

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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### Summary

Table of Contents  
Regulations and other acts  
Draft Regulations  
Erratum  
Index

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## Table of Contents

Page

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### Regulations and other acts

961-2000	Supply contracts, construction contracts and service contracts of government departments and public bodies .....	4377
963-2000	Government and Public Employees Retirement Plan, An Act respecting the... — Amendment to Schedule VI .....	4404
964-2000	Government and Public Employees Retirement Plan, An Act respecting the... — Application of title IV.2 of the Act (Amend.) .....	4404
965-2000	Government and Public Employees Retirement Plan, An Act respecting the... — Amendments to Schedules I and II.1 of the Act (Amend.) .....	4406
974-2000	Childcare centres (Amend.) .....	4408
975-2000	Termination of the application of certain provisions of the Act respecting child day care and of the Regulation respecting exemption and financial assistance for a child in day care .....	4409
976-2000	2000 limit of kill for moose .....	4409
977-2000	Insurance, An Act respecting... — Application of the Act (Amend.) .....	4410
981-2000	Transmission of information on users who are major trauma patients .....	4411
985-2000	Signing of certain documents of the Ministère de la Solidarité sociale .....	4413
986-2000	Transportation by taxi (Amend.) .....	4418
	Delimiting areas on land in the domain of the State in view of increased utilization of wildlife resources .....	4419
	Designation of a breast cancer detection centre .....	4422

### Draft Regulations

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Highway Safety Code — Fees exigible and return of confiscated objects .....		4423
Professional Code — Bailiffs — Code of Ethics .....		4424
Professional Code — Respiratory therapists — Code of ethics .....		4430
Promotion, advertising and educational programs relating to alcoholic beverages .....		4431
Terms of sale of alcoholic beverages by holders of a grocery permit .....		4432
Wine and other alcoholic beverages made or bottled by holders of a wine maker's permit .....		4434

### Erratum

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953-2000	Building Code .....	4437
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## Regulations and other acts

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Gouvernement du Québec

### Décret 961-2000, 16 August 2000

Financial Administration Act  
(R.S.Q., c. A-6)

An Act respecting the Service des achats du  
gouvernement  
(R.S.Q., c. S-4; 1999, c. 40; 1999, c. 59)

#### Government departments and public bodies — Supply contracts, construction contracts and service contracts

Regulation respecting supply contracts, construction  
contracts and service contracts of government depart-  
ments and public bodies

WHEREAS, under section 49 of the Financial Admin-  
istration Act (R.S.Q., c. A-6), the Government may, by  
regulation, upon the recommendations of the Conseil du  
trésor, determine the conditions of contracts made in the  
name of the Government by a department, a public body  
whose operating budget is voted wholly or in part by the  
National Assembly or by any other public body;

WHEREAS, under sections 10 and 11 of the Regula-  
tions Act (R.S.Q., c. R-18.1), the text of the draft Regu-  
lation respecting supply contracts, construction contracts  
and services contracts of government departments and  
public bodies was published in the *Gazette officielle du  
Québec* of 5 April 2000 with a notice that it could be  
made by the Government upon the expiry of 45 days  
following that publication;

WHEREAS the Regulation respecting supply contracts,  
construction contracts and service contracts of govern-  
ment departments and public bodies was the subject of a  
recommendation of the Conseil du trésor and it is expedi-  
ent to make the Regulation with amendments;

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

THAT the Regulation respecting supply contracts, con-  
struction contracts and service contracts of government  
departments and public bodies, attached to this Order in  
Council, be made.

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

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#### Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies

Financial Administration Act  
(R.S.Q., c. A-6, s. 49)

An Act respecting the Service des achats du  
gouvernement  
(R.S.Q., c. S-4, s. 4; 1999, c. 40, s. 267; 1999, c. 59,  
s. 41)

#### CHAPTER I GENERAL

##### DIVISION I SCOPE

1. This Regulation applies to the following contracts  
entered into by the government departments and public  
bodies referred to in the second paragraph of section 49  
of the Financial Administration Act (R.S.Q., c. A-6):

(1) supply contracts, that is, contracts for the pur-  
chase or lease of movable property that may include the  
cost of installing, operating or maintaining that prop-  
erty;

(2) construction contracts, that is, contracts entered  
into for construction work referred to in the Building  
Act (R.S.Q., c. B-1.1), for which the supplier shall hold  
the licence required under Chapter IV of that Act; and

(3) service contracts including a contract of under-  
taking or a contract for services within the meaning of  
the Civil Code, a contract of affreightment, a damage

insurance contract or a cartage contract except a construction contract, a contract for the hiring of a mediator designated by the Service de médiation familiale of the Superior Court or a contract referred to in the Politique d'intégration des arts à l'architecture et à l'environnement des bâtiments et des sites gouvernementaux et publics made by Décret 955-96 dated 7 August 1996.

2. Any contract entered into by a government department or body acting outside Québec for the purchase of goods or services or for work outside Québec is governed by this Regulation with any adaptation required by the practices and conditions prevailing in the country or territory concerned.

3. This Regulation does not apply to the following contracts:

(1) contracts under a cooperation agreement financed in whole or in part by an international cooperation organization if the agreement contains contract rules;

(2) emergency contracts where the safety of persons or property is in jeopardy, except for paragraph 8 of the second paragraph of section 16, section 90 and subparagraph 1 of the first paragraph of section 178; and

(3) contracts entered into as a mandatary of a third party who is not subject to this Regulation, except for such contracts with the General Purchasing Director appointed under section 3 of the Act respecting the Service des achats du gouvernement (R.S.Q., c. S-4) and such contracts with a government department pursuant to an agreement referred to in section 29.9.2 of the Cities and Towns Act (R.S.Q., c. C-19) or section 14.7.2 of the Municipal Code of Québec (R.S.Q., c. C-27.1).

## DIVISION II DEFINITIONS

4. In this Regulation,

“amount of the contract” means the total financial commitment under a contract, taking into account the renewals or, in the case of an open contract, the estimated amount of the expenditure that may result therefrom; (*montant du contrat*)

“auxiliary services contract” means a contract for services other than professional services; (*contrat de services auxiliaires*)

“bid” means a tender submitted by a supplier, which consists in submitting solely a price for carrying out a contract; (*soumission*)

“central register” means the central register of Government suppliers; (*fichier*)

“estimated amount of the contract” means the total estimated expenditure of the contract except for a contract with a term of at least one year, renewable for a determined period, where it means the estimated expenditure of the initial contract excluding the estimated amount of renewal; however, in the case of a service contract for an advertising campaign, the estimated amount of the contract shall not include media placement costs and, in the case of a contract for snow removal from roads, the estimated amount of the contract shall not include the costs of ice removal materials; (*montant estimé du contrat*)

“intergovernmental agreement” means an agreement entered into by the Gouvernement du Québec and another government to promote access to public contracts; (*accord intergouvernemental*)

“Minister” means the Minister for Administration and the Public Service; (*ministre*)

“open contract” means a contract whose purpose is to meet the future needs of a group of users, in which a department or body undertakes to purchase or have purchased certain goods or services or to carry out construction work at predetermined prices or according to a predetermined method of setting prices, on specific terms and conditions, for specific periods, as required; (*contrat ouvert*)

“place of business” means a place where a supplier conducts activities on a permanent basis, which clearly shows the supplier’s name and is open during regular business hours; (*établissement*)

“price” means a fixed price, a unit price, a rate, a percentage or a combination thereof; (*prix*)

“professional services contract” means a contract for services that must be carried out by professionals or under their responsibility, considering that professionals are persons who hold an undergraduate degree recognized by the Ministère de l'Éducation or its equivalent and, in the case of exclusive practice, are members of a professional order governed by the Professional Code (R.S.Q., c. C- 26); (*contrat de services professionnels*)

“rate” means the amount established on an hourly, daily, weekly or monthly basis for goods, services or persons assigned to the carrying out of a contract; (*taux*)

“region” means an administrative region of Québec established under Order in Council 2000-87 dated 22 December 1987; (*région*)

“snow removal from roads” means snow and ice removal from roads under the management of the Minister of Transport and from wharves, airports or other transport infrastructures whose maintenance is entrusted to the Minister of Transport; (*déneigement des routes*)

“standing offer” means a bid or a tender for services submitted by a supplier with a view to obtaining specific supply or service contracts at predetermined prices or according to a predetermined method of setting prices, on specific terms and conditions, for specific periods and as required, comprising either an obligation to deliver the goods or services required whenever a user so requests, or an obligation to deliver them insofar as they are available; (*offre permanente*)

“supplier” means a legal or natural person or partnership, except a public body within the meaning of section 3 of the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q., c. A-2.1), a department or body of another government, a band council, a fund for the benefit of confined persons established under section 22.0.1 of the Act respecting correctional services (R.S.Q., c. S-4.01) or a non-profit legal person that is not an adapted work centre; (*fournisseur*)

“tender for services” means a proposal or an application submitted by a supplier with a view to obtaining a contract. (*offre de services*)

## **CHAPTER II** **CONTRACT CONDITIONS**

### **DIVISION I** **SUPPLIER’S OBLIGATIONS**

#### *§1. Equal opportunity program*

5. Where the amount of a supply or service contract is \$100 000 or more, or where the amount of a supply or service subcontract to a supply or service contract is \$100 000 or more, that contract or subcontract may not be entered into with a Québec supplier or subcontractor whose business has more than 100 employees, unless the supplier or subcontractor has made a commitment to implement an equal opportunity program that complies with the Charter of human rights and freedoms (R.S.Q., c. C-12) and holds an attestation to that effect issued by the Minister.

If such a contract or subcontract must be entered into with a supplier or subcontractor located outside Québec but in Canada and whose business has more than 100 employees, that supplier or subcontractor shall provide in advance an attestation to the effect that he has already committed himself to implement an equal opportunity program of his province or territory, where applicable or, failing that, to implement a federal equal opportunity program.

6. If a Québec supplier fails to implement the equal opportunity program agreed to, the attestation issued by the Minister shall be cancelled and he may not enter into any supply or services contract or subcontract until he holds a new attestation.

Any supplier located outside Québec but in Canada whose attestation referred to in the second paragraph of section 5 has been revoked shall not enter into a supply or service contract or subcontract until he holds a new attestation.

7. This subdivision does not apply to public bodies whose operating budget is voted neither wholly nor in part by the National Assembly.

#### *§2. Quality control*

8. A contract, except where referred to in paragraphs 5, 7 and 13 of section 12, may not be entered into with a supplier or group of businesses acting as a supplier unless that supplier or the business in that group carrying out the contract holds a registration certificate, issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, according to which it has a quality control system that covers the goods and services or construction work in question and complies with the ISO standard listed in Schedule I, in the following cases:

(1) the main object of the contract is the supply of goods or services pertaining to a specialty and for an estimated amount listed in section 1 of that Schedule;

(2) it is a construction contract that, in whole or in part, pertains to a specialty listed in section 3 of that Schedule and the estimated amount for the part of the contract pertaining to that specialty is listed in that section.

A contract whose main object is the supply of services that pertain to a specialty listed in section 2 of Schedule I, if it is of an estimated amount listed in that section, may not be entered into with a supplier or a

group of businesses acting as a supplier unless that supplier or the business in that group providing the services holds an accreditation based on the ISO/IEC 25 Guide, issued by the Minister of the Environment under section 118.6 of the Environment Quality Act (R.S.Q., c. Q-2), for each of the fields of accreditation covered by the services.

The definitions of the specialties in Schedule I correspond to those used for the registration of suppliers in the central register, in accordance with section 104 of this Regulation, for the specialties where such registration is possible.

9. Notwithstanding section 8, in the case of an auxiliary services contract in maintenance where the estimated amount is \$50 000 or more and where there are fewer than three suppliers holding an ISO 9003 registration certificate in the region where the contract is to be carried out, the call for tenders may be extended to all the suppliers in the field. In such a case, where a tender is submitted by a supplier holding an ISO 9003 registration certificate, the lowest qualifying tender is determined after subtracting 10 % from such supplier's tender.

## **DIVISION II**

### **CALL FOR TENDERS**

10. In this Regulation, "call for tenders" means a procedure for competitive tendering by several suppliers, inviting them to submit bids or tenders for services with a view to obtaining a contract.

11. Subject to section 12, a contract may not be entered into unless a call for tenders was issued, except where the amount of the contract is less than

- (1) \$5 000 for a supply contract;
- (2) \$10 000 for an auxiliary services contract; and
- (3) \$25 000 for a construction contract or a professional services contract.

12. A call for tenders is not required in any of the following cases:

- (1) a contract is awarded to one of the suppliers on the list of suppliers whose standing offers have been accepted;
- (2) a contract is awarded to a contracting party other than a supplier within the meaning of section 4;
- (3) only one supplier is requested or obtained from the central register pursuant to subdivisions 2 to 4 of Division III of Chapter VIII;

(4) there is only one supplier with a place of business in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement who was found, after an extensive and documented search, to meet the requirements and to have the qualifications necessary to carry out the contract, or there is no qualified supplier in the territory in question;

(5) entering into a contract with a supplier other than the supplier having provided movable property, a service or construction work could void existing guarantees on the movable property, service or work;

(6) because of the cost of transportation of the materials used for the construction or because a supplier holds a copyright or right of ownership giving him a significant advantage over other potential suppliers, there can be no competition since only one supplier is able to submit a tender at a low price;

(7) a contract is awarded to the only possible supplier considering that a person's exclusive right such as a copyright or a right based on a licence or a patent, or the artistic or museological value of the goods or services must be complied with;

(8) a contract is awarded under a co-production agreement in the cultural field with a body whose budget is voted neither wholly nor in part by the National Assembly, and such agreement provides for specific contract conditions and financial participation by a co-producer who is not subject to this Regulation;

(9) a contract of less than \$25 000 for the furnishings of the private office of a minister, a deputy minister, a chief executive officer of a body or a judge in the performance of their duties;

(10) the contract is for the purchase of movable property intended for resale to the public;

(11) the contract is for the purchase of books or a document deposited in accordance with Division VI of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., c. B-2.1);

(12) a construction contract for less than \$500 000 regards both the making and laying of bituminous compound;

(13) a construction contract or auxiliary services contract is given to a public utility firm referred to in section 98 of the Charter of the French language (R.S.Q., c. C-11) within the scope of its activities;



(14) a service contract must be paid for out of the total payroll available to a Minister for his office staff, and the total amount of such contracts paid during a fiscal year does not exceed 10 % of the total payroll;

(15) the contract is for legal, financial or banking services;

(16) a service contract for the hiring of a labour relations investigator, conciliator, negotiator or arbitrator, of an expert court witness, of a physician or a dentist in matters of medical assessment related to their field;

(17) a professional services contract is given to the designer of the original plans and specifications for their adaptation, alteration or supervision and the original construction plans and specifications are used again;

(18) a professional services contract is given to the designer of the plans and specifications for the supervision of the work;

(19) a professional services contract is given to the designer of the plans and specifications or to the person who supervised the work to defend a department's or body's interests with respect to a claim submitted to ordinary courts of law or to an arbitration procedure;

(20) a service contract related to training activities or consulting services is awarded to a private educational institution dispensing the educational services referred to in paragraphs 4, 6 and 8 of section 1 of the Act respecting private education (R.S.Q., c. E-9.1) or a supplier chosen by an employer to meet specific requirements under a program administered by a department or body;

(21) a professional services contract related to study or research activities is awarded to an educational institution at the university level referred to in section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1);

(22) the contract is related to a formal event for accommodation services, restaurant services, rental of halls or cruises, except where an intergovernmental agreement applies;

(23) the contract concerns a trial with jury for accommodation services, restaurant services or transportation services for jurors and for the constables who ensure the custody and safety of the jurors;

(24) the auxiliary services contract is subject to a rate set under an Act or a rate approved by the Government or by the Conseil du trésor, except where an intergovernmental agreement applies;

(25) a travel services contract, for an amount less than \$100 000, is referred to in section 28;

(26) the contract is for repairing an aircraft and the assessment of the work may only be made once the repair work has begun or the contract is for repairing a motor vehicle or heavy equipment; and

(27) the department or body makes the media placement directly.

### **DIVISION III** **AUTHORIZATION REQUIRED**

**13.** A call for tenders shall be authorized by the Conseil du trésor in the following cases:

(1) the call for tenders provides that a supplier shall hold a registration certificate that complies with the ISO standard attesting that he has a quality control system the scope of which is other than that provided for in sections 8 and 9;

(2) tenders for services are invited with a view to awarding a supply or construction contract or an auxiliary services contract;

(3) the call for tenders for services provides for a remuneration based on a rate and estimated at \$100 000 or more, except in the case of a contract subject to a rate set under an Act or approved by the Government or by the Conseil du trésor, if the estimated amount of the contract is less than \$500 000;

(4) standing offers are invited and their procedure does not stipulate that specific contracts must be awarded, among the selected suppliers, to the supplier who, given the cost of transportation related to the delivery of the goods or services and, where applicable, their availability, submitted the lowest price or the best quality/price ratio, except if the awarding procedure has already been authorized by the Conseil du trésor.

**14.** Unless a call for tenders subject to an authorization under section 13 has been issued, a contract must be authorized by the Conseil du trésor in the following cases:

(1) the amount of a professional services contract awarded in the cases referred to in paragraph 4 or 6 of section 12 is \$100 000 or more, or \$25 000 or more if the contract is with a natural person;

(2) a damage insurance contract except if that contract pertains to movable or immovable property belonging to a Québec office or delegation abroad and for

which the Government is required under local laws or practice to enter into an insurance contract;

(3) a personnel supply contract, except for a Québec office or delegation outside Québec, by calling upon local suppliers and if the total number of person-days during the same fiscal year is less than 100;

(4) a contract awarded to a contracting party other than a supplier that does not include a clause whereby a maximum of 10 % of the amount of the contract may be used to remunerate activities subcontracted out;

(5) the amount of a contract awarded to a non-profit legal person other than an adapted work centre is \$100 000 or more, or the amount of a contract with such a legal person for training services or consulting services in training for the sole benefit of a group eligible for employment assistance measures, is \$500 000 or more.

Subparagraph 2 of the first paragraph does not apply to public bodies whose operating budget is voted neither wholly nor in part by the National Assembly, subparagraph 3 of that paragraph does not apply to public bodies whose staff is not appointed under the Public Service Act (R.S.Q., c. F-3.1.1) and subparagraph 5 of that paragraph does not apply if the department or body extended an invitation to tender to non-profit legal persons other than adapted work centres where the estimated amount of the contract is less than \$500 000.

**15.** A contract must be authorized by the deputy minister, by the chief executive officer of the body, or by the General Purchasing Director in the case of a supply contract or a service contract under the latter's responsibility in the following cases:

(1) the term of the contract or of the solicited standing offers is more than three years;

(2) only one eligible offer is deemed acceptable by the selection committee following the review of the tenders for services received;

(3) the amount of the contract is \$25 000 or more and only one eligible offer was received;

(4) a contract awarded to a non-profit legal person, other than an adapted work centre, for \$25 000 or more but less than \$100 000, or for \$100 000 or more but less than \$500 000, in respect of training services or consulting services in training for the sole benefit of a group eligible for employment assistance measures.

Notwithstanding subparagraph 4 of the first paragraph, no authorization is required if the department or body has extended an invitation to tender to non-profit legal persons other than adapted work centres.

### **CHAPTER III** SPECIFIC RULES FOR CERTAIN CONTRACTS

#### **DIVISION I** SUPPLY CONTRACTS

**16.** Any supply contract intended to meet the needs of a department or body designated by the Government under section 6 of the Act respecting the Service des achats du gouvernement must be entered into by the General Purchasing Director.

Notwithstanding the first paragraph, a department or body may enter into a contract in the following cases:

(1) the estimated amount of the contract is less than \$25 000, except if it concerns the purchase or rental for a 12-month period or more of a motor vehicle or of goods for which the General Purchasing Director entered into a contract with a view to supplying several departments or bodies;

(2) the contract is awarded in accordance with the provisions of the tender documents to one of the suppliers on the list of suppliers from whom the General Purchasing Director has accepted standing offers;

(3) the contract is entered into by a department referred to in Schedule II in respect of goods included in that Schedule;

(4) the part of the mixed contract referred to in Division IV of this Chapter related to supply is less than 50 % of the estimated amount of the contract;

(5) the contract concerns the purchase of books or works of art;

(6) the contract concerns a subscription;

(7) the contract is awarded to a fund for the benefit of imprisoned persons or to a public body within the meaning of section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information; and

(8) the contract is entered into in an emergency situation, where the safety of persons or property is in jeopardy.

17. The departments and bodies referred to in section 16 must enter into supply contracts with one of the suppliers selected by the General Purchasing Director where there is a list of suppliers from whom offers have been accepted for the goods required. In that case, the contracts must be entered into in accordance with the provisions of the tender documents.

18. Where the General Purchasing Director enters into an open contract or draws up a list of suppliers from whom standing offers have been accepted with a view to meeting the needs of several departments or bodies, he shall be responsible for the development of the specifications in respect of the goods required and, where applicable, for their classification particularly regarding motor vehicles eligible for purchase or rental of twelve months or more.

## **DIVISION II**

### **CONSTRUCTION CONTRACTS**

19. Where it is decided after tenders are opened that a contract is not to be awarded following a public call for tenders, the provider of the lowest eligible tender shall receive as compensation and final settlement for expenses incurred the amount of

(1) \$2000, where the estimated amount of the contract is equal to or greater than \$500 000 but is less than \$1 000 000; or

(2) \$5000, where the estimated amount of the contract is equal to or greater than \$1 000 000.

20. Receipt of the work by the department or body shall be made by means of a notice of receipt with or without reservations.

21. Once the supplier's contract has been partially completed, the department or body may receive, in accordance with sections 22 and 23, any completed portion of the work provided that the supplier consents thereto and guarantees free and safe access to the portions put into use.

22. The notice of receipt with reservation is a document signed by the representative authorized for that purpose by the department or body, certifying that most of the work has been completed, that the remaining work could not be completed owing to contingencies beyond the supplier's control and that the value of work to be corrected, other than work to be completed, is equal to or less than 0.5 % of the amount of the contract.

The notice shall be sent with a list of the work to be completed or corrected, as the case may be.

23. The notice of receipt without reservation is a document signed by the representative authorized for that purpose by the department or body, certifying that the work is ready for its intended use and that, where applicable, all the work on the list attached to the notice of receipt without reservation has been completed or corrected, as the case may be.

## **DIVISION III**

### **CONTRACTS FOR SERVICES**

#### *§1. Contracts for the rental of heavy machinery with operator*

24. Departments and bodies referred to in section 16 must enter into contracts for the rental of heavy machinery with operator with one of the suppliers selected by the General Purchasing Director where there is a list of suppliers whose standing offers have been accepted for the services required. In such cases, the contracts must be entered into in accordance with the provisions of the tender documents.

#### *§2. Legal, financial or banking services contracts*

25. A legal services contract shall be entered into by the Minister of Justice or with his consent.

26. A financial or banking services contract shall be entered into by the Minister of Finance or with his consent.

27. The provisions of this subdivision do not apply to public bodies whose operating budget is voted neither wholly nor in part by the National Assembly.

#### *§3. Travel services contracts*

28. In this Regulation, "travel services" means services connected with the issue of airline passenger tickets and may include, in particular, advice on the organization of a trip, hotel reservations, car rental, and the reservation, issue or delivery of ground transportation tickets.

29. Every travel services contract for an amount less than \$100 000 shall be awarded to a supplier located in the region from which the traveller originates and selected by the department or body from among the suppliers in the central register for the region and specialty concerned.

30. Notwithstanding section 29, a travel services contract may be awarded to a supplier located in a region other than that of the traveller in the following cases:

(1) the trips take place north of the 55th parallel or from the James Bay area, or the travellers are posted outside Québec;

(2) the department or body groups together travellers going to the same destination but originating from different regions;

(3) the Attorney General of Québec summons persons to appear;

(4) there is no supplier on the central register for the region and specialty concerned.

In the cases provided for in subparagraph 1 of the first paragraph, the contract may also be awarded to an air carrier.

#### **DIVISION IV MIXED CONTRACTS**

31. In this Regulation, “mixed contract” means a contract that comprises supply, services and construction work.

32. Subject to sections 33 to 42, a mixed contract must be entered into in accordance with the rules applicable to the object representing the greatest part of the estimated amount of the contract.

If the contract includes the cost of installing, operating or maintaining property, those costs shall be considered as elements included in the part related to supply.

##### *§1. Mixed construction and services contracts*

33. Paragraph 2 of section 13, sections 36 to 42, 65 and 66 do not apply to a mixed construction and services contract.

34. A contract that includes purchases of services and the carrying out of construction work must be entered into for a fixed price. It may however include, if need be, a unit price, rate or percentage.

35. Where a call for tenders is required with a view to awarding a mixed construction and services contract, tenders shall be invited through a call for tenders for services.

##### *§2. Mixed contracts related to energy efficiency*

36. This subdivision applies to any contract to derive savings from the improvement of energy efficiency that includes the hiring of professional services and the carrying out of construction work where the cost is

covered by the savings. The contract may also provide for the purchase of auxiliary goods and services.

37. Paragraphs 2 and 3 of section 13 and sections 32 to 35, 65, 66, 72, 73, 76, 78 and 83 do not apply to a mixed contract related to energy efficiency.

38. Where a call for tenders is required, tenders shall be invited through a call for tenders for services. Tenders for services must include a list of the energy saving measures proposed by the supplier and an evaluation of the savings and costs generated by the project.

39. The evaluation grid must include a minimum of four criteria for the evaluation of tenders for services of which at least one must be the evaluation of the proposed prices. Each criterion must be weighted according to its importance for the carrying out of the contract without, however, being greater than 30 % of the total weighting of the criteria.

40. The selection committee shall establish the financial value of each tender for services it has deemed acceptable pursuant to section 77.

The financial value of a tender for services shall be the net discounted savings resulting from the project, that is, the current savings less the current costs incurred by the project.

41. The selection committee shall weigh the financial value it has established for each tender for services by multiplying that value by the percentage obtained for each offer respectively in respect of the quality criterion.

42. The contract shall be awarded to the supplier whose eligible and acceptable offer has obtained the highest weighted financial value. In the case of identical results, the contract shall be awarded to the supplier whose offer has the best financial value. In case of a tie between the weighted financial value and the financial value, the contract shall be awarded by drawing lots between those suppliers.

#### **DIVISION V STANDING OFFERS**

43. A department or body may only invite standing offers for the purpose of drawing up a list of suppliers to meet the needs of a group of users.

44. A department or body may not draw up a list of suppliers where, following a public call for tenders, there is only one eligible standing offer. However, it may give that supplier an open contract, if the supplier accepts it.

## **DIVISION VI**

### **UNSOLICITED OFFERS**

45. In this Regulation, “unsolicited offer” means an unsolicited offer of professional services submitted by a supplier, of his own initiative, in order to meet or to try to meet a government need.

46. A department or body that receives an unsolicited offer must

(1) ensure that it does not correspond to a project it has already started or that has already been started by another department or body referred to in section 1, that it falls within the scope of its mission and that it directly contributes to reaching one of its objectives; and

(2) evaluate its quality by considering in particular its feasibility, profitability and timeliness.

47. Following the evaluation of an unsolicited offer, the deputy minister or the chief executive officer of the body shall notify the supplier of the eligibility of the offer and, if not, the reasons for its refusal.

48. The department or body must, to ensure the carrying out of an unsolicited offer that was the object of a favourable notice from the deputy minister or the chief executive officer of the body, proceed as follows:

(1) where the unsolicited offer is not precise enough to enable potential suppliers to propose its carrying out at a fixed price, the department or body shall award, without a call for tenders, to the supplier who submitted the offer a contract for the purpose of allowing him to clarify the offer, provided that the contract is less than \$100 000 and that the supplier guarantees that his offer will be precise enough to be carried out at a fixed price; and

(2) where the offer is or becomes clear enough to enable potential suppliers to propose its carrying out at a fixed price, the department or body shall hold a call for tenders for services.

Notwithstanding section 66, the call for tenders referred to in subparagraph 2 of the first paragraph must require that suppliers submit a fixed price with a view to obtaining the contract. In addition, the lowest eligible offer shall be determined after subtracting 7 % from the price submitted by the supplier having first submitted the unsolicited offer that was the object of a favourable notice, provided that that supplier did not have to clarify the offer pursuant to subparagraph 1 of the first paragraph.

49. An unsolicited offer that was the object of a favourable notice may not be submitted again by a supplier to another department or body under this Division, unless the department or body having given the favourable notice informs the supplier that the offer will not be carried out.

## **CHAPTER IV**

### **TYPES OF CALLS FOR TENDERS**

#### **DIVISION I**

##### **PRINCIPLE**

50. Where a call for tenders is required, it must be either a public call for tenders or an invitation to tender.

#### **DIVISION II**

##### **APPLICATION**

###### *§1. Public call for tenders*

51. A public call for tenders shall be used where the estimated amount of the contract is \$25 000 or more and for the drawing up of a list of suppliers whose standing offers will be accepted, subject to paragraphs 2 to 4 of section 53.

In the case of an engineering services contract related to a specialty not provided for in the central register, the public call for tenders shall be restricted to the suppliers who have a place of business in the region where the work is carried out, except:

(1) if the work is performed in Nouveau-Québec or it concerns a prestigious building, in which case the department or body shall extend its call for tenders to all the regions of Québec;

(2) if the region in question has less than five potential suppliers, in which case the department or body shall extend its call for tenders to the bordering and peripheral regions, where applicable, to obtain a pool of at least five potential suppliers.

52. A public call for tenders may be held in the following cases:

(1) the estimated amount of the supply or auxiliary services contract is less than \$25 000;

(2) no eligible bid or eligible and acceptable tender for services has been received following an invitation to tender;

(3) the negotiation allowed by section 85 does not lead to the signing of a contract.

## §2. Invitation to tender

53. Subject to section 52, an invitation to tender shall be held in the following cases:

(1) the estimated amount of the supply or auxiliary services contract is less than \$25 000;

(2) notwithstanding paragraph 1, in the case of

(a) a contract for the purchase of sand, stone, gravel or bituminous compounds and the estimated amount of which is less than \$200 000;

(b) a contract for printing budget documents published at the time of the Budget Speech by the Minister of Finance and the estimated amount of which is less than \$100 000;

(3) a contract related to a specialty in the central register, except in the cases listed in paragraph 3 of section 12;

(4) notwithstanding paragraph 3, in the case of a snow removal contract the estimated amount of which is less than \$100 000.

54. Subject to the second paragraph, the department or body that holds an invitation to tender shall invite a minimum of three suppliers who have a place of business in Québec or, failing that, the only two suppliers who have a place of business in Québec.

Where an invitation to tender is held and the specialty and level corresponding to the estimated amount of the contract are provided for in the central register, the invited suppliers shall be those found in the central register in accordance with Chapter VIII.

55. Notwithstanding sections 56 and 57, where a call for bids is held for a contract whose estimated amount is less than \$25 000, the invitations and tenders may be made verbally, in which case a written report of all transactions shall be kept.

### DIVISION III ELIGIBILITY AND CONFORMITY OF TENDERS

56. The department or body shall indicate, in the tender documents, the eligibility requirements for tenders and the awarding of contracts, the rules for the receipt, opening, compliance and evaluation of tenders, including the evaluation criteria and the weighting in accordance with section 72 and, where applicable, the use of the preferential margin fixed in section 9 or in the second paragraph of section 48.

If the purpose of the call for tenders is to draw up a list of suppliers from whom standing offers will be accepted, the tender documents shall also specify the procedures by which a supplier is registered on that list and the awarding procedures for those contracts.

In addition, the department or body shall state therein that it does not undertake to accept any of the tenders received.

57. Rules relating to the conformity of tenders shall state the cases that will be automatically rejected, in particular where

(1) a required document is missing;

(2) a required signature by an authorized person on a document is missing;

(3) an erasure of or correction to the tendered or proposed price is not initialed by the authorized person, where applicable;

(4) the tender is conditional or restrictive; and

(5) the place and deadline for receiving tenders have not been complied with.

58. Only tenders submitted by suppliers having the required qualifications, authorizations, permits, licences and registrations and having a place of business in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement shall be considered.

59. If the purpose of the call for tenders is to award a service contract for snow removal, it is restricted to suppliers registered at the appropriate level of the central register who have, according to their statement of registration produced pursuant to section 164, at least the number of trucks required to carry out the contract.

60. The department or body may refuse to consider the tender of a supplier for which it produced, in the two years preceding the date of opening of tenders, an unsatisfactory performance report where such evaluation has been maintained pursuant to section 100 if the nature of the contract in question is the same.

In addition, the department or body may refuse to consider the tender of a supplier who previously omitted to follow up a tender submitted to that department or body or a contract entered into in the two years preceding the date of opening of tenders, except if that department or body has enforced owing to that omission a guarantee it had required.

## **DIVISION IV**

### **ADVERTISING FOR PUBLIC CALLS FOR TENDERS**

61. The public call for tenders is made by means of a notice circulated in an electronic bulletin board system.

62. The notice shall include information concerning the goods, services or construction work required and it shall state the conditions applicable to the receiving of tenders and to the conditions set out in section 58.

The notice must, where applicable, specify that the department or body may refuse to consider a tender pursuant to section 60 and that the contract covered by the call for tenders constitutes an exception provided for in an intergovernmental agreement.

## **DIVISION V**

### **TENDER DEADLINES**

63. The deadlines for receiving tenders shall be calculated from the date the call for tenders is first published and it may not be less than 15 days where the call for tenders applies to a contract subject to an intergovernmental agreement.

64. Any addenda shall be forwarded to the suppliers to whom tender documents have been provided. If the addenda is likely to affect the amount of the bids, it must be forwarded at least seven days before the tender deadlines. The deadline shall be extended where necessary to take the seven-day notice into account.

## **CHAPTER V**

### **SOLICITING OF TENDERS, EVALUATION OF TENDERS AND AWARDING OF CONTRACTS**

## **DIVISION I**

### **SOLICITING OF TENDERS**

65. Tenders shall be solicited by call for bids or by call for tenders for services in the following cases:

(1) a call for tenders is required to award a contract;

(2) to draw up of a list of suppliers whose standing offers will be accepted with a view to awarding contracts.

66. A price must be solicited where a call for tenders for services is held.

Notwithstanding the first paragraph, a price may not be solicited in the following cases:

(1) in the case of a services contract for the carrying out of an advertising campaign;

(2) where there is a rate set under a law or approved by the Government or by the Conseil du trésor and where the contract is not subject to an intergovernmental agreement.

Notwithstanding the first and second paragraphs, a price may not be solicited in the case of a professional services contract related to architecture, engineering, soil and materials engineering or forest engineering.

## **DIVISION II**

### **EVALUATION OF TENDERS FOR SERVICES**

#### *§1. Selection committee*

67. The evaluation of tenders for services shall be made by a selection committee composed of a secretary and of at least three members, including at least one member from outside the department or body for which the call for tenders is issued.

68. The secretary of a selection committee shall hold an attestation issued by the Minister according to which he has undergone the training required to perform those duties.

69. The deputy minister or the chief executive officer of the body shall identify to the Minister the persons apt to receive the training required to act as secretary of the selection committee.

70. The deputy minister or the chief executive officer of the body or their designated representative shall appoint the secretary and the members of a selection committee; in addition, he shall ensure the rotation of the persons he designates to act as members of those committees.

#### *§2. Selection procedure*

71. Members of the selection committee shall evaluate the quality of eligible tenders for services by means of a chart developed by the department or body.

72. The chart shall comprise a minimum of four criteria allowing the evaluation of tenders for services.

Each criterion must be weighted on the basis of its importance for carrying out a contract. The total weighting of the criteria must be equal to 20 and no criterion may have a weighting greater than 6.

73. The evaluation of tenders according to the criteria established shall be made without the tendered price, where required, being known by the members of the selection committee. The tendered price shall be submitted under separate cover.

74. Each tender for services shall be evaluated individually and each criterion shall receive a mark between zero and five; a three shall be granted where the evaluation is deemed satisfactory.

75. The final mark granted to a tender for services shall be the total of the marks obtained in respect of each of the criteria, which shall be determined by the product resulting from the multiplication of the mark given by the selection committee by the weighting established.

A minimum of 60 % of the marks may be required in respect of any of the criteria or group of criteria identified in the tender documents. Where applicable, a tender for services that does not reach that minimum is deemed unacceptable.

76. Where the call for tenders for services does not solicit a price, the selection committee shall determine the supplier who has obtained the highest score.

77. Where the call for tenders for services solicits a price, the selection committee shall only retain the tenders for services deemed acceptable. An acceptable tender for services shall be one that obtains at least 70 points out of 100 in the evaluation of quality criterion, the committee restricting its evaluation to the five tenders having obtained the highest scores.

Notwithstanding the foregoing, where the number of tenders for services retained pursuant to the first paragraph is less than three, tenders for services that obtain at least 60 points out of 100 are also deemed acceptable, if any, the committee restricting its evaluation to those having obtained the highest scores in order to select five tenders in all.

78. A supplier whose tender for services is acceptable for the quality criterion pursuant to section 77 and who has submitted the lowest tendered price or deemed the lowest under the second paragraph of section 48, by taking into account, where applicable, the approximate total price shall be awarded 100 points for the price criterion. Other suppliers whose tenders for services are acceptable shall have subtracted from the 100 mark, the number of points corresponding to the percentage representing the difference between their price and the lowest tendered price, up to a maximum of 10 points; a supplier whose tendered price exceeds the lowest tendered price by more than 10 points shall be eliminated.

For each of the acceptable tenders for services, the points obtained in respect of quality and price shall be added. The selection committee shall determine the supplier who has obtained the highest score.

The price tendered for an unacceptable tender for services shall not be considered and the envelope containing that price shall be returned unopened to the supplier.

79. Where the call for tenders for services provides that the evaluation shall be made in two stages, the first stage shall consist of a call for tenders for services without prices by which the selection committee retains a certain number of suppliers who will be invited to enter into the second stage. The number of suppliers selected must be determined in the tender documents and the suppliers invited to submit new tenders for services must be those having obtained the highest scores.

80. The result of the evaluation of the file of a supplier having submitted a tender for services shall be sent to him within 15 days following the signing of the contract. The information forwarded shall include:

(1) the rank and mark obtained by the supplier or the reasons why his tender is not acceptable and, in respect of a contract referred to in section 36, the weighted financial value of his tender for services;

(2) the number of acceptable and unacceptable suppliers; and

(3) the name of the successful tenderer, the mark obtained and, where applicable, the price or in the case of a contract referred to in section 36, the weighted financial value of the tender for services.

The names of the members of the selection committee shall also be forwarded to suppliers upon request.

### **DIVISION III AWARDING OF CONTRACTS**

81. In the case of a call for bids, the contract shall be awarded to the supplier who submitted the acceptable tender with the lowest fixed price or approximate total price, as the case may be, as calculated in accordance with the method provided for in the tender documents or to the supplier who is deemed to have submitted the lowest price pursuant to section 9. If identical bids are submitted, the contract shall be awarded by a drawing of lots among those suppliers. The price indicated in the contract shall not exceed the price tendered.

82. In the case of a call for tenders for services where a price is not solicited, the contract shall be awarded to a supplier whose acceptable tender obtained the highest score. In the case of identical results, the contract shall be awarded by a drawing of lots among the suppliers.



83. In the case of a call for tenders for services where a price was solicited, the contract shall be awarded to the supplier whose acceptable tender obtained the highest score pursuant to section 78. In the case of identical results, the contract shall be awarded to the supplier who has submitted the lowest fixed price or approximate total price, as the case may be, or to the supplier who is deemed to have submitted the lowest price pursuant to the second paragraph of section 48. If identical tenders for services and prices are submitted, the contract shall be awarded by a drawing of lots among the suppliers. The price indicated in the contract shall not exceed the price tendered.

84. The department or body may, following a public call for tenders, negotiate the price with the sole supplier having submitted the lowest acceptable tender or an acceptable tender for services, where that price varies considerably from the initial estimate.

85. The department or body may, following an invitation to tender, negotiate the price with the supplier having submitted the lowest acceptable tender or having obtained the highest score in respect of the acceptable tender for services submitted where that price varies considerably from the initial estimate.

86. Where a department or body has drawn up a list of suppliers whose standing offers have been accepted, it shall award, in accordance with the terms and conditions of the tender documents, to any supplier appearing on that list any supply or services contract covered by that list of suppliers.

## **CHAPTER VI**

### **CONDITIONS FOR THE ADMINISTRATION OF CONTRACTS**

#### **DIVISION I**

##### **SUPPLEMENTS**

87. Subject to sections 88 and 89, a department or body may grant a supplement to the amount payable for carrying out a contract in any of the following cases:

(1) an amendment to the contract is required to ensure the carrying out of the project;

(2) there is a variation in the amount to which a percentage already established must apply or a variation in quantity for which a unit price or rate was agreed upon;

(3) salaries payable shall be changed under an act or an order in council.

88. A supplement to a supply, construction or auxiliary services contract, other than to a banking services contract, referred to in paragraph 1 of section 87 or a supplement attributable to a variation in a period determined in a contract where the remuneration is established on the basis of a rate shall be authorized by the deputy minister, the chief executive officer of the body or the General Purchasing Director in the case of a supply or services contract under the latter's responsibility, in the following cases:

(1) the initial amount of the contract is less than \$100 000 and the supplement or the total of the supplements exceeds 25 % of the amount of the contract;

(2) the initial amount of the contract is \$100 000 or more and the supplement or the total of the supplements exceeds \$25 000 or 10 % of the amount of the contract, whichever is greater.

89. A supplement to a professional services contract, except in the case of a legal or financial services contract, shall be authorized by the Conseil du trésor in the cases referred to in section 88.

#### **DIVISION II**

##### **PAYMENT**

90. No payment for the performance of a contract entered into in an emergency situation, where the safety of persons or goods is in jeopardy, may be made without the authorization of the deputy minister or the chief executive officer of the body.

91. Unless an authorization is obtained from the Conseil du trésor, no payment shall be made in respect of a contract that was entered into in contravention of the provisions of this Regulation or of a regulation approved under section 49.1 of the Financial Administration Act or entered into according to standards that are different from those authorized under section 49.2 of that Act.

#### **DIVISION III**

##### **SETTLEMENT OF DISPUTES**

92. Any dispute arising from or during a contract may be settled by legal recourse or by arbitration.

93. A department or body, except in the case of a public body whose operating budget is voted neither wholly nor in part by the National Assembly, may be a party to an arbitration agreement only after having been generally or specifically authorized to do so by the Minister of Justice.

The department or body is required to seek such authorization upon request from a contracting party.

For the purposes of the first paragraph, “arbitration agreement” means a contract under which a department or body undertakes with another contracting party to submit a current or potential dispute to one or more arbitrators, with the exception of the courts.

94. A dispute submitted to arbitration shall be settled according to the provisions of the contract and to the rules of law applicable to the case.

95. Every arbitration decision is final and is not subject to appeal.

## CHAPTER VII EVALUATION OF THE PERFORMANCE OF THE SUPPLIERS

96. Any department or body shall evaluate the performance of a supplier in respect of a contract of \$100 000 or more.

97. An evaluation shall be recorded in a performance report within 60 days following the end of a contract, except in the case of a construction contract for which the period must be calculated from the expiry date of the performance security or, failing such security, the date of the completion of the work. Notwithstanding the foregoing, for a contract of a repetitive nature or involving several successive deliveries, the performance report may be made before the end of the contract.

98. The department or body shall forward a copy of any unsatisfactory performance report to the supplier concerned.

99. A supplier may, within 30 days following receipt of an unsatisfactory performance report, forward in writing to the department or body any comments on that report.

100. Within 30 days following the period provided for in section 99 or within 30 days following receipt of the supplier’s written comments, as the case may be, the deputy minister or the chief executive officer of the body shall either revoke or uphold the evaluation and shall inform the supplier of that decision. In the event that the time period is not respected, the supplier’s performance shall be deemed to be satisfactory.

101. The deputy minister or the chief executive officer of the body shall forward a copy of any unsatisfactory performance report to the Minister where the name of the supplier was referred from the central register.

## CHAPTER VIII CENTRAL REGISTER

### DIVISION I DEFINITIONS

102. In this Regulation,

“basic processing” means an operation that consists in referring, from the central register, names of suppliers in the subregion or the region where the work is to be carried out or for all of Québec or, where an intergovernmental agreement applies, for all of Québec and the province or territory set out in the agreement; (*traitement de base*)

“border region” means a region adjacent to the region where the work is carried out that may be accessed by the numbered highway system; (*région limitrophe*)

“border subregion” means a subregion that is adjacent to the subregion where the work is carried out, that may be accessed by the numbered highway system and, where the region where the work is carried out includes at least two subregions, situated in the region where the work is carried out; (*sous-région limitrophe*)

“peripheral region” means a region, other than a border region, that may be accessed from the region where the work is carried out by the numbered highway system; (*région périphérique*)

“peripheral subregion” means a subregion, other than a border subregion, that may be accessed from the subregion where the work is carried out by the numbered highway system; (*sous-région périphérique*)

“permanent resource” means a natural person who, on an annual basis, devotes to the supplier a minimum of 75 % of his working time and a minimum of 1 100 hours; (*ressource permanente*)

“processing of suppliers registered in border subregions or regions” means an operation that consists in referring, from the central register, names of suppliers registered in border subregions or regions; (*traitement limitrophe*)

“processing of suppliers registered in peripheral subregions or regions” means an operation that consists in referring, from the central register, names of suppliers registered in peripheral subregions or regions; (*traitement périphérique*)

“subregion” means a territory corresponding to that of a regional county municipality or of an urban com-

munity, or to any of the following territories: the James Bay area and Kativik, each divided into two subregions situated on either side of the 76th meridian, and the territory bounded to the east by the boundary of Québec, to the north and west by the “Minganie” subregion and to the south by the Gulf of St. Lawrence; an Indian reserve is included in the subregion in which it is geographically located; the territory of Municipalité de Notre-Dame-des-Anges is included in the territory of the Communauté urbaine de Québec. (*sous-région*)

Notwithstanding the first paragraph, the “Sept-Rivières” subregion is deemed to be a subregion bordering on the “Caniapiscou” subregion, the “Pabok” and “La Côte-de-Gaspé” subregions are deemed to be subregions bordering on the “Les Îles-de-la-Madeleine” subregion, the “Minganie” subregion is deemed to be a subregion bordering on the subregion corresponding to the territory bounded to the east by the boundary of Québec, to the north and west by the “Minganie” subregion and to the south by the Gulf of St. Lawrence, the “Kativik-Est” and “Kativik-Ouest” subregions are deemed to be border subregions and vice versa, the “Abitibi” and “Abitibi-Ouest” subregions are deemed to be subregions bordering on the “Jamésie-Ouest” subregion and vice versa, the “Le Domaine-du-Roy” and “Jamésie-Est” subregions are deemed to be border subregions and vice versa, the “Pontiac” and “La Vallée-de-la-Gatineau” subregions are deemed to be subregions bordering on the “Communauté urbaine de l’Outaouais” subregion and vice versa and the “Les Collines-de-l’Outaouais” and “Papineau” subregions are deemed to be border subregions and vice versa.

Notwithstanding the first and second paragraphs, in the case of a contract related to the snow removal from roads specialty, “subregion” means each territory corresponding to the service centres shown on the map illustrating the territorial organization of the Ministère des Transports in effect on 1 March of each year and “border subregion” means any subregion adjacent and linked by road to the subregion where the work is performed; subregions separated by the St. Lawrence River are not border subregions.

## **DIVISION II**

### **REGISTRATION OF SUPPLIERS IN THE CENTRAL REGISTER**

**103.** Suppliers shall be registered in the central register according to specialty, the level corresponding to the estimated amount of the contracts and the geographical location of their place of business.

#### *§1. Specialties in the central register*

**104.** The specialties in which suppliers may be registered are those provided for in the list of specialties established by the Conseil du trésor under section 49.5.1 of the Financial Administration Act.

#### *§2. Levels corresponding to the estimated amount of the contracts*

**105.** Subject to sections 106 to 108, contract levels according to which suppliers may be registered in the various specialties are the following:

(1) level 1, where the estimated amount of the contract is \$25 000 or more but less than \$50 000;

(2) level 2, where the estimated amount of the contract is \$50 000 or more but less than \$100 000;

(3) level 3, where the estimated amount of the contract is \$100 000 or more.

**106.** Contract levels according to which suppliers may be registered in the advertising campaign specialty are the following:

(1) level 1, where the estimated amount of the contract is \$25 000 or more but less than \$75 000;

(2) level 2, where the estimated amount of the contract is \$75 000 or more but less than \$200 000;

(3) level 3, where the estimated amount of the contract is \$200 000 or more.

**107.** Contract levels according to which suppliers may be registered in the snow removal from roads specialty are the following:

(1) level 1, where the estimated amount of the contract is \$10 000 or more but less than \$100 000;

(2) level 2, where the estimated amount of the contract is \$100 000 or more.

**108.** A single contract level shall apply in respect of specialties related to travel services where the estimated amount of the contract is less than \$100 000.

#### *§3. Registration territory*

**109.** According to the location of their place of business, suppliers shall be registered in the central register on lists established for each subregion, except in the cases provided for in sections 110 to 113.

**110.** According to the location of their place of business, suppliers shall be registered in the central register on lists established for each region for the following specialties:

- (1) bridge engineering and travel services;
- (2) advertising campaigns for level-1 or level-2 contracts;
- (3) architecture, civil engineering, mechanical and electrical engineering, soil and materials engineering, where the estimated amount of the contract is \$200 000 or more.

**111.** Suppliers across Québec shall be registered in the central register for the following specialties:

- (1) medium-scale cartography and forest engineering;
- (2) advertising campaigns for level-1 or level-2 contracts;
- (3) subject to paragraph 1, for surveying, where the estimated amount of the contract is \$200 000 or more.

**112.** In addition to the cases provided for in section 111, the central register shall include suppliers from across Québec or, where an intergovernmental agreement applies, suppliers from Québec, a province or a territory set out in the agreement, in the following cases:

- (1) for snow removal from roads for level-2 contracts;
- (2) for evaluation, advertising campaigns for level-3 contracts.

**113.** A supplier may not declare more than one place of business per specialty and per level in each region or subregion, as the case may be, and may be registered only once for each specialty and level on a list of all the suppliers in Québec or, where an intergovernmental agreement applies, in Québec, a province or a territory set out in the agreement.

The provisions of the first paragraph do not apply to level 2 of snow removal from roads and to travel services.

### **DIVISION III OPERATION**

#### *§1. Drawing-up of lists*

**114.** For each specialty and contract level whose registration is subregional or regional, the central register shall contain:

(1) for the purposes of basic processing, a list of the names of all suppliers in the subregion or region where the work is to be carried out, as the case may be;

(2) where required, for the purposes of the processing of suppliers registered in border subregions or regions, a list of the names of all suppliers in the border regions or subregions bordering on the subregion or region where the work is to be carried out, as the case may be; and

(3) where required, for the purposes of the processing of suppliers registered in peripheral subregions or regions, a list made up of the basic list of each of the peripheral subregions or regions.

**115.** The central register shall contain a single list of names for each specialty and contract level for which registration considers all the suppliers in Québec or, where an intergovernmental agreement applies, in Québec, a province or a territory set out in the agreement.

**116.** A duplicate of the basic list shall be used where a department or body requests that a name from the central register be referred to it.

**117.** Suppliers shall be selected at random where a limited number of suppliers is required and a selected supplier may not be selected again until the list has been exhausted.

**118.** A new list shall be drawn up when the last name on a list has been referred.

**119.** Any new registration shall be added at the end of the list.

#### *§2. Referral of names for the purposes of basic processing*

**120.** The provisions of this subdivision shall apply subject to those provided for in subdivision 4 of this Division.

**121.** All the names of suppliers registered in the specialty and territory for a given level shall be referred from the central register in the following cases:

(1) a professional services contract related to cadastral revision and renovation for which a price is solicited;

(2) an evaluation contract whose estimated amount is \$100 000 or more, any other contract referred to in section 105 whose estimated amount is \$200 000 or more or a contract referred to in paragraph 3 of section 106.

**122.** The provisions of section 121 shall also apply in the case of a level-1 auxiliary services contract related to snow removal from roads insofar as the suppliers have the number of trucks required for carrying out a given contract. The number of trucks shall be determined by the department or body and specified in the tender document.

**123.** In the cases referred to in sections 121 and 122, suppliers whose names have been referred from the central register may submit a joint tender.

In addition, in the case of a contract whose estimated amount is \$200 000 or more, related to architecture, civil engineering, mechanical and electrical engineering, soil and materials engineering and where the region concerned for carrying out the work is other than Nouveau-Québec, a supplier invited to submit a tender may join a supplier of another region provided that the project manager is a permanent resource of the supplier of the region concerned.

**124.** In cases other than those referred to in sections 121 and 122, the number of names of suppliers requested by the department or body, selected and referred from the central register shall be the following:

(1) for level-1 or level-2 professional services contracts in advertising campaigns, the number of names shall be ten;

(2) professional services contracts in architecture, civil engineering, mechanical and electrical engineering, soil and materials engineering, surveying, forest engineering and evaluation:

(a) for level 1: one or five names;

(b) for level 2: five names, except for civil engineering, mechanical and electrical engineering in the subregions of the urban communities of Québec or Montréal where the number of names shall be ten;

(c) for level 3: five names, except for architecture, civil engineering, mechanical and electrical engineering, in the subregions of the urban communities of Québec or Montréal where the number of names shall be ten.

Notwithstanding subparagraphs *b* and *c* of the first paragraph, for a level-2 or level-3 contract related to bridge engineering, the number of names shall be five or ten.

**§3.** *Referring names for the purposes of processing suppliers in border or peripheral subregions or regions*

**125.** The provisions of this subdivision shall apply subject to those provided for in subdivision 4 of this Division.

**126.** Notwithstanding sections 121 and 124, the processing of suppliers registered in border subregions or regions shall apply in the following cases:

(1) less than three names are obtained for a level-1 contract through basic processing in the subregion or region, as the case may be;

(2) less than five names are obtained for a level-2 or level-3 contract through basic processing in the subregion or region, as the case may be.

**127.** The processing of suppliers in peripheral subregions or regions shall apply where less than three names are obtained through basic processing and the processing of suppliers in border subregions or regions, as the case may be.

**128.** The provisions provided for in sections 126 and 127 regarding the minimum number of names required do not apply in the cases referred to in subparagraph 2 of the first paragraph of section 124 where a department or body requires only one name.

**129.** The processing of suppliers in peripheral subregions or regions shall apply in several stages, if necessary, and shall take into account the subregions or regions, as the case may be, according to their proximity to the subregion or region where the work is to be performed.

**130.** The processing of suppliers in border or peripheral subregions or regions shall apply, in respect of a contract related to cadastral revision and renovation, in accordance with this subdivision by considering that a maximum of ten names of suppliers have been referred.

#### §4. *Special processing*

131. The processing of requests for names is limited to the municipality concerned in the case of a professional services contract related to construction and to physical sciences for municipal housing bureaus acting as mandataries for the Société d'habitation du Québec.

132. The processing of requests for names shall apply as follows in the case of level-1, level-2 or level-3 professional services contracts related to construction and to physical sciences in the subregions of Kativik:

(1) for the purposes of basic processing, both subregions constitute the basic subregion; and

(2) for the purposes of that basic processing, all other subregions in Québec shall be considered where fewer than three names are obtained through basic processing for a level-1 contract or fewer than five names are obtained for a level-2 or level-3 contract.

133. The processing of requests for names shall apply as follows in the case of level-1, level-2 or level-3 professional services contracts related to bridge engineering:

(1) where basic processing does not yield the number of names requested, the processing of suppliers registered in border or peripheral subregions or regions, as the case may be, shall apply in accordance with section 129 until that number is reached; and

(2) where the work must be carried out in several adjacent regions:

(a) basic processing shall be carried out using regional lists corresponding to the regions covered by the work;

(b) a supplier with more than one place of business shall be selected only once;

(c) where basic processing does not yield the number of names requested, the processing of suppliers registered in border or peripheral subregions or regions, as the case may be, shall apply in accordance with section 129, taking into account all the regions in which the work is to be carried out and until at least the number of names requested is obtained; and

(d) the regions to be considered for the purposes of basic processing or the processing of suppliers registered in border or peripheral subregions or regions shall be selected at random.

134. The processing of requests for names shall apply as follows for level-1, level-2 or level-3 professional services contracts related to construction and to physical sciences in several adjacent subregions that involve bituminous concrete quality control, cement concrete quality control, soil quality control, soil mechanics, soil mechanics and soil and cement concrete quality control, structural inventory of roads, and road mechanics:

(1) the basic processing shall apply using subregional lists corresponding to the subregions covered by the work;

(2) a supplier with more than one place of business shall be selected only once;

(3) sections 126 to 129 shall apply by considering all the subregions concerned by the work; and

(4) the subregions to be considered for the purposes of basic processing or the processing of suppliers registered in border or peripheral subregions or regions shall be selected at random.

135. The processing of requests for names shall apply as follows for level-1, level-2 or level-3 professional services contracts related to cadastral revision and renovation:

(1) the name of the supplier who usually carries out the work in the territory concerned may be added, upon request of the department or body, if he is registered in the central register in the specialty and at the level concerned;

(2) basic processing shall apply using subregional lists corresponding to the region or subregion or, as the case may be, where the work is to be carried out and to the subregions adjacent to the subregion or subregions where the work is to be carried out and that may be accessed by the numbered highway system;

(3) a supplier with more than one place of business shall be selected only once;

(4) where fewer than ten names are obtained through basic processing, the processing of suppliers registered in border subregions or regions shall apply for the subregions bordering on all the subregions considered at the basic processing stage;

(5) where fewer than five names are obtained through basic processing and the processing of suppliers registered in border subregions or regions, the processing of suppliers registered in peripheral subregions or regions shall apply in accordance with section 129 for the pe-

ripheral subregions of all the subregions considered at the basic processing stage; and

(6) the subregions to be considered for the purposes of the processing of suppliers registered in border or peripheral subregions or regions shall be selected at random.

**136.** The processing of requests for suppliers' names shall apply, as the department or body may choose, from a regional list or from the list comprising all the suppliers in Québec for level-1 or level-2 professional services contracts related to advertising campaigns.

**137.** The processing of requests for suppliers' names shall apply from the lists comprising all the regions in Québec for contracts related to architecture, civil engineering, mechanical and electrical engineering, soil and materials engineering where the estimated amount is \$200 000 or more in Nouveau-Québec or where a prestigious building is involved.

**138.** The processing of requests for suppliers' names shall apply as follows in the case of a level-1 auxiliary services contract for snow removal from roads:

(1) basic processing shall apply using subregional lists corresponding to the subregion where the work is to be carried out and to the border subregions;

(2) for the purposes of basic processing, the names of all the suppliers having filed, pursuant to section 164, a statement indicating a number of trucks that is equal to the number required by the department or body shall be referred;

(3) where fewer than five names are obtained pursuant to paragraph 2, the names of the suppliers having filed, pursuant to section 164, a statement comprising one truck less than the number required shall also be referred; and

(4) if a minimum of five names is not obtained pursuant to paragraph 3, the procedure referred to in that paragraph shall be repeated, subtracting one truck each time, until at least five names are obtained or, as the case may be, until all the names of the suppliers registered are referred.

#### **DIVISION IV**

##### **USE OF NAMES BY THE DEPARTMENT OR BODY**

**139.** Except in the cases provided for in sections 140 and 141, a department or body shall extend an invitation to all the suppliers whose names have been referred to it from the central register.

**140.** The name of a supplier referred from the central register may be refused by the department or body where that supplier has been given an unsatisfactory performance report by the department or body for a contract performed in the required specialty in the two years preceding the date on which the names were referred. The name of the supplier who has been refused is deemed to have been already referred and the department or body may request that the name be replaced, except if all the names of the suppliers registered in the specialty and territory at the level concerned have been referred.

**141.** Notwithstanding section 140, a supplier who is given one unsatisfactory performance report in respect of a snow removal contract in a given subregion or who refuses to carry out such a contract in whole or in part in that subregion shall not be invited to tender in that subregion or in the border subregions before the expiry of a period of time covering one period of entering into contracts that extends from 1 May to 31 December of each year.

**142.** If a contract project is abandoned by a department or body, the names of the suppliers referred from the central register in respect of that project are deemed not to have been referred.

**143.** As soon as a department or body is informed that the registration of a supplier has been cancelled or struck off the central register in a given specialty or level, it shall, in respect of a supplier whose name was previously referred from the central register, suspend any procedure undertaken with the supplier with a view to entering into a contract. Notwithstanding the foregoing, if the contract is already entered into and comprises a renewal clause, the department or body shall ascertain that the supplier's registration complies with the central register before it is renewed.

#### **DIVISION V**

##### **CONDITIONS FOR REGISTRATION IN THE CENTRAL REGISTER FOR SUPPLIERS OF PROFESSIONAL SERVICES**

###### *§1. General*

**144.** To be registered in the central register, a supplier shall

(1) have a place of business in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement; and

(2) hold the permits and registrations required under the laws and regulations in force.

145. Where it is specified that a supplier must, in order to register for a given specialty and level, hold a registration certificate complying with an ISO standard, that supplier shall also work in the specialty for which he registers and have in his employ the personnel required for that purpose.

146. Where requirements respecting staff are specified, only permanent resources domiciled in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement and employed by the supplier for at least two months may be used to qualify the supplier.

A supplier may submit all his resources working in the territory of registration concerned.

147. Where suppliers have staff or equipment in common, only one registration in the central register for that staff or equipment is allowed.

148. Where a group of suppliers is registered in the central register, the constituent members of that group may not be registered in the same specialty and the same territory.

149. To remain registered in the central register, a supplier shall at all times meet the conditions prevailing at the time of registration.

## §2. *Specific conditions*

150. To be registered in the architecture specialty, a supplier shall have in his employ,

(1) at level 1, one architect having a minimum of two and a half years' experience;

(2) at level 2, one architect having a minimum of four and a half years' experience and another architect or, failing that, a technician having a minimum of five years' experience in the specialty;

(3) at level 3, two architects, one of them having a minimum of seven and a half years' experience.

151. To be registered in any of the specialties listed in the civil engineering category, excluding bridge engineering, a supplier shall have in his employ,

(1) at level 1, one engineer having a minimum of three years' experience;

(2) at level 2, two engineers, one having a minimum of five years' experience and the other a minimum of two years' experience in civil engineering, or an engi-

neer and a technician each having a minimum of five years' experience;

(3) at level 3, two engineers, one having a minimum of eight years' experience in the specialty and the other a minimum of three years' experience in civil engineering.

In addition, to be registered in the road engineering specialty and at level 2 or 3 of the building civil engineering specialty, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that he has a quality system for the field concerned, complying with the ISO 9001 standard.

152. To be registered in the bridge engineering specialty, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that he has a quality system for the field concerned, complying with the ISO 9001 standard.

153. To be registered in the mechanical and electrical building engineering specialty, a supplier shall have in his employ,

(1) at level 1, one engineer having at least six years' experience in the specialty or two engineers who have jointly accumulated at least six years' experience. Furthermore, the experience shall include at least two years in mechanical building engineering and two years in electrical building engineering; neither of those minimum requirements may be met by combining the years of experience of two persons;

(2) at level 2, at least two engineers who have jointly accumulated at least ten years' experience in the specialty, one having a minimum of three years' experience in mechanical building engineering, and the other a minimum of three years in electrical building engineering;

(3) at level 3, at least two engineers who have jointly accumulated at least 16 years' experience, one having a minimum of five years' experience in mechanical building engineering, and the other a minimum of five years in electrical building engineering.

In addition, to be registered at level 2 or 3, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that he has a quality system for the field concerned, complying with the ISO 9001 standard.



**154.** To be registered in any of the specialties listed in the soil and materials engineering category, a supplier shall hold a registration certificate issued by a registrar accredited by the Standards Council of Canada or by an accrediting agency recognized by it, to the effect that he has a quality system for the field concerned, complying with the ISO 9002 standard.

**155.** To be registered in any of the specialties listed in the surveying category, excluding the location by satellite specialty, a supplier shall have in his employ,

(1) at level 1, at least one land surveyor having a minimum of two years' experience;

(2) at level 2, at least one land surveyor having a minimum of four years' experience;

(3) at level 3, at least one land surveyor having a minimum of six years' experience.

**156.** A supplier meeting the conditions for registration in the land surveying specialty may, at his request, be registered in the cadastral revision and renovation specialty and vice versa.

**157.** To be registered in the location by satellite specialty, a supplier shall have in his employ,

(1) at level 1, at least one land surveyor having a minimum of two years' experience in surveying;

(2) at level 2, at least one land surveyor having a minimum of four years' experience in surveying, including three months of experience in location by satellite;

(3) at level 3, at least one land surveyor having a minimum of six years' experience in surveying, including three months' experience in location by satellite.

**158.** To be registered in the medium-scale cartography specialty, a supplier shall, in addition to meeting the conditions prescribed in section 155:

(1) be the owner or the long-term lessee of a second-order stereoplotter or an electronic image recording device of equivalent precision;

(2) pass the qualification test of the Ministère des Ressources naturelles, which consists in the full production, within a six-week period, of a portion of a medium-scale cartographic plan that complies with the "Normes de production cartographique numérique à l'échelle 1:20 000" of the Ministère des Ressources naturelles; and

(3) not have failed the above-mentioned test during the 12 months preceding his application for registration.

**159.** To be registered in any of the specialties listed in the forest engineering category, a supplier shall have in his employ,

(1) at level 1, at least one forest engineer having a minimum of two years' experience;

(2) at level 2, at least two forest engineers, one having a minimum of four years' experience in the specialty, and the other, a minimum of two years' experience;

(3) at level 3, at least two forest engineers, one having a minimum of six years' experience in the specialty, and the other, a minimum of two years' experience.

**160.** For the purposes of sections 150, 151, 153, 155, 157 and 159, the experience required is the experience acquired after the full right to practice is obtained.

**161.** To be registered in the advertising campaign specialty, a supplier shall

(1) at level 1,

(a) hold the accreditations of the Canadian Radio Common Carriers Association (CRCCA) and the Daily Newspaper Publishers Association (DNPA) or deposit a memorandum of understanding signed with a specialized supplier who has a place of business in Québec and who holds those accreditations, whereby he undertakes to make the media placement when required if the registered supplier is awarded a contract; and

(b) have in his employ at least three professionals who have jointly accumulated a minimum of 15 years' experience related to the specialty;

(2) at level 2,

(a) have carried out in Québec, during the 12 months preceding the application for registration, activities in the specialty for which he earned a minimum gross income of \$600 000 in fees and commissions;

(b) meet the requirements of subparagraph *a* of paragraph 1; and

(c) have in his employ at least five professionals who have jointly accumulated a minimum of 25 years' experience related to the specialty;

(3) at level 3,

(a) have carried out in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement, during the 12 months preceding the application for registration, activities in the specialty for which he earned a minimum gross income of \$1 500 000 in fees and commissions;

(b) hold the accreditations of the Canadian Radio Common Carriers Association (CRCCA) and the Daily Newspaper Publishers Association (DNPA) or deposit a memorandum of understanding signed with a specialized supplier who has a place of business in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement, and who holds those accreditations, whereby he undertakes to make the media placement when required if the registered supplier is awarded a contract; and

(c) have in his employ at least ten professionals who have jointly accumulated a minimum of 50 years' experience related to the specialty.

**162.** For the purposes of sections 150, 151, 153, 155, 157, 159 and 161, the experience acquired by a professional or a self-employed person or a person working in a partnership may be used.

#### **DIVISION VI** CONDITIONS FOR REGISTRATION IN THE CENTRAL REGISTER FOR SUPPLIERS WORKING IN THE SNOW REMOVAL FROM ROADS SPECIALTY

**163.** To be registered in the snow removal from roads specialty, a supplier shall

(1) at level 1,

(a) have a place of business located in the subregion covered by the registration;

(b) file the declaration prescribed by section 164; and

(c) have carried out, during two of the eight years preceding registration, snow and ice removal work for the Ministère des Transports, a municipality, Hydro-Québec, the Société d'énergie de la Baie James or the federal government or have in his employ a person having at least four years' experience in snow and ice removal work for any of those organizations;

(2) at level 2:

(a) have a place of business in Québec or, where an intergovernmental agreement applies, in Québec or in a province or territory set out in the agreement;

(b) file the declaration prescribed by section 164; and

(c) have carried out, during five of the eight years preceding registration, snow and ice removal work for the Ministère des Transports, a municipality, Hydro-Québec, the Société d'énergie de la Baie James or the federal government.

**164.** Where a supplier registers in level 1 or 2 of the central register, he shall declare the trucks he owns or leases for a one-year period or more that are registered in his name with the Société de l'assurance automobile du Québec or, where an intergovernmental agreement applies, with the department or body having jurisdiction in a province or territory set out in the agreement. Those trucks shall have in addition a minimum capacity of 15 400 kg, be in good working order and be less than 20 years old.

**165.** In the case where a group of suppliers is registered in the central register, the constituent members may not be registered in the same specialty and the same territory.

**166.** To remain registered in the central register in the snow removal from roads specialty, a supplier shall

(1) at all times meet the conditions for the level of his registration;

(2) indicate in writing, within 60 days following the notice sent to him yearly by the Minister,

(a) that he meets each of the conditions for registration in the central register, except those concerning the years of experience referred to in paragraph 2 of section 163;

(b) that he has carried out, during five of the ten preceding years, where he is registered in level 2 of the central register, snow and ice removal work for the Ministère des Transports, a municipality, Hydro-Québec, the Société d'énergie de la Baie James or the federal government; and

(c) that the information contained in the declaration prescribed by section 164 is still accurate or, if such is not the case, shall indicate any changes to be made thereto.

**167.** For the purposes of section 163, the experience acquired by a self-employed person or a person working in a partnership may be used. For the purposes of that section and of subparagraph *b* of paragraph 2 of section 166, the years during which a penalty provided for in Divi-

sion VIII of this Chapter applies are not taken into account and, where an intergovernmental agreement applies, the experience acquired for another government or a municipality of another province or territory set out in the agreement shall be recognized.

#### **DIVISION VII**

##### **CONDITIONS FOR REGISTRATION IN THE CENTRAL REGISTER FOR SUPPLIERS OF TRAVEL SERVICES**

**168.** To be registered in the central register in any of the travel within Canada or travel to other destinations specialties, a supplier shall, for the place of business concerned by the registration, meet the following conditions:

- (1) have a place of business located in the region;
- (2) have staff available during regular business hours;
- (3) for the travel within Canada specialty, have recorded sales of not less than \$500 000 for his last fiscal year;
- (4) for the travel to other destinations specialty, have recorded sales of not less than \$3 000 000 for his last fiscal year and have in his employ two travel consultants having a minimum of five years of experience each;
- (5) hold a permit issued by the Chairman of the Office de la protection du consommateur; and
- (6) be accredited by the International Air Transport Association.

**169.** In a region where no supplier of travel services meets all the conditions for registration in the specialty concerned, temporary registration may be offered to a supplier who applies therefor and who meets the conditions set out in paragraphs 1, 2, 5 and 6 of section 168.

Notwithstanding the foregoing, for temporary registration in the travel to other destinations specialty, a supplier shall also have recorded sales of not less than \$2 000 000 and shall have in his employ one travel consultant having a minimum of five years' experience.

**170.** To remain registered in the central register, a supplier shall at all times meet the conditions prevailing at the time of his registration.

#### **DIVISION VIII**

##### **CANCELLATION OF THE REGISTRATION OF A SUPPLIER AND PENALTIES RELATED TO THE CENTRAL REGISTER**

###### *§1. Cases of application*

**171.** A supplier's registration shall be cancelled should any of the following situations arise:

- (1) the supplier has gone bankrupt;
- (2) the supplier cannot be reached at the address and telephone number provided;
- (3) the supplier has discontinued activities; or
- (4) the supplier no longer meets any of the conditions prevailing at the time of his registration.

**172.** Any supplier who makes a false statement at the time of his registration in the central register or concerning the latter shall be struck off the central register in the specialty concerned. In addition, a supplier shall be struck off the central register in the specialty concerned in the following cases:

- (1) he makes a false statement at the time of submitting a tender;
- (2) he withdraws or refuses a contract after the opening of tenders; and
- (3) he is given two unsatisfactory performance reports in a single specialty within a three-year period.

**173.** A supplier struck off the central register pursuant to section 172 may not be registered again in that specialty for two years from the date of the striking-off.

For the purposes of the first paragraph, the two-year period shall correspond, in the case of the snow removal from roads specialty, to two periods of entering into contracts, each of those periods extending from 1 May to 31 December of each year.

###### *§2. Review procedure*

**174.** A notice in writing of any penalty shall be sent 15 days in advance to the supplier. The notice shall contain the reasons justifying the imposition of such penalty.

Notwithstanding the foregoing, such notice is not required in the situations referred to in section 171 and in the case referred to in paragraph 3 of section 172 if the supplier has already been notified of the facts justifying the imposition of that penalty.

175. During the 15-day period, the supplier may write to the Minister to put forward the reasons why the penalty should not be imposed.

176. Within 15 days of the expiry of the 15-day period provided for in section 174 or following receipt of the supplier's written comments in accordance with section 175, as the case may be, the Minister, after examining the record, shall either cancel or uphold the penalty to be imposed and shall inform the supplier of the decision in writing.

#### CHAPTER IX REPORTS

177. The department or body shall forward to the Minister, at least once a year, a report on the contracts it has entered into, including the number and total amount of those contracts, their regional distribution and such other information as may be required.

178. The department or body shall report to the Conseil du trésor

(1) the cases where the authorization of the deputy, chief executive officer of the body or General Purchasing Director was given

(a) pursuant to section 15 for entering into a contract;

(b) pursuant to section 88 for granting a supplement to a contract; and

(c) pursuant to section 90 for paying an amount for the performance of a contract entered into in an emergency situation; and

(2) the cases where notice has been given by the deputy minister or the chief executive officer of the body pursuant to section 47 for the evaluation of an unsolicited offer.

The report referred to in the first paragraph shall be made in the form prescribed by the Conseil du trésor. It shall cover the activities carried out during a fiscal year and shall be sent within 60 days following the end of such a year.

#### CHAPTER X TRANSITIONAL AND FINAL

179. Any supplier registered in the central register on the day preceding the date of coming into force of this Regulation, in a given specialty or at a given level, in accordance with the Regulation respecting services contracts of government departments and public bodies made by Order in Council 1169-93 dated 18 August 1993 or with the Regulation respecting snow removal services contracts of government departments and public bodies made by Order in Council 1170-93 dated 18 August 1993, shall be registered in the central register in accordance with this Regulation in the same specialty and at the corresponding level where such a specialty exists. Such supplier shall remain registered in that specialty until he is struck off or until his registration is cancelled under this Regulation.

180. Procedures for awarding contracts undertaken before the date of coming into force of this Regulation shall be continued in accordance with the provisions in force on the date on which the awarding procedures were undertaken.

181. Any contract under performance on the date of coming into force of this Regulation shall be continued in accordance with the provisions of this Regulation, unless this Regulation is incompatible with a provision of the contract under performance, in which case the latter provision shall prevail.

182. Subject to section 183, this Regulation replaces the Government Services Contracts Regulation, made by Order in Council 1500-88 dated 4 October 1988, the General Regulation respecting the conditions of contracts of government departments and public bodies, made by Order in Council 1166-93 dated 18 August 1993, the Regulation respecting supply contracts of government departments and public bodies, made by Order in Council 1167-93 dated 18 August 1993, the Regulation respecting construction contracts of government departments and public bodies, made by Order in Council 1168-93 dated 18 August 1993, the Regulation respecting services contracts of government departments and public bodies, made by Order in Council 1169-93 dated 18 August 1993 and the Regulation respecting snow removal services contracts of government departments and public bodies made by Order in Council 1170-93 dated 18 August 1993.

183. Notwithstanding section 1, this Regulation does not apply to the Société immobilière du Québec and the Société québécoise d'assainissement des eaux, which remain governed by the General Regulation respecting

the conditions of contracts of government departments and public bodies, the Regulation respecting supply contracts of Government departments and public bodies, the Regulation respecting construction contracts of government departments and public bodies and the Regulation respecting services contracts of government departments and public bodies.

184. The provisions of this Regulation come into force on 1 October 2000, except those concerning level 3 of the advertising campaign specialty which come into force on the one hundred and twentieth day following the date of the publication of this Regulation in the *Gazette officielle du Québec*.

## SCHEDULE I

(s. 8)

### QUALITY CONTROL

1. The specialties and conditions of application related to supply or services contracts for which a supplier must hold an ISO registration certificate are the following:

Specialty	Estimated amount	Standard required
<b>SUPPLYING:</b>		
<b>Bitumens and bituminous compound for road construction</b>		
Bitumens designed to make compound	≥ \$25 000	ISO 9002
Cut-back bitumens	≥ \$25 000	ISO 9002
Bitumen emulsions	≥ \$25 000	ISO 9002
Bituminous compound	≥ \$1	ISO 9002
<b>Timber</b>		
Pressure-treated timber	≥ \$25 000	ISO 9002
<b>Packaging</b>		
Document boxes complying with specification DGA-S-8115-1	≥ \$25 000	ISO 9003
<b>Metal structures</b>		
Galvanized steel shafts and posts for road lighting	≥ \$25 000	ISO 9002
Aluminium shafts and posts for road lighting	≥ \$25 000	ISO 9002
Galvanized steel guardrails	≥ \$25 000	ISO 9002
Aluminium posts for road signs and aluminium overhead supporting structures for road signs	≥ \$25 000	ISO 9002

Specialty	Estimated amount	Standard required
Aluminium extrusions for road signs	≥ \$25 000	ISO 9002
Galvanized steel high mast towers and mobile crowns for road lighting	≥ \$25 000	ISO 9002
<b>Office supplies</b>		
Non-suspended file folders complying with specifications DGA-S-7530-3	≥ \$25 000	ISO 9003
<b>Furniture</b>		
Integrated furniture, composed of electrifiable removable partitions and of furniture components hung on the partitions or self-supporting	≥ \$25 000	ISO 9002
Metal cabinets, libraries and display units	≥ \$25 000	ISO 9003
Chairs and armchairs complying with specification DGA-S-7110-5000	≥ \$25 000	ISO 9003
Side filing units	≥ \$25 000	ISO 9003
Standardized office and office automation furniture, made from wood particle boards, with a stratified or melamine finish, complying with specifications DGA-S-7110-series: 0100, 2000 and 3000	≥ \$25 000	ISO 9003
<b>Roads and road signs</b>		
Control devices (controllers) for traffic lights	≥ \$25 000	ISO 9002
Alkyd-based paint for road marking	≥ \$25 000	ISO 9002
<b>Pipes</b>		
Corrugated metal pipes made of galvanized steel for culvert piping	≥ \$25 000	ISO 9002
<b>PROFESSIONAL SERVICES:</b>		
<b>Services related to building construction:</b>		
Acoustics	≥ \$50 000	ISO 9002
Building engineering	≥ \$50 000	ISO 9001
Mechanical and electrical building engineering	≥ \$50 000	ISO 9001
Project management	≥ \$50 000	ISO 9002
Preventive maintenance system (Note 1)	≥ \$50 000	ISO 9002
<b>Civil engineering related to roads, bridges, wharves and dams</b>		
Complex dam engineering	≥ \$10 000	ISO 9001
Maritime engineering	≥ \$10 000	ISO 9001

Specialty	Estimated amount	Standard required
Highway engineering	≥ \$10 000	ISO 9001
Bridge engineering	≥ \$10 000	ISO 9001
<b>Civil engineering related to airports</b>		
Feasibility study	≥ \$10 000	ISO 9001
Plans and specifications	≥ \$10 000	ISO 9001
Supervision of work	≥ \$10 000	ISO 9002
<b>Soil and material engineering</b>		
Characterization testing of granulates	≥ \$10 000	ISO 9002
Performance testing of granulates	≥ \$10 000	ISO 9002
Structural inventory of roads	≥ \$10 000	ISO 9002
Road mechanics	≥ \$10 000	ISO 9002
Soil mechanics	≥ \$10 000	ISO 9002
Soil mechanics and soil and cement concrete quality control	≥ \$10 000	ISO 9002
Soil recognition (pedological studies)	≥ \$10 000	ISO 9002
Metal quality control	≥ \$10 000	ISO 9002
Soil quality control	≥ \$10 000	ISO 9002
Bituminous concrete quality control	≥ \$10 000	ISO 9002
Cement concrete quality control	≥ \$10 000	ISO 9002
<b>Environment</b>		
Characterization of potentially contaminated sites	≥ \$10 000	ISO 9002
Environmental impact study	≥ \$10 000	ISO 9001
Restoration of contaminated sites	≥ \$10 000	ISO 9001
<b>Information technologies</b>		
Computer systems development	≥ \$100 000	ISO 9001
Hardware and software counselling	≥ \$200 000	ISO 9001
Computer systems maintenance	≥ \$200 000	ISO 9001
Management of processing centres	≥ \$200 000	ISO 9002
Management and planning of information technologies	≥ \$200 000	ISO 9001
Computer systems development	≥ \$200 000	ISO 9001
Computer security	≥ \$200 000	ISO 9001

Specialty	Estimated amount	Standard required
<b>AUXILIARY SERVICES:</b>		
<b>Printing</b>		
Cheque form printing	≥ \$1	ISO 9002
Document printing and reproduction		
Quality level "Information" or "Office"	≥ \$50 000	ISO 9003
Quality level "Fine" or "Prestige"	≥ \$1	ISO 9002
<b>General maintenance services</b>		
General maintenance	≥ \$50 000	ISO 9003

2. The specialties and conditions of application related to services contracts for which a supplier must be accredited by the Minister of the Environment are the following:

Specialty	Estimated amount
<b>PROFESSIONAL SERVICES:</b>	
<b>Environment</b>	
Inorganic chemical analysis	≥ \$10 000
Organic chemical analysis	≥ \$10 000
Inorganic and organic chemical analysis	≥ \$10 000
Microbiological analysis	≥ \$10 000

3. The specialties and conditions of application related to construction contracts for which a supplier must hold an ISO registration certificate are the following:

Specialty	Estimated amount	Standard required
<b>Building construction:</b>		
For commercial, industrial and institutional sectors	≥ \$500 000	ISO 9002
For the residential sector	≥ \$1 000 000	ISO 9002
<b>Construction related to road network safety:</b>		
Construction of restraining devices (Note 2)	≥ \$100 000	ISO 9002
Construction of walls (Note 3)	≥ \$100 000	ISO 9002
Construction of bridges, culverts and walkways (Note 4)	≥ \$100 000	ISO 9002

Specialty	Estimated amount	Standard required
Construction of lighting systems (Note 5)	≥ \$100 000	ISO 9002
Construction of road sign systems (Note 6)	≥ \$100 000	ISO 9002
Construction of tunnels (Note 7)	≥ \$100 000	ISO 9002
Road marking (Note 8)	≥ \$100 000	ISO 9002

(1) **Preventive maintenance systems:** development of planned maintenance programs for mechanical and electrical systems of a building.

(2) **Construction of restraining devices:** construction work on guardrails, bumpers and end barriers, erected in the right-of-way, excluding the construction work of emergency lanes (run-away lane) and maintenance work.

(3) **Construction of walls:** construction work intended for retaining earth or protecting other structures, made of a vertical or inclined wall, that may be joined to different structural components to resist earth pressure, excluding the demolition and painting of infrastructures and maintenance work.

(4) **Construction of bridges, culverts and walkways:** construction of structures allowing a road or railroad to pass over a natural obstacle or a land or water traffic lane, including culverts (small-sized bridges over a stream and usually under embankment) and walkways (bridges used as a pedestrian walkway and sometimes for piping), excluding the construction of culverts the opening of which is smaller than 4.5 metres, the demolition and painting of infrastructures and maintenance work.

(5) **Construction of lighting systems:** construction of highway lighting systems providing an adequate visual environment to prevent accidents, excluding construction work of lighting systems for walkways, pedestrian tunnels, government campgrounds and historical sites and maintenance work.

(6) **Construction of road sign systems:** construction of systems including elevated signs, road sign tabs, road lights, traffic lights, including overhead structures that can support, above the road, road signs or traffic lights, barrier work of structures that can support road signs or lights, whether those structures are anchored or not to a foundation or to a structure along the road and the construction of traffic devices such as: flashing lights, lane use lights, pedestrian crossing lights, cyclist crossing lights, work site lights, bus lane lights, bus turn lights, excluding the construction of traffic devices related to regulated parking lights and maintenance work.

(7) **Construction of tunnels:** construction of underground ways drilled in the ground or made up of caissons placed in an excavation, excluding the demolition and painting of infrastructures and maintenance work.

(8) **Road marking:** work consisting in making road marks that comply with the standardized drawings that facilitate the guiding of motorists, improve the flow of traffic and contribute to highway comfort and safety, excluding marking work for parking lots and air surveillance zones.

## SCHEDULE II

(s. 16, 2nd par., par. 3)

### LIST OF GOODS WHOSE ACQUISITION MAY BE MADE BY THE DEPARTMENT OR BODY IDENTIFIED INSTEAD OF THE GENERAL PURCHASING DIRECTOR

1. **Ministère de l'Agriculture, des Pêcheries et de l'Alimentation:** provisions for regions other than the Capitale nationale region and Montréal, pure-bred animals, live fish and molluscs, crushed gravel, crushed stone, hay, straw, milled feed, food supplements and bedding for farm animals;

2. **Ministère du Conseil exécutif:** historic movable property;

3. **Ministère de l'Environnement et de la Faune:** provisions for regions other than the Capitale nationale region and Montréal, fruit, vegetables, pure-bred animals, live fish, fish roe, loam, sod, raw aggregate, any granular material, crushed gravel, crushed stone and sand;

4. **Ministère de l'Industrie et du Commerce:** existing printed matter such as brochures, tourists maps, slides, etc., available from only one supplier;

5. **Ministère des Relations internationales:** historic movable property;

6. **Ministère des Ressources naturelles:** provisions for regions other than the Capitale nationale region and Montréal, fruit, vegetables, loam, raw aggregate, crushed gravel, crushed stone, posts, fence posts, sod, cones and seeds of deciduous trees for purposes of restoration;

7. **Ministère de la Sécurité publique:** provisions for regions other than the Capitale nationale region and Montréal, fruit, vegetables;

8. **Ministère des Transports:** provisions for regions other than the Capitale nationale region and Montréal, fruit, vegetables, raw aggregate, crushed gravel, crushed

stone, sod, posts, fence posts, reinforced concrete pipes, pre-mixed concrete, manufactured concrete products, bituminous compound and its constituents, heavy machinery including heavy trucks, products and related equipment for heavy machinery, snow removal products and equipment, ice removal products, machine shop parts for heavy machinery and light vehicles, products and equipment for highway lighting, products and equipment for road signs, products and accessories related to structures and wharves, bitumens for road construction, drainage piping and accessories, roadway guardrails, equipment for highway safety and accessories and laboratory equipment specialized in highways;

9. **Société de la faune et des parcs du Québec:** provisions for regions other than the Capitale nationale region and Montréal, fruit, vegetables, pure-bred animals, live fish, fish roe, loam, sod, raw aggregate, any granular material, crushed gravel, crushed stone and sand.

3807

Gouvernement du Québec

### **O.C. 963-2000, 16 August 2000**

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

#### **Schedule VI to the Act — Amendments**

Amendment to Schedule VI to the Act respecting the Government and Public Employees Retirement Plan

WHEREAS under the first paragraph of section 217 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the interest payable under the Act is that provided for in Schedule VI in respect of the period indicated therein;

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 to the Act, and any such order may have effect 12 months or less before it is made;

WHEREAS the Government, by Order in Council 946-99 dated 25 August 1999, amended Schedule VI to provide for the interest payable under the Act as of 1 August 1999;

WHEREAS it is expedient to amend Schedule VI in order to provide for the interest payable under the Act as of 1 August 2000;

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 Amendment to Schedule VI to the Act respecting the Government and Public Employees Retirement Plan, attached hereto, be made.

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

### **Amendment to Schedule VI to 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)

1. Schedule VI to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) is amended

(1) by substituting “1 August 1999 to 31 July 2000” for “as of 1 August 1999”; and

(2) by adding “12.54 % as of 1 August 2000” at the end.

2. This Order in Council comes into force on the date it is made but has effect from 1 August 2000.

3808

Gouvernement du Québec

### **O.C. 964-2000, 16 August 2000**

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

#### **Application of Title IV.2 of the Act — Amendments**

Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan

\* Schedule VI 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 1999, by Order in Council 946-99 dated 25 August 1999 (1999, *G.O.* 2, 2853).



WHEREAS under subparagraph 1 of the first paragraph of section 215.13 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the Government may, by regulation, determine the manner in which a person's pensionable salary, credited service and employee and employer contributions, together with the terms and conditions governing the payment of those contributions, are calculated for the purposes of the pension plan following the application of certain provisions of a person's conditions of employment, in particular within the scope of measures concerning alternative work schedules or the granting of leave without pay to reduce certain costs arising from the conditions of employment;

WHEREAS under the first paragraph of section 215.17 of the Act, Government regulations under Title IV.2 shall be made after the Commission administrative des régimes de retraite et d'assurances has consulted with the pension committees referred to in section 164 and 173.1 of the Act at least 30 days before they are adopted;

WHEREAS under the second paragraph of that section (1996, c. 53, s. 45), such regulations may have effect 12 months or less before they are adopted;

WHEREAS the pension committees have been consulted in accordance with the Act;

WHEREAS the Government made the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan by Order in Council 690-96 dated 12 June 1996 and further amendments;

WHEREAS it is expedient to amend the Regulation;

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

THAT the Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, 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 Title IV.2 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, ss. 215.13, 1st par., subpar.1 and 215.17; 1996, c. 53, s. 45)

1. Section 4 of the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan is amended by inserting the following after the first paragraph:

“Notwithstanding the first paragraph, conditions of employment may provide that a person's service is less than the service which would have been credited to him and that his pensionable salary is less than the salary which he would have received. In that case, that person may have the days and parts of a day not credited counted in accordance with the provisions of the retirement plan of which the person is a member respecting the redemption of a leave without pay even if he does not hold pensionable employment.”.

2. The following is inserted after section 4:

“**4.0.1.** Where his conditions of employment so provide, the person referred to in section 4 may have the days and parts of a day during which he benefited from a full-time leave without pay for a period that preceded immediately the beginning of the leave referred to in this section counted in accordance with the provisions of the retirement plan of which the person is a member respecting the redemption of a leave without pay even if he does not hold pensionable employment and except if that leave has been otherwise credited under his retirement plan.”.

3. The following is inserted after section 11:

“**11.1.** The reduction factor prescribed in subparagraph 3 of the first paragraph of section 11, for the employee covered by Title IV.0.1 of the Act and who ceases to be a member of the plan on 31 December 1999 or after that date, shall be equal to  $\frac{1}{4}$  of 1 % per month.”.

\* The Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 690-96 dated 12 June 1996 (1996, G.O. 2, 2759), was last amended by the Regulation made by Order in Council 803-98 dated 17 June 1998 (1998, G.O. 2, 2493). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

4. Sections 1 and 2 have effect from 8 September 1999.
5. Section 3 has effect from 1 January 2000.
6. This Regulation comes into force on the date it is made by the Government.

3809

Gouvernement du Québec

**O.C. 965-2000, 16 August 2000**

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

**Schedules I and II.1 of the Act**  
— Amendments

Amendments to Schedules I and II.1 of 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 and section 16.1 of that 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 that 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 that Act, the conditions which permit a body, according to the category determined by regulation, to be designated by order in Schedule I or II.1;

WHEREAS the Alliance professionnelle des infirmières et infirmiers auxiliaires du Québec, the Centre d'hébergement et de soins de longue durée de la Côte Boisée inc., the Centre d'hébergement et de soins de longue durée Villa Soleil, the Syndicat de l'enseignement de la Chaudière, the Syndicat de l'enseignement de l'Outaouais, the Syndicat de l'enseignement de Portneuf, the Syndicat de l'enseignement de la région de Drummondville, the Syndicat de l'enseignement de la région de la Mitis, the Syndicat de l'enseignement de la Seigneurie-des-Mille-Îles and the Syndicat des employés du Centre hospitalier Robert-Giffard et annexes meet those conditions;

WHEREAS it is expedient to amend Order in Council 561-2000 dated 9 May 2000 with respect to the date on which employees of the Association des directeurs généraux des services de santé et des services sociaux du Québec become covered by the Government and Public Employees Retirement Plan;

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 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), attached to this Order in Council, be made;

THAT Order in Council 561-2000 dated 9 May 2000 be amended so as to substitute 9 May 1999 for the date of taking of effect provided for in that Order in Council in respect of the Association des directeurs généraux des services de santé et des services sociaux du Québec.

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

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## 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 Alliance professionnelle des infirmières et infirmiers auxiliaires du Québec;

(2) the Centre d'hébergement et de soins de longue durée de la Côte Boisée inc.;

(3) the Centre d'hébergement et de soins de longue durée Villa Soleil;

(4) the Syndicat de l'enseignement de la Chaudière;

(5) the Syndicat de l'enseignement de l'Outaouais;

(6) the Syndicat de l'enseignement de Portneuf;

(7) the Syndicat de l'enseignement de la région de Drummondville;

(8) the Syndicat de l'enseignement de la région de la Mitis;

(9) the Syndicat de l'enseignement de la Seigneurie-des-Mille-Îles.

2. Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan is amended by inserting the following bodies in alphabetical order:

(1) The Alliance professionnelle des infirmières et infirmiers auxiliaires du Québec;

(2) The Syndicat des employés du Centre hospitalier Robert-Giffard et annexes.

3. This Order in Council comes into force on the date it is made by the Government but takes effect on the dates indicated below in respect of each body:

1° Alliance professionnelle des infirmières et infirmiers auxiliaires du Québec 1 January 2000

2° Centre d'hébergement et de soins de longue durée de la Côte Boisée inc. 1 November 1999

3° Centre d'hébergement et de soins de longue durée Villa Soleil 1 January 2000

4° Syndicat de l'enseignement de la Chaudière 1 January 2000

5° Syndicat de l'enseignement de l'Outaouais 20 March 2000

6° Syndicat de l'enseignement de Portneuf 1 January 2000

7° Syndicat de l'enseignement de la région de Drummondville 30 August 1999

8° Syndicat de l'enseignement de la région de la Mitis 1 January 2000

9° Syndicat de l'enseignement de la Seigneurie-des-Mille-Îles 23 February 2000

10° Syndicat des employés du Centre hospitalier Robert-Giffard et annexes. 1 July 2000

\* 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 1999, by Orders in Council 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), 902-99 dated 11 August 1999 (1999, *G.O.* 2, 2791), 1398-99 dated 15 December 1999 (1999, *G.O.* 2, 5125), 1399-99 dated 15 December 1999 (1999, *G.O.* 2, 5126), 166-2000 dated 1 March 2000 (2000, *G.O.* 2, 1290), 561-2000 dated 9 May 2000 (2000, *G.O.* 2, 2260) and 824-2000 dated 28 June 2000 (2000, *G.O.* 2, 3555) and by sections 54 of chapter 11 of the Statutes of 1999, 54 of chapter 34 of the Statutes of 1999, 14 of chapter 73 of the Statutes of 1999 and 48 of chapter 32 of the Statutes of 2000.

Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan was amended, since the last updating of the Revised Statutes of Québec to 1 April 1999, by Orders in Council 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), 1398-99 dated 15 December 1999 (1999, *G.O.* 2, 5125), 166-2000 dated 1 March 2000 (2000, *G.O.* 2, 1290) and 824-2000 dated 28 June 2000 (2000, *G.O.* 2, 3555) and by section 49 of chapter 32 of the Statutes of 2000.

Gouvernement du Québec

## O.C. 974-2000, 16 August 2000

An Act respecting childcare centres and childcare services  
(R.S.Q., c. C-8.2)

### Childcare centres — Amendments

Regulation to amend the Regulation respecting childcare centres

WHEREAS, under paragraph 17 of section 73 of the Act respecting childcare centres and childcare services (R.S.Q., c. C-8.2), the Government may make regulations, for the whole or part of the Québec territory,

— establishing standards of qualification for persons working in a childcare centre, a day care centre, a nursery school or a stop over centre or providing home childcare and prescribing the requirements they must satisfy;

WHEREAS the Government approved the Regulation respecting childcare centres by Order in Council 1069-97 dated 20 August 1997;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting childcare centres was published in Part 2 of the *Gazette officielle du Québec* of 28 June 2000 with a notice that it could be made upon the expiry of 20 days following that publication;

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* or between that date and the date applicable under section 17 of that Act where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies that a date other than that prescribed by section 17 be set for the coming into force of the Regulation to amend the Regulation respecting childcare centres:

— certain persons currently registered in the various programs will not have completed their training by 1 September 2000 and some permit holders will not be able to comply with the qualification requirements for childcare

staff by that date. Therefore, it is expedient to postpone the date so that it does not cause the permit holders to be in breach of the law;

WHEREAS the 20-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Child and Family Welfare and the Minister for Child and Family Welfare:

THAT the Regulation to amend the Regulation respecting childcare centres, attached to this Order in Council, be made.

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

### Regulation to amend the Regulation respecting childcare centres\*

An Act respecting childcare centres and childcare services  
(R.S.Q., c. C-8.2, s. 73, par. 17)

1. Section 104 of the Regulation respecting childcare centres is amended

(1) by substituting “2001” for “2000” in the first paragraph;

(2) by adding the following paragraph at the end:

“Moreover, for the purposes of the second and third paragraphs of that section, where the anniversary date provided for in those paragraphs falls between 1 September 2000 and 31 August 2001, it shall be postponed to 1 September 2001.”.

2. This Regulation comes into force on 1 September 2000.

3811

\* The Regulation respecting childcare centres, made by Order in Council 1069-97 dated 20 August 1997 (1997, *G.O.* 2, 4368), was amended once by the Regulation made by Order in Council 904-99 dated 11 August 1999 (1999, *G.O.* 2, 2792).

Gouvernement du Québec

**O.C. 975-2000, 16 August 2000**

An Act respecting the Ministère de la Famille et de l'Enfance  
(R.S.Q., c. M-17.2)

**Exemption and financial assistance for a child in day care**

**— Termination of the application of certain provisions of the Act**

Termination of the application of certain provisions of the Act respecting child day care and of the Regulation respecting exemption and financial assistance for a child in day care

WHEREAS under sections 156, 168 and 181 of the Act respecting the Ministère de la Famille et de l'Enfance (R.S.Q., c. M-17.2), the former provisions of sections 38 to 41, 41.1.1, 41.2 and of subparagraphs 20, 21, 22 and 22.1 of the first paragraph of section 73 of the Act respecting child day care (R.S.Q., c. S-4.1) as they read before 1 September 1997 and the provisions of the Regulation respecting exemption and financial assistance for a child in day care made by Order in Council 69-93 (1993, *G.O.* 2, 745) remain in force on a transitional basis;

WHEREAS under the provisions of the first paragraph of section 168 of the Act respecting the Ministère de la Famille et de l'Enfance, the Government may, by order, terminate the application of those provisions;

WHEREAS the Government is of the opinion that it is expedient to terminate, by order, the application of the provisions of sections 38 to 41, 41.1.1 and of subparagraphs 20, 21, and 22 of section 73 of the Act respecting child day care, as they read before 1 September 1997 and the provisions of sections 1 to 55 and 64 of the Regulation respecting exemption and financial assistance for a child in day care made under those provisions;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Child and Family Welfare and the Minister for Child and Family Welfare:

THAT the provisions of sections 38 to 41, 41.1.1 and of subparagraphs 20, 21 and 22 of section 73 of the Act respecting child day care (R.S.Q., c. S-4.1) as they read before 1 September 1997, as well as the provisions of sections 1 to 55 and 64 of the Regulation respecting

exemption and financial assistance for a child in day care made under those provisions, by Order in Council 69-93 (1993, *G.O.* 2, 745), shall cease to apply as of 1 September 2000.

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

3812

Gouvernement du Québec

**O.C. 976-2000, 16 August 2000**

An Act respecting hunting and fishing rights in the James Bay and New Québec territories  
(R.S.Q., c. D-13.1)

**Limit of kill for moose – 2000**

Regulation respecting the 2000 limit of kill for moose

WHEREAS, under subparagraph *f* of the first paragraph of section 78 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1), the Coordinating Committee may establish the allocated upper limit of kill for moose;

WHEREAS the Coordinating Committee established 140 moose as the upper limit of kill for moose in Area 17 by resolution 99-00:22 adopted on 15 December 1999;

WHEREAS, under the last paragraph of section 78 of the Act, the Government shall, save for reasons of conservation, make regulations to implement the measures decided by the Coordinating Committee respecting the establishment of the allocated upper limit of kill for moose;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation respecting the 2000 limit of kill for moose was published in Part 2 of the *Gazette officielle du Québec* of 31 May 2000 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 respecting the 2000 limit of kill for moose;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks:

THAT the Regulation respecting the 2000 limit of kill for moose, attached to this Order in Council, be made.

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

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### Regulation respecting the 2000 limit of kill for moose

An Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1, s. 78, 1st par., subpar. f, and 2nd and 3rd pars.)

1. The upper limit of kill for moose allocated to Native and non-Native people in Area 17 determined by the Fishing, Hunting and Trapping Areas Regulation, made by Order in Council 27-90 dated 10 January 1990, is 140 moose for the period extending from 1 August 2000 to 31 July 2001.

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

3813

Gouvernement du Québec

### O.C. 977-2000, 16 August 2000

An Act respecting insurance (R.S.Q., c. A-32)

#### Regulation — Amendment

Regulation to amend the Regulation respecting the application of the Act respecting insurance

WHEREAS, under paragraph *al* of section 420 of the Act respecting insurance (R.S.Q., c. A-32), the Government may determine, by regulation, any other principal activity for the purposes of subparagraphs *d* and *d.1* of the first paragraph of section 245 of the Act;

WHEREAS it is expedient to allow an insurer to make an investment in a subsidiary or association whose principal activity consists in acting as a firm or as holder of a restricted certificate within the meaning of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2);

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 26 April 2000 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the application of the Act respecting insurance, attached to this Order in Council, be made.

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

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### Regulation to amend the Regulation respecting the application of the Act respecting insurance\*

An Act respecting insurance (R.S.Q., c. A-32, s. 420, par. *al*)

1. The Regulation respecting the application of the Act respecting insurance is amended by inserting the following after Chapter V:

#### “CHAPTER V.I INVESTMENT IN A SUBSIDIARY

**45.1** A principal activity within the meaning of subparagraph *d.1* of the first paragraph of section 245 of the Act respecting insurance is the acting as a firm in accordance with Chapter I of Title II of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2) or as the holder of a restricted certificate in accordance with Chapter III of Title VIII of that Act.”

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

3814

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\* The Regulation respecting the application of the Act respecting insurance (R.R.Q., 1981, c. A-32, r. 1) was last amended by the Regulation made by Order in Council 279-2000 dated 15 March 2000 (2000, *G.O.* 2, 1365). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

Gouvernement du Québec

## O.C. 981-2000, 16 August 2000

An Act respecting health services and social services  
(R.S.Q., c. S-4.2)

### Users who are major trauma patients — Transmission of information

Regulation respecting the transmission of information on users who are major trauma patients

WHEREAS under paragraph 26 of section 505 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Government may, by regulation, prescribe the nominative and non-nominative information that an institution must provide to the Minister concerning the needs for and utilization of services;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 12 April 2000, on page 1983 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 without amendment;

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

THAT the Regulation respecting the transmission of information on users who are major trauma patients, attached to this Order in Council, be made.

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

### Regulation respecting the transmission of information on users who are major trauma patients

An Act respecting health services and social services  
(R.S.Q., c. S-4.2, s. 505, par. 26)

1. Institutions operating a hospital of the general and specialized class of hospitals and designated by the Minister under section 112 of the Act respecting health services and social services to operate a trauma centre shall provide the Minister with the following information on users who are major trauma patients:

- (1) trauma registry number;
- (2) user's medical file number;
- (3) receiving institution's code number;
- (4) transferring institution's code number;
- (5) user's health insurance number;
- (6) user's date of birth;
- (7) user's sex;
- (8) user's home postal code;
- (9) municipal code of the accident site;
- (10) paying agency;
- (11) user's occupation;
- (12) date and time of the accident;
- (13) location of the accident;
- (14) transport service or mode of transport to the institution's facility;
- (15) date and time of arrival in the emergency room;
- (16) date and time of admission and admitting physician's specialty;
- (17) date and time of admission to each unit;
- (18) site of the medical and surgical interventions;
- (19) cause of the trauma;
- (20) individual's position in the vehicle;
- (21) safety equipment worn by the user;
- (22) alcohol and drug tests results;
- (23) status upon arrival in the emergency room;
- (24) date, time and results of peritoneal lavage;
- (25) intubation in the emergency room;
- (26) use of pneumatic anti-shock garments in the emergency room;
- (27) chest tube in the emergency room;

- (28) specialties consulted;
- (29) dates and times of requests for consultations and responses;
- (30) pre-hospital interventions (oxygen, splints, pneumatic anti-shock garments, dressings, intravenous lines, immobilizations, mechanical ventilation, medication, release, resuscitation);
- (31) resuscitation attempts;
- (32) date, time and number of intravenous injections;
- (33) date, time and number of blood transfusions;
- (34) date, time and code of medical and surgical interventions;
- (35) date and time of departure from the emergency room;
- (36) status and referral at departure from the emergency room;
- (37) date and time of the start and end of mechanical ventilation;
- (38) date and nature of paramedical assessment;
- (39) date of the start and nature of paramedical treatment;
- (40) date and time of the onset and nature of complications;
- (41) report to the coroner;
- (42) autopsy performed;
- (43) cause of death on the certificate;
- (44) organ donation or transfer for organ donation;
- (45) body region injured;
- (46) type of injury;
- (47) injury code in accordance with the Abbreviated Injury Scale (AIS);
- (48) injury severity in accordance with the Injury Severity Score (ISS);
- (49) level of consciousness;
- (50) vital signs (rate and type of respiration, pulse rate, blood pressure, eye opening, verbal response, motor response, pupil size and reactivity, intracranial temperature and pressure);
- (51) physiological scales (Pre-Hospital Index (PHI), Glasgow Coma Scale (GCS) and Revised Trauma Score (RTS));
- (52) body regions examined by radiology;
- (53) date, time and results of radiology examinations;
- (54) degree of memory function / amnesia;
- (55) Glasgow Outcome Score (GOS);
- (56) body regions examined by CAT scanning;
- (57) dates and times of requests for and receipt of CAT scans;
- (58) results of CAT scanning;
- (59) signs of injury to central nervous system on CAT scan;
- (60) Levin scale;
- (61) degree of functional independence;
- (62) neurological history;
- (63) history of cranial trauma;
- (64) type and date of paralysis prior to accident;
- (65) status and referral at departure from admission;
- (66) date of discharge from hospital;
- (67) code of institution to which user is transferred;
- (68) diagnostic codes (in accordance with the International Classification of Diseases adopted by the World Health Organization (ICD)).
2. This Regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.



Gouvernement du Québec

## O.C. 985-2000, 16 August 2000

An Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001)

### Signing of certain documents

Signing of certain documents of the Ministère de la Solidarité sociale

WHEREAS, under the second paragraph of section 52 of the Act respecting the Ministère de l'Emploi et de la Solidarité and establishing the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001), a deed, document or writing may bind the Minister or be attributed to him only if it is signed by him, the Deputy Minister, a member of the personnel of the department or the holder of a position, and, in the latter two cases, only to the extent determined by the Government;

WHEREAS, under the third paragraph of that section, a member of the personnel of an organization is, to the extent that he is assigned to the administration of a program that the Minister has delegated by agreement to that organization, considered to be a member of the personnel of the department for the purposes of the second paragraph of that section;

WHEREAS it is expedient to replace the Terms and conditions for the signing of certain documents of the Ministère de l'Emploi et de la Solidarité, made by Order in Council 359-98 dated 25 March 1998 and amended by Order in Council 913-98 dated 8 July 1998;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Labour and Employment and Minister responsible for Employment and of the Minister of Social Solidarity:

THAT the Terms and conditions for the signing of certain documents of the Ministère de la Solidarité sociale, attached to this Order in Council, be made;

THAT this Order in Council replace Order in Council 359-98 dated 25 March 1998;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

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

## SCHEDULE

### TERMS AND CONDITIONS FOR THE SIGNING OF CERTAIN DOCUMENTS OF THE MINISTÈRE DE LA SOLIDARITÉ SOCIALE

1. Subject to other conditions of validity that may be prescribed by law, any document signed in accordance with the authorization given hereafter by the personnel of the Ministère de la Solidarité sociale and who hold the positions listed hereafter, or, as the case may be, persons authorized to hold the positions on an interim basis, binds the Minister of Social Solidarity in the same way as if it had been signed by the Minister.

2. The Associate Deputy Minister responsible for Emploi-Québec and an assistant deputy minister are authorized to sign, in respect of the administrative units assigned to their responsibility:

- (1) supply contracts;
- (2) contracts for services, except those pertaining to manpower development activities;
- (3) leases for rooms for administrative purposes; and
- (4) leases for space with the Société immobilière du Québec.

Further to the powers referred to in the first paragraph, the Associate Deputy Minister responsible for Emploi-Québec is authorized to sign, in respect of the administrative units assigned to his responsibility:

- (1) contracts for services pertaining to manpower development activities;
- (2) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor;
- (3) agreements pertaining to the granting of subsidies to Carrefours Jeunesse Emploi for which the terms of allocation or the eligibility criteria have been approved by the Government or the Conseil du trésor;
- (4) agreements pertaining to the granting of subsidies within the scope of the implementation of the funds allocation plan for the Fonds national de formation de la main-d'œuvre, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister; and

(5) agreements pertaining to the granting of subsidies or other financial contributions within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor.

Further to the powers referred to in the first paragraph, the Assistant Deputy Minister for operations of Emploi-Québec is authorized to sign, in respect of the administrative units assigned to his responsibility:

(1) contracts for services pertaining to manpower development activities;

(2) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$500 000;

(3) agreements pertaining to the granting of subsidies to Carrefours Jeunesse Emploi for which the terms of allocation or the eligibility criteria have been approved by the Government or the Conseil du trésor; and

(4) agreements pertaining to the granting of subsidies or other financial contributions within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor.

3. An assistant director general is authorized to sign, in respect of the administrative units assigned to his responsibility:

(1) supply contracts;

(2) contracts for services up to \$100 000, except those pertaining to advertising and manpower development activities;

(3) leases for rooms for administrative purposes; and

(4) leases for space with the Société immobilière du Québec.

Further to the powers referred to in the first paragraph, an assistant director general of Emploi-Québec is authorized to sign, in respect of the administrative units assigned to his responsibility:

(1) contracts for services pertaining to manpower development activities;

(2) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$500 000; and

(3) agreements pertaining to the granting of subsidies or other financial contributions within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor.

Further to the powers referred to in the first and second paragraphs, an assistant director general for operations of Emploi-Québec is authorized to sign, in respect of the administrative units assigned to his responsibility, contracts for advertising services up to \$100 000.

4. The department's secretary, in respect of the administrative unit and for the Deputy Minister's office, a branch director, a branch assistant director, the director of the Bureau des renseignements et plaintes, the director of the Service de révision, the director of the Centre de recouvrement, the director of the Bureau de la coordination de la mise en place du ministère and the director of the Suivi de l'entente Canada-Québec are authorized to sign, in respect of the administrative units assigned to their responsibility:

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or acquisitions from government funds;

(2) supply contracts up to \$25 000, other than those prescribed in subparagraph 1;

(3) contracts for services up to \$25 000, except those pertaining to advertising and manpower development activities; and

(4) leases for rooms for administrative purposes.

Further to the powers referred to in the first paragraph, the Director of the Direction de la formation de la main-d'œuvre is authorized to sign, in respect of the administrative unit assigned to his responsibility, agreements pertaining to the granting of subsidies within the scope of the implementation of the funds allocation plan for the Fonds national de formation de la main-d'œuvre, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister, up to \$100 000.

5. A service head and an assistant service head are authorized to sign, in respect of the administrative units assigned to their responsibility:

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or acquisitions from government funds;

(2) supply contracts up to \$10 000, other than those prescribed in subparagraph 1;

(3) contracts for services up to \$10 000, except those pertaining to advertising and manpower development activities; and

(4) leases for rooms for administrative purposes.

Further to the powers referred to in the first paragraph, the head of the Service d'évaluation médicale et socioprofessionnelle is authorized to sign contracts for services up to \$100 000 for the purpose of hiring physicians.

6. A regional director and an assistant regional director are authorized to sign, in respect of the administrative units assigned to their responsibility:

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or acquisitions from government funds;

(2) supply contracts up to \$25 000, other than those prescribed in subparagraph 1;

(3) contracts for services up to \$25 000, except those pertaining to advertising and manpower development activities;

(4) leases for rooms for administrative purposes; and

(5) leases for space entered into with the Société immobilière du Québec.

Further to the powers referred to in the first paragraph, a regional director and an assistant regional director of Emploi-Québec are authorized to sign, in respect of the administrative units under their jurisdiction:

(1) contracts for services up to \$350 000 pertaining to manpower development activities;

(2) contracts for services up to \$10 000 pertaining to advertising; and

(3) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$350 000.

Further to the powers referred to in the first and second paragraphs, a regional director of Emploi-Québec is authorized to sign, in respect of the administrative units assigned to his responsibility, agreements pertaining to the granting of subsidies or other financial contributions within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor.

Further to the powers referred to in the first and second paragraphs, an assistant regional director of Emploi-Québec is authorized to sign, in respect of the administrative units assigned to his responsibility, agreements pertaining to the granting of subsidies or other financial contributions within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor, up to \$150 000.

7. A director of support for operations of Emploi-Québec is authorized to sign, in respect of the administrative units assigned to his responsibility, the contracts and agreements prescribed in subparagraphs 1 to 5 of the first paragraph, in subparagraphs 1 to 3 of the second paragraph and in the fourth paragraph of section 6.

8. A director of a local employment centre, an assistant director of a local employment centre and an assistant to the director of a local employment centre are authorized to sign, in respect of the administrative unit assigned to their responsibility:

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or acquisitions from government funds;

(2) supply contracts up to \$10 000, other than those prescribed in subparagraph 1;

(3) contracts for services up to \$10 000, except those pertaining to advertising and manpower development activities;

(4) leases for rooms for administrative purposes; and

(5) leases for space with the Société immobilière du Québec.

Further to the powers referred to in the first paragraph, a director of a local employment centre, an assistant director of a local employment centre and an assistant to the director of a local employment centre for the Module Emploi-Québec are authorized to sign, in respect of the administrative unit assigned to their responsibility:

(1) contracts for services up to \$150 000 pertaining to manpower development activities;

(2) contracts for services up to \$5000 pertaining to advertising;

(3) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$150 000; and

(4) agreements pertaining to the granting of subsidies or other financial contributions within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor, up to \$150 000.

9. A manpower and employment development counselor is authorized to sign, in respect of the administrative unit to which he is assigned:

(1) contracts for services up to \$5000 pertaining to manpower development activities; and

(2) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$75 000.

10. An employment agent is authorized to sign, in respect of the administrative unit to which he is assigned:

(1) contracts for services up to \$1000 for manpower development activities; and

(2) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$50 000.

11. An acquisitions officer is authorized to sign, in respect of the units to which he provides administrative support:

(1) supply contracts up to \$1000; and

(2) contracts for services up to \$1000, except those pertaining to advertising and manpower development activities.

12. An administrative officer, in respect of the units to which he provides administrative support, and a person in charge of a division, in respect of his division, are authorized to sign:

(1) supply contracts up to \$3000; and

(2) contracts for services up to \$3000, except those pertaining to advertising and manpower development activities.

13. The director of human resources is authorized to sign, for all the activities of the department pertaining to human resources development:

(1) supply contracts;

(2) contracts for services up to \$25 000, except those pertaining to advertising and manpower development activities; and

(3) leases for rooms for administrative purposes.

14. The head of the Service de la formation, du développement et de la santé organisationnelle of the Direction des ressources humaines is authorized to sign, for all the department activities pertaining to human resources development:

(1) supply contracts resulting from open contracts or with respect to subscriptions, the purchase of books, or acquisitions from government funds;

(2) supply contracts up to \$10 000, other than those prescribed in paragraph 1;

(3) contracts for services up to \$10 000, except those pertaining to advertising and manpower development activities; and

(4) leases for rooms for administrative purposes.

15. The director of communications is authorized to sign, for that branch, contracts for advertising services up to \$25 000.

16. The director of the communications of Emploi-Québec is authorized to sign, for that branch, contracts for advertising services up to \$25 000.

17. The person in charge of communications of Emploi-Québec is authorized to sign, in respect of the administrative unit assigned to his responsibility, contracts for services pertaining to advertising, up to \$1000.

18. The Assistant Deputy Minister for operational and strategic planning is authorized to sign, for the department:

(1) supply contracts;

(2) contracts for services;

(3) leases for rooms for administrative purposes;

(4) leases for space entered into with the Société immobilière du Québec;

(5) agreements pertaining to the granting of subsidies the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor;

(6) agreements pertaining to the granting of subsidies to Carrefours Jeunesse Emploi for which the terms of allocation or the eligibility criteria have been approved by the Government or the Conseil du trésor;

(7) agreements pertaining to the granting of subsidies within the scope of the implementation of the funds allocation plan for the Fonds national de formation de la main-d'œuvre, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister; and

(8) agreements pertaining to the granting of subsidies or other financial contributions within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor.

19. The director of material resources is authorized to sign, for the department:

(1) supply contracts;

(2) contracts for services up to \$100 000, except those pertaining to advertising and manpower development activities;

(3) leases for rooms for administrative purposes; and

(4) leases for space with the Société immobilière du Québec.

20. The Assistant Director General of Information Technologies is authorized to sign, for the department, contracts for services up to \$500 000, except those pertaining to advertising and manpower development activities.

21. The person responsible for the Division des contrats, supports et conseils of the Direction des ressources matérielles is authorized to sign, for the department:

(1) supply contracts; and

(2) contracts for services up to \$10 000, except those pertaining to advertising and manpower development activities.

22. The head of the Service de la gestion des espaces of the Direction des ressources matérielles is authorized to sign, for the department:

(1) contracts for services up to \$100 000 pertaining to the physical reorganization of departmental administrative units;

(2) leases for rooms for administrative purposes; and

(3) leases for space with the Société immobilière du Québec.

23. The Assistant Director General of Apprentissage et formation de la main-d'œuvre is authorized to sign, in respect of the administrative units assigned to his responsibility:

(1) contracts for services pertaining to manpower development activities;

(2) contracts for services up to \$100 000 pertaining to advertising; and

(3) agreements pertaining to the granting of subsidies within the scope of the implementation of the funds allocation plan for the Fonds national de formation de la main-d'œuvre, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister, up to \$500 000.

24. The Director of the fund to combat poverty through reintegration into the labour market and the Assistant

Deputy Minister for policies are authorized to sign, for the department, agreements pertaining to the granting of subsidies or other financial contributions within the scope of the fund to combat poverty through reintegration into the labour market for which the terms of allocation, by means of standards or otherwise, have been approved by the Government or the Conseil du trésor.

25. The Assistant Deputy Minister for policies is authorized to sign, for the department, agreements pertaining to the granting of subsidies within the scope of the program entitled “Fonds ministériel d’aide à l’innovation et à l’expérimentation”, for which the terms of allocation or eligibility criteria have been approved by the Government or the Conseil du trésor.

26. The Assistant Deputy Minister for operational and strategic planning, the head of the Division des services régionalisés of the Service de la sécurité du revenu of Ville de Montréal, the director of the Centre de recouvrement, the head of the Service des mesures légales et soutien opérationnel, the head of the collection service and the assistant head of the recovery service of the Centre de recouvrement are authorized to sign any document required to set up a hypothec or to otherwise guarantee a claim by the department and any related document.

27. The executives referred to in this Order in Council are authorized to certify as true documents and copies of documents issued by the department or belonging to its archives that they are authorized to sign under the provisions applying to them or under the powers inherent to their positions. They may also certify as true any document or copies of documents, including the transcription of a decision, certificate or any other data stored by the department in a computer or on any other data processing medium, with respect to the records pertaining to their sector of activity or administrative unit.

28. The Assistant Deputy Minister for operational and strategic planning, the secretary of the department, the director of internal verification and administrative inquiries and the director of the Centre de recouvrement are authorized to certify as true, for the department, any document or copies of documents issued by the department or belonging to its archives, including a transcription of a decision, certificate or any other data stored by the department in a computer or on any other data processing medium.

Gouvernement du Québec

## O.C. 986-2000, 16 August 2000

An Act respecting transportation by taxi  
(R.S.Q., c. T-11.1)

### Transportation by taxi

Regulation to amend the Transportation by Taxi Regulation

WHEREAS under subparagraph 1 of the first paragraph of section 60 of the Act respecting transportation by taxi (R.S.Q., c. T-11.1), the Government may, by regulation, delimit urban areas;

WHEREAS the Transportation by Taxi Regulation, made by Order in Council 1763-85 dated 28 August 1985, contains a delimitation of urban areas in Schedule A;

WHEREAS it is expedient to amend that Schedule to account for the changes in the territorial limits following municipal amalgamations, urban growth or population shifts and changes to the legal status of several municipalities;

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 Transportation by Taxi Regulation was published in Part 2 of the *Gazette officielle du Québec* of 5 April 2000 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 without amendment;

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

THAT the Regulation to amend the Transportation by Taxi Regulation attached to this Order in Council, be made.

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

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## Regulation to amend the Transportation by Taxi Regulation\*

An Act respecting transportation by taxi  
(R.S.Q., c. T-11.1, s. 60, first par., subpar. 1)

1. Schedule A to the Transportation by Taxi Regulation is amended

(1) by substituting “61030M” for “61030SD”, “61035M” for “61035SD” and “61005M” for “61005SD” in the A.6 urban area;

(2) by substituting “08050M” for “08050SD” in the A.9 urban area;

(3) by substituting “09080M” for “09080SD” in the A.10 urban area;

(4) by substituting, in the French version, “66125VL” for “66125V” in the A-12 urban area;

(5) by substituting “Municipalité de Rivière-du-Loup (12072V)” for “the municipalities of Rivière-du-Loup (12070V) and Saint-Patrice-de-la-Rivière-du-Loup (12075P)” in the A.13 urban area;

(6) by substituting “72025M” for “72025P” in the A.14 urban area;

(7) by substituting “75010V” for “75010P” and “75035V” for “75035VL” in the A.15 urban area;

(8) by substituting “31115VL” for “31115V” and “31055M” for “31055SD” in the A.18 urban area;

(9) by substituting “Municipalité de Dolbeau-Mistassini (92022V)” for “the municipalities of Dolbeau (92025V) and Mistassini (92020V)” in the A.28 urban area;

(10) by substituting “49065M” for “49065SD”, “49070M” for “49070SD” and “49035V” for “49035SD” in the A.29 urban area;

(11) by substituting “24010M” for “24010SD” in the A.35 urban area;

(12) by substituting “54080V” for “54080VL” and by inserting “, Notre-Dame-de-Saint-Hyacinthe (54050P), Saint-Hyacinthe-le-Confesseur (54055P)” after “Saint-Hyacinthe (54045V)” in the A.39 urban area;

(13) by substituting “37050V” for “37050SD” in the A.40 urban area;

(14) by substituting “56070M” for “56070SD” in the A.41 urban area;

(15) by deleting “Baie-de-Shawinigan (36025VL),” and by substituting “36045M” for “36045SD” and “36028V” for “30630V” in the A.42 urban area;

(16) by inserting “Lennoxville (43010V), Ascot (43015M),” after “municipalities of” and by substituting “43040M” for “43040SD” in the A.43 urban area;

(17) by substituting “70050M” for “70050SD” in the A.44 urban area;

(18) by substituting “86047V” for “86043V” in the A.48 urban area;

(19) by substituting “89035M” for “89035SD” in the A.49 urban area; and

(20) by substituting “71065M” for “71065P” and “71075M” for “71075SD” in the A.57 urban area.

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

3817

## M.O., 2000-023

### Order of the Minister responsible for Wildlife and Parks dated 17 August 2000

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

Delimiting areas on land in the domain of the State in view of increased utilization of wildlife resources

THE MINISTER RESPONSIBLE FOR WILDLIFE AND PARKS,

CONSIDERING that under section 85 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), amended by section 85 of Chapter 40 of the Acts of 1999, the Minister responsible for Wildlife and

\* The Transportation by Taxi Regulation, made by Order in Council 1763-85 dated 28 August 1985 (1985, *G.O.* 2, 3867)(Erratum dated 30 October 1985 [1985, *G.O.* 2, 4023]), was last amended by the Regulation made by Order in Council 1218-97 dated 17 September 1997 (1997, *G.O.* 2, 5102). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

Parks may delimit, after consultation with the Minister of Natural Resources, areas on land in the domain of the State in view of increased utilization of wildlife resources;

CONSIDERING that it is expedient to delimit the areas on land in the domain of the State specified in appendix attached to this Order in view of increased utilization of wildlife resources;

CONSIDERING that the Minister of Natural Resources has been consulted on the issue;

ORDERS THAT:

The areas on lands in the domain of the State specified in appendix attached to this Order are delimited in view of increased utilization of wildlife resources;

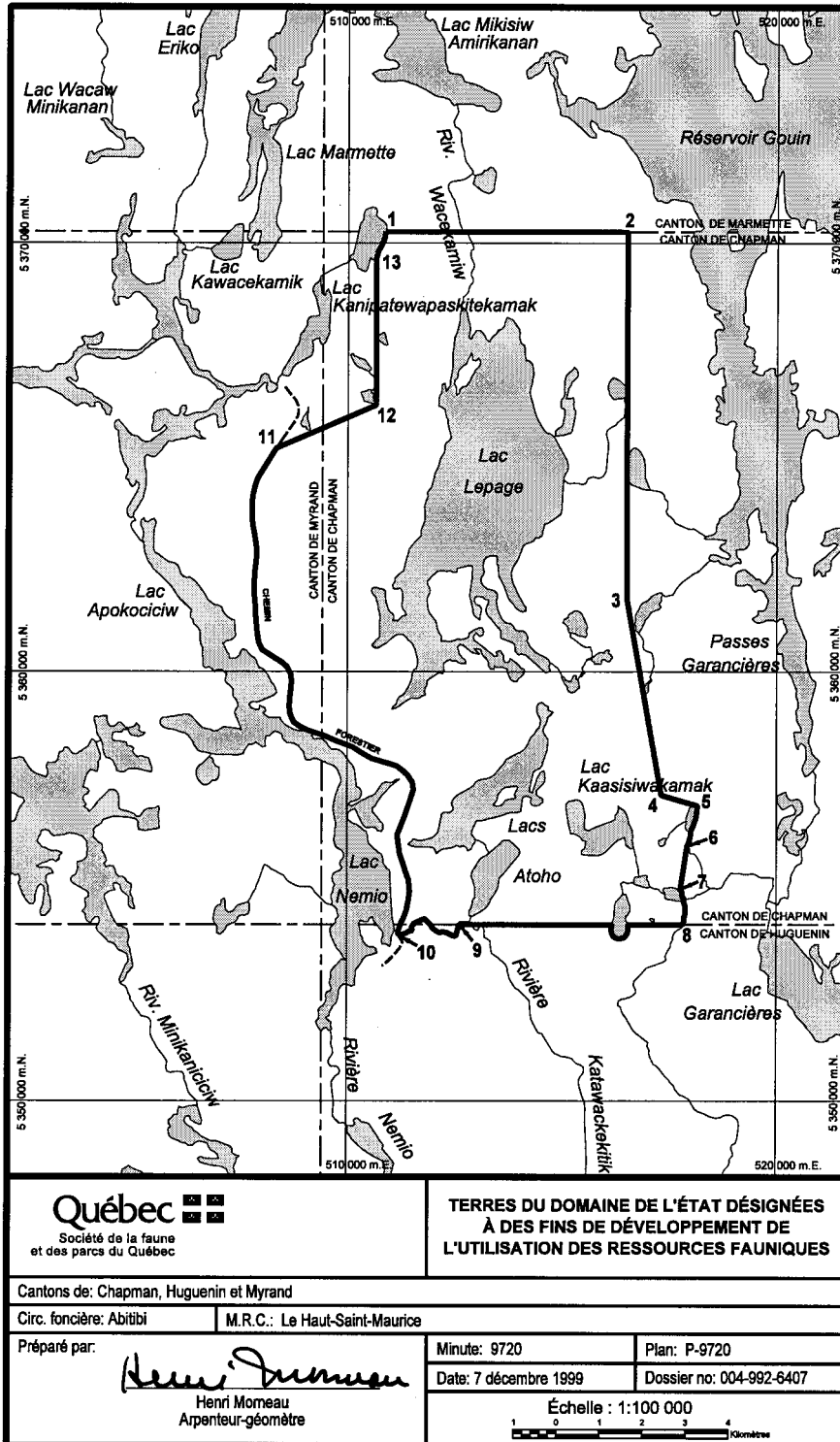
This Order comes into force on the day of its publication in the *Gazette officielle du Québec*.

Québec, 17 August 2000

GUY CHEVRETTE,  
*Minister responsible  
for Wildlife and Parks*

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**M.O., 2000**

Health Insurance Act  
(R.S.Q., c. A-29)

**Order of the Minister of State for Health and Social Services and Minister of Health and Social Services to designate a breast cancer detection centre dated 17 August 2000**

THE MINISTER OF STATE FOR HEALTH AND SOCIAL SERVICES AND MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING that it is expedient to designate a breast cancer detection centre under subparagraph *b.3* of the first paragraph of section 69 of Health Insurance Act (R.S.Q., c. A-29);

ORDERS:

That the following breast cancer detection centre be designated for the Québec region:

Centre hospitalier St-Joseph de la Malbaie  
303, Saint-Étienne, C. P. 340  
La Malbaie (Québec)  
G5A 1T8.

Québec, 17 August 2000

PAULINE MAROIS,  
*Minister of State for Health and Social Services and  
Minister of Health and Social Services*

3824

## Draft Regulations

### Draft Regulation

Highway Safety Code  
(R.S.Q., c. C-24.2)

#### Highway Safety Code

— Fees exigible

— Return of confiscated objects

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects” made by the Société de l’assurance automobile du Québec, the text of which appears below, may be submitted to the Government for approval after forty-five days have elapsed from the date of this publication.

Any person wishing to make comments on the matter must forward them in written form, before expiry of the 45-day period, to the Chairman and CEO of the Société de l’assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, P.O. Box 19600, Québec (Québec) G1K 8J6

JEAN-YVES GAGNON,  
*Chairman and CEO of the  
Société d’assurance automobile du Québec*

### Regulation to amend the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects\*

Highway Safety Code  
(R.S.Q., c. C-24.2, s. 624, par. 1, subpars. 1, and 4.1)

1. The Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects is amended by inserting the following after section 2.1:

\* The latest amendments to the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects, approved by Order in Council 646-91 dated 8 May 1991 (1991, *G.O.* 2, 1695), were made by the regulations approved by O.C. 162-99 dated 24 February (1999, *G.O.* 2, 251) and O.C. 550-2000 dated 3 May 2000 (2000, *G.O.* 2, 2207). For prior amendments, see the Tableau des modifications et Index sommaire, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

“2.2. The fee payable is \$40 for each of the vehicle registration operations listed below done in a Société establishment or by mail where required for a road vehicle concerned in a fleet of vehicles:

- (1) the initial apportioned registration of a vehicle;
- (2) the addition of a vehicle to a fleet;
- (3) a change to the information concerning the number of axles on a vehicle, the unladen weight, the gross vehicle weight, the number of seats, the number assigned by the Commission des transports du Québec, the wheelbase, the type of fuel, the type of vehicle, its horsepower rating, its purchase price, its lease rate on an annual basis or the passenger capacity of a vehicle;
- (4) the replacement of a vehicle;
- (5) the transfer of a vehicle to another fleet operated by the same carrier;
- (6) the addition of a Canadian province or an American state to the list of jurisdictions in which a vehicle is registered for apportioned travel;
- (7) a change to the distance reported during the previous year or to a distance estimate;
- (8) the replacement a vehicle’s apportioned registration certificate (IRP).

2.3. The fee payable for a vehicle registration operation enumerated in section 2.2 is \$30 when done electronically.

2.4. The fee payable for renewal of a vehicle’s apportioned registration is:

- (1) \$30 when the operation is done electronically;
- (2) \$40 when the operation is done by mail;
- (3) \$45 when the operation is done in a Société establishment.

2.5. The fee payable for a permit for travel with an unladen vehicle is \$40.”

2. Notwithstanding paragraph 1 of section 2.2, the fee payable for the initial apportioned registration of a vehicle to April 30, 2001 is that set by section 2.4.

3. This regulation comes into force on 1 January 2001.

3818

## Draft Regulation

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

### Bailiffs

#### —Code of Ethics

Notice is hereby given, in accordance with the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Chambre des huissiers de justice du Québec has adopted the Code of Ethics of the Bailiffs.

This regulation, the text of which appears below, will be examined by the Office des professions du Québec in application of section 95 of the Professional Code. Afterwards, it will be submitted, with the Office's recommendation, to the Government approval, with or without any modifications, upon the expiry of 45 days following this publication.

The goal of this regulation is to update the Code of Ethics of the Bailiffs concerning the duties and obligations of the bailiff towards the public, a mandator, colleagues, the profession and the Chambre.

This is how the applicable rules to the bailiff, in the execution of his mandate entrusted by a mandator, notably as regards to conflicts of interests, availability, independence, integrity and liability have been clarified to consider the actual professional practice context.

According to the Chambre des huissiers de justice du Québec, the updating of the Code of Ethics of the Bailiffs was necessary in order to ensure a better protection of the public and an increased supervision of the professional practice. In addition, according to the Chambre, there will be no other impact on business, in particular small and medium sized businesses.

Further information regarding this regulation may be obtained by contacting Mr. Ronald Dubé, General Director and Secretary of the Chambre des huissiers de justice du Québec, at the following address: 1100, boulevard Crémazie Est, bureau 215, Montréal (Québec) H2P 2X2; telephone number: (514) 721-1100; facsimile number: (514) 721-7878.

Any person who wishes to formulate comments regarding this regulation is asked to send them, before the expiry of the 45 day-period mentioned hereabove, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. These comments will be forwarded by the Office to the Minister responsible of the application of laws governing professionals; they may also be forwarded to the professional order that made the regulation, for instance the Chambre des huissiers de justice du Québec, as well as to interested persons, departments and organisations.

*Chairman of the Office des  
professions du Québec,*  
JEAN-K. SAMSON

## Code of ethics of the bailiffs

Professional Code  
(R.S.Q., c. C-26, s. 87)

### CHAPTER I GENERAL DUTIES

1. The bailiff, in his capacity as an auxiliary of justice, a ministerial and public officer, exercises a public duty.

In addition, to the obligation of impartiality imposed by Section 12 of the Court Bailiffs Act (R.S.Q., c. H-4.1), he shall act in a manner which is purely objective, respectful, in moderation and with dignity; he shall act in a manner avoiding all methods and attitudes likely to damage the honour and the dignity of his profession.

2. A bailiff must discharged his professional duties with integrity.

3. A bailiff must exercise his profession according to the generally recognize norms and practices. To this end, he shall maintain up to date his knowledge and perform those acts in order that it be perfected and developed.

4. The bailiff shall, in the exercise of his profession, abstain from acting in a manner which embarrasses, humiliates or scorn an individual; he shall abstain from pronouncing indelicate or inappropriate remarks.

5. The bailiff shall be properly attired. He must abstain from wearing dressed attire which could lead a person to believe that he is a member of a police force or is a security agent.

**CHAPTER II**  
DUTIES AND OBLIGATIONS TOWARD THE  
MANDATOR, THE PERSON SUBJECT TO TRIAL,  
THE PROFESSION AND THE PUBLIC

**SECTION I**  
CONDUCT

6. In the exercise of his profession, the bailiff must take into account the limits of his aptitudes and his knowledge and of the means of which he disposes. He must consult another bailiff or a competent person before performing any act for which he is not sufficiently prepared.

7. The bailiff must recognize at all times the right of a mandator to do business with another bailiff.

8. In addition to that which is provided for at Section 54 of the Professional Code (R.S.Q., c. C-26), the bailiff shall abstain from exercising his profession or performing certain professional acts in conditions or in a state likely to compromise the quality of his services.

**SECTION II**  
AVAILABILITY AND DILIGENCE

9. The bailiff shall demonstrate, in all matters conferred upon him reasonable, availability and diligence.

10. The bailiff shall supply to his mandator, or to the person subject to trial when required, the necessary explanations for a good comprehension and appreciation of the professional services which he supplies.

11. The bailiff must render accounts to his mandator when so requested by his mandator.

12. The bailiff cannot, except for a just and reasonable motive, cease or refuse to act for a mandator. Constitutes notably just and reasonable motives:

1° the loss of a mandator's confidence;

2° the lack of collaboration from a mandator;

3° the fact that the bailiff is in a conflict of interest situation or in a context whereby his professional independence or his capacity as a public officer could be questioned;

4° if the mandator incites the bailiff to accomplish illegal, unjust or fraudulent act; or

5° the fact that his fees and disbursements are not paid on a timely basis.

13. Before ceasing to act on the behalf of a mandator, the bailiff shall have previously informed the mandator of this motive, delay before he ceases to supply his services and take the necessary measures to avoid serious and foreseeable prejudice to the mandator.

He must give this notice within a reasonable delay given the circumstances.

**SECTION III**  
RESPONSIBILITY

14. The bailiff shall not, in the exercise of his profession, evade or attempt to evade his personal civil liability.

**SECTION IV**  
INDEPENDENCE AND CONFLICT OF INTEREST

15. The bailiff must ignore all interventions from a third party which could influence the completion of his professional duties to the detriment of his mandator.

16. The bailiff must maintain at all times his professional independence and avoid all situations where he could be in a conflict of interest.

17. Without restricting the generality of the preceding, the bailiff his notably in conflict of interest:

1° when the interest before him are such that he could be held to prefer certain interests to those of his mandator, or that his judgment or is loyalty towards his mandator could be adversely affected;

2° when he must serve a legal act or a seize property of an enterprise or partnership in which he has a financial interest.

18. Whenever he realizes that he is in a conflict of interest, the bailiff shall advise his mandator.

19. The bailiff shall avoid performing or duplicating, without justification, professional acts and shall abstain from rendering inappropriate or disproportionate services to the needs of his mandator.

20. In addition to that which is mentioned at Sections 16 and 17, the bailiff cannot exercise his professional activities in matters where he has an interest nor in those concerning his kins, his parents or relatives including second cousins inclusively.

21. The bailiff must refuse to receive, in addition to any remuneration to which he has a right, any advantage, commission or return concerning the exercise of his profession.

22. The bailiff must abstain from sharing or receiving jointly the revenues of his profession regardless of its form, directly or indirectly with a physical or moral person, partnership, group or association which is not a member of the "Chambre des huissiers de justice du Québec".

The first paragraph does not apply to fees received by a bailiff for exclusive services to a municipal court at the date this code came into force and this shall continue for the full term of his employment with that court.

## SECTION V PROFESSIONAL SECRECY

23. For the purposes of preserving the secrecy of confidential information brought to his knowledge in the exercise of his profession, a bailiff shall in addition to completing his own obligations in this regard, take the necessary measures to prevent his colleagues and the persons under his authority, supervision or employ, from disclosing or making use of such information that becomes known to them in the performance of their duties.

## SECTION VI ACCESSIBILITY TO FILES

*§1. Conditions and procedures applicable to the exercise of the right of access provided for in Section 60.5 of the Professional Code*

24. In addition to the particular rules prescribed by law, a bailiff shall follow up with due diligence and no later than 45 days after reception thereof, to all requests made by a mandator whose purpose is to examine the documents concerning him in any record established in his respect or to obtain copies of such record.

Access to these documents in order that they be examined shall be free of any charge.

25. The bailiff may charge to a mandator, who exercises its right provided for at Section 24, fees which may not exceed reasonable costs or reproducing or transcribing documents or for forwarding a copy of these documents.

The bailiff requesting such fees shall, before proceeding with reproducing, transcribing or forwarding the information, inform the mandator of the approximate amount to be paid.

26. A bailiff who, pursuant to the second paragraph of Section 60.5 of the Professional Code, refuses to allow his mandator access to the information contained in a record established in his respect shall inform the mandator in writing of his refusal and the motive of such

refusal. The notice must describe the nature of the serious prejudice possible and inform the mandator of possible recourses.

*§2. Conditions and procedures applicable to the correction provided for in Section 60.6 of the Professional Code*

27. In addition to the particular rules prescribed by law, the bailiff shall follow-up with due diligence or nor later than 45 days after reception thereof to all requests made by a mandator whose purpose is:

1° to cause to be corrected any information that is inaccurate, incomplete or ambiguous, with regard to the purpose for which it was collected in a record established in this respect;

2° to cause to be deleted any information that is outdated or not justified by the object of the record established in his respect; or

3° to file in the records established in respect the written comment that he prepared.

28. A bailiff who grants a request provided for at Section 27 shall issue to his mandator, free of charge, a copy of the documents or the part of the document that was corrected or deleted or, as the case may be, an attestation that the written document prepared by his mandator has been filed in the record.

29. A bailiff who has information in respect to which a request for access or correction has been denied shall continue to keep such information during such a time as will permit the mandator to exhaust the recourses under the law.

30. A bailiff shall be deemed to have refused to follow-up on a Section 24 or 27 request if he fails to respond within the 45 days which follows the reception of such a request.

*§3. Obligation for the Bailiff to Remit the Documents*

31. The bailiff shall follow-up, with due diligence, to any written request made by his mandator, whose purpose is to take back a document entrusted to him by the mandator.

## SECTION VII DETERMINATION AND PAYMENT OF FEES

32. For the acts described at Section 8 of the Court Bailiffs Act, all partners of a general partnership of bailiffs are personally and solidarily liable in their partnership concerning the application of the Tariff of Fees

and Transportation expenses provided for in the government regulation, unless it can be demonstrated that the derogation is attributable to the personal initiative of a bailiff.

In other cases, the bailiff shall only charge fees that are just and reasonable and he may not, in relation of Section 1 of this code, exercise his functions free of charge.

This article does not apply to work by a bailiff completed for another bailiff.

**33.** Fees are just and reasonable if they are proportional to the services rendered and justified by the circumstances. The bailiff shall notably take into account the following factors in establishing his fees:

1° the time required to complete the professional services;

2° the degree of difficulty and importance of the services;

3° the performance of unusual services or services requiring an exceptional competence or speed;

4° the amount of disbursements and costs expended;

5° if it is not an act described in Section 8 of the Court Bailiffs Act, the tariff established under paragraph 12° of Section 86.0.1 of the Professional Code.

**34.** The bailiff shall supply to his mandator all necessary explanations the mandator needs to understand of the statement of fees, and notably when a party to a litigation has satisfied a judgment rendered against it.

**35.** Except in the case of a bailiff rendering exclusive services for a municipal court at the date of the coming into force of this code and as long as the bailiff is an employee of this Court, the bailiff cannot agree that he will receive or accept from his mandator a fixed salary for acts which he accomplishes in conformity with Sections 8 and 9 of the Court Bailiffs Act.

**36.** The bailiff shall ensure that the mandator is informed of the approximate and foreseeable costs of the professional services rendered by him for the mandator.

**37.** The bailiff shall not charge interest and outstanding accounts without first notifying his mandator. The rate of interest charged shall be reasonable.

**38.** Before having recourse to legal proceedings, a bailiff shall have exhausted all other meanings at his disposal to obtain payment of his fees.

### **SECTION VIII** **DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION**

#### *§1. Incompatible Charges in Functions*

**39.** Are incompatible with the exercise of the profession of court bailiffs:

1° judicial or quasi-judicial function including that of an employee of a clerk's office or of any other justice official;

2° the charges or functions of a trustee in bankruptcy, a stenographer or stenotypist with a court and a peace officer other than that of a court bailiff.

#### *§2. Derogatory Acts to the Dignity of the Profession*

**40.** In addition to derogatory acts contained at Sections 57, 58 and 59.1 of the Professional Code, are derogatory to the dignity of the profession the following acts:

1° the fact of collaborating or participating in the illegal exercise of the profession;

2° the fact of inciting or collaborating with someone who commits a breach of the Court Bailiffs Act, the Professional Code or a regulation adopted by virtue of said Law or Code;

3° the fact of offering, giving, accepting, receiving, or demanding money, a return, a commission in order to obtain or after having obtained, an advantage for himself or for another person;

4° the fact of inciting someone in a pressing and repeated manner, either personally or through another physical or moral person, a partnership, a group, an association, to use the bailiff's professional services;

5° the fact of practicing, tacitly or expressly in any manner whatsoever, directly or indirectly, with a physical or moral person, a partnership, a group, an association, in order to obtain mandators;

6° all act or omission the nature of which it procures to a party of a legal procedure an illegal advantage;

7° except in the case of a bailiff rendering exclusive services of a municipal court at the date of the coming into force of this code and as long as the bailiff is an employee of this court, the fact to offer his services or agreeing to render services at a price different than that established by the tariff in force;

8° the fact of supplying a receipt or other document used to falsely indicate that services were rendered or dispensed;

9° the fact of noting illegibly under his signature on the reverse side of a legal act, the date and hour of service without reproducing his signature in printed form;

10° subject to section 22, the fact of concluding a pact, an understanding or agreement with any person other than a court bailiff exercising his profession, having as an object the sharing or the distribution of fees;

11° the fact of hiding or voluntarily omitting to disclose that which the law requires the bailiff to disclose;

12° the fact for a bailiff uses himself, or through one of his employees, blackmail, intimidation, threats or assault, in the exercise of his functions;

13° the fact to incite or to attempt to incite in error one of the parties of a legal procedure;

14° the fact of completing a false declaration or inscription, of falsifying, altering, damaging or destroying, disposing or illegally using his identification as a bailiff, as issued by virtue of Section 26 of the Court Bailiffs Act;

15° in absence of a general or special agreement with his mandator:

(a) the fact of suspending a mandate without the completion of a settlement between parties of a legal procedure;

(b) the fact of executing a legal document in a delay which is prejudicial to the party which conferred upon him such document;

16° the fact that an instrumenting bailiff, his partners, his employees or usual mandatary bailiffs of his office purchase directly or indirectly movable or immovable property in all judicial sales made by virtue of the Code of Civil Procedure (R.S.Q., c. C-25);

17° the embezzlement or use for personal ends of all money, value or property which is remitted to the bailiff in the exercise of his profession;

18° the fact of claiming fees for professional acts not dispensed or falsely described;

19° the fact of unduly multiplying, for the same procedure, the number of attendances in order to obtain a greater profit from the application of the tariff;

20° the fact of acting contrarily to the provisions of the Code of Civil Procedure, or all regulations concerning a bailiff's work;

21° the fact to not immediately informing the Office of the "Chambre des huissiers de justice du Québec" when he has knowledge of any information prohibiting the admission of a candidate to the "Chambre des huissiers de justice du Québec";

22° the fact of making a false declaration concerning the admissibility of a candidate to the exercise of the profession;

23° the fact of exercising his profession in a general or undeclared partnership with other persons than members of the "Chambre des huissiers de justice du Québec";

24° the fact of having in his possession during the exercise of his functions a restricted fire-arm or any other prohibited substance, and notably pepper spray;

25° the fact of not disclosing to the secretary his intention to assign his assets;

26° the fact of communicate with a person who has requested an inquiry on his subject without a prior written permission from the syndic of the "Chambre des huissiers de justice du Québec" or an assistant or corresponding syndic;

27° the fact of not disclose to the syndic of the "Chambre des huissiers de justice du Québec" that he has reasonable motives to believe that another member is contravening the Court Bailiffs Act, the Professional Code or a regulation in application of that act or that code.

### §3. *Relations with the "Chambre des huissiers de justice du Québec" and with Colleagues*

41. The bailiff shall abstain from making public declarations having an incident on the exercise of the profession without being duly authorized by the Office or an officer of the "Chambre des huissiers de justice du Québec".

42. A bailiff who is requested by the "Chambre des huissiers de justice du Québec" to participate in an



arbitration of accounts committee, the revision, the discipline or the professional inspection shall not refuse this function without exceptional motives.

43. The bailiff shall answer, in the briefest of delays, all correspondence from the syndic of the “Chambre des huissiers de justice du Québec”, an assistant or corresponding syndic, an investigator, expert or member of a professional inspection committee when one of them requires information, documents, or explanations on all matters relative to the exercise of the profession.

44. The bailiff shall not take advantage of the good faith of a colleague or render himself guilty with a colleague of an abuse of confidence or disloyal proceedings.

45. The bailiff consulted by a colleague shall supply to the colleague his opinion and his recommendations in the shortest delay possible.

46. The bailiff shall not confer usually and regularly to an articling student tasks which prohibit him from acquiring a general and complete education in view of the future exercise of his profession.

47. The bailiff must supply to an articling student for whom he is responsible certificates of attestation provided for in the Court Bailiffs Act, the Professional Code or all regulations adopted by virtue of said laws.

#### *§4. Contribution to the Advancement of the Profession*

48. The bailiff shall, whenever possible, assist in the development of his profession by exchanging his knowledge and his experience with colleagues and students and by his participation to courses and continuing education articling programs.

### **SECTION IX RESTRICTIONS AND OBLIGATIONS TOWARDS THE PUBLIC**

49. The bailiff may not engage an advertising, in any manner whatsoever that is incomplete, false, misleading or likely to mislead or allow such an advertising to be used.

50. The bailiff shall not attribute to himself qualities or particular capacities notably concerning his level of competence or concerning the amount or efficiency of his services which he is not capable of justifying.

51. The bailiff cannot in his advertising, use or permit to be used testimonies in support or recognition which concerns him, exception of prizes of excellence or other merits underling his contribution or realization to the honour of his profession.

52. The bailiff shall, in all declarations or advertisement messages, indicate his name and his title as court bailiff.

53. All advertisements that may influence persons which may be vulnerable following the occurrence of a specific event can only be addressed to the public in general.

54. All partners of a general partnership of bailiffs are personally and solidarily liable to respect the rules concerning advertising unless the advertising mentions clearly the name of the bailiff who is liable or that it be demonstrated that the derogation is attributable to the personal initiative of a bailiff.

55. The bailiff announces his fees for acts other than those described in Section 8 of the Court Bailiffs Act must do so in a manner which the public shall understand and, notably:

1° maintain the amount of his fees in force for the period mentioned in the advertisement which period must not be less than 45 days from the last authorized broadcast or publication;

2° indicate the services included in these fees.

He may however agree with a mandator to an amount less than those broadcasted or published.

56. In the case of advertisement concerning a special price or a rebate, a bailiff must mention the duration of the validity of this price or rebate, as the case may be. The duration cannot be less than 45 days.

57. The bailiff shall conserve a complete copy of the proof in negative, positive, reduced or enlarged of all reproduction of all advertisement in its original form, for a period of three years. The copy shall be given to the syndic, the assistant-syndic or corresponding syndic, an investigator, an expert or a member of a professional inspection committee upon request.

58. The bailiff cannot use the logo of the Ministry of Justice, in any form, or for any purpose.

**SECTION X****NAMES OF COURT BAILIFF PARTNERSHIPS**

59. Name of a partnership of court bailiffs must only include the names of the members of the “Chambre des huissiers de justice du Québec” who practice together.

60. However, when a bailiff retires from a partnership to exercise alone or to join another partnership, his name must disappear from the name of the former partnership unless their is a written agreement to a contrary effect.

61. The name of a partnership may end with “and associates” when the name or names of at least one partner is not included in the name of that partnership.

**SECTION XI****GRAPHIC SYMBOL OF THE “CHAMBRE DES HUISSIERS DE JUSTICE DU QUÉBEC”**

62. The “Chambre des huissiers de justice du Québec” is represented by a graphic symbol in conformity with the original kept by the Secretary of the Order.

63. The bailiff who reproduces the graphic symbol of the “Chambre des huissiers de justice du Québec” for his advertisements shall ensure himself that the symbol is in conformity with the original kept by the Secretary of the Order.

64. When the graphic symbol of the “Chambre des huissiers de justice du Québec” is used for advertising and purposes, the bailiff shall include the following warning in the advertisements, except on business cards: “This advertisement does not originate from the “Chambre des huissiers de justice du Québec” and does not engage its responsibility.”

**CHAPTER III****FINAL PROVISIONS**

65. This code replaces the Code of Ethics of the Bailiffs (R.R.Q. 1981, c. H-4, r.1) maintained in force by Section 31 of the Court Bailiffs Act (R.S.Q., c. H-4.1).

66. This code come into force the fifteenth day following its publication in the *Gazette officielle du Québec*.

3822

**Draft Regulation**

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

**Respiratory therapists**— **Code of ethics**— **Amendments**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Bureau of the Ordre professionnel des inhalothérapeutes du Québec made the Regulation to amend the Code of ethics of respiratory therapists at its meeting of 10 December 1999.

The Office des professions du Québec, pursuant to section 95 of the Professional Code, will examine the Regulation, the text of which appears below. Pursuant to the same section, it will then be submitted to the Government, with the recommendation of the Office. The Government may approve it, with or without amendment, upon the expiry of a 45-day period following the date of this publication.

The Ordre professionnel des inhalothérapeutes du Québec proposes the Regulation to make necessary amendments to the Code of ethics by inserting additional derogatory acts in the division on general duties and obligations toward the profession. The additional paragraphs provide that an individual who has received notice of a complaint against him may not communicate with or intimidate a complainant or other person for having denounced derogatory conduct or behaviour.

The draft Regulation will have no impact on businesses, including small businesses.

Further information may be obtained by contacting Ms. Andrée Lacoursière, Assistant Director, Direction générale of the Ordre professionnel des inhalothérapeutes, 1610, rue Sainte-Catherine Ouest, bureau 409, Montréal (Québec) H3H 2S2; tel. (514) 931-2900 or 1 800 561-0029; fax (514) 931-3621.

Any interested person having comments to make on the matter is asked to send them, before the expiry of the 45-day period, to the Chairman of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The Office will forward these comments to the Minister responsible for the ad-

ministration of legislation respecting the professions; they may also be sent to the professional order that made the Regulation, as well as to interested citizens, departments and bodies.

JEAN-K. SAMSON,  
*Chairman of the Office des professions du Québec*

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## **Regulation to amend the Code of ethics of respiratory therapists of Québec\***

Professional Code  
(R.S.Q., c. C-26, s. 87)

1. The Code of ethics of respiratory therapists of Québec is amended by the addition of the following paragraphs subsections after paragraph 10 of section 38:

“(11) communicating with a claimant upon learning of an investigation into his professional conduct or competence or upon receiving notice of a complaint against him, without the prior written permission of the syndic or an assistant syndic;

(12) intimidating any person or carrying out or threatening to carry out reprisals against any person on the grounds that:

- i. such person has denounced or intends to denounce derogatory conduct or behaviour;
- ii. such person has participated or collaborated in or intends to participate or collaborate in an investigation relating to derogatory conduct or behaviour.”

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

3806

## **Draft Regulation**

An Act respecting liquor permits  
(R.S.Q., c. P-9.1)

### **Alcoholic beverages**

— **Promotion, advertising and educational programs**  
— **Amendments**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages, the text of which appears below, may be approved by the Government upon the expiry of 45 days following this publication.

The draft Regulation proposes that in any advertising for table wine sold by a grocer under a proprietary brand, it be prohibited to indicate the grape variety or the mark of origin. Those amendments are intended to harmonize that Regulation with the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit, which prescribes rules for the marketing of alcoholic beverages in Québec.

The draft Regulation also relaxes the rules for the tasting of alcoholic beverages. It eliminates the present restrictions on who may serve wines for tasting purposes, as well as the manufacturers' obligation to give notice of the tasting and the Régie's obligation to grant authorization to that end. In addition to reducing the regulatory constraints governing that activity, the amendments facilitate the marketing of products and eliminate the administrative burden imposed on manufacturers and the Régie when such an activity is held.

To date, study of the matter has revealed no negative impact on businesses, in particular small and medium-sized businesses.

Further information may be obtained by contacting:

Michèle Rousseau, advocate, Régie des alcools, des courses et des jeux, 1, rue Notre-Dame Est, Montréal (Québec) H2Y 1B6, tel. (514) 864-3779.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to Mr. Artur Pires, Secretary of the Régie des alcools, des courses et de jeux, 560, boulevard Charest Est, Québec (Québec) G1K 3J3.

SERGE LAFONTAINE,  
*President*

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\* The Code of ethics of respiratory therapists of Québec was approved by Order in Council 451-99 dated April 21, 1999 (1999, G.O. 2, 1105). This regulation has not been amended since that date.

## Regulation to amend the Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages\*

An Act respecting liquor permits (R.S.Q., c. P-9.1, s. 114, pars. 1.1, 12 and 12.1)

1. The following paragraph is added at the end of section 1 of the Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages :

“In addition, in this Regulation,

“distributor” means any person authorized by the Société des alcools du Québec under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec (R.S.Q., c. S-13); (*distributeur*)

“manufacturer” means the Corporation, in respect of the alcoholic beverages it bottles under its own name, a holder of a permit issued under the Act respecting the Société des alcools du Québec, any other supplier of alcoholic beverages to the Corporation and an agent or representative of those persons; (*fabricant*)

“permit holder” means a person holding a permit issued under the Act respecting liquor permits (R.S.Q., c. P-9.1); (*titulaire de permis*)”

“tasting” means a promotional activity at which a manufacturer serves alcoholic beverages in a small quantity for the sole purpose of tasting the beverage. (*dégustation*)

2. The following paragraph is added at the end of section 5:

“No advertising, including audio, video, printed or computerized advertising, may indicate the grape variety or the mark of origin of a table wine sold by the holder of a grocery permit under a proprietary brand.”

3. The fourth paragraph of section 6 is deleted.

4. Section 12 is amended

(1) by deleting subparagraph 4 of the first paragraph; and

(2) by deleting the second and third paragraphs.

5. Sections 13 and 14 are revoked.

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

3821

## Draft Regulation

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13)

### Alcoholic beverages

#### — Terms of sale by holders of a grocery permit

#### — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to relax certain rules governing the marketing of wine in groceries.

To that end, it proposes to amend the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit so as to allow the sale in groceries of table wines under the proprietary brand of the holder of a wine maker’s permit in association with the brand name of a person authorized to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec. It provides that the holder of a wine maker’s permit shall file a declaration in the register of proprietary brands kept by the Corporation and that the brand name of a person authorized to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec shall comply with the regulatory provisions made under the Act respecting the Société des alcools du Québec. Finally, it proposes an adjustment concerning the bottling of wine.

\* The Regulation respecting promotion, advertising and educational programs relating to alcoholic beverages, made by Order in Council 1529-91 dated 6 November 1991 (1991, *G.O.* 2, 4466) was last amended by the Regulation made by Order in Council 610-94 dated 27 April 1994 (1994, *G.O.* 2, 1588). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

To date, study of the matter has revealed no impact on the public or on businesses, in particular small and medium-sized businesses.

Further information may be obtained by contacting:

Gilles Jolicoeur, Director  
Services juridiques  
Société des alcools du Québec  
905, avenue De Lorimier  
Montréal (Québec) H2K 3V9  
Telephone: (514) 873-2164  
Fax: (514) 864-1220  
E-mail: g.jolicoeur@saq.qc.ca

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of State for the Economy and Finance and Minister of Industry and Trade, to the Minister of Public Security, as well as to the Minister for Industry and Trade, at the following address:

710, place d'Youville, 6<sup>e</sup> étage  
Québec (Québec) G1R 4Y4,

and a copy to the Société des alcools du Québec, at:

Suzanne Paquin, Secretary General  
and Vice-President, Services juridiques  
Société des alcools du Québec  
905, avenue De Lorimier  
Montréal (Québec) H2K 3V9

\_\_\_\_\_  
BERNARD LANDRY,  
*Minister of State for the  
Economy and Finance  
and Minister of Industry  
and Trade*

\_\_\_\_\_  
SERGE MÉNARD,  
*Minister of Public Security*

\_\_\_\_\_  
GUY JULIEN,  
*Minister for Industry and Trade*

## **Regulation to amend the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit\***

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13, s. 37, pars. 1, 7, 8 and 10; 1999, c. 8, s. 20)

1. Section 2 of the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit is amended by inserting the words “or for” after the words “bottled by” in paragraph 2.

2. Section 3 is amended

(1) by deleting the words “a person authorized by the Société des alcools du Québec to sell alcoholic beverages under paragraph *h* of section 17 of the Act respecting the Société des alcools du Québec, or with” in subparagraph 5 of the first paragraph;

(2) by adding the following paragraph at the end :

“In addition, the holder of a wine maker’s permit may market a proprietary brand in association with the brand name of a person authorized to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec.”.

3. Section 4 is amended

(1) by adding the following paragraph after the first paragraph :

“The holder of a wine maker’s permit that wishes to market a proprietary brand in association with the brand name of a person authorized to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec shall file with the Corporation an additional declaration indicating his intention and attesting that he holds the rights to use the brand. The permit holder shall also have the declaration recorded in the register of proprietary brands kept by the Corporation.”;

\* The Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit, made by Order in Council 2165-83 dated 19 October 1983 (1983, *G.O.* 2, 3668), was last amended by the Regulation made by Order in Council 1797-91 dated 18 December 1991 (1992, *G.O.* 2, 16). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

(2) by inserting the words “provided that those brands and brand names of a person authorized to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec” after the words “recorded in the register and” in the second paragraph;

(3) by substituting the word “third” for the word “second” in the third paragraph.

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

3820

## Draft Regulation

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13)

### Wine and other alcoholic beverages made or bottled by holders of wine maker’s permit — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker’s permit, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to consolidate the policy of the Corporation respecting wine designation. It is also intended, with respect to table wines sold in grocery stores under the proprietary brand of the holder of a wine maker’s permit in association with the brand name of a person authorized to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec, to harmonize the Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker’s permit with the Regulation respecting the terms of sale of alcoholic beverages by holders of a grocery permit.

To that end, it proposes to amend the Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker’s permit by removing the terms “Canadian port” and “Canadian sherry” from that Regulation when referring to fortified wine. It also proposes to specify the rules applicable to the labelling of wines sold in grocery stores under a proprietary brand in association with the brand name of a person authorized to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec.

To date, study of the matter has revealed no impact on the public or on businesses, in particular small and medium-sized businesses.

Further information may be obtained by contacting:

Mr. Gilles Jolicoeur, Director, Services juridiques, Société des alcools du Québec, 905, avenue De Lorimier, Montréal (Québec) H2K 3V9, telephone: (514) 873-2164, fax: (514) 864-1220, E-mail: g.jolicoeur@saq.qc.ca

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of State for the Economy and Finance and Minister of Industry and Trade, as well as to the Minister of Public Security, and to the Minister for Industry and Trade, at the following address:

710, place D’Youville, 6<sup>e</sup> étage, Québec (Québec) G1R 4Y4,

and a copy to the Société des alcools du Québec to:

Ms. Suzanne Paquin, Secretary General and Vice-President, Services juridiques, Société des alcools du Québec, 905, avenue De Lorimier, Montréal (Québec) H2K 3V9

*Minister of State for the Economy and Finance and Minister of Industry and Trade,*  
BERNARD LANDRY

*Minister of Public Security,*  
SERGE MÉNARD

*Minister for Industry and Trade,*  
GUY JULIEN

## **Regulation to amend the Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker's permit\***

An Act respecting the Société des alcools du Québec (R.S.Q., c. S-13, s. 37, pars. 1, 7, 8 and 10; 1999, c. 8, s. 20)

1. Section 3 of the Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker's permit is amended by substituting the words "the following expression: "liqueur wine" for the words "one of the following expressions: "liqueur wine", "Canadian port" or "Canadian sherry".

2. The following paragraph is added after the first paragraph of section 6:

"Notwithstanding the preceding paragraph, where wine is bottled under a proprietary brand in association with the brand name of a person authorized to sell alcoholic beverages under subparagraph *h* of the first paragraph of section 17 of the Act respecting the Société des alcools du Québec, that brand name shall appear on the main label of the wine container, but the typeface used shall not be larger than that used for the proprietary brand. The name and address of the authorized person may appear on the main label with or without the name and address of the holder of a wine maker's permit."

3. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except section 1 which will come into force on the date of the first anniversary of the coming into force of this Regulation.

3819

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\* The Regulation respecting wine and other alcoholic beverages made or bottled by holders of a wine maker's permit, made by Order in Council 2166-83 dated 19 October 1983 (1983, *G.O.* 2, 3671) was last amended by the Regulation made by Order in Council 1797-91 dated 18 December 1991 (1992, *G.O.* 2, 16). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.





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## Erratum

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Gouvernement du Québec

### **O.C. 953-2000, 26 July 2000**

Building Act  
(R.S.Q., c. B-1.1)

#### **Building Code**

*Gazette officielle du Québec*, Part 2, August 9 2000, Volume 132, No. 32, pages 4203-4233.

Order in Council No. 953-2000 concerning the Building Code, which was published in the *Gazette officielle du Québec* on August 9, contains certain anomalies with regard to form. This is how it should have read.

“Gouvernement du Québec

### **O.C. 953-2000, 26 July 2000**

Building Act  
(R.S.Q., c. B-1.1)

#### **Building Code**

WHEREAS under section 173 of the Building Act (R.S.Q., c. B-1.1), the Régie du bâtiment du Québec may adopt a Building Code containing building standards concerning buildings, facilities intended for use by the public and installations independent of a building or their vicinity;

WHEREAS under section 176 of the Act, the Building Code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS under section 176.1 of the Act, the Building Code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185;

WHEREAS under section 178 of the Act, the Building Code may require observance of a technical standard drawn up by another government or by an agency em-

powered to draw up such standards and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS under section 179 of the Act, the Board may determine the provisions of the Building Code of which the infringement shall constitute an offence under paragraph 7 of section 194 of the Act;

WHEREAS under section 192 of the Act, the contents of the Building Code may vary particularly according to the classes of persons, contractors, owner-builders, owners of buildings, facilities intended for use by the public or installations independent of a building and classes of buildings, pressure installations, facilities or installations to which the Code applies;

WHEREAS the Board adopted the Building Code;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Building Code was published in Part 2 of the *Gazette officielle du Québec* of 17 November 1999 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS the comments received were assessed;

WHEREAS under section 189 of the Building Act, every code of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Building Code, attached hereto, be approved.

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

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## CONSTRUCTION CODE

### Building Act

(R.S.Q., c. B-1.1 s. 173, 176, 176.1, 178, 179, 185, para. 1, sub. 3, 7, 27 and 38, and s.192)

### CHAPTER I

### BUILDING

### SECTION I

### INTERPRETATION

1. In this chapter, unless the context indicates otherwise, the word “Code” refers to the “National Building Code of Canada 1995” (NRCC 38726), including the July 1998 and the November 1999 revisions and errata, and to the “Code national du bâtiment - Canada 1995” (CNRC 38726F), including the July 1998 and the November 1999 revisions and errata, published by the Canadian Commission on Building and Fire Codes, National Research Council of Canada, as well as all subsequent modifications and editions that may be published by this organization.

However, any modifications to and new editions of the Code that are published after the effective date of the Construction Code will only apply to construction work effective the last day of the sixth month following the

month of publication of the French text of these modifications or editions.

### SECTION II

### APPLICATION OF THE NATIONAL BUILDING CODE

2. Except as permitted by the exemptions provided in regulation adopted by the government under subsection (1) of the first paragraph of section 182 of the Building Act (R.S.Q. c. B-1.1), and by the modifications provided in this Chapter, the Code applies to all construction work on a building subject to the Act, including its surroundings, and performed after the effective date of this Code. It also applies to public equipment designated by regulation adopted by the government under subsection 4 of the first paragraph of section 182 of the Act.

### SECTION III

### MODIFICATIONS TO THE CODE

3. As of the effective date of this Chapter, any reference in the Construction Code to a standard or code that appears in Table 1 is a reference to the standard or code of the Construction Code Chapter referring to it, as well as to any modifications or editions that may be published by the organization having developed this code or standard in compliance with the requirements of this Chapter.

**TABLE 1**

DESIGNATION	TITLE	Construction Code CHAPTER
CAN/CGA-B149.1-M	Natural Gas Installation Code	II
CAN/CGA-B149.2-M	Propane Installation Code	II
NRCC 38728	National Plumbing Code of Canada 1995	III
CAN/CSA-B44	Safety Code for Elevators	IV
CSA B355	Lifts for Persons with Physical Disabilities	IV
CSA C22.1	Canadian Electrical Code, Part I	V
CSA B51	Boiler, Pressure Vessel, and Pressure Piping Code	VI
CAN/CSA-B52	Mechanical Refrigeration Code	VI

4. The Code is modified:

1° by deleting Subsections 1.1.1. and 1.1.2.;

2° in Article 1.1.3.2.:

1° by adding “(See Appendix A)” at the end of the definition of “Alteration”;

2° by replacing the definition of “Authority having jurisdiction” with the following:

““Authority having jurisdiction” means the Régie du bâtiment du Québec.”;

3° by replacing the definition of “Boiler” with the following:

““Boiler” means an appliance other than a water heater, powered by a direct source of energy for heating liquid or producing steam.”;

4° by deleting the definition of “Constructor”;

5° by replacing the definition of “Grade” with the following:

““Grade” (as applying to the determination of building height) means the lowest of the average levels of finished ground, when these levels are measured along each exterior wall of a building, within a distance of 3 m from the wall, based on surveys that include any difference in level other than those providing access to the entrance doors of the building for vehicles or pedestrians. (See First storey.)”;

6° by replacing the definition of “Habitation” with the following in the French version:

““Habitation (residential occupancy) (groupe C)”: bâtiment, ou partie de bâtiment, où des personnes peuvent dormir, sans y être hébergées ou internées en vue de recevoir des soins médicaux, ou sans y être détenues.”;

7° by replacing the definition of “Occupancy” with the following:

““Occupancy” means the use or intended use of a building or part thereof”;

8° by deleting the definition of “Owner”;

9° by inserting the following after the definition of “Repair garage”:

““Residential board and care occupancy” means a care or detention occupancy of Group B, Division 2, other than a hospital, a health office, or a nursing home, that houses people who receive or to whom are only offered transition medical care or assistance. (See Appendix A.)”;

10° by replacing the word “theatrical” with the word “public” in the first and second line in the definition of “Stage”;

11° by replacing the definition of “Suite” with the following:

““Suite” means a single room or series of rooms of complementary use, occupied by a single tenant or owner, and includes but is not limited to dwelling units, individual bedrooms in motels, hotels, rooming and boarding houses, dormitories and single-family dwellings, as well as stores and business and personal services occupancies comprising a single room or series of rooms. (See Appendix A.)”;

12° by replacing the definition of “Theatre” with the following:

““Theatre” means a place of public assembly designed for public presentations of plays, operas, movies or other performances, consisting of an auditorium with permanently fixed seats intended solely for a viewing audience.”;

3° in Article 1.1.4.1., by replacing the address of the organization designated by the acronym “BNQ” with the following:

“Bureau de normalisation du Québec,  
(333, rue Franquet, Sainte-Foy  
(Québec) G1P 4C7)”;

4° by adding the following Subsection after Subsection 2.1.6.:

**“2.1.7. Part 10**

**“2.1.7.1. Scope**

1) Part 10 applies, in the following cases, to buildings under alteration, maintenance or repair that are

a) five years old or more and built in conformance with the provisions of section 2 of Chapter I of the Construction Code adopted under the Building Act (R.S.Q. c. B-11),

b) built before 7 November 2000.”;

5° by replacing Article 2.3.1.2. with the following:

#### “2.3.1.2. Required Plans

1) Plans and specifications are required for construction work on a building, a part of a building, or equipment designed for public use, to which Chapter I of the Construction Code applies, when information is required under Subsections 2.3.2. to 2.3.5.

2) Plans shall be drawn to scale and shall, with the specifications, indicate the nature and scope of the work or the intended occupancy in sufficient detail to establish that the finished work and occupancy meet the Code requirements referred to in section 2 of Chapter I of the Construction Code.

3) Plans and specifications shall be signed and sealed, when required by an Act governing the practice of a profession, by a qualified professional as defined in the Professional Code (R.S.Q., c. C-26).”;

6° in Article 2.3.4.2., by deleting, in the second line of Sentence (1), the words “submitted with the application to build”;

7° in Article 2.3.4.3., by deleting, in the second line of Sentence (1), the words “submitted with the application to build”;

8° in Article 2.3.4.6.:

1° by deleting, in the first and second lines of Sentence (1), the words “submitted with the application to build or excavate”;

2° by replacing Sentence (2) with the following:

“2) Evidence that justifies the information on the drawings shall be available for review.”;

9° by adding the following Article after Article 2.4.1.3.:

#### “2.4.1.4. Lightning Protection

1) All lightning protection systems shall comply with municipal, provincial or territorial regulations or, in their absence, with standard CAN/CSA-B72-M, “Installation Code for Lightning Protection Systems.””;

10° by replacing Sections 2.5. and 2.6. with the following:

### “Section 2.5. Declaration of Construction Work

#### “2.5.1. General

##### “2.5.1.1. Scope

1) The general contractor or, in his absence, the specialized contractor, or the owner/builder shall declare to the Régie du bâtiment du Québec the construction work he performed relative to a building or equipment designed for public use, and to which Chapter I of the Construction Code applies.

2) Sentence (1) does not apply to construction work that was declared under subsection 1.1° of section 120 of an Act Respecting Land Use Planning and Development (R.S.Q., c. A-19.1) or another chapter of the Construction Code, or to maintenance or repair work to which Chapter I of the Construction Code applies.

#### “2.5.2. Submission of the Declaration

##### “2.5.2.1. Submission Requirements

1) The declaration required under Article 2.5.1.1. shall be submitted to the Régie no later than the twentieth day of the month following the beginning of work.

##### “2.5.2.2. Form

1) The declaration of work is permitted to be made on a form provided by the Régie or on any other document clearly and legibly completed for this purpose.

##### “2.5.2.3. Contents

1) The declaration shall clearly and legibly include the following information

a) the address of the building or equipment designed for public use, where applicable, and the number of the lot where the construction work is performed,

b) the name, address, and telephone number of the person for whom this work is performed,

c) the name, address, telephone number, and licence number of the contractor or owner/builder,

d) the expected beginning and end dates of the construction work,

e) the nature and type of work,

f) the occupancy of the building or equipment designed for public use, its classification under the Code, the number of storeys, and the existing or planned building area,

g) the name, address, and telephone number of the person who has prepared the plans and specifications relative to the construction work.”;

11° by deleting Subsection 2.7.1.;

12° in Article 2.7.3.2.:

1° by replacing Sentence (1) with the following:

“1) The editions of the documents referenced in this Code are those designated in Table 2.7.3.2., with the exception of the cases described in Article 3 of Chapter I of the Construction Code approved by Order in Council 953-2000, 26 July 2000. (See Appendix A.)”;

2° by replacing the number “95” with the number “91” in the documents listed in Table 2.7.3.2., at reference “CGA CAN/CGA-B149.1-M95,” under “Document Number”;

3° by inserting in the documents listed in Table 2.7.3.2., after the reference “BNQ NQ 3624-115-1995 Thermo-Plastic Pipe – Flexible Corrugated Tubing and Fittings for Soil Drainage 9.14.3.1.(1),” the following reference: “BNQ NQ 5710-500/1997 Gaz médicaux ininflammables - Réseaux de distribution des établissements fournissant des services de santé 3.7.5.1.(1)”;

4° by deleting “(Supplement 1-B44S1-97)” in the documents listed in Table 2.7.3.2., at reference “CSA CAN/CSA-B44-94 (Supplement 1-B44S1-97)”;

5° by replacing the number “97” with “M1991” in the documents listed in Table 2.7.3.2., at reference “CSA B51-97,” under “Document Number”;

6° by replacing the number “95” with the number “92” in the documents listed in Table 2.7.3.2., at reference “CSA B52-95,” under “Document Number”;

7° by replacing “6.3.1.4.(1)” with “2.4.1.4.(1)” in the documents listed in Table 2.7.3.2., at reference “CSA CAN/CSA-B72-M87 Installation Code for Lightning Protection Systems 6.3.1.4.(1),” under “Code Reference”;

8° by replacing reference “B182.1-96” with reference “CAN/CSA-B182.1-M92” in the documents listed in Table 2.7.3.2., under “Document Number”;

9° by inserting reference “CSA CAN/CSA-Z91-M90 Safety Code for Window Cleaning Operations 3.5.5.1.(1)” after reference “CSA CAN/CSA-Z32.4-M86 Essential Electrical Systems for Hospitals 3.2.7.6.(1)” in the documents listed in Table 2.7.3.2.;

10° by inserting reference “CSA CAN3-Z271-M84 Safety Code for Suspended Powered Platforms 3.5.5.1.(1)” after reference “CSA Z240.10.1-94 Site Preparation, Foundation, and Anchorage of Mobile Homes 9.15.1.4.(1), 9.23.6.3.(1)” in the documents listed in Table 2.7.3.2.;

11° by deleting reference “CSA CAN/CSA-Z305.1-92 Nonflammable Medical Gas Piping Systems 3.7.5.1.(1)” in the documents listed in Table 2.7.3.2.;

12° by replacing the number “94” with the number “87” in the documents listed in Table 2.7.3.2., at reference “CGSB CAN/CGSB-34.22-94,” under “Document Number”;

13° by replacing reference “TC Règlement sur les aéroports de la loi sur l’aéronautique” with “TC TP2586F-1985 Hélicoptères et héli-plates-formes, Normes et pratiques recommandées” in the documents listed in Table 2.7.3.2. in the French version;

13° by replacing Article 3.1.2.5. with the following:

### “3.1.2.5. Residential Board and Care

1) Except as permitted under Sentences (2) and (3), any residential board and care occupancy that can accommodate a maximum of 30 people is permitted, notwithstanding the provisions on care or detention occupancy, to be built in compliance with the residential occupancy requirements, provided the following conditions are met

a) the building height does not exceed 3 storeys,

b) subject to Sentence (2), the residential board and care occupancy is entirely sprinklered (see Article 3.2.2.18.),

c) each bedroom

i) has an addressable photoelectric smoke detector installed in conformance with Sentence 3.2.4.11.(2) and, when there are more than 10 persons, with Clause 3.2.4.3.(1)(b),

ii) has no electrical outlet for connecting a range.

2) Any residential board and care occupancy that can accommodate a maximum of 16 people is permitted, notwithstanding the provisions on care or detention occupancy, to be built in compliance with the residential occupancy requirements, provided the following conditions are met

a) the building height does not exceed 1 storey,

b) photoelectric smoke alarms are installed in each bedroom, in addition to those required by Article 3.2.4.21., and are interconnected if the building does not have a fire alarm system as required by Clause 3.2.4.1.(2)(i),

c) the basement, where applicable, is designed only for the installation of the building's mechanical or maintenance equipment,

d) each bedroom door has a hold-open device designed to keep the door open at different positions and installed in compliance with Sentence 3.1.8.12.(5), unless the bedrooms are located in fire compartments as defined in Sentences 3.3.3.5.(2) to (8).

3) Any convalescence facility or youth centre that can accommodate a maximum of 10 people is permitted, notwithstanding the provisions on care or detention occupancy, to be built in compliance with the residential occupancy requirements, provided the following conditions are met

a) the occupants can circulate without the help of another person,

b) the occupants are grouped in a building comprising only a single dwelling unit.”;

14° in Article 3.1.4.2., by adding the following Sentence after Sentence (1):

“2) The space between the foamed plastic insulation and the protection required by Sentence (1) shall be no more than 75 mm.”;

15° in Article 3.1.4.3.:

1° by replacing the part of Sentence (1) that precedes Clause (a) with the following:

“1) In a building for which combustible construction is authorized, the electrical wires and cables, telecommunication wires and cables and optical fibre cables shall”;

2° by replacing Subclause (i) of Clause (b) of Sentence (1) with the following:

“i) totally enclosed noncombustible raceways; however, a combustible raceway is permitted to be used, provided it does not partly or wholly penetrate a fire separation for which a fire-resistance rating is required (see Appendix A).”;

3° by adding the following Sentence after Sentence (1):

“2) In the case of a telecommunication cable located within a building, the requirements of Sentence (1) apply to the part of the cable exceeding 3 m, as measured from its entrance point into the building.”;

16° by replacing Article 3.1.5.6. with the following:

### “3.1.5.6. Nailing Strips

1) Wooden nailing elements, installed directly on a noncombustible continuous surface or embedded therein, are permitted for the application of interior finish material in a building for which noncombustible construction is required, provided the resulting concealed space is no more than 50 mm thick.

2) Continuous wooden nailing elements for covering a roof or a bead-type copper wall are permitted in a building for which noncombustible construction is required, provided they are installed directly on Type X gypsum board that is at least 15.9 mm thick.”;

17° in Article 3.1.5.8., by replacing the number “300” with the number “375” on the second line of Sentence (2);

18° in Article 3.1.5.11., by replacing Clause (e) of Sentence (2) with the following:

“e) any thermal barrier, other than foamed plastic insulation, that meets the requirements of classification B when tested in conformance with ULC standard CAN4-S124-M, “Test for the Evaluation of Protective Coverings for Foamed Plastic” (see Appendix A).”;

19° in Article 3.1.5.15.:

1° by replacing what precedes Sentence (1) with the following:

### “3.1.5.15. Combustible Piping Systems”;

2° by replacing the part of Sentence (1) preceding Clause (a) with the following:

“1) Except as permitted by Clause 3.1.5.2.(1)(e) and Sentences (2) and (3), combustible piping, tubing, couplings, and adhesives are permitted to be used in a building for which noncombustible construction is re-

quired, provided they are not located in the concealed space of a wall or sunk into a concrete slab, and provided, when a test is performed on a representative installation assembly, they”;

3° by replacing Sentence (2) with the following:

“2) The use of combustible piping is permitted in each of the following cases

a) for water distribution, if the pipe has an external diameter of no more than 30 mm,

b) for sprinkler systems in a sprinklered floor area in a building for which noncombustible construction is required (see also Article 3.2.5.14.).”

20° by replacing Article 3.1.5.17. with the following:

### “3.1.5.17. Wires and Cables

1) Except as permitted by Article 3.1.5.18., electrical wires and cables, telecommunication wires and cables, and optical fibre cables with combustible jackets or sheaths are permitted in a building for which noncombustible construction is required, provided one of the following conditions is met

a) the wires and cables do not char on more than 1.5 m when submitted to the Vertical Flame Test, as defined in Clause 4.11.4. of CSA-C22.2 No. 0.3, “Test Methods for Electrical Wires and Cables,”

b) the wires and cables are located in

i) totally enclosed noncombustible raceways (see A-3.1.4.3.(1)(b)(i) in Appendix A),

ii) totally enclosed non-metallic raceways complying with Article 3.1.5.19.,

iii) masonry walls,

iv) concrete slabs,

v) a service room separated from the remainder of the building by a fire separation having a fire-resistance rating of at least 1 h,

c) the wires and cables are communication cables used at the service entry to a building and are not more than 3 m long,

d) the wires and cables meet the following conditions

i) they do not propagate flame or burn more than 1 min when submitted to the Vertical Flame Test as defined in Clause 4.11.1. of CSA C22.2 No. 0.3, “Test Methods for Electrical Wires and Cables,”

ii) they are located in a concealed space within a wall.

(See Appendix A.)

2) The requirement in Clause (1)(a) is considered to be met where the wires and cables exhibit a flame-spread rating of not more than 1.5 m, a smoke density of not more than 0.5 at peak optical density and a smoke density of not more than 0.15 at average optical density when tested in conformance with the Flame and Smoke Test (FT6 Rating), described in Clause B3. of Appendix B of CSA C22.2 No. 0.3, “Test Methods for Electrical Wires and Cables.””;

21° in Article 3.1.5.19.:

1° by replacing the number “625” with the number “700” on the second line of Sentence (1);

2° by replacing the words “optical fibre cables and electrical wires and cables” with the words “electrical wires and cables, telecommunication wires and cables, and optical fibre cables” on the fourth and fifth lines of Sentence (1);

22° in Article 3.1.8.11., by adding the following Clause after Clause (d) of Sentence (2):

“e) any bedroom in a residential board and care occupancy and any public corridor or adjacent room when this bedroom is sprinklered or located in a fire compartment built in conformance with Sentences (2) to (8) of Article 3.3.3.5.”;

23° in Article 3.1.8.12.:

1° by replacing the words “and (4)” with the words “, (4) and (5)” on the last line of Sentence (1);

2° by adding the following Sentence after Sentence (4):

“5) The hold-open device permitted in Sentence (1), installed on a bedroom door of a residential board and care occupancy as described in Sentence 3.1.2.5.(2), shall be designed to release the door in response to a smoke alarm signal.”;

24° in Article 3.1.9.1., by inserting the words “, telecommunication wires and cables” on the second line of Sentences (1) and (2), after the words “electrical wires and cables”;

25° in Article 3.1.9.3.:

1° by replacing the word “and” with the symbol “,” on the first line of Sentence (1) and by inserting the words “, and telecommunication wires and cables” after the words “electrical wires and cables” on the second line of Sentence (1);

2° by replacing Sentences (2) and (3) with the following:

“2) Except as permitted by Sentence (3), single or grouped electrical wires and cables, telecommunication wires and cables, and optical fibre cables that are not inside a totally enclosed noncombustible raceway and whose outer diameters do not exceed 30 mm are permitted to

a) partly or wholly penetrate a fire separation for which a fire-resistance rating is required without being incorporated into the assembly at the time of testing, as required by Article 3.1.9.2., provided the combustible jackets or sheathes meet the requirements of Clause 3.1.5.17.(1)(a),

b) partly or wholly penetrate a vertical fire separation for which a fire-resistance rating is required, provided the combustible jackets or sheathes meet the requirements of Clause 3.1.5.17.(1)(d),

c) partly penetrate without wholly penetrating a horizontal fire separation for which a fire-resistance rating is required, provided the combustible jackets or sheathes meet the requirements of Clause 3.1.5.17.(1)(d).

“3) Totally enclosed nonmetallic raceways conforming to Article 3.1.5.19., as well as single conductor metal sheathed cables with combustible jacketting that are more than 30 mm in diam, are permitted to partly or wholly penetrate a fire separation for which a fire-resistance rating is required, without being incorporated into the assembly at the time of testing as required by Article 3.1.9.2.”;

26° in Article 3.1.9.4.:

1° by replacing the title “Combustible Piping Penetrations” with the following:

“**Combustible Duct and Piping Penetrations**”;

2° by replacing the part of Sentence (4) that precedes Clause (a) with the following:

“4) Combustible drain, waste and vent, or central vacuum piping, or a bathroom exhaust duct, is permitted to partly or wholly penetrate a fire separation for which

a fire-resistance rating is required, or a membrane that forms part of an assembly for which a fire-resistance rating is required, provided”;

3° by adding the following Clause after Clause (b) of Sentence (4):

“c) the vacuum piping or the bathroom exhaust duct only serves one dwelling unit.”;

27° in Article 3.1.10.7., by replacing Sentence (2) with the following:

“2) If buildings are separated by a firewall, combustible elements that extend beyond the end of the firewall, including balconies, platforms, canopies, eave projections, and stairs, are not permitted within 1.2 m of the centreline of the firewall. (See Article 3.2.3.6.)”;

28° in Article 3.1.16.1.:

1° by adding the following facilities in Table 3.1.16.1., under “Type of Use of Floor Area or Part Thereof,” at the end of the list of “Assembly uses”:

“arcades”  
 “libraries, museums and skating rinks”  
 “gymnasiums and physical fitness facilities”  
 “swimming pools”  
 “dance floors”  
 “exhibition halls and interpretation centres”;

2° by adding the following values, opposite the appropriate facility in Table 3.1.16.1., under “Area per person, m<sup>2</sup>”:

“arcades”: the number “1.85”  
 “libraries, museums and skating rinks”: the number “3.00”  
 “gymnasiums and physical fitness facilities”: the number “9.30”  
 “swimming pools”: “(4)”  
 “dance floors”: the number “0.40”  
 “exhibition halls and interpretation centres”: the number “3.00”;

3° by adding the following note under Table 3.1.16.1., after note “(3) See A-3.3.1.4.(1) in Appendix A.”:

“(4) The occupant load in a swimming pool is obtained by calculating 1.40 m<sup>2</sup> of water surface per person in the part of the pool that is 1.40 m deep or less, and 2.20 m<sup>2</sup> in the other part.”;

29° in Article 3.2.2.18., by replacing Sentence (2) with the following:



“2) In a building with more than one major occupancy, if a storey or floor area is required to be entirely sprinklered as required by Articles 3.1.2.5., and 3.2.2.20. to 3.2.2.83. or Section 3.3., all storeys located below this storey shall also be sprinklered, notwithstanding any indication to the contrary that may be contained in Articles 3.2.2.20. to 3.2.2.83. (See Appendix A.)”;

30° by replacing Article 3.2.2.22. with the following:

**“3.2.2.22. Group A, Division 1, One Storey**

1) A building classified as Group A, Division 1 is permitted to conform to Sentence (2), provided the following conditions are met

- a) it is 1 storey in building height,
- b) no part of an auditorium floor is more than 5 m above or below grade,
- c) any space located above or below the auditorium has an occupancy incidental to this space,
- d) the occupant load of the auditorium floor is not more than 300.

2) This building is permitted to be of combustible construction when the following conditions are met

- a) its floor assemblies shall be fire separations with a fire-resistance rating of at least 45 min,
- b) its mezzanines shall have a fire-resistance rating of at least 45 min if they are of combustible construction,
- c) its loadbearing walls, columns and arches supporting an assembly for which a fire-resistance rating is required shall
  - i) either have a fire-resistance rating of at least 45 min,
  - ii) or be of noncombustible construction,
- d) its loadbearing walls, columns and arches supporting a fire separation shall have a fire-resistance rating at least equal to that required for the fire separation,
- e) the roof shall have a fire-resistance rating of at least 45 min if it is not entirely sprinklered or noncombustible.”;

31° in Article 3.2.2.44.:

1° by replacing what precedes Sentence (1) with the following:

**“3.2.2.44. Group C, up to 6 Storeys, Noncombustible Construction”;**

2° by replacing Sentence (1) with the following:

“1) A building classified as Group C is permitted to conform to Sentence (2) in each of the following cases

a) the building is not more than 6 storeys in building height and meets the following conditions

i) it has a voice communication system that includes loudspeakers and is installed as required by Clause 3.2.4.22.(1)(b), and a device for turning off the alarm signal that meets the requirements of Sentences 3.2.4.22.(2) and (4),

ii) it has a balcony in each suite, as required by Sentence 3.3.1.7.(5),

iii) it has a building area that does not exceed the value indicated in Table 3.2.2.44.,

b) the building is not more than 3 storeys in building height and has a building area that does not exceed the value indicated in Table 3.2.2.44.

**Table 3.2.2.44.**  
**Maximum Building Area, Group C, up to 6 Storeys**  
Forming Part of Sentences 3.2.2.44.(1) and (2)

No. Of <u>Storeys</u>	Maximum Area, m <sup>2</sup>		
	Facing 1 <u>Street</u>	Facing 2 <u>Streets</u>	Facing 3 <u>Streets</u>
1	not limited	not limited	not limited
2	6 000	not limited	not limited
3	4 000	5 000	6 000
4	3 000	3 750	4 500
5	2 400	3 000	3 600
6	2 000	2 500	3 000

32° by replacing Article 3.2.3.6. with the following:

### “3.2.3.6. Combustible Projections

1) Except for a building containing no more than 2 dwelling units, combustible projections more than 1 m above ground level, including balconies, platforms, canopies, eave projections, and stairs, that could expose an adjacent building to fire spread, are not permitted within 1.2 m, calculated horizontally, of

- a) a property line,
- b) the centreline of a public way,
- c) an imaginary line used to determine the limiting distance between 2 buildings or fire compartments on the same property.”;

33° in Article 3.2.3.19., by replacing Sentence (1) with the following:

“1) An underground walkway shall not be designed or used for any purpose other than pedestrian traffic, unless the following conditions are met

- a) the walkway is sprinklered,
- b) the occupancies are limited to the major occupancies of Groups D and E, or to a restaurant or a licensed beverage establishment,
- c) the walkway and spaces occupied by the occupancies referred to in Clause (b) meet the requirements of this Code for floor areas and occupancy separation.”;

34° in Article 3.2.4.1., by replacing Clause (d) of Sentence (2) with the following:

“d) a total occupant load more than 150, in the case of a Group A, Division 1 building, or more than 300 in the other cases, other than in open air seating areas.”;

35° in Article 3.2.4.7., by replacing Sentence (1) with the following:

“1) A single stage fire alarm system shall be designed to notify the fire department, in conformance with Sentence (4), that an alarm signal has been initiated

- a) either in an assembly occupancy with an occupant load more than 300,
- b) or in a residential occupancy more than 3 storeys in building height.”;

36° in Article 3.2.4.8., by inserting the word “stair” before the word “shaft” on the first line of Clause (c) of Sentence (2);

37° in Article 3.2.4.10.:

1° by deleting the word “and” from the end of Clause (e) of Sentence (2);

2° by adding the following Clauses after Clause (f) of Sentence (2):

“g) non-public rooms of a building whose major occupancy is of Group A, Division 1, and

“h) suites and rooms that are not included in a suite in a portion of a building whose major occupancy is of Group C, in a building more than 3 storeys in building height.”;

3° by adding the following Sentence after Sentence (2):

“3) Any fire detector installed in a major occupancy referred to in Clauses 2(g) and (h) shall be of the heat detector type.”;

38° In Article 3.2.4.11., by adding the following Sentence after Sentence (1):

“2) Any smoke detector installed in a residential board and care occupancy within the scope of Article 3.1.2.5. shall be equipped with a device capable of causing an alert signal to sound locally and of acting as an audible signal device, in case the alarm signal is actuated throughout the building (see 3.1.2.5.(1)(c)(i)).”;

39° in Article 3.2.4.17., by deleting the words “in every floor area” on the first line of Clause (a) of Sentence (1);

40° in Article 3.2.4.19., by replacing Sentence (4) with the following:

“4) The sound pressure level of a fire alarm signal shall not exceed 95 dBA measured at 3 m from each sound alarm.”;

41° in Article 3.2.4.21., by replacing Sentence (1) with the following:

“1) Smoke alarms conforming to CAN/ULC-S531-M, “Smoke Alarms,” shall be installed in each dwelling unit and in each sleeping room that is not part of a dwelling unit, except for those located in

a) either a care or detention occupancy required to have a fire alarm system,

b) or a residential board and care occupancy in which each bedroom has a smoke detector.”;

42° in Article 3.2.5.9.:

1° by replacing the number “6” with the number “7” on the second line of Sentence (1);

2° by adding the following Sentence after Sentence (6):

“7) The standpipe system referred to in Sentence (1) shall be installed outside adjacent exit stair shafts such as scissors stairs; however, the columns shall be installed near the shafts, in service spaces designed for this purpose and, except in a building that is sprinklered throughout, having a fire-resistance rating at least equal to that required for the shafts.”;

43° in Article 3.2.5.13., by replacing Sentences (2) and (3) with the following:

“2) Standard NFPA 13R, “Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height,” is permitted to be used, instead of the requirements of Sentence (1), for the design, construction, installation and testing of an automatic sprinkler system if the system protects

a) either a residential occupancy no more than 4 storeys in building height conforming to Articles 3.2.2.42., 3.2.2.43., 3.2.2.45. or 3.2.2.48.,

b) or a residential board and care occupancy with sleeping accommodation for not more than 16 people.

“3) Standard NFPA 13D, “Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes,” is permitted to be used, instead of the requirements of Sentence (1), for the design, construction, installation and testing of an automatic sprinkler system, if the system protects

a) a residential occupancy comprising no more than 2 dwelling units,

b) or a residential board and care occupancy where the occupants live in a building comprising a single dwelling unit with sleeping accommodation for not more than 10 people,

c) or a building no more than 2 storeys in building height and containing not more than 2 dwelling units whose

i) residential board and care occupancy is located on the first storey with sleeping accommodation for not more than 10 people,

ii) basement is designed only for the installation of the building’s mechanical maintenance equipment or occupants’ storage rooms,

iii) sprinkler system is designed with a minimum 30-min water supply.”;

44° in Article 3.2.6.4., by replacing Sentence (3) with the following:

“3) Each elevator car shall have a switch for the in-car emergency system.”;

45° in Article 3.2.6.5.:

1° by replacing Clause (a) of Sentence (6) with the following:

“a) either installed in service spaces that do not contain other combustible material and that are separated from the remainder of the building by a fire separation having a fire-resistance rating of at least 1 h.”;

2° by inserting the word “or” on the first line of Clause (b) of Sentence (6) before the words “be protected”;

46° by replacing Article 3.2.6.9. with the following:

### “3.2.6.9. Protection of Electrical Conductors

1) Electrical conductors that are used in connection with fire alarm systems and emergency equipment described in Articles 3.2.6.2. to 3.2.6.8. shall be protected against fire exposure, from the source of power supply to the branch circuit serving the system or equipment, as required by Sentence (3).

2) Any electrical conductor connecting a central alarm and control facility to a fire alarm control unit, when these are located within separate fire compartments, shall be protected against fire exposure, as required by Sentence (3).

3) Any conductor referred to in Sentences (1) and (2) shall

a) either be installed in a service space that does not comprise other combustible materials and that is separated from the remainder of the building by a fire separation having a fire-resistance rating of at least 1 h,

b) or be protected from fire to ensure the system or equipment will operate for at least 1 h; however, this protection shall be determined following tests that meet the requirements of CAN/ULC-S101-M, “Fire Endurance Tests of Building Construction and Materials.”;

47° in Article 3.2.8.2.:

1° by inserting the words “stairways that are not a required exit,” on the second line of Sentence (5), after the word “for”;

2° by inserting the words “2 or” on the third line of Clause (c) of Sentence (6), after the word “Division”;

48° in Article 3.3.1.5., by inserting the words “and except for a gun range whose occupant load is less than 10” after the words “dwelling units” on the first line of Sentence (1);

49° in Article 3.3.1.11., by replacing Sentence (3) with the following:

“**3**) Movable partitions used to separate a public corridor from an assembly occupancy, a business and personal services occupancy, a mercantile occupancy or a low hazard industrial occupancy need not conform to Sentence (1) and Sentences 3.3.1.10.(1) and (2), provided the partitions are not located in the only means of egress. (See Appendix A.)”;

50° in Article 3.3.1.12., by replacing Sentence (2) with the following:

“**2**) A door in an access to exit shall be readily openable by persons travelling to an exit without requiring keys, special devices or specialized knowledge of the door opening mechanism; however, this requirement does not apply in each of the following cases

a) when the door is a door to a contained use area or impeded egress zone, provided the locking devices conform to Sentence (6),

b) when the door is a door located in the corridor that serves a patient’s sleeping room in a facility comprising a residential and extended care centre, as defined in section 83 of the Act Respecting Health Services and Social Services (R.S.Q., c.S-4.2), when this door has an electromagnetic lock installed as required by Sentence 3.4.6.15.(4.)”;

51° by replacing Article 3.3.1.15. with the following:

### “3.3.1.15. Curved or Spiral Stairs

1) Except as provided in Sentence (2), any stairway that is not a required exit is permitted to be curved or spiral, provided the following conditions are met

a) each step has a tread with a minimum run not less than 150 mm and the stair has an average run of not less than 200 mm,

b) the risers are in conformance with Sentence 3.4.6.7.(2).

2) Any stairway not accessible to the public that is not a required exit and that is located within a dwelling unit or part of a floor area, including an occupancy of Groups C, D, E, or F, Division 2 or 3, is permitted to be curved or spiral, provided the following conditions are met

a) it services no more than 2 consecutive floor areas and no more than 6 people,

b) it has an unobstructed width of at least 860 mm when it is adjacent to the walls and 760 mm in all other cases,

c) it includes in the curved or spiral part uniform treads with a minimum run not less than 225 mm when measured 500 mm from the narrowest end of the tread,

d) the risers are uniform and measure 125 to 200 mm,

e) the rotation of the stairs between 2 storeys is in the same direction.”;

52° in Article 3.3.2.5., by inserting the words “used by the public for a Group A, Division 2 major occupancy or for a corridor” after the word “corridor” on the second line of Sentence (4);

53° in Article 3.3.3.1., by replacing Sentence (1) with the following:

“**1**) This Subsection applies to a floor area or part of a floor area designed for use as a care or detention occupancy, other than a residential board or care occupancy, and built as required by Article 3.1.2.5. (see Appendix A.)”;

54° by adding the following Article after Article 3.3.5.9.:

### “3.3.5.10. Flat Roof for Heliports

1) A flat roof used for landing a helicopter shall comply with the provisions of Articles 2.13.1.1. to 2.13.2.2. of the NFC.”;

55° in Article 3.4.2.1.:

1° by replacing Sentence (2) with the following:

“2) Any floor area or part of a floor area located more than 1 storey above or below the first storey is permitted to be serviced by one exit, provided the following conditions are met

a) the occupant load served by the exit is not more than 60,

b) the exit leads directly outdoors independently of any other exit,

c) if the floor area is not entirely sprinklered, the floor area or part of a floor area, as well as the travel distance, shall not exceed the values indicated in Table 3.4.2.1.A.,

d) if the floor area is entirely sprinklered

i) the travel distance shall not exceed 25 m,

ii) the floor area or part of a floor area shall not exceed the value indicated in Table 3.4.2.1.B.”;

2° by deleting the words “from a floor area classified as Group B or Group C occupancy” in the second and third lines of Sentence (3);

56° in Article 3.4.4.4., by inserting the words “telecommunication wires and cables,” after the words “electrical wires and cables,” on the first line of Clause (b) of Sentence (1);

57° in Article 3.4.6.15.:

1° by replacing Clauses (e) and (g) of Sentence (4) with the following:

“e) the locking mechanism can be released

i) either by a force of not more than 90 N applied to the door opening hardware, which triggers an unlocking mechanism within 15 s and prevents relocking until the door is opened,

ii) or, in the case of a building or part of a building used for a residential and extended care centre, by a manual pull station installed within 0.5 m of each door equipped with such a mechanism, and on which is written the following notice in letters at least 15 mm high with lines at least 3 mm thick, of contrasting colour:

**In case of fire emergency, this door can be opened by activating the manual pull station located on your (left or right, depending on its location),**

“g) the exit door equipped with the unlocking mechanism referred to in Subclause 3.4.6.15.(4)(e)(i) has a permanent sign, in letters at least 15 mm high with lines at least 3 mm thick, of contrasting colour, which indicates that the locking mechanism is released within 15 s when pressure is applied to the door’s opening device.”;

2° by adding the following Sentence after Sentence (5):

“6) The lock installed on the main entrance door of a building of residential occupancy comprising more than 1 suite shall have a mechanism

a) that will ensure its automatic unlocking when an alarm signal is activated,

b) designed so that the door remains unlocked for as long as the alarm signal is heard in the building.”;

58° in Article 3.5.1.1., by inserting the words “; window-cleaning systems” after the word “escalators” on the third line of Sentence (1);

59° by adding the following Subsection after Article 3.5.4.2.:

### “3.5.5. Window-Cleaning Systems

#### “3.5.5.1. Referenced Standards

1) Any window-cleaning system shall comply with the following standards

a) CAN/CSA-Z91-M, “Safety Code for Window Cleaning Operations,”

b) CAN3-Z271-M, “Safety Code for Suspended Powered Platforms.””;

60° in Article 3.6.3.4., by replacing Clause (b) of Sentence (1) with the following:

“b) the individual fire compartments shall not have individual fans that exhaust directly into the exhaust duct, unless these fans have extensions that reach at least 500 mm upwards in the exhaust duct.”;

61° In Article 3.6.4.3., by replacing Subclause (ii) of Clause (a) of Sentence (1) with the following:

“ii) electrical wires and cables, telecommunication wires and cables, and optical fibre cables that exhibit a flame-spread rating of not more than 1.5 m when tested in conformance with the Vertical Flame Test, as defined in Clause 4.11.4 of CSA-C22.2 No. 0.3, “Test Methods for Electrical Wires and Cables,” or that meet the conditions referred to in Sentence (2) of Article 3.1.5.17., “;

62° in Article 3.7.4.2.:

1° by deleting Sentences (2) and (3);

2° by replacing Sentence (4) with the following:

“4) A single water closet for both sexes is permitted to be installed

a) if the occupant load of one of the occupancies referred to in Sentences (6), (10), (12), (13), or (14) does not exceed 10,

b) if the total area used for any art gallery or for any Group E occupancy does not exceed 250 m<sup>2</sup>,

c) if the occupant load in a facility where courses are given or in a restaurant does not exceed 25,

d) if the number of children in a day care centre does not exceed 15.”;

3° by adding the following Sentence after Sentence (15):

“16) Except as provided in Section 3.8., the water closets required shall be located

a) no more than 1 storey above or below the storey containing the persons who require these facilities,

b) in the case of a restaurant or licensed beverage establishment, at such a distance that no person shall be required to walk more than 60 m to reach these facilities.”;

63° in Article 3.7.4.7., by adding the following Sentences after Sentence (1):

“2) Any cemented or paved floor or part thereof that is below ground level shall have a floor drain in its lower part or shall drain towards such a floor drain.

“3) Any paved garage adjacent or attached to a building shall be equipped with a sump or retaining pit used as a floor drain.”;

64° by replacing Article 3.7.5.1. with the following:

### “3.7.5.1. Piping

1) A non-flammable medical gas piping system shall be installed in compliance with NQ 5710-500 “Gaz médicaux ininflammables - Réseaux de distribution des établissements fournissant des services de santé”.”;

65° in Article 3.8.1.1.:

1° by replacing the part of Sentence (1) that precedes Clause (a) with the following:

“1) This Section applies to any building, or any walkway connecting barrier-free floor areas, except”;

2° by replacing Clause (a) of Sentence (1) with the following:

“a) houses, including semi-detached houses, duplexes, triplexes, town houses, row houses, boarding houses, and rooming houses having less than 10 bedrooms,”;

3° by replacing the word “buildings” with the words “industrial occupancies” on the first line of Clause (c) of Sentence (1);

66° in Article 3.8.1.2., by replacing Sentence (1) with the following:

“1) In addition to the barrier-free entrances required by Sentence (2), at least 50 % of the pedestrian entrances, including the main entrance but excepting the service entrances, shall be barrier-free and shall lead from

a) either the outdoors at sidewalk level,

b) or a ramp that conforms to Article 3.8.3.4. and leads from a sidewalk.”;

67° in Article 3.8.1.3.

1° by replacing Sentence (1) with the following:

“1) Except as permitted by Subsection 3.8.3., any barrier-free path of travel shall

a) have an unobstructed width of at least 920 mm,

b) have an open space at least 1 500 mm in diameter in front of each face of the door providing access to a suite described in Article 3.8.2.4.”;

2° by inserting the words “except as permitted by Clause 3.8.3.3.(4)(b),” before the words “be provided with” on the first line of Clause (e) of Sentence (2);

68° in Article 3.8.1.4., by replacing Sentence (1) with the following:

“1) In a building in which an escalator provides access to any storeys above or below the entrance storey, the part of the barrier-free path of travel that leads to these storeys shall be located no more than 45 m from the escalator. (See Appendix A.)”;

69° in Article 3.8.1.5., by replacing the words “not more than 1 400 mm” with the words “between 400 and 1 200 mm” on the last line of Sentence (1);

70° in Article 3.8.2.1.:

1° by replacing Clause (k) of Sentence (2) with the following:

“k) within a suite of residential occupancy outside the scope of Article 3.8.2.4.”;

2° by replacing the symbol “.” with the symbol “;” at the end of Clause (l) of Sentence (2);

3° by adding the following Clause after Clause (l) of Sentence (2):

“m) for any part of a floor area that is not normally used by the public, such as a rostrum, podium or forestage.”;

71° in Article 3.8.2.2., by adding the following Sentence after Sentence (2):

“3) When a barrier-free path of travel is required for a parking area of 25 spaces or more, at least 1 % of these spaces, with a minimum of 1 space, shall meet the following conditions

a) they shall meet the requirements of Article 3.8.3.18.,

b) they shall be located, within the parking area, as close as possible to that barrier-free entrance of the building that is closest to the parking area.”;

72° in Article 3.8.2.3., by replacing Sentences (2) and (4) with the following:

“2) A washroom located in a suite need not conform to the requirements of Sentence (1) in each of the following cases

a) the suite is of residential occupancy,

b) the suite has an area of less than 250 m<sup>2</sup>, and a barrier-free public washroom is located within 45 m on the same floor area,

c) the suite includes at least one barrier-free washroom on the same floor area.

“4) A special washroom conforming to Article 3.8.3.12. is permitted to be provided instead of the facilities referred to in Articles 3.8.3.8. to 3.8.3.11.”;

73° by adding the following Article after Article 3.8.2.3.:

#### “3.8.2.4. Hotels and Motels

1) At least 10 % of the suites of a hotel or motel, without exceeding 20 suites, shall

a) have a barrier-free path of travel extending to the inside of each room, and to the balcony where applicable,

b) be distributed evenly among storeys having a barrier-free path of travel.

2) Any suite having a barrier-free path of travel as required by Sentence (1) shall have a bathroom that meets the following conditions

a) it meets the requirements of Clauses 3.8.3.12.(1)(a) to (i),

b) it has an unobstructed area at least 1 200 mm in diameter extending the full height of the room; however, a door is permitted to open on the inside if it does not reduce the unobstructed area,

c) it has a bath that meets the requirements of Article 3.8.3.17., or a shower that meets the requirements of Article 3.8.3.13.,

d) it has a towel rod located no higher than 1 200 mm above the floor so as to be easily accessible by a person in a wheelchair.

3) Any closet of such a suite shall meet the following conditions

a) it has an open space at least 1 500 mm in diameter in front of the door,

b) it has have a door that opens to its full width,

c) have a rod located no more than 1.3 m above the floor.”;

74° in Article 3.8.3.3.:

1° by replacing the word “Every” with the words “Except as permitted by Sentence (2), every” on the first line of Sentence (1);

2° by replacing Sentences (2) and (4) with the following:

“2) In each suite of residential occupancy, except a suite referred to in Article 3.8.2.4., each doorway to a room or balcony shall have an unobstructed width of at least 760 mm when the door is in the open position.

“4) A threshold referred to in Sentences (1) or (2) shall be raised

a) except as permitted by Clause (b), no more than 13 mm above the finished floor and shall be bevelled,

b) in the case of a doorway to a balcony, no more than 75 mm above the finished floor.”;

3° by replacing the number “500” with the number “600” in Sentences (5) and (6);

4° by replacing the part of Sentence (10) that precedes Clause (a) with the following:

“10) Doors within a barrier-free path of travel, except those providing access to a room located in a dwelling unit, shall have, on the latch side, a clearance of at least.”;

75° in Article 3.8.3.4., by replacing Clause (a) of Sentence (1) with the following:

“a) have an unobstructed width not less than 870 mm between 2 handrails but not more than 920 mm, when the ramp does not obstruct the required width of a means of egress.”;

76° by replacing Article 3.8.3.5. with the following:

### “3.8.3.5. Elevators

1) Any elevator that is required to be barrier-free shall meet the following requirements

a) it includes speech synthesis announcing the storeys serviced,

b) it includes Braille characters corresponding to the embossed characters,

c) it has, at each landing, audible signals indicating in which direction the elevator is going.

2) Any passenger elevating device referred to in Article 3.8.2.1. shall meet the following requirements

a) the door at each landing shall have a power door operator when required by Sentence 3.8.3.3.(5),

b) any control device shall be operable by hand pressure,

c) any device travelling vertically shall have a platform that is at least 800 mm by 1 500 mm.”;

77° in Article 3.8.3.8., by replacing Subclause (iii) of Clause (b) of Sentence (1) with the following:

“iii) swing outward, unless there is an unobstructed area within the stall of at least 1 200 mm diam (see Appendix A),”;

78° in Article 3.8.3.11.:

1° by deleting Subclause (ii) of Clause (c) of Sentence (1);

2° by replacing the number “205” with the number “280” on the first line of Subclause (iii) of Clause (c) of Sentence (1);

79° by adding the following Articles after Article 3.8.3.16.:

### “3.8.3.17. Baths

1) Any barrier-free bath shall

a) have an unobstructed floor area, adjacent to the bath for its full length, of at least 800 by 1 500 mm,

b) have a slip-resistant surface on the bottom,

c) have an edge located not less than 400 and not more than 460 mm above the floor,

d) be exempt of doors,

e) have faucets that meet the requirements of Clause 3.8.3.13.(1)(g),

f) have a hand-held shower head equipped with

i) a diverter valve that can be operated with a closed fist by a seated person,

ii) a flexible hose at least 1 800 mm long,

iii) a bracket enabling a seated person to use the hand-held shower head as a fixed shower head,

g) have a soap holder that meets the requirements of Clause 3.8.3.13.(1)(i),

h) have 2 grab bars with a finish that prevents hands from slipping and that meet the following requirements



- i) they can resist a load of 1.3 kN,
- ii) they have a section whose diameter is not less than 30 mm and not more than 40 mm,
- iii) they measure at least 1 200 mm long,
- iv) they are installed with a clearance of not less than 35 mm and not more than 45 mm from the wall,
- v) one is installed horizontally not less than 180 mm and not more than 280 mm above the edge of the bath and lengthways,
- vi) the other is installed vertically near the faucets, on the access side of the bath, in such a way that the lower end is not less than 180 mm and not more than 280 mm above the edge of the bath.

### “3.8.3.18. Parking Spaces

1) Each barrier-free parking space required by Sentence 3.8.2.2.(3) shall meet the following requirements

- a) it is at least 2 400 mm wide,
- b) it includes a lateral traffic aisle of at least 1 500 mm, parallel to the full length of the space and outlined with contrasting markings; however, this aisle is permitted to be shared by 2 parking spaces,
- c) in the case of an interior parking area, it has an unobstructed height of at least 2 300 mm.”;

80° in Article 4.1.1.4., by deleting the words “(See Subsection 2.5.2. for other methods of design.)” on the last line of Sentence (1);

81° by replacing Article 4.1.6.12. with the following:

### “4.1.6.12. Helicopter Landing Areas

1) A flat roof for landing helicopters shall be built according to the provisions of the document, including its modifications, entitled “Helipport and Helideck, Standards and Recommended Practices,” third edition, TP2586E, published in April 1985 by Transport Canada Air.”;

82° in Article 4.2.3.10., by deleting the words “(See Subsection 2.5.1. for use of other materials.)” at the end of Sentence (1);

83° in Article 4.2.8.1., by deleting the words “and Section 2.5.” at the end of Sentence (1);

84° in Article 6.2.1.4., by replacing the word “permettre” with the words “leur permettre de suivre” on the third line of Sentence (1) in the French version;

85° in Article 6.2.2.1.:

1° by replacing Sentence (2) with the following:

“2) Except in storage garages covered by Article 6.2.2.3., the mechanical ventilation systems supplying outdoor air to rooms and spaces in buildings shall

a) either have rates at which the outdoor air is supplied that are not less than the rates required by ASHRAE standard 62, “Ventilation for Acceptable Indoor Air Quality,”

b) or be installed in conformance with one of the methods provided in this standard.”;

2° by adding the following Sentence after Sentence (3):

“4) Installers of ventilation systems having a capacity of more than 6 000 L/s shall comply with the following:

a) verify and test the system to ensure that the difference between the measured air flow and the rate prescribed by the designer is not more than 10 %,

b) prepare a report identifying the measured air flow and the corresponding air flow for each grille, diffuser, outdoor air intake, contaminated air outlet, and fan indicated in the plans, and give it to the owner.”;

86° in Article 6.2.2.6., by replacing Sentence (1) with the following Sentences:

“1) Any open-air cooking surface with a total maximum capacity of 8 kW for an electric cooking appliance, or 14 kW for a gas cooking appliance, shall have a hood connected to an air exhaust system.

“2) Except as required by Sentence 3.6.3.1.(1) and Article 3.6.4.2., the design, construction and installation of a ventilation system for any cooking equipment, except for a microwave oven, food warmer or toaster, shall meet the requirements of NFPA 96, “Ventilation Control and Fire Protection of Commercial Cooking Operations,” when the cooking equipment is

a) either classified, according to its applicable manufacturing standard, as a residential type with an open-air cooking surface having a cumulative capacity of more than 8 kW for an electric appliance, and more than 14 kW for a gas appliance,

b) or classified, according to its applicable manufacturing standard, as a type other than residential.”;

87° in Article 6.2.3.16., by replacing Sentence (2) with the following:

“2) Any fan and associated air handling equipment, such as an air washer, filter and heating or cooling unit, shall meet the following requirements

a) it is designed for outdoor use if installed on the roof or elsewhere outside the building,

b) it bears a contrasting and easily accessible rating plate providing the equipment data.”;

88° in Article 6.2.6.1., by replacing the words “construction, installation and alteration” with the words “construction and installation” on the first and second lines of Sentence (1);

89° by deleting Article 6.3.1.4.;

90° by deleting Article 7.1.1.2.;

91° by deleting Articles 8.2.2.6. and 8.2.2.8.;

92° in Article 8.2.2.11., by inserting the words “to provincial or territorial regulations or, in their absence,” after the word “conform” on the second line of Sentence (1);

93° by deleting Articles 8.2.2.12., 8.2.2.15., 8.2.3.8., 8.2.3.10., and 8.2.3.12. to 8.2.3.14.;

94° in Article 8.2.5.1., by deleting Sentence (2);

95° by deleting Articles 8.2.5.3. to 8.2.5.5.;

96° by deleting Subsections 8.2.6. and 8.2.7.

97° in Article 9.6.4.1., by replacing Sentences (1) and (2) with the following:

“1) A door of a building of residential occupancy shall meet the requirements of Sentence (2) if the sill inside of the building is more than 600 mm above another floor, a landing, a step or the ground on the other side of the door.

“2) The door described in Sentence (1) shall

a) either be permanently adjusted to prevent an opening greater than 100 mm,

b) or be protected by a guard that meets the requirements of Section 9.8.”;

98° in Article 9.7.1.6., by replacing Sentences (1) and (2) with the following:

“1) Except as provided in Sentence (2), any openable window in a building of residential occupancy shall be protected by

a) either a guard that meets the requirements of Section 9.8.,

b) or a mechanism capable of controlling the free swinging or sliding of the openable part of the window and vertically and horizontally limiting its opening to no more than 100 mm.

“2) Windows need not be protected in accordance with Sentence (1) in the following cases

a) if the window sill is located at least 450 mm above the finished floor on the inside of the room,

b) if the floor level under the window is no more than 600 mm above another floor or the ground level on the other side of the window.”;

99° by replacing Articles 9.8.5.1. to 9.8.5.3. with the following:

#### “9.8.5.1. Curved Stairs in Exits

1) Except as provided in Sentence (2), curved stairs used in exits shall meet the requirements of Sentence 3.4.6.8.(2).

2) Exterior curved or spiral stairs are permitted to be used in exits of dwelling units, provided the following conditions are met

a) they are not the only means of egress of the dwelling unit,

b) they service no more than 2 dwelling units per storey,

c) their unobstructed width is between 760 mm and 860 mm,

d) they have uniform treads with a minimum run not less than 225 mm, when measured 500 mm from the narrowest end of the tread,

e) the rotation of the stairs between 2 storeys is in the same direction.

**“9.8.5.2. Winders**

1) Except as provided in Article 9.8.5.3., interior stairs of a dwelling unit are permitted to have winders that converge to a centre point, provided the following conditions are met

a) individual treads turn through an angle of 30° (see Appendix A),

b) the winders turn through an angle of not more than 90°.

2) Only one set of winders described in Sentence (1) shall be permitted between 2 floor levels.

**“9.8.5.3. Curved Stairs not in Exits**

1) Stairs that are not accessible to the public, that are not a required exit, and that are located within a dwelling unit or part of a floor area of a Group C, D, E, or F, Division 2 or 3 occupancy, may be curved or spiral, provided the following conditions are met

a) they service no more than 2 consecutive floor areas and no more than 6 people,

b) they have an unobstructed width of at least 860 mm when adjacent to the walls, and at least 760 mm in all other cases,

c) they have uniform treads with a minimum run not less than 225 mm, when measured 500 mm from the narrowest end of the tread,

d) the rotation of the stairs between 2 storeys is in the same direction.”;

100° in Article 9.8.8.1.:

1° by replacing Clause (b) of Sentence (3) with the following:

“b) except as provided in Sentence (4), protected by guards.”;

2° by adding the following Sentence after Sentence (3):

“4) The requirements for a guard do not apply to the interior stairs of a dwelling unit that service a basement designed solely for the installation of the mechanical or maintenance equipment of the building, if each open side of the stairs has a handrail.”;

101° in Article 9.9.4.2.:

1° by deleting the word “adjacent” on the third line of Sentence (1);

2° by inserting the words “, adjacent” after the word “another” on the fourth line of Sentence (1);

102° in Article 9.9.8.2., by replacing Sentence (2) with the following:

“2) Except as provided in Subsection 9.9.9., any floor area or part of a floor area located no more than 1 storey above or below the first storey is permitted to be serviced by a single exit, provided the following conditions are met

a) the occupant load for access to this exit is no more than 60 persons,

b) the exit leads directly outdoors independently of any other exit,

c) the floor area or part of a floor area, and the travel distance, do not exceed the values indicated in Table 9.9.7.3.”;

103° in Article 9.9.8.5., by adding the following Sentence after Sentence (4):

“5) When exit stairs lead to a lobby, they shall be separated from the lobby by a fire separation that meets the requirements of Sentence 9.9.4.2.(1).”;

104° by deleting Article 9.10.2.2.;

105° in Article 9.10.9.6., by replacing Sentences (4) and (9) with the following:

“4) Electrical wires and cables, telecommunication wires and cables, and optical fibre cables, single or grouped, whose overall diameters do not exceed 30 mm, that have combustible insulation or jacketing, and that are not protected by totally enclosed raceways of non-combustible material, are permitted to partly or wholly penetrate an assembly required to have a fire-resistance rating, without being incorporated in the assembly at the time of testing as required by Sentence (2).

“9) Combustible piping for central vacuum systems, or a bathroom exhaust duct, that is no more than 100 mm diam, is permitted to penetrate a fire separation, provided the installation conforms to the requirements that apply to combustible drain, waste and vent piping specified in Sentences 9.10.9.7.(2) to (6).”;

106° in Article 9.10.9.18., by replacing Sentence (2) with the following:

“2) The fire compartments referred to in Sentence (1) shall not have individual fans that exhaust directly into the exhaust duct, unless these fans have extensions that reach upwards at least 500 mm in the exhaust duct located in the vertical service space.”;

107° in Article 9.10.16.10., by replacing Sentence (1) with the following:

“1) Except as provided in Sentence (2), when a wall or ceiling of combustible construction contains foamed plastic insulation, the insulation shall meet the following requirements

a) it is protected from adjacent spaces, other than concealed spaces in roofs, by one of the following coverings

i) an interior finish as described in Subsections 9.29.4. to 9.29.9.,

ii) sheet metal mechanically fastened to the supporting assembly independent of the insulation and having a thickness of at least 0.38 mm and a melting point of at least 650°C, provided the building does not contain a Group C major occupancy,

iii) a thermal barrier that meets the requirements of Clause 3.1.5.11.(2)(e),

b) it is located not more than 75 mm from any finish required by Clause (a).”;

108° in Article 9.10.21.1., by inserting the words “with provincial or territorial regulations or, in their absence,” after the word “accordance” on the second line of Sentence (1);

109° in Article 9.13.1.3.:

1° by replacing Sentence (1) with the following:

“1) Except as provided in Sentence (2), any part of a building in contact with the ground shall be protected against soil gas infiltration when it is demonstrated that such an infiltration of soil gas represents a hazard to the health and safety of the building.”;

2° by deleting Clause (b) of Sentence (2);

110° in Article 9.13.8.2., by replacing the word “owner” with the word “contractor” on the third line of Sentence (8);

111° in Article 9.14.5.2.:

1° by replacing the number “750” with the number “450” in Clause (a) of Sentence (1);

2° by deleting Sentence (2);

112° in Article 9.14.6.3., by replacing Sentence (1) with the following:

“1) When a window well is drained to the foundation footing of a building, the drain shall be drained towards the foundation drainage system.”;

113° in Article 9.16.2.1., by inserting the words “conforming to the requirements for material used as backfill referred to in Sentence 4.2.5.8.(2) and” after the word “material” on the second line of Sentence (1);

114° in Article 9.31.1.1., by replacing the word “This” with the words “Except as provided in Sentence (2), this” on the first line of Sentence (1);

115° by deleting Article 9.31.2.1.;

116° in Article 9.31.6.3.:

1° by inserting the words “storage-type and fuel-burning” before the words “service water heaters” on the second line of Sentence (3);

117° in Article 9.32.1.1., by adding the following Sentence after Sentence (3):

“4) The ventilation of any room or space not located in a building of residential occupancy shall meet the requirements of Part 6.”;

118° in Article 9.32.2.1., by deleting the word “habitable” and adding the words “in a building of residential occupancy” after the word “space” on the first line of Sentence (2);

119° in Article 9.33.5.2., by replacing Clause (c) of Sentence (1) with the following in the French version:

“c) CSA-B51-M, “Code des chaudières, appareils et tuyauteries sous pression,””;

120° in Article 9.34.1.5.:

1° by inserting the words “, telecommunication wires and cables and optical fibre cables” after the words “electrical wiring and cables” on the second line of Sentence (1);

2° by inserting the words “, telecommunication wires and cables and optical fibre cables” after the words “electrical wiring and cables” on the third line of Sentence (2);

121° in Article 9.35.2.2., by replacing Sentence (1) with the following:

“1) The floor of an attached or built-in garage serving a dwelling unit shall drain into a sump or retaining pit used as a floor drain.”;

122° by adding the following Part after Part 9:

## “PART 10

### “Existing Buildings under Alteration, Maintenance or Repair

#### “Section 10.1. Scope and Definitions

##### “10.1.1. General

###### “10.1.1.1. Scope

1) The scope of this Part shall be as described in Section 2.1.

###### “10.1.1.2. Defined Terms

1) The terms in italics are defined in Part 1.

#### “Section 10.2. Application Conditions

##### “10.2.1. Calculation of Building Height

###### “10.2.1.1. Determination of the First Storey

1) For the purpose of this Part, the reference level for determining the first storey, used to establish the building height or to determine if a building is a high building, shall be

a) the grade,

b) the average finished ground level differences around the building, excluding entrances,

c) or the level of the ground adjacent to the existing main entrance for any building constructed before December 1, 1977, unless an alteration modifies more than 50 % of the floor areas of a building and this alteration involves the change of its structural elements when re-building.

#### “10.2.2. Provisions for Maintenance, Repair or Alteration Work

##### “10.2.2.1. Maintenance or Repair Work

1) Any maintenance or repair work performed on a building, part of a building, or any element thereof, as well as on any appliance, equipment, system, or facility covered by this Code, must be performed so as to maintain or restore it without modifying its characteristics or functions.

##### “10.2.2.2. Alterations

1) The Code applies

a) except as provided in Sentence (2) and the provisions of this Part, to any alteration of a building or part of a building, including the design and any construction work (foundation, erection, renovation, modification, or demolition work) performed for this purpose,

b) in the provisions of this Part, to any element, appliance, system, facility, equipment, or non-modified part of a building or part of a building.

2) The Code does not apply to a change in occupancy for which there is no modification work, unless such a change involves

a) an increase in the occupant load, as determined in conformance with Subsection 3.1.16.,

b) an occupancy of Group A, B, C, E, or F, Division 1 or 2,

c) or a building becoming a high building, as determined in conformance with Subsection 3.2.6.

#### “Section 10.3. Fire Protection, Safety and Accessibility

##### “10.3.1. General

###### “10.3.1.1. Separation of Major Occupancies

1) For an addition or a change of occupancy, the fire separation between adjacent major occupancies shall have a fire-resistance rating evaluated according to Subsection 3.1.7. and shall meet the requirements of Table 3.1.3.1.; however, the fire-resistance rating on the non-altered side is permitted to be less than the required fire-resistance rating, but not less than 45 min.

### “10.3.1.2. Combustible and Noncombustible Construction

1) The provisions of Subsections 3.1.4. and 3.1.5. for the protection of foamed plastic insulation apply to the non-modified elements of a building or part of a building under alteration, as well as to the non-modified elements of any means of egress servicing it.

### “10.3.1.3. Interior Finish

1) The provisions of Subsection 3.1.13. for flame-spread rating apply to the non-modified interior finish of ceilings and to the upper half of the walls of any access to exit corridor, from the access to exit door servicing the part of a building under alteration to the nearest exit, provided the following conditions are met

- a) the flame-spread rating exceeds 75,
- b) the alteration involves an increase in occupant load, as determined in conformance with Subsection 3.1.16.

### “10.3.2. Fire Safety in Buildings

#### “10.3.2.1. Noncombustibility of Buildings

1) Except as provided in Sentence (2), the provisions of the Code requiring noncombustible construction apply to the non-modified combustible elements of a building for which noncombustible construction is required in the part of the building that is altered, in each of the following cases

- a) the floor area, where it is the part altered, and the storeys located below do not have a sprinkler system that meets the requirements of Articles 3.2.5.13. to 3.2.5.15.,
- b) the building does not have a fire detection and alarm system that meets the requirements of Subsection 3.2.4.

2) The provisions of the Code requiring noncombustible construction apply to the non-modified combustible elements of a building for which noncombustible construction is required in each of following cases

- a) for an increase in floor area of more than 10 % of the building area or 150 m<sup>2</sup>
  - i) the floor area altered and the storeys located below do not have a sprinkler system that meets the requirements of Articles 3.2.5.13. to 3.2.5.15.,
  - ii) the building does not have a fire detection and alarm system that meets the requirements of Subsection 3.2.4.,

b) for an increase in height, when the building does not have

- i) a sprinkler system that meets the requirements of Articles 3.2.5.13. to 3.2.5.15.,
- ii) a fire detection and alarm system that meets the requirements of Subsection 3.2.4.

3) When the Code requires both noncombustible construction and a sprinkler system, the design and installation of the sprinkler system shall meet the requirements of Chapters 4 and 5 of NFPA 13, “Installation of Sprinkler Systems,” for a level of risk higher than the level established in that standard for the intended occupancy.

#### “10.3.2.2. Construction and Protection of Buildings

1) Except as provided in Sentence (2), when an alteration increases Code requirements for the existing occupancy, Subsection 3.2.2. covering building size and construction relative to occupancy applies to

- a) any non-modified part of a floor area that is not separated from the modified part of that area by a fire separation having a fire-resistance rating of at least 2 h,
- b) the non-sprinklered floor area located immediately below the floor area under alteration.

2) The provisions of Subsection 3.2.2. for the installation of a sprinkler system do not apply to the alteration of any building or part of a building that does not have a sprinkler system, when

- a) such a system is not required by this Subsection for a building whose building height is equal to the highest storey under alteration and, in the case of a combustible building, when the occupant load, as determined in conformance with Subsection 3.1.16. for the intended occupancy for such an alteration, does not exceed 60,
- b) the increase in floor area, for an alteration, is not more than 10 % of the building area or 150 m<sup>2</sup>.

#### “10.3.2.3. Spatial Separation and Exposure Protection

1) The provisions of Subsection 3.2.3. for spatial separation and exposure protection do not apply, for an alteration, to the modification of any existing part of an exposing building face, unless the modification results in

a) an increase in the surface of the openings beyond the limit referred to in Sentence 3.2.3.1.(1) for unprotected openings,

b) a reduction in the limiting distance,

c) or a reduction in the resistance to fire of the existing exposing building face.

2) When a building or part of a building is under alteration, any party wall that is not built as a firewall shall

a) except as provided in Clause (b), have a fire-resistance rating of at least 2 h on the altered side and ensure smoke-tightness from the floor of the altered part to the underface of the floor or roof located above this alteration,

b) for an increase in height, meet the requirements of Subsection 3.1.10. for the construction of a firewall from the ground up.

#### “10.3.2.4. Fire Alarm and Detection Systems

1) Subsection 3.2.4. covering fire alarm and detection systems for an alteration

a) does not apply to a building not equipped with such a system, unless the alteration involves

i) an increase in the occupant load, in the altered part, that exceeds that stated in Sentence 3.2.4.1.(2),

ii) a new occupancy of Group A, B, C, E, or F, Division 1 or 2,

iii) an increase in the building area of more than 10 % or 150 m<sup>2</sup>,

iv) or an increase in the number of storeys,

b) does not apply to a voice communication system, except in the case of an increase in the number of storeys,

c) applies, in Subclauses (i) to (iv) of Clause (a), to any non-modified part of a fire alarm and detection system, if this system is not electrically supervised and equipped with separate zone indicators.

#### “10.3.2.5. Provisions for Fire Fighting

1) The provisions of Articles 3.2.5.7. to 3.2.5.19. apply to the non-modified part of a sprinkler system or standpipe system when an alteration to a building or part

of a building results in an increase in the building height or building area of more than 10 %, or of more than 150 m<sup>2</sup> of the total area of the overall floor areas, except if the system meets one of the following conditions

a) it has a fire department connection,

b) it is of the wet pipe type in the heated parts of the building,

c) except as provided in Sentence (2), it has an approved booster pump capable of providing the pressure required by NFPA 13, “Installation of Sprinkler Systems,” or NFPA 14, “Installation of Standpipe and Hose Systems,” when the water pressure in the system is lower than this pressure.

2) The residual water pressure at the topmost hose connection of any standpipe system of a building referred to in Clause (1)(c) may be lower than the pressure required by NFPA 14, “Installation of Standpipe and Hose Systems,” but no lower than 207 kPa, when the requirement referred to in Clause 3.2.5.9.(5)(c) is met.

#### “10.3.2.6. Additional Requirements for High Buildings

1) Except as provided in Sentence (2), Subsection 3.2.6. covering additional requirements for high buildings applies to the entire building that

a) becomes a high building following an alteration resulting

i) either in a change of occupancy,

ii) or in an increase in building height, except if the increase is no more than 4 m and its floor area is no more than 10 % of that of the storey located immediately below, without exceeding 150 m<sup>2</sup>,

b) is a high building and is undergoing an alteration resulting

i) in a change of occupancy so as to become a building of Group B or C occupancy,

ii) in an increase in building height,

iii) or in a modification of more than 50 % of its floor areas and of its structural elements for a reconstruction.

2) Sentence 3.2.6.5.(2) does not apply to an elevator modified to become an elevator for use by fire fighters.

### “10.3.2.7. Emergency Power Supply for Fire Fighting

1) The provision of Clause 3.2.7.9.(1)(b) covering emergency power supply for water supply applies to an existing fire pump if an alteration results in an increase in building height.

### “10.3.3. Safety Within Floor Areas

#### “10.3.3.1. Access to Exit

1) The provisions of Section 3.3. covering access to exit apply to any non-modified access to exit servicing part of a floor area under alteration in each of the following cases

- a) the unobstructed height is less than 1 900 mm,
- b) in the case of a corridor referred to in Sentence 3.3.1.9.(2), the unobstructed width is less than 760 mm,
- c) the length of dead-end corridors exceeds
  - i) except as provided in Sentences (2) and (3), 6 m for any building of residential occupancy,
  - ii) 12 m for any occupancy of Group A, D, E and F, Division 2 and 3,
- d) the separation of the corridors from the remainder of the building is not smoke-tight.

2) A public corridor referred to in Subclause (1)(c)(i) that is located in a building of residential occupancy, other than a hotel or motel, is permitted, when the fire separation of this corridor has a fire-resistance rating of at least 45 min, to have a dead-end part not exceeding 12 m, provided the following conditions are met

- a) the doors of the dwelling units have a self-closing device and do not lock automatically,
- b) the corridor has smoke detectors connected to a fire alarm system installed as required under Subsection 3.2.4.,
- c) the floor area is entirely sprinklered, as required by Articles 3.2.5.13. to 3.2.5.15., except if the building has a building height of no more than 4 storeys and each dwelling unit has a balcony accessible to the fire department.

3) A public corridor referred to in Subclause (1)(c)(i), that is located in a building of residential occupancy, other than a hotel or motel, is permitted, when the fire separation of this corridor has a fire-resistance rating of

at least 1 h, to have a dead-end part not exceeding 15 m, provided the following conditions are met

- a) the doors of the dwelling units have a self-closing device and do not lock automatically,
- b) the corridor has smoke detectors connected to a fire alarm system installed as required by Subsection 3.2.4.,
- c) the floor area is entirely sprinklered, as required by Articles 3.2.5.13. to 3.2.5.15., except if the building has a building height of no more than 6 storeys and each dwelling unit has a balcony accessible to the fire department.

#### “10.3.3.2. Separation of Suites

1) In an alteration of a suite, the fire separation separating the suite from any other non-altered room shall have a fire-resistance rating that is evaluated according to Subsection 3.1.7. and that meets the requirements of Article 3.3.1.1.; however, the fire-resistance rating, on the non-altered side, is permitted to be less than the required fire-resistance rating, but shall not be less than 45 min.

#### “10.3.3.3. Barrier-Free Floor Areas

1) When a floor area under alteration is required by Article 10.3.8.1. to be barrier-free, any non-altered part of the floor area that is accessible by persons with physical disabilities on the storey on which the floor area is located shall also meet the requirements of Article 3.3.1.7. if the non-altered part of the floor area is accessible by elevator.

### “10.3.4. Exit Requirements

#### “10.3.4.1. Dimensions and Protection of Exits and Exit Stairs

1) Any non-modified exit required for servicing a floor area or part of a floor area under alteration shall meet the following requirements

- a) it has an unobstructed width of at least 760 mm,
- b) it is separated from the remainder of the building by a fire separation having a fire-resistance rating of at least 45 min for a building no more than 3 storeys in building height, and at least 1 h for all other buildings.

#### “10.3.4.2. Door Swing

1) Article 3.4.6.11., which covers the direction of an exit door swing, applies to any non-modified exterior



exit door servicing a floor area or part of a floor area under alteration, unless the following conditions are met

a) the door opens directly on a public way, independently of any other exit,

b) the door services only one floor area or part of a floor area whose occupant load is determined as required by Subsection 3.1.16. and is no more than

i) 40, when there is only one exit door, or

ii) 60, when there is one exit door and a second means of egress.

### “10.3.5. Vertical Transportation

#### “10.3.5.1. Exclusion

1) Article 3.5.4.1., which covers the inside dimensions of elevator cars, does not apply to the facility under modification.

### “10.3.6. Service Facilities

#### “10.3.6.1. Service Rooms and Vertical Service Spaces

1) Subsections 3.6.2. and 3.6.3. apply to any non-modified service room located on a floor area or part of a floor area under alteration and to any non-modified vertical service space crossing it, except if the room or space is separated from the remainder of the building by a fire separation having a fire-resistance rating of at least

a) 2 h for any room containing combustion appliances, located in a building of Group B or F, Division 1 occupancy that is more than 2 storeys in building height or has a building area of more than 400 m<sup>2</sup>,

b) 1 h for any other service room or any linen chute or refuse chute,

c) 45 min for any other vertical service space.

### “10.3.7. Health Requirements

#### “10.3.7.1. Plumbing Facilities

1) Any non-modified plumbing facility servicing part of a building under alteration shall meet the requirements of Subsection 3.7.4. when the alteration involves an increase in occupant load of more than 25.

### “10.3.8. Barrier-Free Design

#### “10.3.8.1. General

1) Section 3.8., which covers barrier-free design, does not apply to a building or part of a building under alteration when the building does not have barrier-free access, in each of the following cases

a) the work involves

i) either a service facility other than a vertical transportation facility for which a barrier-free path of travel is required by Article 10.3.8.2.,

ii) or a floor area or suite occupied by no more than 60 persons or whose area does not exceed 250 m<sup>2</sup>,

b) the floor area serviced by a pedestrian entrance

i) cannot be accessed from the public way by an external ramp built in conformance with Article 10.3.8.4., without encroaching on this way,

ii) is located more than 900 mm from the public way level,

iii) or is located more than 600 mm from the entrance level,

c) the difference in levels between the floor of the pedestrian entrance and the floor of the elevator is more than 600 mm, when the part of the floor area under alteration can be accessed by an elevator.

#### “10.3.8.2. Areas Requiring Barrier-Free Paths of Travel

1) When the application of Section 3.8. is not excluded by Sentence 10.3.8.1.(1), Sentence 3.8.2.1.(1) applies, in the part of the building not under alteration, only to the path of travel required to connect

a) at least one pedestrian entrance to

i) the floor area or part of a floor area under alteration and to at least one existing elevator servicing it where applicable,

ii) an outdoor parking facility servicing the building,

b) the floor area or part of a floor area under alteration to at least one accessible washroom, when there is no other accessible washroom in the altered part.

**“10.3.8.3. Washroom**

1) In the case referred to in Clause 10.3.8.2.(1)(b), when a washroom located in the non-altered part of a floor area must be made accessible, it shall meet the requirements of Article 3.8.2.3.

**“10.3.8.4. Ramps**

1) Any ramp in a barrier-free path of travel referred to in Article 10.3.8.2. is permitted, notwithstanding the requirement of Article 3.8.3.4., to have a slope that does not exceed

- a) 1:8 when the length of the ramp is not more than 3 m,
- b) 1:10 in all other cases.

**“Section 10.4. Structural Design****“10.4.1. Structural Loads and Procedures****“10.4.1.1. General**

1) Except as provided in Article 10.4.1.2., the provisions of Part 4 covering structural design apply to any floor area or part of a floor area, structural element, roof and foundation of a building not under modification when an alteration requires its modification to maintain its stability, resistance or structural integrity.

**“10.4.1.2. Live Loads**

1) The live load required by Article 4.1.6.3. does not apply to an alteration to a floor area used as an office and located on the first storey of a building, or to such a floor area used for a wholesale and retail business, provided the following conditions are met

- a) the live loads applied to the existing areas have a value of at least 2.4 kPa,
- b) the alteration of the existing areas does not result in an increase in their live loads or dead loads.

**“10.4.1.3. Live Loads Due to Earthquakes**

1) Subsection 4.1.9., which covers live loads due to earthquakes, does not apply to a building under alteration when

- a) this alteration does not result
  - i) in an increase in building height,
  - ii) in the modification of any structural wind-bracing element that ensures lateral stability,

b) the building, after this alteration, can resist a live load due to seismic forces that is at least equal to 60 % of that determined using the method referred to in this Subsection.

**“Section 10.5. Environmental Separation****“10.5.1. Exclusion****“10.5.1.1. Change of Occupancy**

1) Notwithstanding Sentence 10.2.2.2.(2), Part 5, which covers environmental separation, does not apply to materials, components, assemblies, and air barrier systems for any change in occupancy that does not involve modification work affecting the separation between the two different environments.

**“Section 10.6. Heating, Ventilating and Air-Conditioning****“10.6.1. General****“10.6.1.1. Natural Ventilation**

1) Articles 6.2.2.1. and 6.2.2.2., which cover natural ventilation, do not apply to rooms and spaces under alteration if they have opening windows whose unobstructed surface for ventilation is equal to at least 5 % of the floor area of the rooms or spaces.

**“Section 10.7. Plumbing Services****“10.7.1. General****“10.7.1.1. Plumbing Systems**

1) Part 7, which covers plumbing services, applies to any non-modified plumbing system if an alteration requires modification to the system to ensure its conformance with health requirements or its operation.

**“Section 10.8. Safety Measures at Construction and Demolition Sites****“10.8.1. General****“10.8.1.1. Scope**

1) Part 8, which covers safety measures at construction and demolition sites, applies to an existing part of a building when the alteration or demolition work requires modification of the part of a building, or modification of the operation of the appliances or equipment it contains, to ensure public safety.

## “Section 10.9. Housing and Small Buildings

### “10.9.1. Structural Requirements and Barrier-Free Design

#### “10.9.1.1. Scope

1) Subsection 9.4.1., which covers the design of structural elements and their connections, applies only in the cases referred to in Subsection 10.4.1.

2) Subsection 9.5.2., which covers barrier-free design, applies only in the cases referred to in Subsection 10.3.8.

### “10.9.2. Means of Egress

#### “10.9.2.1. Dimensions of Means of Egress and Direction of Door Swing

1) The provisions of Article 9.9.1.1. covering the dimensions of stairs that are part of a means of egress, and of Subsection 9.9.3. covering the dimensions of a means of egress, apply to any non-modified means of egress that services a part of building under alteration, if the exit or access to exit has a minimal unobstructed width of less than 760 mm.

2) Sentence 9.9.6.5.(3), which covers the direction of door swing of an exit, applies to any non-modified exterior exit door that services a floor area or part of a floor area under alteration, unless it opens directly on a public way, independently of any other exit, and services only one floor area or part of a floor area that has an occupant load, as determined in conformance with Subsection 3.1.16., that is no more than

a) 40, when there is only one exit door, or

b) 60, when there is one exit door and a second means of egress.

#### “10.9.2.2. Fire Protection of Exits and Separation of Public Corridors

1) The provisions of Subsection 9.9.4. covering the fire protection of exits apply to any non-modified exit servicing a floor area or part of a floor area under alteration that is not separated from the remainder of the building by a fire separation of at least 45 min.

2) Except as provided in Articles 10.9.2.3. and 10.9.3.2., the provisions of Sections 9.9. and 9.10. covering public corridors apply to any non-modified public corridor servicing a floor area or part of a floor area under alteration, in each of the following cases

a) its unobstructed height is less than 1 900 mm,

b) its unobstructed width is less than 760 mm,

c) its dead-end length exceeds

i) except as provided in Sentence (3), 6 m in the case of a building of residential occupancy,

ii) 12 m for any occupancy of Group D, E and F, Division 2 and 3,

d) the separation of the corridor from the remainder of the building is not smoke-tight.

3) A public corridor, as referred to in Subclause (2)(c)(i), located in a building of residential occupancy other than a hotel or motel is permitted, when the fire separation of the corridor has a fire-resistance rating of at least 45 min, to have a dead-end part not exceeding 12 m, provided the following conditions are met

a) the door of each dwelling unit has a self-closing device and does not lock automatically,

b) the corridor has smoke detectors connected to the fire alarm system, installed as required by Subsection 3.2.4.,

c) the floor area is entirely sprinklered, as required by Articles 3.2.5.13. to 3.2.5.15., except if each dwelling unit has a balcony accessible to the fire department.

#### “10.9.2.3. Flame Spread Limits in Means of Egress

1) The provisions of Subsection 9.10.16. covering flame spread limits apply to the non-modified interior finish of ceilings and upper half of walls of any public corridor, from the access to exit door of the part under alteration to the nearest exit, provided the following conditions are met

a) the flame-spread rating exceeds 75,

b) the alteration involves an increase in occupant load, as determined in Subsection 3.1.16.

### “10.9.3. Fire Protection

#### “10.9.3.1. Spatial Separation and Exposure Protection

1) The provisions of Subsection 9.10.14. covering spatial separations do not apply to an alteration to any existing part of an exposing building face, unless the alteration results

a) in an increase of the opening surfaces beyond the limit referred to in Sentence 9.10.14.1.(1), for unprotected openings,

b) in a reduction of the limiting distance,

c) or in a reduction of resistance to fire.

2) When a building or part of a building is under alteration, any party wall that is not built as a firewall shall

a) except as provided in Clause (b), have a fire-resistance rating of at least 2 h on the altered side and ensure smoke-tightness from the floor of the altered part to the underface of the floor or roof located above this alteration,

b) for an increase in height, meet the requirements of Subsection 9.10.11. for the construction of a firewall from the ground up.

#### “10.9.3.2. Fire Alarm and Detection Systems

1) Subsection 9.10.17., which covers fire alarm and detection systems, for an alteration

a) does not apply to any building not equipped with such a system, unless the alteration involves

i) an increase in the occupant load, in the altered part,

ii) a new occupancy of Group C, E, or F, Division 2,

iii) an increase in the building area of more than 10 %,

iv) or an increase in the number of storeys,

b) applies to any non-modified part of a fire alarm and detection system, if this system is not electrically supervised and equipped with separate zone indicators.”;

123° by deleting Appendix note A-1.1.2.1.;

124° by inserting the following Appendix note after “A-1.1.3.2. Public Corridor”:

“**A-1.1.3.2. Residential Board and Care.** Transitional medical care generally refers to care that may be provided outside a hospital and that does not require the immediate supervision or control of a doctor. Supportive care generally refers to personal care such as that involving personal hygiene, feeding, maintenance, or the use of personal effects, as well as care for supervising medication or managing an eventual emergency or building evacuation situation.

The definition includes buildings for children, elderly people or convalescing people. It does not include rooming houses or day care centres, where clients can carry out their own evacuation. The building categories included in this definition may, for example, be designated under various names, such as:

— Accommodation centres

— Private convalescence centres

— Foster homes

— Homes for the elderly

— Rest homes

— Furnished apartments for the elderly

— Residences for retired people

— Guest houses

— Apartment buildings whose leases include as an appendix the mandatory form for elderly people or persons with physical disabilities required by section 2 of the Regulation on Mandatory Lease Forms and on the Memorials of Notice to New Tenants enacted by decree 907-96 on July 17, 1996.

(See A-3.1.2.1. in Appendix A.);

125° by inserting the following Appendix note before “A-1.1.3.2. Exit”:

“**A-1.1.3.2. Alteration.** Alteration does not include types of work such as backfitting, maintenance and repairs that do not affect the characteristics or functions of the elements involved. However, it involves the following:

1) A change of occupancy, without modification, including a change within the same Group or Division involving one of the following characteristics:

a) an increase in occupant load,

b) a new occupancy other than those of Groups D and F, Division 3,

c) a building change to a high building.

2) A modification such as an addition, restoration, rehabilitation, renovation or retrofitting involving one of the following characteristics:

a) an increase in building height,

b) an increase in building area,

c) an increase in floor area,

d) the creation of an interconnected floor space,

e) the construction of a barrier-free access to a building or barrier-free path of travel within a building,

f) a modification of the fire fighting procedures,

g) a modification or addition affecting the safety and health conditions of a building or part of a building.”;

126° by deleting the “Equivalence” Clause in Appendix note A-2;

127° by deleting Appendix note A-2.5.2.;

128° by inserting reference “NFPA 92A-1996, Recommended Practice for Smoke-Control Systems B-3.2.6.2.(3)” after reference “NFPA 91-1995, Exhaust Systems for Air Conveying of Materials A-6.2.2.5.” in the documents listed in Table A-2.7.3.2.”;

129° in Appendix note A-3.1.2.1.(1):

1° by inserting the words “Rehabilitation centres” and “Residential board and care facilities” after the words “Reformatories without detention quarters” in “Group B, Division 2”;

2° by inserting the words “Outfitting operations” and “Rooming houses” after the word “Motels” in “Group C”;

3° by inserting the word “Shelters” after the words “Schools, residential” in “Group C”;

130° by deleting Appendix note A-3.2.4.19.(4);

131° by inserting the following Appendix note after A-3.2.5.14.(1):

**“A-3.2.5.15.(1) Protected Service Spaces**

Any permanent floor in a service space may eventually be used to stock maintenance products and supplies, without much control of the combustible content accumulated therein. Because these spaces are difficult to access for fire fighting, they must be protected by a sprinkler system. When the floor is only a walkway, the risk of significant accumulation of combustible content is considerably reduced, and this requirement no longer applies.”;

132° by adding the following Appendix note after A-3.8.1.2.:

“Service entrances such as those for delivery and receipt of goods, and those accessing service rooms and workshops of Group F, need not be made accessible.”;

133° by deleting Appendix note A-3.8.3.3.(2);

134° in Appendix note A-3.8.3.3.(10), by deleting the last sentence;

135° by deleting Appendix note A-8.2.2.12.(3);

136° by replacing Appendix note A-9.7.1.6. with the following:

**“A-9.7.1.6. Height of Window Sills Above Floors or Ground.** This requirement is primarily designed to reduce the possibility of young children falling from a window. The requirement applies to dwelling units with mostly swinging or sliding windows. The choice of windows must therefore be made carefully because, even when equipped with special hardware, certain ajar windows may open wider with a simple push.

Swinging windows with rotating opening mechanisms are considered to be in conformance with Clause (1)(b). To ensure the safety of older children, parents may easily take the crank handles off these windows. However, the scissor opening mechanisms of awning windows do not prevent these windows from being widely opened once unlocked. Sash windows are not considered safe if both sashes are mobile, because they provide openings at the top and bottom. This requirement prevents the use of sliding windows that do not have a device for limiting the opening.

The maximum opening of a window, i.e. 100 mm, and the maximum drop on the other side of a window to the ground, i.e. 600 mm, were determined according to the same principles that were applied for guards.”;

137° by adding the following Clause at the end of B-3.2.6.2.(3):

“Standard NFPA-92A, “Recommended Practice for Smoke-Control Systems,” suggests mechanical smoke control methods. These methods may be used as alternatives to venting required by this Article. However, designers will need to demonstrate that the method they propose under this standard meets the objectives of the Code.”.

**SECTION IV**

**PENAL PROVISION**

5. Any violation of the requirements of this Code is punishable under subsection 7 of section 194 of the Building Act.

## SECTION V

### TRANSITIONAL AND FINAL PROVISIONS

6. Notwithstanding section 2, the Regulation on the Implementation of a Building Code – 1990, enacted by Order in Council 1440-93, dated 13 October 1993, and modified by the regulation enacted by Order in Council 467-95, dated 5 April 1995, may apply to a building or its alteration, as defined in this Code, when the plans and specifications are submitted, as required by the Public Buildings Safety Act (R.S.Q. c. S-3), before 6 June 2001, and when the work begins within 12 months of serving notice of the approval of the plans and specifications.

7. This Code will become effective 7 November 2000, except for the section 2 provisions relating to Sentence (2) of Article 2.5.1.1. of the Code, which will become effective on the date that section 27 of Chapter 93 of the Statutes of 1997 becomes effective, in conformance with section 188 of that Chapter.”

## Index Statutory Instruments

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

<b>Regulations — Statutes</b>	<b>Page</b>	<b>Comments</b>
2000 limit of kill for moose . . . . . (An Act respecting hunting and fishing rights in the James Bay and New Quebec territories, R.S.Q., c. D-13.1)	4409	N
Alcoholic beverages — Promotion, advertising and educational programs . . . . . (An Act respecting liquor permits, R.S.Q., c. P-9.1)	4431	Draft
Alcoholic beverages — Terms of sale by holders of a grocery permit . . . . . (An Act respecting the Société des alcools du Québec, R.S.Q., c. S-13)	4432	Draft
Amendment to Schedule VI to the Act . . . . . (An Act respecting the Government and Public Employees Retirement Plan, R.S.Q., c. R-10)	4404	M
Amendments to Schedules I and II.1 of the Act . . . . . (An Act respecting the Government and Public Employees Retirement Plan, R.S.Q., c. R-10)	4406	M
Application of Title IV.2 of the Act . . . . . (An Act respecting the Government and Public Employees Retirement Plan, R.S.Q., c. R-10)	4404	M
Bailiffs — Code of Ethics . . . . . (Professional Code, R.S.Q., c. C-26)	4424	Draft
Breast cancer detection centre — Designation . . . . . (Health Insurance Act, R.S.Q., c. A-29)	4422	
Building Act — Building Code . . . . . (R.S.Q., c. B-1.1)	4437	Erratum
Building Code . . . . . (Building Act, R.S.Q., c. B-1.1)	4437	Erratum
Child day care, An Act respecting... — Termination of the application of certain provisions of the Act respecting child day care and of the Regulation respecting exemption and financial assistance for a child in day care . . . . . (R.S.Q., c. S-4.1)	4409	A
Childcare centres . . . . . (An Act respecting childcare centres and childcare services, R.S.Q., c. C-8.2)	4408	M
Childcare centres and childcare services, An Act respecting... — Childcare centres . . . . . (R.S.Q., c. C-8.2)	4408	M
Conservation and development of wildlife, An Act respecting the... — Delimiting areas on land in the domain of the State in view of increased utilization of wildlife resources . . . . . (R.S.Q., c. C-61.1)	4419	
Delimiting areas on land in the domain of the State in view of increased utilization of wildlife resources . . . . . (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	4419	

Fees exigible and return of confiscated objects ..... (Highway Safety Code, R.S.Q., c. C-24.2)	4423	Draft
Financial Administration Act — Government departments and public bodies — Supply contracts, construction contracts and service contracts ..... (R.S.Q., c. A-6)	4377	N
Government and Public Employees Retirement Plan, An Act respecting the... — Amendment to Schedule VI to the Act ..... (R.S.Q., c. R-10)	4404	M
Government and Public Employees Retirement Plan, An Act respecting the... — Amendments to Schedules I and II.1 of the Act ..... (R.S.Q., c. R-10)	4406	M
Government and Public Employees Retirement Plan, An Act respecting the... — Application of Title IV.2 of the Act ..... (R.S.Q., c. R-10)	4404	M
Government departments and public bodies — Supply contracts, construction contracts and service contracts ..... (Financial Administration Act, R.S.Q., c. A-6)	4377	N
Health Insurance Act — Designation of a breast cancer detection centre ..... (R.S.Q., c. A-29)	4422	
Health services and social services, An Act respecting... — Transmission of information on users who are major trauma patients ..... (R.S.Q., c. S-4.2)	4411	N
Highway Safety Code — Fees exigible and return of confiscated objects ..... (R.S.Q., c. C-24.2)	4423	Draft
Hunting and fishing rights in the James Bay and New Quebec territories, An Act respecting... — 2000 limit of kill for moose ..... (R.S.Q., c. D-13.1)	4409	N
Insurance, An Act respecting... — Regulation ..... (R.S.Q., c. A-32)	4410	M
Liquor permits, An Act respecting... — Alcoholic beverages — Promotion, advertising and educational programs ..... (R.S.Q., c. P-9.1)	4431	Draft
Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail, An Act respecting the... — Signing of certain documents of the Ministère de la Solidarité sociale ..... (R.S.Q., c. M-15.001)	4413	N
Ministère de la Famille et de l'Enfance, An Act respecting the... — Termination of the application of certain provisions of the Act respecting child day care and of the Regulation respecting exemption and financial assistance for a child in day care ..... (R.S.Q., c. M-17.2)	4409	A
Professional Code — Bailiffs — Code of Ethics ..... (R.S.Q., c. C-26)	4424	Draft
Professional Code — Respiratory therapists — Code of ethics ..... (R.S.Q., c. C-26)	4430	Draft
Respiratory therapists — Code of ethics ..... (Professional Code, R.S.Q., c. C-26)	4430	Draft



Signing of certain documents of the Ministère de la Solidarité sociale . . . . . (An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail, R.S.Q., c. M-15.001)	4413	N
Société des alcools du Québec, An Act respecting the... — Wine and other alcoholic beverages made or bottled by holders of a wine maker's permit . . . . . (R.S.Q., c. S-13)	4434	Draft
Société des alcools du Québec, An Act respecting the... — Alcoholic beverages — Terms of sale by holders of a grocery permit . . . . . (R.S.Q., c. S-13)	4432	Draft
Termination of the application of certain provisions of the Act respecting child day care and of the Regulation respecting exemption and financial assistance for a child in day care . . . . . (An Act respecting child day care, R.S.Q., c. S-4.1)	4409	A
Termination of the application of certain provisions of the Act respecting child day care and of the Regulation respecting exemption and financial assistance for a child in day care . . . . . (An Act respecting the Ministère de la Famille et de l'Enfance, R.S.Q., c. M-17.2)	4409	A
Transmission of information on users who are major trauma patients . . . . . (An Act respecting health services and social services, R.S.Q., c. S-4.2)	4411	N
Transportation by taxi . . . . . (An Act respecting transportation by taxi, R.S.Q., c. T-11.1)	4418	M
Transportation by taxi, An Act respecting... — Transportation by taxi . . . . . (R.S.Q., c. T-11.1)	4418	M
Wine and other alcoholic beverages made or bottled by holders of a wine maker's permit . . . . . (An Act respecting the Société des alcools du Québec, R.S.Q., c. S-13)	4432	Draft

