

# Gazette officielle du Québec

## Part 2 Laws and Regulations

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### Summary

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## Regulations and other acts

Gouvernement du Québec

### O.C. 523-2001, 9 May 2001

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8)

#### Dwellings in low-rental housing — Conditions for the leasing

By-law respecting the conditions for the leasing of dwellings in low-rental housing

WHEREAS under subparagraph *g* of the first paragraph of section 86 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8), the Société d'habitation du Québec may, by by-law, establish the conditions upon which leases may be taken or granted by a municipality, a municipal housing bureau or by any organization or person who obtains a loan, subsidy or allowance for the carrying out of a housing program;

WHEREAS under the second paragraph of section 86 of the Act, a by-law relating to matters referred to in subparagraph *g* of the first paragraph may, subject to the Charter of human rights and freedoms (R.S.Q., c. C-12) and the Canadian Charter of Rights and Freedoms (Part I of Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom), include distinctions, exclusions or preferences based on age, handicap or any element pertaining to the situation of a person;

WHEREAS the By-law respecting the conditions for the leasing of dwellings in low-rental housing approved by Order in Council 251-92 dated 26 February 1992 was amended by the by-laws approved by Orders in Council 1008-97 dated 13 August 1997 and 1303-97 dated 8 October 1997;

WHEREAS the By-law must be further amended in order to introduce work incentive measures, a new method of calculating the minimum basic rent applicable to that type of dwelling as well as various administrative adjustments intended to simplify, relax or specify certain provisions of the current By-law;

WHEREAS the board of directors of the Société d'habitation du Québec adopted, by Resolution 98-077 dated 28 August 1998, amended by Resolution 99-026 dated 9 April 1999, by Resolution 99-053 dated 27 August 1999, by Resolution 99-066 dated 1 October 1999 and by

Resolution 2000-084 dated 15 December 2000, the By-law respecting the conditions for the leasing of dwellings in low-rental housing;

WHEREAS that By-law replaces the By-law respecting the conditions for the leasing of dwellings in low-rental housing approved by Order in Council 251-92 dated 26 February 1992 and revokes the By-law respecting the conditions for the leasing of dwellings in low-rental housing approved by Order in Council 159-90 dated 14 February 1990;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the By-law was published in the *Gazette officielle du Québec* of 10 November 1999, with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS under section 87 of the Act respecting the Société d'habitation du Québec, the by-laws of the Société shall be subject to approval by the Government and shall come into force on the date of their publication in the *Gazette officielle du Québec* or on any later date determined therein;

WHEREAS it is expedient to approve the By-law, with amendments, as attached to this Order in Council;

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

THAT the By-law respecting the conditions for the leasing of dwellings in low-rental housing, attached to this Order in Council, be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### By-law respecting the conditions for the leasing of dwellings in low-rental housing

An Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8, s. 86, 1st par., subpar. *g* and 2nd par.; 1999, c. 40, s. 273)

1. In this By-law, unless the context indicates otherwise:

“dwelling” means low-rental housing within the meaning of the Civil Code; (*logement*)

“household” means one or several persons occupying a dwelling; (*ménage*)

“independent person” means a person of full age or an emancipated minor living with the head of the household; (*personne indépendante*)

“occupant 1” means the head of the household, that is the person who is the regular provider for the needs of the household or, in the case of an existing lease, the person identified as occupant 1; (*occupant 1*)

“occupant 2” means the independent person with the highest annual income, established in accordance with sections 3 and 4. (*occupant 2*)

2. For the purposes of this By-law, the following are not considered income:

(1) amounts received in the form of a real estate tax refund or a sales tax credit;

(2) amounts paid to a foster family or foster home within the meaning of section 312 of the Act respecting health services and social services (R.S.Q., c. S-4.2) to take charge of a child or an adult, and amounts paid to such foster family under the Regulation respecting financial assistance to facilitate the adoption of a child, made by Order in Council 1178-95 dated 30 August 1995;

(3) a child tax credit paid under the Income Tax Act (R.S.C., 1985, ch. 1 (5th Suppl.));

(4) family assistance allowances paid under the Family Allowances Act (R.S.Q., c. A-17) in accordance with sections 61 and 62 of the Act respecting family benefits (R.S.Q., c. P-19.1);

(5) benefits paid under the Act respecting family benefits;

(6) an orphan’s pension and a pension for a disabled contributor’s child paid under the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);

(7) employment-assistance benefits paid under sections 38 to 42 and 44 of the Regulation respecting income support made by Order in Council 1011-99 dated 1 September 1999 under the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001) for every dependent child of full age attending an educational institution;

(8) amounts that a dependent child within the meaning of the Act respecting income support, employment

assistance and social solidarity earns incidentally while a student, and loans and scholarships paid to him as a student;

(9) amounts paid under a program of the Ministère de la Santé et des Services sociaux for home care and assistance services;

(10) special benefits paid pursuant to sections 45 to 76 of the Regulation respecting income support;

(11) supplementary expenses paid by Emploi-Québec within the scope of terms and conditions for the application of the active measures by Emploi-Québec, financed by the labour market development fund;

(12) benefits paid under the parental wage assistance program under the Act respecting income support, employment assistance and social solidarity;

(13) employment-assistance allowances paid during a calendar year to a person participating in Emploi-Québec active employment measures, up to a maximum amount of \$1560 per person.

The amounts paid by Emploi-Québec within the scope of the measure “return to work supplement” financed by the labour market development fund are considered to be supplementary expenses referred to in subparagraph 11 of the first paragraph.

3. The income considered for the purposes of this By-law are the sums earned during the year preceding the date of the beginning of the lease by each person making up the household.

4. The following sums shall be deducted from the income taken into consideration for the purposes of section 3 for each person making up the household:

(1) the amount paid by that person as support under an order or judgment of a competent court;

(2) the cost of hospitalization or shelter in a child and youth protection centre, a residential and long-term care centre and rehabilitation centre referred to in section 79 of the Act respecting health services and social services paid by that person, except the fees related to the occupancy of a private or semi-private room;

(3) the operating expenses incurred by that person to earn income on property or income from self-employment or the operation of a business excluding any amount related to a deduction for depreciation or a capital cost allowance.

The amount referred to in subparagraph 3 may only be deducted from the person's operating income.

5. The rent for a dwelling is determined according to the number of persons making up the household, their respective incomes and the services and equipment provided.

That rent shall be equal to the amount of the basic rent determined in accordance with section 6 or 8, as the case may be, and, where applicable, to the contributions established in section 10 and the indexation provided for in sections 11, 12 and 13.

The rent to be paid shall be rounded off to the nearest dollar.

6. Basic rent shall correspond to 25% of the total monthly income of both occupants 1 and 2 less an amount corresponding to 2% of the amount of their annual work income established by taking into account the reduction provided for in paragraph 2 of section 7, without exceeding \$30.

However, a lower basic rent may be established where one of the occupants declares work income, employment-assistance allowances or both and does not receive benefits paid under the Old Age Security Act (R.S.C., 1985, c. O-9). The basic rent shall then be the lesser of the following amounts:

(1) the monthly basic rent stipulated in the lease for the preceding year, increased by \$50;

(2) as the case may be, \$422 for occupant 1 or \$472 for occupants 1 and 2.

Notwithstanding subparagraph 2 of the second paragraph, the amount of the basic monthly rent may not be less than the basic monthly rent stipulated in the lease for the preceding year. In addition, subparagraph 1 of the second paragraph shall only apply if occupant 1 was a party to the lease of the preceding year.

The rules related to the calculation of a lower basic rent provided for in the second and third paragraphs shall apply only upon the request of occupant 1 and only if they allow for a reduction in the basic rent that would otherwise have to be paid. Such request, if accepted, may only be made once by the same person in which case, the rent of the dwelling occupied by that person shall be calculated by taking those rules into consideration but only for three consecutive lease periods calculated from the date on which the request took effect. Notwithstanding the foregoing, in the case of a new lessee whose first lease is less than 12 months, the rules

related to the calculation of a lower basic rent shall then apply for four consecutive lease periods calculated from the date on which the application took effect.

If occupant 2 is a child of the head of the household or of his spouse, the monthly income of that occupant considered to determine the rent may not exceed \$277, if that child is aged 18 to 20 years, or \$554, if aged 21 to 24 years.

The amounts referred to in subparagraph 2 of the second paragraph and in the fifth paragraph shall be indexed annually on 1 March in accordance with the Consumer Price Index for rental dwellings as determined for the preceding month of December by Statistics Canada for Ville de Montréal. The indexed amounts shall be rounded off to the nearest dollar. The Société d'habitation du Québec shall inform the public of the annual indexation by a notice published in the *Gazette officielle du Québec* or by such other means as it may consider appropriate.

7. The monthly income of occupants 1 and 2 shall be determined by

(1) adding their annual income in accordance with sections 3 and 4;

(2) where applicable, subtracting an amount corresponding to 10% of their annual work income;

(3) dividing the result by 12.

8. Notwithstanding section 6, basic rent may not be less than the minimum basic rent appearing in Schedule 1, which is established according to the household situation. That minimum rent is determined, at the time the lease is entered into or renewed, according to the composition of the household, according to whether or not the persons making up that household receive employment-assistance benefits under the Act respecting income support employment assistance and social solidarity and, in the case where occupant 1 or, as the case may be, both occupants 1 and 2 receive such benefits, according to whether or not they have a limited capacity for employment within the meaning of the Act.

For the purposes of Schedule I, a child of full age who is a student and is a dependent child within the meaning of the Act respecting income support, employment assistance and social solidarity is considered a child for the purposes of the composition of the household.

The minimum basic rents provided for in Schedule 1 shall be indexed annually on 1 March by an amount corresponding to 25% of the total amount of increase,

for the preceding calendar year, in the employment-assistance benefits paid under the Act respecting income support, employment assistance and social solidarity according to the household situation. The same applies to minimum rents applicable where at least one occupant does not receive benefits under that Act; in such a case, the indexation shall correspond to 25% of the total increase in the basic employment-assistance benefits prescribed, according to the household situation, by the Act respecting income support, employment assistance and social solidarity. The indexed rents shall be rounded off to the nearest quarter of a dollar. The Société d'habitation du Québec shall inform the public of the annual indexation by a notice published in the *Gazette officielle du Québec* or by such other means as it may consider appropriate.

9. Basic rent determined in accordance with section 6 or 8, as the case may be, shall include the costs for heating and hot water as well as municipal and school taxes.

It shall also include the provision of a stove or refrigerator in the case of a lease in effect on 31 December 1984, or in the case of a lease in effect after that date if the space in the dwelling is too small to install a stove and refrigerator 765-millimetres in width each.

In addition to the costs provided for in the first paragraph, the basic rent for a room in a rooming house where at least four rooms are rented or for rent shall also include the cost of electricity.

10. The contribution provided for in section 5 shall correspond, for each independent person other than the person identified as occupant 2, to 25% of the monthly income of each of those persons, up to a maximum amount of \$69.25 per person.

That amount shall be indexed annually on 1 March in accordance with the Consumer Price Index for rental dwellings as determined for the preceding month of December by Statistics Canada for Ville de Montréal. The indexed amount shall be rounded off to the nearest quarter of a dollar. The Société shall inform the public of the annual indexation by a notice published in the *Gazette officielle du Québec* or by such other means as it may consider appropriate.

The monthly income of each independent person referred to in the first paragraph shall be determined by dividing by 12 the annual income established in accordance with sections 3 and 4.

11. The indexation referred to in section 5 that is added to the basic rent is, as the case may be:

(1) for electricity, excluding heating and hot water, \$26.00 for a bachelor apartment, \$29.40 for a one-bedroom dwelling and \$3.40 for each additional bedroom;

(2) \$5.00 for each air conditioner installed in the dwelling;

(3) \$5.00 if the lessee has the use of an outdoor parking space without an electrical outlet;

(4) \$10.00 if the lessee has the use of an outdoor parking space with an electrical outlet;

(5) \$20.00 if the lessee has the use of a garage or an indoor parking space; and

(6) for any additional parking space provided to the lessee, \$20.00 for an outdoor parking space, \$30.00 for a parking space with an electrical outlet and \$50.00 for a garage or indoor parking space.

The amounts provided for in subparagraph 1 of the first paragraph shall be indexed annually on 1 March, according to the Hydro-Québec indexation rate applied in the preceding year for the supply of electricity to residences. Those indexed amounts shall be rounded off to the nearest twentieth of a dollar. The Société shall inform the public of the annual indexation by a notice published in the *Gazette officielle du Québec* or by such other means as it may consider appropriate.

12. The basic rent of a dwelling referred to by the Rent Supplement Program shall be reduced

(1) by an amount equal to 1/12th of the total cost of the water and domestic garbage collection taxes payable for the fiscal year preceding the beginning date of the lease, where those taxes are not included in the rent;

(2) by \$44 for a bachelor apartment and for a one-bedroom dwelling unit, by \$48 for a two-bedroom dwelling unit, by \$52 for a three-bedroom dwelling unit and by \$64 for a dwelling unit with more than three bedrooms, where heating is not included in the rent;

(3) by \$9 for a bachelor apartment and for a one-bedroom dwelling unit, by \$10 for a two-bedroom dwelling unit, by \$11 for a three-bedroom dwelling unit and by \$12 for a dwelling unit with more than three bedrooms, where hot water is not included in the rent.

The amounts prescribed in subparagraphs 2 and 3 shall be indexed annually on 1 March, according to the Hydro-Québec indexation rate applied in the preceding year for the supply of electricity to residences. Those indexed amounts shall be rounded to the nearest twentieth



eth of a dollar. The Société shall inform the public of the annual indexation by a notice published in the *Gazette officielle du Québec* or by such other means as it may consider appropriate.

13. For each stove or refrigerator that the lessor fails to provide to a lessee in accordance with the second paragraph of section 9, an amount of \$1.50 per appliance shall be subtracted from the basic rent.

14. The term of a lease shall be 12 months.

Notwithstanding the foregoing, a lease entered into during the year with a new lessee or a lessee referred to in article 1990 of the Civil Code may be:

(1) for a term of less than 12 months, if the income considered to determine the rent applicable to that lease and the income that could be considered for its renewal do not refer to the same calendar year;

(2) for a term of more than 12 months, without exceeding 23 months, if the income considered for that lease and the income considered for its renewal refer to the same calendar year.

15. The cost for the use of a washing machine or a clothes dryer by lessees of a dwelling other than a dwelling subsidized by the Société d'habitation du Québec under the Rent Supplement Program is \$0.75 per use.

16. Where a subsidized dwelling belongs to a cooperative, a lessee who is not a member of the cooperative shall be responsible for any resulting fees. However, those fees may not exceed 10% of the rent calculated in accordance with section 5, without taking into consideration the adjustments provided for in section 12.

17. A lessee to whom a low-rental dwelling is allocated and who is required to pay rent for a private or public dwelling shall be exempt from paying rent for the low-rental dwelling until the resiliation provided for in article 1974 or 1995 of the Civil Code, as the case may be, takes effect. However, that exemption may not exceed three months.

18. Where a lease is entered into or renewed, the lessee shall provide the lessor with the names of the persons living with the lessee, and with the proof required to determine the rent applicable. The information shall be provided within one month of the lessor's request.

At all times, the lessee is bound to inform the lessor, within one month, of the arrival of a new occupant.

Should a new occupant arrive between the date on which the information referred to in the first paragraph was received and the date on which the lease was entered into or renewed, as the case may be, any new occupant shall be considered in determining the rent provided for in section 5.

19. Upon renewal of a lease, if there has been no change in the composition of the household which was considered to determine the rent applicable to the preceding lease, the lessor may, *ex officio*, so as to determine the rent applicable to the renewal, index the income appearing in the preceding lease by an amount equal to the actual indexation of benefits carried out the preceding year by the competent authorities. Such automatic indexation may be used for a period not exceeding three consecutive years and for a lessee or occupant, as the case may be:

(1) who only receives the old age security pension and maximum guaranteed income supplement;

(2) who is a beneficiary under the Act respecting income support, employment assistance and social solidarity and who receives, as the case may be, a temporarily limited capacity for employment allowance, where that allowance is paid to a person who is 55 years of age or older, or a severely limited capacity for employment allowance;

(3) who receives a retirement pension or a surviving spouse's pension under the Act respecting the Québec Pension Plan and is at least 65 years of age.

In such cases, the provisions of the first paragraph of section 18 do not apply, unless expressly requested by the lessor. However, a lessee or an occupant referred to in subparagraph 1, 2 or 3 of the first paragraph who, throughout the year, benefits from a new source of income or from a change in the allowance received under the Act respecting income support, employment assistance and social solidarity is bound to inform the lessor within one month of such a change.

20. The rent payable by a lessee who applies for a rent reduction because of a decrease in income or a change in the composition of the household shall be determined on the basis of the presumed income of all the occupants for the period for which the reduction is granted.

In all cases, basic rent may not be less than the minimum basic rent determined in accordance with the provisions of section 8, which is based on the presumed household situation for the period for which the reduction is granted.

An application for a rent reduction shall be accompanied with all the necessary supporting documents.

No application for a monthly rent reduction of less than \$10.00 may be granted.

The lessor shall inform the lessee of his decision within 30 days of the date on which the application and the supporting documents were filed.

21. The rent calculated in accordance with section 20 has effect from the month following the month in which the application was filed and remains in force for a period determined by the lessor, which may be from one to six months without exceeding the renewal date of the lease.

Upon the expiry of that period, the former rent shall be re-established unless the lessee demonstrates that he may benefit from an extension of the reduction for another period.

Where the decrease in income is permanent, the rent reduction shall, notwithstanding the first paragraph, be granted for the remainder of the lease.

22. Notwithstanding section 6, on the date on which the immovable in which the lessee lives is acquired by the lessor, the rent shall be increased by 1% for the first renewal of the lease and by 2% for each subsequent renewal, up to 25% if the dwelling becomes low-rental housing.

23. This By-law does not apply to dwellings for the Inuit that belong to the Société d'habitation du Québec and are located north of the 55th parallel.

24. This By-law replaces the By-law respecting the conditions for the leasing of dwellings in low-rental housing approved by Order in Council 251-92 dated 26 February 1992.

The By-law respecting the conditions for the leasing of dwellings in low-rental housing approved by Order in Council 159-90 dated 14 February 1990 is revoked.

25. This By-law comes into force on the ninetieth day following the date of its publication in the *Gazette officielle du Québec*. It shall apply to any lease entered into or renewed from that date.

Notwithstanding the foregoing, for a lease in effect on the date of coming into force of this By-law, for which the basic rent was calculated by considering the income earned by a child of the head of the household or of his spouse who is aged between 18 and 20 years, section 8 of this By-law does not apply upon renewal of the lease and, where applicable, at subsequent renewals until that child has reached the age of 21, if:

(1) there has been no change in the composition of the household that was considered for the purposes of the preceding lease;

(2) that child continues to be occupant 2 for the purposes of determining the basic rent applicable to the renewed lease;

(3) the application of section 8 of this By-law entails for the household an increase in the minimum basic rent as determined under section 2 of the By-law respecting the conditions for the leasing of dwellings in low-rental housing approved by Order in Council 251-92 dated 26 February 1992, as amended by the By-laws approved by Orders in Council 1008-97 dated 13 August 1997 and 1303-97 dated 8 October 1997.

In such case, the minimum basic rent applicable to the renewed lease is that determined pursuant to section 2 above.

#### **SCHEDULE 1** **MINIMUM BASIC RENT**

According to the composition of the household and whether occupant 1 or occupants 1 and 2 receive employment-assistance benefits under the Act respecting income support, employment assistance and social solidarity

FOR OCCUPANT OR OCCUPANTS RECEIVING EMPLOYMENT-ASSISTANCE BENEFITS	
WITHOUT CHILDREN	
Number of occupants	Minimum rent
1 adult	\$122.25
2 adults or more	\$189.25

## WITH CHILDREN

Occupant 1 and occupant 2, where applicable, without a limited capacity for employment		
Number of adults	1 child	2 children or more
1 adult	\$183.50	\$213.75
2 adults or more	\$219.50	\$243.50

Occupant 1 and occupant 2, where applicable, with a temporarily limited capacity for employment		
Number of adults	1 child	2 children or more
1 adult	\$209.25	\$239.50
2 adults or more	\$264.25	\$288.25

One occupant without a limited capacity for employment, one with a temporarily limited capacity for employment		
Number of adults	1 child	2 children or more
2 adults or more	\$242.25	\$266.25

One occupant with a severely limited capacity for employment		
Number of adults	1 child	2 children or more
1 adult	\$238.00	\$269.25
2 adults or more	\$299.25	\$324.00

AT LEAST ONE OCCUPANT DOES NOT RECEIVE  
EMPLOYMENT-ASSISTANCE BENEFITS

Number of adults	Number of children		
	0	1	2 or more
1 adult	\$122.25	\$183.50	\$213.75
2 adults or more	\$189.25	\$219.50	\$243.50

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Gouvernement du Québec

**O.C. 530-2001, 9 May 2001**

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

**Outfitters**  
 — **Amendments**

Regulation to amend the Regulation respecting outfitters

WHEREAS, under section 102 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), renumbered “78.6” by section 14 of chapter 48 of the Statutes of 2000, the Government may make regulations on the matters set forth therein with respect to outfitters;

WHEREAS, under section 97 and paragraph 14 of section 162 of the Act, the Government may also make regulations on the matters set forth therein;

WHEREAS the Government made the Regulation respecting outfitters (R.R.Q., 1981, c. C-61, r. 30) under certain provisions of the Wild-life Conservation Act (R.S.Q., c. C-61);

WHEREAS, under section 184 of the Act respecting the conservation and development of wildlife, the provisions of the Wild-life Conservation Act are replaced by the corresponding provisions of the Act respecting the conservation and development of wildlife;

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

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting outfitters, attached to this Order in Council, with amendments;

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

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

JEAN ST-GELAIS,  
Clerk of the Conseil exécutif

## Regulation to amend the Regulation respecting outfitters\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, ss. 78.6, 97 and 162, par. 14; 2000, c. 48, s. 14)

1. The following is substituted for section 1 of the Regulation respecting outfitters:

“1. In this Regulation, “lodging unit” means an inn, a camp, a cottage, a trailer, a framed tent square, a tent, a dormitory, a hotel, a motel or a houseboat, as defined below:

“camp” means a one-room building that can accommodate no more than six persons; (*camp*)

“cottage” means a building comprising one or more bedrooms that are separate from the kitchen; (*chalet*)

“dormitory” means a one-room building that can accommodate more than six persons; (*dortoir*)

“framed tent square” means a structure with a floor and fixed half-walls; (*carré de tente*)

“hotel” means a building comprising several rooms of which at least 90% are not directly accessible from the outside; (*hôtel*)

“houseboat” means a floating structure with a floor, a roof and fixed, rigid walls, especially designed for lodging, that may have one or more bedrooms, separate from the kitchen or the living room, as well as an open area; (*unité d’hébergement flottante*)

“inn” means a building in which food services are offered and that comprises at least two bedrooms; (*auberge*)

“motel” means a building comprising several adjacent rooms directly accessible from the outside;

“tent” means a structure made of non-rigid material stretched on supports; (*tente*) and

“trailer” means a trailer used for lodging and comprising one or more rooms, separate from the kitchen or living room, as well as an open area. (*roulotte*)

2. Section 3 is amended by substituting the following for the introductory part of the first paragraph and subparagraphs *a*, *b* and *c*:

“3. In order to obtain an outfitter’s licence, a person must apply in writing to the Société, on the form provided by the latter for that purpose and give the following particulars:

(a) his name, address and the telephone numbers of his domicile and undertaking; in the case of a legal person or partnership, its name and the address of its main place of business; in the case of a natural person doing business under another name, that name, his name and the address of his undertaking;

(b) his registration number in the register of sole proprietorships, partnerships and legal persons established under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(c) his status as owner or lessee of the enterprise he is operating and, in the latter case, the owner’s name and address;

(c.1) where the applicant applies on behalf of a partnership or a legal person, he must also provide a written authorization to make the application and the name and address of each partner or shareholder; and

(c.2) the name of the insurance company that covers his civil liability for the risks related to the outfitting operation, except if it is operated by the Government, and the number and the amount of the insurance policy.”

\* The Regulation respecting outfitters (R.R.Q., 1981, c. C-61, r. 30) was last amended by the Regulation made by Order in Council 1064-95 dated 9 August 1995 (1995, *G.O.* 2, 2670) and by the Regulation made by the Société de la faune et des parcs du Québec by its Resolution 00-24 dated 3 July 2000 (2000, *G.O.* 2, 3819). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

**3.** Section 4.1 is amended

(1) by substituting the following for paragraph *a*:

“(a) sends the Société his application for renewal on the form provided for that purpose by the Société;” and

(2) by substituting the following for paragraph *d*:

“(d) has filed the report referred to in section 42.”

**4.** Section 5 is deleted.

**5.** The following is substituted for section 6:

“**6.** The holder of an outfitter’s licence must post the licence in a conspicuous place in the reception or registration area. He must also identify each lodging unit by a distinctive name, letter or number at the entrance of each unit.”

**6.** The following is inserted after section 6:

“**6.1.** The holder of an outfitter’s licence must also hold, for the term of his licence, civil liability insurance covering the risks related to the outfitting operation and comprising a coverage of at least \$2 million.

**6.2.** Where the holder of an outfitter’s licence is a legal person, it must notify the Société of any event bringing a change in the control of the legal person.”

**7.** Section 7 is amended by substituting the word “Société” for the words “Minister or Deputy Minister”.

**8.** Section 8 is amended by substituting the words “apply in writing to the Société on the form provided by the latter for that purpose” for the words “send the Department a written request to this effect”.

**9.** Section 9 is amended by striking out the words “; those fees are payable by certified cheque or money order to the Minister of Finance”.

**10.** Section 10 and Division III are deleted.

**11.** The following is substituted for section 28:

“**28.** No one may undertake to build, enlarge, change the use of or remodel a building, a lodging unit or a structure used for the purposes of an outfitting operation, nor acquire, lease or use another such building, lodging unit or structure or part thereof, nor increase the lodging capacity thereof, without an authorization from the Société.

Upon the renewal of the outfitter’s licence, the latter shall be amended to take into account the changes referred to in the first paragraph.”

**12.** Sections 29 to 31 and 33 to 36 are deleted.

**13.** Section 38 is amended by substituting the word “Société” for the word “Minister” in the third paragraph.

**14.** Sections 40 to 41 are deleted.

**15.** Section 41.1 is amended by striking out the words “with respect to a territory described in Schedule I or II or described in the Schedules referred to in Schedule III with respect to the Orders in Council referred to therein”.

**16.** Section 41.2 is amended

(1) by inserting the word “, cycling” after the words “horseback riding” in the first paragraph;

(2) by inserting the words “of an outfitter” after the word “territory” in the first paragraph; and

(3) by inserting the words “or from 1 May to 30 November for the territory of Île d’Anticosti” after “1 November” in the first paragraph.

**17.** The following is substituted for sections 42 to 45:

“**42.** The holder of an outfitter’s licence must send the Société, no later than 31 January of each year, an annual report on his activities.

The report must contain the following information:

(1) the operating period;

(2) a statement of income and expenses;

(3) the number of customers;

(4) the wildlife harvest;

(5) a list of the wildlife development projects carried out and the amount invested for that purpose; and

(6) the number of employees.

The holder of an outfitter’s licence who is a lessee of exclusive fishing rights in a salmon river must also indicate the number of salmon taken, and the weight, length and tag number of each salmon.”

18. The following is substituted for section 46:

“46. The report referred to in section 42 must be filed by the licence holder on the form provided for that purpose by the Société and must be signed by the licence holder or his authorized representative.”.

19. The following is substituted for section 47:

“47. Every person who contravenes any provision of section 3.2, 6, 6.1, 6.2, 28, 32, 38, 41.1, 41.2, 42 or 46 is guilty of an offence.”.

20. Schedules I, II and III are deleted.

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

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Gouvernement du Québec

### O.C. 531-2001, 9 May 2001

An Act respecting the Société des établissements de plein air du Québec  
(R.S.Q., c. S-13.01)

#### Signing of certain documents

By-law respecting the signing of certain documents of the Société des établissements de plein air du Québec

WHEREAS the Act respecting the Société des établissements de plein air du Québec (R.S.Q., c. S-13.01) was assented to on 21 December 1984;

WHEREAS the coming into force of the Act on 20 March 1985 was fixed by Order in Council 544-85 dated 20 March 1985;

WHEREAS the first paragraph of section 17 of the Act provides that no document is binding on the corporation unless it is signed by the president of the corporation or, in the cases determined by by-law of the corporation, an employee of the corporation;

WHEREAS the second paragraph of section 17 provides that the corporation, by by-law, may allow a required signature to be affixed by means of an automatic device to the documents it determines, or a facsimile of a signature to be engraved, lithographed or printed on them;

WHEREAS, by Order in Council 2197-85 dated 23 October 1985, the Government approved the By-law respecting the signing of certain documents of the Société des établissements de plein air du Québec;

WHEREAS the revised text of the By-law respecting the signing of certain documents of the Société des établissements de plein air du Québec was adopted by the board of directors of the corporation at its sitting of 11 December 2000, in accordance with Division I of the Act, so as to update the current By-law to take into account the operational requirements of the corporation;

WHEREAS it is expedient that the Government approve the By-law respecting the signing of certain documents of the Société des établissements de plein air du Québec attached hereto;

IT IS ORDERED, therefore, upon the recommendation of the Minister responsible for Wildlife and Parks and Minister responsible for the administration of the Act respecting the Société des établissements de plein air du Québec:

THAT the By-law respecting the signing of certain documents of the Société des établissements de plein air du Québec be approved.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

#### By-law respecting the signing of certain documents of the Société des établissements de plein air du Québec

An Act respecting the Société des établissements de plein air du Québec  
(R.S.Q., c. S-13.01, s. 17)

1. Any document signed in accordance with the following authorizations by the position holders or persons responsible for the following duties, or, as the case may be, by persons authorized to perform the duties of those persons on an interim basis, is binding on the Société des établissements de plein air du Québec and may be attributed to it as though it had been signed by the president and chief executive officer of the corporation.

2. The president and chief executive officer, the secretary of the corporation, the director of administration and finances, the director of accounting and the person in charge of support for the facilities of the Société des établissements de plein air du Québec are authorized to sign cheques, drafts, payment authorizations, promis-

sory notes, bonds, bankers' acceptances, bills of exchange, bank transfers or other negotiable instruments.

3. The directors general of operations, holders of equivalent positions and the director of administration and finances are authorized to sign, for their branch, the following documents up to the amount specified:

(1) supply contracts and contracts for the purchase or rental of immovables for less than \$100 000;

(2) construction contracts for a total of less than \$100 000 and orders for changes to construction contracts for less than \$10 000;

(3) professional or auxiliary services contracts for a total of less than \$100 000;

(4) contracts for concessions or joint ventures where the annual sales figures are less than \$100 000;

(5) contracts for the alienation of movables for less than \$10 000.

4. Assistant directors general for operations and holders of equivalent positions are authorized to sign, for their branch, the following documents up to the amount specified:

(1) supply contracts and contracts for the purchase or rental of immovables for less than \$50 000;

(2) construction contracts for a total of less than \$50 000 and orders for changes to construction contracts for less than \$5 000;

(3) professional or auxiliary services contracts for a total of less than \$50 000;

(4) contracts for concessions or joint ventures where the annual sales figures are less than \$50 000;

(5) contracts for the alienation of movables for less than \$5 000.

5. The director of capital assets and material resources is authorized to sign the following documents up to the amount specified:

(1) supply contracts and contracts for the purchase or rental of immovables for a total of less than \$50 000;

(2) construction contracts for a total of less than \$100 000 and orders for changes to construction contracts for less than \$10 000;

(3) professional or auxiliary services contracts for a total of less than \$50 000;

(4) contracts for the alienation of movables for less than \$5 000.

6. Branch directors are authorized to sign, for their branch, the following documents up to the amount specified:

(1) supply contracts and contracts for the purchase or rental of immovables for less than \$25 000;

(2) professional or auxiliary services contracts for a total of less than \$25 000.

7. Facility directors are authorized to sign, for their facility, the following documents up to the amount specified:

(1) supply contracts and contracts for the purchase or rental of immovables for less than \$25 000;

(2) construction contracts for a total of less than \$25 000 and orders for changes to construction contracts for less than \$2 500;

(3) professional or auxiliary services contracts for a total of less than \$25 000;

(4) contracts for concessions or joint ventures where the annual sales figures are less than \$25 000;

(5) contracts for the alienation of movables for less than \$1 000.

8. Project coordinators with the capital assets and material resources branch are authorized to sign, for their projects, the following documents up to the amount specified:

(1) supply contracts and contracts for the purchase or rental of immovables for less than \$10 000;

(2) construction contracts for a total of less than \$25 000 and orders for changes to construction contracts for a total of less than \$2 500;

(3) professional or auxiliary services contracts for a total of less than \$25 000.

9. The person in charge of material resources is authorized to sign the following documents up to the amount specified:

(1) supply contracts and contracts for the purchase or rental of immovables for less than \$2 000;

(2) professional or auxiliary services contracts for a total of less than \$1 000.

10. The signatures of the president and chief executive officer, the secretary of the corporation, the director of administration and finances, the director of accounting and the person in charge of support for the facilities of the Société des établissements de plein air du Québec, may be affixed by means of an automatic device and a facsimile of their signatures may be engraved, lithographed or printed on cheques made out for less than \$50 000.

11. This By-law replaces the By-law respecting the signing of certain documents of the Société des établissements de plein air du Québec approved by Order in Council 2197-85 dated 23 October 1985.

12. This By-law comes into force on the date of its approval by the Government.

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Gouvernement du Québec

### **O.C. 539-2001, 9 May 2001**

Legal Aid Act  
(R.S.Q., c. A-14)

#### **Conditions of practice, procedure for the settlement of disputes and tariff of fees of advocates — Agreement between the Minister of Justice and the Barreau du Québec**

Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 14 December 2000

WHEREAS under the first paragraph of section 81 of the Legal Aid Act (R.S.Q., c. A-14), the Minister of Justice shall negotiate with the bodies authorized to represent the notaries, advocates, bailiffs or stenographers, the tariff of fees applicable for the purposes of that Act as well as a procedure for the settlement of disputes, and to what matters the procedure may apply;

WHEREAS under the second paragraph of that section, the Government may make regulations to ratify an agreement respecting the tariffs of fees applicable for the purposes of the Act or, failing such an agreement, to establish such tariffs and such regulations may also prescribe which persons may determine the fees applicable to services for which no tariff is fixed and, moreover, they may provide a procedure for the settlement of disputes and to what matters the procedure may apply;

WHEREAS the Minister of Justice negotiated with the Barreau du Québec an agreement respecting, in particular, the tariff of fees of advocates in private practice under the legal aid plan and such agreement was entered into on 14 December 2000;

WHEREAS it is expedient to replace the Regulation respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan, made by Order in Council 1455-97 dated 5 November 1997;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec entered into on 14 December 2000 was published in the *Gazette officielle du Québec* of 28 February 2001 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 with amendments that take into account the comments received following publication in the *Gazette officielle du Québec*;

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

THAT the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 14 December 2000, attached to this Order in Council, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

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## **Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 14 December 2000**

Legal Aid Act  
(R.S.Q., c. A-14, s. 81)

1. The Agreement attached hereto, between the Minister of Justice and the Barreau du Québec respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan entered into on 14 December 2000 is hereby ratified.

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

### **AGREEMENT**

#### **PRELIMINARY**

1. For the purposes of this Agreement, the term “legal aid body” means a legal aid centre, a legal aid bureau or the Commission des services juridiques; it includes any organization or person that issues certificates of eligibility for legal aid.

2. This Agreement governs, for the purposes of the legal aid plan, any advocate who agrees to render professional services to a legal aid recipient, with the exception of an advocate who is employed by a legal aid centre.

### **CHAPTER I**

#### **CONDITIONS OF PRACTICE**

#### **DIVISION I**

##### **FREE CHOICE OF AN ADVOCATE**

3. A person who is financially eligible may consult an advocate in private practice before submitting an application for legal aid under section 62 of the Legal Aid Act.

4. An application for legal aid may be submitted by the advocate himself on behalf of a person in favour of whom a conditional certificate of eligibility may be issued under the Act. In such case, the application shall be verbal.

5. A legal aid body shall, according to the criteria set forth in the Act, distribute equitably among the advocates the mandates for which recipients wish to be represented by an advocate registered in the legal aid plan but have not chosen a particular advocate.

6. Where there is a substitution of attorney to which section 81 of the Regulation respecting the application of the Legal Aid Act applies, the legal aid centre shall notify the advocate of record in writing that the recipient has requested a substitution of attorney and shall inform him of the name of the new attorney.

The preceding provision applies in like manner where the advocate of record or the new attorney is an advocate employed by a legal aid body.

7. An advocate representing a person for the exercising of a right in respect of which the person becomes a legal aid recipient shall retain his mandate, subject to the provisions of the Act.

In such case, the legal aid body issuing the certificate of eligibility shall so inform the advocate of record and shall request his consent to continue the mandate, on the terms set forth by the Legal Aid Act and the Regulations thereunder.

### **DIVISION II**

#### **PROFESSIONAL FREEDOM**

8. The legal aid plan shall respect an advocate’s professional freedom; in particular, the plan shall recognize the advocate’s professional autonomy and shall preserve the personal and privileged nature of his relationship with the recipient.

9. Under the legal aid plan an advocate shall maintain his professional autonomy. It is his responsibility to determine which services he must render within the context of a legal aid mandate, while acting in the best interests of the recipient.

An advocate shall comply with the mandate he receives from the legal aid body on behalf of the recipient; the conditions of the mandate are intended to identify the type of legal aid required by the recipient.

10. The legal aid body shall refrain from intervening in the conduct of the advocate’s mandate; however, it may satisfy itself that the mandate is fulfilled. The conduct of the advocate’s mandate includes recourse to any expert reports that, according to recognized professional practices, may be justified by the nature and scope of the case, in conformity with the Act and the Regulations. The advocate shall obtain the authorization of the gen-

eral manager of the legal aid centre before having recourse to expert reports. The general manager shall fix a maximum amount for the advocate's fees and the fees for expert reports.

11. An advocate is at liberty to accept a legal aid mandate.

12. He may terminate any mandate in accordance with recognized standards of practice; in such case, he shall so notify the legal aid body and the recipient in writing.

13. The advocate shall render an account to the recipient of the conduct of his mandate and shall report to the legal aid body from which he received the mandate concerning the professional services that he has rendered.

In communicating with the Commission or a legal aid body, the advocate shall respect professional secrecy.

### **DIVISION III REMUNERATION**

14. Every legal service rendered in accordance with the provisions of the Legal Aid Act and this Agreement by an advocate or to the extent provided for in section 52 of the Act, by an articling student under his supervision, shall be remunerated according to the tariff appearing in Schedule II to this Agreement.

A professional service related to the exercise of a right consequential to a statute or a regulation and for which this Agreement does not prescribe a rate or the payment of a special consideration is subject to remuneration.

In such case, the legal aid body shall evaluate the advocate's statement of fees and fix the amount of remuneration. Such decisions may be the subject of a dispute.

15. The advocate shall forward his statement of fees to the legal aid body from which he received his mandate within three years following the end of that mandate. That deadline is mandatory. Payment shall be made within 45 days following receipt of the statement, and within 30 days as of 1 January 2002.

In the cases determined by regulation, the statement of fees shall be forwarded to the Commission and shall be paid by it within the same deadline.

Where there is a replacement of advocate under section 81.1 of the Regulation respecting the application of the Legal Aid Act, the statement of fees shall be sent by

the advocate who received the mandate and the payment of fees and disbursements is made as if there had been no replacement.

16. A statement of fees may be an interim or final account. Statements shall be submitted on the form provided by the Commission.

An interim account covers professional services rendered in a case ready for hearing at 30 June of a given year. Professional services rendered for the preparation of the personal information forms referred to in section T219 of Schedule II may be covered by an interim account.

An interim account also covers professional services rendered in the preceding 12 months.

17. Any amount due and unpaid on a statement of fees drawn up in accordance with the Act and this Agreement shall commence to bear annual interest 45 days after it is received by the legal aid body or the Commission, as the case may be. As of 1 January 2002, any amount owing and unpaid on a statement of fees shall commence to bear annual interest 30 days after it is received by the legal aid body or the Commission, as the case may be.

The interest rate shall be equal to the discount rate of the Bank of Canada in force on 1 April and 1 October each year, plus one and one-half percent (1.5%). The rate thus fixed shall be in force for the following six months.

18. A statement of fees is complete when it mentions the services rendered according to the nomenclature in the tariff in Schedule II.

19. Disbursements are part of the statement of fees and include fees for expert reports and other fees pertaining to proceedings incidental to the legal aid mandate, including expenses for subpoena by bailiff or by registered or certified mail.

Notwithstanding the foregoing, disbursements may appear on a separate statement. They shall be paid by the legal aid body which gave the mandate or by the Commission within 45 days of the receipt of a statement of disbursement. As of 1 January 2002, they will be paid within 30 days of the receipt of a statement of disbursement.

20. An advocate shall receive no reimbursement for travel and parking within a radius of 25 km from his office.

The advocate is entitled to the maximum reimbursement for travel expenses for the use of a personal car, fixed by the Règles sur les frais de déplacement des fonctionnaires pour l'utilisation d'un véhicule automobile personnel made by the Conseil du trésor under the Financial Administration Act (R.S.Q., c. A-6),

(1) according to the distance actually travelled, in the case of a trip beyond a 25-km radius from his office and within the boundaries of the judicial district where he has his office;

(2) according to the distance actually travelled, in the case of a trip beyond a 25-km radius from his office and within the boundaries of the judicial district where he has his office;

(3) according to the distance actually travelled, in the case of an attendance at the Supreme Court of Canada, at the Court of Appeal of Québec or at the Federal Court, made beyond a 25-km radius from his office and outside the boundaries of the judicial district where he has his office, or of an attendance at a court or body which carries out its jurisdiction outside the boundaries of the judicial district where the advocate has his office; notwithstanding the preceding, where the advocate has his office in a judicial district other than the one where the legal aid centre which issued the mandate is located, he shall elect to receive either the reimbursement established in subparagraph 2 or a reimbursement established according to the distance between the place where the mandate was issued and that where the court in question sits;

(4) according to the distance actually travelled by the advocate, in the case of a trip made with the authorization of the director general of the legal aid centre, outside the boundaries of the judicial district where he has his office, where the nature or complexity of the matter requires that the mandate be given to that advocate.

An advocate who is entitled to a reimbursement under the provisions of this section is also entitled to the reimbursement of any parking expenses he incurs.

The travelling and parking expenses may not exceed the actual travelling expenses paid by the advocate.

21. Where the tariff in Schedule II provides for a flat-rate remuneration for a series of services and the mandate is carried out by more than one advocate, each advocate, if he is in private practice, is entitled, subject to the provisions of the third paragraph of section 15, to the part of the flat-rate fee corresponding to the services that he rendered.

22. Where the mandates issued in the name of an advocate during a given fiscal period have generated fees for a total exceeding \$125 000, the fees payable to him for the services that he renders within the scope of those mandates and exceeding that amount shall be reduced by 35%.

23. An advocate representing a recipient in respect of whom legal aid is suspended or withdrawn or a recipient who ceases to be eligible for such aid shall be remunerated according to the provisions of this Agreement for the services rendered before receipt of a notice from the legal aid body, sent by mail or by telecommunications, informing him of the cessation of legal aid and the reasons for the decision.

The preceding provision also applies where the recipient chooses to dispense with legal aid.

24. In a case where legal aid ceases to be provided, the advocate may nevertheless include in his statement of fees legal services that were rendered after receipt of the notice from the legal aid body, for the delivery of conservatory measures necessary to safeguard the person's rights or requested by the court.

25. Where a legal aid body refuses to pay a statement of fees, it shall, within the period allotted for payment of the statement, so notify the advocate in writing, and that notice shall state the reasons for its refusal.

The preceding provision governs the Commission in cases where it assumes the payment of fees.

26. A refusal to pay fees shall be founded upon the non-compliance of the fees asked under the provisions of the Act and this Agreement.

## **CHAPTER II PROCEDURE FOR THE SETTLEMENT OF DISPUTES**

27. A dispute means any disagreement concerning the interpretation or the application of this Agreement, including any disagreement concerning a statement of fees.

28. A dispute may not be founded on a matter within the disciplinary jurisdiction of the Barreau du Québec.

29. Before submitting a dispute according to section 32, an advocate may refer the matter for conciliation by means of a notice in writing to the body refusing payment of his statement of fees and to the section of the Barreau du Québec to which he belongs.

30. Within 15 days following receipt of the notice, the general manager of the regional centre and the bâtonnier of the section shall each designate an advocate.

31. Within 30 days following their designation, the advocates so appointed and the advocate who is the claimant shall meet, examine one another's claims and endeavour to reach an agreement.

32. A dispute shall be submitted by the advocate by means of a notice addressed to the regional centre or the Commission, as the case may be. The notice shall contain a summary statement of the facts and the relief sought.

A dispute concerning contested fees shall be submitted within six months following receipt of a notice of refusal to pay or the claim for a reimbursement; in such case, a copy of the notice of dispute shall be forwarded to the regional centre.

33. Referral for conciliation interrupts the prescription of six months.

34. Upon receipt of a notice of dispute, the regional centre of the Commission, as the case may be, shall answer in writing.

35. If the advocate is dissatisfied with the answer, or if no answer is forwarded to him within 30 days following submission of the notice of dispute, the advocate shall submit the dispute for arbitration by means of a letter addressed to the Chief Justice of the Court of Québec within six months. A copy of the letter shall be sent by the advocate to the regional centre or the Commission, as the case may be. The Chief Justice or the Senior Associate Chief Justice of the Court of Québec, as the case may be, shall designate one of the judges of that Court to act as arbitrator.

36. The Barreau du Québec may directly submit any dispute of general interest for arbitration; in such case, it shall so notify the Commission.

In particular, any alleged infringement of the provisions relating to the free choice of an advocate or professional freedom may be the subject of a dispute of general interest.

37. The arbitrator has jurisdiction, to the exclusion of any court, to rule on a dispute within the meaning of this Agreement. He may uphold, modify or rescind the disputed decision and, by the terms of his award, order a payment or a reimbursement, assess compensation, restore a right or make any other order he considers fair in the circumstances.

Notwithstanding the foregoing, the arbitrator may not modify the provisions of this Agreement. The arbitrator's award is final and binding on the parties.

38. The arbitrator may issue an interim award at any time.

39. Stenography and tape recording fees, if any, shall be borne by the regional centre or the Commission, as the case may be.

40. The arbitrator shall forward any award by registered mail to the parties and to the Barreau du Québec.

### **CHAPTER III MISCELLANEOUS**

#### **DIVISION I SUPERVISORY COMMITTEE**

41. The Minister of Justice and the Barreau du Québec shall form a committee that is entrusted with the supervision of the application of this Agreement and of the Legal Aid Act; they shall determine the committee's mandate.

42. The committee shall be made up of a maximum of 3 representatives of the Ministère de la Justice and of a maximum of 3 representatives of the Barreau du Québec. The chairman of the Commission des services juridiques or his representative shall take part in the meetings of the committee.

43. Upon request, the Commission des services juridiques and the legal aid centres shall provide the committee with the documents, statistics and information that it requires in the conduct of its mandate.

44. The committee shall take the minutes of its meetings. Copies thereof shall be sent to the Minister of Justice and to the Bâtonnier du Québec.

#### **DIVISION II CONSULTATION AND INFORMATION**

45. The Minister shall consult the Barreau du Québec concerning any regulation that the Commission submits to him for approval by the Government.

46. The Minister shall consult the Barreau du Québec concerning the draft of any regulation respecting the exclusivity of services referred to in section 52.1 of the Legal Aid Act that he intends to propose to the Government for adoption. He shall also inform the Bar of the facts that warrant the making of such regulation.

47. The Commission shall consult the Barreau du Québec concerning the draft of any directive respecting an application for or the granting of a certificate of qualification or the services of an advocate.

48. The Commission shall consult the Barreau du Québec when implementing necessary administrative mechanisms to ensure the exercise of the free choice of an advocate.

49. The Commission shall consult the Barreau du Québec where it intends to draft or modify the forms that an advocate must fill out for the purposes of the legal aid plan.

50. In accordance with section 22.1 of the Legal Aid Act, the Commission des services juridiques and the legal aid centres shall send to the Barreau du Québec a copy of any guide for the administration of the Legal Aid Act and the regulations made thereunder, as well as of any directive related thereto and dealing with financial eligibility and services for which legal aid is granted. The Commission and the legal aid centres shall also send to the Barreau du Québec any updating of such guide or directives.

51. Schedule I reproduces the directive of the Commission des services juridiques respecting the procedure for the application of section 69 of the Legal Aid Act.

52. This Agreement replaces the Regulation to ratify the Agreement between the Minister of Justice and the Barreau du Québec entered into on 4 April 1997 respecting the conditions of practice, the procedure for the settlement of disputes and the tariff of fees of advocates under the legal aid plan, made by Order in council 1455-97 dated 5 November 1997.

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

It applies to mandats given from 1 April 2000.

This Agreement terminates on 31 May 2005. Notwithstanding its expiry, it shall continue to apply until replaced. The parties agree that the next negotiations must be entered into early enough so that a negotiated agreement is ready at the expiry of this Agreement.

## **SCHEDULE I**

(s. 51)

### **DIRECTIVE OF THE COMMISSION DES SERVICES JURIDIQUES RESPECTING THE APPLICATION OF SECTION 69 OF THE LEGAL AID ACT**

To all general managers of legal aid centres :

The purpose of the Legal Aid Act is to allow financially eligible persons access to legal services. Notwithstanding the preceding, the legal aid plan does not have to pay costs that an applicant can pay from the amount that he is likely to receive upon settlement of his case. Therefore, where an agreement can be reached between an applicant and an advocate in private practice regarding extrajudicial fees in cases where such fees are warranted, the general manager or his representative shall refer the applicant to the advocate in private practice.

This directive also applies to matrimonial proceedings in which the state and faculties of the spouse are such that it is reasonable to anticipate the granting to the applicant of support in excess of the eligibility criteria for legal aid or of a compensatory benefit or of a benefit equivalent to his share of the family patrimony which would normally make that person ineligible for legal aid.

## **SCHEDULE II**

(s. 14)

### **PART 1**

#### **GENERAL RULES OF INTERPRETATION AND APPLICATION**

T1. The fees of an advocate mandated by a legal aid body as a consultant shall be subject to an application for special consideration.

T2. In a case warranting assistance by junior counsel, the junior counsel shall receive fees in the amount of \$180 a day, for the services in respect of which his assistance was required.

An advocate wishing to be so assisted shall obtain prior authorization from the legal aid body.

This section does not apply in cases where this Schedule provides for professional assistance and fixes the applicable fees.

T3. For any motion to cease representing \$60

T4. For any notice to appoint a new attorney, the fee prescribed in section T32a applies.

T5. The hearing includes a hearing by telephone, by videoconference or any other electronic means.

T6. If the court refuses or is unable to proceed in the presence of the parties on the day fixed for the hearing \$100

T7. Where the court requests or authorizes to plead in writing, additional fees of \$150 are payable.

T8. Payment for the professional services of an advocate may exceed the fees prescribed in the tariff where the legal aid mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case.

In such case, the advocate shall submit an application for special consideration with his statement of fees or within six months of sending his statement of fees, according to the form provided by the Commission.

T9. The Commission shall examine the application and shall fix the amount of the excess fees. Such decisions may be subject to dispute in accordance with Chapter II of the Agreement.

T10. In reviewing a decision concerning the expediency of granting a special consideration, the arbitrator shall verify whether the legal aid mandate is of an exceptional nature owing to the circumstances of the work or the complexity of the case.

T11. In reviewing a decision concerning the amount of the excess fees, the arbitrator shall be guided by the precedents in the application of section 15 of the Tariff of judicial fees of advocates ( R.R.Q., 1981, c. B-1, r. 13) relating to special fees.

T12. Sections T8 to T11 apply *mutatis mutandis* in respect of professional services for which this Schedule expressly prescribes the payment of a special consideration.

## PART 2

### SPECIAL RULES OF INTERPRETATION AND APPLICATION IN CIVIL MATTERS

T13. The words “application”, “case” or “action” mean a proceeding, whether it is commenced by a statement, writ, motion, joint factum or any other originating document.

T14. The word “proof” means the examination of a party or a witness as well as the presentation before the court of any document containing an admission of facts, followed by an address.

The terms “settlement” and “settled action” means the termination of proceedings or the end of a mandate for any reason including discontinuance of suit or a notice of suspension. Where the attorney is replaced, the legal aid mandate terminated or if the advocate ceases to represent, he shall be paid for the services rendered up to that stage of the proceedings.

T15. The word “contestation” includes any opposition to an application by another party.

T16. An advocate who accepts a mandate from a legal aid body shall apply for costs in his statement of claim.

T17. Where the advocate of a recipient is entitled to costs awarded against an adverse party who is not a recipient, the advocate may either collect his costs from the adverse party or claim payment from the legal aid body from which he received his mandate, in accordance with this Schedule.

T18. The collecting of costs from an adverse party has the effect of a discharge by the advocate in favour of the legal aid body from which he received his mandate.

Where the advocate chooses to claim payment from the legal aid body, he shall subrogate that body in his rights up to the amount of his bill of costs duly taxed.

T19. An advocate shall receive a fixed amount of \$10 as a reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps.

## PART 3

### GENERAL CIVIL TARIFF

#### Classes of actions

T20. I. An application in which the amount or value in dispute is less than \$3 000;

II. An application in which the amount or value in dispute is between \$3 000 and \$10 000 exclusively;

III. An application in which the amount or value in dispute

(a) is between \$10 000 and \$25 000 exclusively;

(b) is between \$25 000 and \$50 000 exclusively;

IV. An application in which the amount or value in dispute is \$50 000 or more.

T21. For proceedings or actions not provided for specifically by the tariff but governed by the Code of Civil Procedure, the fees are fixed according to the provisions of the Agreement in respect of similar proceedings or actions. Such proceeding or action in which the amount or value in dispute is indeterminable or inexistent falls under Class II.

T22. For proceedings related to filiation, disavowal or the deprivation of parental authority, the fees are those prescribed for Class II.

T23. Hypothecary actions are considered to be purely personal actions.

T24. In an action by a creditor to enforce a right to become the absolute owner of an immovable, the class of the action is determined according to the balance due on the claim.

T25. Unless otherwise provided by law, every action to set aside a contract or a will is classified according to the value of the contract or the succession; if in addition a sum of money is claimed, the total amount determines the class of the action.

T26. Where two or more defendants file separate contestations, the advocate of the plaintiff receives for each additional contestation one-half of the fee prescribed in section T35 or section T36 of this Schedule, according to the stage of the proceedings. For the purposes of this rule, the intervenor, the impleaded party and the defendant on warranty, if they ask for dismissal of the main action, are each considered to be a defendant filing a separate contestation.

T27. Where two or more incidental applications can be framed in a single proceeding, the fees are payable only once notwithstanding the multiplicity of proceedings.

T28. In the matter of a declaratory judgment and a decision on a point of law, the interest in dispute, if it can be evaluated in money, determines the class of the action; otherwise, the fees are those prescribed for Class II.

T29. In the case of a review of taxation of a bill of costs, the costs are based on the class of action corresponding to the amount of the costs in dispute.

T30. There are no separate amounts of fees in the case of a cross demand, but the class of action corresponds to the highest of the amounts for which judgment is recovered.

T31. If a settlement is reached between the parties or proceedings are withdrawn before the issue of the originating process, the advocate is entitled to the fees prescribed for an action of that class in the case of such settlement reached after the issue of the originating process and before the serving of any defence or contestation on the merits.

	I 0-3	II 3-10	III 10-25 A	III 25-50 B	IV 50
<b>First instance</b>	\$	\$	\$	\$	\$
T32. (a) For every notice or putting in default preceding the originating process and required by law	30	30	30	30	30
(b) For every notice or putting in default preceding the originating process and not required by law, only one amount of fees is payable	24	24	24	24	24
T33. For every action settled after the originating process and before service of a defence or contestation on the merits :					
(a) to the plaintiff's attorney	150	180	240	330	420
(b) to the defendant's attorney	90	150	210	330	390
T34. For judgment on the merits, by default to appear or to plead					
To the plaintiff's attorney :					
(a) without proof	168	210	300	390	480
(b) with proof to the defendant's attorney :	210	270	360	450	540
(c) if he is not present at the proof or if there is no proof	60	96	120	162	210
(d) if there is a proof and he is present	120	180	240	330	420
T35. For an action settled after service of a defence or contestation on the merits, or for an application dismissed on a motion under article 165 C.C.P.	300	420	540	660	780

	I 0-3	II 3-10	III 10-25    25-50		IV 50		I 0-3	II 3-10	III 10-25    25-50		IV 50
	\$	\$	A \$	B \$	\$	<b>First instance</b>	\$	\$	A \$	B \$	\$
<b>First instance</b> T36. For judgment on the merits of the case in a contested action	420	600	840	960	1200	<b>First instance</b> T41. For any judgment by default against a garnishee or on his declaration	30	30	30	30	30
T37. (a) On every contested incidental proceeding	60	60	60	60	60	T42. For any seizure before judgment, additional fees according to the class of the main action	48	48	48	48	48
(b) Where the incidental proceeding puts an end to the dispute, the fees applicable are those of section T34(a)						T43. Where a case lasts more than one day, for each additional half-day	150	150	150	150	150
T38. For the examination of a party before or after the defence is filed, excluding an examination during an incidental measure or the trial	36	36	36	36	36	T44. In the case of any pre-trial conference held according to the provisions of article 279 C.C.P. and prior to the day fixed for proof and hearing, the fees are those prescribed in section T38.					
T39. (a) For registration, at the registry office, of the judgment or any other act for the preservation of real rights	30	30	30	30	30	T45. For the taxation of a bill of costs For the taxation if contested					\$30 \$100
(b) For the preparation and registration, at the registry office, of a prior claim or legal hypothec or a demand under article 1743 of the Civil Code of Québec	90	90	90	90	90	T46. An injunction applied for without other conclusions than those of article 751 C.C.P. is considered to be an action of Class IIIA. If other conclusions are sought, the fees are those of the class prescribed for such conclusions, but are not less than those prescribed for Class IIIA. The fees shall be calculated in the following manner: when the judgment on the motion for an interlocutory injunction terminates the case or the judgment on the motion for a permanent injunction is not preceded by a judgment on motion for an interlocutory judgment, the advocate is entitled to the fees taxable on a judgment on the merits of the case. Where the judgment on the motion for a permanent injunction follows a judgment on a motion for an interlocutory injunction, the advocate is entitled to the fees taxable on a judgment on the merits increased by one-half.					
(c) For the preparation and registration of an application for the cancellation of the registration of a right	30	30	30	30	30	T47. In proceedings for boundary delimitation, possessory or petitory proceedings, proceedings for appointment of a receiver, and in actions for declaration or denial of a servitude, the fees are those prescribed for Class II.					
(d) For the filing of a declaration of voluntary payment into court of salary or wages and claim on seizure	30	30	30	30	30	T48. In proceedings for judicial partition and licitation, the class of actions is in accordance with the value of the matter in dispute.					
T40. (a) For the issue of all writs of executions, whatever their nature or number, only one amount of fees according to the class of the amount claimed	30	30	30	30	30	T49. In proceedings respecting legal persons, for extraordinary recourses and for <i>habeas corpus</i> under Titles V, VI and VII of Book V of the Code of Civil Procedure, the fees are those prescribed for Class II.					
(b) Examination under article 543 C.C.P.	18	18	18	18	18						



T50. In non-contentious proceedings, the fees are those of section T37a, Class II, with the exception of the procedure governing the sale of the property of others provided for in Chapter X of Book VI of the Code of Civil Procedure, the class being determined by the value of the property.

T51. In adoption proceedings, the fees are those prescribed for Class II.

An application for a declaration of eligibility for adoption, an application for placing a child and an application for adoption constitute separate proceedings. Any other application constitutes an incidental proceeding and is remunerated as such.

Where an advocate submits separate applications for two or more children in the same family and the grounds for the applications are identical, the fee payable for each additional application after the first is \$75.

T52. Motion for rectification of the registers of civil status \$100

T53. In property assessment proceedings, including the quashing or contesting of a role, the fees both before the Administrative Tribunal of Québec and in appeal before the Court of Québec are those prescribed for Class II of the tariff at first instance; section T55 does not apply thereto and the cost of expert reports is not included in the bill of costs.

T54. In expropriation proceedings, the class of the action is determined by the amount of the compensation.

Additional fees of 1% of the compensation are added to the fees when, upon a motion accompanied by an affidavit of the advocate, it is demonstrated to the satisfaction of the Administrative Tribunal of Québec, that the advocate's services during the preparation of the case or at proof and hearing, or during the negotiations leading to a compromise, so justify.

Contestation of the right to expropriation is a separate proceeding. The fees applicable are those prescribed for Class II.

For any proceeding commenced under the Expropriation Act before a court other than the Administrative Tribunal of Québec, immovable property division, the fees applicable are those prescribed for Class II, section T37a.

For any uncontested proceeding respecting payment of the money awarded, the fees are those prescribed in section T39b.

T55. Upon judgment in a contested case ordering the defendant to pay an amount greater than \$100 000 in principal, the attorney of the plaintiff is entitled to the following additional fees:

— 1% of the amount in excess of \$100 000, up to a judgment of \$1 000 000;

— plus, where the amount of the judgment exceeds \$1 000 000, 1/10 of 1% of the amount in excess of \$1 000 000.

Upon judgment dismissing an action in which the amount claimed is greater than \$100 000, the attorney of the defendant is entitled to the following additional fees:

— 1% of the amount in excess of \$100 000 up to an amount claimed of \$1 000 000;

— plus, where the amount claimed in the action exceeds \$1 000 000, 1/10 of 1% of the amount in excess of \$1 000 000.

Where there is an out-of-court settlement before a defence has been filed, the advocate is entitled to only one-third of the additional fees prescribed in this section.

Where there is an out-of-court settlement after a defence has been filed, the advocate is entitled to only two-thirds of the additional fees prescribed in this section.

The additional fees are payable to an advocate only once, regardless of the number of plaintiffs or defendants.

#### REPRESENTATION OF CHILDREN IN SUPERIOR COURT

T56. All services rendered, to obtain any judgment in the course of representing a child within the scope of article 394.1 C.C.P.

(a) uncontested \$275

(b) contested \$315

However, an advocate is entitled to those fees for no more than two judgments in the same case.

**SPECIAL TARIFF FOR MATRIMONIAL PROCEEDINGS**

The rules of Part I, Part II and Part III of this Schedule apply *mutatis mutandis* to matrimonial proceedings.

**Principal proceedings**

T57. (a) Upon reconciliation or withdrawal of proceedings after the issue of the originating process;

to the plaintiff's attorney \$200

(b) Upon reconciliation or withdrawal of proceedings after appearance or before service of a contestation;

to the defendant's attorney \$200

(c) Upon reconciliation or withdrawal of proceedings for separation by consent or for divorce by consent before judgment;

to the attorney representing both parties \$350

T58. On reconciliation or withdrawal of proceedings after service of a contestation and before judgment on the merits;

to the plaintiff's attorney \$400

to the defendant's attorney \$300

T59. For judgment by default to appear or to plead;

to the plaintiff's attorney \$500

T60. For judgment by default to appear or to plead;

to the defendant's attorney \$350

T61. (a) For judgment on the merits in a contested case with or without a cross demand by the defendant;

to each attorney \$700

(b) For judgment on the merits granting a separation or divorce by consent;

to the attorney representing both parties \$700

**Provisional measures, interim orders and incidental proceedings in matrimonial proceedings**

T62. For the first judgment for measures applicable during the proceedings, whether a judgment for provisional measures or an interim order, to each attorney, one amount of fees only

(a) after settlement or transaction \$250

(b) after proof \$300

T63. For every judgment rendered under sections T57 to T69, following a judgment referred to in section T62 and

1. extending the application of the measures ordered by the preceding judgment or repelling the preceding judgment:

To each attorney, one amount of fees only \$75

Each advocate is entitled to such fee for a maximum of two of these judgments in each case.

2. amending the measures ordered or extended by the preceding judgment:

To each attorney, one amount of fees only

(a) after settlement or compromise \$250

(b) after proof \$300

T64. (a) For any contested incidental proceeding not governed by sections T62 and T63 \$75

(b) For examination of a party, before or after the filing of a defence, excluding an examination during an incidental measure or the trial \$50

(c) If the hearing lasts more than one day, for each additional half-day \$100

T65. Where a separate motion is presented by each party regarding the same provisional or interim measure, one amount of fees only is payable regardless of the number of motions.

T66. Where a new mandate is issued for one or more new proceedings for separation from bed and board or for divorce within 12 months of the issue of the first mandate, only one-half of the above fees is payable where the same attorney represents the same plaintiff on each occasion; in every other case where a new mandate is issued within that same period, the fees are payable in full.

**Execution of judgment**

T67. (a) For an examination under article 543 C.C.P. \$50

(b) For a requisition for a writ of seizure before judgment	\$50
(c) For a requisition for a writ of seizure after judgment of movables or immovables or both together	\$50
(d) For a requisition for a writ of seizure by garnishment after judgment	\$50
(e) For a judgment for seizure by garnishment after judgment	\$70
(f) Only one of the two fees prescribed in paragraphs <i>d</i> and <i>e</i> may be claimed.	
(g) For registration of the judgment at the registry office	\$50

### Motions subsequent to final judgment

T68. (a) Designation to practitioner	\$25
(b) Homologation of practitioner's report	\$25
(c) Inscription following homologated report	\$25
(d) For any judgment on a motion for variation of support, custody of children, visitation and outing rights, without proof of an issue;	
to each attorney, one amount of fees only	\$300
(e) For a judgment after proof and contestation with respect to all measures described in paragraph <i>d</i> ;	
to each attorney, one amount of fees only	\$400

Paragraphs *d* and *e* apply subject to the provisions of section T63.

### Motions under article 813.8 C.C.P.

T69. (a) For any judgment without proof of an issue relating to a motion under article 813.8 C.C.P.;	
to each attorney	\$300
(b) For any judgment in a contested case after proof of an issue and concerning a motion under article 813.8 C.C.P.;	
to each attorney	\$400

This section applies subject to the provisions of section T63.

### Declaration of family residence

T70. Drafting and registration, at the registry office, of a declaration of family residence \$75

T71. The fact that an advocate files evidence by affidavit without being present at the proof does not change the fee payable under sections T57 to T69.

### Courts of appeal

T72. Disbursements incurred for the preparation of the joint record and the printing of factums are added to the statement of fees.

T73. Sections T47 to T49 of the tariff at first instance apply to the Court of Appeal.

	I 0-3	II 3-10	III 10-25 A	IV 25-50 B	50
	\$	\$	\$	\$	\$
T74 After filing of the inscription; for every case terminated or appeal abandoned	135	375	400	535	675
T75. After filing of the factum of the appellant; for every case terminated or appeal abandoned:					
(a) to the appellant	400	600	740	940	1 140
(b) to the respondent	200	400	470	600	740
T76. Motion for extension of the time allowed to file the factum					
Without contestation					\$60
With contestation					\$120
T77. After filing of the factum of the respondent and before the hearing; for every case terminated or appeal abandoned	470	670	800	1 000	1 200

	<b>I</b>	<b>II</b>	<b>III</b>		<b>IV</b>
	<b>0-3</b>	<b>3-10</b>	<b>10-25</b>	<b>25-50</b>	<b>50</b>
			<b>A</b>	<b>B</b>	
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
T78. For judgment on the merits of the case	670	1 000	1 150	1 350	1 600

T79. For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding	135	135	135	135	135
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T80. For an appeal from any interlocutory judgment, excluding the injunction, extraordinary recourses and *habeas corpus*, the fees applicable are one-half of the fees prescribed for a final judgment, according to the class of action determined by the amount in dispute.

T81. An injunction applied for without other conclusions than those of article 751 C.C.P. is considered to be an action of Class II. If other conclusions are sought, the fees are those of the class prescribed for such conclusions, but are not less than those prescribed for Class II. The fees are calculated in the following manner: when the judgment of the Court of Appeal on the motion for an interlocutory injunction terminates the case or the judgment of the Court of Appeal on the action for a permanent injunction is not preceded by a judgment of the Court of Appeal on a motion for an interlocutory injunction, the advocate is entitled to the fees taxable for a judgment on the merits by the Court of Appeal. Where the judgment of the Court of Appeal on the action for an injunction follows a judgment of the Court of Appeal on a motion for an interlocutory injunction, the amount of the fees for the judgment on the merits is equal to one-half of the fees of the class which applies thereto.

T82. In proceedings for extraordinary recourses and *habeas corpus* under Titles VI and VII of Book V C.C.P., the fees for a judgment on the merits are those prescribed for Class II.

	<b>I</b>	<b>II</b>	<b>III</b>		<b>IV</b>
	<b>0-3</b>	<b>3-10</b>	<b>10-25</b>	<b>25-50</b>	<b>50</b>
			<b>A</b>	<b>B</b>	
	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>
T83. For the filing of an additional factum at the request of the court	200	200	200	200	200

T84. Where the hearing of a case lasts more than one day, for each additional half-day	250	250	250	250	250
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#### SPECIAL TARIFF FOR MATRIMONIAL PROCEEDINGS ON APPEAL

T85. The disbursements incurred for preparation of the joint record and printing of the factums are added to the statement of fees.

T86. After filing of the inscription;

for any case terminated or appeal abandoned \$190

T87. After filing of the appellant's factum,

for any case terminated or appeal abandoned:

(1) to the appellant \$440

(2) to the respondent \$250

T88. After filing of the respondent's factum and before hearing;

for any case terminated or appeal abandoned \$565

T89. For judgment on the merits of the case \$940

T90. For a motion for leave to appeal, a motion for dismissal of the appeal or any other contested incidental proceeding \$160

T91. For an appeal from an interlocutory judgment, the fees are one-half of the fees prescribed for a final judgment.

T92. For the filing of an additional factum at the request of the court \$190

T93. Where the hearing of the case on the merits lasts more than one day, for each additional half-day \$250

#### SUPREME COURT OF CANADA

T94. Services rendered in a proceeding before the Supreme Court of Canada are subject to an application for special consideration.

#### PART 4 TARIFF IN CRIMINAL AND PENAL PROCEEDINGS UNDER THE YOUNG OFFENDERS ACT

##### Special interpretation and application rules

T95. Where a flat-rate remuneration is prescribed by this Part for professional services, the advocate who receives the mandate during the proceedings and who

sees the case through is entitled to the full flat-rate remuneration, if no other legal service was rendered to the recipient in the same case, within the framework of the Legal Aid Act or not, by an advocate employed by a legal aid centre or by another advocate in private practice.

T96. Where the tariff prescribes a *per diem* remuneration for professional services, the advocate is entitled to only one-half of the fees prescribed where his presence in Court was not required for more than one half-day.

For the purposes of this section, 1:00 p.m. is the middle of the day.

Professional services rendered by an advocate at a hearing held in the evening (after 7:00 p.m.) entitle him to remuneration equivalent to one half-day in addition to any remuneration to which he may be entitled under the preceding sections.

T97. Remuneration payable for professional services rendered by an advocate on a finding or a plea of guilty to a lesser and included offence is that which would have been payable in respect of the offence charged.

T98. Where an advocate represents a client indicted by more than one information and the trial or a hearing during which the accused pleads guilty to the various charges is held in the same court and on the same day, the advocate is entitled to the full remuneration for the best paid information and to one-half of the prescribed tariff for each other information.

T99. Where an advocate represents two or more recipients charged with the same offence or with a like offence arising from the same course of events, and where the proceedings are held in the same court at or about the same time, the advocate is entitled to one-half of the remuneration prescribed for the professional services rendered to each of the other recipients, except in the case of a special consideration.

T100. At first instance, subject to any provision to the contrary, the remuneration prescribed in this tariff applies only to the professional services rendered to the accused.

On appeal, subject to any provision to the contrary, the remuneration prescribed in this tariff applies only to the professional services rendered to the person who, at first instance, was the accused.

T101. An advocate is entitled to reimbursement of his cost of photocopies when proceedings are made in writing or to reproduce authorities, at the rate of \$0.10 a page.

T102. Appearance before a justice of the peace and appearance before a judge for the purpose of entering a plea of not guilty or making an election and adjournment are not considered to be essential aspects of the advocate's mandate.

T103. All professional services related to an application for an extension concerning the execution of a sentence or order of the court \$75

T104. All professional services related to an application for the transfer of a case to another judicial district resulting in the loss of the case \$75

#### FIRST INSTANCE

#### **Indictable offences within the exclusive jurisdiction of the Superior Court of criminal jurisdiction, under section 469 of the Criminal Code (Canada)**

T105. Preparation of the preliminary inquiry, including interviews with the accused and witnesses, any visits to the scene of the crime and legal research (up to and including preliminary inquiry) \$250

T106. All services rendered on a preliminary objection presented aside from the preliminary inquiry or the trial, where the judgment granting it terminates the prosecution \$335

T107. Preparation for trial, including interviews with the accused and witnesses, visit to the scene of the crime and legal research (between preliminary inquiry and sentence if any) \$500

That fee shall be payable only where the trial is actually held and judgement delivered.

T108. Appearance and all stages of proceedings completed on the same day \$65

The above amount includes the remuneration for the preparation work on those stages of proceedings.

T109. When the prosecution objects to release, for the bail hearing actually held \$100

T110. Waiver of preliminary inquiry under section 549 of the Criminal code (Canada) \$35

T111. Preliminary inquiry, per day \$400

T112. Attendance for order on preliminary inquiry or for voluntary examination (where witnesses are not heard) \$50

T113. Trial, per day \$500

T114. Junior counsel at trial, per day \$180

The fee prescribed above applies only in cases of first-degree or second-degree murder and with the express prior consent of the general manager. The junior counsel is not entitled to preparation fees.

T115. Attendance for the purpose of entering a plea of guilty \$130

T116. Withdrawal of plea of guilty \$130

T117. Submissions as to sentence or submissions and sentence \$130

T118. Sentence only \$50

The fees prescribed in section T117 or T118 apply only to attendance for sentence on a day other than the day on which the client was found guilty or on which he entered a plea of guilty.

T119. Attendance for adjournment before the Superior Court of criminal jurisdiction or before a court of criminal jurisdiction \$20

The advocate may not claim fees for more than two adjournments obtained at his request.

**Indictable offences other than those within the exclusive jurisdiction of the Superior Court of criminal jurisdiction, under section 469 of the Criminal Code (Canada) and other than those within the exclusive jurisdiction of a judge of the provincial court under section 553 of the Criminal Code (Canada)**

T120. All professional services rendered up to the final disposition of the case at first instance \$525

T121. Notwithstanding section T120 and if applicable, where the prosecution objects to release, for a bail hearing actually held \$100

T122. Notwithstanding section T120, where the case requires a preliminary inquiry lasting more than one day, per additional half-day: \$200

T123. Notwithstanding section T120, where the case requires a trial lasting more than one day, per additional half-day:

(a) trial before judge and jury \$250

(b) trial before judge only \$200

**Indictable offences under section 553 of the Criminal Code (Canada)**

T124. All professional services rendered up to the final disposition of the case at first instance \$315

T125. Notwithstanding section T124, where the case requires a trial lasting more than one day, per additional half-day of trial \$200

T126. Notwithstanding section T124 and if applicable, where the prosecution objects to release, for a bail hearing actually held \$100

**Summary convictions (charges brought under Part XXVII of the Criminal Code of Canada)**

T127. All professional services rendered up to the final disposition of the case at first instance \$315

T128. Notwithstanding section T127, where the case requires a trial lasting more than one day, per additional half-day of trial \$200

T129. Notwithstanding section T127 and if applicable, where the prosecution objects to release, for a bail hearing actually held \$100

**Diversion**

T130. The remuneration for all professional services rendered in the course of the diversion process will be the subject of specific negotiations when the terms and conditions will be known. That remuneration will not be lower than that paid for the judicial process as provided for in section T120, T124 or T127, as the case may be.

**Hearings under section 742.6 of the Criminal Code**

T131. All professional services rendered up to the final disposition of the case \$200

**Preventive detention**

T132. Preparation of the record for a contestation of an application for preventive detention under Part XXIV of the Criminal Code (Canada), including interviews and other necessary services	\$850
T133. Hearing of a motion for preventive detention, per day	\$228

**Extraordinary remedies***(Habeas Corpus, Certiorari, Prohibition, Mandamus)*

T134. Preparation and service of the proceeding	\$250
T135. Hearing on the merits	\$190

**Application for bail or for review of bail for an accused charged with an indictable offence**

T136. For all services related to a motion addressed to a judge of the Superior Court of criminal jurisdiction	\$152
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**Special provisions applicable to young offenders**

T137. All services rendered up to and including a final decision on an application for transfer under section 16 of the Young Offenders Act	\$400
T138. All services rendered up to and including a final decision on an application for review under sections 28 to 32 of the Young Offenders Act	\$175

**APPEALS****Appeal by way of trial *de novo* (before a judge of the Superior Court of criminal jurisdiction)**

T139. Drafting of all proceedings prior to the hearing, including attendances	\$100
T140. Hearing on appeal from a judgment, per day	\$400
T141. Hearing on appeal from a sentence only	\$150
T142. Hearing on appeal from a judgment and a sentence, per day	\$400

**Appeal by way of case stated**

T143. Drafting and preparation of an application for a case stated	\$200
T144. Attendance necessary before the trial court judge for the preparation of a case stated	\$100
T145. Preparation of all other proceedings including attendance	\$100
T146. Preparation and drafting of notice of appeal	\$30
T147. Hearing of appeal	\$300

**Appeal to Court of Appeal on questions of law in summary conviction proceedings**

T148. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$100
T149. Motion for extension of the time to appeal	\$182
T150. Hearing of application for leave to appeal	\$200
T151. Preparation of argument and factum	\$300
T152. Hearing of appeal	\$300

**Appeal to Court of Appeal****(A) After verdict by jury**

T153. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances	\$200
T154. Hearing of application for leave to appeal	\$200
T155. Motion for extension of the time to appeal	\$182
T156. Preparation of argument and factum, where applicable	\$410
T157. Hearing of appeal	\$300

**(B) Appeal from a judgment delivered by a judge without jury, a judge of the Court of Québec, Criminal Division, or a judge of the Court of Québec, Youth Division, under the Young Offenders Act**

T158. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$200

T159. Hearing of application for leave to appeal \$200

T160. Motion for extension of the time to appeal \$182

T161. Preparation of argument and factum, where applicable \$310

T162. Hearing of appeal \$310

**(C) Appeal from sentence only**

T163. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$200

T164. Hearing of application for leave to appeal \$200

T165. Motion for extension of the time to appeal \$182

T166. Preparation of argument of factum, where applicable \$182

T167. Hearing of appeal \$200

**(D) Appeal from verdict or judgment and sentence**

T168. The fees prescribed in A or B are added to those prescribed in C with the exception or

(1) Hearing of applications for leave to appeal (T154, T164) \$200

(2) Hearing of appeals (T157, T167) \$400

**(E) Bail**

T169. Application for bail pending appeal (all proceedings, including hearing) \$250

**Appeal to the Supreme Court of Canada**

T170. Application for leave to appeal, including preparation of notice of application for leave to appeal, memorandum of discussion and all other necessary preliminary proceedings, including attendances \$160

T171. Preparation prior to hearing of application for leave to appeal \$200

T172. All proceedings for bail, including the hearing of the application for leave to appeal \$515

T173. All proceedings for bail, including the hearing and any other attendance \$250

T174. Drafting, service and filing of the notice of appeal and preparation of joint record \$160

T175. Preparation of the case and factum \$610

T176. Hearing of appeal \$610

**Appeal from a judgment in respect of preventive detention**

T177. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$200

T178. Preparation of argument and factum, where applicable \$410

T179. Hearing of appeal \$310

**Appeal in respect of extraordinary remedies (Habeas Corpus, Certiorari, Prohibition, Mandamus)**

T180. Preparation of all proceedings preliminary to the hearing, including drafting, filing of notice of appeal, preparation of joint record and necessary attendances \$200

T181. Preparation of argument and factum, where applicable \$410

T182. Hearing of appeal \$310



T183. The preparation and hearing of an incidental motion, in appeal, such as a motion to be discharged from a judgment declaring the appeal abandoned \$200

**Change in a probation order  
(Under section 732.2 (5)  
of the Criminal Code of Canada)**

T184. Appearance and all stages of the proceedings completed on the same day \$50

The fee prescribed above includes remuneration for preparation work for those stages of the proceedings.

T185. All professional services rendered after the day of appearance, including the hearing \$85

T186. All professional services rendered for an application for the issue of an order of imprisonment for default of payment of fines (under section 734.7 of the Criminal Code or article 346 of the Code of Penal Procedure) \$200

**PART 5**

**TARIFF FOR MISCELLANEOUS PROCEEDINGS**

**Special interpretation and application rules**

T187. Where an advocate represents two or more recipients who are joined in law or in fact and are parties to one or more issues based on a cause of action of the same nature and heard before the same court or the same administrative body at or about the same time, the advocate is entitled only to the remuneration prescribed for the professional services rendered to one recipient, except in the case of a special consideration.

T188. Where a hearing does not terminate before 7:00 p.m. on the day on which it begins, the advocate is entitled to an additional fee of \$150 for the evening and for each additional half-day.

For the purposes of this rule, 1:00 p.m. is the middle of the day.

T189. Where an appeal is heard in the Court of Québec, the fees are those prescribed for Class II of the civil tariff at first instance *mutatis mutandis*.

T190. Where an appeal is heard in Superior Court, the fees are those prescribed for Class III-A of the civil tariff at first instance *mutatis mutandis*.

T191. Where an appeal is heard in the Court of Appeal, the fees are those prescribed for Class II of the tariff of the Court of Appeal.

T192. An advocate receives a fixed amount of \$10 as a reimbursement of his cost of photocopies, facsimile copies, messenger services and stamps.

**Youth Protection Act**

T193. Intervention with the Director of Youth Protection, including any voluntary measures prior to intervention in court; per attendance \$50

T194. All services rendered before the Court of Québec, Youth Division, up to a final decision, including any order on a motion to declare the safety or development of a child to be endangered \$370

T195. All services rendered before the Court of Québec, Youth Division, up to and including a final decision upon a motion for review of a decision or order \$370

The tariff prescribed by this section is payable notwithstanding the provisions of section T196 if contestation on the part of a disputing party requires that a hearing be held.

T196. Notwithstanding the foregoing, where the final decision under sections T194 and T195 is delivered with consent and without hearing any witness, an advocate is entitled to only half of the fees, specifically \$185

T197. Where the recourse under section T194 or T195 is terminated by discontinuance: \$165

T198. (a) All services rendered up to and including a final decision upon a motion for temporary shelter \$130

(b) Where the recourse is terminated by discontinuance \$75

T199. (a) All services rendered up to a final decision upon a motion for extension of an emergency order \$130

(b) Where the recourse is terminated by discontinuance \$75

T200. Attendance for adjournment	\$22	<b>(A) Review of the decision of an administrative officer</b>	
T201. Attendance for judgment	\$50	T207. (a) All services rendered upon a motion for review in a matter of work accident or occupational disease	\$250
<b>Régie du logement</b>			
T202. All services rendered before the commissioner:		(b) All services rendered upon a motion for review in a matter other than the one governed by section T207a up to and including a final decision	\$220
(a) Upon a final decision in uncontested proceedings, including an agreement reached at the hearing or upon a final decision embodying a discontinuance at the hearing	\$225	<b>(B) Application before an administrative tribunal of last instance</b>	
(b) Upon a final decision in contested proceedings	\$300	<b>i. For all services rendered without conciliation under sections 120 and seq. of the Act respecting administrative justice and section 429.44 of the Act respecting industrial accidents and occupational diseases</b>	
(c) Upon filing of an out-of-court settlement reached before the hearing or upon filing of a discontinuance made before the hearing	\$100	T208. When the proceedings terminate by a discontinuance or an out-of-court settlement before proof and hearing at the Administrative Tribunal of Québec	\$250
T203. (a) All services rendered upon a motion for review before the Board up to and including a final decision	\$285	T209. When there is proof and hearing before the Administrative Tribunal of Québec	\$459
(b) Upon filing of an out-of-court settlement or upon filing of a discontinuance	\$145	<b>ii. For all services rendered with conciliation under sections 120 and seq. of the Act respecting administrative justice and section 429.44 of the Act respecting industrial accidents and occupational diseases</b>	
T204. (a) Incidental motion	\$75	T210. When the proceedings terminate by a discontinuance or an out-of-court settlement in the process of or after conciliation	\$459
(b) Motion for revocation of judgment	\$150	T211. When there is proof and hearing before the Administrative Tribunal of Québec	\$459
T205. (a) For a decision on any motion filed with the Court of Québec under section 91 of the Act respecting the Régie du logement:		Plus \$200 per half-day of proof and hearing, as of the first half-day.	
To each attorney	\$200	<b>Motion for leave to appeal against a decision of the administrative tribunal of last instance to the Court of Québec</b>	
(b) For a settlement reached before the hearing	\$150	T212. Upon judgment for any motion for leave to appeal	\$200
T206. For any motion for provisional execution or suspension of execution of a decision of the Régie du logement	\$120	T213. Upon settlement reached before hearing	\$150
<b>Proceedings in respect of work accidents and occupational diseases, crime victims compensation, income security, employment insurance, pensions, automobile insurance or proceedings under the Act to secure the handicapped in the exercise of their rights</b>			

**Confinement in an institution and psychiatric assessment**

T214. (a) All services rendered up to and including a final judgment \$175

(b) Upon filing of a discontinuance \$75

**Bankruptcy****(A) Application for discharge**

T215. All services rendered up to and including a final judgment:

(a) uncontested \$100

(b) contested \$300

T216. All services rendered upon any incidental motion \$60

**(B) Contestation of the application for an order requiring payment of a part of salary to the trustee**

T217. All services rendered up to and including a final judgment \$100

**(C) Motion to withdraw property from the assets assigned to creditors**

T218. All services rendered up to and including a final judgment \$100

**Immigration Act****(A) Immigration and Refugee Board**

T219. Preparation of the Personal Information Form:

(a) main claimant form \$170

(b) form of each other member of the family in the same file \$50

T220. (a) All the other services rendered up to and including a final decision before the adjudication division, the refugee determination division or the appeal division of the Immigration and Refugee Board \$285

(b) Services rendered during a hearing concerning detention before the Immigration and Refugee Board \$100

**(B) Federal Court (trial division)**

T221. Preparation of the application for authorization to institute judicial review proceedings \$345

T222. Hearing on the merits, per half-day \$200

**(B) Federal Court (appeal division)**

T223. After filing of the notice of appeal, for any case terminated or appeal abandoned \$375

T224. Hearing of the appeal on the merits \$1 000

**Tariff in parole proceedings****Before the Commission québécoise des libérations conditionnelles****Application for review of parole, application for review of a condition and post-suspension application**

T225. All services rendered up to and including a final decision, whether the decision is made after examination of the record based on the written submissions or after the hearing \$200

**Appeal before the National Parole Board**

T226. Standard application

(a) Preparation of standard hearing \$350

(b) Standard hearing, per day \$350

(c) Standard hearing, per half-day \$175

(d) Hearing on record and written submissions \$85

T227. "Post Suspension" hearing

(a) Preparation of "post suspension" hearing \$115

(b) "Post suspension" hearing, per day \$350

(c) "Post suspension" hearing per half-day \$175

(d) Hearing on record and written submission \$85

T228. (a) For an adjournment before the Board has begun to hear the case \$30

(b) For an adjournment when the case is being heard by the Board, the half-day amount of fees prescribed in section T226c is payable.

(c) The provisions of section T6 apply notwithstanding section T228a.

### Appeal before the National Parole Board or the Commission québécoise des libérations conditionnelles

T229. Same advocate at the hearing for parole

(a) Meeting(s) with the recipient \$105

(b) Preparation of the appeal factum \$205

T230. New advocate for appeal

(a) Meeting(s) with the recipient \$105

(b) Preparation of the appeal factum \$310

### Correctional law in disciplinary proceedings

T231. (a) Preparation for hearing \$115

(b) Hearing \$105

T232. The provisions of sections T228a, T228b and T228c apply *mutatis mutandis*.

### Coroner's inquest

T233. Preparation for coroner's inquest, including interviews with all witnesses, any visit to the scene of the death and legal research \$85

T234. Attendance at coroner's inquest, per day \$200

### Review committee of the Commission des services juridiques

T235. Hearing before the review committee of the Commission des services juridiques if the advocate succeeds \$100

### Administrative application for a change of name

T236. Administrative motion for a change of name \$100

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Gouvernement du Québec

### O.C. 547-2001, 9 May 2001

Consumer Protection Act  
(R.S.Q., c. P-40.1)

### Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Consumer Protection Act

WHEREAS under paragraph *c* of section 350 of the Consumer Protection Act (R.S.Q., c. P-40.1), the Government may make regulations determining standards for instructions respecting the maintenance or use of goods, packing, labelling or presentation of goods and the disclosure of the price of goods or services;

WHEREAS under paragraph *r* of the same section, the Government may make regulations exempting, in whole or in part, from the application of the Act, any class of persons, goods, services or contracts that it determines and fixing conditions for that exemption;

WHEREAS the Government made the Regulation respecting the application of the Consumer Protection Act (R.R.Q., 1981, c. P-40.1, r. 1);

WHEREAS it is expedient to amend the Regulation in order to prescribe certain standards with respect to the indication of the price of goods sold by a merchant who is a member of an association established under a Québec private Act that sets out as one of its purposes to promote the development and operation of a year-round resort, where the goods are sold in an establishment located on immovable property subject to the Act;

WHEREAS it is also expedient to amend the Regulation in order to prescribe an exemption with respect to the application of paragraph *c* of section 224 of the Act for those same merchants but on certain conditions;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the application of the Consumer Protection Act was published

in Part 2 of the *Gazette officielle du Québec* of 10 January 2001, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

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

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*,

## Regulation to amend the Regulation respecting the application of the Consumer Protection Act\*

Consumer Protection Act  
(R.S.Q., c. P-40.1, ss. 223 and 350, pars. *c* and *r*)

1. The Regulation respecting the application of the Consumer Protection Act is amended by adding the following after section 91.5:

“**91.6.** A merchant who is a member of an association established under a Québec private Act that sets out as one of its purposes to promote the development and operation of a year-round resort is not required to include, for goods sold in an establishment located on immovable property subject to that Act, an amount representing a percentage of the contribution payable to the association by its members in the price that must be indicated on each item sold in his establishment in accordance with section 223 of the Act, or in the price that must be posted for each item in accordance with sections 91.3 and 91.5, if the merchant claims an exemption under those sections.

Where a merchant referred to in the first paragraph elects to add the contribution referred to in the first paragraph to the indicated or posted price of the goods sold in his establishment, the merchant shall:

(a) indicate on the invoice or cash receipt given to the consumer, for each transaction, the percentage of the contribution payable to the association of which he is a member, and the amount that percentage represents, that has been applied and added to the indicated or posted price of the goods sold; and

(b) post, in full view of customers at the entrance to his establishment and next to each cash register, a notice indicating, in clear and legible dark lettering on a white background, that an amount representing a percentage of the contribution payable to the association of which he is a member will be added to the indicated or posted price of each item sold in his establishment and specifying the percentage and the name of the association.

**91.7.** Paragraph *c* of section 224 of the Act does not apply to a merchant who is a member of an association referred to in section 91.6 with respect to goods or services sold in an establishment referred to in that section where the only difference between the advertised price and the price charged for the goods or services is an amount representing a percentage of the contribution payable to the association of which he is a member, provided that the following conditions are met:

(a) the invoice or cash receipt given to the consumer, for each transaction, indicates the percentage of the contribution payable to the association of which he is a member, and the amount that percentage represents, that has been applied and added to the advertised price of the goods sold or services provided;

(b) the notice prescribed in subparagraph *b* of the second paragraph of section 91.6 must be posted in accordance with the requirements of that section for the goods or services sold in his establishment; and

(c) any advertising at the merchant's specific request about goods or services sold in his establishment must indicate that an amount representing a percentage of the contribution payable to the association of which he is a member will be added to the advertised price and must state the percentage and the name of the association.”.

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

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\* The Regulation respecting the application of the Consumer Protection Act (R.R.Q., 1981, c. P-40.1, r. 1) was last amended by the Regulations made by Orders in Council 932-98 dated 8 July 1998 (1998, G.O. 2, 2870) and 10-2001 dated 11 January 2001 (2001, G.O. 2, 673). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

Gouvernement du Québec

## O.C. 560-2001, 9 May 2001

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

### Automotive services industry — Drummond and Mauricie regions — Amendments

CONCERNING the Decree to amend the Decree respecting the automotive services Industry in the Drummond and Mauricie regions

WHEREAS the Government made the Decree respecting the automotive services industry in the Drummond and Mauricie regions (R.R.Q., 1981, c. D-2, r. 45);

WHEREAS the M.C.Q. Mouvement Carrossiers Québec applied to the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour for an amendment to amend that Decree;

WHEREAS in accordance with section 10 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Decree may order that certain persons or associations be treated as contracting parties;

WHEREAS the contracting parties within the meaning of this Decree have applied to the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour for certain amendments to be made to the Decree;

WHEREAS sections 2, 6.1 and 6.2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorise the Government to order an extension of a collective agreement and to amend an extension decree at the request of the contracting parties by making, if applicable, the amendments that it deems to be opportune;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft regulation was published in Part 2 of the *Gazette officielle du Québec* of 8 November 2000 and, on that same date, in two French language newspapers and one English language newspaper and on 12 November 2000, in another French language newspaper, with a notice that it could be made by the Government at the expiry of the 45 days following that publication;

WHEREAS it is expedient to make this draft regulation without any amendment;

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

THAT the Decree to amend the Decree respecting the automotive services industry in the Drummond and Mauricie regions be made.

JEAN-ST-GELAIS,  
*Clerk of the Conseil exécutif*

## Decree to amend the Decree respecting the automotive services industry in the Drummond and Mauricie regions\*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 2, 6.1 and 10)

1. Paragraph 1 of section 1.02 of the Decree respecting the automotive services industry in the Drummond and Mauricie regions is amended by adding at the end, the following name:

“M.C.Q. Mouvement Carrossiers Québec”;

2. Section 3.01 is amended:

1. by substituting in paragraph 2, the words “and the semiskilled worker” for the words “, the washer, the semiskilled worker and the pump attendant”;

2. by adding, after paragraph 4, the following:

“5. Over no more than six consecutive days for the washer and the pump attendant.”.

3. The following is substituted for section 6.00:

“6.00. Statutory General Holidays

This Division applies to all employees, except for section 6.07 which applies to pump attendants and to washers only.”.

4. The following is added after section 6.06:

\* The last amendments to the Decree respecting the automotive services industry in the Drummond and Mauricie regions (R.R.Q., 1981, c. D-2, r.45) were made by the regulation made under Order in Council no. 1389-99 of 8 December 1999 (1999, *G.O.* 2, 4652). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

“6.07. The pump attendant and the washer are entitled to the holiday provided for in section 6.01 where that holiday falls on a working day, if they are credited with 60 days of uninterrupted service in the undertaking and are not absent from work without the authorisation of the employer or without a valid reason, on the first day working day of their work schedule before or after that holiday.

The first paragraph does not confer any benefit on employees who would not have been entitled to remuneration on a day listed in section 6.01, except insofar as section 6.05 applies.”.

5. This Decree comes into force on the day of its publication in the *Gazette officielle du Québec*.





## Draft Regulations

### Draft Regulation

Parks Act  
(R.S.Q., c. P-9)

#### Parks — 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 Parks Regulation, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation defines the zoning of the Parc de conservation de Plaisance. That park, which covers 28.3 km<sup>2</sup>, will be divided into three zones, that is, a preservation zone (2.7 km<sup>2</sup>) to protect the exceptional features of the park, a natural environment zone (24.5 km<sup>2</sup>) corresponding to the sectors reserved for the discovery and exploration of the natural environment and a services zone (1.1 km<sup>2</sup>) for reception and, if need be, accommodation purposes. It also provides for an exemption from the obligation to hold an authorization to enter for persons entering the Parc de conservation du Mont-Saint-Bruno for the sole purpose of going to a territory subject to a contract establishing superficies. It also makes technical adjustments to Schedules 6 and 20.

To that end, the draft Regulation amends the Parks Regulation by adding Schedule 22 which includes the zoning map of the Parc de conservation de Plaisance.

To date, study of the matter has shown no negative impact on the public since hunting is already prohibited in that territory.

Further information may be requested from:

Mr. Raymond Cournoyer  
Société de la faune et des parcs du Québec  
Direction de la planification et du développement  
675, boulevard René-Lévesque Est, 10<sup>e</sup> étage, boîte 94  
Québec (Québec)  
G1R 5V7

Telephone: (418) 521-3935, ext. 4841  
Fax: (418) 528-0834

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister responsible for Wildlife and Parks, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,  
*Minister responsible for Wildlife and Parks*

### Regulation to amend the Parks Regulation\*

Parks Act  
(R.S.Q., c. P-9, s. 9, par. b, and s. 9.1, subpar. b)

1. The Parks Regulation is amended by adding the following at the end of section 3:

#### “SCHEDULE 22

PARC DE CONSERVATION DE PLAISANCE”.

2. The words “Mont-Orford, Parc de conservation du Mont-Saint-Bruno or” are substituted for the words “Mont-Orford or” in paragraph 4 of section 6.

3. Schedules 6 and 20 attached hereto are substituted for Schedules 6 and 20 to the Regulation.

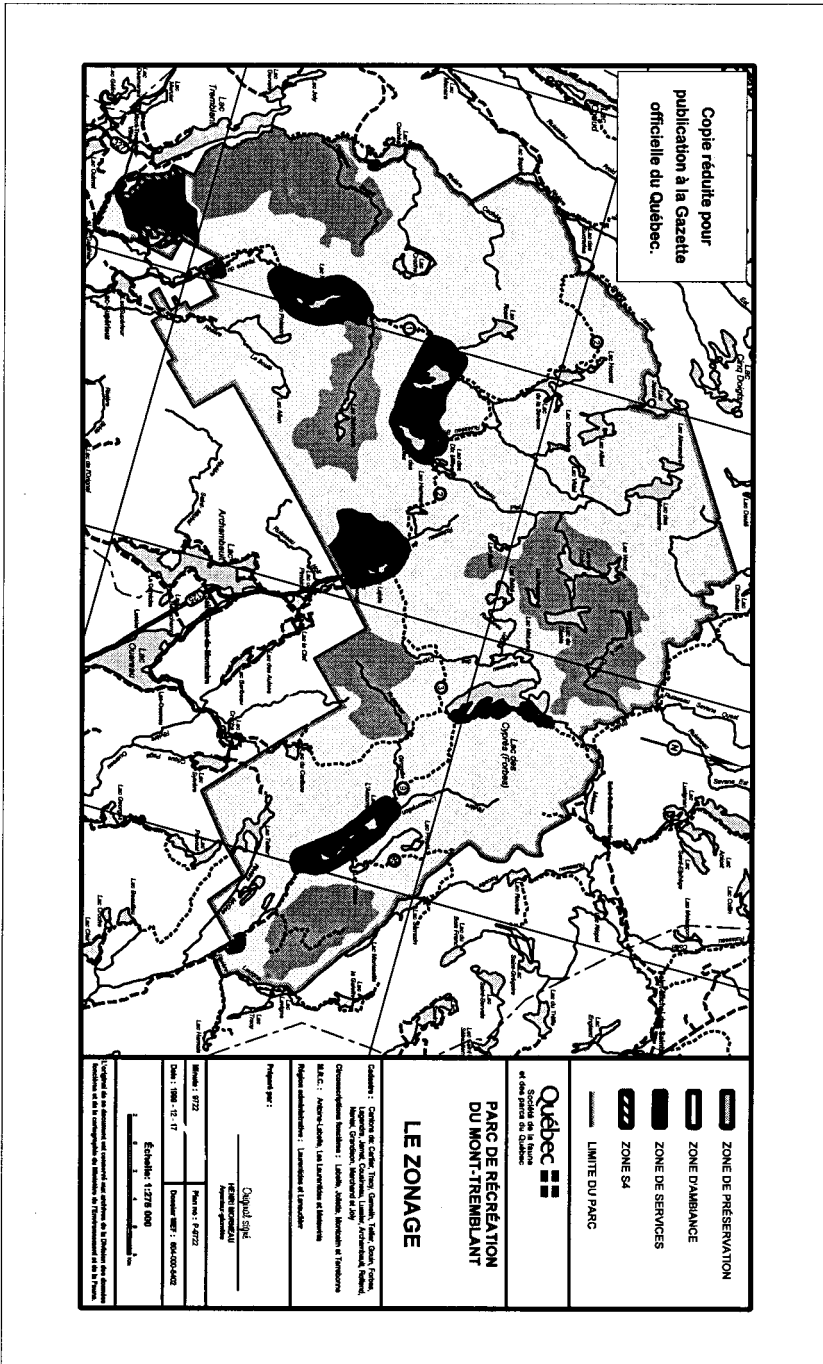
4. Schedule 22 attached to this Regulation is added to the Regulation after Schedule 21.

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

\* The Parks Regulation, made by Order in Council 838-2000 dated 28 June 2000 (2000, *G.O.* 2, 3556), was last amended by the Regulation made by Order in Council 318-2001 dated 28 March 2001 (*G.O.* 2, 1894).

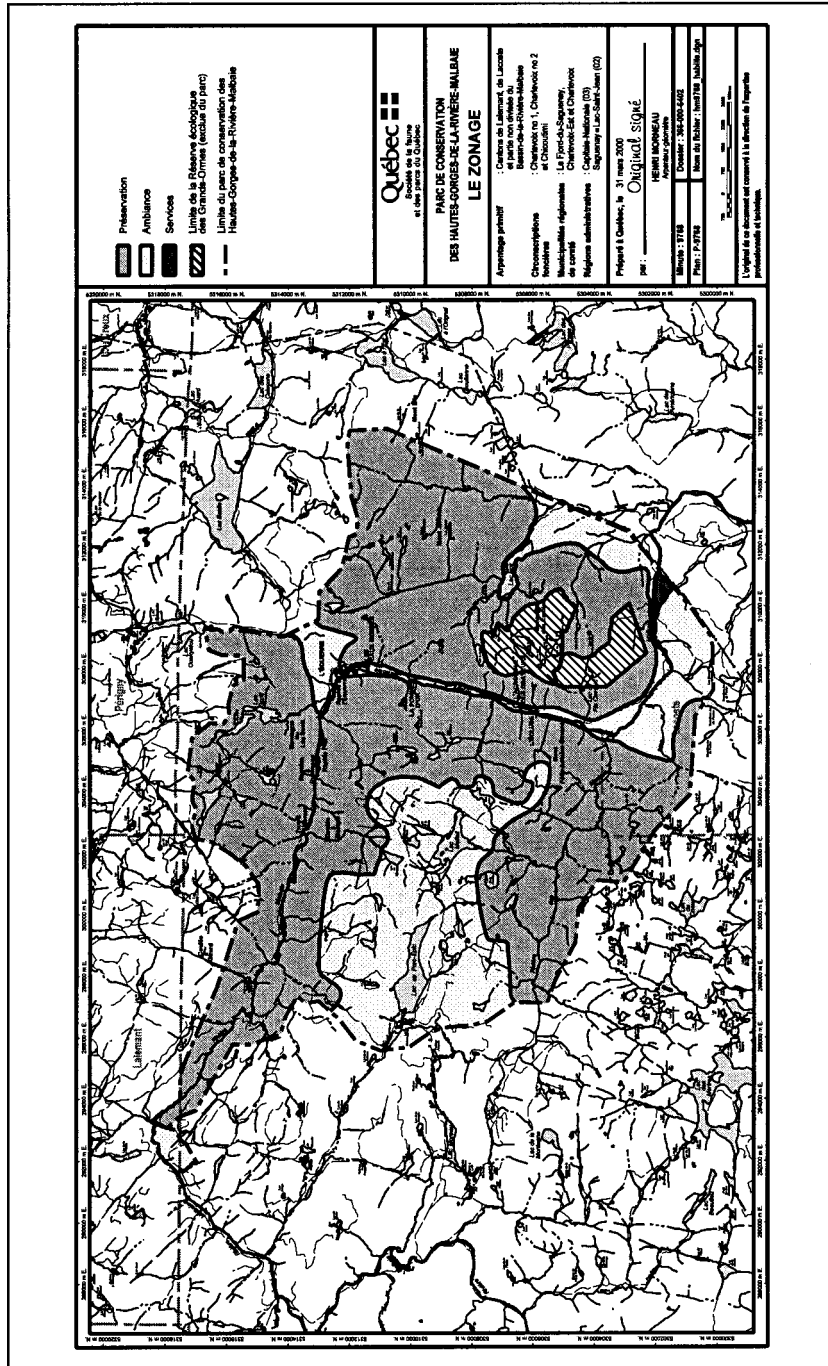
SCHEDULE 6

PARC DE RÉCRÉATION DU MONT-TREMBLANT



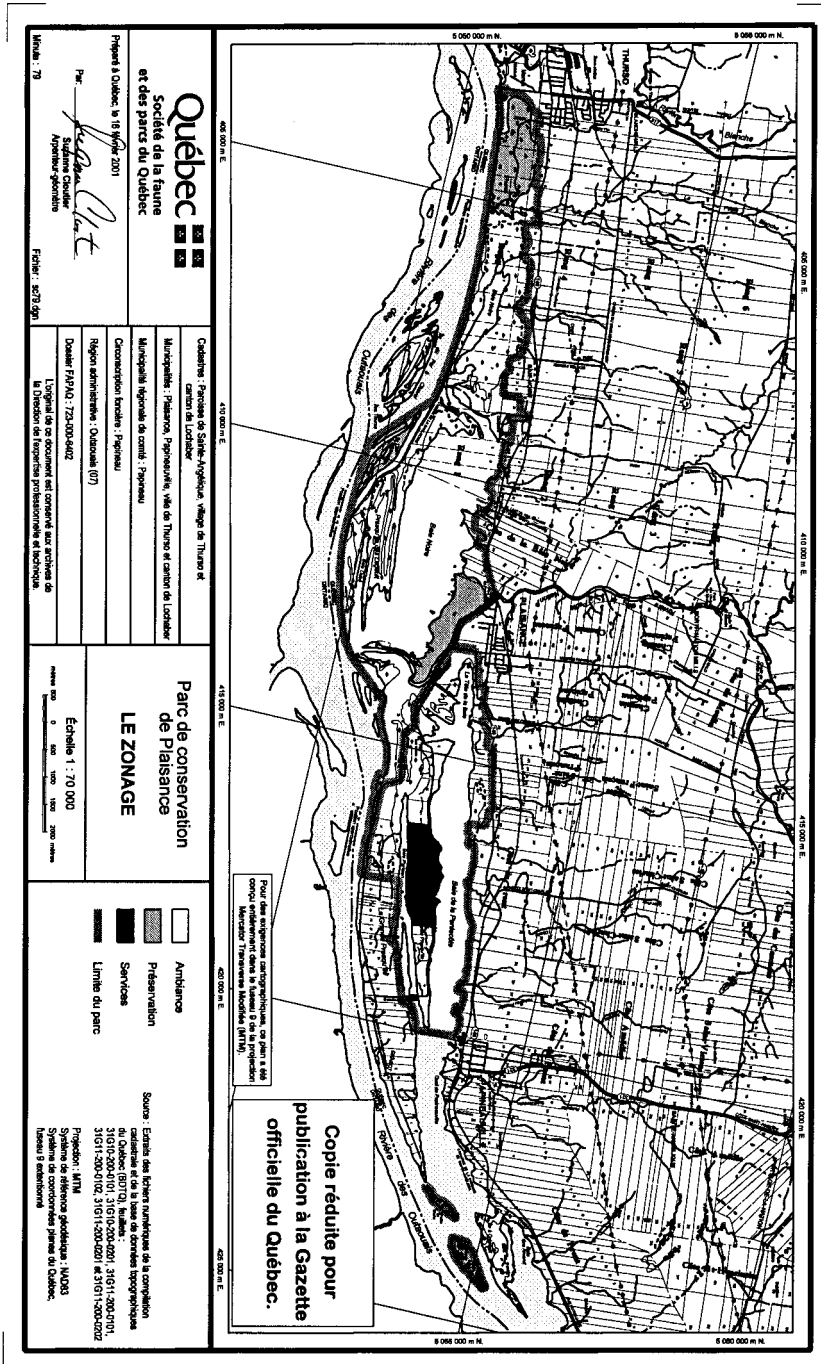
SCHEDULE 20

PARC DE CONSERVATION DES HAUTES-GORGES-DE-LA-RIVIÈRE-MALBAIE



SCHEDULE 22

PARC DE CONSERVATION DE PLAISANCE



## Draft Regulation

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

### Development of wildlife — Scale of fees and duties — 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 scale of fees and duties related to the development of wildlife, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister responsible for Wildlife and Parks, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,  
*Minister responsible for Wildlife and Parks*

## Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 162, par. 10)

1. Section 10 of the Regulation respecting the scale of fees and duties related to the development of wildlife is amended by striking out the words “in the Plaisance Wildlife Sanctuary and”.

2. The word “Plaisance” and the corresponding “Species” and “Right of access per hunter” are struck out in Schedule III.

\* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the Regulation made by Order in Council 621-2000 dated 24 May 2000 (2000, *G.O.* 2, 2320). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

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

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## Draft Regulation

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

### Trapping activities and fur trade — 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 trapping activities and the fur trade, 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 amend the Regulation respecting trapping activities and the fur trade so as to remove the Plaisance Wildlife Sanctuary whose territory will become the Parc de conservation de Plaisance.

To that end, it proposes to repeal the provisions applicable to the Plaisance Wildlife Sanctuary, for harmonization purposes.

To date, study of the matter has shown no negative impact on the public since hunting is already prohibited in the territory of that wildlife sanctuary.

Further information may be requested from:

Mr. Raymond Cournoyer  
Société de la faune et des parcs du Québec  
Direction de la planification et du développement  
675, boulevard René-Lévesque Est, 10<sup>e</sup> étage, boîte 94  
Québec (Québec)  
G1R 5V7  
Telephone: (418) 521-3935, ext. 4841  
Fax: (418) 528-0834

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister responsible for Wildlife and Parks, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,  
*Minister responsible for Wildlife and Parks*

## Regulation to amend the Regulation respecting trapping activities and the fur trade\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 162, par. 9)

1. The Regulation respecting trapping activities and the fur trade is amended

(1) by striking out, in subparagraph 5 of the first paragraph of section 5, the words “, unless the trapping territory is located in the Plaisance Wildlife Sanctuary,”; and

(2) by deleting the second paragraph of section 5.

2. Section 17 is deleted.

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

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## Draft Regulation

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

### Wildlife sanctuaries — 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 wildlife sanctuaries, 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 intended to amend the Regulation respecting wildlife sanctuaries so as to remove the Plaisance Wildlife Sanctuary whose territory will become the Parc de conservation de Plaisance.

To that end, it proposes to repeal the provisions applicable to the Plaisance Wildlife Sanctuary, for harmonization purposes.

\* The Regulation respecting trapping activities and the fur trade, made by Order in Council 1027-99 dated 8 September 1999 (1999, *G.O.* 2, 2915) has not been amended since it was made.

To date, study of the matter has shown no negative impact on the public since hunting is already prohibited in the territory of that wildlife sanctuary.

Further information may be requested from:

Mr. Raymond Cournoyer  
Société de la faune et des parcs du Québec  
Direction de la planification et du développement  
675, boulevard René-Lévesque Est, 10<sup>e</sup> étage, boîte 94  
Québec (Québec)  
G1R 5V7  
Telephone: (418) 521-3935, ext. 4841  
Fax: (418) 528-0834

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister responsible for Wildlife and Parks, 700, boulevard René-Lévesque Est, 29<sup>e</sup> étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,  
*Minister responsible for Wildlife and Parks*

## Regulation to amend the Regulation respecting wildlife sanctuaries\*

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, s. 121, pars. 1 and 2)

1. The Regulation respecting wildlife sanctuaries is amended by deleting Division II.

2. The words “in the Plaisance Wildlife Sanctuary or” are struck out in section 6.

3. Section 8 is deleted.

4. The figure “7” is substituted for the figure “8” in section 9.

5. The third paragraph of section 24 is deleted.

6. The words “Plaisance Wildlife Sanctuary” are struck out in Schedule I.

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

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\* The Regulation respecting wildlife sanctuaries, made by Order in Council 859-99 dated 28 July 1999 (1999, *G.O.* 2, 2432), was last amended by Order in Council 319-2001 dated 28 March 2001 (2001, *G.O.* 2, 1897).

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

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