the Executive Power Act (R.S.Q., c. E-18) so that it may come into force within 15 days following its publication;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for the administration of legislation respecting the professions:

THAT the Regulation to amend the Regulation respecting the conciliation and arbitration procedure for the accounts of psychologists, the text of which is attached to this Order in Council, be approved.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

## **Regulation to amend the Regulation respecting the conciliation and arbitration procedure for the accounts of psychologists**

Professional Code  
(R.S.Q., c. C-26, s. 88)

1. The Regulation respecting the conciliation and arbitration procedure for the accounts of psychologists, approved by Order in Council 145-2000 dated 16 February 2000 is amended by substituting the following for the English version of the Regulation:

### **“Regulation respecting the conciliation and arbitration procedure for the accounts of psychologists**

Professional Code  
(R.S.Q., c. C-26, s. 88)

#### **DIVISION I GENERAL**

1. A client or a person who has a dispute with a psychologist concerning the amount of an account for professional services may, even if the amount has been paid in full or in part, request conciliation by the syndic.

Where the dispute is not settled by conciliation, the client or the person may apply for arbitration.

2. The syndic of the Ordre des psychologues du Québec shall send a copy of this Regulation to any person who applies for conciliation, as well as the form prescribed in Schedule I.

In this Regulation, “syndic” includes the assistant syndic and the corresponding syndic of the Order.

3. A psychologist may not institute proceedings concerning an account:

(1) before the expiry of the 45-day period provided for the application for conciliation in the first paragraph of section 4;

(2) if there is an application for conciliation, before the expiry of the 30-day period provided for the application for arbitration in the first paragraph of section 10;

(3) if there is an application for arbitration, until a decision is rendered by the council of arbitration.

However, the syndic may authorize proceedings concerning an account if there is any risk that, without those proceedings, the fees could not be recovered.

#### **DIVISION II CONCILIATION PROCEDURE**

4. An application for conciliation must be sent to the syndic on the form prescribed in Schedule I within 45 days from the date on which the client received the account.

Where the payment of the account has been withdrawn or withheld by the psychologist from the funds that he holds or receives for or on behalf of the client, the period runs from the day on which the client becomes aware of the withdrawal or withholding.

An application for conciliation in respect of an account for which no payment, withdrawal or withholding has been carried out may be sent to the syndic after the expiry of 45 days provided that it is sent before the client is served with proceedings concerning the account.

5. Upon receipt of an application for conciliation, the syndic shall notify the psychologist personally or, if unable to do so, shall notify his firm.

6. The syndic shall proceed with the conciliation using such procedure as he considers appropriate.

For that purpose, he may request of the psychologist or of the client or of the person referred to in section 1 any information or document that he deems necessary.

7. Any agreement reached during conciliation shall be put in writing on a form similar to that prescribed in Schedule II, shall be signed by the client or the person referred to in section 1 and by the psychologist and shall be filed with the syndic.

8. Where conciliation does not lead to an agreement within 45 days from the date of receipt of the application, the syndic shall send his conciliation report to the client or the person referred to in section 1 and to the psychologist by registered mail within the next 20 days.

The report shall contain the following information, where applicable:

- (1.) the amount of the account in dispute;
- (2.) the amount that the client or the person referred to in section 1 acknowledges owing;
- (3.) the amount that the psychologist acknowledges having to reimburse or is willing to accept as a settlement of the dispute;
- (4.) the reason for which this Regulation does not apply to the application.

The syndic shall send the client or the person referred to in section 1 the form prescribed in Schedule III and shall inform him of the arbitration procedure and the deadline for submitting the dispute.

9. The syndic may, for valid reasons, extend the deadlines provided for in this Division. In such case, he shall inform the client or the person referred to in section 1 and the psychologist.

### **DIVISION III** **ARBITRATION PROCEDURE**

#### *§1. Application for arbitration*

10. Where the conciliation procedure did not lead to an agreement, the client or the person referred to in section 1 may, within 30 days of receiving the conciliation report, apply for arbitration of the account by sending the duly completed form prescribed in Schedule III to the secretary of the Order.

The application shall be accompanied by the conciliation report and, if applicable, the deposit of the amount that he acknowledged owing during conciliation, as stated in the syndic's report.

11. Upon receipt of an application for arbitration, the secretary of the Order shall send a notice to the psychologist in question by registered mail. If applicable, the notice shall be accompanied with the amount deposited in accordance with section 10. The arbitration shall proceed, pertaining only to the amount still in dispute.

12. An application may only be withdrawn in writing and with the consent of the psychologist.

13. A psychologist who acknowledges having to reimburse an amount shall deposit that amount with the secretary of the Order who shall then remit it to the client or to the person referred to in section 1.

In such case, the arbitration shall proceed and shall pertain only to the amount still in dispute.

14. Any agreement reached between the client or the person referred to in section 1 and the psychologist after the application for arbitration has been filed shall be put in writing, on a form similar to that prescribed in Schedule II, shall be signed by the parties and shall be filed with the secretary of the Order.

If the agreement is reached after the council of arbitration has been formed, the agreement shall be recorded in the arbitration award.

#### *§2. Appointment of the council of arbitration*

15. The council of arbitration shall be composed of three arbitrators where the amount in dispute is \$2500 or more, and of a single arbitrator where the amount is less than \$2500.

**16.** The administrative committee shall appoint the member or members of the council of arbitration from among the members of the Order and, if the council is composed of three arbitrators, shall designate the chairperson thereof.

**17.** The secretary of the Order shall send written notice to the arbitrators and to the parties informing them of the formation of the council.

**18.** Before acting, the member or members of the council of arbitration shall take the oath or make the solemn affirmation of office and discretion prescribed in Schedule IV.

**19.** A request that an arbitrator be recused may be filed only for a reason provided for in article 234 of the Code of Civil Procedure. The request shall be sent to the secretary of the Order, to the council of arbitration and to the parties or their advocates within 10 days of receipt of the notice referred to in section 17 or of the day on which the reason for the request becomes known.

The administrative committee shall decide on the request and, where applicable, shall see that the arbitrator is replaced.

**20.** Should an arbitrator die or be unable to act, the other arbitrators shall bring the matter to completion. Where the arbitrator is the chairperson of the council of arbitration, the administrative committee shall designate one of the two other arbitrators to act as chairperson.

If the council consists of a single arbitrator, a new arbitrator shall replace him and the dispute shall be reheard.

### **§3. Hearing**

**21.** The council of arbitration shall fix the date, time and place of the hearing and shall give the parties at least 10 days notice of the date of the hearing by registered mail.

**22.** The parties are entitled to be represented or assisted by an advocate.

**23.** The council of arbitration shall, as soon as possible, hear the parties, receive their evidence or record any default on their part. For those purposes, it shall follow such rules of procedure and rules of evidence as it considers appropriate.

**24.** The council may ask the parties to submit, within a given time limit, a statement of their claims with supporting documents.

**25.** The chairperson shall draw up the minutes of the hearing and shall have them signed by the other members of the council, if applicable.

**26.** The party requesting that the testimony be recorded shall assume the organization and cost thereof.

### **§4. Arbitration award**

**27.** The council shall issue its award within 60 days of the end of the hearing.

**28.** The award shall be a majority award of the members of the council of arbitration; failing that, it shall be granted by the chairperson of the council.

The award shall give reasons and shall be signed by all the members. Where a member refuses or is unable to sign, the others shall mention that fact and the award shall have the same effect as though all the members signed it.

**29.** In its award, the council of arbitration may uphold, reduce or cancel the amount of the account in dispute, determine the reimbursement or payment to which a party is entitled, and rule on the amount that the client or the person referred to in section 1 acknowledged owing.

Where the account in dispute is upheld in whole or in part, or where a reimbursement is granted, the council of arbitration may add thereto the interest and indemnity determined in accordance with the terms and conditions of articles 1618 and 1619 of the Civil Code of Québec, from the date of the application for conciliation.

The council may also decide the arbitration expenses, which are the expenses incurred by the Order for the arbitration. The total expenses may not exceed 15 % of the amount of the account. However, in any case where the expenses are awarded, those expenses shall equal a minimum of \$50.

Where an agreement is reached between the parties before the council of arbitration renders its decision, the council shall still award the arbitration expenses in accordance with this section.

**30.** The arbitration award is final, without appeal and binding on the parties and is subject to compulsory execution in accordance with the procedure provided for in articles 946.1 to 946.5 of the Code of Civil Procedure.

**31.** The council of arbitration shall file the arbitration award with the secretary of the Order, who, within 10 days, shall send a true copy thereof to the parties or their advocates, to the syndic and to the administrative committee.

32. The cost incurred by a party for the arbitration shall be borne by that party.

**DIVISION IV  
FINAL PROVISIONS**

33. This Regulation replaces the Regulation respecting the procedure for conciliation and arbitration of accounts of psychologists (R.R.Q., 1981, c. C-26, r. 151); however, the latter Regulation continues to govern the conciliation and arbitration procedure for disputes where conciliation was applied for before the coming into force of this Regulation.

34. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

**SCHEDULE I  
(ss. 2 and 4)**

**APPLICATION FOR CONCILIATION**

I, the undersigned, \_\_\_\_\_  
(name and domicile of the client)

declare that:

1. \_\_\_\_\_  
(name and professional domicile of the psychologist)  
has claimed from me the sum of \_\_\_\_\_ for  
professional services rendered between \_\_\_\_\_  
and \_\_\_\_\_ as attested to by:

(Check the appropriate box)

- the account, a copy of which is attached hereto.
- the document, a copy of which is attached hereto, indicating that the sum was withdrawn or withheld.

2. I am contesting the sum claimed for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

but (where applicable) I acknowledge owing the sum of \_\_\_\_\_ for professional services rendered.

(Check the appropriate box)

- 3.  I did not pay the account
- I paid the account in full
- I paid the account up to the sum of \_\_\_\_\_

4. I hereby apply for conciliation by the syndic, pursuant to Division II of the Regulation respecting the conciliation and arbitration procedure for accounts of psychologists.

Signed on \_\_\_\_\_  
(Signature of the client)

“4. An application for conciliation must be sent to the syndic on the form prescribed in Schedule I within 45 days from the date on which the client received the account.

Where the payment of the account has been withdrawn or withheld by the psychologist from the funds that he holds or receives for or on behalf of the client, the period runs from the day on which the client becomes aware of the withdrawal or withholding.

An application for conciliation in respect of an account for which no payment, withdrawal or withholding was made may be sent to the syndic after the expiry of 45 days provided that it is sent before the client is served with proceedings concerning the account.”.

**SCHEDULE II  
(ss. 7 and 14)**

**AGREEMENT RELATIVE TO A DISPUTE  
SUBMITTED FOR CONCILIATION OR  
ARBITRATION**

\_\_\_\_\_  
(name and domicile of the client)

hereinafter referred to as “the client”,  
and

\_\_\_\_\_  
(name and professional domicile of the psychologist)  
hereinafter referred to as “the psychologist”, who declare and agree to the following:

An agreement was entered into by the client and the psychologist concerning the dispute submitted for \_\_\_\_\_ applied for on \_\_\_\_\_  
(conciliation or arbitration) (date)

The agreement provides for the following terms and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The client and the psychologist request that the procedures relating to the dispute referred to above be stayed.

Signed at \_\_\_\_\_ Signed at \_\_\_\_\_  
 (place) (place)  
 on \_\_\_\_\_ on \_\_\_\_\_  
 (date) (date)  
 \_\_\_\_\_  
 (signature of the client) (signature of the psychologist)

Signed at \_\_\_\_\_  
 (place)  
 on \_\_\_\_\_  
 (date)  
 \_\_\_\_\_  
 (signature of the syndic or the chairperson of the arbitration council)

### SCHEDULE III

(ss. 8 and 10)

#### APPLICATION FOR ARBITRATION OF AN ACCOUNT

I, the undersigned, \_\_\_\_\_  
 (name of the client)  
 \_\_\_\_\_  
 (domicile)

declare that:

1. \_\_\_\_\_  
 (name of the psychologist)  
 is claiming from me (or refuses to reimburse me) a sum of money for professional services.
2. I have enclosed a copy of the conciliation report and, where applicable, a certified cheque payable to the psychologist, in the amount of \_\_\_\_\_, which represents the sum of the money that I acknowledge owing and that is stated in the conciliation report.
3. I am applying for arbitration of the account under the Regulation respecting the conciliation and arbitration procedure for the accounts of psychologists.
4. I have received a copy of the above Regulation and have taken cognizance thereof.

5. I agree to submit to the procedure provided for in the Regulation and, where required, to pay to

\_\_\_\_\_ (name of the psychologist)  
 the amount of the arbitration award.

Signed on \_\_\_\_\_  
 (signature of the client)

### SCHEDULE IV

(s. 18)

#### OATH OR SOLEMN AFFIRMATION OF OFFICE OR DISCRETION

I swear (or solemnly affirm) to perform all my duties and to exercise all my powers as an arbitrator faithfully, impartially and honestly, to the best of my ability and knowledge.

I swear (or solemnly affirm) that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.

Where an oath is taken, add: "So help me God.".

\_\_\_\_\_ (signature of the arbitrator)

Oath or solemn affirmation sworn before me

\_\_\_\_\_ (name and position, profession or capacity)

at \_\_\_\_\_ on \_\_\_\_\_  
 (municipality) (date)

\_\_\_\_\_ (signature of person administering oath or solemn affirmation)".

2. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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## Municipal Affairs

Gouvernement du Québec

### **O.C. 130-2000, 16 February 2000**

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Amalgamation of Ville de Sorel and Ville de Tracy

WHEREAS each of the municipal councils of Ville de Sorel and Ville de Tracy adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objection to the application was made and the Minister of Municipal Affairs and Greater Montréal did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS, under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality resulting from the amalgamation of Ville de Sorel and Ville de Tracy be constituted, on the following conditions:

1. The name of the new town shall be “Ville de Sorel-Tracy”. Notwithstanding the foregoing, upon the first general election, the new town shall consult its qualified voters on the name of the new town. If necessary as a result of that consultation, the council shall apply for a change of name in accordance with the Act respecting municipal territorial organization.

2. The territory of the new town shall be that described by the Minister of Natural Resources on 22 November 1999; that description is attached as a Schedule to this Order in Council.

3. The new town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. A provisional council shall hold office until the first general election. It shall be composed of all the members of the councils that exist at the time of the coming into force of this Order in Council. The quorum shall be one-half the members in office plus one.

The mayors of the former Ville de Sorel and of Ville de Tracy shall act respectively as mayor and acting mayor of the new town from the coming into force of this Order in Council until the last day of the month of that coming into force, then the roles shall be reversed for the following month, and so on, according to that alternation principle, until the first general election.

If a councillor’s seat in either of the former towns is vacant at the time of the coming into force of this Order in Council or becomes vacant during the term of the provisional council, one additional vote shall be allotted at the provisional council to the mayor of the former town of origin of the council member whose seat has become vacant. In case one of the two seats of mayor becomes vacant, the mayor’s rights whose seat has become vacant shall be exercised by a councillor chosen by and among the former councillors of the mayor’s town of origin.

The mayors of the former towns shall continue to sit on the council of Municipalité régionale de comté du Bas-Richelieu until the mayor elected in the first general election begins his term and they shall have the same number of votes as they had before the coming into force of this Order in Council.

The by-law respecting the remuneration of the elected municipal officers of a former town shall apply to the members of the provisional council that come from that town.

5. The first meeting of the provisional council shall be held at the council room of the town hall of the former Ville de Sorel. Other ordinary or special meetings shall alternate in that room and in the room of the town hall of the former Ville de Tracy.

6. Mr. Laval Tardif shall act as clerk of the new town until the members of the council elected in the first general election begin their term, then Mr. Jean Charbonneau becomes clerk of the new town.

7. For the purposes of the first general election, the council of the new town shall be composed of a mayor and ten councillors, and its territory shall be divided into two electoral districts. The first district, made up of the territory of the former Ville de Sorel, shall include seats 1 to 5 and the second district, made up of the territory of the former Ville de Tracy, shall include seats 6 to 10.

8. The first general election shall be held on 5 November 2000 and the second general election shall be held in 2004.

9. The new town shall be part of *Municipalité régionale de comté du Bas-Richelieu*.

10. Any budget adopted by one of the former towns for the fiscal year during which this Order in Council comes into force shall continue to be applied by the council of the new town and the expenditures and revenues provided for in that budget shall be accounted for separately.

11. The terms and conditions for apportioning the cost of shared services provided for in an intermunicipal agreement in force before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which separate budgets were adopted.

12. In accordance with the Order in Council respecting the abolition of the *Cour municipale commune de la Ville de Tracy* to be adopted under the Act respecting municipal courts (R.S.Q., c. C-72.01), the *Cour municipale commune de la Ville de Tracy* shall no longer have jurisdiction over the territory of the former *Ville de Tracy*.

In accordance with the Order in Council respecting the extension of the jurisdiction of the *Cour municipale commune de la Ville de Sorel* to be adopted under the Act respecting municipal courts, the *Cour municipale commune de la Ville de Sorel* shall have jurisdiction over the territory of the new town.

13. A municipal housing bureau shall be incorporated under the name of "Office municipal d'habitation de la Ville de Sorel-Tracy".

That municipal bureau shall succeed to the municipal housing bureau of the former *Ville de Sorel* and to that of the former *Ville de Tracy*. The third and fourth paragraphs of section 58 of the Act respecting the *Société d'habitation du Québec* (R.S.Q., c. S-8), amended by section 273 of chapter 40 of the Statutes of 1999, shall apply to the municipal housing bureau of the new town as though it had been incorporated by letters patent

under section 57 of that Act, also amended by section 273.

The members of the bureau shall be the members of the municipal bureaus to which it succeeds.

14. Any surplus accumulated on behalf of a former town at the end of the last fiscal year for which the former towns adopted separate budgets shall be used for the benefit of the ratepayers in the sector made up of the territory of that former town, that is, for the purposes of the repayment of loans contracted by that town, the carrying out of work in that sector or the by-law of any debt referred to in section 16.

15. Any deficit accumulated on behalf of a former town at the end of the last fiscal year for which the former towns adopted separate budgets shall continue to be charged to all the taxable immovables in the sector made up of the territory of that former town.

16. Any debt or gain that may result from legal proceedings for an act performed by a former town shall continue to be charged or credited to all the taxable immovables in the sector made up of the territory of that former town.

17. The working fund of the new town shall be made up of the working fund of each of the former towns as they exist at the end of the last fiscal year for which the former towns adopted separate budgets.

The repayment of the moneys borrowed from the working fund of a former town shall be charged to all the taxable immovables in the sector made up of the territory of that town.

18. Only the taxable immovables located in the sector made up of the territory of a former town shall be affected by the loan by-law taxation clause adopted by that former town before the coming into force of this Order in Council; only those immovables may be affected by an amendment to such a clause.

19. Any surplus reserved on behalf of a former town at the end of the last fiscal year for which the former towns adopted separate budgets shall be reserved for the benefit of the ratepayers in the sector made up of the territory of the former town and shall be dealt with in accordance with section 14.

20. Financing costs related to pension funds of the persons employed by a former town at the end of the last fiscal year for which separate budgets were adopted shall be charged to the taxable immovables located in the sector made up of the territory of that former town.



21. From the first full fiscal year following the coming into force of this Order in Council, and until the tenth fiscal year, a general property tax credit shall be granted to all the taxable immovables located in the sector made up of the territory of the former Ville de Tracy. That credit shall be \$0.19 per \$100 of assessment for the first fiscal year and shall be increased by \$0.01 per \$100 per year thereafter.

Notwithstanding the foregoing, as regards industrial immovables, only the taxable immovables existing on the date of the coming into force of this Order in Council with the exception of improvements made to those immovables after that date, shall be covered by the credit referred to in the first paragraph.

22. The amounts accumulated in a special fund formed by a former town that may be used for parks, playgrounds or natural areas under Division II.1 of Chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., c. A-19.1) shall, from the first fiscal year following that for which separate budgets were adopted, be paid into a special fund formed for that purpose by the new town and accounted for separately to be used for the benefit of the sector made up of the territory of that former town.

23. Costs for the development of the land used for the deposit of snow of a former town shall be charged to the taxable immovables located in the sector made up of the territory of that former town. Notwithstanding the foregoing, a proportion of 20 %, that shall not exceed \$180 000, of the costs for the development of the deposit of snow of the former Ville de Sorel shall be drawn from the general fund of the new town.

24. The new town shall keep a fire station and a municipal library in each sector made up of the territory of each former town.

25. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

**OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF VILLE DE SOREL-TRACY, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DU BAS-RICHELIEU**

The current territory of the towns of Sorel and Tracy, in Municipalité régionale de comté du Bas-Richelieu, comprising in reference to the cadastres of the parishes of Sainte-Anne, Saint-Joseph and Saint-Pierre-de-Sorel

and to the cadastre of Ville de Sorel, the lots or parts of lots, the blocks or parts of blocks and their present and future subdivisions, as well as the roads, routes, autoroutes, streets, railway rights-of-way, islands, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the line running halfway between the south shore of the St. Lawrence River and the southeast shore of Île Saint-Ignace with the northwesterly extension of the northeastern line of lot 1667 of the cadastre of Ville de Sorel: thence, successively, the following lines and demarcations: southeasterly, successively, the said extension, the said lot line and the northeastern line of lot 1668 of the said cadastre; southwesterly, part of the southeastern line of the said lot to the dividing line between the cadastres of Ville de Sorel and Paroisse de Sainte-Anne; southerly, part of the said dividing line between cadastres to the dividing line between lots 185 and 184 of the cadastre of Paroisse de Sainte-Anne, that dividing line between cadastres extended across Rue de la Rive that it meets; southeasterly, the said dividing line between lots, that line crossing Chemin du Chenal-du-Moine that it meets; in a general easterly direction, part of the broken dividing line between the cadastres of the parishes of Saint-Pierre-de-Sorel and Sainte-Anne to the dividing line between the cadastres of the parishes of Saint-Pierre-de-Sorel and Saint-Robert; in general southwesterly, northwesterly and again southwesterly and northwesterly directions, successively, the broken line dividing the cadastre of Paroisse de Saint-Pierre-de-Sorel on the one side from the cadastres of the parishes of Saint-Robert and Sainte-Victoire on the other side, to the right bank of the Rivière Richelieu, that line crossing routes 132 and 133 that it meets; northwesterly, the extension of the southwestern line of lot 131 of the cadastre of Paroisse de Saint-Pierre-de-Sorel to the centre line of the Rivière Richelieu; in a general southerly direction, the centre line of the said river upstream to the southeasterly extension of the dividing line between the cadastre of Paroisse de Saint-Joseph on the one side and the cadastres of the parishes of Saint-Roch and Contrecoeur on the other side; northwesterly, successively, the said extension, the dividing line between the said cadastres and its extension to the centre line of the St. Lawrence River, that line crossing Chemin Saint-Roch, Autoroute 30, the railway right-of-way (lot 162 of the cadastre of Paroisse de Saint-Joseph) and Route 132 that it meets; in a general northerly direction, the centre line of the said river downstream to the westerly extension of the southern line of lot 1 of the cadastre of Paroisse de Saint-Pierre-de-Sorel; in reference to that cadastre, easterly, successively, the said extension and part of the said lot line, extended across the railway right-of-way (lot 393 of the said cadastre) that it meets, to the northeasterly extension of the southeastern line of lot 2 appearing in the original cadastre before the cor-

rection of 31 March 1949; southwesterly, successively, the said extension across a public road shown on the original and part of the southeastern line of the said lot to the apex of the northwestern angle of lot 77; easterly, successively, the northern line of lot 77 extended across a public road shown on the original, the northern line of lot 76 and its extension to the southeastern line of block 2; northeasterly, part of the southeastern line of block 2 to the apex of the eastern angle of the said block; in a general northwesterly direction, the dividing line between blocks 2 and 3 of the said cadastre on the one side and blocks 3 and 4 of the cadastre of Ville de Sorel on the other side; in a general astronomical northerly direction, a straight line to the irregular line running halfway between the south shore of the St. Lawrence River and the southeast shore of Île Saint-Ignace; finally, northeasterly, the said irregular line to the starting point.

The said limits define the territory of Ville de Sorel-Tracy, in Municipalité régionale de comté du Bas-Richelieu.

Ministère des Ressources naturelles  
Direction de l'information foncière sur le territoire  
Division de l'arpentage foncier

Charlesbourg, 22 November 1999

Prepared by: JEAN-PIERRE LACROIX,  
*Land surveyor*

S-162/1

3458

Gouvernement du Québec

### **O.C. 168-2000, 1 March 2000**

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Amalgamation of Ville de Richelieu and Municipalité de Notre-Dame-de-Bon-Secours

WHEREAS each of the municipal councils of Ville de Richelieu and Municipalité de Notre-Dame-de-Bon-Secours adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS objections were sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS a consultative referendum was held on the territory of Municipalité de Notre-Dame-de-Bon-Secours and a majority of qualified voters who cast their ballots at that time were in favour of the amalgamation;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Ville de Richelieu and Municipalité de Notre-Dame-de-Bon-Secours, under the following conditions:

1. The name of the new town shall be "Ville de Richelieu".

2. The territory of the new town shall be that described by the Minister of Natural Resources on 2 November 1999; that description is attached as a Schedule to this Order in Council.

3. The new town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The new town shall be part of Municipalité régionale de comté de Rouville.

5. Until the first general election, the new town shall be administered by a provisional council composed of all the members of the councils of the former municipalities in office at the time of the coming into force of this Order in Council. For each vacant seat on the council of a former municipality at the time of the coming into force of this Order in Council or for any seat that becomes vacant during the term of the provisional council, one additional vote shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

The quorum of the provisional council shall be half the members in office plus one.

The mayor of the former Ville de Richelieu and the mayor of the former Municipalité de Notre-Dame-de-Bon-Secours shall act respectively as mayor and acting mayor of the new town until the last complete day of half of the period that runs between the coming into force of this Order in Council and the day of the first general election, then the roles shall be reversed until

the day on which the mayor elected in the first general election begins his term.

The mayors of the former municipalities shall continue to sit on the council of Municipalité régionale de comté de Rouville until the mayor elected in the first general election begins his term and they shall have the same number of votes as before the coming into force of this Order in Council.

The by-law respecting the salary of the elected members of the former Ville de Richelieu shall apply to the members of the provisional council and to the members elected in the first general election until the council decides otherwise.

6. The first sitting of the provisional council shall be held at the council room of the former Ville de Richelieu.

7. The first general election shall be held on the first Sunday in the sixth month following the coming into force of this Order in Council. The second general election shall be held in 2003.

8. For the first general election and for any by-election held before the second general election, the only persons eligible for seats 1 to 3 shall be the persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the members of the council of the former Ville de Richelieu and the only persons eligible for seats 4 to 6 shall be the persons who would be eligible if such election were an election of the members of the council of the former Municipalité de Notre-Dame-de-Bon-Secours.

For the second general election, the council shall divide the territory of the new town into electoral districts in accordance with the Act respecting elections and referendums in municipalities.

9. Richard Blouin, director general of the former Ville de Richelieu, shall act as director general and treasurer of the new town.

Lucie Sabourin, secretary-treasurer of the former Municipalité de Notre-Dame-de-Bon-Secours, shall act as deputy clerk and deputy treasurer of the new town.

10. Any budget of one of the former municipalities applicable to the fiscal year during which this Order in Council comes into force shall continue to be applied and the expenditures and revenues must be accounted for separately. In that case, an expenditure recognized by the council as resulting from the amalgamation shall

be charged to the budgets of each of the former municipalities in proportion to their standardized property value within the meaning of section 261.1 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), as it appears in their financial statements for the fiscal year preceding the one during which this Order in Council comes into force.

11. The general property tax rate applicable to the taxable immovables in the sector made up of the territory of the former Municipalité de Notre-Dame-de-Bon-Secours shall be successively \$0.68, \$0.6925, \$0.7050, \$0.7175, \$0.73, \$0.7425, \$0.755 and \$0.7675 per \$100 of assessment of taxable value for the eight fiscal years following the fiscal year for which separate budgets were adopted.

12. Any drop in income or increase in expenses that may occur during the eight fiscal years following the fiscal year for which separate budgets were adopted and attributable to a change in a policy or a program of the Gouvernement du Québec with respect to municipalities shall be compensated for by a special tax applicable to all the taxable immovables in the territory of the new town.

13. A financial reserve shall be constituted within the new town in order to make up for the shortfall due to the application of the rates provided for in section 11 and the tax credits provided for in section 15. The amounts paid into the reserve under section 14 shall constitute the reserve in particular.

Any balance of the reserve shall be paid into the general fund of the new town for the ninth fiscal year following the fiscal year for which separate budgets were adopted.

14. A proportion of 38.7 % of the amounts paid to the new town by the Gouvernement du Québec under the Programme d'aide financière au regroupement municipal (PAFREM) shall be paid into the reserve created in accordance with section 13; the surplus shall be paid into the general fund of the new town.

15. If, for one of the eight fiscal years following the fiscal year for which separate budgets were adopted, the general property tax rate applicable to the immovables in the sector made up of the territory of the former Ville de Richelieu is greater than \$0.775 per \$100 of taxable value, a tax credit shall be granted to them, the rate of which shall be equal to the lower of the following:

(1) the difference between the applicable rate and \$0.775 per \$100 of taxable value;

(2) the result obtained by multiplying, by 100, the quotient obtained by dividing the balance of the reserve created in accordance with section 13 by the value of all the taxable immovables in the sector made up of the territory of the former Ville de Richelieu.

16. The terms and conditions for apportioning the cost of a shared service provided for in an intermunicipal agreement in effect before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

17. The working fund of the new town shall be constituted of the working fund of each of the former municipalities as they exist at the end of the last fiscal year for which separate budgets were adopted.

The amounts borrowed from the working fund of a former municipality are repaid out of the general fund of the new town.

18. Any surplus and any reserve accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted shall be used for the benefit of the ratepayers in the sector made up of the territory of that former municipality, to carry out works in that sector, to reduce the tariffs applicable to the solid waste and separate collection service, to reduce taxes applicable to all the taxable immovables in that sector or to repay loans or any other debt contracted by that municipality.

19. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets will be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

20. The part of the loan related to the purchase of a Ford 550 truck and of accessory equipment contracted by the former Ville de Richelieu under its by-law 99-R-402 shall be repaid by means of a loan made out of the working fund of the new town in accordance with section 569 of the Cities and Towns Act, amended by section 51 of Chapter 40 of the Statutes of 1999. For the purposes of that section, the loan made out of the fund is deemed to have been made for capital expenditures.

21. Only the immovables subject to a special tax whose purpose is the repayment of a loan contracted under a by-law adopted before the coming into force of this Order in Council shall be subject to that tax before that coming into force, and only the immovables located in the sector made up of the territory of the former municipality whose council adopted the by-law shall be subject to that tax.

22. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality, shall be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

23. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new town in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new town, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new town.

24. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Ville de Richelieu".

That municipal bureau shall succeed to the municipal housing bureau of the former Ville de Richelieu. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), amended by section 273 of Chapter 40 of the Statutes of 1999, shall apply to the municipal housing bureau of the new town as if it had been incorporated by letters patent under section 57 of that Act also amended by section 273.

The members of the bureau shall be the members of the municipal housing bureau to which it succeeds.

25. As of the first fiscal year following the fiscal year for which separate budgets were adopted and until the fourth fiscal year, the rate of the surtax referred to in Division III.2 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., c. F-2.1), amended by section 6 of Chapter 43 of the Statutes of 1998 and by section 133 of Chapter 40 of the Statutes of 1999, applicable to units of assessment in the sector made up of the territory of the former Municipalité de Notre-Dame-de-Bon-Secours and entered on the assessment roll of that municipality in effect at the time of the coming into force of this Order in Council, will be, respectively, 20 %, 40 %, 60 % and 80 % of the rate fixed by the council of the new town for the fiscal year in question.

26. Notwithstanding the fifth paragraph of section 119 of the Act respecting municipal territorial organization, the first property assessment roll of the new town shall be made for the 2002, 2003 and 2004 fiscal years.

27. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE RICHELIEU, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE ROUVILLE

The current territory of Municipalité de Notre-Dame-de-Bon-Secours and Ville de Richelieu, in Municipalité régionale de comté de Rouville, comprising in reference to the cadastres of Village de Richelieu and the parishes of Notre-Dame-de-Bon-Secours and Sainte-Marie-de-Monnoir, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, autoroutes, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of lot 111 of the cadastre of Paroisse de Notre-Dame-de-Bon-Secours successively, the following lines and demarcations: in a general southeasterly direction, part of the dividing line between the cadastres of the parishes of Notre-Dame-de-Bon-Secours and Sainte-Marie-de-Monnoir to the apex of the southeastern angle of lot 99 of that first cadastre, that line crossing Ruisseau Cordon Savane, Route 112 and the right-of-way of a railway (lot 112 of the cadastre of Paroisse de Notre-Dame-de-Bon-Secours) that it meets; in reference to the cadastre of Paroisse de Sainte-Marie-de-Monnoir, in a general southerly direction, the eastern line of lots 405 to 410 to the north side of the right-of-way of Chemin Rang de la Petite-Savane bordering to the south lot 410; westerly, the north side of the right-of-way of the said road to its meeting point with the northwesterly extension of the northeastern line of lot 415; southeasterly, the said extension and the northeastern line of lots 415 and 418; southerly, the eastern line of lots 418, 419 and 413, that line running in part along the west side of the right-of-way of Chemin Ashby Nord; westerly, the southern line of lots 413, 412 and 412A, that line crossing Autoroute des Cantons-de-l'Est that it meets; southerly, part of the dividing line between the cadastres of the parishes of Notre-Dame-de-Bon-Secours and Sainte-Marie-de-Monnoir to the dividing line between the cadastres of the parishes of Notre-Dame-de-Bon-Secours and Saint-Grégoire; southwestwardly, the dividing line between the latter cadastres to the apex of the southern angle of lot 74 of the cadastre of Paroisse de

Notre-Dame-de-Bon-Secours; in reference to that cadastre, northwesterly, part of the southwestern line of lot 74 to the apex of the eastern angle of lot 70; southwesterly, the southeastern line of lots 70, 69 and 67; southerly, successively, the eastern line of lots 65, 63, 62 and 60 then the extension of the latter line to the southwest side of Chemin Rang des Cinquante-Quatre bordering to the southwest lot 60, that line crossing Chemin Rang Saint-Édouard that it meets; northwesterly, successively, the southwest side of the right-of-way of Chemin Rang des Cinquante-Quatre (shown on the original) then part of the northeastern line of lot 1 of the cadastre of Paroisse de Saint-Athanase to the right bank of Rivière Richelieu, that line crossing Chemin Rang Saint-Édouard and Route 133 that it meets; southwestwardly, a straight line perpendicular to the right bank of Rivière Richelieu and originating from the apex of the northwestern angle of lot 1 of the said cadastre to the centre line of the said river; in a general northerly direction, the centre line of the said river downstream to an irregular line skirting to the west, the north and the east a group of islands fronting on lot 3 of the cadastre of Village de Richelieu and lots 104, 105 and 106 of the cadastre of Paroisse de Saint-Mathias, the said irregular line skirting the said group of islands to the northwesterly extension of the northeastern line of lot 3 of the cadastre of Village de Richelieu; in general southeasterly and northwesterly directions, the said extension and part of the broken dividing line between the cadastre of Village de Richelieu and the cadastre of Paroisse de Saint-Mathias to the apex of the northern angle of lot 97 of that first cadastre, that line crossing 1<sup>re</sup> Rue and Route 133 that it meets; southeasterly, part of the dividing line between the said cadastres to the centre line of Chemin du Cordon bordering to the northwest lot 111 of the cadastre of Paroisse de Notre-Dame-de-Bon-Secours; northeasterly, the centre line of the said road to its meeting point with the northwesterly extension of the northeastern line of the said lot; finally, southeasterly, the said extension to the starting point.

The said limits define the territory of the new Ville de Richelieu, in Municipalité régionale de comté de Rouville.

Ministère des Ressources naturelles  
Direction de l'information foncière sur le territoire public  
Division de l'arpentage foncier

Charlesbourg, 2 November 1999

Prepared by: JEAN-FRANÇOIS BOUCHER,  
*Land surveyor*

R-167/1

3477

Gouvernement du Québec

## O.C. 169-2000, 1 March 2000

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Amalgamation of Village de Beaulac and Canton de Garthby

WHEREAS each of the municipal councils of Village de Beaulac and Canton de Garthby adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objection was sent to the Minister of Municipal Affairs and Greater Montréal and the Minister did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Village de Beaulac and Canton de Garthby, on the following conditions:

1. The name of the new municipality shall be "Municipalité de Beaulac-Garthby".

2. The description of the territory of the new municipality shall be the description drawn up by the Minister of Natural Resources on 15 November 1999; that description is attached as a Schedule to this Order in Council.

3. The new municipality shall be governed by the Municipal Code of Québec (R.S.Q., c. C-27.1).

4. The new municipality shall be part of Municipalité régionale de comté de L'Amiante.

5. A provisional council shall hold office until the first general election. It shall be composed of the mem-

bers of both councils in office at the time of the coming into force of this Order in Council. The quorum shall be half the members in office plus one. The current mayors shall alternate as mayor and deputy mayor each month. The mayor of the former Village de Beaulac shall serve as mayor of the provisional council for the first month.

If a seat is vacant at the time of the coming into force of this Order in Council or becomes vacant during the term of the provisional council, an additional vote shall be allotted to the mayor of the municipality of origin of the council member whose seat has become vacant.

Throughout the term of the provisional council, the elected municipal officers shall receive the same remuneration as the elected members of the former Village de Beaulac were receiving before the coming into force of this Order in Council.

The mayors of both councils at the time of the coming into force of this Order in Council shall continue to receive their remuneration as mayor for the period in which they act as deputy mayor of the provisional council.

The mayor of the former Village de Beaulac and the mayor of the former Canton de Garthby shall continue to sit on the council of Municipalité régionale de comté de L'Amiante until the first general election and they shall have the same number of votes as before the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held in the basement of the church of the former Village de Beaulac.

7. The first general election shall be held on the first Sunday of the fourth month following the coming into force of this Order in Council. The second general election shall be held on the first Sunday of November 2003.

The council of the new municipality shall be composed of seven members, that is, a mayor and six councillors. The councillors' seats shall be numbered from 1 to 6 from the first general election.

8. For the first two general elections and for any other by-election held before the general election of November 2007, the only persons eligible for seats 1, 3 and 5 shall be persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the members of the council of the former Village de Beaulac and the only persons eligible for seats 2, 4 and 6 shall be persons who would be eligible under that Act if such election were an election of the members of the council of the former Canton de Garthby.

9. Claude Jacques, secretary-treasurer of the former Village de Beaulac, shall act as secretary-treasurer of the new municipality.

Julie Gagné, secretary-treasurer of the former Canton de Garthby, shall act as deputy secretary-treasurer of the new municipality.

Jean-Marc Goulet, municipal inspector, public pound-keeper, rural inspector and officer referred to in paragraph 7 of section 119 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) and officer responsible for the issue of a permit provided for in section 4 of the Regulation respecting waste water disposal systems for isolated dwellings (R.R.Q., 1981, c. Q-2, r. 8) of the former Canton de Garthby shall have the same duties within the new municipality and shall carry out any other mandate and task that the municipality may require.

Robert Nadeau, municipal inspector and public pound-keeper of the former Village de Beaulac, shall act as assistant to the municipal inspector, public pound-keeper, officer covered by paragraph 7 of section 119 of the Act respecting land use planning and development and officer responsible for the issue of a permit provided for in section 4 of the Regulation respecting waste water disposal systems for isolated dwellings of the new municipality and shall carry out any other mandate and task that the municipality may require.

10. The budget adopted by each of the former municipalities for the fiscal year during which this Order in Council comes into force shall continue to be applied by the council of the new municipality, and the expenditures and revenues must be accounted for separately as if those municipalities continued to exist.

Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budget of each of the former municipalities in proportion to their standardized property value established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Orders in Council 719-94 dated 18 May 1994, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as it appears in the financial statements of the former municipalities for the fiscal year preceding the one in which this Order in Council comes into force.

11. If section 10 applies, the portion of the subsidy paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year following the amalgamation, less the expenditures recognized by the council as resulting

from the amalgamation and directly financed with that portion of the subsidy, shall constitute a reserve to be paid into the general fund of the new municipality.

12. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in effect before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

13. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be used as follows:

— an amount of \$20 000 shall be deducted from each accumulated surplus and shall be paid into the general fund of the new municipality; if the accumulated surplus is less than \$20 000, the amount deducted from each surplus shall be equal to the lowest surplus or zero where one of the two former municipalities has no accumulated surplus;

— any balance of the surplus accumulated on behalf of a former municipality shall be used for the benefit of the ratepayers of the sector made up of the territory of that former municipality. It may be used to carry out public works in the sector, to reduce taxes applicable to all the taxable immovables in that sector or to repay debts charged to that sector.

14. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets will continue to be charged to all the taxable immovables in the sector made up of the territory of that former municipality.

15. The amounts payable to the Société québécoise d'assainissement des eaux by the former Village de Beaulac, under the agreement signed on 22 March 1985, shall remain charged to the users of the water and sewer system of the sector of the territory made up of that former municipality and they shall be repaid by means of a compensation rate that the council of the new municipality shall fix annually.

16. For the first fiscal year following the last one for which the former municipalities adopted separate budgets, a portion of the financial assistance from the Programme d'aide au regroupement municipal (PAFREM) shall be used to grant a general property tax credit of \$0.02 per \$100 of assessment to all the taxable immovables of the new municipality.

17. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality, shall be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

18. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development do not apply to a by-law adopted by the new municipality in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new municipality, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new municipality.

19. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new municipality.

20. The new municipality shall continue the discussions begun between the former Canton de Garthby and the Minister of Municipal Affairs and Greater Montréal about resort roads, in order to find a satisfactory solution for everyone.

21. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF MUNICIPALITÉ DE BEAULAC-GARTHBY, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE L'AMIANTE

The current territory of Canton de Garthby and Village de Beaulac, in Municipalité régionale de comté de L'Amiante, comprising in reference to the cadastres of Canton de Garthby and Village de Beaulac, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of Lot 15 of Rang 4 of the cadastre of Canton de Garthby; thence, succes-

sively, the following lines and demarcations: in reference to that cadastre, southeasterly, the northeastern line of Lot 15 in ranges 4, 5 and 6, that line crossing Chemin 5<sup>e</sup> Rang that it meets; southerly, part of the dividing line between ranges 6 and 7 to the apex of the northwestern angle of Lot 13B of Rang 7; easterly, the northern line of the said lot and its extension to the centre line of Lac Aylmer, that line crossing Route 112 and a railway right-of-way (Lot 127) that it meets; in general southerly and southwesterly directions, the centre line of the said lake to the meeting point with the southeasterly extension of the dividing line between the cadastre of Canton de Garthby and the cadastres of Canton de Weedon and Village du Lac-Weedon; northwesterly, the said extension and the dividing line between the said cadastres to the apex of the western angle of Lot 1 of Rang A of the cadastre of Canton de Garthby, that line crossing the former Route 1, a railway right-of-way (Lot 126 of the cadastre of Canton de Garthby) and Route 112 that it meets; successively, northeasterly and northwesterly, part of the broken dividing line between the cadastres of the townships of Garthby and Ham-Sud to the apex of the southwestern angle of Lot 26 of Rang 2 Sud of the cadastre of Canton de Garthby; in reference to that cadastre, northerly, successively, the western line of the said lot, the western line of Lot 26 of Rang 1 Sud extended across Lac Coulombe, a straight line across Route 161 joining the apex of the northwestern angle of the said lot to the apex of the southwestern angle of Lot 26 of Rang 1 Nord, then the western line of Lot 26 in ranges 1 Nord and 2 Nord, that latter line crossing Chemin Route du 2<sup>e</sup> Rang that it meets; southeasterly, successively, the northeastern line of lots 26 and 27 of Rang 2 Sud then part of the northeastern line of Lot 28 of the said range to the apex of the western angle of Lot 1 of Rang 4; finally, northeasterly, part of the dividing line between ranges 4 and 3 to the starting point.

The said limits define the territory of Municipalité de Beaulac-Garthby, in Municipalité régionale de comté de L'Amiante.

Ministère des Ressources naturelles  
Direction de l'information foncière sur le territoire public  
Division de l'arpentage foncier

Charlesbourg, 15 November 1999

Prepared by: JEAN-FRANÇOIS BOUCHER,  
*Land surveyor*

B-231/1

3478



Gouvernement du Québec

## O.C. 170-2000, 1 March 2000

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Amalgamation of Ville de Cap-Chat and Municipalité de Capucins

WHEREAS each of the municipal councils of Ville de Cap-Chat and Municipalité de Capucins adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS objections to the application were made and the Minister of Municipal Affairs and Greater Montréal did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Ville de Cap-Chat and Municipalité de Capucins, on the following conditions:

1. The name of the new town shall be “Ville de Cap-Chat”.

2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 18 October 1999; that description is attached as a Schedule to this Order in Council.

3. The new town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The new town shall be part of Municipalité régionale de comté de Denis-Riverin.

5. A provisional council shall hold office until the first general election. It shall be composed of all the

members of the two councils existing at the time of the coming into force of this Order in Council. The quorum shall be half the members in office plus one. The current mayors will alternate each month as mayor and deputy mayor of the provisional council. The mayor of the former Ville de Cap-Chat will act as mayor for the first month.

If a seat is vacant at the time of the coming into force of this Order in Council or becomes vacant during the term of the provisional council, one additional vote shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

The mayor of the former Ville de Cap-Chat and the mayor of the former Municipalité de Capucins shall continue to sit on the council of Municipalité régionale de comté de Denis-Riverin until the first general election and they shall have the same number of votes as they had before the coming into force of this Order in Council.

Throughout the term of the provisional council, the elected municipal officers shall receive the same remuneration as they were receiving before the coming into force of this Order in Council.

6. The first sitting of the provisional council shall be held at the multi-purpose room of the Claude Jourdain arena, located at 187, rue Notre-Dame Est, on the territory of the former Ville de Cap-Chat.

7. The first general election shall be held on the first Sunday in the third month following the coming into force of this Order in Council. If that date falls on the first Sunday in January or on Easter Sunday, the first general election shall be postponed to the first Sunday in the next month. The second general election shall be held in November 2003.

The council of the new town shall be composed of eight members, that is, a mayor and seven councillors. The councillors' seats shall be numbered from 1 to 7 from the first general election.

8. For the first general election, the only persons eligible for seats 1, 2, 3, 4, 5 and 6 are the persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) if such election were an election of the members of the council of the former Ville de Cap-Chat and the only persons eligible for seat 7 are the persons who would be eligible under that Act if such election were an election of the members of the council of the former Municipalité de Capucins.

9. Claudette Lemieux, clerk of the former Ville de Cap-Chat, shall act as clerk and director general of the new town until the council composed of persons elected in the first general election appoints someone to that position.

Maryse Lavoie, secretary-treasurer of the former Municipalité de Capucins, shall act as deputy clerk of the new town until the council composed of persons elected in the first general election appoints someone to that position.

10. Any budget adopted by each of the former municipalities for the fiscal year during which this Order in Council comes into force shall continue to be applied by the council of the new town, and the expenditures and revenues must be accounted for separately as if those municipalities continued to exist.

Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budgets of each of the former municipalities in proportion to their standardized property value established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Orders in Council 719-94 dated 18 May 1994, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as it appears in their financial statements for the last fiscal year ending before this Order in Council comes into force.

11. If section 10 applies, the portion of the subsidy paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year following the amalgamation, less the expenditures recognized by the council as resulting from the amalgamation and directly financed by that portion of the subsidy, shall constitute a reserve to be paid into the general funds of the new town for the first fiscal year for which it does not apply separate budgets.

12. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in effect before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

13. The working fund of the former Ville de Cap-Chat shall be abolished at the end of the last fiscal year for which the former municipalities adopted separate budgets. The amount of the fund that is not committed on that date shall be added to the surplus accumulated on behalf of that former municipality and shall be dealt with in accordance with section 14.

14. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall constitute a reserve created for the benefit of the ratepayers of the sector made up of the territory of that former municipality; it may be used for carrying out public works in that sector, reducing the taxes applicable to all the taxable immovables in that sector or repaying debts charged to the whole sector.

15. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets will remain charged to all the taxable immovables in the sector made up of the territory of that former municipality.

16. The annual repayment of instalments in principal and interest of all loans made under by-laws adopted by a former municipality before the coming into force of this Order in Council shall remain charged to the sector made up of the territory of the former municipality that made them, in accordance with the taxation clauses of those by-laws. Should the new town decide to amend the taxation clauses of those by-laws in accordance with the law, those amendments may affect only the taxable immovables in the sector made up of the territory of that former municipality.

17. Any available balance of loan by-laws 155-91, 166-92 and 199-95 of the former Ville de Cap-Chat shall be used for paying the annual instalments in principal and interest of those loans or, if the securities were issued for a term shorter than that originally fixed, for reducing the balance of those loans.

If the available balance is used for paying annual instalments of the loans, the rate of the tax imposed to pay the instalments shall be reduced so that the revenues from the tax be equal to the balance to be paid, less the available balance used.

18. The subsidy granted by the Government under the Programme d'aide financière au regroupement municipal (PAFREM), to the exclusion of an amount of \$20 000 included in the first payment, which is accounted for in the general administration fund of the new town, shall be paid in proportion to the population of each former municipality as it appears in Order in Council 1347-99 dated 8 December 1999, into the reserve created on behalf of each former municipality in accordance with section 14.

19. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality, shall be charged or credited to all the taxable immov-

ables in the sector made up of the territory of that former municipality.

20. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new town in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new town, provided that such a by-law comes into force within three years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new town.

21. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Ville de Cap-Chat".

That municipal bureau shall succeed to the municipal housing bureau of the former Ville de Cap-Chat, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), amended by section 273 of Chapter 40 of the Statutes of 1999, apply to the municipal housing bureau of the new town as if it had been incorporated by letters patent under section 57 of that Act also amended by section 273.

The members of the bureau shall be the members of the municipal housing bureau of the former Ville de Cap-Chat.

22. Notwithstanding section 119 of the Act respecting municipal territorial organization, amended by section 202 of Chapter 40 of the Statutes of 1999, the new town shall use the values entered on the property assessment rolls filed for the 2000 fiscal year for each of the former municipalities, updated and adjusted as of the coming into force of this Order in Council.

The adjustment shall be made as follows: the values entered on the property assessment roll of the former Municipalité de Capucins are divided by the median proportion of such roll and multiplied by the median proportion of the property assessment roll of the former Ville de Cap-Chat; the median proportions used are those established for the 2000 fiscal year.

The roll in effect in the former Ville de Cap-Chat for the 2000 fiscal year and the roll of the former Municipi-

palité de Capucins amended in accordance with the second paragraph shall constitute the roll of the new town for the first fiscal year of the new town. The median proportion and the comparative factor of that roll shall be those of the former Ville de Cap-Chat. The first fiscal year of the new town is deemed to be the first year of application of the roll.

23. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new town.

24. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

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#### OFFICIAL DESCRIPTION OR THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE CAP-CHAT, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE DENIS-RIVERIN

The current territory of Municipalité de Capucins and Ville de Cap-Chat, in Municipalité régionale de comté de Denis-Riverin, comprising in reference to the cadastres of the townships of Cap-Chat and Romieu, the lots or parts of lots, the blocks or parts of blocks and their present and future subdivisions, as well as the roads, routes, streets, islands, islets, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the meeting point of the southeast shore of the St. Lawrence River and the dividing line between the cadastres of the townships of Romieu and Dalibaire; thence, successively, the following lines and demarcations: northeasterly, the southeast shore of the said river to the southwestern line of lot 20D of Rang 1 of the cadastre of Canton de Romieu; northwesterly, in the St. Lawrence River, the extension of the said line over 1.61 kilometres (1 mile); northeasterly, an irregular line parallel to the southeast shore of the St. Lawrence River to the northwesterly extension of the southwestern line of lot 41B-2 of Rang 1 of the cadastre of Canton de Cap-Chat; northwesterly, the said extension over 3.22 kilometres (2 miles); northeasterly, an irregular line parallel to the southeast shore of the St. Lawrence River to the northwesterly extension of the northeastern line of lot 41B-1 of Rang 1 of the cadastre of Canton de Cap-Chat; southeasterly, successively, the said extension, over 4.83 kilometres (3 miles), the said line of lot then the northeastern line of lot 41B-3 of Rang 1 of the said cadastre, that line extended across Route 132 (rue Notre-Dame Est) that it meets; in reference to that cadastre, easterly, part of the dividing line between ranges 2 and 1 to the dividing line between lots 15-1 and 14-2 of Rang 2;

southeasterly, the said dividing line between lots; westerly, part of the dividing line between ranges 2 and 3 to the dividing line between lots 19-1 and 18-2 of Rang 3; southeasterly, successively, the said dividing line between lots then the southwest side of a public road shown on the original dividing the said lots; westerly, part of the dividing line between ranges 3 and 4 to the dividing line between lots 24-1 and 23-2 of Rang 4; southeasterly, the said dividing line between lots; easterly, part of the dividing line between ranges 5 and 4 to the dividing line between lots 24 and 23 of Rang 5; westerly, part of the dividing line between ranges 5 and 6 to the dividing line between lots 24 and 23 of Rang 6; southeasterly, the said dividing line between lots; westerly, part of the southern line of Rang 6 to the dividing line between the cadastres of the townships of Romieu and Cap-Chat, that line extended across the routes of Saint-Octave-de-l'Avenir, Saint-Pierre and du Ruisseau-Landry that it meets; southeasterly, part of the said dividing line between cadastres to the southeastern line of Rang 6 of the cadastre of Canton de Romieu; in reference to that cadastre, southwesterly, part of the southeastern line of the said range to the southeasterly extension, across the Rivière Cap-Chat and lots 11A, 11B and 12 of Rang 6, of the southwestern line of lot B of the said range, that line crossing the Petite Rivière Cap-Chat that it meets; northwesterly, successively, the said extension and the said lot line, then the southwestern line of lot B of Rang 5, that line crossing Route de la Grande-Rivière-Cap-Chat that it meets; southwesterly, part of the dividing line between ranges 4 and 5 to the dividing line between the cadastres of the townships of Romieu and Dalibaire, that line extended across Route de la Baie that it meets; finally, northwesterly, part of the said dividing line between cadastres to the starting point, that line crossing the des Grands Capucins, des Petits Méchins rivers and Route 132 (Rue Notre-Dame Ouest) that it meets.

The said limits define the territory of the new Ville de Cap-Chat.

Ministère des Ressources naturelles  
Direction de l'information foncière sur le territoire public  
Division de l'arpentage foncier

Charlesbourg, 18 October 1999

Prepared by: JEAN-PIERRE LACROIX,  
*Land surveyor*

C-285/1

3479

Gouvernement du Québec

## O.C. 171-2000, 1 March 2000

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Amalgamation of Ville de Warwick and Canton de Warwick

WHEREAS each of the municipal councils of Ville de Warwick and Canton de Warwick adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs and Greater Montréal;

WHEREAS no objections were sent to the Minister of Municipal Affairs and Greater Montréal, and the Minister did not consider it advisable to request that the Commission municipale du Québec hold a public hearing or to order that the qualified voters in each of the applicant municipalities be consulted;

WHEREAS under section 108 of the aforementioned Act, it is expedient to grant the joint application;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Municipal Affairs and Greater Montréal:

THAT the application be granted and that a local municipality be constituted through the amalgamation of Ville de Warwick and Canton de Warwick, on the following conditions:

1. The name of the new town shall be "Ville de Warwick".
2. The description of the territory of the new town shall be the description drawn up by the Minister of Natural Resources on 30 November 1999; that description is attached as a Schedule to this Order in Council.
3. The new town shall be governed by the Cities and Towns Act (R.S.Q., c. C-19).
4. The new town shall be part of Municipalité régionale de comté d'Arthabaska.

5. A provisional council shall hold office until the first general election. It shall be composed of all the members of the two councils existing at the time of the coming into force of this Order in Council. The quorum shall be half the members in office plus one. The current mayors will alternate as mayor of the provisional council for equal periods. The mayor of the former Ville de Warwick shall serve as mayor of the provisional council of the new town for the first period.

If a seat is vacant at the time of the coming into force of this Order in Council or becomes vacant during the term of the provisional council, an additional vote shall be allotted to the mayor of the former municipality of origin of the council member whose seat has become vacant.

Throughout the term of the provisional council, the elected municipal officers shall receive the same remuneration as before the coming into force of this Order in Council.

Throughout the term of the provisional council, the mayors of the former municipalities shall remain qualified to sit on the council of *Municipalité régionale de comté d'Arthabaska* and shall have the same number of votes as they had before the coming into force of this Order in Council. Notwithstanding the alternation principle provided for in the first paragraph, the mayor of the former Ville de Warwick shall remain qualified to serve as warden of *Municipalité régionale de comté d'Arthabaska* until the first general election.

6. The first sitting of the provisional council shall be held at the *salle Édouard-Deshamais* located on the territory of the former Canton de Warwick.

7. The first general election shall be held on the first Sunday of the fourth month following the month of the coming into force of this Order in Council.

The second general election shall be held on the first Sunday of November 2004.

The council of the new town shall be composed of seven members, that is, a mayor and six councillors. The councillors' seats shall be numbered from 1 to 6 from the first general election.

8. For the first two general elections, only those persons who would be eligible under the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), if such election were an election of the council members of the former Ville de Warwick, shall be eligible for seats 1, 3 and 5; only those persons who would be eligible under that Act if such election were an elec-

tion of the council members of the former Canton de Warwick shall be eligible for seats 2, 4 and 6.

9. Lise Lemieux, director general and secretary-treasurer of the former Canton de Warwick, shall serve as director general and secretary-treasurer of the new town.

10. Any budgets adopted by the former municipalities for the fiscal year during which this Order in Council comes into force shall continue to be applied by the council of the new town and the expenditures and revenues shall be accounted for separately as if the former municipalities continued to exist.

Notwithstanding the foregoing, an expenditure recognized by the council as resulting from the amalgamation shall be charged to the budget of each of the former municipalities in proportion to their standardized property values, established in accordance with the Regulation respecting the equalization scheme (Order in Council 1087-92 dated 22 July 1992, amended by Orders in Council 719-94 dated 18 May 1994, 502-95 dated 12 April 1995 and 1133-97 dated 3 September 1997), as it appears in the financial statements of those former municipalities for the fiscal year preceding the one during which this Order in Council comes into force.

11. The terms and conditions for apportioning the cost of shared services provided for in intermunicipal agreements in effect before the coming into force of this Order in Council shall continue to apply until the end of the last fiscal year for which the former municipalities adopted separate budgets.

12. Any surplus accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall be used for the benefit of ratepayers in the sector made up of the territory of that former municipality. It may be used to reduce taxes applicable to all the taxable immovables located in that sector or to repay its debts.

13. The balance in the ratepayers fund (*Fonds Baril*) accumulated by each of the former municipalities shall be used for the benefit of the ratepayers of the new town.

14. Any deficit accumulated on behalf of a former municipality at the end of the last fiscal year for which the former municipalities adopted separate budgets shall remain charged to all the taxable immovables in the sector made up of the territory of that former municipality.

15. The annual repayment of the instalments in principal and interest of all loans made under by-laws adopted by a former municipality before the coming into force of

this Order in Council shall remain charged to the sector made up of the territory of the former municipality which contracted them, in accordance with the taxation clauses provided for in those by-laws.

16. During the first year following the coming into force of this Order in Council, the new town must have Rang Saint-François paved. The costs related to that expenditure will be charged to all the taxable immovables of the new town.

An amount representing 40.4 % of the portion of the subsidy paid under the Programme d'aide financière au regroupement municipal (PAFREM) related to the first year following the amalgamation shall be used to cover the costs related to the expenditure provided for in the first paragraph. The balance of the subsidy shall be paid into the general fund of the new town.

17. During the 12 fiscal years following the last fiscal year for which the former municipalities adopted separate budgets, a special tax shall be imposed and levied on all the taxable immovables in the sector made up of the territory of the former Ville de Warwick on the basis of their value as it appears on the assessment role in effect each year; the rate of that tax shall be the following:

First eight years:	\$0.35 per \$100 of assessment;
Ninth year:	\$0.30 per \$100 of assessment;
Tenth year:	\$0.25 per \$100 of assessment;
Eleventh year:	\$0.20 per \$100 of assessment;
Twelfth year:	\$0.15 per \$100 of assessment.

18. Any debt or gain that may result from legal proceedings, for an act performed by a former municipality, shall be charged or credited to all the taxable immovables in the sector made up of the territory of that former municipality.

19. A municipal housing bureau is incorporated under the name of "Office municipal d'habitation de la Ville de Warwick".

That municipal bureau shall succeed to the municipal housing bureau of the former Ville de Warwick, which is dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), amended by section 273 of Chapter 40 of

the Statutes of 1999, shall apply to the municipal housing bureau of the new Ville de Warwick, as if it had been incorporated by letters patent under section 57 of that Act also amended by section 273.

The members of the bureau shall be the members of the municipal housing bureau of the former Ville de Warwick.

20. All the movable and immovable property belonging to each of the former municipalities shall become the property of the new town.

21. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new town in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new municipality, provided that such a by-law comes into force within four years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new municipality.

22. In accordance with the Order in Council concerning the amendment to the agreement respecting the Cour municipale de Victoriaville, which will be made under the Act respecting municipal courts (R.S.Q., c. C-72.01), the Cour municipale de Victoriaville will have jurisdiction over the territory of the new town.

23. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

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OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE WARWICK, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ D'ARTHABASKA

The current territory of Canton de Warwick and Ville de Warwick, in Municipalité régionale de comté d'Arthabaska, comprising in reference to the cadastres

of the townships of Tingwick and Warwick the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of lot 483 of the cadastre of Canton de Warwick; thence, successively, the following lines and demarcations: southeasterly, part of the dividing line between the cadastres of the townships of Warwick and Tingwick and the cadastres of Paroisse of Sainte-Victoire, Village d'Arthabaskaville and Paroisse Saint-Christophe to the apex of the eastern angle of lot 2 of the cadastre of Canton de Tingwick, that line crossing Chemin 4<sup>e</sup> Rang Est, the right-of-way of an abandoned railway (lot 403 of the cadastre of Canton de Warwick) and Route 116 that it meets; in reference to the cadastre of Canton de Tingwick, southwesterly, part of the dividing line between ranges 1 and 2 to the northeast side of the right-of-way of Route Goudreau, that line crossing the roads, watercourses and right-of-way of an abandoned railway (lot 54 of the cadastre of Canton de Tingwick) that it meets; northwesterly, the northeast side of the right-of-way of the said route to the southeast side of the right-of-way of Route 116; northeasterly, the southeast side of the right-of-way of the said road to its meeting point with the southeasterly extension of the southwestern line of lot 258 of the cadastre of Canton de Warwick; in reference to that cadastre, northwesterly, successively, the said extension and the southwest line of lots 258 and 257; northeasterly, part of the dividing line between ranges 1 and 2 to the apex of the southern angle of lot 352; northwesterly, the southwestern line of lots 352, 354 and 355; northeasterly, part of the dividing line between ranges 2 and 3 to the apex of the southern angle of lot 455; northwesterly, the southwestern line of the said lot; northeasterly, part of the dividing line between ranges 3 and 4 to its meeting point with the southeasterly extension of the southwestern line of lot 543; northwesterly, successively, the said extension and the southwestern line of the said lot, that line crossing Chemin 4<sup>e</sup> Rang Ouest and Rivière des Rosiers; northeasterly, part of the dividing line between ranges 4 and 5 to the southwest side of the right-of-way of Route de Saint-Albert bordering to the southwest lots 605 and 606; northwesterly, the southwest side of the right-of-way of the said route to the dividing line between ranges 5 and 6; northeasterly, part of the dividing line between the said ranges to the apex of the northern angle of lot 586, that line crossing Route de Saint-Albert and Rivière des Pins that it meets; southeasterly, the northeastern line of the said lot, that line crossing Chemin 5<sup>e</sup> Rang de Warwick that it meets; finally, northeasterly, part of the dividing line between ranges 4 and 5 to the starting point.

The said limits define the territory of the new Ville de Warwick, in Municipalité régionale de comté d'Arthabaska.

Ministère des Ressources naturelles  
Direction de l'information foncière sur le territoire public  
Division de l'arpentage foncier

Charlesbourg, 30 November 1999

Prepared by: JEAN-FRANÇOIS BOUCHER,  
*Land surveyor*

W-65/1

3480





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## Erratum

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Erratum

### **O.C. 1020-99, 8 September 1999**

**An Act respecting the Société de la faune et des  
parcs du Québec (1999, c. 36)**

**— Coming into force of certain provisions**

*Gazette officielle du Québec*, 22 September 1999,  
Volume 131, number 38, Part 2, page 3061.

The date of coming into force, appearing in the fourth and sixth paragraphs of Order in Council 1020-99 of 8 September 1999 should read “8 September 1999” instead of “1 September 1999”.

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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