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O.C. 1042-2001, 12 September 2001

Public Service Act
(R.S.Q., c. F-3.1.1)

Public servants not governed by a collective agreement
— Appeals procedure

Regulation respecting an appeals procedure for public servants not governed by a collective agreement

WHEREAS, under the first paragraph of section 127 of the Public Service Act (R.S.Q., c. F-3.1.1), the Government, by regulation, shall make provision for an appeal in the matters it determines, for public servants who are not governed by a collective agreement and for whom no appeal is provided in those matters under this Act;

WHEREAS the Government made the Regulation respecting an Appeal Procedure for Senior Executives by Order in Council 2291-85 dated 7 November 1985;

WHEREAS the Government made the Regulation respecting an appeal procedure for public servants not governed by a collective agreement by Order in Council 2292-85 dated 7 November 1985;

WHEREAS it is expedient to replace those regulations by a single regulation and to simplify the rules of procedure for the filing and hearing of an appeal before the Commission de la fonction publique;

WHEREAS, in accordance with section 128 of the Public Service Act, a draft Regulation respecting an appeals procedure for public servants not governed by a collective agreement was published in the *Gazette officielle du Québec* dated 16 May 2001, with the notification that it could be made by the Government, with or without amendment, upon the expiry of 30 days from that publication;

WHEREAS it is expedient to make, with amendments, the Regulation respecting an appeals procedure for public servants not governed by a collective agreement;

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

THAT the Regulation respecting an appeals procedure for public servants not governed by a collective agreement, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation respecting an appeals procedure for public servants not governed by a collective agreement

Public Service Act
(R.S.Q., c. F-3.1.1, s. 127, 1st and 2nd pars.)

DIVISION I
SCOPE

1. This Regulation applies to any public servant who is not governed by a collective agreement.

DIVISION II
APPEALABLE MATTERS

2. An appeal is available to any public servant who considers himself aggrieved by a decision rendered in his respect under the following directives of the Conseil du trésor, except for the provisions in those directives respecting classification, staffing and performance evaluation excluding, in the latter case, the procedure for performance evaluation:

(1) the Directive concernant l'ensemble des conditions de travail des cadres supérieurs;

(2) the Directive concernant l'ensemble des conditions de travail des cadres juridiques;

(3) the Directive concernant l'ensemble des conditions de travail des cadres intermédiaires;

(4) the Directive concernant l'ensemble des conditions de travail des cadres intermédiaires oeuvrant en établissement de détention à titre d'agents de la paix à l'exclusion des directeurs des établissements de détention;

(5) the Directive concernant l'ensemble des conditions de travail des cadres intermédiaires oeuvrant en établissement de détention à titre de directeurs des établissements de détention;

(6) the Directive concernant la rémunération et les conditions de travail des commissaires du travail;

(7) the Directive concernant la rémunération et les conditions de travail des médiateurs et conciliateurs;

(8) the Directive concernant l'ensemble des conditions de travail des conseillères et conseillers en gestion des ressources humaines;

(9) the Directive concernant les conditions de travail des fonctionnaires;

(10) the Directive concernant l'attribution des taux de traitement ou taux de salaire et des bonis à certains fonctionnaires;

(11) the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents;

(12) the Directive concernant les frais de déplacement du personnel d'encadrement;

(13) the Directive concernant les frais de déplacement à l'extérieur du Québec;

(14) the Directive sur les déménagements des fonctionnaires;

(15) the Règlement sur les indemnités et les allocations versées aux fonctionnaires en poste à l'extérieur du Québec.

DIVISION III
FILING OF APPEAL

3. A public servant shall lodge an appeal within 30 days of the event by sending a written notice to the Deputy Minister or the chief executive officer of the agency. The 30-day period is mandatory.

The public servant shall also send a copy of the notice to his immediate superior and to the Commission de la fonction publique.

The notice shall be signed by the appellant and contain his name, address, classification, the directive on which the appeal relies and a brief summary of the facts, grounds invoked and conclusions sought. A copy of the decision appealed, where applicable, shall also be included in the notice.

4. The Deputy Minister or the chief executive officer shall reply to the appellant within 30 days of the date on which the notice of appeal is sent.

At the request of the appellant, the Deputy Minister or the chief executive officer of the agency, the parties shall meet to discuss the appeal and to attempt reaching a settlement.

5. If the Minister or the chief executive officer fails to reply or if no notice of settlement is sent to the Commission, upon the expiry of the period prescribed by section 4, the Commission shall enter the appeal on the roll for hearing unless the appellant withdraws his appeal.

6. No notice of appeal may be deemed invalid by the sole reason that it contains a formal defect or a procedural irregularity.

DIVISION IV
HEARING OF APPEAL

7. The appelant and the department or agency concerned or, if the secretary of the Conseil du trésor considers it a matter of governmental concern, the Secretariat of the Conseil du trésor are parties before the Commission.The parties may be represented by the attorney of their choice before the appeals committee.

8. The Commission shall give prior notice of the date, time and place of the hearing.

The Commission shall send that notice at least 21 days before the scheduled date of the hearing.

9. The Commission may decide that several appeals of the same nature and relying on similar facts, regardless of who has lodged them, will be heard at the same time or that one of them will be heard and decided upon first, while the others are left pending until then.

10. Upon request by one of the parties, the Commission shall summon a witness to declare what he knows, produce a document, or both, unless the Commission is of the opinion that the application for a summons is irrelevant on the face of it.

The subpoena shall be served at least five clear days before the hearing, or at least ten clear days before the hearing if it is served on a Minister, a Deputy Minister or the executive officer of an agency.

In an emergency, the Commission may reduce the time for service on the subpoena.

11. Minutes of the hearing shall be taken and shall contain the names of the appellant, attorneys and witnesses who have been heard.

The minutes shall also contain a list of the documents produced at the hearing, as well as the orders and incidental decisions of the Commission.

12. The sittings of the Commission are public. The committee may however order that a sitting be held in camera when necessary for preserving morals or public order.

DIVISION V
DECISION

13. The Commission shall render its decision within 30 days of the date on which the appeal was taken under advisement.

14. The Commission's decision is final and binding on the parties.

15. In rendering its decision, the Commission may, at the request of a party, fix the amount owing under the decision, including any interest at the legal rate when the payment of interest is prescribed by a specific provision in a directive on which the appeal is based.

16. The Commission shall send the parties a true copy of the decision.

DIVISION VI
MISCELLANEOUS

17. In computing a time period, the day which marks the start of the period shall not be counted but, except in the case of clear days, the terminal day shall be counted. When the last day of a time limit is a paid holiday, a Saturday or a Sunday, the time period shall be extended to the first working day that follows.

18. If the appeal is the subject of a withdrawal, an acquiescence in the demand or a partial or total settlement, the appellant or the other party, as the case may be, shall so inform the Commission de la fonction publique in writing before the decision is rendered.

DIVISION VII
TRANSITIONAL AND FINAL

19. Any appeal pending upon the coming into force of this Regulation shall proceed in accordance with the provisions of this Regulation.

20. This Regulation replaces the Regulation respecting an Appeal Procedure for Senior Executives, made by Order in Council 2291-85 dated 7 November 1985, and the Regulation respecting an appeal procedure for public servants not governed by a collective agreement, made by Order in Council 2292-85 dated 7 November 1985.

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

4549

Gouvernement du Québec

O.C. 1059-2001, 12 September 2001

An Act respecting the Ministère de l'Environnement (R.S.Q., c. M-15.2.1)

Signing of certain documents — Amendment of the Rules

Amendment to the Rules respecting the signing of certain documents of the Ministère de l'Environnement

WHEREAS, under the second paragraph of section 7 of the Act respecting the Ministère de l'Environnement (R.S.Q., c. M-15.2.1), no deed, document or writing is binding on the Minister or may be attributed to him unless it is signed by him, the Deputy minister, a member of the personnel of the department or the holder of a position and, in the latter two cases, only so far as determined by the Government;

WHEREAS it is expedient to enable other persons of the department than the Minister and the Deputy Minister to sign any document respecting the nature, scope and extent of the environment impact assessment statement that the proponent must prepare, for a project subject to the environmental impact assessment procedure provided for in Division IV.1 of Chapter 1 of the Environment Quality Act (R.S.Q., c. Q-2);

WHEREAS it is expedient to amend the Rules respecting the signing of certain documents of the Ministère de l'Environnement made by Order in Council 667-95 of 17 May 1995 in order to better meet the administrative needs of the department;

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

THAT the amendment to the Rules respecting the signing of certain documents of the Ministère de l'Environnement, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Amendment to the Rules respecting the signing of certain documents of the Ministère de l'Environnement*

An Act respecting the Ministère de l'Environnement
(R.S.Q., c. M-15.2.1, s. 7)

1. Section 3 of the Rules respecting the signing of certain documents of the Ministère de l'Environnement is amended by inserting the following after subparagraph 2:

"2.1 the nature, the scope and the extent of the environmental impact assessment statement that the proponent must prepare under section 31.2;".

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

4552

Gouvernement du Québec

O.C. 1063-2001, 12 September 2001

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2)

Designation of persons who may offer an insurance product that can not be offered by a distributor

CONCERNING the designation of persons who may offer an insurance product that can not be offered by a distributor

WHEREAS section 428 of the Act respecting the distribution of financial products and services (R.S.Q. c. D-9.2) stipulates that the government may decree, after consultation with the *Bureau des services financiers*, that an insurance product that can not be offered by a distributor may be offered by a person it indicates and that such person shall then be deemed to be a distributor for such product;

WHEREAS the Bureau des services financiers has been consulted;

WHEREAS there is reason to allow Assurance-vie Desjardins-Laurentienne and member caisses of the *Fédération des caisses Desjardins du Québec*, through their employees, to distribute the *Assurance-vie 50 +* insurance product;

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

THAT Assurance-vie Desjardins-Laurentienne and the member caisses of the Fédération des caisses Desjardins du Québec, through their employees, be authorized to distribute the *Assurance-vie 50 +* insurance product.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

4553

Gouvernement du Québec

O.C. 1081-2001, 12 September 2001

Highway Safety Code
(R.S.Q., c. C-24.2)

Towing and impounding charges for road vehicles seized — Amendments

Regulation to amend the Regulation respecting towing and impounding charges for road vehicles seized under sections 209.1 and 209.2 of the Highway Safety Code

WHEREAS, under paragraph 50 of section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may, by regulation, fix the towing and daily impounding charges for a road vehicle seized under section 209.1 or section 209.2;

WHEREAS, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Regulation to amend the Regulation respecting towing and impounding charges for road vehicles seized under sections 209.1 and 209.2 of the Highway Safety Code was published in Part 2 of the *Gazette officielle du Québec* of 4 July 2001 with a notice that it could be submitted to the Government for adoption upon the expiry of 45 days from that publication;

WHEREAS it is expedient to make the Regulation without amendment;

* The Rules respecting the signing of certain documents of the Ministère de l'Environnement, made by Order in Council 677-95 dated 17 May 1995 (1995, *G.O.* 2, 1570), have been made by Order in Council 703-98 dated 27 May 1998 (1998, *G.O.* 2, 2149). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel, 2000, updated to 1 November 2000.

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

THAT the Regulation to amend the Regulation respecting towing and impounding charges for road vehicles seized under sections 209.1 and 209.2 of the Highway Safety Code, attached to this Order in Council, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting towing and impounding charges for road vehicles seized under sections 209.1 and 209.2 of the Highway Safety Code*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 621, par. 50)

1. Section 2 of the Regulation respecting towing and impounding charges for road vehicles seized under sections 209.1 and 209.2 of the Highway Safety Code is amended by adding the following after the first paragraph:

"Notwithstanding the foregoing, for a vehicle of class 2 seized on parts of public highways referred to in the Regulation respecting the provision of road service or towing on certain roads and autoroutes and on certain bridges or other infrastructures made by Order in Council 987-98 dated 21 July 1998, the towing charges over a distance of 10 kilometres or less are $55.".

2. Section 3 is amended

(1) by substituting "10" for "25" in the first paragraph; and

(2) by substituting "10" for "25" and "$2.25" for "$1" in the second paragraph.

3. Schedule I is amended by substituting "$45" for "$40" in the class of vehicle entitled "Class 2 vehicle".

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

4554

* The Regulation respecting towing and impounding charges for road vehicles seized under sections 209.1 and 209.2 of the Highway Safety Code made by Order in Council 1426-97 dated 29 October 1997 (1997, *G.O.* 2, 5456) has not been amended since.

Draft Regulations

Draft Regulation

Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2)

Compulsory professional development for financial planners
— Replacement

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 amending the Regulation respecting the criteria governing the granting of the titles of Associate insurance broker and chartered insurance broker, the text of which appears below, may be approved by the Government upon the expiry of 45 days following the date of this publication. The Government may approve it with or without amendment.

This draft regulation specifies the requirements for compulsory professional development for financial planners as well as the particular requirements for those who have not been authorized to bear this title during the full length of the reference period.

This draft regulation also specifies to add procedures for the recognition of compulsory professional development activities and for monitoring compliance of activities.

Further information may be obtained by contacting Mrs. Nancy Brassard, Director General, Institut québécois de planification financière, 4, place du Commerce, bureau 420, Île des Sœurs (Québec) H3E 1J4. Telephone : (514) 767-4040 ; fax : (514) 767-2845.

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 of Finance, 12, rue Saint-Louis, 1er étage, Québec (Québec) G1R 5L3.

PAULINE MAROIS,
Minister of Finance

Regulation replacing the Regulation respecting the compulsory professional development of financial planners

An Act respecting the distribution of financial products and services
(R.S.Q., c. D-9.2, s. 58)

DIVISION I
PROFESSIONAL DEVELOPMENT REQUIREMENTS

1. In this Regulation, "Professional Development Unit" or "PDU" means the quantitative value attributed to a training activity recognized by the IQPF, one PDU representing one hour of activity, and "Reference Period" means any period of two calendar years, beginning January 1, 2000.

2. As of January 1, 2000, any financial planner shall, once every two years, accumulate 60 PDUs distributed as follows :

(1) 15 PDUs related to integrated training activities in the following 7 areas involving personal financial planning ; the content of such activities shall be developed and given by or in partnership with the Institut québecois de planification financière (IPQF) :

(a) finance ;

(b) taxation ;

(c) law ;

(d) retirement ;

(e) successions ;

(f) investment ;

(g) insurance ;

(2) 30 PDUs in one or more of the 7 areas mentioned in subparagraphs *a* to *g* of subparagraph (1), for training activities recognized by the IQPF ;

(3) 15 PDUs required to obtain, update and review knowledge and skills which are essential to his professional development.

A financial planner shall provide the IQPF with a written description of the activities related to the obtaining of the PDUs mentioned in subparagraph 3 of the first paragraph.

3. Any financial planner to whom a certificate is issued during a Reference Period which has already begun shall accumulate, for each of the requirements set forth in subparagraphs 1, 2 and 3 of the first paragraph of section 2, a number of PDUs equal to the proportion that the number of complete months during which he holds a certificate bears to 24 months.

4. Notwithstanding section 3, any financial planner to whom a certificate is issued after the 18th month following the beginning of a Reference Period shall not be required to complete professional development activities for such Reference Period.

5. The IQPF may relieve a financial planner from the requirements set forth in section 2 or section 3 if, due to overwhelming circumstances, he was unable to comply with the requirements.

The fact that a financial planner was suspended or struck off the roll or that his certificate was cancelled, revoked, not renewed or included restrictions does not constitute overwhelming circumstances.

6. A financial planner who, during a Reference Period, has completed training activities recognized by the IQPF involving more PDUs than those contemplated in section 2 or 3 cannot carry them forward to a subsequent Reference Period.

7. A financial planner shall keep the proofs of attendance, or the exam or test results attestations which are given to him by the person, organization or educational institution who offers training activities recognized by the IQPF until the end of the year following the Reference Period.

8. At the latest by January 15th following the end of a Reference Period, a financial planner, himself or through the firm for which he is acting or the independent partnership of which he is a partner or employee, must forward to the IQPF a copy of the attestations he must keep in accordance with section 7.

9. At the latest by February 15th following the end of a Reference Period, the IQPF shall send a notice of default to each financial planner who has not accumulated the number of PDUs required under sections 2 and 3 and inform him of the consequences of such default.

10. After receiving a notice from the IQPF, a financial planner who is in default must accumulate, at the latest by March 31st following the end of a Reference Period, the number of PDUs he has failed to accumulate.

The PDUs so accumulated can only be credited for the Reference Period covered by the default.

11. The IQPF shall send, at the end of the period contemplated in paragraph 10, a notice of non-compliance to each financial planner who has not accumulated the required number of PDUs and notify him of the consequences of such default.

12. The IQPF shall notify the Bureau des services financiers when it sends the notice contemplated in section 11 to any financial planner who is in default.

DIVISION II
RECOGNITION OF TRAINING ACTIVITIES

13. The IQPF shall recognize a training activity that pertains to one of the subjects mentioned in section 2 if it allows for the development of the following knowledge and skills:

(1) development and betterment of a global and integrated vision of personal financial planning;

(2) acquisition, comprehension and application of theoretical and technical knowledge in the areas related to personal financial planning;

(3) personal and professional development of financial planners.

14. The IQPF shall not assign PDUs for any activity offered by a person, organization or educational institution involving the sale of specific financial products or services, including securities.

15. An application for recognition of an activity may be presented to the IQPF, before or after the activity is held, by the financial planner himself or by the person, organization or educational institution who is offering the activity.

16. The recognition is valid for the Reference Period in effect when the activity is held.

17. The application for recognition shall be submitted to the IQPF at the latest by March 1st following the end of the Reference Period in question and shall include the following items:

(1) a description of the training activity;

(2) an explanation of how the activity will be conducted;

(3) an explanation of how the activity allows for the development of the knowledge and skills mentioned in section 13;

(4) if the application is submitted before the activity is held, the name and address of the person responsible for this activity;

(5) if the application is submitted by the financial planner after the activity is held, a proof that he has attended this activity;

(6) if the application is submitted after the activity is held by the person, organization or educational institution who offered it, the list of participants;

(7) the number of PDUs requested for the training activity as well as the duration of the training.

18. The IQPF will recognize or refuse to recognize an activity within 30 days of receipt of the application. If the application is rejected or if the activity is recognized for a lesser number of PDUs than requested, the IQPF will provide an explanation to the person, organization or educational institution who applied.

19. The person responsible for an activity shall submit to the IQPF any change relating to any of the items listed in section 17.

The IQPF may maintain or cancel the recognition of the activity or increase or decrease the number of PDUs assigned to the activity.

20. The IQPF may cancel the recognition of an activity, or increase or decrease the number of PDUs assigned to it if it notices that the activity offered is different from the one that was recognized.

21. A financial planner who acts as a trainer, instructor or leader of an activity is entitled, only once for this activity, to double the number of PDUs assigned to it.

22. This Regulation replaces the Regulation respecting the compulsory professional development of financial planners made by Order in Council 1091-99 dated 22 September 1999.

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

4559

Draft Regulation

An Act respecting petroleum products and equipment (R.S.Q., c. P-29.1)

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

The main purpose of the draft amending Regulation is to relax and improve the administration of the Petroleum Products Regulation following the implementation of the new legal system introduced by the coming into force of the Act respecting petroleum products and equipment in 1999. Thus, more than one year after the new system has been in application, it now seems necessary to make certain adjustments. The draft Regulation proposes to replace certain sections in their appropriate divisions, to correct certain typographical errors and to relax administrative and technical provisions. It also proposes minor adjustments to the inspection plan and to the application and updating of standards already existing.

Further information may be obtained by contacting Louis Morneau, Direction de la sécurité des équipements pétroliers, ministère des Ressources naturelles, 5700, 4e Avenue Ouest, bureau A-401, Charlesbourg (Québec) G1H 6R1, by telephone at (418) 627-6385.

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 Pierre Lavallée, Director, Direction de la sécurité des équipements pétroliers, ministère des Ressources naturelles, 5700, 4e Avenue Ouest, bureau A-401, Charlesbourg (Québec) G1H 6R1.

JACQUES BRASSARD,
Minister of Natural Resources

Regulation to amend the Petroleum Products Regulation *

An Act respecting petroleum products and equipment (R.S.Q., c. P-29.1, ss. 5, 7, 8, 14, 22, 51 and 96)

1. The Petroleum Products Regulation is amended by substituting "Regulation respecting petroleum products and equipment" for its title.

2. The following is substituted for section 5.1:

"**5.1.** The permit holder who operates a fuel dispensing outlet adjoining a public road, south of the 55th parallel, must supply road vehicles equipped with a diesel motor with low-sulphur diesel fuel, except for farm, mine, forest, construction machinery and equipment vehicles.".

3. Section 45 is amended

(1) by substituting the words "pendant lesquelles il ne se sert pas" for "d'inutilisation" in paragraph 8 of the French text; and

(2) by substituting the words "the periods during which he does not use the underground storage system or abandons" for "disuse and abandonment of" in paragraph 9.

4. Section 48 is amended by substituting the words "make sure that the content complies with the requirements in Division 1 of Chapter 2.2 and" for the words "analyze it, make sure".

5. The following is substituted for the first paragraph of section 49:

"**49.** An inspection shall be carried out during the installation, replacement, abandonment or removal of petroleum equipment. During such inspection, an inspector shall make sure that the requirements provided for in the following sections are met: 69, 83, 83.1, 95.0.1, 95.0.2, 95.0.4 to 95.0.7, 99, 100, 103, 104 and 105 respecting only the clearance between the top of the tank and the level of the ground, 122 to 126, subparagraph 2 (with the exception of the requirement respecting the concentration of vapours) and subparagraph 3 of the first paragraph of section 130, section 130.1, paragraphs 1 and 5 of section 130.2, sections 135, 137 to 138, 143 to 145, 150 to 160, subparagraph 3 of the first paragraph of section 167, sections 175, 178, 180, 181, 183, 185 respecting only the clearance between piping and the level of the ground, sections 189, 192 to 196, 198, 201 to 203, 206 to 208.2, 208.4, 208.6, 218, 221, the second paragraph of section 226, sections 230, 236, 237, 249, 251, 253, 254, 256 to 259, 302, 303, 307 to 312, 314 to 316, 317.1, the first paragraph of section 320, sections 321, 323 to 325, 328, 335, 341 to 344, 349, 359, 365, 369 to 380, 382, 387, 388, 390, 399, 401, 428 to 431, 433, 435 to 439, 444, 446 to 450, 452, 453, 461 to 463, 470 to 476 and 480.".

6. Section 53 is amended

(1) by striking out "204", "208.5", "253", "302", "303", "311", "312", "341 to 344", "365", "374", "387" and "399"; and

(2) by adding "64", "the second paragraph of section 130", "341", "343" and "344" in numerical order.

7. Section 54 is amended

(1) by striking out "204", "208.5", "211", "216", "253", "399", "402" and "428 to 431"; and

(2) by adding "64", "the second paragraph of section 130", "165", "the second paragraph of section 167", "258", "429" and "430" in numerical order.

8. Section 55 is amended

(1) by striking out "145", "151", "204", "211", "216", "237", "311", "312", "341 to 344", "369 to 374", "387" and "399"; and

(2) by adding "165", "the second paragraph of section 167", "341, 343, 344", "369" and "371 to 373" in numerical order.

9. Section 63 is amended by substituting the words "during more than one week" for the words "every day" in the second paragraph.

10. The following is substituted for the heading of Chapter 3:

"STANDARDS APPLICABLE TO PETROLEUM EQUIPMENT AND PRODUCTS".

11. The following section is inserted before section 66.10:

* The Petroleum Products Regulation, made by Order in Council 753-91 dated 29 May 1991 (1991, *G.O.* 2, 1839), was last amended by the Regulation made by Order in Council 156-99 dated 24 February 1999 (1999, *G.O.* 2, 227). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

"**66.9.1.** The standards applicable to used oil in this chapter apply only to used oil stored in a service station.".

12. Section 70 is amended by substituting the words "volume of petroleum products larger than 100 litres" for the words "petroleum product" in the first paragraph.

13. The heading preceding section 71 is revoked.

14. The following is substituted for section 92:

"**92.** Movable tanks must comply with Underwriters' Laboratories of Canada Standard ULC/ORD-C142.13-1997: Mobile Refuelling Tanks, or with Canadian General Standards Board Standard CAN/CGSB-43.146-94: Intermediate Bulk Containers for the Transportation of Dangerous Goods.".

15. The following heading is inserted after section 95:

"TANKS AND PIPING".

16. Sections 96, 133, 173, 174, 179, 199 and 200 are renumbered 95.0.1, 95.0.2, 95.0.3, 95.0.4, 95.0.5, 95.0.6, 95.0.7 respectively and are inserted before Chapter 3.1.

17. Section 99 is amended by substituting the number "95.0.5" for the number "179" in the first paragraph.

18. Section 122 is amended by substituting the number "95.0.1" for the number "96" in the second paragraph.

19. Section 125 is amended by substituting "Standards Council of Canada Standard CAN/ULC-S 603.1-92: Standard for Galvanic Corrosion Protection Systems for Steel Tanks for Flammable and Combustible Liquids" for "Standard CAN4-S603.1-M85".

20. Section 128 is amended

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

"**128.** Where a permit holder does not use his underground storage system for a period of less than 180 days, he shall";

(2) by deleting paragraphs 1 and 4; and

(3) by substituting the words "in which it is not used" for the words "of disuse" in paragraph 3.

21. Section 129 is amended

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

"**129.** Where a permit holder does not use his underground storage system for a period of more than 180 days but less than 2 years, he shall";

(2) by deleting paragraphs 1 and 5; and

(3) by substituting the words "in which the system is not used" for the words "of disuse" in paragraph 4.

22. Section 130 is amended

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

"**130.** Where the permit holder or owner of petroleum equipment decides to no longer take petroleum products from an underground storage system or has not taken petroleum products therefrom for more than 2 years, he shall";

(2) by substituting the words "have it certified again according to the requirements of" for the words ", if the tank is reusable under" in subparagraph 4 of the first paragraph;

(3) by substituting "The permit holder or owner of petroleum equipment is only required to comply with the provisions of subparagraph 1 of the first paragraph if he demonstrates" for "The permit holder is only required to comply with the provisions of subparagraph 1 of the first paragraph if he demonstrates" in the second paragraph; and

(4) by adding the following after the second paragraph:

"Notwithstanding the preceding paragraph, pneumatic tests with inert gas may be conducted on installations whose interruption in the taking of petroleum products does not exceed 5 years, provided that they last at least 4 hours and be conducted on equipment emptied of their petroleum products.".

23. Section 131 is amended

(1) by inserting the word "underground" before the word "storage"; and

(2) by substituting the words "has not been used" for the words "has been in disuse".

24. The following is substituted for section 132:

"**132.** Where an owner or permit holder has not used an underground tank and its piping for a period exceeding one year, the tests prescribed in sections 267 and 269 shall be conducted before the equipment is reactivated.".

25. Section 137.2 is amended

(1) by substituting the words "An aboveground motor fuel tank intended for the sale of petroleum products" for the words "A permit holder's aboveground motor fuel tank"; and

(2) by substituting the words "a designated" for the words "an isolated".

26. Section 150 is amended by substituting the number "95.0.2" for the number "133" in the second paragraph.

27. Section 154 is amended by striking out the words "where necessary to respect the volumetric capacity requirement set forth in section 151".

28. Section 165 is amended

(1) by substituting "165. Where the permit holder will not use his aboveground storage installation for less than 180 days, he shall" for the part preceding paragraph 1; and

(2) by deleting paragraphs 1 and 6.

29. The following is substituted for section 166:

"**166.** Where the permit holder does not use his aboveground storage installation for less than 180 days, he shall gauge the tanks not less than once a week.".

30. Section 167 is amended

(1) by substituting "**167.** Where the owner or permit holder of an aboveground storage installation decides to no longer use the installation or has closed it for more than 2 years, he shall:" for the part preceding subpagraph 1 of the first paragraph;

(2) by deleting subparagraph 1 of the first paragraph; and

(3) by substituting the words "a period of 2 years shall be extended to 5 years for subparagraphs 3, 4 and 5" for the words "only subparagraphs 1 and 2 apply provided that the period of disuse does not exceed 5 years".

31. Section 169 is amended by substituting the number "95.0.2" for the number "133" in paragraphs 1 and 2.

32. Section 179 is amended by substituting the numbers "95.0.3", "95.0.4", "95.0.6" and "95.0.7" for the numbers "173", "174", "199" and "200" in the first paragraph.

33. The heading preceding section 192 is amended by adding the word "underground" before the word "metallic".

34. The following is substituted for the first paragraph of section 208.1:

"**208.1.** The end of the vent pipe shall be higher than the end of a fill pipe, not less than 3.5 metres above ground level for a Class 1 petroleum product tank, not less than 2 metres for a tank containing other products and not less than 1.5 metres from any building opening for a Class 1 petroleum product tank or not less than 600 millimetres for a tank containing other products. The end of a vent pipe shall terminate in open air outside buildings in such a manner that flammable vapour cannot be drawn into building openings.".

35. Section 208.5 is revoked.

36. Section 208.6 is amended

(1) by striking out the word "Aboveground" before the word "tanks"; and

(2) by substituting the number "95.0.2" for the number "133".

37. Section 249 is amended

(1) by substituting "1.5 metres" for "2 metres measured horizontally"; and

(2) by adding the following paragraph:

"For a Class 2 motor fuel tank supplying an electricity generating system or for a heating oil tank supplying a heating system, the distance shall be not less than 600 millimetres from any opening in the building.".

38. Section 253 is amended by adding the following at the end:

"unless it is equipped with a device allowing to limit the filling at 95% of its capacity and that the device complies with Underwriters' Laboratories of Canada Standard ULC/ORD-C58.15-1992: Overfill Protection Devices for Flammable Liquid Storage Tanks or unless these other outlets are equipped with devices that prevent the product to come back up such as non-return spring valves".

39. Section 260.2 is amended by substituting the number "95.0.1" for the number "96" in the last paragraph.

40. Section 274 is amended by striking out the words ", either with service, as a self-serve or unattended self-serve outlet, and with or without a service centre" in the definition of "user outlet".

41. Section 309 is amended by substituting the words "or be protected by barriers" for the words "and shall be protected by barriers where not sufficiently protected by the island".

42. Section 310 is amended

(1) by inserting the words "or those located in a designated location," after the word "year,";

(2) by inserting the following paragraph after the second paragraph:

"The measurements set forth in the first paragraph shall apply to any fuelling area manufactured or modified after 26 February 1996."; and

(3) by substituting the words "The second paragraph applies" for the words "The preceding paragraphs apply" and by inserting "equal to or" after the word "capacity" in the third paragraph.

43. Section 327 is amended by substituting "ULC-S612-99" for "ULC-S612-M83".

44. The following is substituted for the first paragraph of section 335:

"**335.** Underground tanks used to store used oil shall be equipped with a double shell and piping system which shall have an automatic leak detector system equipped with a visual and audible alarm and be manufactured in accordance with Underwriters' Laboratories of Canada Standard ULC/ORD-C58.12-1992: Leak Detection Devices (Volumetric Type) for Underground Flammable Liquid Storage Tanks or with Underwriters' Laboratories of Canada Standard ULC/ORD-C58.14-1992: Nonvolumetric Leak Detection Devices for Underground Flammable Liquid Storage Tanks.".

45. Section 362 is amended by striking out the words "for the sale of motor fuel".

46. Section 428 is amended by substituting the word "propriété" for the word "celui-ci" in the first paragraph of the French text.

47. The following is inserted before Chapter 8:

"**CHAPTER 7.1**
PENAL

528.1. Every person who contravenes any provision of sections 5.1, 130, 167, 260.1, 260.2 and 348 is guilty of an offence under paragraph 1 of section 106 of the Act if he is a natural person or under paragraph 2 of the same section if he is a legal person.".

48. Schedule 1 is amended by substituting "CGSB 3-GP-24Mb" for "CGSB 3-GP-24Ma" in paragraph 4 of Table 3.

49. Schedule 1 is amended by substituting the number "650" for the number "638" in the requirement for heating oil number 6 relating to the ASTM D 455 stated in Table 4.

50. Schedule 7 is amended by substituting the following for paragraphs 1 to 4 of section 3:

"1. may be protected against corrosion according to Petroleum Association for Conservation of the Canadian Environment Standard PACE 87-1: Guideline Specification for the Impressed Current Method of Cathodic Protection of Underground Petroleum Storage Tanks;

2. replace before reaching 25 years after its installation;

3. replace before reaching 25 years after its installation and subject to a leak detection test in accordance with section 269 within 12 months of the year of assessment of its condition and every 5 years afterward;

4. replace before obtaining a T/S of 180 or before the tank reaches 25 years after its installation and subject to a leak detection test in accordance with section 269 every year;".

51. Schedule 8 is amended

(1) by striking out the symbol "***" before the ratings D, 1,5 and 0,5 in the table; and

(2) by striking out "*** Where section 412 applies, the distance shall be 0.15 metres for steel vats." in the legend after the table.

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

4557

Draft Regulation

Professional Code
(R.S.Q., c. C-26, a.87)

Agrologists
— Code of Ethics

Notice is hereby given, in accordance with articles 10 and 11 of the Regulations Act (L.R.Q., c. R-18.1) that the Code of Ethics of agrologists, adopted by l'Ordre des agronomes du Québec and the text of which appears below, will be submitted to the government for approval, with or without any modifications, upon the expiry of 45 days following this publication.

According to l'Ordre des agronomes du Québec, the main purpose of the regulation is to update the Code of Ethics of agrologists with the current practice of agrology, to reinforce the duties and obligations of the agrologist towards the public, to customers, the profession, l'Ordre and also simplifies the interpretation of certain provisions. The updating of the Code of Ethics of agrologists is necessary to guarantee a better protection of the public and an increased supervision of the professional practice.

The new Code of Ethics of agrologists contains notably provisions regarding the responsability of agrologist for the professional activities done by other persons. It also provides rules for the signature of professional documents whether they be signed by the agrologist himself or by someone under his responsability. The regulation finaly provides rules for the invoice in relation to acts performed by agrologists.

This regulation will have no impact on companies.

Further information regarding this regulation may be obtained by contacting Ms. Louisette Rougeau, agrologist and Secretary at the Ordre des agronomes du Québec at the following address : 1001, Sherbrooke Est, local 810, Montréal (Québec), H2L 1L3, telephone number : (514) 596-3833, poste 29, facsimile number : (514) 596-2974, e-mail : louisette.rougeau@oaq.qc.ca.

Any person who wishes to formulate comments regarding this regulation is requested to send such comments, prior to the expiry of the 45 day-period mentioned hereabove, to the Chairman of the Office des professions du Québec, Mr. Jean-K. Samson, 800, Place D'Youville, 10e étage, Québec (Québec), G1R 5Z3. These comments shall be forwarded by the Office to the Minister responsible of the application of laws governing professionals ; they may also be forwarded to the professional order that made the regulation, for instance l'Ordre des agronomes du Québec, as well as to interested persons, ministries and organisations.

JEAN K. SAMSON,
Chairman of the Office des professions du Québec

Regulation to amend the Code of ethics of agrologists

Professional Code
(R.S.Q., c. C-26, s. 87)

DIVISION I
GENERAL PROVISIONS

1. This Code sets out, pursuant to section 87 of the Professional Code (R.S.Q., c. C-26), certain duties to be discharged by every agrologist in the exercise of his professional activities.

It sets out, in particular, certain acts derogatory to the dignity of the profession, certain provisions designed to preserve the secrecy of confidential information that becomes known to the agrologist in the practice of his profession, certain terms and conditions applicable to the exercise of the rights of access and rectification contemplated in sections 60.5 and 60.6 of the Professional Code and certain conditions, duties and prohibitions with respect to advertising, the signing of professional documents drawn up by the agrologist and those completed under his direction, supervision and responsibility and the collection of accounts or invoicing for a professional act by an employer who is not an agrologist.

2. In this Regulation, unless the context indicates otherwise :

(1) "client" means any person to whom the agrologist renders services falling within the competence of the profession of agrology ;

(2) "person" means and includes any natural person or legal person (including in particular any company, corporation, cooperative, partnership, trust, succession, association, joint venture, State or public agency), their heirs or legal representatives.

DIVISION II
DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

3. The agrologist must promote the improvement of the quality and availability of professional services in the field in which he practises.

4. The agrologist must avoid any attitude or method likely to harm the reputation of the profession and his ability to serve the public interest. He must refrain from employing any discriminatory, fraudulent or illegal practices and must refuse to take part in such practices.

5. In addition to what is stated in section 54 of the Professional Code, the agrologist must exercise his activities with dignity and must not practise his profession under conditions or in situations likely to impair the quality of his services.

6. The agrologist, in the practice of his profession, must take into account and abide by generally accepted standards and practices observed in the field. He must take the steps required to maintain his knowledge and skills up to date.

7. The agrologist must take into account all the foreseeable consequences which his professional activities may have on society.

8. The agrologist must promote measures of education and information in the field in which he practises. He must also do all things necessary to ensure such education and information.

DIVISION III
DUTIES AND OBLIGATIONS TOWARDS CLIENTS

§1. *General provisions*

9. The agrologist must take into consideration the extent of his knowledge and skills and the means at his disposal.

10. The agrologist must at all times acknowledge the right of the client to consult a colleague, a member of another professional order or any competent person.

Moreover, if the good of the client so requires and after receiving the latter's authorization, the agrologist must consult a colleague, a member of another professional order or any competent person, or send his client to one of these persons.

11. The agrologist must attempt to establish a relationship of mutual trust between himself and his client. To that end, he must, in particular:

(1) refrain from practising his profession in an impersonal manner;

(2) conduct his interviews in such a way as to respect his client's values and personal convictions, where the latter informs him thereof.

12. The agrologist must refrain from intervening in the affairs of his client on subjects which do not fall within the competence of his profession.

§2. *Integrity*

13. The agrologist must carry out his professional obligations with integrity.

14. The agrologist must avoid any misrepresentation with respect to his level of competence or to the effectiveness of his services, of those performed under his direction, supervision and responsibility and of those provided by agrologists generally.

15. The agrologist must promptly inform his client of the extent and terms and conditions of the professional services required by the latter and obtain his agreement in this respect.

16. The agrologist must reveal to his client in a complete and objective manner the nature and scope of a problem which, in his opinion, results from the aggregate facts brought to his attention.

17. An agrologist must not express an opinion or give advice that is contradictory or incomplete. To that end, he must try to determine all the facts before giving an opinion or counsel.

18. An agrologist must inform his client as early as possible of any potentially detrimental error made by him while rendering a professional service to that client.

19. An agrologist must take reasonable care of the property entrusted to his custody by a client and he shall not lend or use such property for purposes other than those for which it was entrusted to him.

§3. *Liability*

20. The agrologist shall bear full liability; consequently, he must not exact any limitation or waiver of his professional liability from any person.

21. In particular, the agrologist shall be liable for the professional activities which he has performed by other persons. Accordingly, he must train and supervise such persons, review their work and ensure that they abide by the provisions of the law and the regulations applicable to members of the Order.

§4. *Availability and diligence*

22. The agrologist must display reasonable availability and diligence.

23. In addition to opinions and counsel, the agrologist must furnish his client with any explanations necessary to the understanding and appreciation of the services he provides him. The agrologist must give his client an accounting when the latter requests him to do so.

24. Unless he has just and reasonable grounds for so doing, an agrologist shall not cease to act for the account of a client. The following shall, in particular, constitute just and reasonable grounds:

(1) the fact that the agrologist is placed in a situation of conflict of interest or in a circumstance whereby his professional independence could be called in question;

(2) loss of the client's confidence;

(3) inducement by the client to perform illegal or fraudulent acts;

(4) the fact that the client deceived the agrologist or failed to cooperate with him;

(5) refusal of the client to pay the agrologist's fees;

(6) a state of health that renders the agrologist incapable of practising his profession.

25. Before ceasing to act for the account of a client, the agrologist must inform the client accordingly and take the steps necessary to avoid any serious foreseeable prejudice being caused to the client.

§5. *Independence and impartiality*

26. The agrologist must subordinate his personal interest to that of his client.

27. The agrologist must be objective and impartial when persons other than his clients ask him for information.

28. An agrologist must ignore any intervention by a third party which could influence the performance of his professional duties to the detriment of his client.

29. An agrologist must safeguard his professional independence at all times and avoid any situation which would put him in conflict of interest. Without restricting the generality of the foregoing, an agrologist is:

(1) in conflict of interest when the interests concerned are such as might lead him to favour certain of them over those of his client or his judgment and loyalty toward the latter to be unfavourably affected;

(2) not independent in respect of a given act if he stands to derive a direct or indirect, real or possible, personal benefit therefrom.

30. As soon as he ascertains that he is in a situation of conflict of interest or apparent conflict of interest, the agrologist must notify his client accordingly and, if he wishes to honour his contract for professional services, he must obtain his client's written authorization to such effect.

31. An agrologist shall refrain from sharing his fees with a person who is not a member of the Order or remitting his fees to such person. However, an agrologist may share his fees with another agrologist or another professional to the extent that such sharing corresponds to a distribution of services or responsibilities.

32. Subject to his client's consent, a member shall refrain from receiving, in addition to the remuneration to which he is entitled, any benefit, rebate or commission related to the practice of his profession, nor shall he pay, offer to pay or agree to pay any such benefit, rebate or commission.

33. For a given service, the agrologist shall accept fees from a single source only, unless explicitly agreed otherwise by all the parties concerned. He shall accept payment of his fees only from his client or the latter's representative.

34. An agrologist shall generally act, in the same matter, for only one of the parties concerned. If his professional duties require that he act otherwise, the agrologist must specify the nature of his responsibilities and must keep all the interested parties informed that he will cease to act if the situation becomes irreconcilable with his duty of independence and impartiality.

§6. *Provisions designed to preserve the secrecy of confidential information*

35. An agrologist shall preserve the secrecy of all confidential information that becomes known to him in the practice of his profession. To that end, the agrologist must in particular:

(1) refrain from using such information to the detriment of his client or for purposes other than those for which it was entrusted to him, and in particular, with a view to obtaining, directly or indirectly, a benefit for himself or another person;

(2) take the necessary steps to ensure that his collaborators and persons under his direction, supervision and responsibility do not disclose or use such information that becomes known to them in the course of performing their duties;

(3) avoid holding or participating in indiscreet conversations concerning a client and the services rendered to such client;

(4) avoid disclosing a request made by a person for his services where such fact is likely to be detrimental to that person;

(5) ensure, when he asks a client to impart confidential information to him or when he allows such information to be imparted to him, that the client is fully aware of the purpose of the interview and of the various uses that may be made of such information.

36. The agrologist shall be released from professional secrecy only with the written authorization of his client or where so ordered by law.

§7. *Terms and conditions applicable to the exercise of the rights of access and rectification contemplated in sections 60.5 and 60.6 of the Professional Code and duty of the agrologist to release documents to his client*

37. In addition to the specific rules prescribed by law, an agrologist must respond, with diligence and within 30 days at the latest following receipt thereof, to any request made by his client to:

(1) examine the documents concerning him in any record established in regard to him;

(2) obtain a copy of the documents concerning him in any record established in regard to him.

38. An agrologist who accedes to a request contemplated in section 37 must provide his client with access to the documents free of charge. However, an agrologist may, in regard to a request contemplated in paragraph 2 of section 37, charge his client a reasonable fee.

An agrologist who charges such fee must, before reproducing or transcribing a document or forwarding a copy, inform his client of the approximate amount he will be asked to pay.

39. An agrologist may refuse to allow access to the information contained in his client's record where the disclosure of such information would be likely to cause serious harm to the client or a third party.

40. An agrologist who, pursuant to section 39, refuses to allow his client access to the information contained in his record, must notify the client in writing of the reason for his refusal.

41. In addition to the specific rules prescribed by law, an agrologist must respond, with diligence and within 30 days at the latest following receipt thereof, to any request made by his client to:

(1) cause to be corrected any information that is inaccurate, incomplete or ambiguous having regard for the purpose for which it was collected, contained in a document concerning him in any record established in regard to him;

(2) cause to be deleted any information that is outdated or not justified by the object of the record established in regard to him;

(3) file in the record established in regard to him the written comments prepared by him.

42. An agrologist who accedes to a request contemplated in section 41 must issue to his client, at no charge, within 30 days following receipt of the request, a copy of the document or portion thereof allowing the client to determine that the information has been corrected or deleted or, as the case may be, an attestation that the written comments prepared by the client have been filed in the record.

43. An agrologist who refuses to accede to a request made by his client pursuant to section 41 must notify the client in writing of the reasons for his refusal within 30 days following receipt of the request.

44. An agrologist must not destroy or appropriate, knowingly or in bad faith, or unduly keep an original record, or any document from that record, in any matter whatsoever.

§8. *Determination and payment of fees*

45. Before performing any professional acts, an agrologist must come to an agreement on the approximate amount of the anticipated fees, expenses and disbursements for carrying out his contract for professional services.

46. An agrologist must charge and accept fair and reasonable fees.

47. Fees are fair and reasonable if they are justified by the circumstances and are in proportion to the services rendered. The agrologist must, in particular, take into account the following factors when setting his fees:

(1) the time spent carrying out the professional service;

(2) the difficulty and magnitude of the service;

(3) the performance of an unusual service or a service requiring exceptional competence or speed.

48. An agrologist must agree with his client upon the terms and conditions for payment of the fees, expenses and disbursements agreed upon in accordance with section 45.

The agrologist must also provide his client with all the explanations necessary for understanding his statement of fees.

49. An agrologist must not demand full payment of his fees in advance; however, he may demand payment of the anticipated expenses and disbursements along with a reasonable advance against his estimated fees.

50. The agrologist may collect interest on outstanding accounts only after having duly notified his client thereof in writing. The interest so charged must be at a reasonable rate.

51. Before having recourse to legal proceedings, an agrologist must have exhausted all other means at his disposal to obtain payment of his fees, expenses or disbursements.

52. An agrologist must not pay himself from the funds he holds for a client, except if the latter agrees thereto.

53. An agrologist must not sell his accounts receivable, except to a colleague.

54. An agrologist who appoints another person to collect his fees, expenses or disbursements must ensure that the latter is accustomed to acting with tact and moderation.

55. Regarding the collection of accounts, the agrologist must ensure, when he performs an act falling within the competence of the profession of agrology or assumes the direction, supervision and responsibility of and for such an act, that collection of accounts or invoicing is clearly done for and in his own name, whether he acts for his own account or for the account of a third party. However, an agrologist hired by a third party may allow such third party to claim directly from the client the fees, expenses or disbursements related to his professional services, upon agreement between the client, the party that hired the agrologist and the agrologist, provided that the name of the agrologist handling the matter is clearly indicated on the invoices or collection documents. In every such case, the agrologist must ensure that the conditions set out in sections 45 to 55 are complied with.

DIVISION IV
DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION AND THE ORDER

§1. *Derogatory acts*

56. In addition to the acts contemplated in sections 59 and 59.1 of the Professional Code, the following acts are derogatory to an agrologist's profession:

(1) pressing or repeatedly inducing someone, either personally or through another person, to make use of his professional services;

(2) using, in the practice of the profession, the name of an agrologist who has ceased practising;

(3) communicating with the complainant without the written permission of the syndic or assistant syndic, upon being informed of an inquiry into his professional conduct or competence or upon being served with a disciplinary complaint lodged against him;

(4) failing to inform the syndic or assistant syndic, within a reasonable time, of a derogatory act committed by a colleague to his knowledge or where he has reasonable grounds for believing that a colleague is incompetent or in contravention of the Agrologists Act, the Professional Code or a regulation enacted thereunder;

(5) failing to inform the authorities of the Order of any cases of unauthorized use of title or unlawful practice of which he has knowledge;

(6) inducing someone to commit, or collaborating in the commission of, a violation of the Agrologists Act, the Professional Code or a regulation enacted thereunder;

(7) misappropriating or employing for personal ends any money, security or property entrusted to him;

(8) claiming fees for professional acts not performed or erroneously described;

(9) in the case of an agrologist who calls upon the services of an agricultural technician or technologist, allowing such agricultural technician or technologist to perform one of the professional acts described in section 24 of the Agrologists Act (R.S.Q., c. A-12) where the agrologist concerned fails to exercise direction and supervision over the acts so performed;

(10) signing or affixing his seal to any opinion, advice, recommendation or other written document related to the practice of his profession where such opinion, advice, recommendation or document was not prepared by him or under his direction, supervision and responsibility.

§2. *Relations with the Order and colleagues*

57. An agrologist whose participation in a council for the arbitration of accounts, a committee on discipline or a professional inspection committee is requested by the Order must accept that duty unless he has exceptional grounds for refusing.

58. An agrologist must promptly answer all correspondence received from the Order, and in particular correspondence originating from the syndic of the Order, one of the assistant syndics, an expert appointed by the syndic, the professional inspection committee or one of its members, inspectors, investigators or experts, where any information or explanations are requested on any matter related to the practice of the profession.

59. An agrologist must not abuse a colleague's good faith or be guilty of breach of trust or disloyal practices towards such colleague.

In particular, he must not:

(1) take credit for the work of a colleague;

(2) profit from his capacity as an employer or hierarchical superior so as to limit, in any manner, the professional independence of another agrologist who is in his employ or for whom he is responsible.

60. An agrologist consulted by a colleague must promptly provide the latter with his opinion and recommendations.

61. An agrologist called upon to collaborate with a colleague must maintain his professional independence. If he is given a task that is contrary to his conscience or principles, he may ask to be excused from performing it.

62. An agrologist must respect his colleagues as professionals. If the criticizes them, he must do so objectively and with moderation.

63. Where an agrologist is to perform a contract for professional services which had previously been given to another member of the Order or to a member of another professional order, he must, before agreeing to perform such contract, ask the latter if his contract has really terminated, insofar as he is aware of the existence of such contract.

§3. *Contribution to the advancement of the profession*

64. An agrologist must, to the maximum possible extent, contribute to the development of his profession by sharing his knowledge and experience with his colleagues and students and by participating and collaborating in any training programs for the profession of agrology, continuing education activities, scientific publications, work being carried on at universities and work of scientific or professional organizations.

65. An agrologist must use his professional title in the practice of his profession. He must not prevent a subordinate, who is entitled thereto, from using his title.

66. An agrologist must sign, indicating his agrologist's title, the original and copies of all opinions, advice, studies, research, recommendations or other written documents prepared in connection with the practice of his profession, including in particular any processes, methods, standards, plans, technical descriptions, analyses, publications, specifications and supervisory instructions prepared by him or prepared under his direction, supervision and responsibility.

67. An agrologist may not sign or affix his seal to any opinions, advice, recommendations or other documents for which he did not assume direction, supervision and responsibility.

DIVISION V
CONDITIONS, OBLIGATIONS AND PROHIBITIONS RESPECTING ADVERTISING

68. An agrologist may not, in any way whatsoever, engage in advertising that is false, misleading or incomplete, that plays upon the public's emotions or that is likely to mislead, nor may he allow any person to do so.

69. An agrologist may not use advertising aimed at persons who are vulnerable owing to the occurrence of a specific event.

70. An agrologist may not claim to possess specific qualities or skills relating, in particular, to his level of competence or to the extent or effectiveness of his services, unless he can substantiate such claim upon request.

71. An agrologist may not use advertising that, directly or indirectly, denigrates or depreciates another agrologist or a firm of agrologists.

72. An agrologist who advertises fees must:

(1) establish fixed fees;

(2) specify the nature and extent of the services offered;

(3) indicate whether or not expenses or other disbursements are included in such fees; and

(4) indicate, if appropriate, that an additional amount could be charged in the event that additional services are required.

These explanations and indications must be given in such manner as to reasonably inform persons who have no particular knowledge of agrology.

Such fees must remain in force for a minimum period of 90 days after they were last broadcast or published. Notwithstanding the foregoing, nothing prevents an agrologist from agreeing with a client on fees that are lower than those broadcast or published.

73. An agrologist must avoid methods and attitudes likely to impart a profit-seeking or mercantile character to the profession.

74. Any advertisement must indicate the name and title of the agrologist.

75. An agrologist must keep a complete copy of any advertisement in its original form for a period of 3 years following the date of the last broadcast or publication. Such copy must be remitted to the syndic or assistant syndic upon request.

76. In his advertising, an agrologist may not use an endorsement or a statement of gratitude concerning him, except for awards for excellence and other awards underlining a contribution or an achievement for which the entire profession shared the honour.

77. All agrologists who are partners in the practice of their profession are jointly and severally responsible for compliance with the rules respecting advertising, unless one of the agrologists demonstrates that the advertising was done without his knowledge and consent and despite the measures taken to ensure compliance with those rules.

78. The name of a firm of agrologists must include only the names of agrologists who practise together. However, the name of a deceased or retired agrologist may be retained in the firm name.

79. Whenever an advertisement is broadcast, the agrologist must ensure that the public clearly understands that it is an advertisement.

DIVISION VI
COAT OF ARMS AND GRAPHIC SYMBOL OF THE ORDER

80. The Order is represented by a coat of arms or a graphic symbol that complies with the originals kept by the secretary of the Order.

81. An agrologist who reproduces the graphic symbol of the Order in his advertising must ensure that such reproduction conforms to the original kept by the secretary of the Order and is in compliance with the general policy respecting use of the Order's graphic symbol.

Where an agrologist uses the said graphic symbol elsewhere than on a business card, he must include the following statement in the advertisement:

"This is not an advertisement of the Ordre des agronomes du Québec and the liability of the Order cannot be incurred in connection with it.".

DIVISION VII
FINAL PROVISIONS

82. This Code replaces the Code of ethics of agrologists (R.R.Q., 1981, c. A-12, r. 4).

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

4562

Draft Regulation

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

Engineers
— Standards for equivalence of diplomas and training for the issue of a permit by the OIQ

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 respecting the standards for equivalence of diplomas and training for the issue of a permit by the Ordre des ingénieurs du Québec, adopted by the Bureau of the Ordre des ingénieurs du Québec, the text of which appears below, may be submitted to the Government which may approve it, with or without amendment, at the end of the 45-day period that starts with the date of this publication.

According to the Ordre des ingénieurs, the object of the regulation is to include the training of a person without an equivalent diploma in the standards for equivalence, in order to comply with section 93*c* of the Professional Code.

Under the terms of the new regulation, if the person does not hold a diploma from a Canadian university awarded upon completion of a program of study accredited by the Canadian Council of Professional Engineers or a diploma awarded upon completion of a program of study accredited by an agency located outside Canada whose accreditation standards and procedures respect those of the Canadian Council of Professional Engineers, the person's application will be treated in accordance with the standards for equivalence of training provided in sections 12 and following of the Regulation. With respect to procedure, there are provisions to institute procedures for the review and appeal of decisions with which an applicant disagrees.

This regulation has no impact on companies.

Additional information may be obtained from M[e] Louise Laurendeau, of the Ordre des ingénieurs du Québec, 2020, rue University, 18[e] étage, Montreal (Québec) H3A 2A5, Tel.: (514) 845-6141 or 1-800-461-6141, fax: (514) 845-1833.

Any person with comments to express is asked to convey them before the expiration of this 45-day period to the President of the Office des professions du Québec, 800, place D'Youville, 10[e] étage, Québec (Québec) G1R 5Z3. These comments will be conveyed by the Office to the minister responsible for the application of professional laws; they may also be sent to the professional corporation which has adopted the regulation and to interested persons, departments and agencies.

JEAN-K. SAMSON,
Chairman of the Office des professions du Québec

Regulation respecting the standards for equivalence of diplomas and training for the issue of a permit by the Ordre des ingénieurs du Québec

Professional Code
(R.S.Q., c. C-26, s. 93*c*)

DIVISION I
GENERAL

1. The secretary of the Ordre des ingénieurs du Québec shall forward a copy of this Regulation to a candidate wishing to obtain recognition of equivalence of a diploma or training.

In this Regulation:

(1) " diploma equivalence" means the recognition by the Bureau of the Ordre des ingénieurs du Québec that a diploma issued by an educational establishment outside Québec certifies that a candidate's level of knowledge is equivalent to the level attained by the holder of a diploma recognized as meeting permit requirements;

(2) "training equivalence" means the recognition by the Bureau of the Ordre des ingénieurs du Québec that the candidate's training indicates that he has acquired a level of knowledge equivalent to the level attained by the holder of a diploma recognized as meeting permit requirements;

(3) "secretary of the Ordre" means the secretary of the Ordre or the person designated by him for the purposes of this Regulation.

§1. *Equivalence recognition procedure*

2. A candidate applying for a diploma equivalence shall provide the secretary of the Ordre with the following supporting documents and with the dues required for the examination of the application in accordance with section 86.0.1 of the Professional Code (R.S.Q., c. C-26):

(1) an authentic copy of the birth certificate;

(2) a recent passport-size photograph of the candidate certified under his signature as being his;

(3) the diploma(s) supporting his application or a certificate that the diploma(s) were obtained from the institution concerned;

(4) a complete final transcript for each diploma supporting the application;

(5) a description of the courses taken to obtain each of the diplomas supporting the application;

(6) where applicable, a detailed summary of the candidate's relevant work experience since the diploma was issued and a document attesting to each experience;

(7) where applicable, a document attesting to the candidate's participation in training or upgrading activities since the diploma was issued.

Documents written in a language other than French or English shall be accompanied by a translation. The translation must be certified by a solemn declaration by the translator.

3. The secretary of the Ordre shall forward the documents described in section 2 to the committee of examiners formed by the Bureau.

4. The committee of examiners shall study the diploma equivalence application and shall submit a report and its recommendations to the Bureau.

5. With respect to a candidate's application for equivalence, the committee of examiners may make one of the following decisions:

(1) recommend granting equivalence with respect to the candidate's diploma or training;

(2) indicate which examinations the candidate must pass or which courses the candidate must take in to obtain equivalence;

(3) refuse to grant equivalence for the reasons expressed in its notice.

The committee forwards its notice as soon as possible.

6. Candidates who disagree with a decision of the committee of examiners or have new elements to present are entitled to request a file review. The committee of examiners shall review its decision at the next meeting after the candidate's request.

Candidates who disagree with the revised decision are entitled to be heard by a committee formed for this purpose by the Bureau.

Candidates may avail themselves of this right provided that they submit their request in writing to the secretary of the Ordre within 30 days of the posting of the revised decision.

7. The committee formed by the Bureau to hear the candidate shall do so within 90 days of the date of receipt of the application. To this end, the secretary shall convene the candidate by means of a notice in writing sent by certified mail not less than 10 days before the date of the hearing. Within 10 days of the date of the hearing, that committee shall make its recommendation to the committee of examiners, which shall send it to the Bureau with its report.

8. At the first meeting following receipt of the report of the committee of examiners, the Bureau shall decide, in accordance with this Regulation, whether or not to grant the equivalence and, in the latter case, indicates which examinations the candidate must pass or which courses the candidate must take in order to obtain equivalence; the Bureau shall notify the candidate in writing within 15 days following its decision.

DIVISION II
DIPLOMA EQUIVALENCE STANDARDS

9. Candidates with an undergraduate degree in engineering have equivalence of diploma if the diploma:

(1) is granted by a Canadian university at the end of a program of studies accredited by the Canadian Council of Professional Engineers; or

(2) is granted at the end of a program of studies recognized by an organization outside Canada whose standards and procedures for recognition comply with those of the Canadian Council of Professional Engineers.

10. Notwithstanding section 9, where the diploma in respect of which an application for equivalence has been filed was issued 5 or more years prior to the application, a diploma equivalence shall be denied if the candidate's level of knowledge, taking into account developments in the profession, no longer corresponds to the knowledge currently being taught.

Notwithstanding the foregoing, a diploma equivalence shall be granted if the candidate's relevant work experience and training since the diploma was issued have enabled the candidate to acquire the required level of

knowledge, or if he passes the examinations which were recommended to the Bureau by the committee of examiners.

DIVISION III
TRAINING EQUIVALENCE STANDARDS

§3. *File Study*

11. Subject to section 12, candidates have equivalence of training when they have an undergraduate degree, following at least three years' study in pure or applied sciences, technology, or engineering, which does not meet the standards specified in section 9, and can show to the committee of examiners' satisfaction that they have knowledge and expertise equivalent to those acquired by the holders of a diploma recognized as meeting permit requirements.

Candidates who do not have a degree contemplated in the previous paragraph or who have an undergraduate degree by accumulating certificates may not avail themselves of the application of this section.

12. In assessing a candidate's equivalence of training, the committee of examiners shall take into consideration notably the nature, content and quality of courses taken, the number of years of education, the candidate's relevant work experience and the passing of the examinations required by it pursuant to the recommendations that were made to the Bureau.

§4. *Examinations*

13. The committee of examiners holds examinations for admission to the profession twice a year in Montreal, during the first fifteen days of May and November.

14. To sign up for the examinations, candidates must:

(1) apply in writing to the secretary of the committee of examiners at least 60 days before the scheduled examination date;

(2) pay the dues required by the Bureau.

15. Within 30 days following receipt of a notice of failure of an examination, candidates may ask the secretary of the committee of examiners in writing to have the correction of the examination reviewed, upon payment of the dues required by the Bureau.

DIVISION IV
TRANSITIONAL AND FINAL PROVISIONS

16. Nothing contained in this Regulation affects the rights of persons who submitted an application for equivalence to the secretary before the effective date hereof.

17. This regulation replaces the Regulation respecting the standards for equivalence of diplomas for the issue of a permit by the Ordre des ingénieurs du Québec, approved by order-in-council 1695-93, dated December 1, 1993.

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

4547

Draft Regulation

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1; 2000, c. 41)

Supplemental pension plans — 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 supplemental pension plans, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

This Regulation is made necessary by the assent, given on 5 December 2000, to the Act to amend the Supplemental Pension Plans Act and other legislative provisions (2000, c. 41).

The purpose of the regulatory provisions is to adapt the rules now in force to the new provisions of the Supplemental Pension Plans Act. They are intended to set certain rules for calculations relative to the additional pension benefit to which a pension plan member who ceases to be an active member is entitled. They specify the information that must appear on the periodic statements that must be sent to pension plan members and beneficiaries, the statements provided to members and their spouses in cases of family mediation, separation and divorce, the actuarial reports and the annual information returns that must be submitted to the Régie

des rentes du Québec as will as several other documents prescribed by law. They establish new rules for calculating the fees payable to the Régie in view of covering the costs incurred in the administration of the Act. They also make several corrections to the current regulation to eliminate certain difficulties of interpretation or application that have been noted. These provisions will therefore have an impact on the administration of pension plans and the retirement savings instruments subject to the Regulation.

Further information may be obtained from Mrs. Sophie Potvin, Régie des rentes du Québec, place de la Cité, 2600, boulevard Laurier, Sainte-Foy (Québec) G1V 4T3 (tel.: (418) 657-8732, fax: 659-8985; e-mail: sophie.potvin@rrq.gouv.qc.ca).

Any person having comments to make on this matter is asked to send them in writing, before the expiry of the 45-day period, to Mr. Guy Morneau, President and General Manager of the Régie des rentes du Québec à place de la Cité, 2600, boulevard Laurier, 5e étage, Sainte-Foy (Québec) G1V 4T3. Comments will be forwarded by the Régie to the Minister of Employment and Social Solidarity, who is responsible for the administration of the Supplemental Pension Plans Act, under which this Regulation may be made.

JEAN ROCHON,
Minister of State for Labour, Employment and Social Solidarity, Minister of Employment and Social Solidarity

Regulation to amend the Regulation respecting supplemental pension plans*

Supplemental Pension Plans Act
(R.S.Q., c. R-15.1, s. 244, 1st para., para. 1, 2, 3.1, 4, 6, 7, 8, 8.3, 11, 12.1 and 14 and s. 312; S.Q. 2000, c. 41, s. 162 and 200)

1. Section 1 of the Regulation respecting supplemental pension plans is amended:

(1) by replacing paragraph 1 with the following paragraph:

"(1) the name of each employer party to the plan and the nature of the enterprise of the principal employer party to the plan;"

(2) by striking out paragraphs 4 and 5 of the first paragraph;

(3) by replacing paragraph 6 of the first paragraph with the following paragraph:

"(6) the number of active members exercising included employment within the meaning of section 4 of the Pension Benefits Standards Act (Revised Statutes of Canada (1985), chapter 32, 2nd supplement), distributed by sex, the number of active members working outside Canada, the number of the other active members, distributed by sex and, according to the place where the work is carried out, by Canadian province and territory, as well as the number of non-active members and beneficiaries;";

(4) by the striking out the words "if that date is not 31 December" in paragraph 7 of the first paragraph;

(5) by striking out paragraph 8 of the first paragraph;

(6) by replacing the second paragraph with the following paragraph:

"The signatory of the application must certify:

(1) that he is the administrator of the plan or that he is authorized to act on the administrator's behalf;

(2) that the person who certified the copy of the plan that accompanies the application to be a true copy is qualified to do so;

(3) that the information contained in the application is exact to the best of his knowledge.".

2. Section 1.1 of the Regulation is amended:

(1) by adding the words "and the number of active plan members on that date" at the end of paragraph 2 of the second paragraph;

(2) by adding the following paragraphs after paragraph 3 of the third paragraph:

"(4) the person who certified the copy of the plan that accompanies the application to be a true copy is qualified to do so;

(5) the information contained in the application are exact to the best of his knowledge.".

* The last amendment to the Regulation respecting supplemental pension plans, approved by Order in Council 1158-90, dated 8 August 1990 (*G.O.* 1990, 2, 2318), was made by the regulation approved by Order in Council 577-98, dated 29 April 1998 (*G.O.* 1998, 2, 1808). For the preceding amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

3. Section 2 of the Regulation is amended:

(1) by replacing the words "of the certificate of registration of the plan issued" with the words "assigned to it" in paragraph 1 of the first paragraph;

(2) by replacing the words "the nature" with the words "the object" in paragraph (2) of the first paragraph;

(3) by replacing paragraph 5 of the first paragraph with the following paragraph:

"(5) a copy of the pertinent part of any collective agreement, arbitration award, order or decree under which the amendment was made.";

(4) by replacing the second paragraph with the following paragraphs:

"The signatory of the application must certify:

(1) that he is the administrator of the plan or is authorized to act on the administrator's behalf;

(2) that the person who certified the copy of the amendment that accompanies the application to be a true copy is qualified to do so;

(3) that the information contained in the application is exact to the best of his knowledge.

The application for registration shall also be accompanied with a declaration in conformity with the declaration provided in schedule 0.0.1.".

4. Section 2.1 of the Regulation is amended:

(1) by replacing the words "of the certificate of registration issued" with the words "assigned to it" in paragraph 1 of the first paragraph;

(2) by replacing the words, "the nature" with the words "the object" in paragraph (2) of the first paragraph;

(3) by striking out the words "and the effective date of those provisions" at the end of paragraph 3 of the first paragraph;

(4) by adding the words ", adapted as required to take into account the fact that the application concerns an amendment to the plan".

5. Section 3 of the Regulation is revoked.

6. Section 4 of the Regulation is replaced with the following section:

"**4.** A report referred to in section 119 of the Act shall, if it is referred to in section 5, contain the information and the declarations of the Actuary provided for in the procedure entitled "Standard of Practice for Valuation of Pension Plans" approved by the Canadian Institute of Actuaries on 20 January 1994 and the following information:

(1) the name of the plan and the number assigned to it by the Régie;

(2) the date of the actuarial valuation;

(3) the number of active members, the number of non-active members and the number of beneficiaries whose benefits are covered by the actuarial valuation;

(4) the value of the assets and of the plan's obligations determined on the basis of funding, as well as the methods or actuarial assumptions used to determine them.

(5) the current service contribution projection for the first fiscal year covered by the actuarial valuation and the rule used to determine the current service contributions for each of the fiscal years between the date of the valuation and the date of the next valuation required under subparagraph 3 of section 118 of the Act, with a mention of the share that must be paid respectively by the employer and the members;

(6) the employer contribution under the plan, where it is different than the minimum contribution provided for in sections 39 and 140 of the Act.

(7) for each unfunded liability not yet entirely amortized:

(a) its type according to section 126 of the Act;

(b) the date of its determination as well as the date of the end of the period provided for its amortization;

(c) the amortization amounts to be paid monthly until the end of the period and their present value;

(8) for each sum determined under subparagraph 4 of the second paragraph of section 137 of the Act:

(a) the date of its determination as well as the date of the end of the prescribed amortization period;

(b) the amortization amounts to be paid until the end of the period and their present value;

(8) the value of the plan's assets and liabilities determined on the basis of solvency as well as the methods or actuarial assumptions used to determine them;

(10) the estimated amount of the administration costs referred to in the first paragraph of section 138 of the Act.

(11) where the plan provides for obligations to which the last sentence of the second paragraph of section 138 of the Act applies:

(a) a description of the obligations;

(b) the scenario used by the actuary to determine the plan's liabilities on the basis of solvency and, where that scenario results in liabilities less than the value of the obligations arising from the plan in supposing that the plan is terminated on the date of the valuation in circumstances such that the benefits of the members must be estimated at their maximum value, such maximum value;

(12) the description of the approach used to estimate the premium referred to in the fourth paragraph of section 138 of the Act;

(13) where the plan's degree of solvency is less than 100%, the value of the amounts referred to in paragraphs 1 and 2 of the second paragraph of section 137 of the Act for each unfunded actuarial liability and each sum determined by the application of subparagraph 4 of the second paragraph of section 137;

(14) the liabilities, degree of solvency and date of application that results from the rule provided for in the fifth paragraph of section 138 of the Act;

(15) a description of the changes made by applying sections 133, 134 or 140 of the Act to the amortization amounts and periods mentioned in the last report on the valuation of the whole plan and in any later report prepared by the application of section 130 of the Act;

(16) the surplus assets determined on the basis of funding and that determined on the basis of solvency;

(17) the maximum amount referred to in section 146.2 of the Act, taking into account the rule set out in section 146.1 of the Act;

(18) a summary of the provisions of the plan that must be taken into account for the purposes of the valuation, including those bearing on membership requirements, contributions, normal retirement age, requirements to be met to be entitled to an early pension, pension indexation formula, assumptions used in accordance with the second paragraph of section 61 of the Act and the refunds and benefits payable for the purposes of a postponed pension, early pension and normal pension;

(19) a description of the contribution adjustments resulting from the application of the third paragraph of section 41 of the Act;

(20) the name of the signatory, his professional title, the name and address of his office, his signature and the date of signing.

In addition, a report to which the first paragraph applies shall, where it concerns an actuarial valuation referred to in section 130 of the Act, contain the information referred to in section 5.".

7. Section 5 of the Regulation is replaced with the following section:

"**5.** A report pertaining only to an actuarial valuation referred to in section 130 of the Act shall contain the following information:

(1) the name of the plan and the number assigned to it by the Régie;

(2) a summary of each amendment covered by the valuation and the effective date of the amendment;

(3) the valuation date;

(4) the value of the additional obligations resulting from the amendments referred to in paragraph 2 and the determination date for the value, indicating separately the value of the additional obligations, if any, that are the result of an amendment whose purpose is to temporarily facilitate the retirement of members and the value of the additional obligations that are the result of an amendment whose purpose is to increase the pensions paid to members or beneficiaries;

(5) the determination date for the improvement unfunded actuarial liability, the date of the end of the prescribed amortization period and the amortization amount to be paid until that date;

(6) the amount of the increase in the current service contribution that is a result of the amendments referred to in paragraph 2 and the rule used to determine the current service contribution for each of the fiscal years between the date of the actuarial valuation and the date of the valuation required under paragraph (3) of section 118 of the Act, with a mention of the share that must be paid respectively by the employer and the members;

(7) the employer contribution under the plan, if it is different than the minimum contribution under sections 39 and 140 of the Act;

(8) an attestation that the value of the additional obligations and the changes in the current service contribution referred to in paragraphs 4 and 6 were determined by using the same actuarial assumptions and methods as those used for the must recent actuarial valuation of the whole plan or, where the first or second paragraph of section 130 of the Act so authorizes, a description of the changes made to those assumptions and methods;

(8) the attestations required, if any, under section 130 of the Act, the amount referred to in paragraph 2 of the third paragraph of that section and the assumptions used for the purposes of estimating the degree of solvency referred to in the fifth paragraph of that section;

(10) the maximum amount referred to in section 146.2 of the Act, taking into account the amendment made to the plan and the rule set out in section 146.1 of the Act;

(11) the name of the signatory, his professional title, the name and address of his office and the date of signing.".

8. Section 6 of the Regulation is repealed.

9. Sections 12 and 13 of the Regulation are replaced with the following sections:

"**12.** For the purposes of paragraphs 2, 3 and 4 of sections 13.0.1, 13.0.2 and 13.0.3, only members and beneficiaries in respect of whom the Régie may exercise the powers granted to it by the Act or an act of delegation shall be taken into consideration.

13. The following applications for registration shall, at the time they are filed with the Régie, be accompanied with the fees indicated with respect thereto:

(1) an application concerning a standard contract for a life income fund referred to in section 19 or a locked-in retirement account referred to in section 29: $1 000;

(2) an application concerning a simplified pension plan referred to in Division IV of the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act, made by Order in Council 1160-90, dated 8 August 1990, with respect to the provisions common to all the employers party to the plan: $1 000 plus $4.50 for each active plan member on the date of the application;

(3) an application concerning a pension plan that is not referred to in paragraph 2 or 4: $500 or, where a plan is not subject to a periodic actuarial valuation $250, to which fees shall be added $7 for each plan member or beneficiary on the date of the application, to a maximum of $100 000;

(4) an application concerning a flexible pension plan referred to in Division VII of the Regulation respecting plans exempted from certain provisions of the Supplemental Pension Plans Act: $1 000 plus fees calculated in accordance with paragraph (3);

(5) an application concerning an amendment to a pension plan referred to in section 31 of the Regulation respecting plans exempted from certain provisions of the Supplemental Pension Plans Act: $1000.

13.0.1. The annual statement provided for in section 161 of the Act shall, when transmitted to the Régie, be accompanied with fees determined as follows: $500 where, in the case of a plan that is not subject to a periodic actuarial valuation, $250 plus $7 for each member and beneficiary of the plan on the ending date of the fiscal year to which the statement pertains, to a maximum of $100 000.

However, where the annual statement concerns a simplified pension plan, the fees are determined as follows: $1 000 plus $4,50 for each active plan member on the ending date of the fiscal year to which the statement pertains.

13.0.2. From 31 December 2002, the amount payable for a member or beneficiary under paragraph 3 or 4 of section 13 or under the first paragraph of section 13.0.1 shall be adjusted on 31 December of each year by multiplying the amount payable before that date by the ratio that the average, for the 12-month period ending on 30 June of the current year, of the average weekly salaries and wages for the Industrial Composite in Canada for each of the months comprised in that period, as published by Statistics Canada pursuant to the Statistics Act bears to the average, for the 12-month period ending at the end of June of the year immediately preceding the current year, of the average weekly salaries and wages for the Industrial Composite in Canada, as published by Statistics Canada pursuant to the Statistics Act. The product of the multiplication shall be increased or decreased to the next multiple of $0,05.

The amount thus determined may not be less than the amount that was payable before the adjustment.

The Régie gives public notice of the result of the adjustment made under this section in Part 1 of the *Gazette officielle du Québec* and, if the Régie deems it to expedient, by any other means.

The adjustment provided for in the first paragraph applies to any annual statement pertaining to a fiscal year ending during the 12-month period for which the adjustment is made.

13.0.3. The termination report referred to in section 207.2 of the Act shall, when it is transmitted to the Régie, be accompanied with fees determined as follows: $500 or, where the plan that is not subject to a periodic actuarial valuation, $250, plus, for each plan member and beneficiary on the date which precedes the termination date, an amount equal to twice the amount set for a member or beneficiary under paragraph 3 of section 13 and section 13.0.2 for the period in which the plan is terminated, up to a maximum of $100 000.

The termination report provided for in paragraph 2 of section 15 of the Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act, shall when it is submitted to the Régie, be accompanied by fees of $1 000.".

10. Section 13.1 of the Regulation is amended by striking out the word "totally" in the first paragraph.".

11. Section 14 of the Regulation is amended as follows:

(1) by replacing the number "12" with the number "13" in the first paragraph except in paragraphs 1 and 5, 13.0.1 or 13.0.3";

(2) by replacing the words "that section" in the first paragraph with the words "the pertinent provision";

(3) by replacing the words "referred to in section 12" by the words "to which the first paragraph applies";

(4) by adding the words "at the expiry of the period provided for submitting the document to the Régie" in the second paragraph, after the word "owing".

12. Section 14.1 of the Regulation is replaced with the following section:

"**14.1.** A financial institution shall pay the Régie, before 31 December of each year, fees of $250 for each standard contract for a life income fund or locked-in retirement account registered in its name. In case of failure to pay, additional fees equal to 10% of the balance owing at that date shall be paid to the Régie.".

13. Section 15 of the Regulation is amended by replacing the sum "$5" with the sum "$20."

14. The Regulation is amended by adding the following division after section 15:

"**DIVISION II.0.1**
ADDITIONAL PENSION BENEFIT

15.0.1. For the purposes of applying the first paragraph of section 60.1 of the Act:

(1) the value of the member contributions referred to by A is determined by taking into account the value of the pension resulting from the member's credited service for any period of work during which the rules set out in section 60 of the Act apply to him by supposing that he is entitled, under the plan, to a pension whose value is determined in accordance with the second paragraph of section 60.1 of the Act for service credited to him for any period of work during which the indexation provided for in that section applies to him;

(2) the value of the member contributions referred to by B is determined by taking into account the value of the pension to which the member is entitled for service credited to him for any period of work during which, under the provisions of the plan, the rules set out in section 60 of the Act apply to him.

15.0.2. The additional pension benefit to which the member is entitled under section 60.1 of the Act is determined, as provided for in the plan:

(1) in the form of a life pension purchased at the date on which the member ceased to be an active member;

(2) provided the member consents thereto, in the form of another ancillary benefit constituted at the date on which the member ceased to be an active member and whose value is at least equal to that of the additional pension benefit.

In the case provided for in paragraph 1 of the first paragraph, if the value of the additional pension benefit, taking into account the provisions of the Tax Act that prescribe the minimum pension benefits that may be paid under registered pension plans defined in section 1 of that act, cannot be used in its entirety to increase the member's retirement pension, the excess portion of the benefit shall be paid to the member, in a lump sum, on the date on which he ceased to be an active member.

15.0.3. The value of the pension increase provided for in paragraph 1 or 2 of the first paragraph of section 15.0.2 is determined, on the date on which the member ceased to be an active member, using the assumptions referred to in section 61 of the Act that are used at that date to determine the value of the pension benefits to which section 60 of the Act applies and to which entitlement is obtained on that date.".

15. Section 15.3 of the Regulation is amended:

(1) by replacing the words "actuarial assumptions and method" with the words "the assumptions referred to in section 61 of the Act";

(2) by replacing the words "identical to those which, as at that date, are used" with the words "which are used at that date" in the second paragraph.

16. Section 16 of the Regulation is amended:

(1) by replacing the word "paragraph" with the words "and third paragraphs" in the first paragraph;

(2) by adding, at the end of the second paragraph, the following sentence: "The fourth paragraph of section 85 of the Act applies, *mutatis mutandis*, with respect to the spouse.".

17. Section 19 of the Regulation is amended:

(1) by replacing the words "has expired" with the words "has not expired" in paragraph 3 of the first paragraph;

(2) by replacing paragraph 5 of the first paragraph with the following paragraph:

"(5) that the spouse of the purchaser who is a former member or beneficiary may, by giving notice in writing to the financial institution, waive his entitlement to receive the pension benefit provided for in paragraph 4 above or the life pension provided for in paragraph 2 of the second paragraph of section 23 and may, in the case of the pension benefit, revoke such a waiver by giving notice in writing to the financial institution to that effect before the death of the purchaser and, in the case of the life pension, before the date of conversion, in whole or in part, of the life income fund;";

(3) by replacing paragraph 6 of the first paragraph with the following paragraph:

"(6) that the spouse of the purchaser who is a former member or a member ceases to be entitled to the pension benefit provided for in paragraph 2 of the second paragraph of section 23 upon separation from bed and board, divorce, annulment of marriage or, in the case of an unmarried spouse, upon cessation of the conjugal relationship, unless the purchaser has transmitted to the financial institution the notice provided for in section 89 of the Act;";

(4) by adding the following paragraph after paragraph 6 of the first paragraph:

"(6.0.1) that the seizable portion of the balance of the fund may be paid in a lump sum in execution of a judgment rendered in favour of the purchaser's spouse that gives entitlement to a seizure for unpaid alimony;";

(5) by replacing paragraph 7 of the first paragraph with the following paragraph:

"(7) that the purchaser may transfer, in whole or in part, the balance of the fond to a pension plan governed by the Act or referred to in paragraph 1, 2, 3.1, 4 or 5 of section 28, unless the agreed to term of the investments has not expired;";

(6) by adding, after paragraph (7) of the first paragraph, the following paragraph:

"(7.1) that the purchaser may require that the total balance of the fund be paid to him in a lump sum if he has not resided in Canada since at least two years;";

(7) by replacing, in paragraph 10.1 of the first paragraph, the words "balance of the fund shall be determined without taking into account the payment of the surplus portion, unless such payment is attributable to a false declaration of the purchaser" with the words "purchaser may, unless the payment is attributable to a false declaration by him, require that the financial institution pay him, as a penalty, a sum equal to the surplus income paid";

(8) by replacing, in the French version, the words "de la loi" with the words "d'une loi" in paragraph 13 of the first paragraph;

(9) by adding, at the end of the second paragraph, the following sentence: "The registration of a standard contract may, in addition, be cancelled where no contract establishing a life income fund in conformity with it exists and where the financial institution attests that it no longer intends to make any contracts in conformity with that standard contract.".

18. Section 23 of the Regulation is amended:

(1) by replacing paragraph 1 of the second paragraph with the following paragraph:

"(1) the insurer guarantees payment of that pension in periodic, equal amounts that may not vary unless each of them is uniformly increased in accordance with an index or rate provided for in the annuity contract or uniformly adjusted by reason of a seizure effected on the purchaser's benefits, a partition of the purchaser's benefits in favour of his spouse, the payment of a temporary pension in accordance with the conditions provided for in section 91.1 of the Act or the option provided for in subparagraph 3 of the first paragraph of section 93 of the Act;";

(2) by striking out paragraph 3 of the second paragraph.

19. Section 24 of the Regulation is amended:

(1) by replacing the words "at the beginning of the preceding fiscal year" with the words "indicated on the previous statement pertinent thereto" in paragraph 1 of the first paragraph;

(2) by adding the words "a life" before the word "income" in paragraph 3 of the first paragraph.

20. Section 25 of the Regulation is amended by the word "assigns" with the words "successors".

21. Section 27 of the Regulation is amended:

(1) by replacing the word "paragraph" with the words "and third paragraphs" in the first paragraph;

(2) by adding, at the end of the second paragraph, the following sentence: "The fourth paragraph of section 85 of the Act applies, *mutatis mutandis*, with respect to the spouse referred to in this section.".

22. Section 28 of the Regulation is amended:

(1) by replacing the words "under sections 98 and 100" with the words "under section";

(2) by replacing paragraph 3 with the following paragraph:

"(3) for voluntary contributions credited, with accrued interest, to the account of the purchaser, a registered retirement savings plan;".

23. Section 29 of the Regulation is amended:

(1) by adding the number "3.1" in paragraph 1 of the first paragraph, after the word and numbers "paragraph 1, 2";

(2) by replacing, in the English version, the word and number "paragraph 3," with the words and number "paragraphs 3 and" in paragraph 2 of the second paragraph;

(3) by replacing, in paragraph 2 of the second paragraph, "adjusted by reason of an index or a rate provided for in the contract, by reason of the partition of the benefits of the purchaser with his spouse or by reason of the election provided for in subparagraph 3 of the first paragraph of section 93 of the Act" by "increased by reason of an index or a rate provided for in the contract or uniformly adjusted by reason of a seizure effected on the benefits of the purchaser, a partition of the purchaser's benefits with his spouse, the payment of a temporary pension under the conditions provided for in section 91.1 of the Act or the election provided for under paragraph 3 of the first paragraph of section 93 of the Act";

(4) by replacing the word "assigns" with the word "successors" in paragraph 3 of the second paragraph;

(5) by replacing paragraph 6 of the second paragraph with the following paragraph:

"(6) that the purchaser's spouse may, by giving written notice to the financial institution, waive his right to receive the payment provided for in paragraph 3 or the pension provided for in paragraph 5 and may revoke such a waiver by transmitting to the financial institution a written notice to that effect before, in the case referred to in paragraph 3, the death of the purchaser or, in the case referred to in paragraph 5, the date of conversion, in whole or in part, of the balance of the account into a life pension;";

(6) by replacing the words "except in the cases and under the conditions provided for in subparagraphs 1 and 2 of" with the words "unless the purchaser has transmitted to the financial institution the notice provided for in" in paragraph 7 of the second paragraph;

(7) by adding the following paragraph after paragraph 7 of the second paragraph:

"(7.1) that the seizable portion of the balance of the fund may be paid in a lump sum in execution of a judgment rendered in favour of the purchaser's spouse that gives entitlement to a seizure for unpaid alimony;";

(8) by adding the following paragraph after paragraph 8 of the second paragraph:

"(8.1) that the purchaser may require that the total balance of the fund be paid to him in a lump sum if he has not resided in Canada since at least two years;";

(8) by replacing, in paragraph 10.1 of the second paragraph, the words "balance of the account shall be determined without taking into account the irregular payment, unless such payment is attributable to a false declaration by the purchaser" with the words "purchaser may, unless the payment is attributable to a false declaration by him, require that the financial institution pay him, as a penalty, a sum equal to the irregular payment";

(10) by replacing, in the French version, the words "de la Loi" with the words "d'une loi" in paragraph 13 of the second paragraph;

(11) by adding, at the end of the third paragraph, the following sentence:

"The registration of a standard contract may, in addition, be cancelled where no contract establishing a life income fund in conformity with it exists and where the financial institution attests that it no longer intends to make any contracts in conformity with that standard contract.".

24. Section 30 of the Regulation is amended:

(1) by replacing the words "in paragraphs 1, 2" by the words "paragraphs 1, 2, 3.1" in paragraph 1;

(2) by replacing, in paragraph 2, the words "uniformly adjusted by reason of an index or a rate provided for in the contract, by reason of the partition of the benefits of the purchaser with his spouse or by reason the election provided for in subparagraph 3 of the first paragraph of section 93 of the Act" by the words "increased by reason of an index or rate provided for in the contract or uniformly adjusted by reason of a seizure effected on the benefits of the purchaser, the partition of the benefits of the purchaser with his spouse, the payment of a temporary pension under the conditions provided for in section 91.1 of the Act or the election provided for in subparagraph 3 of the first paragraph of section 93 of the Act";

(3) by replacing, in paragraph 3, the words "assigns are entitled to a benefit at least equal to the capital transferred to the insurer, with accrued interest at the rate prescribed in subparagraph 2 of section 61 of the Act" with the words "successors are entitled to a benefit at least equal to the capital transferred to the insurer with interest accrued at the rate obtained monthly on 5-year personal term deposits in chartered banks, as compiled by the Bank of Canada";

(4) by replacing paragraph 5 with the following paragraph:

"(5) the spouse of the purchaser may, by giving written notice to the insurer, waive his entitlement to receive the benefit provided for in paragraph 3 or the pension provided for in paragraph 4 and may revoke such a waiver by giving written notice to that effect to the insurer before, in the case of the benefit, the death of the purchaser or, in the case of the pension, the beginning of payment of the purchaser's life pension;";

(5) by replacing the words "except in the cases and under the conditions provided for in paragraphs 1 and 2 of" with the words ", unless the purchaser the purchaser has transmitted to the insurer the notice provided for in" in paragraph 6;

(6) by adding, after paragraph 6, the following paragraphs:

"(7) where the pension paid to the purchaser was determined by taking into account his spouse's entitlement to the pension provided for in paragraph 4, the purchaser may, if the spouse is no longer entitled to that pension pursuant to paragraph 6, require that his pension by replaced by another pension, which has the same characteristics as the replaced pension, with the exception of the benefit granted to the spouse under paragraph 4, and whose value is equal to the value that pension commuted to the date of the purchaser's application for replacement;

(8) the seizable portion of the capital accrued to pay the pension may be paid in a lump sum in execution of a judgment rendered in favour of the purchaser's spouse that gives entitlement of a seizure for unpaid alimony.".

25. Section 31 of the Regulation is amended by replacing paragraph 1 with the following paragraph:

"(1) the purchaser may transfer, in whole or in part, the commuted value of the pension that he receives or his deferred pension to a pension plan governed by the Act or referred to in paragraph 1, 2, 3.1, 4 or 5 of section 28;".

26. The Regulation is amended by adding, after section 31, the following division:

"**DIVISION IV.1**
TRANSFER, PARTITION AND SEIZURE OF THE PURCHASER'S BENEFITS

31.1. The benefits accrued in behalf of the purchaser in a life income fund or a locked-in retirement account or under an annuity contract referred to in section 30, which, following their partition or transfer in the cases and under the conditions referred to in sections 107 and 110 of the Act, are granted to the spouse of the purchaser, are paid by transferring their value to a plan governed by the Act or referred to in paragraph 1, 2, 3.1, 4 or 5 of section 28.

A sum granted to the spouse of the purchaser following a seizure for unpaid alimony effected on the benefits or sums accrued in behalf of the purchaser in a life income fund or a locked-in retirement account or under an annuity contract referred to in section 30 shall be paid in a lump sum.".

27. Section 33 of the Regulation is amended:

(1) by replacing, in the definition of "pension benefits", the words "in the form of pension benefits" by the words "in the form of refunds, pensions or other benefits";

(2) by replacing, in the definition of "period of membership", the words "whole months or parts of months" with the word "days" and the words "without taking into account the months" with the words "without taking into account the days";

(3) by striking out the word "first".

28. Section 34 of the Regulation is amended:

(1) by replacing the words "referred to in section 108 or 110" with the words "provided for in section 108" in the words preceding paragraph 1;

(2) by replacing paragraph 2 with the following paragraph:

"(2) in the case of married spouses, proof of the date of their marriage and either proof of the date on which the proceedings were instituted or, where the application is made on the occasion of a mediation, a joint attestation of the date on which they ceased living together;";

(3) by replacing the words "more than one" with the words "at least one" in paragraph 3;

(4) by adding, after paragraph 3, the following paragraph:

"the application made on the occasion of a mediation shall also contain the written confirmation of an accredited mediator to the effect that he received a mandate within the context of a family mediation.".

29. Section 35 of the Regulation is amended:

(1) by replacing the number "90" with the number "60" in the first paragraph;

(2) by adding the words "is divided into two parts, the first of which" after the word "statement" in the second paragraph preceding paragraph 1;

(3) by striking out the word "first" in paragraph 1 of the first paragraph;

(4) by striking out paragraph 3 of the second paragraph;

(5) by replacing subparagraphs *a*, *b* and *c* of paragraph 4 of the second paragraph with the following subparagraphs:

"(*a*) the value of the benefits accrued during the marriage, distributed according to their nature as capital benefits or pension benefits;

(b) accept where the value referred to in subparagraph *a* is calculated in accordance with paragraph 1 of the first paragraph of section 39, the number of days in the period of membership which began on the date on which the member joined the plan concerned as well as the number of those days in the period of the marriage and, where such information is available, the number of days in the period of membership in any other plan from which benefits or assets were transferred as well as the number of such days in the period of marriage;";

(6) by replacing the third paragraph with the following paragraph:

"The first part of the statement shall be signed by the person who prepared it. Unless it the Court is shown that the benefits and periods appearing on the statement must be corrected or that the values appearing on the statement were not determined according to the rules provided for in this Division, the statement shall constitute proof of its content.".

30. The Regulation is amended by adding, after section 35, the following sections:

"**35.1.** The second part of the statement shall contain the following information:

(1) the name of the plan and the number assigned to it by the Régie;

(2) in the case of married spouses, the date of marriage of the member and his spouse and the date of institution of proceedings or, where the application is made on the occasion of a mediation, the date of they ceased living together;

(3) in the case of unmarried spouses, the dates of the beginning and end of the conjugal relationship of the member and his spouse;

(4) the date on which the member joined the plan;

(5) the personnel information relative to a member and his spouse and taken into account in determining the first part of the statement, with a mention that it may be in the their interest to have the information corrected if it is erroneous;

(6) the name and address of the person to be contacted for any information concerning the plan;

(7) the terms, conditions and periods applicable to payment of the share that goes to the spouse, taking into account in particular, the plan's degree of solvency;

(8) the rules governing the calculation of the interest that is added to the amount granted to the spouse;

(9) where the member's benefits include benefits or assets transferred from another plan and the pension committee does not have the information required to apply section 41, the mention of the fact that the value of the member's benefits indicated on the statement may have been different had the committee been informed of the information that it lacked;

(10) the rules set out in section 89.1 of the Act.

35.2. For the purposes of a statement required on the occasion of a mediation, the rules provided for in this section apply by replacing the date of institution of proceedings with the date on which the spouses ceased living together.

In the following cases, those rules apply, however, by replacing the date of institution of proceedings either, where the number of days in the period of membership as from the date of marriage is to be determined, with the date on which the spouses ceased living together or, for any other purpose, with the date of the application for the statement:

(1) the member's pension is in payment on the date on which the spouses cease living together and that date precedes by more than two years the date of the application for the statement.

(2) the pension committee does not have the information concerning the value of the member's benefits on the date on which the spouses ceased living together, it being understood that in such case, the value of the capital benefits accrued during the marriage is determined in the manner provided for in paragraph 2 of the first paragraph of section 39 or, where the benefits have already been the object of a partition or transfer, section 42.

Moreover, in the cases referred to in the second paragraph, the value of the member's aggregate benefits correspond to the product of the value determined in accordance with section multiplied by the fraction that represents the number of days of the membership period relative to those benefits between the date of marriage and the date on which the spouses ceased living together over the number of days of that period between the date of marriage and the date of the application for the statement.".

31. Section 36 of the Regulation is amended:

(1) by striking out paragraph 1 of the second paragraph;

(2) by replacing the words "entitled neither to a refund nor" with the words "not entitled" in paragraph 3 of the second paragraph;

(3) by adding, after paragraph 3 of the second paragraph, the following paragraph:

"(4) to any other benefit or to any refund to which he would then be entitled.";

(4) by replacing the third paragraph with the following paragraph:

"Where the member's benefits correspond to a pension, pension benefits include:

(1) benefits relative to excess member contributions, with accrued interest, up to the ceiling set in section 60 of the Act;

(2) benefits relative to the additional pension benefit provided for in section 60.1 of the Act.".

32. Section 37 of the Regulation is amended:

(1) by replacing the words "actuarial assumptions and methods identical to those" by the words "assumptions referred to in section 61 of the Act" in the second paragraph;

(2) by adding, after the second paragraph the following paragraphs:

"Where the benefits of the member correspond to a deferred pension whose payment has not begun, the value of the pension to which the member is entitled is determined according to the following formula:

$$\frac{O + P}{2}$$

"O" represents the value of the pension to which the member is entitled and the benefits resulting therefrom by supposing that payment of the pension begins on date on which the member reaches the normal retirement age;

"P" represents the value of the pension to which the member is entitled and the benefits resulting therefrom by supposing that the member acts so as to maximize it.

To determine the value of the benefits referred to in the third paragraph of section 36 where the benefits of the member referred to in the second paragraph of that section correspond to a deferred pension whose payment has not begun, the value of the pension benefit referred to subparagraph 1 of section 60 of the Act and the value of the pension benefit referred to by B in section 60.1 of the Act are deemed to be equal to the value of the pension resulting from service credited to the member with respect to any period of work during which the rules set out in section 60 of the Act apply in respect of him, determined in accordance with the third paragraph.".

33. Section 39 of the Regulation is amended by replacing, in paragraph 2 of the first paragraph, the words "months in the period of membership between the date of marriage and the date of institution of proceedings over the number months" with the words "days in the period of membership relative to those benefits between the date of marriage and institution of proceedings over the number of days".

34. Section 40 of the Regulation is amended by replacing the words "months in the period of membership between the date of marriage and the date of institution of proceedings over the number of months" with the words "days in the period of membership relative to those benefits between the date of marriage and the date of institution of proceedings over the number of days".

35. Section 41 of the Regulation is amended:

(1) by adding, in the passage of that section that precedes the formula and after the words "benefits transferred", the words ", as well as the period of membership related thereto,";

(2) by replacing the word "months" wheresoever it occurs in "p", "a", "A", and "P" with the word "days".

36. Section 42 of the Regulation is amended:

(1) by replacing the word "months", wheresoever it occurs in "M" and "Q" of paragraph 1 as well as in paragraph 2, with the word "days";

(2) by replacing the words "total value" with the words "total residual value" in paragraph 2.

37. Section 43 of the regulation is amended by adding the words "by substituting the residual value of the benefits for the value of the benefits".

38. Section 44 of the Regulation is replaced with the following section:

"**44.** Where the Court decides that the value of the patrimony that may be partitioned or transferred between the spouses shall be determined as at the date on which they ceased living together, the value of the member's accrued benefits is the value shown on the statement referred to in section 35.2, as corrected, where necessary by the Court or in the absence of such statement, the value determined pursuant to sections 36 to 43.

Those sections apply by replacing the date of institution of proceedings with the date on which the spouses ceased living together, except in the following cases, where the date of institution of proceedings is replaced with the date on which the spouses ceased living together only for determining the number of days in the period of membership as from the date of marriage:

(1) the member's pension is in payment on the date on which the spouses ceased living together and that date is more than two years prior to institution of proceedings;

(2) the pension committee does not have the information relative to the value of the member's benefits as at the date on which the spouses ceased living together, it being understood that in such case, the value of the capital benefits accrued during the marriage is determined in the manner provided for in paragraph 2 of the first paragraph of section 39 or, where the benefits have already been the object of a partition or transfer, section 42.".

39. Section 46 is amended:

(1) by adding, in the words preceding paragraph 1, after the word "retirement", the words "It must show the method of payment that the spouse elected from among those referred to in section 50.";

(2) by striking out the words "the certificate of divorce and, in the case of another judgment referred to in paragraph 2 or 2,".

40. Section 48 of the Regulation is replaced with the following:

"**48.** Where the partitioned or transferred benefits were part of the capital benefits, interest calculated at the rates provided for in the second paragraph of section 39 fits or, where the benefits were part of the pension benefits, at the rate used to determine their value, must be added to the amount granted to the spouse

In the case of partition of benefits between married spouses, interest accrues from the date of institution of proceedings or, where the Court decides that the value of the patrimony that may be partitioned or transferred is determined as at the date on which the spouses ceased living together, from the latter date, until the date of execution of partition or transfer. In the case of partition of benefits between unmarried spouses, interest accrues from the date of cessation of their conjugal relationship.".

41. Section 50 of the Regulation is replaced with the following section:

"**50.** Unless it has been notified of the spouse's waiver or of a judicial opposition to the partition or transfer of the member's benefits, the pension committee shall, within 60 days following the expiry of the period provided for in the second paragraph of section 47 and in accordance the indications contained in the application referred to in section 46, with respect to the sum corresponding to the benefits granted to the spouse take one of the following measures:

(1) transfer the sum to the account of the spouse who is already a member of the pension plan, to another plan in which the spouse is a member or to a plan referred to in paragraph 3.1, 4 or 5 of section 28;

(2) where the plan allows, grant to the spouse, who becomes a member, benefits under the plan;

(3) pay the sum to the spouse or transfer it to a plan referred to in one of paragraphs 3 to 5 of section 28, in the following cases:

(a) the benefits in question correspond to a refund to which the member would have been entitled on the date of institution of proceedings, it being understood that subject to subparagraph *b*, the benefits granted to the spouse may not be paid to the spouse in a proportion greater than for which the member's benefits could have been refunded to the member;

(b) the value of such benefits is less than 20% of the Maximum Pensionable Earnings determined under the Act respecting the Québec Pension Plan for the year in which the transfer or partition is carried out.".

42. Section 51 of the Regulation is repealed.

43. Section 52 of the Regulation is amended by adding, at the end, the following paragraph:

"For the purposes of applying section 145 of the Act, the minimum sum that must be paid or transferred to the spouse or to the spouse's account must bear to the sum granted to the spouse, the same proportion that the contributions, amounts and interest referred to in section 145 bear to the total value of the member's benefits.".

44. Section 53 of the Regulation is amended by replacing the number "462.11" with the number "424".

45. Section 54 of the Regulation is amended:

(1) by replacing, in the first paragraph, the words "at the date of execution of the partition or transfer of pension benefits, establish" with the words "where no pension is being paid to the member at the date of execution of the partition or transfer of pension benefits, determine at that date";

(2) by replacing the second paragraph with the following paragraphs:

"Where the pension benefits correspond to a postponed pension, the amount provided for in first paragraph is determined on the basis of the value of the retirement pension recalculated at the date of execution of the partition or transfer in accordance with section 79 of the Act.

In every case, the amount provided for in the first paragraph is determined by using the same assumptions as those used to determine the value of the member's benefits with a view to partition or transfer.".

46. Section 55 of the Regulation is amended:

(1) by replacing the word "were" with the word "are" in paragraph 1;

(2) by replacing the word "were" with the word "are" in the passage of paragraph 2 that precedes the first bulleted passage;

(3) by replacing the first bullet passage of paragraph 2 with the following bulleted passage:

"• any pension of which payment has begun shall, after having been, where required, re-determined under section 89.1 of the Act, be reduced by the proportion represented by the value of the benefits attributed to the spouse at the date of execution of the partition or trans-

fer over the value that the pension paid to the member would have had on the day preceding the effective date of the judgment, it being understood that the latter value is determined by using the same assumptions as those used to determine the value of the benefits attributed to the spouse;";

(4) by replacing, in the third bulleted passage of paragraph 2, the words "any refund that must be paid must be reduced" by the words "any benefit or refund that must be paid or transferred must be reduced, up to its amount or value.".

47. The Regulation is amended by adding, after section 56, the following division:

"**DIVISION V.1**
SEIZURE OF THE MEMBER'S BENEFITS

56.0.1. This division applies with respect to a seizure referred to in the second paragraph of section 109 of the Act that is effected by the member's spouse or on his behalf.

56.0.2. The value of the benefits accrued by the member at the date on which the seizure is carried out is determined pursuant to sections 36 and 37, which are applied by replacing the date of institution of proceedings with the date of seizure.

56.0.3. Where the benefits attributed to the spouse are paid from the benefits of the member that are pension benefits within the meaning of section 33 and no pension is being paid to the member at the date on which the seizure is effected, the pension committee shall determine at that date the amount of the portion of the normal pension that, determined according to the value of the benefits attributed to the spouse, would have been paid to the member by the plan for that pension. The pension committee must conserve a mention of that amount in its records.

Where the pension benefits correspond to a postponed pension, the amount provided for in the first paragraph is determined on the basis of the value of the value of the pension recalculated at the date of the seizure, pursuant to section 79 of the Act.

In every case, the amount provided for in the first paragraph shall be determined by using the same assumptions as those used to determine the value of the member's benefits at the date of the seizure.

56.0.4. Where the member's benefits include both entitlement to a refund and entitlement to receive a pension benefit, both of them must be reduced in the proportion that represents the value of the benefits attributed to the spouse upon seizure over the total value of those benefits

56.0.5. Subject to section 56.0.4 and any contrary provision of the pension plan, capital benefits within the meaning of section 33 are the first to be used to pay the benefits attributed to the spouse.

56.0.6. Payment of the benefits attributed to the spouse reduces the member's benefits in the following manner:

(1) where the benefits attributed to the spouse are paid from capital benefits, the value of the capital benefits is reduced by the amount paid;

(2) where the benefits attributed to the spouse are paid from pension benefits:

• any pension of which payment has begun is reduced in proportion to the amount paid to the spouse over the value of the pension being paid at the date of the seizure;

• any pension of which payment begins after the payment to the spouse must be reduced by the amount referred to in section 56.0.3 or, where the payment of the pension begins on a date other than the date of the normal retirement age, by a sum equal to the amount of the payment to the spouse;

• any other pension benefit, except for a pension benefit referred to in section 69.1 of the Act, as well as any benefit or refund that must be paid or transferred must be reduced, up to its amount or its value, by the value of the pension of which the amount is referred to in section 56.0.3.".

48. The Regulation is amended by adding, after the title of Division VI, the following sections:

"**56.1.** The summary of the pension plan provided for in section 111 of the Act must contain, in addition to the information provided for in that section, the following information:

(1) the index or rate provided for in the plan for indexation of the pension before and during its payment;

(2) the rules applicable to the transfer of the member's benefits to another pension plan;

(3) the plans referred to by any global agreement allowing the member's benefits or assets to be transferred to them;

(4) the nature of the fees that may be charged to the member;

(5) the rules that apply where members decide investments that may be made with the plan's assets;

(6) a mention that for members who cease to be active members, only those whose benefits are not paid before the plan's termination or who cease to be active members less than three years prior to that date remain members for the purposes of the eventual allocation of surplus assets upon the plan's termination.

56.2. The annual statement provided for in section 112 of the Act shall have two parts, of which the first concerns the benefits of the member or beneficiary to whom the statement is sent and the second the financial situation of the pension plan.".

49. Section 57 of the Regulation is amended:

(1) by replacing the word "The" with the words "The first part of the" in the passage that precedes paragraph 1;

(2) by replacing the words "certificate of registration issued by the Régie for the plan" with the words 'that the Régie assigned to it" in paragraph 2;

(3) replacing paragraph 4 with the following paragraph:

"(4) the name and address of the person to contact for any information concerning the plan;";

(5) by replacing paragraph 6 with the following paragraphs:

"(6) the name of any person entered in the records of the plan as the spouse or beneficiary of the member or, where necessary, a mention of the absence of an entry related to either of those capacities;

(6.1) the benefits, if any, waived by the member's spouse;";

(5) by striking the word "first" in paragraph 7;

(6) by striking out paragraph 8;

(7) by replacing paragraphs 10 and 11 with the following paragraphs:

"(10) the member contributions and the additional voluntary contributions entered in the member's account during the fiscal year as well as the total of such contributions, distributed by type, with the interest accrued since the member joined the plan up to the end of the said fiscal year, less, in the case of contributions paid under a defined contribution pension plan or under provisions similar to those of such a plan contained in a defined benefit plan, any sums applied to payment of an early pension benefit or the execution of a seizure, transfer or partition of benefits;";

(8) by replacing the word "paid to" with the word "entered in" in paragraph 12;

(9) by adding, at the end of paragraph 12, the words ", less any sums applied to payment of an early pension benefit or to the execution of a seizure, transfer or partition of benefits";

(10) by replacing paragraph 13 with the following:

"(13) the benefits and sums transferred to the member's account and the sums paid into the account during the fiscal year to purchase past service, distributed according to whether or not they must be used to constitute a pension, as well as the total benefits and sums thus transferred or paid to the member's account since the date on which he joined the plan, with accrued interest, and the added credited service or the montant of the normal pension constituted with those benefits or sums;";

(11) by replacing paragraphs 15 and 16 with the following paragraphs:

"(15) in the case of any plan other than a defined contribution plan:

(a) the service, including that referred to in paragraph 13, credited to the member for the calculation of the normal pension and appearing in the records of the plan at the end of the fiscal year;

(b) the annual amount of the normal pension that would be payable to the member for his recognized credited service at the end of the fiscal year;

(c) the amount of the reduction of that pension resulting from the payment, if any, of an early pension benefit or the execution of a seizure, a transfer or a partition of benefits;

(d) where the normal pension is determined on the basis of the member's annual remuneration or average remuneration, the remuneration or, where necessary, the average remuneration that the committee took into account to determine the amount provided for in subparagraph *b*;

(16) where the statement is an annual statement to which paragraph 15 applies and which is sent to a member who would have been entitled to transfer the value of his benefits at the end of the preceding fiscal year if he had then ceased to be an active member:

(a) the value of the benefits that the member would have been able to transfer at that date, accompanied with a mention explaining that the value is provided for information purposes and that the value of the benefits is subject to large variations by reason in particular of fluctuations in the interest rates used to determine the value as well as the payment conditions of the pension benefits;

(b) the latest date on which the member will be able to cease to be an active member and still have a transfer right;

(c) the personal information relative to the member and his spouse which were taken into account in determining the value referred to in subparagraph *a*, with a mention that it may be in the interest of the member and his spouse to have that information correct if it is erroneous;";

(12) by striking out paragraph 17.

50. Section 57.1 of the Regulation is modified by replacing, in paragraph 2, the words "of the certificate of registration for the plan issued by the Régie" with the words "that the Régie assigned to it".

51. The Regulation is amended:

(1) by adding, after the passage preceding paragraph 1, the following paragraphs:

"(0.1) the date on which the member ceased to be an active member;

(0.2) the amount that may be refunded to him;";

(2) by striking out "13 and" in paragraph 1;

(3) by replacing the words "may begin" with the word "begins" in subparagraph *a* of paragraph 2;

(4) by replacing subparagraph *b* of paragraph 2 with the following subparagraph:

"*(b)* the amount of the pension, excluding the amounts referred to in subparagraphs *b.0.1* to *e*;";

(5) by adding, after subparagraph *b* of paragraph 2, the following subparagraph:

"*(b.*0.1*)* the amount by which the pension is reduced by reason of payment of an early pension benefit or execution of a seizure, transfer or partition of benefits, as well as the amount of the adjustments relative to survivor's benefits, an early pension, a postponed pension or the exercise of an election provided for in section 93 of the Act;";

(6) by adding, after subparagraph *c* of paragraph 2, the following subparagrah:

"*(c.1)* the value of the additional pension benefit to which the member is entitled under section 60.1 of the Act and the amount of the pension constituted with that benefit;";

(7) by adding the words "or with the contributions made during the period of postponement of the pension" in subparagraph *d* of paragraph 2, after the word "contributions";

(8) by adding the words "or purchase of past service" in subparagraph *e* of paragraph 2, after the word "assets";

(9) by striking out subparagraphs *f* and *g* of paragraph 2;

(10) by replacing, in the passage of paragraph 3 that precedes subparagraph a, the words "disability pension, the information referred to in subparagraphs *c* to *g*" with "disability benefit, the information referred to in subparagraphs *c* to *e*";

(11) by replacing the words "may begin" with the word "begins" in subparagraph *a* of paragraph 3;

(12) by adding, at the end of subparagraph *b* of paragraph 3, the words "with, in the latter case, the due date of each payment";

(13) by replacing, in subparagraph *c* of paragraph 3, the words "from its integration with a public plan" with the words "from payment of an early pension benefit or execution of a seizure, transfer or partition of benefits";

(14) by replacing paragraphs 4 and 5 with the following paragraphs:

"(4) in the case of a member who has died, the nature and amount of the death benefits;

(5) in all other cases, the following information:

(a) the value of the deferred pension vested to the member;

(b) the member contributions, with accrued interest, which exceed the ceiling set in section 60 of the Act;

(c) the value of the additional pension benefit to which the member in entitled under section 60.1 of the Act and the amount of the pension, if any, constituted with that benefit as at the date of the member's cessation of active membership;

(d) if any, the value and the amount of the deferred pension constituted following a transfer of benefits and the amount of the deferred pension constituted with the total sums transferred to the member's account and those paid to it by the purchase of past service as well as the accrued interest on such sums;

(*e)* the amount of the reduction of a deferred pension resulting from payment of an early pension benefit or execution of a seizure, transfer or partition of benefits;";

(15) by adding, at the end, the following paragraphs:

"(6) the degree of solvency of the pension plan, determined at the date of the most recent actuarial valuation of the whole plan;

(7) the personnel information relative to a member and his spouse and taken into account in determining the first part of the statement, with a mention that it may be in the their interest to have the information corrected if it is erroneous.".

52. Section 59 of the Regulation is replace with the following section:

"**59.** The first part of the annual statement referred to in section 112 of the Act and sent to a non-active member must contain the following information:

(1) that provided for in paragraphs 1 to 6.1 of section 57;

(2) where a member has begun receiving a retirement pension:

(a) the amount of the pension;

(b) where a pension must be reduced to take into account, in whole or in part, benefits payable under a public plan, the beginning date of the reduction;

(c) in the case of a pension or a fraction of a temporary pension, the date on which payment will cease;

(3) where a member has begun receiving a disability pension, the information referred to in subparagraphs *a* and *c* of paragraph 2, *mutatis mutandis* where the pension is not a life pension, as well as, in the latter case, the anticipated date of the final payment;

(4) where a member is entitled to a deferred pension:

(a) the date on which he ceased to be an active member;

(b) the anticipated amount of the pension, where the plan is not a defined contribution plan;

(c) the amount of the reduction of the pension resulting from payment of an early pension benefit or execution of a seizure, transfer, or partition of benefits;

(d) where the plan is a defined contribution plan, the amount of the member contributions and employer contributions paid under the plan or, where the plan is a defined benefit plan, under provisions similar to those of a defined contribution plan, with accrued interest;

(e) the amount of the member contributions that exceed the ceiling set in section 60 of the Act and the amount of the additional voluntary contributions, with, in each case, accrued interest;

(f) the amount credited to the member's account relative to the additional pension benefit to which he is entitled under section 60.1 of the Act, with accrued interest, or the amount of the pension constituted with that benefit at the date on which the member ceased to be an active member;

(g) the benefits and sums transferred to the member's account and the sums paid to his account for the purchase of past service during the fiscal year as well as the total of the benefits and sums thus transferred or paid to the member's account since the date on which he joined the plan, with accrued interest, or the credited service added or the amount of the normal pension constituted with such benefits and sums;

(h) the rate applied or the method used during the fiscal year to calculate the interest referred to in subparagraphs *d* to g;

(i) where a member may, at a date following the date on which the statement is sent, transfer the value of his benefits to another pension plan:

i. the value, at the end of the fiscal year, of the benefits that may be transferred, accompanied with a mention explaining that the value is provided for information purposes and that the value of the benefits is subject to large variations by reason in particular of fluctuations in the interest rates used to determine the value as well as the payment conditions of the deferred pension;

ii. the personnel information relative to a member and his spouse and taken into account in determining the value referred to in subparagraph *i*, with a mention that it may be in the their interest to have the information corrected if it is erroneous.

(5) where the value of the member's benefits has been paid only in part by the application of section 142 or 143 of the Act, the balance owing and an indication of each year in which a payment will be made.".

53. The Regulation is amended by adding, after section 59, the following sections:

"**59.0.1.** The first part of the annual statement referred to in section 112 of the Act and sent to the beneficiary must contain the following information:

(1) the beneficiary's name;

(2) the information provided for in paragraphs 2 to 5 of section 57;

(3) the amount of the pension benefit paid;

(4) where there is provision for a reduction of the pension benefit, the amount of the reduction and the date on which the reduction may be effective;

(5) in the case of a temporary pension benefit, the date on which the benefit will cease to be paid;

(6) the index or rate used for the indexation of the pension benefit.

59.0.2. The second part of an annual statement referred to in section 112 must, where the statement is sent to a member or beneficiary of a pension plan other than a defined contribution plan, contain the following information:

(1) the degree of solvency of the pension plan determined at the date of the most recent actuarial valuation of the whole plan, and where the degree is less then 100%, the measures taken to bring it up to 100%;

(2) the maximum amount of the surplus assets that may, under sections 146.1 and 146.2 of the Act, be used to pay employer contributions, after deduction of sums used for that purpose since the last actuarial valuation of the whole plan;

(3) the employer contribution that the employer was to pay during the fiscal year concerned;

(4) the member contributions paid during the fiscal year concerned;

(5) the portion of the plan's excess assets use to pay the employer contribution during the fiscal year.

Where the statement is sent to a member or beneficiary of a defined contribution plan, this part must indicate the plan's surplus assets and the portion there of used to pay the employer contribution during the fiscal year.".

54. Section 60 of the Regulation is amended by replacing paragraph 7 with the following paragraphs:

"(7) the documents referred to in paragraph 3 of section 24 of the Act;

(7.1) in the case of an insured pension plan, any report prepared by the insurer relative to the plan;".

55. Section 61 of the Regulation is amended:

(1) by striking out the words "or a pledge" in subparagraph a of paragraph 2;

(2) by replacing, in subparagraph *b* of paragraph 2, the words "the pledge of an evidence referred to in article 981o of the Civil Code of Lower Canada" with the word "a hypothec of an investment presumed sure and referred to in section 1339 of the Civil Code";

(3) by replacing the words "the pledge" with the words "the hypothec" in subparagraph *c* of paragraph 3.

56. This Regulation is amended by adding, after section 61, the following division:

"**DIVISION VII.1**
MERGER OF THE ASSETS AND LIABILITIES OF SEVERAL PENSION PLANS

61.1. The notice provided for in section 196 of the Act must contain:

(1) the name of the absorbed plan and the number assigned to it by the Régie;

(2) the name of the absorbing plan and the number assigned to it by the Régie;

(3) the number of members and beneficiaries of the absorbed plan at the effective date of the amendment intended to merge the assets and liabilities of the affected plans;

(4) where a merger does not include the total assets of the absorbed plan, a description of the group constituted by the members and beneficiaries whose benefits would be transferred to the absorbing plan and their number;

(5) the provisions of the affected plans relative to the allocation of the surplus assets determine upon termination and, where one of the plans has no provisions of that nature, a mention of that fact and of the rule set out in the second paragraph of section 288.1 of the Act;

(6) in the case provided for in the fourth paragraph of section 196 of the Act, a mention of the rule therein set out, the identity of those whose consent is required under section 146.5 of the Act for an amendment to the absorbed plan and a mention that the consents have or have not already been obtained;

(7) where the Régie authorizes a merger, a mention that only the provisions of the absorbing plan will apply, with respect to the employer's entitlement to appropriate the surplus assets of the plan to the payment of his contributions as well as the allocation of surplus assets upon termination in respect of the members and beneficiaries of the absorbed plan who are affected by the merger;

(8) a mention that the members and beneficiaries whose benefits may be transferred from the absorbed plan to the absorbing plan may, within 60 days following receipt of the notice or of the publication, if any, of the notice provided for in the second paragraph of section 230.4 of the Act, according the latest of them, to make known in writing ot the pension committee their opposition to the merger of the plans;

(8) the address of the pension committee;

(10) the name of the signatory, the attestation that he is duly authorized by the pension committee to give the notice, his signature and the date of signing.".

57. Divisions VIII and VIII.1 of the Regulation are replaced with the following division:

"**DIVISION VIII**
LIQUIDATION OF THE BENEFITS OF THE MEMBERS AND BENEFICIARIES

62. The report provided for in the second paragraph of section 202 of the Act must contain the following information:

(1) the name of the plan and the number assigned to it by the Régie;

(2) the effective date of the amendment giving rise to the withdrawal and the name of the affected employer;

(3) the value of the plan's assets at the date of the withdrawal;

(4) the employer and member contributions required and those paed for the period between the date of the plan's last fiscal year and the year of the withdrawal, distinguishing the contributions relative to the affected employer from the total contributions of the other employers;

(5) the assets allocated to the group constituted of the benefits of the affected members and beneficiaries and the assets allocated to all the other groups, in accordance with sections 220 to 227 of the Act as well as the description and method used;

(6) where required, the assumptions and methods used to determine the value of the assets and of the benefits of the plan's members and beneficiaries;

(7) the value of the benefits of the members and beneficiaries not affected by the withdrawal;

(8) the names of the members and beneficiaries affected by the withdrawal, grouped according to the categories provided for in paragraph 2 of section 201 of the Act, as well as the nature and the value of their benefits at the date of the withdrawal;

(9) the degree of solvency of the plan at the date of the withdrawal;

(10) where, with respect to the employer and the members and beneficiaries affected by the withdrawal, the contributions paid are less than the contributions required, the report must, in addition, indicate the distribution of the total contributions required and the total contributions paid among those members and beneficiaries, with a mention for each of them of the portion related to employer contributions, member contributions and additional voluntary contributions;

(11) the debt, if any, of the employer affected by the withdrawal, a description of the measures put into effect to ensure the collection of the debt and its distribution among the members and beneficiaries affected by the withdrawal;

(12) where the assets allocated to the group constituted of the benefits of the members and beneficiaries affected by the withdrawal is, at the date of withdrawal, less than the value of the benefits of those members and beneficiaries, the amount of the reduction in benefits that each of them will suffer if the employer's debt is not collected;

(13) a description of the payment methods offered to each category of members and beneficiaries affected by the withdrawal;

(14) a certificate by the author of the report that it was prepared in conformity with the provisions of the Act and the Regulation;

(15) the name and address of the author of the report, his professional title, his signature and the date of signing.

For the application of paragraph 12 of the first paragraph, the assets concerned are reduced by any contribution relative to the group of benefits concerned that is referred to in section 227 of the Act. Moreover, in the case provided for in this paragraph, the value of the benefits of the members and beneficiaries affected by the withdrawal must be distributed according to each item in the payment order provided for in section 218 of the Act.

63. The termination declaration that the pension committee sends in application of section 207.1 of the Act must be in conformity with that provided in schedule II where the termination follows a notice by the employer and that provided in schedule III where the termination follows a decision of the Régie. The pension committee that sends a declaration in conformity with that provided in schedule II must attach to it a copy of the termination notice.

64. The termination report provided for in section 207.2 of the Act must contain the following information, subject to the adaptations required in the case of an insured plan or a plan referred to in paragraph 2 of section 116 of the Act:

(1) the name of the plan and the number assigned to it by the Régie;

(2) the plan's termination date;

(3) the value of the plan's assets at the date of termination, distributed according to the nature of each element of which it is constituted;

(4) the employer and member contributions required and those paid for the period between the end of the preceding fiscal year of the plan and the date of termination;

(5) in the case of a plan is referred to in the second paragraph of section 230.0.1:

(a) the assets allocated to each group of benefits, determined in accordance with sections 220 to 227 and 230.0.1 of the Act;

(b) the share of surplus assets, if any, allocated to each group of benefits and the proportion of the surplus assets at the termination date represented by that share;

(c) the description of the method used to determine the sums referred to in subparagraphs *a* and *b*;

(6) where required, the assumptions and methods used to determine the value of the assets and the value of the benefits of the plan's members and beneficiaries;

(7) the names of the members and beneficiaries affected by the termination, distributed by employer and according to the categories referred to in section 207 of the Act, as well as the nature and value of their benefits at the date of termination;

(8) the ratio of the assets to the liabilities, determined in accordance with section 212.1 of the Act;

(9) where, with respect to the employer and the members and beneficiaries affected by the withdrawal, the contributions paid are less than the contributions required, the report must, the distribution of the total contributions required and the total contributions paid among the members and beneficiaries connected with that employer, with a mention for each of them of the portion related to employer contributions, member contributions and additional voluntary contributions;

(10) the debt, if any, of each employer affected by the termination, determined in accordance with section 228 of the Act and its distribution among the affected members and beneficiaries;

(11) where the assets allocated to a group of benefits of members and beneficiaries affected by the termination is, at the date of termination, less than the value of the benefits of the affected members and beneficiaries, the amount of the reduction that each of them will suffer if the employer's debt is not collected;

(12) the list of the payment methods offered to each category of members and beneficiaries affected by the termination;

(13) in the case of a multi-employer plan, the name of each employer who is party to the plan, the portion of surplus assets determined relative to each of them and the proportion of the total surplus assets at the date of termination represented by such portion;

(14) a certificate by the author of the report:

(a) that the report was prepare in conformity with the provisions of the Act and the Regulation;

(b) where the report must be prepared by an actuary, that it is in conformity with the standards of the Canadian Institute of Actuaries;

(c) where the report may be prepared by the pension committee, that the author is a member of the committee or that he is mandated by the committee to prepare the report;

(15) the name of the author of the report, his professional title, his signature and the date of signing.

For the application of paragraph 11 of the first paragraph, the assets concerned are reduced by any contribution relative to the group of benefits concerned that is referred to in section 227 of the Act. Moreover, in the case provided for in this paragraph, the value of the benefits of the members and beneficiaries affected by the withdrawal must be distributed according to each item in the payment order provided for in section 218 of the Act.

65. The statement provided for in section 207.3 of the Act must contain, in addition to the information prescribed in that section, the following information:

(1) the information referred to in paragraphs 1 to 7 of section 58, determined or updated at the date of termination;

(2) the assets and liabilities of the pension plan indicated in the termination report as well as the surplus or deficiency of plan assets indicated in that report for the employer to whom the member or beneficiary to whom the statement is addressed is connected;

(3) where there is a deficiency of assets, the measures put into place to cause the amounts due to the pension fund to be paid by the employer concerned;

(4) the nature and value of the benefits of the member or beneficiary as well as, where required, the information referred to in paragraphs 8 to 11 of the first paragraph of section 64 relative to the employer to whom the member or beneficiary is connected;

(5) where the plan's assets, in whole or in part, is allocated to the members and beneficiaries in application of the second or third paragraph of section 230.1 of the Act, the proportion of the surplus assets that is allocated to the participant or beneficiary.

66. The supplement to the termination report referred to in section 207.5 of the Act must contain the following information:

(1) the name of the pension plan and the number assigned to it by the Régie;

(2) the plan's surplus assets at the date of termination and at the latest date at which its value is known;

(3) a description of the method of apportionment for the surplus assets, in accordance with any declaration, agreement, arbitration decision referred to in the first paragraph of section 230.1 of the Act, or to any increase or allocation provided for in the second or third paragraph of section 230.1 of the Act or in section 230.3 or the Act;

(4) the name of each employer who is party to the plan and, for each of them, the surplus assets allocated to the group of benefits connected to each, the portion of the surplus assets granted to each at the dates referred to in paragraph 2 and the proportion that such portion represents at the same dates with respect to the total surplus assets of the plan;

(5) where a portion of the surplus assets is granted to persons who remain or who are considered to be members or beneficiaries under section 240.2, 308.3 or 310.1 of the Act, the actuarial assumptions and methods used to determine the presumed value of their benefits for the purposes of determining their share of the surplus assets;

(6) where a portion of the surplus assets is granted to the members or beneficiaries:

(a) their names;

(b) the share that each of them would have received had the surplus assets been allocated at the date of termination;

(c) an estimate of the share that each will receive, determined at the latest date referred to in paragraph 2;

(d) the methods for payment of the surplus assets thus allocated;

(7) the author's certificate:

(a) that the supplement to the termination report was prepared in conformity with the provisions of the Law and the Regulation;

(b) where the supplement must be prepared by an actuary, that it lis in conformity with the standards of the Canadian Institute of Actuaries;

(c) where the supplement may be prepared by the pension committee, that the author is a member of the committee or that he is mandated by the committee to prepare the supplement;

(8) the name of the author, his professional title, his signature and the date of signing.

67. Except where otherwise indicated, the benefits of a member or beneficiary that are referred to in sections 62 to 66 do not include the share that he may have in the surplus assets.

67.1. The draft agreement referred to in section 230.1 of the Act must indicate, in addition to the information prescribed in that section, the following information:

(1) the name of the plan and the number assigned to it by the Régie;

(2) the date of termination of the plan;

(3) the name of each employer who is party to the draft agreement;

(4) the share of the surplus assets at the date of termination that would be granted to each employer who is party to the draft agreement;

(5) the share of the surplus assets at the date of termination that would be granted to the members and beneficiaries, as a whole, who are affected by the draft agreement.

A draft agreement that does not cover the all the members and beneficiaries of the plan must stipulate that it covers only some of them.

Where the draft agreement proposes that the share of the surplus assets apportioned to a member or beneficiary be determined according to a method that has a distribution formula specific to a group members or beneficiaries determined in the report, the report must indicate the share of the surplus assets at the date of termination to be granted to each group.

67.2. The actuary's certificate required under the third paragraph of section 230.2 of the Act for a specific method of apportionment of the surplus assets must:

(1) define the group of members or beneficiaries that the method affects;

(2) describe the circumstances justifying that those members or beneficiaries receive a share of the surplus assets that is greater than that which they would have received pro rata;

(3) determine the portion of the surplus assets that results from those circumstances;

(4) be attached to the draft agreement so as to be a part thereof.

67.3. The notice provided for in section 230.4 of the Act must indicate, in addition to the information prescribed in that paragraph, the following information:

(1) the name of the pension plan and the number assigned to it by the Régie;

(2) in the case of a multi-employer plan, the surplus assets determined in application of section 230.0.1 of the Act with respect to each employer who is party to the draft agreement and the proportion of the surplus assets at the date of termination represented by that portion;

(3) the number of members and beneficiaries for the purposes of distributing the surplus assets referred to in the draft agreement as well as the value of their benefits;

(4) where the draft agreement does not grant the total surplus assets to the employer and persons remain or are considered to be members or beneficiaries under section 240.2, 308.3 or 310.1 of the Act, the actuarial assumptions and methods used to determine the presumed value of the benefits of those persons for the purposes of the determination of their share of the surplus assets;

(5) the plan's assets, the liabilities and the surplus indicated in the termination report provided for in section 207.2 of the Act;

(6) where the plan has no provision relative to allocation of surplus assets determined upon termination, a mention of that fact and of the rule set out in the second paragraph of section 288.1 of the Act;

(7) a mention of the rule set out in paragraph 1 or 2 of section 230.6 of the Act that applies to the draft agreement in view of the method of apportionment proposed;

(8) the address of the pension committee;

(9) the name of the signatory, the certificate that he is duly authorized by the pension committee to give the notice, his signature and the date of signing.

Where the draft agreement does not cover all plan's the members and beneficiaries, the notice must contain the following additional information:

(1) the total number of members and beneficiaries for the purposes of apportioning the plan's surplus assets and the value of their benefits;

(2) where a portion of the surplus assets is not covered by the draft agreement but has already been apportioned in conformity with the Act, the proportion of the total surplus assets that was thus granted to any group members or beneficiaries and to any employer.

Where the draft agreement proposes that the share of the surplus assets apportioned to a member or beneficiary be determined according to a method that has a distribution formula specific to a group members or beneficiaries determined in the report, the report must indicate the share of the surplus assets at the date of termination to be granted to each group.".

58. The Regulation is amended by adding, before section 69, the following sections:

"**68.1.** The assumptions referred to in the first paragraph of section 61 of the Act are those described in section 3 of the standard of practice entitled "Recommendations for the Computation of Transfer Values from Registered Pension Plans", approved by the Board of the Canadian Institute of Actuaries on 13 July 1993. With respect to the assumptions relative to mortality, rates appropriate for men or for women must be used, according to the sex of the participant.

These assumptions apply taking into account the rules set out in Part D of Section 2 of that standard of practice.

68.2. The declaration provided for in section 88.1 of the Act is made in written form, signed by the waiving spouse and contains:

(1) the date of the declaration;

(2) the names and addresses of the member and the waiving spouse;

(3) the name of the member's pension plan and the number assigned to it by the Régie;

(4) the name of the member's employer;

(5) an indication of each benefit that the spouse declares to be waived, that is, the benefit provided for in section 86 of the Act or the pension provided for in section 87 of the Act.

68.3. Where the application provided for in section 89.1 of the Act is made by a member referred to in section 300.4 of the Act, the amount of the pension resulting from the new determination is calculated in accordance with the following formula:

$$A \times \frac{B}{C}$$

"*A*" represents the amount of the being paid to the member at the date of the application;

"*B*" represents the amount of the pension that would be paid to the member at the date of the application if he did not had not had a spouse at the date on which payment of his pension began;

"*C*" represents the amount of the pension that would be paid to the member at the date of the application were no account take of the judgment or the cessations of the conjugal relationship following which the application was made as well as any partition or transfer of benefits that followed such judgment or cessation.

68.4. The value of the replacement pension that the member elected to receive under section 92.1 of the Act must be at least equal to the value of the replaced pension, commuted to the date of replacement.".

59. Section 69 of the Regulation is amended by striking out paragraph 2.

60. Section 70 of the Regulation is replaced with the following section:

"**70.** The provisions of section 87 of the Act, as it read as of 1 January 2001, that are relative to the bridge benefit do not apply to the spouse of a member where the member began to receive a pension prior to that date.".

61. Sections 71 and 72 of the Regulation are revoked.

62. Section 73 of the Regulation is amended by striking out, in the first paragraph, the words "and by the second paragraph of section 283 of the Act,".

63. Section 74 of the regulation is amended:

(1) by replacing the first word "The" with the words "Subject to the provisions of section 45.1 of the Act, the";

(2) by adding, after the number "44", the word and number "or 45".

64. Section 75 of the Regulation is replace by the following section:

"**75**. Where a member ceased to be an active member before 1 January 2001 and where, in application of the second paragraph of section 36, the member's benefits are valued by supposing that he ceased to be an active member at a date following that date, the second paragraph of section 36 must be applied with respect to the service credited to the member before 1 January 1990 separately from that credited after that date, taking into account the transitional provisions of the Act and by supposing, for the application of section 293 of the Act as it read prior to 1 January 2001, that the period of continuous employment of the member ended at the date of institution of proceedings or, in the case of unmarried spouses, the date of cessation of the conjugal relationship.

Moreover, where the member is not entitled to a pension at the date on which he ceased or is considered to have ceased being an active member, his aggregate benefits correspond to a refund.".

65. Sections 76 and 77 of the Regulation are revoked.

66. The Regulation is amended by adding, before schedule 0.1, schedule 0.0.1 attached to this regulation.

67. Schedule 0.3 of the Regulation is amended by replacing, in paragraph 1 of the declaration contained therein, the words "does not have to be converted" with the words "must be converted".

68. Schedule 0.8 of the Regulation is amended:

(1) by replacing, in the English version, the indication "(s. 20.2)" with the indication "(s.20.4)";

(2) by replacing, in paragraph 1 of the declaration contained therein, the words "does not have to be converted" with the words "must be converted".

69. The schedule 0.9.1 of the Regulation is amended by replacing the indication "(s. 19.2)" with the indication "(a. 22.2)".

70. The Regulation is amended by adding, after schedule I, schedules II and III attached to this regulation.

71. The regulation is amended by replacing forms 1 and 2 with forms 1 and 2 attached to this regulation.

72. Notwithstanding sections 9, 11 and 70:

(1) an annual declaration relative to a fiscal year ended before 31 December 2001 is prepared, in application of section 7 of the Regulation respecting supplemental pension plans, according to form 1 or 2 of the regulation as it read prior to the coming into force of this regulation;

(2) the exigible fees that must accompany the declaration as well as the additional fees added thereto in the event of delay are determined according to sections 12, 13 and 14 of the Regulation respecting supplemental pension plans, as they read prior to the coming into force of this regulation.

73. A contract establishing a life income fund or an agreement establishing a locked-in retirement account may, if it is in conformity with a standard contract registered with the Régie prior to the coming into force of this regulation, be validly made prior to 1 July 2002 even if it is not in conformity with a standard contract that contains, in the case of a contract, the provisions required, if any, under sections 19 to 19.3 and 23 of the Regulation respecting supplemental pension plans or, in the case of am agreement, by section 29 of that regulation, those sections to be read as amended by this regulation.

74. Any contract establishing a life income fund and any agreement establishing a locked-in retirement account made before 1 July 2002 and which is not in conformity with a standard contract registered with the Régie and that contains the pertinent provisions referred to in section 72 must be brought into conformity to such a standard contract before 30 September 2002, failing which the purchaser may, so long as the contract or agreement to which he is a party remains non-conform, exercise his right to transfer the fund or account balance, in whole or in part, without delay, condition or penalty.

75. A contract referred to in section 30 of the Regulation respecting supplemental pension plans, made prior to the date of the coming into force of this regulation remains valid, if it is in conformity with the provisions of that section as it read prior to that date, provided it is amended before 1 July 2002 to bring it into conformity with the provisions of that section as amended by section 24 of this regulation."

76. This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*, with the exception of section 60, which has effect from 1 January 2001.

SCHEDULE 0.0.1
(s. 2)

DECLARATION ACCOMPANYING AN APPLICATION FOR REGISTRATION OF AN AMENDMENT TO A PENSION PLAN

(The administrator of the pension plan affected by the application for registration must:

— either complete section A that follows;

— or have section B completed by an actuary who is a member of the Canadian Institute of Actuaries and has the title of "Fellow" or who has a status that the Institute deems to be equivalent.)

Section A

I, _____, declare that I have read the application for application attached herewith and I certify to the best of my knowledge that:

(Only one box may be checked.)

☐ The report on the actuarial valuation of the plan attached to this declaration takes into account the amendment(s) made to the plan.

☐ The amendment(s) made to the plan does not (do not) have the effect of changing the contribution required from the employer or the members or the other sums to be paid into the pension fund, nor the effect of changing the benefits or refunds payable by the fund.

☐ The plan, as amended, is an uninsured plan under which the benefits of all the members and beneficiaries arise at all times from the sums credited to their accounts.

☐ The plan, as amended, is an uninsured plan under which the benefits of the members and beneficiaries are constituted solely of benefits or refunds guaranteed at all times by an insurer and of benefits arising, at all times, solely from the sums credited to their accounts.

☐ The plan as amended is an insured plan for which the insurer undertakes to assume all the costs and fees relative to its termination.

_____ _____
(signature) (date)

.....

Section B

I,_____, declare that I have read
(actuary FCIA) the application for

registration and the amendment(s) to the plan cover thereunder and I certify that:

(Only one box may be checked.)

☐ The effect of the amendment(s) has already been valued in the report on the actuarial valuation of the plan dated _____,

☐ The amendment(s) does not give rise to any change in the employer contribution, the member contribution, if any, the liabilities or the assets of the plan as determined in the report dated _____ on the actuarial valuation of the plan as at _____.

_____ _____
(signature) (date)

SCHEDULE II
(s. 63)

DECLARATION OF TERMINATION OF A PENSION PLAN

(following notice given by the employer who is party to the plan)

Name of the plan: _____

_____

Number: _____

I, _____, being duly authorized to act as the administrator or mandatary of the administrator of the plan mentioned above, declare that the plan is being terminated and that the date of its termination is _____.

I certify that:

(1) the termination follows a decision of the employer who is party to the plan (or, in the case of a multi-employer plan, the unanimous decision of the employers who are parties to the plan);

(2) to the best of my knowledge, no agreement prevents the employer or the employers from terminating the plan;

(3) the employer or the employers communicated their decision to terminate the plan by giving written notice, a copy of which is attached hereto, that, to the best of my knowledge, was transmitted to all the affected members and beneficiaries (that is, all the plan's members and beneficiaries whose benefits were not paid in full before the termination date and, if the termination resulted from a division, merger, disposal or closure of the enterprise or a part of the enterprise, all the members whose active membership ceased during the period between the date on which the members were informed of the event in question and the date of termination), the accredited association representing the members, the pension committee and the insurer, if any;

(4) the notice mentioned in paragraph 3 indicates the plan's date of termination as will as the members and beneficiaries affected;

(5) the date of termination mentioned above is not subsequent to the day preceding the day on which the benefits of the plan's last member or beneficiary were paid in full;

(6) the date of termination (check, as appropriate, one of the following boxes):

☐ is not prior to the date of the cessation of collection of member contributions nor the date preceding by 30 days the transmittal of the notice of termination to the active members;

☐ is prior to the date of the cessation of collection of member contributions or the date preceding by 30 days the transmittal of the notice of termination to the active members, but each of the members whose active membership ended on the occasion of the termination or thereafter has consented in writing to the termination of the plan at the date mentioned above and the pension committee is able to produce those consents at the request of the Régie;

(7) the pension committee received the written notice of termination from the employer (or employers) on _____

_____ _____
(signature) (date)

Attachment: notice of termination

SCHEDULE III
(s. 63)

DECLARATION OF TERMINATION OF A PENSION PLAN

(following a decision of the Régie des rentes du Québec)

Name of the plan: _____

_____

Number: _____

I, _____, being duly authorized to act as administrator or as the mandatary of the administrator of the plan mentioned above, declare that I was notified of the decision of the Régie des rentes du Québec (the Régie) to terminate the plan at _____,

I certify that:

(1) the pension committee that administers the plan received a copy of the Régie's decision on _____;

(2) the pension committee transmitted a copy of the decision of the Régie to all the members and beneficiaries affected by the decision, the accredited association representing the members, the employer and the insurer, if any.

_____ _____
(signature) (date)

Form 2 (s. 7)

Régie des rentes du Québec

Annual Information Return

Simplified pension plan

1 **Plan number** 2 **Fiscal year**

3 **Name of the plan**

4 **Administrator of the plan**

Name and address of the financial institution that administers the plan:

Name

Number Street Municipality

Province Country Postal code

5 **Identification of the person to contact for any information concerning the plan**

Mr. Mrs. Family name Given name Telephone Area code

Name of the contact's employer, if applicable Fax Area code

Plan correspondence should be sent to: - the administrator's address indicated in section 4: →

- the following address

Number Street Municipality

Province Country Postal code

6 **Number and names of employers that are parties to the plan**

Number of participating employers at the end of the preceding fiscal year 1

Number of employers that joined the plan during the fiscal year 2

Total of lines 1 and 2 3

Number of employers whose participation ceased during the fiscal year 4

Number of participating employers at the end of the fiscal year Balance (line 3 less line 4) 5

Also complete ***Appendix 1*** .

7 **Statement of financial position and report on investments**

Complete ***Appendix 2*** .

8 **Changes in the plan's active membership**

Number of active members at the end of the preceding fiscal year 6

Number of members who joined the plan during the fiscal year 7

Total of lines 6 and 7 8

Number of cessations of active membership during the fiscal year:

Cessations with locking-in of member benefits 9

Cessations without locking-in of member benefits 10

Total of lines 9 and 10 11

Number of active members at the end of the fiscal year Balance (line 8 less line 11) 12

9 **Calculation of fees**

Basic fee: → 1 000,00 $ 13

Total number of active members (line 12): X 4,50 $: → $ 14

Required fees: Total of lines 13 and 14 → $ 15

(Enclose a cheque made out to the Régie des rentes du Québec for the amount entered on line 15.)

10 **Certificate of the financial institution**

(This return must be signed by a person authorized by the financial institution which administers the plan.)

I certify that:

the information given in this return, **Appendix 1** and sections 1 to 3 of **Appendix 2** are true, exact and complete and faithfully represent the plan's financial position.

the plan was administered in accordance with the *Supplemental Pension Plans Act* and the *Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act* , except for any irregularities mentioned in this return.

Authorized person's full name (please print) Authorized person's capacity (please print)

Signature Date Year Month Day

RS-138A (2001-04-27)

Ce document est également disponible en français.

11 Distribution of the number of active members, non-active members and beneficiaries

Employment under provincial jurisdiction by place of work	Active members		Non-active members and beneficiaries	
	Men	Women		
Québec				
Alberta				
British Columbia				
Manitoba				
New Brunswick				
Nova Scotia				
Ontario				
Saskatchewan				
Newfoundland				
Northwest Territories				
Nunavut Territory				
Yukon Territory				
Subtotal (provincial): **Transfer the subtotal to line 11.2 of section 10.**				12.1
Prince Edward Island				
Employment under federal jurisdiction				
Outside Canada				
Total number of members and beneficiaries ***(The total must correspond to the number of members and beneficiaries entered on line 10.1 of section 9.)***				13

12 Certificate of the signatories

(If the plan is administered by a pension committee, or a body or group authorized by law, this return must be signed by two of its members. If the plan has no more than five active members and is administered by the employer (see section 4), one signature is sufficient.)

I certify that:

I am authorized to sign this return;

I have reviewed the information given on this form, in **Appendixes 1, 2** and **4**, as well as in sections 1 to 4 of **Appendix 3A** (section 1 of **Appendix 3B** for an insured plan);

to the best of my knowledge,

- the information is true, exact and complete and faithfully represents in all essential points the plan's financial position.
- the plan was administered in accordance with the *Supplemental Pension Plans Act* and investments were made in accordance with all relevant laws and the plan's investment policy, except for any irregularities mentioned in this return.

the other members of the pension committee, or the body or group authorized by law to administer the plan, have received a copy of this return.

Signatory's full name (please print)

Capacity (please print)

Signature

Date (Year / Month / Day)

Signatory's full name (please print)

Capacity (please print)

Signature

Date (Year / Month / Day)

Ce document est également disponible en français.

Appendix 1 Identification of the members of the pension committee

Please give the family names, given names and personal addresses of the members of the pension committee or the body or group authorized to administer the plan.

The information must be provided ***as of the date on which you complete this form****. If more space is needed, use additional sheets and attach them to this form.*

1 Mr. ☐ Ms. ☐ Family name Given name

Number Street Municipality

Province Country Postal code

If the address given above is that of the employer of the pension committee member, give the employer's name.

2 Mr. ☐ Ms. ☐ Family name Given name

Number Street Municipality

Province Country Postal code

If the address given above is that of the employer of the pension committee member, give the employer's name.

3 Mr. ☐ Ms. ☐ Family name Given name

Number Street Municipality

Province Country Postal code

If the address given above is that of the employer of the pension committee member, give the employer's name.

4 Mr. ☐ Ms. ☐ Family name Given name

Number Street Municipality

Province Country Postal code

If the address given above is that of the employer of the pension committee member, give the employer's name.

5 Mr. ☐ Ms. ☐ Family name Given name

Number Street Municipality

Province Country Postal code

If the address given above is that of the employer of the pension committee member, give the employer's name.

6 Mr. ☐ Ms. ☐ Family name Given name

Number Street Municipality

Province Country Postal code

If the address given above is that of the employer of the pension committee member, give the employer's name.

7 Mr. ☐ Ms. ☐ Family name Given name

Number Street Municipality

Province Country Postal code

If the address given above is that of the employer of the pension committee member, give the employer's name.

Appendix 1

Appendix 2 Names of the employers that are parties to the plan

Please give the names of all employers that are parties to the plan in the space provided.

The information must be provided ***as of the ending date of the fiscal year****. If more space is needed, use additional sheets ans attach them to this form.*

1	Employer's name
2	Employer's name
3	Employer's name
4	Employer's name
5	Employer's name
6	Employer's name
7	Employer's name
8	Employer's name
9	Employer's name
10	Employer's name
11	Employer's name
12	Employer's name
13	Employer's name
14	Employer's name
15	Employer's name
16	Employer's name
17	Employer's name
18	Employer's name
19	Employer's name
20	Employer's name
21	Employer's name
22	Employer's name
23	Employer's name
24	Employer's name

Appendix 2

Appendix 3A Statement of financial position of an uninsured plan

The information required in this appendix for the fiscal year must be determined according to generally accepted accounting principles, excluding the accounting of benefit commitments. Furthermore, investments in a master trust fund must be allocated according to the method of proportionate consolidation.

Sections 1 to 4 of this appendix must be completed by the plan administrator.

Section 5 of this appendix must be completed and signed by an auditor where the plan meets the requirements of section 4.

1 Statement of changes in the plan's net assets

1.1 Increase in assets

Investment income (interest, dividends, rents, etc.)			$ 301
Net gains (or losses) on investments:			
Realized		$ 302	
Unrealized		$ 303	
	Total of lines 302 to 303		$ 304
Contributions:			
Member contributions		$ 305	
Additional voluntary contributions		$ 306	
Employer's current service contribution		$ 307	
Amortization amounts related to unfunded actuarial liabilities		$ 308	
	Total of lines 305 to 308		$ 309
Transfers to the pension fund		$ 310	
Other sources of increase (specify)		$ 311	
		$ 312	
		$ 313	
	Total of lines 310 to 313		$ 314
TOTAL INCREASE IN ASSETS	Total of lines 301, 304, 309 and 314		$ 315

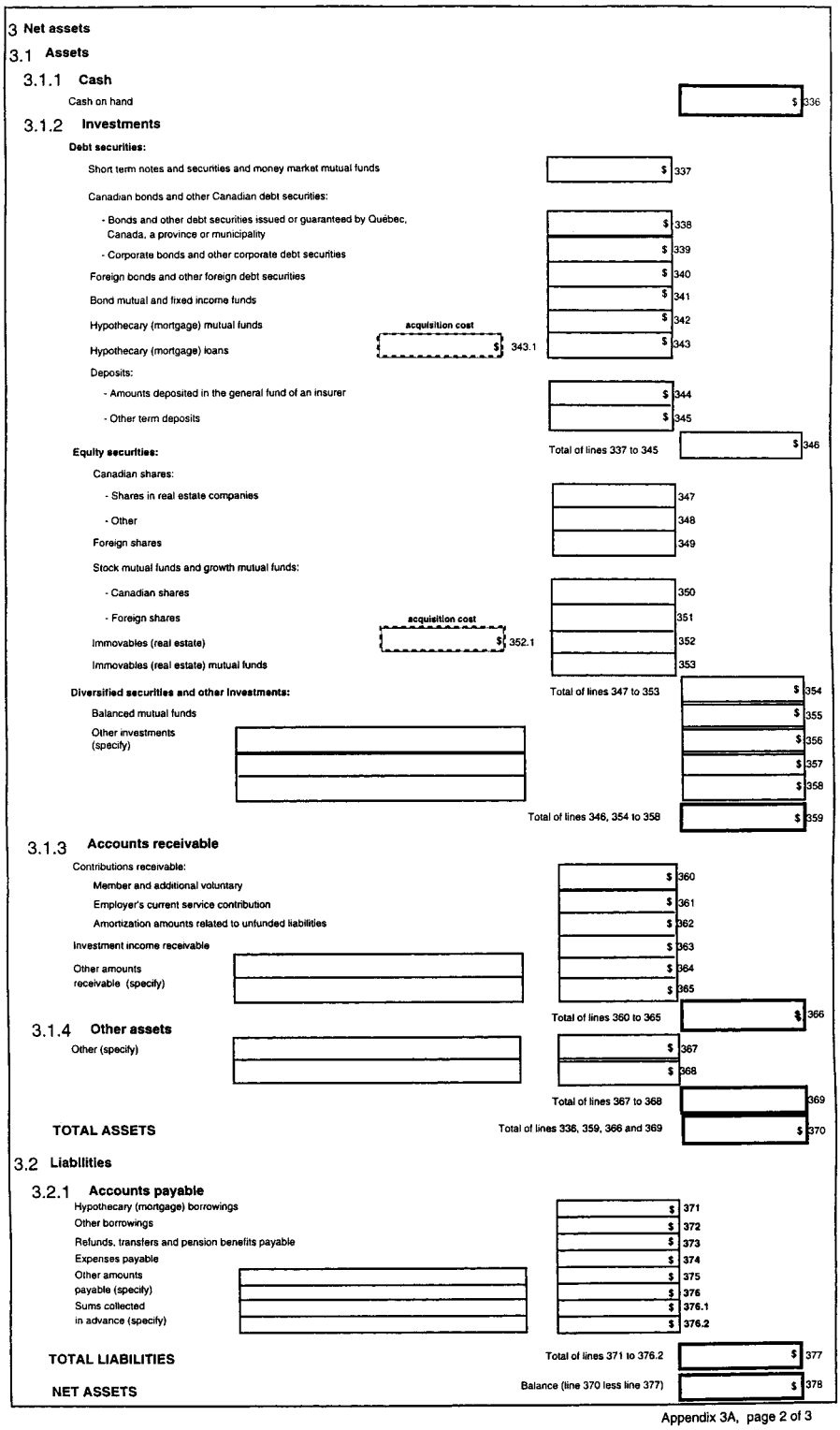
1.2 Decrease in assets

Expenses related to managing investments			$ 316
Administration costs:			
Professional fees		$ 317	
Other		$ 318	
	Total of lines 317 and 318		$ 319
Benefits paid directly by the plan			$ 320
Refunds			$ 321
Transfers from the pension fund to:			
Supplemental pension plans		$ 322	
Other:			
- Locked-in amounts		$ 323	
- Non-locked-in amounts		$ 324	
	Total of lines 322 to 324		$ 325
Other sources of decrease (specify)		$ 326	
		$ 327	
		$ 328	
	Total of lines 326 to 328		$ 329
TOTAL DECREASE IN ASSETS	Total of lines 316, 319, 320, 321, 325 and 329		$ 330

CHANGE IN NET ASSETS	Balance (line 315 less line 330)	$ 331
NET ASSETS AT BEGINNING OF FISCAL YEAR	(Indicate net assets at end of preceding fiscal year.)	$ 332
NET ASSETS AT END OF FISCAL YEAR	Total of lines 331 and 332	$ 333

2 Use of surplus assets

In the case of a plan that is not subject to an actuarial valuation, please give the amount of the surplus assets at the end of the fiscal year.		$ 334
Indicate the amount of the surplus assets used, if any, to pay the employer's share of the current service contribution.		$ 335
Indicate the date of the report on the actuarial valuation used to determine the amount entered on line 335.	Year / Month / Day	



Appendix 3A, page 2 of 3

4 Plans subject to the auditor's questionnaire

- *Is the plan has 50 or more members (see line 10)?* Yes ☐ No ☐ 379

  If so, have section 5 of this appendix completed by an auditor and attach to this form the auditor's report and the derived report prepared by the auditor relative to section 5. Then, go to Appendix 4.

- *Is the market value of the plan's assets is equal to or greater than 1 000 000 $ (see line 333?* Yes ☐ No ☐ 379.1

  If so, have section 5 of this appendix completed by an auditor and attach to this form the auditor's report and the derived report prepared by the auditor relative to section 5. Then, go to Appendix 4.

- Does this return cover the first fiscal year of the plan? Yes ☐ No ☐ 380

  If so, you do not have to have section 5 of this appendix completed by an auditor or have the plan's financial report audited. Go directly to Appendix 4.

- Have the following two conditions benn met? Yes ☐ No ☐ 381

  - You informed the members attending the annual meeting (indicated in line 1) that you did not intend to have the financial report for the fiscal year covered by this information return audited.
  - At the annual meeting, less than one third of the members present or represent ed required that the financial report be audited by an auditor.

  If so, you do not have to have section 5 of this appendix completed by an auditor or have the plan's financial report audited. Go directly to Appendix 4.

  Otherwise, have section 5 of this appendix completed by an auditor and attach to this form the auditor's report and the derived report prepared by the auditor relative to section 5. Then, go to Appendix 4.

5 Questionnaire to be completed by the auditor

This section must be completed and signed by an auditor.. All questions must be answered. If a question is irrelevent or does not apply, the auditor must answer "No" and provide an explanation on line 389.

Does the administrator have tangible proof allowing him to show that he has periodically monitored the application of the investment policy with the individuals or enterprises in charge of managing the investments? Yes ☐ No ☐ 383

Does the administrator have tangible proof allowing him to show that all contributions have been paid into the pension fund? Yes ☐ No ☐ 384

Does the administrator have tangible proof allowing him to show that the contributions have been credited to the appropriate accounts? Yes ☐ No ☐ 385

Does the administrator have a register in which are entered the amounts paid to each member or beneficiary by way of refunds, benefits or transfers? Yes ☐ No ☐ 386

Are the cash on hand and the investments listed in subsections 3.1.1 and 3.1.2 of this appendix registered in the name of the pension fund or for its account? Yes ☐ No ☐ 387

Is the information contained in sections 1 and 3 of this appendix consistent with that contained in the audited financial report from which it was taken? Yes ☐ No ☐ 388

If you answered No to any of the above affirmations, please explain below:
If more space is needed, use additional sheets and attach them to this appendix.

389

Identification of the auditor (please print)

Name of the firm | Telephone Area code

Number | Street | Fax Area code

Province | Country | Postal code

Name of the person mandated to carry out the audit | Professional title

Date of the auditor's report: Year | Month | Day

Date of the derived report: Year | Month | Day

Appendix 3B Statement of financial position of an insured plan

1 Premiums *(This section must be completed by the plan administrator.)*

Premium set by the insurer for the fiscal year:

Member contributions required	$ 390	
Employer contributions required	$ 391	
Total of lines 390 and 391		$ 392

Premium paid to the insurer for the fiscal year:

Member contributions paid	$ 393	
Additional voluntary contributions paid	$ 394	
Employer contributions paid	$ 395	
Total of lines 393 to 395		$ 396

Were any dividends, refunds or other advantages granted by the insurer and used to reduce the premium? If so, indicate the total amount granted. Yes ☐ No ☐ $ 397

Premium payable to the insurer at the end of the fiscal year:

Member contributions receivable	$ 398.1	
Additional voluntary contributions receivable	$ 398.2	
Employer contributions receivable	$ 398.3	
Total of lines 398.1 to 398.3		$ 399

2 Certificate of the insurer *(This section must be completed and signed by a person authorized by the insurer.)*

I certify that:

The plan is an insured plan within the meaning of the *Supplemental Pension Plans Act*.

The information given in this appendix is true, exact and complete.

Authorized person's full name (please print)

Authorized person's capacity (please print)

Insurer's company name and address (please print)

Name

Number Street Municipality

Province Country Postal code

Signature

Date Year Month Day

Appendix 4 Report on investments

This appendix must be completed by the plan administrator.

Is there is a written investment policy which includes the following elements: expected rate of return, liquidity requirements, allocation of assets, investment portfolio diversification measures, time scheldule for evaluating the portfolio and rules for monitoring its management? Yes ☐ No ☐ 400

Give the date on which the investment policy was adopted, or if it has been revised, give the date of the most recent revision: Year | Month | Day 401

Have plan assets been used to make derivative instrument transactions during the fiscal year? Yes ☐ No ☐ 402

Have plan assets been used during the fiscal year to make any unsecured loans or any loans secured by a hypothec (mortgage) that is not a first hypothec (mortgage)? If so, what is the market value of such loans at the end of the fiscal year? Yes ☐ No ☐ $ 403

Have plan assets been used to make securities loans during the fiscal year? Yes ☐ No ☐ 404

Have plan assets been used during the fiscal year to make private investments (to individuals or to corporations that are not listed on a stock exchange) other than in the form of loans or bonds secured by a first hypothec (mortgage)? If so, what is the market value of such investments at the end of the fiscal year? Yes ☐ No ☐ $ 405

Have plan assets been invested in private real estate company securities during the fiscal year? Yes ☐ No ☐ 406

Are part of the plan assets invested in a master trust fund? If so, at the end of the fiscal year, what amount of the assets is invested in the master trust fund? Yes ☐ No ☐ $ 407

Have plan assets been used during the fiscal year to secure any obligations other than obligations of the plan? Yes ☐ No ☐ 408

Have plan assets been pledged during the fiscal year as security except for an immovable hypothec (real estate mortgage)? Yes ☐ No ☐ 409

If there have been any borrowings for purposes other than hypothecary borrowings during the fiscal year, were they used solely for the payment of refunds, pension benefits and plan administration costs? Yes ☐ No ☐ n. a. ☐ 410

At the end of the fiscal year, who was the custodian of the pension fund's assets? (You can check more than one box.) 411

- Insurer ☐
- Bank ☐
- Trust company ☐
- Others (specify) _____

Identify each investment whose market value represents as at the end of the fiscal year more than 5% of the plan's assets, either in one asset or with the same issuer.

Description of the investment	Name of the issuer	Market value
		$ 413
		$ 414
		$ 415
		$ 416
		$ 417
		$ 418
		$ 419
		$ 420
		$ 421
		$ 422
		$ 423

At the end of the fiscal year, who was responsible for investment management and to what extent?

	Proportion of the investments
☐ Plan administrator:	% 424
☐ Plan members:	% 425
☐ Others *(Name the five principal investment managers.)* :	
	% 426
	% 427
	% 428
	% 429
	% 430
The total on line 431 cannot be greater than 100%. **Total**	% 431

Form 2 (s. 7)

Régie des rentes du Québec

Annual Information Return

Simplified pension plan

1 **Plan number**

2 **Fiscal year**

3 **Name of the plan**

4 **Administrator of the plan**

Name and address of the financial institution that administers the plan:

Name

Number Street Municipality

Province Country Postal code

5 **Identification of the person to contact for any information concerning the plan**

Mr. Ms. Family name Given name Telephone Area code

Name of the contact's employer, if applicable Fax Area code

Plan correspondence should be sent to: - the administrator's address indicated in section 4:

- the following address

Number Street Municipality

Province Country Postal code

6 **Number and names of employers that are parties to the plan**

Number of participating employers at the end of the preceding fiscal year 1

Number of employers that joined the plan during the fiscal year 2

Total of lines 1 and 2 3

Number of employers whose participation ceased during the fiscal year 4

Number of participating employers at the end of the fiscal year

Balance (line 3 less line 4) 5

Also complete ***Appendix 1*** .

7 **Statement of financial position and report on investments**

Complete ***Appendix 2*** .

8 **Changes in the plan's active membership**

Number of active members at the end of the preceding fiscal year 6

Number of members who joined the plan during the fiscal year 7

Total of lines 6 and 7 8

Number of cessations of active membership during the fiscal year:

Cessations with locking-in of member benefits 9

Cessations without locking-in of member benefits 10

Total of lines 9 and 10 11

Number of active members at the end of the fiscal year

Balance (line 8 less line 11) 12

9 **Calculation of fees**

Basic fee: 1 000,00 $ 13

Total number of active members (line 12): X 4,50 $: $ 14

Required fees: Total of lines 13 and 14 $ 15

(Enclose a cheque made out to the Régie des rentes du Québec for the amount entered on line 15.)

10 **Certificate of the financial institution**

(This return must be signed by a person authorized by the financial institution which administers the plan.)

I certify that:

the information given in this return, **Appendix 1** and sections 1 to 3 of **Appendix 2** are true, exact and complete and faithfully represent the plan's financial position.

the plan was administered in accordance with the *Supplemental Pension Plans Act* and the *Regulation respecting plans exempted from the application of certain provisions of the Supplemental Pension Plans Act*, except for any irregularities mentioned in this return.

Authorized person's full name (please print) Authorized person's capacity (please print)

Signature Date Year Month Day

RS-138A (2001-04-27)

Ce document est également disponible en français.

Appendix 1 Names of the employers that are parties to the plan

Provide the names of all employers that are parties to the plan. If more space is needed, use additional sheets and attach them to this form.

1	Employer's name
2	Employer's name
3	Employer's name
4	Employer's name
5	Employer's name
6	Employer's name
7	Employer's name
8	Employer's name
9	Employer's name
10	Employer's name
11	Employer's name
12	Employer's name
13	Employer's name
14	Employer's name
15	Employer's name
16	Employer's name
17	Employer's name
18	Employer's name
19	Employer's name
20	Employer's name
21	Employer's name
22	Employer's name
23	Employer's name
24	Employer's name

Appendix 1

Appendix 2 Statement of financial position and report on plan investments

The information required in this appendix for the fiscal year must be determined according to generally accepted accounting principles.

Sections 1 to 3 of this appendix must be completed by the financial institution that administers the plan.

Section 4 of this appendix must be completed and signed by an accountant.

1 Statement of changes in the plan's net assets

1.1 Increase in assets

Income and net gains (or losses) on investments			$ 201
Contributions:			
Member contributions		$ 202	
Employer contributions		$ 203	
		Total of lines 202 and 203	$ 204
Transfers to the pension fund			$ 205
Other sources of increase (specify)		$ 206	
		$ 207	
		Total of lines 206 and 207	$ 208
TOTAL INCREASE IN ASSETS		Total of lines 201, 204, 205 and 208	$ 209

1.2 Decrease in assets

Expenses related to the investments		$ 210	
Costs of plan administration		$ 211	
		Total of lines 210 and 211	$ 212
Payments to members and assigns			$ 213
Transfers from the pension fund			$ 214
Other sources of decrease (specify)		$ 215	
		$ 216	
		Total of lines 215 and 216	$ 217
TOTAL DECREASE IN ASSETS		Total of lines 212 to 214 and 217	$ 218
CHANGE IN NET ASSETS		Balance (line 209 less line 218)	$ 219
NET ASSETS AT BEGINNING OF FISCAL YEAR		(Indicate net assets at end of preceding fiscal year.)	$ 220
NET ASSETS AT END OF FISCAL YEAR		Total of lines 219 and 220	$ 221

2 Net assets

2.1 Assets

2.1.1 Cash

Cash on hand:		$ 222

2.1.2 Investments

Debt securities:			
Money market mutual funds	$ 223		
Bonds and other debt securities issued or guaranteed by Québec, Canada or a Canadian province	$ 224		
Fixed-income mutual funds:			
- Bond mutual funds	$ 225		
- Hypothecary (mortgage) mutual funds	$ 226		
Amounts deposited in the general fund of an insurer	$ 227		
Term deposits guaranteed in whole or in part by the Régie de l'assurance-dépôts du Québec or a similar body	$ 228		
Total of lines 223 to 228		$ 229	
Equity securities:			
Stock mutual funds	$ 230		
Immovables (real estate) mutual funds	$ 231		
Total of lines 230 and 231		$ 232	
Balanced mutual funds		$ 233	
Other investments (specify)		$ 234	
		$ 235	
		$ 236	
		$ 237	
Total of lines 229 and 232 to 237		$ 238	

2.1.3 Accounts receivable

Contributions receivable:			
Member contributions	$ 239		
Employer contributions	$ 240		
Total of lines 239 and 240		$ 241	
		$ 242	
Investment income receivable			
Other amounts receivable (specify)	$ 243		
	$ 244		
Total of lines 243 and 244		$ 245	

2.1.4 Other assets

Other (specify)		$ 246	
		$ 247	
Total of lines 246 and 247			248
TOTAL ASSETS	Total of lines 222, 238, 241, 242, 245 and 248		249

2.2 Liabilities

2.2.1 Accounts payable

Payments and transfers payable	$ 250		
Other amounts payable (specify)	$ 251		
	$ 252		
TOTAL LIABILITIES	Total of lines 250 to 252	$ 253	
NET ASSETS	Balance (line 249 less line 253)	$ 254	

3 Investments

Have the assets of any mutual fund offered to the members been used to make derivative instrument transactions during the fiscal year? Yes ☐ No ☐ 255

During the fiscal year, have the assets of any mutual fund offered to the members been used to make any unsecured loans or loans secured by a hypothec (mortgage) that is not a first hypothec (mortgage)? Yes ☐ No ☐ 256

Are the investments that are offered to the members in conformity with the rules that govern simplified pension plan investments? Yes ☐ No ☐ 257

Does each mutual fund offered to the members have a prospectus for which the Commission des valeurs mobilières du Québec issued a receipt? If No, answer the following questions: Yes ☐ No ☐ 258

Are at least 90% of the assets of each of these funds composed of securities traded on a stock exchange or another organized market or securities whose resale is entirely unrestricted? Yes ☐ No ☐ 259

Do the loans made from the assets of any of these funds exceed 5% of the fund's total assets, or 10% if more than half the fund is invested in hypothecary (mortgage) loans? Yes ☐ No ☐ 260

Have the assets of any of these funds been invested in a proportion greater than 10% of its market value in any one of the following: a single asset, one or more loans to a single borrower, a single legal entity, a single trust, partnership or other body or group lacking juridical personality? (You do not have to take into account any connections between natural persons or corporations.) Yes ☐ No ☐ 261

Have the financial statements of each mutual fund been audited by an accountant? Yes ☐ No ☐ 262

4 Accountant's certificate *(This section must be completed and signed by an accountant.)*

I certify that:

The financial institution that administers the plan has tangible proof allowing it to show that it obtained an explanation for any significant decrease or interruption in payment of contributions. Yes ☐ No ☐ 263

The financial institution that administers the plan has tangible proof allowing it to show that the contributions have been credited to the appropriate accounts. Yes ☐ No ☐ 264

The financial institution that administers the plan has a register in which are entered all the amounts paid to each member and beneficiary by way of payments or transfers. Yes ☐ No ☐ 265

The financial institution that administers the plan has tangible proof allowing it to show that the cash on hand and the investments listed in subsections 2.1.1 and 2.1.2 of this appendix are registered in the name of the pension fund or for its account. Yes ☐ No ☐ 266

Dividends, refunds or other advantages granted to the plan were credited to the account of each member as soon as he or she became entitled to them. Yes ☐ No ☐ 267

If you answered No to any of the above affirmations, please explain below:
If more space is needed, use additional sheets and attach them to this appendix.

268

Accountant's full name (please print)

Capacity (please print)

Name and address of the accountant's office (please print)

Name

Telephone
Area code

Number Street Municipality

Fax
Area code

Country

Postal code

Date Year Month Day

Treasury Board

Gouvernement du Québec

T.B. 197036, 11 September 2001

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

Schedule I to the Act — Amendments

CONCERNING Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan

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

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

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

WHEREAS in accordance with section 40 of the Public Administration Act (2000, c. 8), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers conferred in that provision;

WHEREAS the Minister of Finance has been consulted;

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

WHEREAS the Comité patronal de négociation pour les commissions scolaires anglophones, the Comité de négociation pour les commissions scolaires francophones and the Syndicat de l'enseignement de la région de Vaudreuil meet these conditions;

THEREFORE, the Conseil du trésor decides:

THAT the Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan, attached to this decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

Amendments to Schedule I to the Act respecting the Government and Public Employees Retirement Plan *

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

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

(1) the Comité patronal de négociation pour les commissions scolaires anglophones;

* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last updating of the Revised Statutes of Quebec to 1 April 2000, by Order in Council 561-2000 dated 9 May 2000 (2000, *G.O.* 2, 2260), 824-2000 dated 28 June 2000 (2000, *G.O.* 2, 3555), 965-2000 dated 16 August 2000 (2000, *G.O.* 2, 4406), 1109-2000 dated 20 September 2000 (2000, *G.O.* 2, 5031) and 1168-2000 of 4 October 2000 (2000, G.O. 2, 5151), by T.B. 195744 dated 21 December 2000 (2001, *G.O.* 2, 460) as well as by sections 54 of chapter 11 of the Statutes of 1999, 54 of chapter 34 of the Statutes of 1999, 14 of chapter 73 of the Statutes of 1999 and 48 of chapter 32 of the Statutes of 2000.

(2) the Comité patronal de négociation pour les commissions scolaires francophones;

(3) the Syndicat de l'enseignement de la région de Vaudreuil.

2. This decision comes into force on the date it is made by the Conseil du Trésor but takes effect on the dates indicated below for each case:

(1) Comité patronal de négociation pour les commissions scolaires anglophones	1 January 2001;
(2) Comité patronal de négociation pour les commissions scolaires francophones	12 months before the date this decision is made;
(3) Syndicat de l'enseignement de la région de Vaudreuil	12 months before the date this decision is made.

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Gouvernement du Québec

T.B. 197037, 11 September 2001

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

Schedules I and II.1 — Amendments

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

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

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

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

WHEREAS, in accordance with section 40 of the Public Administration Act (2000, c. 8), the Conseil du trésor shall, after consulting the Minister of Finance, exercise the powers conferred on the Government by an act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except the powers conferred in that provision;

WHEREAS the Minister of Finance has been consulted;

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

WHEREAS the Syndicat de l'Enseignement De La Jonquière, the Syndicat de l'enseignement de la Pointe-de-L'Île and the Union québécoise des infirmières et infirmiers (UQII) meet these conditions;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Amendments to Schedules I and II.1 to the Act respecting the Government and Public Employees Retirement Plan, attached to this decision, be made.

ALAIN PARENTEAU,
Clerk of the Conseil du trésor

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

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

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

(1) the Syndicat de l'Enseignement De La Jonquière;

(2) the Syndicat de l'enseignement de la Pointe-de-L'Île.

2. Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan is amended by inserting, following the alphabetical order, the words "The Union québécoise des infirmières et infirmiers (UQII)".

3. This Decision comes into force on the date it is made by the Conseil du trésor but takes effect on the dates indicated below for each case:

(1) Syndicat de l'Enseignement De La Jonquière	1 January 2001;
(2) Syndicat de l'enseignement de la Pointe-de-L'Île	1 January 2001;
(3) Union québécoise des infirmières et infirmiers (UQII)	12 months before the date this Order in Council is made.

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* Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) was amended, since the last updating of the Revised Statutes of Quebec to 1 April 2000, by Orders in Council 561-2000 dated 9 May 2000 (2000, *G.O.* 2, 2260), 824-2000 dated 28 June 2000 (2000, *G.O.* 2, 3555), 965-2000 dated 16 August 2000 (2000, *G.O.* 2, 4406), 1109-2000 dated 20 September 2000 (2000, *G.O.* 2, 5031) and 1168-2000 dated 4 October 2000 (2000, *G.O.* 2, 5151), by C.T. 195744 dated 21 December 2000 (2000, *G.O.* 2, 550) as well as by sections 54 of chapter 11 of the Statutes of 1999, 54 of chapter 34 of the Statutes of 1999, 14 of chapter 73 of the Statutes of 1999 and 48 of chapter 32 of the Statutes of 2000.

Schedule II.1 to the Act respecting the Government and Public Employees Retirement Plan was amended, since the last updating of the Revised Statutes of Québec to 1 April 2000, by Orders in Council 824-2000 dated 28 June 2000 (2000, *G.O.* 2, 3555) and 965-2000 dated 16 August 2000 (2000, *G.O.* 2, 4406) by T.B. 195744 dated 21 December 2000 (2000, *G.O.* 2, 550) and by section 49 of chapter 32 of the Statutes of 2000.

Municipal Affairs

Gouvernement du Québec

O.C. 1043-2001, 12 September 2001

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

Amalgamation of the municipalities of L'Île-du-Havre-Aubert, L'Étang-du-Nord, Grande-Entrée, Havre-aux-Maisons, Fatima and Grosse-Île and Village de Cap-aux-Meules

WHEREAS, on 25 April 2000, the Minister of Municipal Affairs and Greater Montréal published a White Paper entitled Municipal Reorganization : Changing Our Ways to Better Serve the Public ;

WHEREAS municipal restructuring has begun for the metropolitan regions of Montréal, Québec and the Outaouais with the passage of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56) ;

WHEREAS, on 1 June 2001, the Minister required that the municipalities of L'Île-du-Havre-Aubert, L'Étang-du-Nord, Grande-Entrée, Havre-aux-Maisons, Fatima and Grosse-Île and Village de Cap-aux-Meules file a joint application for amalgamation no later than 21 June 2001 and appointed a conciliator, Michel Gionest, to assist the municipalities ;

WHEREAS the Minister did not receive the joint application for amalgamation within the time prescribed ;

WHEREAS the conciliator made a report on the situation to the Minister ;

WHEREAS the Government may, under the Act respecting municipal territorial organization (R.S.Q., c. O-9), order the constitution of local municipalities resulting from amalgamations, in particular as a means of achieving greater fiscal equity and of providing citizens with services at lower cost or better services at the same cost ;

WHEREAS it is expedient to order the constitution of a local municipality under section 125.11 of the said Act, enacted by section 1 of chapter 27 of the Statutes of 2000 ;

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

CHAPTER I
CONSTITUTION OF THE MUNICIPALITY

1. A local municipality is hereby constituted under the name "Municipalité des Îles-de-la-Madeleine", effective 1 January 2002.

2. The description of the territory of the municipality is the description drawn up by the Minister of Natural Resources on 11 July 2001, which appears in Schedule A.

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

4. In this Order in Council, the "municipalities subject to this amalgamation" are the municipalities of L'Île-du-Havre-Aubert, L'Étang-du-Nord, Grande-Entrée, Havre-aux-Maisons, Fatima, Grosse-Île and Village de Cap-aux-Meules.

CHAPTER II
ORGANIZATION OF THE MUNICIPALITY

DIVISION I
DIVISION OF THE TERRITORY

5. A borough is constituted within the territory of the municipality, under the name "Grosse-Île Borough", for the exercise of certain of its fields of jurisdiction ; that borough, described in Schedule B, corresponds to the territory of the former Municipalité de Grosse-Île.

6. The borough is deemed to be recognized in accordance with section 29.1 of the Charter of the French language (R.S.Q., c. C-11). The borough shall retain that recognition until, at its request, the recognition is withdrawn by the Government pursuant to section 29.1 of the Charter.

Officers or employees of the municipality who exercise their functions or perform work in connection with the powers of the borough are, for the purposes of sections 20 and 26 of the Charter, deemed to be officers or employees of that borough.

DIVISION II
MUNICIPAL COUNCIL AND BOROUGH COUNCIL

§1. *General provisions*

7. The affairs of the municipality shall be administered, in accordance with the apportionment of the powers and jurisdiction provided by this Order in Council, by the municipal council or, as the case may be, by the borough council.

8. The borough council is, as regards the exercise of its jurisdiction, subject to the rules provided for in the Cities and Towns Act (R.S.Q., c. C-19) with respect to a municipal council, in particular the rules pertaining to the public nature of the council's meetings.

§2. *Municipal council*

9. The municipal council shall be composed of the mayor, elected by the municipal electors, and of the municipal councillors, elected by the electors of each electoral district.

Every decision of the council shall be made by a majority of the votes cast representing the majority of the population of the municipality.

For the purposes of the second paragraph, the vote cast by a municipal councillor shall represent the population on 31 December 2001 of the territory of the former municipality that constitutes, under section 78, the electoral district in which he or she was elected.

From the fourth general election, it is necessary that, for the purposes of the third paragraph, the major part of the electoral district in which the municipal councillor was elected correspond to the territory of the former municipality as it existed on 31 December 2001.

§3. *Borough council*

10. The borough council is made up of the municipal councillor that represents the borough on the municipal council and of two borough councillors. The municipal councillor is the chair of the borough.

The offices of borough councillor must be numbered.

A borough councillor is an elected municipal officer.

DIVISION III
COMMITTEES

11. Notwithstanding section 70.1 of the Cities and Towns Act (R.S.Q., c. C-19), the municipal council may create an executive committee made up of the mayor and two members designated by the mayor from among the council members.

The decision referred to in the first paragraph shall be made by a two-thirds majority of the votes cast representing two-thirds of the population of the municipality. The third and fourth paragraphs of section 9 shall apply, adapted as required.

12. The council may, by by-law, create a local advisory committee for each electoral district, made up of the councillor of the electoral district and four members recommended by the councillor from among residents of the district and appointed by the council.

The by-law referred to in the first paragraph shall determine the rules related to the establishment of the committees, their composition and their operation. Chapter III of the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001) applies to members of a committee referred to in the first paragraph, whether or not they are council members of the municipality.

13. The local advisory committee's purpose is to examine any matter submitted by the council concerning municipal services provided to the electoral district. Its purpose is to also provide, on request of the Advisory planning committee provided for in the Act respecting land use planning and development (R.S.Q., c. A-19.1), any notice or comment on any matter related to the application of the land by-laws to the electoral district.

DIVISION IV
PROVISIONS CONCERNING ELECTIONS

14. Subject to this Order in Council, the Act respecting elections and referendums in municipalities, (R.S.Q., c. E-2.2), shall apply, adapted as required, to the office and election of the mayor and any municipal or borough councillor.

15. Notwithstanding section 4 of the Act respecting elections and referendums in municipalities, the municipality is required, from the fourth general election, to divide its territory into electoral districts ; the municipality may not exempt itself from that requirement under section 7 of the Act.

Every division into electoral districts shall provide that the borough constitutes one of the districts.

16. For the purposes of section 47 of the Act respecting elections and referendums in municipalities, the domicile of a person, the immovable of which the person is the owner or the business establishment of which the person is the occupant must be located within the territory of the borough for the purposes of the election of borough councillors.

DIVISION V
SALARY, ALLOWANCE AND PENSION PLAN OF BOROUGH COUNCILLORS

17. The municipal council shall fix the remuneration and allowance of borough councillors in accordance with the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001).

18. For the purposes of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3), borough councillors are deemed to be members of the municipal council.

DIVISION VI
OFFICERS AND EMPLOYEES

19. The municipality is the employer of all its officers and employees, whether they exercise their functions or perform work in connection with responsibilities under the authority of the municipality or in connection with responsibilities under the authority of the borough council, and decisions relating to their hiring and dismissal, and negotiation of their conditions of employment are within the authority of the municipal council.

20. The municipal council shall determine the staff required for the management of the borough.

Subject to the third paragraph, the municipal council shall define the staffing methods used to fill positions and fix the procedures for the identification, placing on reserve and assignment of officers having permanent tenure who are surplus to the requirements of the borough.

Borough staffing and recall to work must be effected giving priority to the employees in the borough among those who meet the reassignment requirements or, as the case may be, the selection criteria negotiated and agreed upon by the parties to a collective agreement.

CHAPTER III
JURISDICTION

DIVISION I
GENERAL

21. The municipality has jurisdiction in all matters within the jurisdiction of a local municipality, and shall exercise its powers and fulfil its obligations in respect thereof.

The municipality shall be considered to be a regional county municipality for the purposes of the following acts, adapted as required:

(1) the Fire Safety Act (2000, c. 20);

(2) the Forest Act (R.S.Q., c. F-4.1);

(3) the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1);

(4) the Environment Quality Act (R.S.Q., c. Q-2); and

(5) the Act respecting the lands in the domain of the State (R.S.Q., c. T-8.1).

The municipality shall act through its council if the apportionment of jurisdiction provided for by this Order in Council does not implicitly or explicitly enable a determination to be made as to whether the power to act lies with the municipal council or with the borough council.

Only the municipal council may submit, within the scope of section 517 of the Act respecting elections and referendums in municipalities, any question within the jurisdiction of the municipal or of the borough council to the qualified voters of the entire territory of the municipality or a part thereof.

DIVISION II
SPECIAL FIELDS OF JURISDICTION OF THE MUNICIPALITY

§1. *General provisions*

22. The municipal council shall, by by-law, determine the standards related to the minimum level of services, in particular regarding snow removal, that must be offered in different sectors of the territory of the municipality.

For the purposes of the first paragraph, the territories of each municipality named in section 4 and the territory of the former Municipalité de l'Île-d'Entrée as it existed prior to the coming into force of Order in Council 645-2000 dated 1 June 2000 shall constitute distinct sectors.

23. The municipal council may, subject to the conditions it determines, provide the borough council with a service related to a jurisdiction of the borough council; the resolution of the municipal council shall take effect on passage by the borough council of a resolution accepting the provision of services.

§2. *Land use planning and development*

24. The municipality shall be subject to both the provisions of the Act respecting land use planning and development (R.S.Q., c. A-19.1) that concern regional county municipalities and the provisions concerning local municipalities, adapted as required. The powers and responsibilities conferred by that Act on the warden, the council and the secretary-treasurer of a regional county municipality shall be exercised, respectively, by the mayor, the municipal council and the clerk.

However, the examination of the conformity of the planning program or of a planning by-law with the municipality's development plan shall be effected in accordance with sections 59.5 to 59.9 and 137.10 to 137.14, with the necessary modifications, rather than in accordance with sections 109.6 to 110 in the case of the planning program or sections 137.2 to 137.8 in the case of by-laws.

The planning program of the municipality shall be that of Municipalité régionale de comté des Îles-de-la-Madeleine, in force on 31 December 2001; the planning program and the planning by-laws of the municipality are all the programs and by-laws in force on that date in the municipalities subject to this amalgamation.

§3. *Community, economic, social and cultural development*

25. The municipality shall prepare a plan relating to the development of its territory.

The plan shall include the objectives pursued by the municipality as regards community, economic, social and cultural development and may establish rules relating to the financial support the borough council may grant to a body carrying on its activities in the borough and whose mission is local economic, community, social and cultural development.

§4. *Recovery and recycling of waste materials*

26. The municipality may establish, own and operate waste materials disposal sites and regulate their use.

27. The municipality may,

(a) establish, own and operate

i. a waste materials recovery and recycling establishment;

ii. premises for the disposal of waste from the operation of that establishment and waste owned by the municipality for purposes of recovery or recycling that cannot be used for such purposes;

iii. premises for the disposal of waste from the operation of a waste water treatment plant of the municipality;

iv. a site for burying sludge from septic installations;

(b) regulate the use of an establishment or premises referred to in paragraph *a*.

§5. *Culture, recreation and parks*

28. The municipal council shall, by by-law, identify the parks and cultural or recreational facilities to be managed by the municipal council and those to be managed by the borough council.

29. The city may, by by-law, determine the location of a park, whether or not the city is the owner of the land.

Such a by-law is without effect as regards third persons as long as the municipality is not the owner of the land or has not entered into an agreement allowing it to operate the park with the owner or, in the case of land in the domain of the State, with the person having authority over the land.

30. From the coming into force of the by-law provided for in section 29, the municipality may make an agreement with any person holding the right of ownership or any other right in respect of an immovable located in the park in question.

Such an agreement may provide

(a) that the person retains the right for a certain period of time or with certain restrictions;

(b) that the person grants the municipality a right of pre-emption;

(c) that the person agrees not to make improvements or changes to the immovable except with the consent of the municipality; and

(d) that the person agrees, in case of total or partial expropriation of the right, not to claim any indemnity by reason of an increase in value of the immovable or right that could result from the establishment of the park or from improvements or changes made to the immovable.

The agreement may also contain any other condition relating to the use of the immovable or right.

31. The municipality may, by by-law, in respect of a park,

(a) establish rules governing the protection and preservation of the natural environment and its elements;

(b) determine the extent to which and the purposes for which the public is to be admitted;

(c) prescribe the conditions on which a person may stay, travel or engage in an activity in the park;

(d) prohibit or regulate the carrying and transport of firearms;

(e) prohibit or regulate the use or parking of vehicles;

(f) prohibit the transport and possession of animals or prescribe the conditions with which a person having custody of an animal must comply;

(g) prohibit or regulate posting;

(h) establish rules for maintaining order and for ensuring the cleanliness of the premises and the well-being and tranquillity of users;

(i) prohibit certain recreational activities or prescribe conditions governing participation in such activities;

(j) prohibit or regulate the operation of businesses;

(k) determine cases where a person may be kept out or expelled; and

(l) determine powers and obligations of employees.

32. The municipality may, in a park, operate accommodation, restaurant or commercial establishments, or parking lots, for the benefit of users, or cause such establishments or parking lots to be operated.

33. For the purposes of sections 29 to 32, a natural area or a corridor developed for recreational and sports activities is considered to be a park.

§6. *Social housing*

34. The municipality shall establish a social housing development fund.

The municipality shall pay into the fund annually an amount at least equal to the basic contribution required to build the housing allocated to its territory by the Société d'habitation du Québec.

The Société shall provide the municipality with the information necessary to determine the amount to be paid into the fund.

§7. *Tourist promotion and hospitality*

35. The municipality has jurisdiction to promote tourism and provide for tourist hospitality on its territory.

The municipality may enter into an agreement with any person or body pursuant to which it entrusts to or shares with such person or body the exercise of the jurisdiction provided for in the first paragraph or of any aspect thereof.

DIVISION III
JURISDICTION OF THE BOROUGH COUNCIL

§1. *General provisions*

36. The borough council shall exercise the powers provided for by this Division with respect to the part of the territory of the municipality that corresponds to the territory of the borough.

The borough council may submit opinions and make recommendations to the municipal council on the budget, the establishment of budgetary priorities, the preparation or amendment of the planning program, amendments to planning by-laws, or any other subject submitted to it by the municipal council.

The borough council shall prepare an action plan for neighbourhood services and have it approved by the city council.

37. The borough council shall maintain a service and information centre in the borough, for the purposes of affording the population access to all information.

§2. Urban planning

38. The borough council may, in accordance with Chapter V of Title I of the Act respecting land use planning and development (R.S.Q., c. A-19.1), adapted as required, establish an advisory planning committee.

39. If the borough council has an advisory planning committee, it may adopt a by-law concerning minor exemptions from the planning by-laws of the municipality.

Division VI of Chapter IV of Title I of the Act respecting land use planning and development (R.S.Q., c. A-19.1) applies, adapted as required.

§3. Local economic, community, social and cultural development

40. Notwithstanding the Municipal Aid Prohibition Act (R.S.Q., c. I-15), the borough council may, in accordance with the rules established in the development plan prepared by the municipality pursuant to section 25, provide financial support to a body carrying on its activities in the borough and whose mission is local economic, community or social development.

§4. Culture, recreation and borough parks

41. The borough council shall exercise the powers of the municipality with respect to the parks and the cultural and recreational equipment under its jurisdiction, under a by-law made pursuant to section 28.

The borough council is also responsible for the organization of recreational sports and sociocultural activities. It may for that purpose provide financial support to bodies whose goal is to organize and foster physical or cultural activity.

CHAPTER IV
SPECIAL FINANCIAL PROVISIONS

42. The municipality shall determine the annual allotment to be made to Grosse-Île Borough according to a formula it determines.

43. The borough council is responsible for the management of its budget.

44. The only mode of tariffing which may be used by the borough council to finance all or part of its property, services or activities is a tariff involving a fixed amount charged on an *ad hoc* basis, in the form of a subscription or under terms similar to those of a subscription, for the use of a property or service or in respect of a benefit derived from an activity.

The borough council shall not require other inhabitants and ratepayers of the municipality to pay an amount greater than the amount required from the inhabitants and ratepayers of the borough.

Revenues generated by the application by the borough council of a mode of tariffing referred to in the first paragraph are for the exclusive use of the borough council.

CHAPTER V
EFFECTS OF AN AMALGAMATION ON LABOUR RELATIONS

45. Subject to this section, sections 176.1 to 176.22 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the third paragraph of section 176.23, and sections 176.24 to 176.26 apply, adapted as required, to the amalgamations and transfers provided for in paragraph *a* in accordance with the rules set out in paragraphs *b* to *l*:

(a) to the amalgamation and to the transfer of employees and officers from any municipal or supramunicipal body to the municipality;

(b) for the purposes of sections 176.1, 176.2, 176.10, 176.25 and 176.26, the expression "a municipality that ceased to exist on amalgamation" may, where applicable, mean "a municipality that will cease to exist on the constitution of the municipality";

(c) the agreement provided for in section 176.2 and the decision rendered by a labour commissioner under sections 176.5 and 176.9 shall not operate to define the bargaining units with reference to the borough;

(d) the labour commissioner's decision must, in the cases provided for in sections 176.5 and 176.9, be rendered no later than 29 June 2002;

(e) the period for making an agreement under section 176.2 ends on 14 February 2002;

(f) the reference date for the purposes of the second paragraph of section 176.5 is 1 January 2002;

(g) the period for filing an application under sections 176.6 and 176.7 begins on 15 February 2002 and ends on 16 March 2002;

(h) the provisions of the first paragraph of section 176.10 become effective on 1 January 2002;

(i) the suspension of the application of paragraph *a* of section 22 of the Labour Code (R.S.Q., c. C-27), provided for in subparagraph 3 of the first paragraph of section 176.10, begins on 1 January 2002 and terminates on 17 March 2002; as regards the suspension of the other provisions of section 22, the suspension begins on 1 January 2002 and terminates on 1 September 2003;

(j) the exercise of the right to strike of the employees of the municipalities subject to this amalgamation is suspended from 1 January 2002 to 30 March 2003;

(k) every collective agreement binding a municipality subject to this amalgamation expires on the date provided for its expiry or on 1 January 2003, whichever is earlier; and

(l) the notice of negotiation referred to in section 176.14 shall not be given before 1 January 2003.

CHAPTER VI
TRANSITION COMMITTEE

DIVISION I
COMPOSITION AND ORGANIZATION OF THE TRANSITION COMMITTEE

46. A transition committee composed of the mayor of each of the municipalities subject to this amalgamation and the municipal councillor representing, on the council of the former Municipalité de L'Île-du-Havre-Aubert, the sector formed of the territory of the former Municipalité de L'Île-d'Entrée, is hereby constituted, effective on the date of coming into force of this Order in Council.

The quorum of the committee is a majority of the votes cast by members. The chair and vice-chair shall be designated by secret ballot at the beginning of the first meeting of the transition committee. The municipal council whose mayor is designated as chair of the transition committee shall designate a substitute to represent that municipality on the transition committee.

If the office becomes vacant, the deputy mayor of the former municipality in question at the time of the coming into force of the amalgamation shall sit on the transition committee to fill the vacancy.

The first meeting of the transition committee shall be held in the meeting hall of the former Village de Cap-aux-Meules.

47. Every member of the transition committee shall be paid the remuneration and allowances determined by the Minister of Municipal Affairs and Greater Montréal.

48. Jean-Yves Lebreux, secretary-treasurer and director general of Municipalité de L'Île-du-Havre-Aubert, is the secretary of the committee.

The secretary shall attend the meetings of the committee. The secretary shall keep the registers and have custody of the records and documents of the committee. The secretary shall exercise any other responsibility that the committee determines.

The secretary is responsible for access to the committee's documents.

If the secretary is unable to act, the committee may replace the secretary temporarily by appointing another person to that function. One of the members of the committee may also act in the place of the secretary if the secretary is unable to act.

49. The transition committee may hire the employees required for the exercise of its responsibilities and determine their conditions of employment. The transition committee may also obtain the expert services it considers necessary.

50. The Minister of Municipal Affairs and Greater Montréal may, under the conditions and on the terms the Minister determines, grant the transition committee any sum considered necessary by the Minister for its operation.

Any decision taken by the transition committee to contract a loan must be approved by the Minister of Municipal Affairs and Greater Montréal. Any such loan shall be contracted at the rate of interest and on the other conditions set out in the approval.

51. The transition committee's term ends when the majority of persons elected in the first general election have taken oath. The committee shall then be dissolved and its responsibilities shall be exercised by the council elected in that second general election.

DIVISION II
MISSION OF THE TRANSITION COMMITTEE

52. The mission of the transition committee is to participate, together with the administrators and em-

ployees of the municipalities subject to this amalgamation, and of any body thereof, in the establishment of the conditions most conducive to facilitating the transition, for the citizens of the municipality, from the existing administrations to the municipality.

DIVISION III
OPERATION, POWERS AND RESPONSIBILITIES OF THE TRANSITION COMMITTEE

§1. *Operation and powers of the transition committee*

53. The chair of the transition committee may entrust to one or more members of the committee or, where applicable, of a sub-committee the exercise of certain functions or the examination of any matter the chair indicates.

54. The transition committee may require any municipality subject to this amalgamation, or a body thereof to provide information, records or documents belonging to the municipality or the body and which the transition committee considers necessary to consult.

The first paragraph also applies with respect to information, records or documents relating to the pension plan referred to in section 67, held by any administrator of such plan or any public body that holds such responsibility for such plan under the law.

55. The transition committee may, where it considers it necessary for the exercise of its responsibilities, use the services of an officer or employee of a municipality subject to this amalgamation or a body thereof. The committee may designate the employee whose services are necessary. The committee and the employer shall agree on the amount to be paid by the committee for the use of the services. The employer shall make the designated employee available to the committee from the time indicated by the committee, despite the absence of an agreement relating to the cost of the services.

Failing an agreement, the Minister of Municipal Affairs and Greater Montréal may designate a conciliator at the request of the committee or the employer to assist the parties in reaching an agreement. The conciliator shall act as if he or she were designated under section 468.53 of the Cities and Towns Act (R.S.Q., c. C-19), and section 469 of that Act applies in that case, adapted as required.

The officers and employees seconded to the committee remain in the employment of the municipality or the body, as the case may be, are remunerated by their employer, and are governed by the same conditions of employment during the secondment.

56. Every member of the council and every officer or employee of a municipality subject to this amalgamation or a body thereof must cooperate with the transition committee members, employees and representatives acting in the performance of their duties.

No municipality or body referred to in the first paragraph may prohibit or otherwise prevent its officers or employees from cooperating with the transition committee acting within the scope of its mission, nor take or threaten to take any disciplinary measure against them for having cooperated with the transition committee.

Section 123 of the Act respecting labour standards (R.S.Q., c. N-1.1) applies, adapted as required, to any officer or employee who believes he or she has been the victim of a practice prohibited by the second paragraph.

§2. *Responsibilities of the committee*

57. The transition committee shall hire and remunerate the election officers prescribed by the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) for the purposes of the municipality's first general election.

58. The transition committee may examine the circumstances of the hiring of officers and employees after the date of coming into force of this Order in Council and the situation of any intermunicipal board employee whose employment is not maintained under the intermunicipal agreement in one of the municipalities that is a party to the agreement when it expires.

The transition committee may make any recommendation to the Minister of Municipal Affairs and Greater Montréal in their regard.

59. The transition committee shall, on or before 15 November, agree with all the certified associations within the meaning of the Labour Code (R.S.Q., c. C-27) representing the employees in the employment of the municipalities subject to this amalgamation, on the procedure for the reassignment of those employees as members of the personnel of the municipality and on the rights of and remedies available to an employee who believes he or she has been wronged as a consequence of the application of that procedure.

The parties may in addition agree on conditions of employment incidental to the reassignment of employees.

An agreement entered into under this section may not provide conditions of employment that entail higher costs than those entailed by the application of the applicable conditions of employment or increase the staff.

The provisions concerning the application of the reassignment process provided for in the applicable conditions of employment, or, where there is no such process, the provisions that allow employees to be assigned a position or a place of employment, constitute the employee reassignment procedure.

60. If an agreement has not been reached on all the matters referred to in the first and second paragraphs of section 59 within the time prescribed by that section, the Minister of Municipal Affairs and Greater Montréal shall so inform the Minister of Labour, and sections 125.16 to 125.23 of the Act respecting municipal territorial organization (R.S.Q., c. O-9) shall apply, adapted as required.

However, the Minister of Labour may, if applicable and if deemed expedient, designate a mediator-arbitrator per dispute or group of disputes relating to the determination of the assignment procedure for a given employment category or group of employees.

61. The transition committee shall also prepare any plan for the reassignment of the officers and employees of the municipalities subject to this amalgamation who are not represented by a certified association, as well as the procedure relating to the rights of and remedies available to an employee who believes he or she has been wronged as a consequence of the application of the reassignment plan.

A plan prepared under the first paragraph applies to the municipality as of 31 December 2001.

62. The transition committee shall appoint the first director general and the first treasurer of the municipality to act until the municipal council decides otherwise.

It may create the various departments within the municipality, and determine the scope of their activities. The transition committee may appoint the department heads and assistant heads, as well as the other officers and employees not represented by a certified association, and define their functions.

63. The transition committee shall prepare the municipality's budget for the first fiscal year and determine a formula enabling it to fix the allotments of the borough.

64. The transition committee shall examine any other matter or carry out any other mandate the Government may entrust to the committee in the pursuit of its mission.

65. The transition committee shall report to the Minister of Municipal Affairs and Greater Montréal on its activities at the end of its mandate at the request of the Minister.

In addition to the recommendations made pursuant to this Chapter, the committee's report may include any additional recommendation the committee considers necessary to bring to the attention of the Government.

66. The transition committee shall also provide the Minister of Municipal Affairs and Greater Montréal with any information the Minister may require on its activities.

CHAPTER VII
SUCCESSION

67. The debts and any category of surplus of each of the municipalities subject to this amalgamation shall continue to burden or be credited to the immovables taxable in their respect on 31 December 2001 and that are situated in the part of the territory of the municipality which corresponds to the territory of that municipality.

The amounts required after 31 December 2001, in relation to a sum determined pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1) in respect of a pension plan to which a municipality subject to this amalgamation was a party or to the amortization of any unfunded actuarial liability of such a plan, shall continue to burden the taxable immovables situated in the part of the territory of the municipality which corresponds to the territory of that municipality. The contributions paid after 31 December 2001, in relation to the obligations arising from a pension plan not subject to the Supplemental Pension Plans Act to which a municipality referred to in the first paragraph was a party, in respect of years of past service before 1 January 2002 shall continue to burden the taxable immovables situated in the part of the territory of the municipality which corresponds to the territory of that municipality.

The date of determination of a sum pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act or of an unfunded actuarial liability provided for in the second paragraph must be earlier than 21 June 2001. Furthermore, in the case of an improvement unfunded actuarial liability, the improvement must have been made before 1 January 2002. However, if a pension plan still has such a sum or unfunded actuarial liability on the date of its

division, merger or termination, the contributions paid by the municipality for that purpose after that date are deemed to be paid in respect of any sum or the amortization of any liability to which the second paragraph refers.

The revenues or costs in relation to legal proceedings or a dispute to which a municipality subject to this amalgamation or, as the case may be, the municipality is a party in respect of an event prior to 1 January 2002 that concerns such a municipality shall continue to be credited to or to burden all or part of the taxable immovables of the sector formed by the territory of that municipality.

68. On 31 December 2001, the costs related to the waterworks and sewer systems of each former municipality shall continue to burden the users of the waterworks and sewer system of each sector of the territory of the former municipality that made them, except and according to what is specifically provided for in By-law 162 of the former Municipalité de L'Île-du-Havre-Aubert, by-laws 253 and 283 of the former Municipalité de Havre-aux-Maisons and by-laws 179, 207, 223, 250 and 251 of the former Municipalité de L'Étang-du-Nord, that is, partially charged to all the ratepayers of the former municipality in question and partially charged to the users of the waterworks and sewer system of each sector of the former municipality in question. Where compensations in lieu of taxes are paid for government immovables benefiting from waterworks or sewer systems, the municipality shall allocate to the repayment of the debt of the former municipality or sector in question the portion of that compensation in lieu of taxes considered as tax or compensation required from other users of such system. All other debts related to other assets shall be charged to the entire population of the new municipality, except for the following debts that continue to burden the former municipality in question:

(1) Repayment of property taxes to Hydro-Québec by the former Municipalité de L'Étang-du-Nord, in accordance with the judgment of the Court of Appeal of Québec dated 19 December 1997, CA-200-09-000-348-943;

(2) The balance of the debt of the former Municipalité de Fatima relating to the drawing up of plans for a residential construction project unit for elderly persons suffering from a slight loss of autonomy.

69. A working fund shall be constituted out of the committed principal of the working funds of the municipalities of Cap-aux-Meules and L'Île-du-Havre-Aubert as they exist on 31 December 2001. The amounts thus borrowed shall be repaid into the working fund of the municipality in accordance with section 569 of the Cities and Towns Act.

The part not borrowed from the working fund of the municipalities referred to in the first paragraph shall be added to the surplus accumulated on behalf of those municipalities and dealt with in accordance with section 67.

70. Every intermunicipal agreement providing for the establishment of an intermunicipal management board composed exclusively of municipalities subject to this amalgamation shall terminate on 31 December 2001, notwithstanding any inconsistent provision mentioned in the agreement.

Notwithstanding sections 468.48 and 468.49 of the Cities and Towns Act (R.S.Q., c. C-19), an intermunicipal management board referred to in the first paragraph shall cease its activities and is dissolved on the date set out in that paragraph.

71. The municipality succeeds to the rights, obligations and charges of Municipalité régionale de comté des Îles-de-la-Madeleine and of a management board referred to in section 70. The second paragraph of section 114 and sections 115, 116 and 122 of the Act respecting municipal territorial organization (R.S.Q., c. O-9) as well as section 67 of this Order in Council apply, adapted as required.

72. An intermunicipal agreement providing for a mode of operation other than an intermunicipal management board and entered into by the municipalities subject to this amalgamation shall terminate on 31 December 2001.

73. The sums derived from the operation or leasing by the municipality of an industrial immovable, after deduction of related administration and maintenance costs, or from the alienation of the immovable must be used to discharge the engagements made in respect of the immovable by any municipality subject to this amalgamation.

If the immovable referred to in the first paragraph was the subject of an agreement under section 13.1 of the Act respecting municipal industrial immovables (R.S.Q., c. I-0.1), which provided for terms and conditions relating to the apportionment of expenditures among the municipalities, the discharge pursuant to the first paragraph of the engagements made must be consistent with those terms and conditions as regards the taxable immovables situated in any part of the territory of the municipality which corresponds to the territory of any such municipality.

74. All the property assessment rolls of the municipalities of Grosse-Île and L'Île-du-Havre-Aubert drawn up for the 2002, 2003 and 2004 fiscal years and the property assessment rolls of the municipalities of

L'Étang-du-Nord, Grande-Entrée and of Village de Cap-aux-Meules drawn up for the 2001, 2002 and 2003 fiscal years and the property assessment rolls of the municipalities of Fatima and Havre-aux-Maisons drawn up for the 2000, 2001 and 2002 fiscal years shall constitute the property assessment roll of Municipalité des Îles-de-la-Madeleine for the 2002, 2003 and 2004 fiscal years.

Section 119 of the Act respecting municipal territorial organization (R.S.Q., c. O-9) shall apply, adapted as required.

With respect to an entry on the property assessment roll of Municipalité des Îles-de-la-Madeleine that precedes the first roll that the municipality shall cause to be drawn up under section 14 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), it is considered that for the purpose of establishing the actual value that is entered on the roll, the property market conditions as they existed on 1 July 2000 were taken into account. For the purposes of determining the property market conditions on that date, the information related to the transfer of property that occurred before and after that date may be taken into account.

The date referred to in the third paragraph shall appear, where applicable, on any notice of assessment, tax account, notice of alteration to the roll or certificate of the assessor issued at the updating of the roll.

The median proportion and the comparative factor of the assessment roll of Municipalité des Îles-de-la-Madeleine for the 2002, 2003 and 2004 fiscal years that must appear, where applicable, on any notice of assessment, tax account, notice of alteration to the roll or certificate of the assessor issued at the updating of the roll shall be those that will be established by the assessor of the former Municipalité de L'Étang-du-Nord for the 2002 fiscal year.

Municipalité des Îles-de-la-Madeleine shall cause its assessor to draw up the first property assessment roll, in accordance with section 14 of the Act respecting municipal taxation, for the 2005, 2006 and 2007 fiscal years.

75. The general property tax rate of the former Village de Cap-aux-Meules shall be progressively brought to the same rate as that of the new municipality over a three-year period, by means of tax credits, by one third of that rate for the first full fiscal year following the coming into force of this Order in Council and one third more for the second fiscal year to 100% of the rate of the third fiscal year. That rate shall be established from the property tax rate that appears in the tax account of the ratepayers of that former village for 2001, corrected so as to exclude any credited surplus and any use of a portion of the property taxes to make up the difference between the expenses incurred for waterworks and sewer systems and the revenues of taxes imposed for both systems.

76. A municipal housing bureau shall be constituted under the name of "Office municipal d'habitation des Îles-de-la-Madeleine." The name of the bureau may initially be changed by a simple resolution of the board of directors in the year following its constitution. A notice regarding the change of name shall be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

That municipal bureau shall succeed, on 1 January 2002, the municipal housing bureaus of the former municipalities of Grande-Entrée, Grosse-Île, Havre-aux-Maisons, Fatima, L'Étang-du-Nord, L'Île-du-Havre-Aubert and Village de Cap-aux-Meules, which are dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) shall apply to the new municipal housing bureau as though it had been constituted by letters patent under section 57 of that Act.

The bureau shall be administered by a board of directors formed of seven members. Three members shall be appointed by the council of Municipalité des Îles-de-la-Madeleine, two elected by all the lessees of the bureau, in accordance with the Act respecting the Société d'habitation du Québec, and two shall be appointed by the Minister of Municipal Affairs and Greater Montréal, after consultation, from among the most representative socioeconomic groups of the bureau's territory.

Until the municipality designates the first directors in accordance with the third paragraph, their duties shall be carried out by persons designated by the Minister of Municipal Affairs and Greater Montréal; should the municipal council fail to designate them as provided for in the third paragraph before 1 June 2002, their term shall end on that date.

The directors shall elect from among themselves a chair, vice-chair and any other officer they deem necessary to appoint. The term of the board of directors is for three years and is renewable. Despite the expiry of their term, the board members shall remain in office until reappointed or replaced. The quorum at meetings shall be the majority of the members in office.

The directors may, from the coming into force of this Order in Council,

(1) secure loans on behalf of the bureau;

(2) issue debentures or other securities of the bureau and use them as a guarantee or dispose of them for the price and amount deemed appropriate;

(3) hypothecate or use as collateral the present or future immovables or movables of the bureau, to ensure the payment of such debentures or other securities, or give only part of the guarantees for those purposes;

(4) hypothecate the immovables and movables of the bureau or otherwise affect them, or give various types of surety, to ensure the payment of loans secured other than by the issue of debentures, as well as the payment or execution of other debts, contracts and commitments of the bureau;

(5) subject to the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société, pass any by-law deemed necessary or useful for the internal management of the bureau.

The employees of the bureaus that have been dissolved shall become, without reduction in salary, employees of the constituted bureau, and shall retain their seniority and fringe benefits.

Within fifteen days of their adoption, the bureau shall send to the Société d'habitation du Québec a certified true copy of the by-laws and resolutions appointing or dismissing a member or director.

The time limit provided for in section 37 of the Pay Equity Act (R.S.Q., c. E-12.001) shall no longer apply with respect to the bureaus constituted by the second paragraph. The time limit within which to comply with this section, for any succeeding bureau, shall be 36 months from the date of determination of the last bargaining unit.

CHAPTER VIII
FINAL PROVISIONS

77. The polling for the first general election shall take place on 25 November 2001 and for the second general election, in 2005.

78. For the purposes of the first three general elections and any by-election held before the fourth general election, the territory of the new municipality shall be divided into eight electoral districts corresponding to the territory of the former municipalities and to the territory of the former Municipalité de L'Île-d'Entrée as it existed prior to the coming into force of Order in Council 645-2000 dated 1 June 2000.

79. For the purpose of determining whether a person is qualified as an elector, a candidate or a person qualified to vote at an election or in a referendum poll in the territory of the municipality, any period, prior to the date of coming into force of section 1, during which the person was resident, continuously or not, in the territory of a municipality subject to this amalgamation or was the owner of an immovable or the occupant of a business establishment situated in that territory shall be counted as if the person had been a resident, owner or occupant from the beginning of that period in the territory in which he or she must qualify.

80. At the first general election, a member of the council of one of the municipalities subject to this amalgamation may be nominated and be, or be appointed as, a member of the municipal council, and hold both offices simultaneously.

81. The officers or employees of the municipalities subject to this amalgamation and those of Municipalité régionale de comté des Îles-de-la-Madeleine who were transferred to the municipality are not eligible to hold office as a member of the municipal council, with the exception of persons who provide occasional fire-fighting services and are usually referred to as volunteer firefighters and of persons who are deemed under the Act to be officers or employees of those municipalities.

An officer or employee referred to in the first paragraph, other than one who is not eligible under this paragraph, may not engage in partisan work with respect to the election of municipal council members.

That prohibition also covers any association representing the interests of those officers or employees.

82. The returning officer for the first general election shall be Jean-Yves Lebreux, secretary-treasurer and director general of Municipalité de L'Île-du-Havre-Aubert. He shall also carry out, for the purposes of Chapter XIII of Title I of the Act respecting elections and referendums in municipalities and until 31 December 2001, the duties of treasurer within the meaning of section 364 of that Act.

83. Jean-Yves Lebreux, secretary-treasurer and director general of Municipalité de L'Île-du-Havre-Aubert, shall act as municipal clerk until the council decides otherwise.

84. The Minister of Municipal Affairs and Greater Montréal shall determine the place, date and time of the first meeting of the municipal council. If the meeting is not held, the Minister shall set another date.

The meeting may be set for a date earlier than 1 January 2002.

85. At the first meeting, the council shall adopt, with or without amendment, the municipality's budget for the 2002 fiscal year as drawn up by the transition committee.

The municipality's budget shall be sent to the Minister of Municipal Affairs and Greater Montréal within 30 days of its adoption by the council.

If, on 1 January 2002, the budget has not been adopted, one-twelfth of each appropriation provided for in the budget prepared by the transition committee is deemed to be adopted. The same rule applies at the beginning of each subsequent month if the budget has not been adopted at that time.

86. The municipal council may, from the time the majority of candidates elected at the first general election of 25 November 2001 to the office of councillor has taken the oath, take any decision, with respect to the organization and operation of the municipality or borough or to the delegation of any power to officers, that comes under the responsibility or belongs to the field of jurisdiction of the council, transition committee or mayor, as of 1 January 2002.

The decisions referred to in the first paragraph shall take effect on 1 January 2002.

87. The municipal council may, by virtue of the first by-law on remuneration that it adopts under the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001), fix the remuneration of the mayor and other members of the municipal council that the municipality shall pay for the duties they will have performed between the date of the beginning of their term and 31 December 2001. The method for fixing the remuneration may differ, with respect to that period, from that applicable from the date of the constitution of the municipality.

The remuneration paid to an elected officer under the first paragraph shall be reduced by an amount equal to that of any remuneration received from another local municipality during the same period of time. For the purposes of the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c.R-9.3), only the part of the remuneration received for that elected officer from the municipality that was party to the pension plan may be considered admissible earnings.

88. Every member of the council of one of the local municipalities subject to this amalgamation whose term ends for the sole reason that the municipality ceased to exist on 31 December 2001, may receive compensation and maintain participation in the pension plan for elected municipal officers in accordance with sections 89 to 92.

Any entitlement referred to in the first paragraph shall cease to apply to a person in respect of any period in which, from 1 January 2002, that person held office as a municipal council member within the territory of Québec.

89. The amount of the compensation referred to in section 88 shall be based on the remuneration in effect on the date of coming into force of this Order in Council in respect of the position that the person referred to in the first paragraph of section 88 held on 31 December 2001 to which applies, if applicable, any indexing of the remuneration provided for by a by-law of the council of a local municipality that is in effect on the date of coming into force of this Order in Council.

The amount of the compensation shall also be based on the remuneration that the person referred to in the first paragraph of section 88 received directly from a mandatary body of the municipality or a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers.

The compensation established in accordance with the first, second and third paragraphs, except for the part referred to in the fourth paragraph, may not exceed annually the maximum referred to in section 21 of the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001).

The compensation shall, if applicable, also include any amount corresponding to the provisional contribution provided for in section 26 of the Act respecting the Pension Plan of Elected Municipal Officers that the local municipality, mandatary body or supramunicipal body would have been required to pay with respect to the remuneration provided for in the first and second paragraphs for the person referred to in the first paragraph of section 88.

90. The compensation shall be paid by the municipality in bi-monthly instalments during the period starting on 1 January 2002 and ending on the date on which the first general election would have been held following the expiry of the term under way on 31 December 2001.

A person who is eligible for compensation may enter into an agreement with the municipality on any other mode of payment of the compensation.

91. The expenses that the payment of compensation represents, including, if applicable, the provisional contribution, constitutes a debt charged to the taxable immovables located in the part of the territory of the municipality that corresponds to that of the local municipality referred to in the first paragraph of section 88, and of which the eligible person was a council member.

92. Every person referred to in section 88, who, on 31 December 2001, is a member of the Pension Plan of Elected Municipal Officers established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3) shall continue to be a member of that plan for the period mentioned in the first paragraph of section 89. However, the member may, before 15 February 2002, notify the municipality of the person's choice to cease membership in the plan. The person must forward a copy of the notice to the Commission administrative des régimes de retraite et d'assurances as soon as possible. Membership in the plan of the person giving the notice ceases on 1 January 2002.

The pensionable salary of a person continuing to be a member of the plan pursuant to section 89 is equal to the amount of the compensation paid to the person in the period mentioned in the first paragraph of section 89, less any amount of the compensation payable as a provisional contribution. In such case, the provisional contribution shall be paid by the municipality to the Commission administrative des régimes de retraite et d'assurances at the same time as the member's contribution which the municipality must withhold on each payment of compensation.

A person electing to terminate membership in the pension plan referred to in the first paragraph shall retain entitlement to the portion of the compensation relating to the provisional contribution.

93. No local municipality subject to this amalgamation may adopt a by-law under section 31 of the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001).

94. The amounts to be provided in the future, entered in the accounting books of each municipality before 1 January 2000, following the coming into force of the new accounting standards contained in the Manuel de la présentation de l'information financière municipale, shall continue to burden or to be credited to all the taxable immovables of the municipality.

95. The town hall of the former Village de Cap-aux-Meules becomes the town hall of the new municipality, until the council decides otherwise.

96. Until the council decides otherwise, the municipality shall maintain a local office for services in the territory of the former municipalities of Grande-Entrée, L'Île-du-Havre-Aubert and Île-d'Entrée as it existed prior to the coming into force of Order in Council 645-2000 dated 1 June 2000.

The decision referred to in the first paragraph shall be made by a majority of two-thirds of the votes cast representing two-thirds of the population of the municipality. The third and fourth paragraphs of section 9 shall apply, adapted as required.

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

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), by the qualified voters of the whole territory of the new municipality.

98. The term of the contract for waste collection between Entreprises Nadyco Inc. and Municipalité régionale de comté des Îles-de-la-Madeleine may be extended to 31 December 2001 under the same conditions.

99. The Programme d'aide à la renovation en milieu rural (Réno-Village) of the Société d'habitation du Québec shall apply to the new municipality in accordance with Décret 996-2000 made on 24 August 2000.

100. Any specific provisions governing any municipality subject to this amalgamation, except for any provision whose purpose is, with respect to any such municipality, to validate or ratify a document or an act or to clarify a title of ownership or to confirm or grant the power to acquire or alienate a particular immovable, are repealed from the date of the constitution of the municipality.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE A

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF MUNICIPALITÉ DES ÎLES-DE-LA-MADELEINE

The current territory of Village de Cap-aux-Meules and the municipalities of Fatima, Grande-Entrée, Grosse-Île, Havre-aux-Maisons, L'Étang-du-Nord and L'Île-du-Havre-Aubert, as well as the unorganized territory constituting the remaining part of Municipalité régionale de comté des Îles-de-la-Madeleine, comprising, in reference to the cadastres of Grosse-Île, Île-au-Loup, Île-Brion, Île-Coffin, Île-d'Entrée, Île-du-Cap-aux-Meules, Île-du-Corps-Mort, Île-du-Havre-Aubert, Île-du-Havre-aux-Maisons and Rocher-aux-Oiseaux, the lots or parts of lots, the blocks or parts of blocks and their present and future subdivisions, as well as the roads, routes, watercourses and a part of the Gulf of St. Lawrence, the whole within the limits described hereafter, namely: starting from the meeting point of the west longitude of meridian 63°00' and of the north latitude of parallel 48°40'; thence, successively, the following lines and demarcations: easterly, the said parallel of latitude to the boundaries of the province of Québec in the Gulf of St. Lawrence; in general southerly, southwesterly and westerly directions, the boundaries of the province to the west longitude of meridian 63°00'; finally, northerly, the said meridian of longitude to the starting point.

The said limits define the territory of Municipalité des Îles-de-la-Madeleine.

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

Charlesbourg, 11 July 2001

Prepared by: JEAN-FRANÇOIS BOUCHER
Land surveyor

I-40/1

SCHEDULE B

GROSSE-ÎLE BOROUGH

Corresponds to the boundaries of the former Municipalité de Grosse-Île.

4560

Gouvernement du Québec

O.C. 1044-2001, 12 September 2001

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

Amalgamation of Ville de Saint-Jérôme, Ville de Bellefeuille, Ville de Saint-Antoine and Ville de Lafontaine

WHEREAS, on 25 April 2000, the Minister of Municipal Affairs and Greater Montréal published a White Paper entitled Municipal Reorganization: Changing Ours Ways to Better Serve the Public;

WHEREAS municipal restructuring has begun for the metropolitan regions of Montréal, Québec and the Outaouais with the passage of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS Ville de Saint-Jérôme, Ville de Bellefeuille, Ville de Saint-Antoine and Ville de Lafontaine are part of the census primary area of Saint-Jérôme;

WHEREAS those municipalities have asked the Commission municipale du Québec to make a study on the pros and cons of their amalgamation;

WHEREAS the government conciliator, Mr. Gilles Rioux, has recommended that the municipalities' request be granted;

WHEREAS the Minister has requested the Commission municipale du Québec to make a study on the pros and cons of amalgamating the four towns;

WHEREAS, on 14 June 2001, the president of the Commission municipale du Québec sent the Minister a report intended for the Government;

WHEREAS in that report, the Commission municipale du Québec recommends the amalgamation of the four municipalities;

WHEREAS the Government may, under the Act respecting municipal territorial organization (R.S.Q., c. O-9), order the constitution of local municipalities resulting from amalgamations, in particular as a means of achieving greater fiscal equity and of providing citizens with services at lower cost or better services at the same cost;

WHEREAS it is expedient to order the constitution of a local municipality under section 125.11 of the said Act, enacted by section 1 of chapter 27 of the Statutes of 2000;

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

CHAPTER I
CONSTITUTION OF THE MUNICIPALITY

1. A local municipality is hereby constituted under the name "Ville de Saint-Jérôme", effective 1 January 2002.

2. The description of the territory of the city is the description drawn up by the Minister of Natural Resources on 15 August 2001; that description appears in Schedule A.

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

4. In this Order in Council, the "municipalities subject to this amalgamation" are Ville de Saint-Jérôme, Ville de Bellefeuille, Ville de Saint-Antoine and Ville de Lafontaine.

5. The new city is part of the territory of Municipalité régionale de comté de La Rivière-du-Nord.

CHAPTER II
ORGANIZATION OF THE MUNICIPALITY

DIVISION I
EXECUTIVE COMMITTEE

6. The executive committee of the city is composed of the mayor and two council members appointed by the mayor. The mayor of the city is the chair of the executive committee.

7. Any appointed member of the executive committee may resign from the executive committee by sending a written notice to that effect, signed by the member, to the clerk. The resignation takes effect on the date the clerk receives the notice, or on any later date specified in the notice.

8. The regular meetings of the executive committee are held at the place, on the days and at the times fixed in the internal management by-laws adopted by the council. The special meetings of the executive committee are held at the place, on the days and at the times fixed by the chair.

9. The chair of the executive committee shall convene and preside the meetings of the executive committee and ensure that they are properly conducted.

10. The meetings of the executive committee are closed to the public.

11. Subject to this Division, sections 70.1 to 70.9 of the Cities and Towns Act apply to the executive committee.

CHAPTER III
SPECIAL JURISDICTIONS

12. The city shall establish a social housing development fund.

The city shall pay into the fund annually an amount at least equal to the basic contribution required to build the housing units allocated to its territory by the Société d'habitation du Québec.

The Société shall provide the city with the information necessary to determine the amount to be paid into the fund.

CHAPTER IV
SPECIAL FISCAL PROVISIONS

DIVISION I
INTERPRETATION AND GENERAL PROVISIONS

13. For the purposes of this Chapter, the territory of each local municipality named in section 4 constitutes a sector.

14. The city is subject to the rules provided for by law with respect to local municipalities, particularly the rules that prohibit the setting of different rates for the general property tax for different parts of the municipal territory and the rules that provide for the use of specific sources of revenue to finance debt-related expenses.

The city may derogate from these rules only to the extent required to carry out any provision of this Division.

DIVISION II
CEILING ON ANY INCREASE IN THE TAX BURDEN

15. The city shall exercise its power under section 16 and, if it imposes a business tax, its power under section 17, or its power under section 22.

16. The city may, for a fiscal year, set any rate of the general property tax so that, with respect to the previous fiscal year, the increase in the tax burden for all the units of assessment located in a sector to which part of the rate or the full rate applies is limited to 5%.

The following shall constitute the tax burden:

(1) revenues from the general property tax as a result of applying the full rate or a part thereof;

(2) revenues from other taxes, including the taxes based on the rental value of immovables or compensation deemed to be taxes under the law, particularly those used to finance services such as drinking water supply, waste water purification, snow removal, garbage removal and the recycling of waste materials;

(3) revenues from sums payable in lieu of taxes for immovables, either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), or by the Government, in accordance with section 254 and the first paragraph of section 255 of the Act, or by the Crown in right of Canada or one of its mandataries; and

(4) revenues of which the city was deprived by granting a credit, with respect to any source of revenue referred to in paragraphs 1 to 3, for the purposes of applying section 74 concerning the use of a surplus.

Notwithstanding the preceding, the revenues referred to in the second paragraph used to finance debt-related expenses are not included in the tax burden.

17. The city may, for a fiscal year, set the business tax rate so that, with respect to the previous fiscal year, the increase in revenues arising from the tax for all the business establishments located in a sector is limited to 5%.

Those revenues include any sums in lieu of the business tax payable by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), or the second paragraph of section 254 and the first paragraph of section 255 of the Act.

18. If the city exercises one of its powers under sections 16 and 17, it may replace the maximum increase provided for in those sections by another, which must be the same for all the sectors in question and be less than 5%.

19. In the event that the increase referred to in section 16 or 17 does not result solely from the constitution of the city, the maximum shall apply only with respect to the portion of the increase that is a result thereof.

20. If the city exercises one of its powers under section 16 or 17, it shall, subject to any by-law made under the second paragraph, establish the rules that will enable a determination to be made as to whether the increase referred to in that section is a result solely of the constitution of the city and enable the establishment of the portion of the increase that is a result thereof if it is not.

The Government, may, by regulation, provide for cases where the increase is deemed not to be a result of the constitution of the city.

If the city does not exercise its power under section 244.29 of the Act respecting municipal taxation and imposes a surtax or a tax on non-residential immovables or a surtax on vacant land, it shall, if it exercises its power under section 16, establish the necessary rules of concordance to obtain the same results, for the purposes of that section, as if the city imposed a general property tax with rates specific to the categories that include the units of assessment subject to each tax or surtax imposed.

21. For the purposes of determining the percentage of increase referred to in section 16 for the 2002 fiscal year, where the local municipality whose territory constitutes the sector referred to has appropriated as revenue for the 2001 fiscal year all or a portion of the surplus from previous fiscal years, for an amount that exceeds the average amount so appropriated for the 1996 to 2000 fiscal years, the difference obtained by subtracting from the excess amount the sum that the municipality did not have to pay for the special fund for the financing of local activities as a result of the application of sections 90 to 96 of chapter 54 of the Statutes of 2000 shall be included in the fiscal burden of all the units of assessment located in the sector for the 2001 fiscal year.

22. The city may establish the rules enabling it to grant an abatement for a given fiscal year, with respect to the previous fiscal year, in order to limit to 5% the increase in the tax burden of a unit of assessment or a business establishment.

The second and third paragraphs of section 16 and sections 17 to 21 shall apply, adapted as required, for the purposes of the increase ceiling provided for in the first paragraph.

If the city exercises its power under that paragraph, it shall establish rules enabling it to adapt the provisions of the second paragraph to each individual unit of assessment or business establishment that take into account all the units or establishments.

DIVISION III
CEILING ON ANY REDUCTION IN THE TAX BURDEN

23. The city may, for a given fiscal year, set any rate for the general property tax so that, with respect to the previous fiscal year, the reduction in the tax burden for all the units of assessment located in a sector and to which all or a portion of the rate applies shall not exceed the percentage that the city shall set for all the sectors.

The second and third paragraphs of section 16, the third paragraph of section 20 and section 21 shall apply, adapted as required, for the purposes of the reduction ceiling provided for in the first paragraph.

24. The city may, for a given fiscal year, set the rate for the business tax so that, with respect to the previous fiscal year, the reduction in revenues from that tax for all the business establishments located in a sector shall not exceed the single percentage that the city shall set for all the sectors.

These revenues include revenues from the sums payable in lieu of the business tax that shall be paid by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation or with section 254 and the first paragraph of section 255 of the Act.

25. If the city does not exercise its power under section 23 or 24, it may establish rules enabling it to require a supplement for a given fiscal year so that, with respect to the previous fiscal year, the reduction in the tax burden for a unit of assessment or business establishment does not exceed the single percentage that the city shall set for the entire territory.

The second and third paragraphs of section 16, the third paragraph of section 20 and section 21 shall apply to a unit of assessment, and the second paragraph of section 24 to a business establishment, adapted as required, for the purposes of the reduction ceiling provided for in the first paragraph.

If the city exercises its power under this paragraph, it shall establish rules enabling it to adapt the provisions of the second paragraph to each individual unit of assessment or business establishment that take into account groups of units or establishments.

DIVISION IV
MISCELLANEOUS

26. The city may exercise its powers under Division III.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., c. F-2.1) with respect to one sector and not to another or vary the exercise of the powers in different sectors.

27. Where, for a fiscal year prior to the year in which the first assessment roll drawn up specifically for the city comes into force, the city sets, under section 244.29 of the Act respecting municipal taxation, a rate for the general property tax that is specific to one of the categories provided for in sections 244.34 and 244.35 of the Act, the coefficient referred to in sections 244.44 and 244.47 of the Act shall be the coefficient that is established on the basis of the comparison of the two last property assessment rolls of the municipalities subject to this amalgamation whose population in 2001 was the highest.

28. The city may establish a program under which it may grant, in the circumstances provided for in the second paragraph, a credit applicable to the amount of the general property tax that is imposed, for any fiscal year commencing with the one referred to in subparagraph 1 of that paragraph, on any unit of assessment that is located in a sector and belongs to the group provided for in section 244.31 of the Act respecting municipal taxation.

The credit may be granted where all the following conditions have been met:

(1) for a given fiscal year, the business tax is not imposed on the sector, neither distinctly nor within the entire territory of the city, or, if it is, the revenues provided for the sector are less that those of the previous fiscal year;

(2) the business tax has been imposed on the sector, for the fiscal year preceding that referred to in subparagraph 1, without it having been imposed in the entire territory of the city;

(3) the revenues of the general property tax for the sector for the fiscal year referred to in subparagraph 1, which are a product of the application in whole or in part of one of the specific rates for the categories specified in sections 244.33 and 244.34 of the Act respecting municipal taxation, exceed the revenues that would have been produced had there been no loss or reduction in revenues from the business tax.

The credit shall reduce the amount payable in general property tax imposed on any units of assessment referred to in the first paragraph and in respect of which applies in whole or in part the rate referred to in subparagraph 3 of the second paragraph. The amount of credit shall be determined according to the rules of the program.

The cost of the entire credits granted for the units of assessment located in the sector is payable by all the units located in that sector and that belong to the group referred to in the first paragraph.

If the city does not exercise its power under section 244.29 of the Act respecting municipal taxation and imposes a surtax or a tax on non-residential immovables, it shall, if it exercises its power under the first paragraph, establish the necessary rules of concordance to obtain the same results, for the purposes of the first four paragraphs, as if the city imposed a general property tax with rates specific to the categories that include the assessment units subject to the surtax or tax imposed on non-residential immovables.

29. Where a local municipality subject to this amalgamation has exercised, with respect to its assessment roll in effect on 1 January 2001, its power under section 253.27 of the Act respecting municipal taxation, the city may, no later than the date on which the budget for the 2002 fiscal year is adopted, provide that the averaging of the variation in the taxable values resulting from the coming into force of a roll be extended for that fiscal year and for the sector concerned.

CHAPTER V
EFFECTS OF AN AMALGAMATION ON LABOUR RELATIONS

30. Subject to this section, sections 176.1 to 176.22 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the third paragraph of section 176.23, and sections 176.24 to 176.26 apply, adapted as required, to the amalgamations and transfers provided for in paragraph 1 in accordance with the rules set out in paragraphs 2 to 10:

(1) to the amalgamation and to the transfer of employees and officers from any municipal or supramunicipal body to the city;

(2) the labour commissioner's decision must, in the cases provided for in sections 176.5 and 176.9, be rendered no later than 29 June 2002;

(3) the period for making an agreement under section 176.2 ends on 14 February 2002;

(4) the reference date for the purposes of the second paragraph of section 176.5 is 29 June 2002;

(5) the period for filing an application under sections 176.6 and 176.7 begins on 15 February 2002 and ends on 16 March 2002;

(6) the provisions of the first paragraph of section 176.10 become effective on 1 January 2002;

(7) the suspension of the application of paragraph *a* of section 22 of the Labour Code (R.S.Q., c. C-27), provided for in subparagraph 3 of the first paragraph of section 176.10, begins on 1 January 2002 and terminates on 17 March 2002; as regards the suspension of the other provisions of section 22, the suspension begins on 1 January 2002 and terminates on 1 September 2003;

(8) the exercise of the right to strike of the employees of the municipalities subject to this amalgamation is suspended from 1 January 2002 to 31 March 2003;

(9) every collective agreement binding a municipality subject to this amalgamation expires on the date provided for its expiry or on 1 January 2003, whichever is earlier; and

(10) for the purposes of the first paragraph of section 176.14, the first anniversary of the coming into force of the Order in Council is replaced by the first anniversary of the city's constitution.

CHAPTER VI
TRANSITION COMMITTEE

DIVISION I
COMPOSITION AND ORGANIZATION OF THE TRANSITION COMMITTEE

31. A transition committee composed of the members designated by the Minister of Municipal Affairs and Greater Montréal is hereby constituted, effective on the date of coming into force of this Order in Council. The number of members of the committee shall not be fewer than three nor more than seven.

The Minister shall designate a chair from among the committee members.

32. No person who is a member of the council of a municipality subject to this amalgamation may sit as a member of the transition committee. In addition, a person who has acted as a member of the committee is ineligible for office as a member of the city council in the city's first general election; no such person may be employed by the city to hold a position referred to in the second paragraph of section 71 of the Cities and Towns Act until the expiry of a period of two years from the end of the person's term as member of the committee.

33. The transition committee is a legal person and a mandatary of the State.

The property of the transition committee forms part of the domain of the State, but the execution of the obligations of the committee may be levied against that property.

The transition committee binds only itself when it acts in its own name.

The transition committee has its head office at the place determined by the Minister of Municipal Affairs and Greater Montréal. Notice of the location and of any change of location of the head office must be published in the *Gazette officielle du Québec* and in a newspaper circulated in the territory described in section 2.

34. Every member of the transition committee shall be paid the remuneration and expense allowance determined by the Minister of Municipal Affairs and Greater Montréal. The Minister may determine any other condition of employment of a member, in particular with respect to the reimbursement of expenses in the performance of a member's duties.

35. No deed, document or writing binds the transition committee unless it is signed by the chair or, to the extent determined by a by-law of the transition committee, by a member of the committee's personnel.

The committee may allow, subject to the conditions and on the documents it determines by a by-law, that a signature be affixed by means of an automatic device or that a facsimile of a signature be engraved, lithographed or printed. The facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair.

36. The minutes of a meeting of the transition committee, approved by the committee and certified true by the chair or any other member of the personnel so authorized by by-law, are authentic, as are documents and copies emanating from the committee or forming part of its records if signed or certified by any such person.

37. The Minister shall appoint the secretary of the transition committee and determine the secretary's remuneration and other conditions of employment.

The secretary shall attend the meetings of the committee. The secretary shall keep the registers and have custody of the records and documents of the committee. The secretary shall exercise any other responsibility that the committee determines.

The secretary is responsible for access to the committee's documents.

If the secretary is unable to act, the committee may replace the secretary temporarily by appointing another person to that function. One of the members of the committee may also act in the place of the secretary if the secretary is unable to act.

The transition committee may hire the employees required for the exercise of its responsibilities, and determine their conditions of employment. The transition committee may also obtain the services of the experts it considers necessary.

38. No judicial proceedings may be brought against the members of the transition committee or the committee's employees and representatives by reason of an official act done in good faith in the discharge of their duties. Sections 604.6 to 604.10 of the Cities and Towns Act apply, adapted as required, in respect of the committee members and employees.

Any liability that may be connected with the protection of the members and employees of the committee under the first paragraph is assumed by the Government.

39. The Minister of Municipal Affairs and Greater Montréal may, under the conditions and on the terms it determines, grant the transition committee any sum it considers necessary for its operation.

Any decision to contract a loan taken by the transition committee shall be approved by the Minister of Municipal Affairs and Greater Montréal. The loan shall be contracted, if applicable, at the rate of interest and on the other conditions set out in the approval.

40. The transition committee is a municipal body for the purposes of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., c. A-2.1).

41. Unless otherwise provided for in an order of the Minister of Municipal Affairs and Greater Montréal, the mandate of the transition committee ends on the date of constitution of the city. The committee shall then be dissolved and its assets and liabilities transferred to the city.

The Minister of Municipal Affairs and Greater Montréal may, however, authorize the transition committee to complete a mandate specified by her.

DIVISION II
MISSION OF THE TRANSITION COMMITTEE

42. The mission of the transition committee is to participate, together with the administrators and em-

ployees of the municipalities subject to this amalgamation, and of any body thereof, in the establishment of the conditions most conducive to facilitating the transition, for the citizens of the city, from the existing administrations to the city.

DIVISION III
OPERATION, POWERS AND RESPONSIBILITIES OF THE TRANSITION COMMITTEE

§1. *Operation and powers of the committee*

43. The decisions of the transition committee shall be made at meetings of the committee.

The quorum at meetings of the committee is the majority of its members.

44. Subject to the second paragraph of section 50, the transition committee shall, during its term, provide the citizens of the municipalities subject to this amalgamation with any information it considers relevant to keep them informed on the carrying out of its mission.

The Minister of Municipal Affairs and Greater Montréal may issue directives to the committee in that respect.

45. The transition committee may adopt internal management by-laws establishing its rules of operation.

46. The transition committee may form any sub-committee for the examination of particular matters, determine its mode of operation and designate the members, including the person who is to chair the sub-committee.

A person who is not a member of the committee may also be designated as a member of a sub-committee.

47. The chair of the transition committee may entrust to one or more members of the committee or, where applicable, of a sub-committee, the exercise of certain functions or the examination of any matter the chair indicates.

48. The transition committee may require any municipality subject to this amalgamation, or any body thereof to provide information, records or documents belonging to the municipality or the body and which the transition committee considers necessary to consult.

49. The transition committee may require any municipality subject to this amalgamation or any body thereof to submit a report on a decision or matter relating to the municipality or the body and that is within and relevant to the committee's functions, concerning the financial situation of the municipality or body or the staff or any person in its employment.

50. Sections 48 and 49 apply notwithstanding the Act respecting Access to documents held by public bodies and the Protection of personal information.

The members of the transition committee or of any sub-committee and the committee employees are required to ensure the confidentiality of the information obtained under sections 48 and 49.

51. The transition committee may, where it considers it necessary for the exercise of its responsibilities, use the services of an officer or employee of a municipality subject to this amalgamation or any body thereof. The committee may designate the employee whose services are necessary. The committee and the employer shall agree on the amount to be paid by the committee for the use of the services. The employer shall make the designated employee available to the committee from the time indicated by the committee, despite the absence of an agreement relating to the cost of the services.

Failing an agreement, the Minister may designate a conciliator at the request of the committee or the employer to assist the parties in reaching an agreement. The conciliator shall act as if he or she were designated under section 468.53 of the Cities and Towns Act, and section 469 of that Act applies in that case, adapted as required.

The officers and employees seconded to the committee remain in the employment of the municipality or the body, as the case may be, are remunerated by their employer, and are governed by the same conditions of employment during the secondment.

52. Every member of the council and every officer or employee of a municipality subject to this amalgamation or a body thereof must cooperate with the transition committee members, employees and representatives acting in the performance of their duties.

No municipality or body referred to in the first paragraph may prohibit or otherwise prevent its officers or employees from cooperating with the transition committee acting within the scope of its mission nor take or threaten to take any disciplinary action against them as a result of their cooperation with the committee.

Section 123 of the Act respecting labour standards (R.S.Q., c. N-1.1) applies, adapted as required, to any officer or employee who believes that he or she has been a victim of a practice prohibited by the second paragraph.

§2. *Responsibilities of the committee*

53. The transition committee shall, as soon as it is able to do so after the designation of all of its members, establish an advisory committee formed of the mayors from the municipalities subject to this amalgamation. The transition committee may submit to the advisory committee any matter on which it seeks the opinion of the mayors of the municipalities. The advisory committee may give the transition committee its opinion regarding any matter related to the mandate of the transition committee.

The transition committee shall hold at least two meetings with the advisory committee every month. A member of the advisory committee who is unable to act may be replaced by a member of the council of the municipality he or she designates.

The rules of operation of the advisory committee may be prescribed by the by-laws of the transition committee.

54. Every decision by which a municipality subject to this amalgamation or a body thereof makes a financial commitment for a period extending beyond 31 December 2001 must be authorized by the transition committee if the decision is made on or after the date of coming into force of this Order in Council.

Every collective agreement or contract of employment entered into or amended after the coming into force of this Order in Council by a municipality subject to this amalgamation must be authorized by the transition committee if the effect of the agreement or contract is to increase the remuneration and fringe benefits of the officers and employees.

Until the transition committee is formed, an application must be made to the Minister of Municipal Affairs and Greater Montréal for every authorization required under this section.

The transition committee may, at any time, approve a decision, collective agreement or work contract for which authorization is required under the first, second or third paragraphs. The committee's approval is deemed to be appropriate authorization.

55. The transition committee shall hire and remunerate the election officers prescribed by the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2) for the purposes of the city's first general election. The committee shall designate the person who will act as the returning officer in that election.

Subject to any other provision of this Order in Council, the transition committee shall in respect of the election exercise the powers and assume the responsibilities assigned to the council of a municipality by the Act respecting elections and referendums in municipalities.

56. The transition committee may examine the circumstances of the hiring of officers and employees by a municipality subject to this amalgamation carried out after the date of coming into force of this Order in Council and the situation of any intermunicipal board employee whose employment is not maintained under the intermunicipal agreement in one of the municipalities that is a party to the agreement when it expires.

The transition committee may make any recommendations to the Minister of Municipal Affairs and Greater Montréal in their regard.

57. The transition committee shall, before 30 November 2001, agree with all the certified associations within the meaning of the Labour Code representing the employees in the employment of the municipalities subject to this amalgamation on the procedure for the reassignment of those employees as members of the personnel of the city, and on the rights of and remedies available to an employee who believes he or she has been wronged as a consequence of the application of that procedure.

The parties may in addition agree on conditions of employment incidental to the reassignment of employees.

An agreement entered into under this section may not provide conditions of employment that entail higher costs than those entailed by the application of the applicable conditions of employment nor increase the staff.

The provisions concerning the application of the reassignment process provided for in the applicable conditions of employment, or, where there is no such process, the provisions that allow employees to be assigned a position or a place of employment, constitute the employee reassignment procedure.

58. If an agreement has not been reached on all the matters referred to in the first and second paragraphs of section 57 within the time prescribed by this section, the Minister of Municipal Affairs and Greater Montréal shall so inform the Minister of Labour, and sections 125.16 to 125.23 of the Act respecting municipal territorial organization shall apply, adapted as required.

Notwithstanding the preceding, the Minister of Labour may, if applicable and if deemed expedient, designate a mediator-arbitrator per dispute or group of disputes relating to the determination of the assignment procedure for a given employment category or group of employees.

59. The transition committee shall also prepare any plan for the reassignment of the officers and employees of the municipalities subject to this amalgamation who are not represented by a certified association, as well as the procedure relating to the rights of and remedies available to an employee who believes he or she has been wronged as a consequence of the application of the reassignment plan.

A plan prepared under the first paragraph applies to the city as of 31 December 2001.

60. The transition committee may appoint the director general, the city clerk and the treasurer of the city to act until the city council decides otherwise.

It may create the various departments within the city, and determine the scope of their activities. The transition committee may appoint the department heads and assistant heads, as well as the other officers and employees not represented by a certified association, and define their functions.

61. The transition committee shall prepare the city's budget for the first fiscal year.

It shall prepare a draft with respect to any resolution, among those that the provisions of Chapter IV empower it to adopt, on which the draft budget is based.

62. The transition committee shall enter into an agreement with Municipalité régionale de comté de La Rivière-du-Nord on the transfer to the city of part of the public servants and employees assigned to the assessment service of the regional county municipality, on the conditions governing that transfer and on the partition of the related assets and liabilities.

The agreement shall be entered into no later than 15 November 2001.

The Minister of Municipal Affairs and Greater Montréal may appoint a conciliator who will help the parties to reach an agreement, which must be approved by the Government.

The Minister of Municipal Affairs and Greater Montréal may grant a time extension upon request by the committee or by a municipality referred to in the first paragraph.

In the absence of an agreement, the Government shall impose the rules for that transfer and the partition of the related assets and liabilities.

63. The transition committee shall examine any other matter or carry out any other mandate the Government may entrust to the committee in the pursuit of its mission.

64. The transition committee shall submit a report on its activities to the Minister of Municipal Affairs and Greater Montréal at the end of its mandate or at any time at the request of the Minister.

In addition to the recommendations made pursuant to this Chapter, the committee's report may include any additional recommendation the committee considers necessary to bring to the attention of the Government.

65. The transition committee shall also provide the Minister of Municipal Affairs and Greater Montréal with any information the Minister may require on its activities.

CHAPTER VII
SUCCESSION

66. The city shall succeed to the rights, obligations and charges of the municipalities subject to the amalgamation as they existed on 31 December 2001.

To the extent provided for in the rules for the transfer and partition of the assets and liabilities determined under section 62, the city also succeeds to the rights, obligations and charges of Municipalité régionale de comté de La Rivière-du-Nord with respect to the assessment of the sectors made up by the former towns of Bellefeuille and Lafontaine.

The city shall become without continuance of suit a party to any proceeding in the place of each municipality to which it succeeds.

67. The by-laws, resolutions, minutes, assessment rolls, collection rolls and other acts of each municipality subject to the amalgamation and to the regional county municipality, insofar as the city succeeds to it, that are compatible with the provisions of this Order in Council shall remain in force in the territory for which they were made until their purposes are carried out or until they are replaced or revoked. They are deemed to emanate from the city.

68. With respect to an intermunicipal agreement providing for the constitution of an intermunicipal board formed in part of municipalities subject to this amalgamation, the city may request that the Minister of Municipal Affairs and Greater Montréal approve the termi-

nation of the agreement on a date other than that provided for by the agreement, so as to allow for the dissolution of the board. If the Minister approves the request, sections 468.48 and 468.49 of the Cities and Towns Act shall apply, adapted as required, from the date that a copy of the Minister's approval is sent to the intermunicipal board and to the member municipalities.

69. Any intermunicipal agreement providing for the constitution of an intermunicipal board formed exclusively of municipalities subject to the amalgamation shall be terminated on 31 December 2001, notwithstanding any incompatible provision in that agreement.

Notwithstanding sections 468.48 and 468.49 of the Cities and Towns Act, an intermunicipal board referred to in the first paragraph shall cease its activities and shall be dissolved on the date specified in that paragraph.

70. The city succeeds to the rights, obligations and charges of a board referred to in section 69.

71. An intermunicipal agreement providing for an operating procedure other than an intermunicipal board and concluded exclusively by the municipalities subject to this amalgamation shall be terminated on 31 December 2001. Any such agreement concluded by one of those municipalities and another municipality shall be terminated on 31 December 2002.

72. The sums of money derived from the operation or rental of an industrial immovable by the city, after deduction of the administration and maintenance costs related thereto, or from the alienation of such immovable shall be used to discharge the commitments made in respect of that immovable by any municipality subject to this amalgamation.

If the immovable referred to in the first paragraph was the object of an agreement under section 13.1 of the Act respecting municipal industrial immovables (R.S.Q., c. I-0.1), which provided for terms and conditions for the apportionment of expenses between the municipalities, the discharge of any commitments referred to in the first paragraph must comply with those terms and conditions for the taxable immovables located in any part of the territory of the city which corresponds to the territory of any such municipality.

73. A municipal housing bureau shall be constituted under the name of "Office municipal d'habitation de la Ville de Saint-Jérôme." The name of the bureau may initially be changed by a simple resolution of the board of directors in the year following its constitution. A notice regarding the change of name shall be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

That municipal bureau shall succeed, on the date of coming into force of this Order in Council, to the municipal housing bureaus of the former Ville de Saint-Jérôme, Ville de Saint-Antoine, Ville de Bellefeuille and Ville de Lafontaine, which are dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) shall apply to the municipal housing bureau as though it had been incorporated by letters patent under section 57 of that Act.

The bureau shall be administered by a board of directors formed of seven members, who shall also be the bureau's administrators. Three members shall be appointed by the council of Ville de Saint-Jérôme, two shall be elected by all the lessees of the bureau in accordance with the Act respecting the Société d'habitation du Québec, and two shall be appointed by the Minister of Municipal Affairs and Greater Montréal, after consultation, from among the most representative socio-economic groups of the bureau's territory.

Until the city designates the first directors in accordance with the third paragraph, their duties shall be carried out by persons designated by the Minister of Municipal Affairs and Greater Montréal; should the city council fail to appoint them as provided for in the third paragraph before 1 June 2002, their term shall end on that date.

The directors shall elect from among themselves a chair, vice-chair and any other officer they deem necessary to appoint. The term of the board of directors is of three years and is renewable. Notwithstanding the expiry of their term, the board members shall remain in office until reappointed or replaced. The quorum shall be the majority of the members in office.

The directors may, from the coming into force of this Order in Council,

(1) secure loans on behalf of the bureau;

(2) issue debentures or other securities of the bureau and use them as a guarantee or dispose of them for the price and amount deemed appropriate;

(3) hypothecate or use as collateral the present or future immovables or movables of the bureau to ensure the payment of such debentures or other securities, or give only part of the guarantees for those purposes;

(4) hypothecate the immovables and movables of the bureau or otherwise affect them, or give various types of surety, to ensure the payment of loans secured other than by the issue of debentures, as well as the payment or execution of other debts, contracts and commitments of the bureau;

(5) subject to the compliance with the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société, adopt any by-law deemed necessary or useful for the internal management of the bureau.

The employees of the bureaus that have been dissolved shall become, without reduction in salary, employees of the bureau, and shall retain their seniority and fringe benefits.

Within fifteen days of their adoption, the bureau shall send to the Société d'habitation du Québec a certified true copy of the by-laws and resolutions appointing or dismissing a director or administrator.

The budgets of the dissolved municipal housing bureaus remain applicable on the date of coming into force of this Order in Council. For the rest of the current fiscal year, the expenditures and revenues of the new bureau shall continue to be accounted for separately on behalf of each dissolved bureau as if the amalgamation had not taken place.

74. Any accumulated surplus, available balance of loan by-laws and any accumulated reserve, as well as the interest accrued to those amounts, on behalf of a municipality subject to the amalgamation shall be used for the benefit of the ratepayers in the sector made up of the territory of that municipality for the repayment of loan by-laws, as tax credit or for carrying out capital works.

75. Any deficit accumulated on behalf of a municipality subject to the amalgamation shall be charged to all the taxable immovables in the sector made up of the territory of that municipality.

76. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a by-law adopted by the new municipality in order to replace all the zoning and subdivision by-laws applicable to the entire territory of the new municipality, provided that such a by-law comes into force within five years following 1 January 2002.

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

77. The working funds of the former cities shall be abolished as of 1 January 2002. The amounts not committed on that date in the working fund of a city shall be added to the surplus accumulated on behalf of that city and may be used in accordance with the provisions of section 74.

78. The annual repayment of instalments in principal and interest of all loans made under by-laws adopted by the former municipalities, before the coming into force of this Order in Council, shall remain charged to the taxable immovables, in accordance with the taxation clauses in those by-laws.

If the new city decides to amend the taxation clauses in accordance with law, those amendments may affect only the taxable immovables located in the sector made up of the territory of that former municipality.

79. The amounts accumulated in a special fund by a municipality for parks, playgrounds and natural areas, pursuant to Division II.1 of Chapter IV of Title I of the Act respecting land use planning and development, shall be paid into a special fund set up for that purpose by the city and accounted for separately for the benefit of the sector made up of the territory of the former municipality.

80. Any debt or gain that may result from legal proceedings for any act performed by a municipality subject to the amalgamation, before 1 January 2002, shall continue to be credited or charged to all the taxable immovables in the sector made up of the territory of that municipality.

CHAPTER VIII
FINAL PROVISIONS

81. The first general election shall be held on 25 November 2001.

The second general election shall be held in 2005.

For the purposes of the first general election and any partial election held before the second general election, the new city shall be divided into 14 electoral districts, that is, three in the territory of Ville de Bellefeuille, two in the territory of Ville de Lafontaine, three in the territory of Ville de Saint-Antoine and six in the territory of Ville de Saint-Jérôme. The description of the electoral districts appears in Schedule B.

82. To determine whether a person is an eligible elector, candidate or qualified voter at an election or referendum held in the territory of the city, any period during which the person, before the coming into force of section 1, resided continuously or not in the territory of one of the municipalities subject to this amalgamation or was the owner of an immovable or the occupant of a business establishment located in the territory is considered the same as if that time had been spent in the territory in which the person must be eligible.

83. At the first general election, a council member of one of the municipalities subject to this amalgamation may be a candidate, elected or appointed a member of the city council, and hold both positions.

84. The officers or employees of the municipalities subject to this amalgamation and of Municipalité régionale de comté de La Rivière-du-Nord transferred to the city are not eligible to hold office as a member of the city council, with the exception of persons who provide occasional fire-fighting services and are usually referred to as volunteer fire-fighters, and of persons who are deemed under the Act to be officers or employees of those municipalities.

An officer or employee referred to in the first paragraph, other than one who is not eligible under this paragraph, may not engage in partisan work with respect to the election of city council members.

That prohibition also covers any association representing the interests of those officers or employees.

85. In accordance with section 396 of the Act respecting elections and referendums in municipalities, any party may request an authorization upon the coming into force of this Order in Council.

86. Unless the leader requests its withdrawal, any authorization granted before the date of coming into force of this Order in Council by the chief electoral officer to a party carrying out its activities on the territory of one of the municipalities subject to this amalgamation shall be maintained and cover the entire territory of the city.

A party that wishes to change its name may have its leader make a written request to the chief electoral officer, to reserve a name for a period not exceeding six months. The second paragraph of section 398 of the Act respecting elections and referendums in municipalities shall apply, adapted as required, to the reservation.

87. For the purposes of the first general election, the chief electoral officer may authorize the merger of authorized parties that do not carry out their activities on the same territory provided that, except for the provisions of section 417 of the Act respecting elections and referendums in municipalities, they carry them out on the territory of a municipality to which the city will succeed and on the territory of the municipality where the merged party intends to carry out its activities and for which council that party will present candidates.

88. For the purposes of the provisions of the Act respecting elections and referendums in municipalities and of the first general election, which do not concern the elections, namely in matters of party financing, a "municipality" means all the municipalities subject to this amalgamation.

89. The treasurer of Ville de Saint-Jérôme shall carry out, for the purposes of Chapter XIII of Title I of the Act respecting elections and referendums in municipalities and until 31 December 2001, the duties of treasurer within the meaning of section 364 of that Act.

The municipalities shall provide the returning officer with the necessary staff, financial resources and equipment to appropriately conduct the election.

90. The returning officer may test new electoral procedures for the first general election, following an agreement with the Minister of Municipal Affairs and Greater Montréal and the chief electoral officer. The agreement may provide that it also applies to elections subsequent to the one for which it was signed; in this case, the agreement shall provide for its term of application.

The agreement must describe the new electoral procedures and specify which provisions of the Act the agreement amends or replaces.

The agreement shall have force of law.

91. The Minister of Municipal Affairs and Greater Montréal shall determine the place, date and time for the first meeting of the city council. If the meeting is not held, the Minister shall set another time.

The meeting may be set for a date earlier than 1 January 2002.

92. At the first meeting, the council shall adopt, with or without amendments, the city's budget for the 2002 fiscal year as drawn up by the transition committee.

The city's budget shall be sent to the Minister of Municipal Affairs and Greater Montréal within 30 days of its adoption by the council.

If, on 1 January 2002, the budget has not been adopted, one-quarter of each of the credits provided for in the budget drawn up by the transition committee is deemed adopted. This shall also stand for 1 April, 1 July and 1 October, if on each of these dates, the budget has not been adopted.

93. The council of the city, the mayor and the executive committee of the city may, from the time the majority of candidates elected at the first general election of 25 November 2001, to the office of councillor has taken the oath, take any decision, with respect to the organization and operation of the city or executive committee or to the delegation of any power to officers, that comes as of 1 January 2002, as the case may be, under the responsibility or belongs to the field of jurisdiction of the council, mayor or executive committee, except for decisions, with respect to that responsibility or field of jurisdiction, that the law attributes to the transition committee.

Unless they deal with the designation of any member of the executive committee, the decisions referred to in the first paragraph shall take effect on 1 January 2002.

94. The city council may, by virtue of the first by-law on remuneration that it passes under the Act respecting the remuneration of elected municipal officers, fix any remuneration of the mayor and other members of the city council that the city shall pay for the duties they will have performed between the date of the beginning of their term and 1 January 2002. The method for fixing the remuneration may differ, with respect to that period, from that applicable from the date of the constitution of the city.

The remuneration paid to an elected officer under the first paragraph shall be reduced by an amount equal to that of any remuneration received from another local municipality during the same period of time. For the purposes of the pension plan established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3), only the part of the remuneration received for that elected officer from the municipality that was party to the pension plan may be considered admissible earnings.

95. Any member of the council of one of the local municipalities subject to this amalgamation whose term ends for the sole reason that the municipality ceased to exist on 31 December 2001 may receive compensation and maintain participation in the pension plan for elected municipal officers in accordance with sections 96 to 100.

Any entitlement referred to in the first paragraph shall cease to apply to a person in respect of any period in which, from 1 January 2002, that person held the office of member of the council of a municipality within the territory of Québec.

96. The amount of the compensation referred to in section 95 shall be based on the remuneration in effect on the date of coming into force of this Order in Council under the Act respecting the remuneration of elected municipal officers in respect of the position that the person referred to in the first paragraph of section 95 held on the date of coming into force of this Order in Council, to which may apply any indexing of the remuneration provided for by a by-law of the council of one of the municipalities subject to the amalgamation that comes into force on or before the date of coming into force of this Order in Council.

The amount of the compensation shall also be based on the remuneration that the person referred to in the first paragraph of section 95 was receiving on the date of coming into force of this Order in Council directly from a mandatary body of the municipality or a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers.

The compensation established in accordance with the first and second paragraphs, except for the part referred to in the fourth paragraph, may not exceed the annual maximum referred to in section 21 of the Act respecting the remuneration of elected municipal officers.

The compensation shall, if applicable, also include any amount corresponding to the provisional contribution provided for in section 26 of the Act respecting the Pension Plan of Elected Municipal Officers that the local municipality, mandatary body or supramunicipal body should have paid with respect to the remuneration provided for in the first and second paragraphs for the person referred to in the first paragraph of section 95.

97. The compensation shall be paid by the city in bimonthly instalments during the period commencing on the date of coming into force of this Order in Council and ending on the date on which the first general election would have been held following the expiry of the term under way on the date of coming into force of this Order in Council.

A person eligible for compensation may agree with the city on any other method of payment of the compensation.

98. The Government shall participate in the financing of one-half of the expenses that the payment of the

portion of the compensation referred to in section 96 represents, based on the basic remuneration, or, as the case may be, on the minimum annual remuneration, provided for by the Act respecting the remuneration of elected municipal officers, of the person eligible for the program and on the amount of the provisional contribution payable with respect to that part of the compensation.

The Government shall send the city, whose territory includes that of the former municipality of which the person eligible for compensation was a council member, any amount corresponding to the portion of the expenses to which it must contribute.

99. The balance of the expenses that the payment of compensation represents, including, if applicable, the provisional contribution, constitutes a debt charged to the taxable immovables located in the part of the territory of the city that corresponds to that of the municipality referred to in the first paragraph of section 95, and of which the person eligible for the program was a council member.

100. Any person referred to in section 95 who, on the date of coming into force of this Order in Council, was a member in the pension plan for elected officers established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3) shall continue to be a member in the plan during the period referred to in the first paragraph of section 97. However, the participant may, before 15 April 2002, give notice to the city in which he or she states that he or she has decided to cease to be a member in the plan. The member must send, as soon as possible, a copy of that notice to the Commission administrative des régimes de retraite et d'assurances. The termination of membership in the plan shall take effect for that person on the date of coming into force of this Order in Council.

The eligible earnings for the person who continues to be a member in the plan in accordance with section 95 shall correspond to the amount of the compensation paid during the period referred to in the first paragraph of section 97, less the amount of the compensation payable as a provisional contribution. In that case, the provisional contribution shall be paid by the city to the Commission administrative des régimes de retraite et d'assurances at the same time as the member's contribution that the city must withhold on each compensation payment.

A person who elects to terminate his or her membership in the pension plan referred to in the first paragraph shall be entitled to receive the portion of the compensation representing the provisional contribution.

101. The municipalities subject to the amalgamation, as well as their mandatary bodies, may not dispose of property exceeding $10 000 in value without the prior authorization of the Minister of Municipal Affairs and Greater Montréal.

The Minister may seek advice from the transition committee before granting or denying authorization.

102. Sections 13 to 29 have effect until 31 December 2011.

103. No municipality subject to the amalgamation may adopt a by-law under section 31 of the Act respecting the remuneration of elected municipal officers.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE A

OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY OF THE NEW VILLE DE SAINT-JÉRÔME, IN THE MUNICIPALITÉ RÉGIONALE DE COMTÉ DE LA RIVIÈRE-DU-NORD

The current territory of Ville de Bellefeuille, Ville de Lafontaine, Ville de Saint-Antoine and Ville de Saint-Jérôme, in Municipalité régionale de comté de La Rivière-du-Nord, comprising, in reference to the cadastres of the parish and village of Saint-Jérôme, the lots or parts of lots and their present and future subdivisions as well as the roads, routes, highways, boulevards, streets, railroad right-of-ways, islands, islets, lakes, watercourses or parts thereof, the whole within the limits described thereafter, namely : starting from the meeting point on the western side of the right-of-way of Boulevard des Hauteurs (route 333) with the dividing line between the cadastres of the parishes of Saint-Jérôme and Sainte-Sophie ; thence, successively, the following lines and demarcations : southeasterly, part of the dividing line between the cadastres of the said parishes to the northwestern side of the right-of-way of Boulevard Saint-Antoine (route 158), that line crossing Ruisseau Saint-André and chemin de la Côte St-André that it meets ; southwesterly, the northwestern side of the right-of-way of the said route to its meeting point with the northwestern extension of the dividing line between lots 153 and 154 of the cadastre of Paroisse de Saint-Jérôme ; in reference to that cadastre, southeasterly, successively, the said extension and part of the dividing line between the said lots to the northwestern side of the right-of-way of the abandoned track of the railroad of Canadian National Railways ; southwesterly, the northwestern side of the right-of-way of the said railroad to the dividing line between

lots 151 and 150; northwesterly, part of the dividing line between the said lots to a point located 60.96 metres from the southeastern side of the right-of-way of Route 158; southwesterly, a line parallel to the southeastern side of the right-of-way of the said road over all the width of lot 150; southeasterly, part of the dividing line between lots 149 and 150 to the northwestern side of the right-of-way of the abandoned track of the railroad of Canadian National Railways; southwesterly, the northwestern side of the right-of-way of the said railroad to the dividing line between lots 189 and 141; southeasterly, part of the dividing line between the said lots and its extension to the centre line of Rivière Saint-Antoine, that line extended across 22e Rue that it meets; in a general westerly direction, the centre line of the said river to its meeting point with the northwestern extension of the northeastern line of lot 937; southeaster by, the said extension and the northeastern line of lots 937 and 135, that line extended across 22e Rue that it meets; southwesterly, the line bordering on the southeast lots 135, 127, 126, 121, 120, 119, 118, 117 and 116, that line being extended across the right-of-way of a railroad (lot 653) and crossing Route 117 that it meets; successively southwesterly, southeasterly and southwesterly, a broken line bordering to the southeast and northwest, as the case may be, lots 5-90, 5-96, 5-91, 5-85 and 5-86 of the cadastre of Mirabel; in reference to that cadastre, northwesterly, the southwestern line of lots 5-86, 5-94, 5-98, 5-164, 5-83, 5-1 and 5-132 and the extension of that latter line to the centre line of Rivière du Nord; in a general southwesterly direction, the centre line of the said river downstream to its meeting point with the extension of southwestern line of lot 464 of the cadastre of Paroisse de Saint-Jérôme, that centre line crossing Autoroute des Laurentides that it meets; successively northwesterly, northeasterly and westerly, the said extension and part of the broken line between the cadastre of Paroisse de Saint-Jérôme and the cadastres of the parishes of Saint-Canut and Saint-Colomban to the dividing line between the cadastres of Paroisse de Saint-Jérôme and the Municipalité des Mille-Isles, that broken line crossing Rue Brière, Rue des Lacs and Rivière Bellefeuille that it meets; successively easterly, northerly, and northwesterly, the broken line between the cadastre of Paroisse de Saint-Jérôme and the cadastre of the Municipalité des Mille-Isles; that line crossing Boulevard de La Salette and Lac Paul that it meets; northeasterly, part of the dividing line between the cadastres of the parishes of Saint-Jérôme and Saint-Sauveur to the east side of the right-of-way of a public road (lot 587-1 of the cadastre of Paroisse de Saint-Jérôme); in reference to the cadastre of Paroisse de Saint-Jérôme, southerly, the east side of the right-of-way of the said road to the broken line bordering on the north lot 587-3; successively easterly and southerly, the said broken line and the eastern line of the said lot; easterly, part of the dividing line between lots 588 and 587 to the southwestern line of lot 578; successively southeasterly and easterly, part of the said southwestern line and the south line of the said lot, the latter segment extended across Rue des Lacs that it meets; in a general northerly direction, part of the broken line between lots 578, 579, 580, 383 on the one side and lots 397, 395, 394, 393, 391, 390, 388, 387, 386 and 384 on the other side to the apex of the northwestern angle of lot 384, that line extended across Montée Girouard that it meets; easterly, part of the dividing line between lots 383 and 382 and lot 384 over a distance of 353.57 metres; northerly, across lots 382, 381, 378 and 376, a straight line to a point located on the northern line of lot 376 and 569.98 metres from the apex of the southwestern angle of lot 373, measured following the southern line of the said lot; successively easterly, part of the line bordering to the north lots 376 and 375 and its extension to the centre line of Rivière du Nord, that first line being extended across Montée Sainte-Thérèse and the right-of-way of a railroad (lot 665) and crossing Autoroute des Laurentides that it meets; in a general southerly direction, the centre line of Rivière du Nord downstream to its meeting with the western extension of the northern line of lot 298; easterly, the said extension, the northern line of lot 298 and its extension to the east bank of the stream bordering to the west lot 300, that line extended across Route 117 that it meets; in a general southerly direction, the east bank of the said stream; in a general northerly direction, the west bank of the stream bordering to the east lots 300 and 271 to its meeting with the eastern extension of the northern line of lot 302, that bank extended across the stream dividing the said lots; westerly, the extension of the northern line of lot 302 across lot 271 and a stream to the apex of the northeastern angle of lot 302; in a general northerly direction, the broken dividing between line lots 305, 306 and 307 on the one side and lots 271, 273, 274, 275 and 276 on the other side to the southern line of lot 279; easterly, part of the southern line of the said lot to a point located 622.74 metres (2 043.1 feet) from the apex of the southwestern angle of the said lot; northerly, in lot 279, a straight line to a point located on the southern line of lot 280 and 586.37 metres (1 923.8 feet) from the apex of the southwestern angle of the said lot, that distance being measured following the southern line of the said lot; easterly, part of the southern line of the said lot over a distance of 157.37 metres (516.3 feet); northerly, in the said lot, a straight line to a point located on the dividing line between lots 283 and 280 and 703.81 metres (2 309.1 feet) from the apex of the northwestern angle of lot 280, that distance being measured following the dividing line between the said lots; westerly, part of the southern line of lot 283 to a point located 877.18 metres from the apex of the southwestern angle of lot 283, that distance being measured following the south limit of the said lot; in lot 283, a straight line following a

bearing 344°02'57" to a point located on the northern limit of lot 283 and 877.07 metres from the apex of the northwestern angle of the said lot, that distance being measured following the northern limit of the said lot; westerly, part of the southern line of lot 284 to its southwestern line; northwesterly, a broken line bordering on the southwest lots 284 to 286; easterly, part of the northern line of lot 286 to the western side of the right-of-way of Boulevard des Hauteurs (Route 333), that line extended across a former public road (shown on the original); finally, northerly, the western side of the right-of-way of the said boulevard to the starting point.

In this description, the bearings refer to the SCOPQ coordinates (zone 8) NAD83.

The said boundaries define the territory of the new Ville de Saint-Jérôme, in the Municipalité régionale de comté de La Rivière-du-Nord.

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

Charlesbourg, 15 August 2001

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

J-162/1

SCHEDULE B
DIVISION INTO ELECTORAL DISTRICTS

Electoral district 1
(3016 electors)

Clockwise, from Pont Bélanger; Boulevard du Carrefour, Rue Bélanger, Rue Fournier, Rue des Pins and its eastern extension to the abandoned railroad used as a bicycle path, that path, the railroad, Rue Latour, Rue Labelle, Pont Lapointe, Rivière du Nord to Pont Bélanger.

Electoral district 2
(3176 electors)

Clockwise, from a point located at the intersection of Bélanger and Fournier streets; Rue Bélanger, Côte Saint-André, the former municipal limit between the towns of Lafontaine and Saint-Jérôme, the municipal limit, the former municipal limit between the towns of Saint-Antoine and Saint-Jérôme, the eastern extension of Rue Ouimet, that street, Rue Madeleine, Rue Léopold-Nantel, the abandoned railroad used as a bicycle path, the eastern extension of Rue des Pins, that street, Rue Fournier to Rue Bélanger.

Electoral district 3
(2970 electors)

Clockwise, from a point located at the intersection of the abandoned railroad used as a bicycle path and Rue Léopold-Nantel; that street, Rue Madeleine, the abandoned railroad used as a bicycle path, the eastern extension of Rue des Pins, that street, Rue Fournier, Rue Ouimet and its eastern extension, the former municipal limit between the towns of Saint-Antoine and Saint-Jérôme, Rue Wilfrid, Rue O'Shea, Rue Latour, the railroad, the abandoned railroad used as a bicycle path to Rue Léopold-Nantel.

Electoral district 4
(2888 electors)

Clockwise, from Pont Lapointe; Rue Labelle, Rue Latour, Rue O'Shea, Rue Wilfrid, the former municipal limit between the towns of Saint-Antoine and Saint-Jérôme, the west bank of Rivière du Nord, Pont Viau, the north end of Île Perreault to Pont Lapointe.

Electoral district 5
(3206 electors)

Clockwise, from Pont Vanier; the west bank of Rivière du Nord, the former municipal limit between the towns of Bellefeuille and Saint-Jérôme, Rue de Martigny Ouest to Pont Vanier.

Electoral district 6
(3527 electors)

Clockwise, from Pont Bélanger; the west bank of Rivière du Nord, Rue de Martigny Ouest, the former municipal limit between the towns of Bellefeuille and Saint-Jérôme, the west bank of Rivière du Nord to Pont Bélanger.

Electoral district 7
(3485 electors)

Clockwise, from the intersection of Rivière du Nord with the northern municipal limit; that limit, Côte Saint-André, Rue Pierre-Audette, its eastern extension to Avenue Forget, that avenue, Boulevard des Hauteurs, the railroad, the former municipal limit between the towns of Lafontaine and Saint-Jérôme, the west bank of Rivière du Nord to the northern municipal limit.

Electoral district 8
(3443 electors)

Clockwise, from the intersection between Côte Saint-André and the municipal limit; that limit, the former municipal limit between the towns of Lafontaine and

Saint-Jérôme, the railroad, Boulevard des Hauteurs, Avenue Forget, its eastern extension to Rue Pierre-Audette, that street, Côte Saint-André to the municipal limit.

Electoral district 9
(2868 electors)

Clockwise, from the intersection between the north-eastern municipal limit and the former municipal limit between the towns of Lafontaine and Saint-Jérôme ; the municipal limit, the northwestern extension of Rue Gabrielle-Roy, Boulevard Saint-Antoine, Rue des Pélicans, Avenue des Hirondelles, Rue du Ruisseau, Avenue du Parc, the former municipal limit between the towns of Lafontaine and Saint-Jérôme to the municipal limit.

Electoral district 10
(2833 electors)

Clockwise, from the intersection of Rue du Ruisseau with Avenue des Hirondelles ; that avenue, Rue des Pélicans, Boulevard Saint-Antoine, the northwestern extension of Rue Gabrielle-Roy, the municipal limit, the railroad, Boulevard Lachapelle, Rue du Ruisseau to Avenue des Hirondelles.

Electoral district 11
(2800 electors)

Clockwise, from the intersection of Avenue du Parc with Rue du Ruisseau ; that street, Boulevard Lachapelle, the railroad, the municipal limit, the former municipal limit between the towns of Saint-Antoine and Saint-Jérôme, Avenue du Parc to Rue du Ruisseau.

Electoral district 12
(3066 electors)

Clockwise, from the intersection of Boulevard de La Salette with the former municipal limit between the towns of Bellefeuille and Saint-Jérôme ; that limit, the municipal limit, the limit of the back lots of the original cadastre dividing the properties of Rue Lamontagne and that of the south part of Rue des Lacs, the high voltage power line, Boulevard de la Salette to the former municipal limit between the towns of Bellefeuille and Saint-Jérôme.

Electoral district 13
(3385 electors)

Clockwise, from the intersection of Guénette and Roy streets ; the latter street, Rue de l'Union, Rue du Relais, Boulevard de la Salette, the high voltage power line, the limit of the back lots of the original cadastre dividing the properties of Rue Lamontagne and that of the south part of Rue des Lacs, the municipal limit, the limit of the back lots of the original cadastre dividing the properties of Montée Sainte-Thérèse and that of the north part of Rue des Lacs, Rue Jeanne-d'Arc, a straight line starting from the intersection of Rue Jeanne-d'Arc with Boulevard Jérobelle and extending to the intersection between the two high voltage power line that meet behing the properties located to the northwest of Rue Dupéré, both high voltage power lines, the west and faraway extension of Rue Rossignol, that street, Rue Châteauneuf, Rue Guénette to Rue Roy.

Electoral district 14
(3614 electors)

Clockwise, from the intersection of Autoroute des Laurentides with the northern municipal limit ; that limit, the former municipal limit between the towns of Bellefeuille and Lafontaine, the former municipal limit between the towns of Bellefeuille and Saint-Jérôme, Boulevard de la Salette, Rue du Relais, Rue de l'Union, Rue Roy, Rue Guénette, Rue Châteauneuf, Rue Rossignol, its west and faraway extension, both high voltage power lines, a straight line starting from the intersection between both high voltage power lines that meet behind the properties located to the northwest of Rue Dupéré and extending to the intersection between Boulevard Jérobelle and Rue Jeanne-d'Arc, that street, the limit of the back lots of the original cadastre dividing the properties of Montée Sainte-Thérèse and that of the north part of Rue des Lacs, the municipal limit to Autoroute des Laurentides.

4550

Gouvernement du Québec

O.C. 1045-2001, 12 September 2001

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

Amalgamation of Ville de Matane, of the municipalities of Petit-Matane and Saint-Luc-de-Matane and Paroisse de Saint-Jérôme-de-Matane

WHEREAS the Minister of Municipal Affairs and Greater Montréal published on 25 April 2000 the White Paper entitled Municipal Reorganization : Changing Our Ways to Better Serve the Public ;

WHEREAS municipal restructuring has started in the metropolitan regions of Montréal, Québec, the Outaouais, Saguenay, Sherbrooke and Trois-Rivières ;

WHEREAS Ville de Matane, the municipalities of Petit-Matane and Saint-Luc-de-Matane and Paroisse de Saint-Jérôme-de-Matane form part of the census conurbation area of Matane;

WHEREAS, on 17 July 2001, the Minister required that these municipalities file a joint application for amalgamation at the latest on 15 August 2001 and appointed a conciliator, Gilles Julien, to assist them;

WHEREAS the Minister did not receive within the prescribed time limit the joint application for amalgamation;

WHEREAS the conciliator made a report on the situation to the Minister;

WHEREAS the Government may, under the Act respecting municipal territorial organization (R.S.Q., c. O-9), order the constitution of local municipalities resulting from amalgamations, in particular as a means of achieving greater fiscal equity and of providing citizens with services at lower cost or better services at the same cost;

WHEREAS, under section 125.11 of that Act, enacted by section 1 of chapter 27 of the Statutes of 2000, it is expedient to order the constitution of a local municipality;

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

CHAPTER I
CONSTITUTION OF THE MUNICIPALITY

1. A local municipality shall be constituted under the name "Ville de Matane".

2. The description of the territory of the city shall be the description drawn up by the Minister of Natural Resources on 29 August 2001; that description is attached as Schedule A.

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

4. The territory of Municipalité régionale de comté de Matane includes the territory of the new city.

CHAPTER II
SPECIAL FIELDS OF JURISDICTION OF THE CITY

5. The city has special jurisdiction in social housing.

6. The city shall establish a social housing development fund.

The city shall pay into the fund annually an amount at least equal to the basic contribution required to build the housing allocated to its territory by the Société d'habitation du Québec.

The Société shall provide the city with the information necessary to determine the amount to be paid into the fund.

CHAPTER III
SPECIAL FINANCIAL AND FISCAL PROVISIONS

DIVISION I
FISCAL PROVISIONS

§1. *Interpretation and general provisions*

7. For the purposes of this Division, the territory of each local municipality shall constitute a sector.

8. The city is subject to the rules provided for by law with respect to local municipalities, particularly the rules that prohibit the setting of different rates for the general property tax for different parts of the municipal territory and the rules that provide for the use of specific sources of revenue to finance debt-related expenses.

Notwithstanding the preceding, the city may derogate from these rules only if required to do so for the purposes of one of the provisions of this Chapter.

§2. *Ceiling on any increase in the tax burden*

9. The city must avail itself of the power conferred on it under section 10 and, if it imposes a business tax, of the power conferred under section 11, or of the power conferred under section 14.

10. The city may, for a fiscal year, set any rate for the general property tax so that, with respect to the previous fiscal year, the increase in the tax burden for all the units of assessment located in a sector to which part of the rate or the full rate applies, is limited to 5%.

The following shall constitute the tax burden:

(1) revenues from the general property tax as a result of applying the full rate or a part thereof;

(2) revenues from other taxes, including the taxes based on the rental value of immovables or compensation deemed to be taxes under the law, particularly those used to finance services such as drinking water supply, waste water purification, snow removal, garbage removal and the recycling of waste materials;

(3) revenues from sums payable in lieu of taxes for immovables, either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), or by the Government, in accordance with section 254 and the first paragraph of section 255 of the Act, or by the Crown in right of Canada or one of its mandataries;

(4) revenues from which the city was deprived by granting a credit, with respect to any source of revenue referred to in subparagraphs 1 to 3, for the purposes of applying section 38 concerning the use of a surplus.

However, the revenues referred to in the second paragraph used to finance debt-related expenses are not included in the tax burden.

11. The city may, for a fiscal year, set the business tax rate so that, with respect to the previous fiscal year, the increase in revenues arising from the tax for all the business establishments located in a sector is limited to 5%.

These revenues include any sums in lieu of the tax business payable by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), or the second paragraph of section 254 and the first paragraph of section 255 of the Act.

12. If the city avails itself of one of the powers provided for in sections 10 and 11, it may replace the maximum percentage increase provided for in those sections by another, which must be the same for all the sectors in question and be less than 5%.

13. In the event that the increase referred to in section 10 or 11 does not result solely from the constitution of the city, the maximum shall apply only with respect to the portion of the increase that is a result of its constitution.

14. If the city avails itself of one of the powers provided for in section 10 or 11, it must, subject to any by-law made under the second paragraph, establish the rules that will enable a determination to be made as to whether the increase referred to in that section is a result solely of the constitution of the city, and enable the establishment of the portion of the increase that is a result thereof if it is not.

The Government may, by regulation, provide for cases where the increase is not deemed a result of the constitution of the city.

If the city does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation (R.S.Q., c. F-2.1) and imposes a surtax or a tax on non-residential immovables or the surtax on vacant land, it must, if it is to avail itself of the power provided for in section 10, establish the necessary measures of concordance to obtain the same results, for the purposes of this section, as if the city were to impose a general property tax with rates specific to the categories that include the units of assessment subject to each tax or surtax imposed.

15. For the purposes of determining the percentage of increase referred to in section 10 for the first fiscal year for which the new city adopts a budget in respect of all its territory, where a former municipality whose territory constitutes the sector referred to has appropriated as revenue for the 2001 fiscal year all or a portion of the surplus from previous fiscal years, for an amount that exceeds the average amount so appropriated for the 1996 to 2000 fiscal years, the difference obtained by subtracting from the excess amount the sum that the municipality did not have to pay as a result of the application of sections 90 to 96 of chapter 54 of the Statutes of 2000, for the special fund for the financing of local activities shall be included in the fiscal burden of all the units of assessment located in the sector for the 2001 fiscal year.

16. The city may establish the rules enabling it to grant an abatement for a fiscal year, with respect to the previous fiscal year, in order to limit to 5% the increase in the tax burden for a unit of assessment or a business establishment.

The second and third paragraphs of section 10 and sections 11 to 15 shall apply, adapted as required, for the purposes of the increase ceiling provided for in the first paragraph.

If the city avails itself of the power provided for in this paragraph, it shall establish rules enabling it to adapt to each individual unit of assessment or business establishment the provisions of the second paragraph, which take into account groups of units or establishments.

§3. *Ceiling on any reduction in the tax burden*

17. The city may, for a fiscal year, set any rate for the general property tax so that, with respect to the previous fiscal year, the reduction in the tax burden for all the units of assessment located in a sector and to which all or a portion of the rate applies shall not exceed the single percentage that the city shall set for all the sectors.

The second and third paragraphs of section 10, the third paragraph of section 14 and section 15 shall apply, adapted as required, for the purposes of the reduction ceiling provided for in the first paragraph.

18. The city may, for a fiscal year, set the rate for the business tax so that, with respect to the previous fiscal year, the reduction in revenues from that tax for all the business establishments located in a sector shall not exceed the single percentage that the city shall set for all the sectors.

These revenues include revenues from sums payable in lieu of the business tax that shall be paid by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), or the second paragraph of section 254 and the first paragraph of section 255 of the Act.

19. If the city does not avail itself of the power provided for in section 17 or 18, it may establish rules enabling it to require a supplement for a fiscal year so that, with respect to the previous fiscal year, the reduction in the tax burden for a unit of assessment or business establishment does not exceed the percentage that the city shall set for the entire territory.

The second and third paragraphs of section 10, the third paragraph of section 14 and section 15 shall apply to a unit of assessment, and the second paragraph of section 18 to a business establishment, adapted as required, for the purposes of the reduction ceiling provided for in the first paragraph.

If the city avails itself of the power provided for in this paragraph, it shall establish rules enabling it to adapt to each individual unit of assessment or business establishment the provisions of the second paragraph, which take into account groups of units or establishments.

§4. *Miscellaneous*

20. The city may avail itself of the powers provided for in Division III.1 of Chapter XVIII of the Act respecting municipal taxation (R.S.Q., c. F-2.1) with respect to one sector and not to another or vary their exercise according to the sectors.

21. Where, for a fiscal year prior to the year in which the first assessment roll drawn up specifically for the city comes into force, the city sets, under section 244.29 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), a rate for the general property tax that is specific to one of the categories provided for in sections 244.34 and 244.35 of the Act, the coefficient referred to in sections 244.44 and 244.47 of the Act shall be the coefficient that is established on the basis of the comparison of the last two property assessment rolls of that of the former municipalities whose population in 2001 was the largest.

22. The city may establish a program under which it may grant, in the circumstances provided for in the second paragraph, a credit applicable to the amount of the general property tax that is imposed, for any fiscal year from the one referred to in subparagraph 1 of that paragraph, on any unit of assessment that is located in a sector and belongs to the group provided for in section 244.31 of the Act respecting municipal taxation (R.S.Q., c. F-2.1).

The credit may be granted where all the following conditions have been met:

(1) for a given fiscal year, the business tax is not imposed on the sector, neither distinctly nor within the entire territory of the city, or, if it is, the revenues planned for the sector are less that those of the previous fiscal year;

(2) the business tax has been imposed on the sector, for the fiscal year preceding that referred to in subparagraph 1, without having been imposed on the entire territory of the city;

(3) the revenues of the general property tax for the sector for the fiscal year referred to in subparagraph 1, which are a product of the application in whole or in part of one of the specific rates for the categories specified in sections 244.33 and 244.34 of the Act respecting municipal taxation, exceed the revenues which would have been produced had there been no loss or reduction in revenues from the business tax.

The credit shall reduce the amount payable in general property tax imposed on any unit of assessment referred to in the first paragraph and in respect of which applies in whole or in part the rate referred to in subparagraph 3 of the second paragraph. The amount of credit shall be determined according to the rules of the program.

The cost of the aggregate of the credits granted for the units of assessment located in the sector is payable by all the units located in that sector and that belong to the group referred to in the first paragraph.

If the city does not avail itself of the power provided for in section 244.29 of the Act respecting municipal taxation and imposes a surtax or a tax on non-residential immovables, it must, if it avails itself of the power provided for in the first paragraph, establish the necessary rules of concordance to obtain the same results, for

the purposes of the first four paragraphs, as if the city were to impose a general property tax with rates specific to the categories that include the units of assessment subject to the surtax or tax imposed on non-residential immovables.

23. Where a former municipality has availed itself, with respect to its assessment roll in effect on 1 January 2001, of the power provided for in section 253.27 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), the city may, no later than the date on which the budget for the 2002 fiscal year is adopted, provide that the averaging of the variation in the taxable values resulting from the coming into force of such roll be extended for that fiscal year and for the sector concerned.

24. Sections 7 to 23 shall apply for the first five fiscal years for which the new city adopted a budget in respect of all its territory.

DIVISION II
FINANCIAL PROVISIONS

25. Any expenditure recognized by the council as resulting from the amalgamation shall be charged to the sector formed of the territory of a former municipality in the following proportions:

— 80% for Ville de Matane;

— 7% for Paroisse de Saint-Jérôme-de-Matane;

— 8% for Municipalité de Petit-Matane; and

— 5% for Municipalité de Saint-Luc-de-Matane.

26. The subsidy paid by the Government under the Programme d'aide financière au regroupement municipal (PAFREM) for the first year following the amalgamation, less the expenditures recognized by the council as resulting from the amalgamation and directly financed by that portion of the subsidy, shall be credited to the ratepayers of the new city.

27. For the purposes of the first fiscal year for which the new city adopted a budget in respect of all its territory, a working fund of the new city shall be constituted out of a contribution from the former municipalities according to the following:

— the contribution of the former Paroisse de Saint-Jérôme-de-Matane is $35 000;

— the contribution of the former Municipalité de Petit-Matane is $40 000;

— the contribution of the former Municipalité de Saint-Luc-de-Matane is $25 0000;

— the contribution of the former Ville de Matane is $400 000.

Those contributions shall be taken directly from the amounts available in the working funds of the former municipalities, which are abolished.

Notwithstanding the preceding, the amounts of the loans to the working fund of a former municipality shall be reimbursed to the working fund of the new city which is increased accordingly.

If a former municipality does not have the required amount in its working fund or does not have any to make its contribution, the missing amounts shall be taken directly from the surplus accumulated on behalf of that former municipality.

Should the surplus of that former municipality be insufficient, the new city may make up the difference by imposing a special tax on immovables in the sector formed of the territory of that former municipality.

28. If any amounts are available after the constitution of the working fund of the new city provided for in section 27, the surplus accumulated on behalf of a former municipality, where applicable, shall be used for the benefit of the sector formed of the territory of the former municipality that accumulated it. It may be used to carry out public works in the sector, to reduce taxes or to repay debts.

29. Any deficit accumulated on behalf of a former municipality, where applicable, shall continue to burden all the taxable immovables in the sector formed of the territory of the former municipality that accumulated it.

30. Amounts accumulated in a special fund constituted by a former municipality to create parks, playgrounds and natural areas, under the Act respecting land use planning and development (R.S.Q., c. A-19.1), shall be paid into a special fund constituted for those purposes by the new city and accounted for separately to be used for the benefit of the sector formed of the territory of that former municipality.

31. For the first five fiscal years for which the new city adopted a budget in respect of all its territory, the latter shall secure loans contracted by the Club de golf de Matane inc. and Loisirs Mont-Castor inc. insofar as its budget can afford it.

32. Any debt or gain that may result from legal proceedings and any fees incurred for such proceedings, for an act performed by a former municipality, shall be charged or credited to all the taxable immovables in the sector formed of the territory of that former municipality.

33. For the first five fiscal years for which the new city adopted a budget in respect of all its territory, a distinct special tax shall be imposed on the taxable immovables of the sector formed of the territory of a former municipality. The rate of that tax shall be determined, for each sector, by dividing the following amounts by the total of the taxable assessment amount of the sector according to the assessment roll in effect each year:

(1) Former Ville de Matane

2002: $105 093
2003: $ 91 343
2004: $101 499
2005: $113 063
2006: $124 128

(2) Former Municipalité de Saint-Luc-de-Matane

2002: $11 466
2003: $18 588
2004: $17 136
2005: $15 369
2006: $13 837

(3) Former Municipalité de Petit-Matane:

2002: $74 816
2003: $60 585
2004: $63 538
2005: $67 011
2006: $70 308

(4) Former Paroisse de Saint-Jérôme-de-Matane

2002: $41 743
2003: $49 346
2004: $55 098
2005: $61 421
2006: $67 656.

34. For the first five fiscal years for which the new city adopted a budget in respect of all its territory, the excess of the revenues of tariffing on the expenses with respect to the waterworks systems in the sector formed of the territory of the former Municipalité de Saint-Luc-de-Matane shall constitute a reserve for the waterworks to be carried out in that sector.

35. For the first five fiscal years for which the new city adopted a budget in respect of all its territory, the excess of the expenditures on revenues with respect to public health facilities of the place for the sector formed of the territory of the former Municipalité de Petit-Matane and of the former Ville de Matane shall be compensated for each of the sectors by imposing a special tax charged to the sector formed of the territory of the former municipality covered by the excess.

36. From the first fiscal year for which the new city adopted a budget in respect of all its territory, the new city shall harmonize the rate of the tax imposed on the non-residential immovables of the sectors formed of the territory of the former Paroisse de Saint-Jérôme-de-Matane and of the former municipalities of Petit-Matane and Saint-Luc-de-Matane according to the rate in effect in the former Ville de Matane.

37. Sections 33 to 36 shall apply subject to sections 7 to 23 as to the ceiling on an increase in the tax burden.

CHAPTER IV
PROVISIONAL COUNCIL

38. Until the term of the majority of candidates elected in the first general election begins, the new city shall be governed by a provisional council composed of four members, that is, the mayor of each of the former municipalities.

39. The mayor of the former Ville de Matane shall be the mayor of the new city until the mayor elected in the first general election begins his term.

The mayor of each of the other municipalities that are a party to the amalgamation shall act respectively as deputy mayor for the third of the period to run between the coming into force of the amalgamation order and polling day of the first general election, from which time the role is performed alternately by the mayor of another municipality according to the order determined in a drawing of lots that must be made while the first meeting of the provisional council is held.

The last person to perform that role shall perform it until the term of the mayor elected in the first general election begins.

40. If the office of mayor of a former municipality is vacant, a councillor from the council of the former municipality where the mayor's office is vacant shall replace him as mayor of the provisional council. That councillor shall be chosen by and from among the councillors of the former municipality that the mayor represented.

41. The majority of the members in office at any time shall constitute the quorum of the provisional council.

42. The first meeting of the provisional council shall be held at the former city hall located in the sector formed of the territory of the former Ville de Matane.

43. For the term of the provisional council, the mayors of the former municipalities shall continue to be qualified to act within the council of Municipalité régionale de comté de Matane and they shall have the same number of votes as before the coming into force of the amalgamation order.

44. The by-law respecting the remuneration of elected officers of the former Ville de Matane shall apply to the members of the provisional council.

45. Any member of the council of one of the former municipalities whose term ends for the sole reason that the municipality ceased to exist may receive compensation and maintain membership in the pension plan for elected municipal officers in accordance with sections 46 to 50.

Any entitlement referred to in the first paragraph shall cease to apply to a person in a period in which, from the date of the coming into force of this Order in Council, that person held the office of member of the council of a municipality in the territory of Québec.

46. The amount of the compensation referred to in section 45 shall be based on the remuneration set on the day before the coming into force of this Order in Council under the Act respecting the remuneration of elected municipal officers in respect of the position that the person referred to in the first paragraph of section 45 held on that day to which applies, if applicable, any indexing of the remuneration provided for by a by-law of the council of one of the former municipalities.

The amount of the compensation shall also be based on the remuneration that the person referred to in the first paragraph of section 45 received on the day before the coming into force of this Order in Council directly from a mandatary body of the municipality or a supramunicipal body within the meaning of sections 18 and 19 of the Act respecting the Pension Plan of Elected Municipal Officers. The compensation determined in accordance with the first and second paragraphs, except for the part referred to in the fourth paragraph, may not, on an annual basis, be greater than the maximum referred to in section 21 of the Act respecting the remuneration of elected municipal officers.

The compensation shall, if applicable, also include any amount corresponding to the provisional contribution provided for in section 26 of the Act respecting the Pension Plan of Elected Municipal Officers that the local municipality, mandatary body or supramunicipal body would have paid with respect to the remuneration provided for in the first and second paragraphs for the person referred to in the first paragraph of section 45.

47. The compensation shall be paid by the city by bimonthly instalments during the period starting on date of the coming into force of this Order in Council and ending on the date on which the first general election following the expiry of the term under way would have been held.

A person who is eligible for the compensation may enter into an agreement with the city on any other mode of payment of the compensation.

48. The Government shall participate in the financing of one-half of the expenses that the payment of the portion of the compensation referred to in section 45 represents, based on the basic remuneration or, as the case may be, on the minimum annual remuneration, provided for by the Act respecting the remuneration of elected municipal officers (R.S.Q., c. T-11.001), of the person eligible for the program and on the amount of the provisional contribution payable with respect to that part of the compensation.

The Government shall send the city, whose territory includes that of the former municipality of which the eligible person was a council member, any amount corresponding to the portion of the expenses to which it must contribute.

49. The balance of the expenses that the payment of compensation represents, including, if applicable, the provisional contribution, constitutes a debt charged to the taxable immovables in the sector formed of the territory of the former municipality, referred to in the first paragraph of section 45, and of which the eligible person was a council member.

50. Any person referred to in section 45, who, on the date of the coming into force of this Order in Council, was a member of the pension plan for elected officers established under the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3) shall continue to participate in the plan during the period referred to in the first paragraph of section 48. However, the participant may, before 15 February 2002, give notice to the city in which he states that he has decided to cease to

participate in the plan. He must send, as soon as possible, to the Commission administrative des régimes de retraite et d'assurances a copy of that notice. The termination of membership in the plan shall take effect for that person on the date of coming into force of this Order in Council.

The eligible earnings for the person who continues to participate in the plan in accordance with section 45 shall correspond to the amount of the compensation paid during the period referred to in the first paragraph of section 47, less the amount of the compensation payable as a provisional contribution. In that case, the provisional contribution shall be paid by the city to the Commission administrative des régimes de retraite et d'assurances at the same time as the member's contribution that the city must withhold on each compensation payment.

A person who elects to terminate his participation in the pension plan referred to in the first paragraph shall be entitled to receive the portion of the compensation that concerns the provisional contribution.

51. In accordance with the Police Act (2000, c. 12), the council shall file with the Minister of Public Security an application authorizing him to abolish the municipal police department of the former Ville de Matane for the benefit of services provided by the Sûreté du Québec.

52. All the savings carried out, where applicable, by abolishing the municipal police force of the former Ville de Matane within the scope of police reform shall be credited to the ratepayers of the sector formed of the territory of the former Ville de Matane for the first eight fiscal years of the new city.

CHAPTER V
SUCCESSION

53. If a budget was adopted by a former municipality for the fiscal year during which the amalgamation order comes into force,

(1) that budget shall remain applicable;

(2) the expenditures and revenues of the new city, for the remainder of the fiscal year during which the amalgamation order comes into force, shall continue to be accounted for separately on behalf of each of the former municipalities as if the amalgamation had not taken place;

(3) an expenditure recognized by the council of the new city as resulting from the amalgamation shall be charged on behalf of each of the former municipalities in the proportions established in section 25.

54. If the council of the new city decides to dispose of movable or immovable property whose acquisition was financed, in full or in part, by a loan by-law adopted by any of the former municipalities, the proceeds of the sale shall then be used to provide for payment of the balance in principal and interest of the amount of the loan authorized by the by-law. If excess sums are available after the sale of the property, those sums shall be used in the sector formed of the territory of the former owner municipality.

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

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

56. The amounts required from the date of coming into force of this Order in Council, with respect to the amount determined pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1) with respect to a pension plan to which a former municipality was a party or to the amortization of any unfunded actuarial liability of any such plan shall continue to burden the taxable immovables of the sector formed of the territory of that former municipality. The contributions paid from the date of coming into force of this Order in Council, with respect to the commitments arising from a pension plan not subject to the Supplemental Pension Plans Act to which a former municipality was a party, for the years of service before the coming into force of this Order in Council shall continue to burden the taxable immovables of the sector formed of the territory of that former municipality.

The date of determination of the amount pursuant to subparagraph 4 of the second paragraph of section 137 of the Supplemental Pension Plans Act or to the unfunded actuarial liability referred to in the second paragraph must be prior to 21 June 2001. Furthermore, with respect to an unfunded actuarial liability amendment, the amendment must have been made before the date of coming into force of this Order in Council. However, if a

pension plan has such an amount or unfunded actuarial liability outstanding on the date of its division, its merger or cancellation, the contributions paid by the city for that purpose after that date shall be deemed paid with respect to any amount or the amortization of any liability referred to in the first paragraph.

57. The revenues or costs in relation to legal proceedings or a dispute to which a former municipality or, as the case may be, the city is a party in respect of an event prior to the coming into force of this Order in Council that concerns such a municipality shall continue to be credited to or to burden all or part of the taxable immovables of the sector formed of the territory of that former municipality.

58. A municipal housing bureau shall be incorporated under the name of "Office municipal d'habitation de la Ville de Matane".

That municipal bureau shall succeed to the municipal housing bureaus of the former Ville de Matane and Municipalité de Saint-Luc-de-Matane, which are dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) amended by section 273 of chapter 40 of the Statutes of 1999 shall apply to the new municipal housing bureau as though it had been incorporated by letters patent under section 57 of that Act.

The bureau shall be administered by a board of directors formed of seven members. Three members shall be appointed by the council of Ville de Matane, two elected by all the lessees of the bureau, in accordance with the Act respecting the Société d'habitation du Québec and two shall be appointed by the Minister of Municipal Affairs and Greater Montréal, after consultation, from among the most representative socio-economic groups of the bureau's territory.

Until the city appoints the first directors it shall appoint in accordance with the third paragraph, their duties shall be carried out by the members of the municipal bureau of the former Ville de Matane and Municipalité de Saint-Luc-de-Matane; should the city council fail to appoint them as provided for in the third paragraph before 1 July 2002, their term shall end on that date.

The directors shall elect from among themselves a chair, vice-chair and any other officer they deem necessary to appoint.

The term of the board of directors is three years and is renewable. Despite the expiry of their term, the board members shall remain in office until reappointed or replaced.

The quorum shall be the majority of the members in office.

The directors may, from the coming into force of this Order in Council,

(1) secure loans on behalf of the bureau;

(2) issue debentures or other securities of the bureau and use them as a guarantee or dispose of them for the price and amount deemed appropriate;

(3) hypothecate or use as collateral the present or future immovables or movables of the bureau to ensure the payment of such debentures or other securities, or give only part of the guarantees for those purposes;

(4) hypothecate the immovables and movables of the bureau or otherwise affect them, or give various types of surety, to ensure the payment of loans secured other than by the issue of debentures, as well as the payment or execution of other debts, contracts and commitments of the bureau;

(5) subject to the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société, adopt any by-law deemed necessary or useful for the internal management of the bureau.

The employees of the bureaus that have been dissolved shall become, without reduction in salary, employees of the bureau, and shall retain their seniority and fringe benefits.

Within fifteen days of their adoption, the bureau shall send to the Société d'habitation du Québec a certified true copy of the by-laws and resolutions appointing or dismissing a member or administrator.

The time limit provided for in section 37 of the Pay Equity Act (R.S.Q., c. E-12.001) shall no longer apply with respect to the bureaus constituted by the second paragraph. The time limit within which to comply with this section, for any succeeding bureau, shall be 36 months from the date of determination of the last bargaining unit.

CHAPTER VI
FINAL PROVISIONS

59. If the date of coming into force of this Order in Council is prior to 7 October 2001, the first general election shall be held on 25 November 2001. Otherwise, the second general election shall be held on the first Sunday of the fourth month following the coming into force of this Order in Council. The second general election shall be held in 2005.

60. For the first general election, the territory of the new city shall be divided into eight electoral districts the description of which appears in Schedule B.

61. Until the council decides otherwise, the following municipal officers shall be appointed:

— Michel Barriault, current secretary-treasurer of Municipalité régionale de comté de Matane, shall act as director general of the new city;

— André Lavoie, clerk of Ville de Matane, shall act as clerk of the new city; and

— René Rioux, treasurer of Ville de Matane, shall act as treasurer of the new city.

The provisional council may not avail itself of the first paragraph.

62. The specific provisions governing one of the former municipalities, except for any provision whose object is, with respect to any such municipality, to validate or ratify a document or an act or to clarify a title of ownership or to confirm or grant the power to acquire or alienate a particular immovable, are repealed from the date of the coming into force of this Order in Council.

63. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec* in accordance with the Act.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE A

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

The current territory of the municipalities of Petit-Matane and Saint-Luc-de-Matane, Paroisse de Saint-Jérôme-de-Matane and Ville de Matane, in Municipalité régionale de comté de Matane, comprising, in reference to the cadastres of the townships of Matane and Tessier and of the parishes of Saint-Ulric, Saint-Jérôme-de-Matane and Sainte-Félicité, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the limits described hereafter, namely: starting from the apex of the northern angle of Lot 10 of the cadastre of Paroisse de Sainte-Félicité; thence, successively, the following lines and demarcations: in reference to that cadastre, southeasterly, the northeastern angle of the said lot, that line crossing Route 132 that it meets; northeasterly, part of the northwestern line of Lot 49 to the apex of its northern angle; southeasterly, the line bordering to the northeast lots 49 and 48, that line crossing 2e Rang Normand that it meets; southwesterly, successively, the southeastern line of lots 48, 50, 51 and 52 then part of the southeastern line of Lot 53 to the apex of the northern angle of Lot 65, that line crossing Route de Sainte-Adelme that it meets; southeasterly, part of the northeastern line of Lot 65 to a point 117 metres northwest of the apex of the eastern angle of the said lot, distance measured following the northeastern line of the said lot; southerly, a straight line to the meeting point of the centre line of Lot 131 with its northwestern line; southeasterly, the centre line of the said lot; southwesterly, successively, part of the southeastern line of the said lot, the southeastern line of lots 132 to 136 then part of the dividing line between the cadastres of the parishes of Saint-Jérôme-de-Matane and Sainte-Félicité to the dividing line between the cadastres of Canton de Tessier and Paroisse de Sainte-Félicité; southeasterly, part of the dividing line between the latter cadastres to the dividing line between ranges 5 and 6 of the cadastre of Canton de Tessier; southwesterly, the dividing line between the said ranges to the dividing line between the cadastres of the townships of Tessier and Matane, that first line crossing Route de la Boucanerie, Route 195 and Rivière Matane that it meets; northwesterly, part of the dividing line between the cadastres of the said townships, crossing Rivière Matane and Route 195 that it meets, to the dividing line between Rang Rivière Matane and Rang 12 of the cadastre of Canton de Matane; in reference to that cadastre, southwesterly, the dividing line between the said ranges, that line crossing Route 195, Rivière Matane, Route Richard and Chemin de la Coulée-Carrier that it meets; northwesterly, the southwestern line of lots 18, 17, 16, 15, 14 and 13 of Rang Rivière Matane; southwesterly, part of the southeastern line of Lot 12 of the said range to the apex of its southern angle; northwesterly, the southwestern line of lots 12 in declining order to 1 of Rang Rivière Matane; northeasterly, part of the northwestern line of Lot 1 of the said range to the southwestern line of Lot 2C of Rang 8; in a general northwesterly direction, the broken line bordering to the southwest lots 2C, 2B and 2A of Rang 8 of the said cadastre and Lot 2C of Rang 7 of the cadastre of Paroisse de Saint-Ulric; northeasterly, part of the dividing line between ranges 7 and 6 of the cadastre of the said parish to the dividing line between the cadastres of the parishes of Saint-Jérôme-de-Matane and Saint-Ulric;

northwesterly, part of the dividing line between the cadastres of the said parishes and its extension in the St. Lawrence River to its meeting with a line parallel to and 3.22 kilometres (2 miles) from the right shore of the said river; in a general northeasterly direction, the said parallel line to its meeting with the northwesterly extension of the southwestern line of Lot 60 of the cadastre of Paroisse de Saint-Jérôme-de-Matane; southeasterly, the said extension to the right shore of the St. Lawrence River; lastly, in a general northeasterly direction, the right shore of the said river to the starting point.

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

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

Charlesbourg, 29 August 2001

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

M-263/1

SCHEDULE B

PROVINCE OF QUÉBEC
VILLE DE MATANE

23 April 2001

District 1
(1 761 electors)

Starting from a point situated in the middle of the two piers of the boardwalk wharf near Galeries du Vieux-Port and thence, upstream the centre of Rivière Matane up to the long-term centre of Matane on the right bank, thence between the two Government buildings (Canada Post and the long-term centre of Matane) to the northwestern rear boundary of the residential lots of Avenue Henri-Dunant, following that boundary to the bottom of Côte Henri-Dunant and in a northeasterly direction following the bottom of the said hill to the St. Lawrence River, that river to the starting point.

District 2
(1 670 electors)

Starting from a point situated at the meeting point of the northeastern boundary of Lot 1209 with the St. Lawrence River and thence, the said northeastern boundary of Lot 1209, Boulevard Dion to the rear line of the lots situated on the northwest side of Rue Fournier and then southwesterly, the northwestern rear line of Rue Fournier and the northwestern and southwestern rear lines of Rue Goyer, the southwestern rear line of Rue de la Ronde, the southeastern rear line of Rue Saint-Jean to the bottom of Côte Saint-Jean and in a northwesterly direction following the bottom of the hill to the St. Lawrence River, that river to the starting point.

District 3
(1 508 electors)

Starting from a point situated at the meeting point of the northwesterly extension of the axis of Route Athanase and thence, the St. Lawrence River to the northeastern boundary of Lot 1209, the said northeastern boundary of Lot 1209, Boulevard Dion to the rear line of the lots situated on the northwest side of Rue Fournier, then southwesterly, the northwestern rear line of Rue Fournier and the northwestern and southwestern rear lines of Rue Goyer, the southwestern rear line of Rue de la Ronde, the southeastern rear line of Rue Saint-Jean to the bottom of Côte Saint-Jean and in a southeasterly direction following the bottom of the hill to the rear boundary of the lots situated on the northwest side of Avenue Henri-Dunant, following that boundary to Avenue Saint-Jérôme, then between the two Government buildings (Canada Post and the long-term centre of Matane) to the central axis of Rivière Matane, then upstream the said river to the extension of the northeastern line of Lot 318, the said extension, the northeastern line of Lot 318, the rear line of lots 318 to 361 to the northeastern boundary of Lot 3C of Rang 1 of Canton de Tessier, the said northeastern boundary of Lot 3C, the northeastern boundaries of Lot 3B of Rang 2 and Lot 3 of ranges 3, 4 and 5, the southeastern boundary of Ville de Matane of Lot 3 of Rang 5 of Canton de Matane and successively the southwestern, southeastern and northwestern boundaries of Ville de Matane to the starting point.

District 4
(1 421 electors)

Starting from a point situated at the meeting point of the extension of the southwestern boundary of Lot 317 with the central axis of Rivière Matane, then downstream on the left bank of the said river to the extension of the northeastern boundary of Lot 4751, the said northeastern boundary of Lot 4751, Avenue D'Amours, the southwestern boundary of the adult professional centre (École D'Amours), the apex of the cliff, the said cliff, the extension of the said cliff to Rue Saint-Joseph, the said Rue Saint-Joseph, the extension of Rue Saint-Joseph to Lot 409, the front of lots 409 to 392 of the extension of Rue Saint-Joseph to the southwestern boundary of Lot 317 and the southwestern boundary of Lot 317 to the starting point.

District 5
(1 413 electors)

Starting from a point situated at the meeting point of the extension of the cliff with Rue Saint-Joseph and thence, the said extension of the apex of the cliff, the said cliff, the extension of the axis of the rear boundary of the lots situated on the northeast side of Rue Dionne, the rear line of the lots situated to the northeast of Rue Dionne, Avenue Jacques-Cartier to the southwestern boundary of Rue René-Tremblay, the southwestern boundary of Rue René-Tremblay, the rear line of the lots situated to the northeast of Rue Boucher extended to Boulevard Père-Lamarche, Boulevard Père-Lamarche and Rue Saint-Joseph to the starting point.

District 6
(1 636 electors)

Starting from a point situated in the middle of the two piers of the boardwalk wharf near Galeries du Vieux-Port and thence, the St. Lawrence River to the northeastern boundary of Lot 58, the said northeastern boundary of Lot 58 to the northeasterly extension of the southeastern boundary of Lot 666 (C.E.G.E.P. de Matane), the said extension, the northeastern and northwestern boundaries of Lot 666 (C.E.G.E.P. de Matane) to the southeasterly extension of the rear line of the lots situated to the northeast of Rue Boucher, the said extension, the rear line of the lots situated to the northeast of Rue Boucher, the southwestern boundary of Rue René-Tremblay, Avenue Jacques-Cartier to the rear line of the lots situated to the northeast of Rue Dionne, the rear line of the lots situated to the northeast of Rue Dionne, the extension of the rear line of the lots situated to the northeast of Rue Dionne, the apex of the cliff, the said cliff, the southwestern boundary of the adult professional centre (École D'Amours), Avenue D'Amours, the northeastern boundary of Lot 4751, the extension of the northeastern boundary of Lot 4751 to the central axis of Rivière Matane, then downstream the river to the starting point.

District 7
(1 151 electors)

Starting from a point situated at the meeting point of the southwestern line of Lot 57 with the St. Lawrence River and thence, the St. Lawrence River to the northeastern boundary of Ville de Matane, the northern part of the said northeastern boundary of Ville de Matane, the southeastern boundary of Ville de Matane to the southwestern line of Lot 594, the said southwestern boundary of Lot 594, the northern boundary of lots 500 to 517, the southwestern boundary of Lot 517, the northern boundary of lots 517 to 511 to the soutwestern boundary of Lot 430, the said southwestern boundary of Lot 430, the southwestern boundary of Lot 52 to the northeasterly extension of the southeastern boundary of Lot 666 (C.E.G.E.P. de Matane), the said extension of the southeastern boundary of Lot 666 (C.E.G.E.P. de Matane) of the southwestern line of Lot 52 to the southwestern boundary of Lot 57, the said southwestern boundary of Lot 57 to the starting point.

District 8
(1 092 electors)

Starting from a point situated at the meeting point of Boulevard Père-Lamarche with Rue Saint-Joseph and thence, the said Boulevard Père-Lamarche to the southeasterly extension of the rear line of the lots situated to the northeast of Rue Boucher, the said extension of the lots situated to the northeast of Rue Boucher to the nortwestern boundary of Lot 666 (C.E.G.E.P. de Matane), the northwestern and northeastern boundaries of Lot 666 (C.E.G.E.P. de Matane), the northeasterly extension of the southeastern boundary of Lot 666 (C.E.G.E.P. de Matane) to the northeastern boundary of Lot 53, the said northeastern boundary of Lot 53, the northeastern boundary of Lot 429, the southern boundary of lots 429 to 425 to the northeastern boundary of Lot 518, the said northeastern boundary of Lot 518, the northern boundary of lots 576 to 593, the northeastern boundary of Lot 593, the southeastern boundary of lots 593 and 592 to the southern part of the northeastern boundary of Ville de Matane, the said southern part of the northeastern boundary of Ville de Matane, the southeastern boundary of Ville de Matane to Lot 4 of Rang 5 of Canton de Tessier, the southwestern boundaries of Lot 4 of Rang 5, Lot 4 of Rang 4, Lot 4A of Rang 3, Lot 4 of Rang 2 and lots 4A and 4D of Rang 1 of Canton de Tessier, the northern boundary of Rang 1 of Canton de Tessier of Lot 4D to Lac Bernier, the front of lots 362 to 409 to the southeasterly extension of Rue Saint-Joseph, the said southeasterly extension of Rue Saint-Joseph, Rue Saint-Joseph to the starting point.

4548

Gouvernement du Québec

O.C. 1046-2001, 12 September 2001

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

Amalgamation of Ville de Saint-Georges, Paroisse de Saint-Georges-Est, Municipalité d'Aubert-Gallion and Paroisse de Saint-Jean-de-la-Lande

WHEREAS, on 25 April 2000, the Minister of Municipal Affairs and Greater Montréal published a White Paper entitled Municipal Reorganization : Changing Our Ways to Better Serve the Public ;

WHEREAS municipal restructuring has begun for the metropolitan regions of Montréal, Québec and the Outaouais with the passage of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56);

WHEREAS, on 29 June 2001, the Minister required Ville de Saint-Georges, Paroisse de Saint-Georges-Est, Municipalité d'Aubert-Gallion and Paroisse de Saint-Jean-de-la-Lande to file a joint application for amalgamation no later than 15 August 2001 and appointed Jacques Lapointe as a conciliator to assist the municipalities;

WHEREAS the Minister did not receive the joint application for amalgamation within the time prescribed;

WHEREAS the conciliator made a report on the situation to the Minister;

WHEREAS the Government may, under the Act respecting municipal territorial organization (R.S.Q., c. O-9), order the constitution of local municipalities resulting from amalgamations, in particular as a means of achieving greater fiscal equity and of providing citizens with services at lower cost or better services at the same cost;

WHEREAS it is expedient to order the constitution of a local municipality under section 125.11 of the said Act, enacted by section 1 of chapter 27 of the Statutes of 2000;

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

THAT a local municipality be constituted through the amalgamation of Ville de Saint-Georges, Paroisse de Saint-Georges-Est, Municipalité d'Aubert-Gallion and Paroisse de Saint-Jean-de-la-Lande, in accordance with the following provisions:

DIVISION I
GENERAL PROVISIONS

1. The name of the new municipality shall be "Ville de Saint-Georges".

2. The description of the territory of the new city is the description drawn up by the Minister of Natural Resources on 5 September 2001; that description appears in Schedule A.

3. The new city shall be governed by the Cities and Towns Act (R.S.Q., c. C-19) and sections 9, 10, 11, 16 and 22 of Order in Council 630-90 dated 9 May 1990 shall apply to it.

4. The territory of the new city is included in the territory of Municipalité régionale de comté de Beauce-Sartigan.

5. Until a majority of the candidates elected in the first general election takes office, a thirteen-member provisional council shall administer the new city. The representatives appointed by the council of each of the former municipalities to sit on the provisional council are as follows:

Former Ville de Saint-Georges

Mr. Roger Carette, Mayor
Ms. Lily Veilleux, Councillor
Mr. Serge Paquet, Councillor
Mr. Jean Perron, Councillor
Mr. Régis Drouin, Councillor
Mr. Michel Bernard, Councillor
Mr. Emmanuel Bourque, Councillor

Former Paroisse de Saint-Georges-Est

Mr. Gérard Veilleux, Mayor
Mr. Paul Gilbert, Councillor

Former Municipalité d'Aubert-Gallion

Mr. Ovila Poulin, Mayor
Mr. Jean-Louis Veilleux, Councillor

Former Paroisse de Saint-Jean-de-la-Lande

Mr. Serge Veilleux, Mayor
Mr. Bertrand Boutin, Councillor

If an elected representative of a former municipality resigns or is unable to act, the persons below, in the following order, shall act as the representatives of the former municipality:

Former Ville de Saint-Georges

Ms. Murielle Busque, Councillor
Mr. Simon Roy, Councillor

Former Paroisse de Saint-Georges-Est

Mr. Alcé Bougie, Councillor
Mr. Bernard Couture, Councillor

Former Municipalité d'Aubert-Gallion

Mr. Daniel Poulin, Councillor
Ms. Suzanne Roy, Councillor

Former Paroisse de Saint-Jean-de-la-Lande

Mr. Michel Gagnon, Councillor
Mr. Florent Roy, Councillor

6. The mayor of the former Ville de Saint-Georges shall act as mayor of the new city for the term of the provisional council. The mayors of the former Paroisse de Saint-Georges-Est, Municipalité d'Aubert-Gallion and Paroisse de Saint-Jean-de-la-Lande, shall, respectively and in the order given herein, act in turn as deputy mayor each month of the calendar year from the coming into force of this Order in Council until the beginning of the term of the mayor elect in the first general election.

For the term of the provisional council, the mayors of the former municipalities shall continue to hold their positions on the council of Municipalité régionale de comté de Beauce-Sartigan and shall have the same number of votes as before the coming into force of this Order in Council. Furthermore, they shall continue to hold their positions with the regional county municipality, take part in its committees and carry out any other duties related thereto.

7. The quorum of the provisional council shall be the majority of members in office at any time.

8. The first sitting of the provisional council shall be held at the city hall of the former Ville de Saint-Georges.

9. Until otherwise decided, By-law 462-2000 respecting the remuneration of the elected councillors of the former Ville de Saint-Georges shall apply to the provisional council members and to the newly elected city councillors.

Provisional council members from municipalities other than the former Ville de Saint-Georges shall receive that remuneration only while they are members of the provisional council.

The difference between the remuneration that the provisional council members from municipalities other than the former Ville de Saint-Georges receive and the remuneration they would have received as mayor or councillor of their respective municipality shall be considered by the new city council as an expense resulting from the amalgamation and shall be charged to the former municipality and financed directly by the amount paid for the first year of the amalgamation under the Programme d'aide financière au regroupement municipal (PAFREM).

The city shall continue to remunerate the council members of the former municipalities who are unable to carry out their term because their council has ceased to exist and, if applicable, their severance allowance and transition allowance until the end of their current term. The Government shall participate in the financing of half the expense that the payment of their remuneration and allowances represents.

10. Mr. Jean McCollough, clerk of the former Ville de Saint-Georges, shall act as clerk of the new city, Mr. Laurent Nadeau, director general of the former Ville de Saint-Georges, shall act as director general and Mr. Clément Poulin, treasurer of the former Ville de Saint-Georges, shall act as treasurer of the new city.

11. If the date of coming into force of this Order in Council is prior to 7 October 2001, the first general election shall be held on 25 November 2001. Otherwise, the first general election shall be held on the first Sunday of the fourth month following the coming into force of this Order in Council. The second general election shall be held in 2005.

12. For the purposes of the first general election and any by-election held before the second general election, the city shall be divided into eight electoral districts, five of which shall correspond to the territory of the former Ville de Saint-Georges, one of which to the former Paroisse de Saint-Georges-Est, one to the former Municipalité d'Aubert-Gallion and one to the former Paroisse de Saint-Jean-de-la-Lande.

At the first general election, the city council shall be made up of nine members, that is, the mayor and eight councillors. The description of the electoral districts appears in Schedule B to this Order in Council.

13. Any change to the electoral district including the sector made up of the territory of the former Paroisse de Saint-Jean-de-la-Lande made for the purposes of the 2005 election or any by-election held before the third general election, may not increase the number of voters to more than three times the number referred to in the description of the electoral district in Schedule B.

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

15. Where an intermunicipal agreement provided for the constitution of an intermunicipal board made up in part of the municipalities subject to this amalgamation, the new city may apply to the Minister of Municipal

Affairs and Greater Montréal to have the date of the dissolution of the agreement changed to allow for the dissolution of the board. Should the Minister agree, sections 468.48 and 468.49 of the Cities and Towns Act shall apply, adapted as required, from the date a copy of the Minister's acceptance was sent to the intermunicipal board and to the member municipalities.

16. A municipal housing bureau shall be constituted under the name of "Office municipal d'habitation de la Ville de Saint-Georges". The name of the bureau may initially be changed by a simple resolution of the board of directors in the year following its constitution. A notice regarding the change of name shall be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

That municipal bureau shall succeed on the date of coming into force of this Order in Council to the municipal housing bureau of the former Ville de Saint-Georges. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) shall apply to the new municipal housing bureau as though it had been incorporated by letters patent under section 57 of that Act.

The bureau shall be administered by a board of directors formed of seven members. Three members shall be appointed by the council of Ville de Saint-Georges, two shall be elected by all the lessees of the bureau in accordance with the Act respecting the Société d'habitation du Québec, and two shall be appointed by the Minister of Municipal Affairs and Greater Montréal, after consultation, from among the most representative socio-economic groups of the bureau's territory.

Until a majority of the candidates elected in the first general election takes office, the board members of the bureau shall be the members of the former bureau to which it succeeds.

The directors shall elect from among themselves a chair, vice-chair and any other officer they deem necessary to appoint.

The term of the board of directors is of three years and is renewable. Despite the expiry of their term, the board members shall remain in office until they are reappointed or replaced.

The quorum shall be the majority of the members in office.

The directors may, from the coming into force of this Order in Council,

(1) secure loans on behalf of the bureau;

(2) issue debentures or other securities of the bureau and use them as a guarantee or dispose of them for the price and amount deemed appropriate;

(3) hypothecate or use as collateral the present or future immovables or movables of the bureau to ensure the payment of such debentures or other securities, or give only part of the guarantees for those purposes;

(4) hypothecate the immovables and movables of the bureau or otherwise affect them, or give various types of surety, to ensure the payment of loans secured other than by the issue of debentures, as well as the payment or execution of other debts, contracts and commitments of the bureau; and

(5) subject to the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société, adopt any by-law deemed necessary or useful for the internal management of the bureau.

The employees of the bureaus that have been dissolved shall become, without reduction in salary, employees of the bureau, and shall retain their seniority and fringe benefits.

Within fifteen days of their adoption, the bureau shall send to the Société d'habitation du Québec a certified true copy of the by-laws and resolutions appointing or dismissing a member or director.

The time limit provided for in section 37 of the Pay Equity Act (R.S.Q., c. E-12.001) shall no longer apply with respect to the bureaus constituted by the second paragraph. The time limit within which to comply with this section, for any succeeding bureau, shall be 36 months from the date of determination of the last bargaining unit.

17. If a budget was adopted by a former municipality for the fiscal year in which this Order in Council comes into force:

(1) the budget shall remain applicable;

(2) the expenditures and revenues of the new municipality, for the remaining part of the fiscal year in which this Order in Council comes into force, shall continue to be accounted for separately on behalf of each of the former municipalities as if the amalgamation had not taken place; and

(3) an expenditure recognized by the council of the new city as resulting from the amalgamation shall be charged to the former municipality, based on its standardized property value in proportion to the total values of the former municipalities, as they appear on the financial statements of the former municipalities for the fiscal year preceding the year in which this Order in Council comes into force;

(4) the subsidy paid for the first year of the amalgamation under the Programme d'aide financière au regoupement municipal (PAFREM), after deducting the expenditures recognized by the council under paragraph 3 and financed by the subsidy, shall constitute a reserve to be paid into the general working fund of the new city for the first fiscal year for which it adopts a budget for the entire territory it covers.

18. Where applicable, any surplus, any balance available from loan by-laws and any reserve and ensuing interest accumulated on behalf of a former municipality at the end of the last fiscal year for which separate budgets were adopted shall be used for the benefit of the ratepayers of the sector made up of the territory of that former municipality, in particular, to repay their loans, to reduce the taxes applicable to the entire taxable immovables on their territory or to carry out capital works for drinking water treatment systems.

For a period of 20 years following the coming into force of this Order in Council, any amount resulting from the sale of property assets belonging to a former municipality shall be used for the benefit of the ratepayers of the sector made up of the territory of the former municipality, to repay their loans, to reduce the tax burden of all the taxable immovables located in that sector or to carry out capital works for drinking water treatment systems.

19. Any portion of a surplus of the pension plan for elected municipal officers distributed in accordance with sections 76.1 to 76.6 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3), introduced by section 171 of chapter 25 of the Statutes of 2001, shall be paid into a reserve set up by the new city and used to pay the Commission administrative des régimes de retraite et d'assurances (CARRA) its contribution to the costs assumed for the administration of the plan referred to in section 76.4 of the Act and to the costs of the supplementary benefits paid under the plan. Where the total contribution has been paid, the unused funds in the reserve shall be considered, in proportion to the amount of surplus received for each former municipality, a surplus of the former municipality and may be used in accordance with the provisions of section 18.

20. Any deficit accumulated by a former municipality at the end of the last fiscal year in which separate budgets were adopted shall continue to be charged to all the taxable immovables of the former municipality.

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

Such a by-law shall be approved, in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), by the qualified voters of the entire territory of the new city.

22. The working funds of the former Ville de Saint-Georges and the former Paroisse de Saint-Jean-de-la-Lande shall be dissolved upon the coming into force of this Order in Council. The amount in the fund of the former Ville de Saint-Georges that has not been invested at that time shall be added to the surplus accumulated on behalf of that former municipality and may be used in accordance with the provisions of section 18. The amount in the fund of the former Paroisse de Saint-Jean-de-la-Lande that has not been invested at that time shall be used for the benefit of the ratepayers of the sector made up of the territory of the former municipality where there is a waterworks or sewer system.

23. The annual repayment of the instalments in principal and interest of the loans made under loan by-laws of a former municipality before the coming into force of this Order in Council shall be charged to all the taxable immovables of the sector made up of the territory of the former municipality, in accordance with the by-law taxation clauses. If the council decides to amend the taxation clauses in accordance with the law, the amendments may only apply to the taxable immovables located in the sector made up of the territory of the former municipality.

24. The amounts accumulated in a special fund by a former municipality for parks, playgrounds and natural areas, pursuant to Division II.1 of Chapter IV of Title I of the Act respecting land use planning and development, shall be paid into a special fund set up for that

purpose by the new city and accounted for separately for the benefit of the sector made up of the territory of the former municipality.

25. For the first five fiscal years following the year of coming into force of this Order in Council, a general property tax credit shall be granted to all the taxable immovables in the sector made up of the territory of the former Municipalité d'Aubert-Gallion, which shall be equal to a reduction in the property tax rate of $0.0464 per $100 of assessment.

26. Before the beginning of the first full fiscal year following the coming into force of this Order in Council, the assessor of the new city shall add to the roll of rental values of the former Ville de Saint-Georges the business establishments of the former Paroisse de Saint-Georges-Est, of the former Municipalité d'Aubert-Gallion and of the former Paroisse de Saint-Jean-de-la-Lande so as to constitute the new city's roll of rental values.

The business tax in effect on the territory of the former Ville de Saint-Georges at the end of the last fiscal year for which the former municpalities subject to this amalgamation adopted separate budgets shall apply to the new city from the first full fiscal year following the coming into force of this Order in Council. The rate of the business tax shall be adjusted over a period of three years for the sector made up of the territory of the former Paroisse de Saint-Georges-Est, the former Municipalité d'Aubert-Gallion and the former Paroisse de Saint-Jean-de-la-Lande as follows:

First fiscal year:	25% of the tax rate
Second fiscal year:	50% of the tax rate
Third fiscal year:	75% of the tax rate.

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

28. From the first full fiscal year following the coming into force of this Order in Council, the new city may set different rates for the supply of drinking water and sewer system based on the actual cost of each of the systems located in the sectors made up of the territory of the former Paroisse de Saint-Georges-Est, the former Municipalité d'Aubert-Gallion and the former Paroisse de Saint-Jean-de-la-Lande.

29. From the first full fiscal year following the coming into force of this Order in Council, the new city may, by by-law, apply a surtax on any vacant lot using the waterworks and sewer systems located in the sector made up of the territory of the former Paroisse de Saint-Georges-Est, the former Municipalité d'Aubert-Gallion and the former Paroisse de Saint-Jean-de-la-Lande.

For any property having used such systems for at least two years, the applicable tax rate shall be adjusted over a period of three years as follows:

— 25% of the rate for the first fiscal year;
— 50% of the rate for the second fiscal year;
— 75% of the rate for the third fiscal year.

30. For six years following the coming into force of this Order in Council, the new city shall maintain and keep operating, as it is today, the immovable bearing the civic numbers 595, 597 and 599, rue Principale, on the territory of the former Paroisse de Saint-Jean-de-la-Lande and known as the town hall.

31. The new city shall mandate a specialized firm to study the fire safety plan in the sector made up of the former Paroisse de Saint-Jean-de-la-Lande, including namely the full inspection of existing equipment. The study shall include recommending full measures to upgrade the sector's protection in view of the standards now in effect. The cost of the study, if completed before 31 December 2001, shall be charged to the budget of the former Paroisse de Saint-Jean-de-la-Lande.

Notwithstanding the above paragraph, the city shall maintain in the sector made up of the territory of the former Paroisse de Saint-Jean-de-la-Lande, a fire-fighting service that includes a firehall and a firetruck. The related costs shall be charged to the sector.

32. In the course of the first full fiscal year following the coming into force of this Order in Council, if the Sûreté du Québec, in an agreement with the new city, provides the territory with a police service to ensure public safety in lieu of a municipal police force, the resulting savings at the end of the fiscal year when compared to the budgetary forecasts for the provision of such service shall be considered a surplus credited to the former Ville de Saint-Georges and may be used in accordance with the provisions of section 18.

33. For the purposes of sections 34 to 49, the territory of the former Ville de Saint-Georges, Paroisse de Saint-Georges-Est, Municipalité d'Aubert-Gallion and Paroisse de Saint-Jean-de-la-Lande shall constitute distinct sectors.

34. The city is subject to the rules provided for by law with respect to local municipalities, particularly the rules that prohibit the setting of different rates for the general property tax for different parts of the municipal territory and the rules that provide for the use of specific sources of revenue to finance debt-related expenses.

The city may derogate from these rules only to the extent required to carry out any provision of sections 34 to 49.

35. The city shall exercise its power under section 36 and, if it imposes a business tax, its power under section 37, or its power under section 42.

36. The city may, for a fiscal year, set any rate of the general property tax so that, with respect to the previous fiscal year, the increase in the tax burden for all the units of assessment located in a sector to which part of the rate or the full rate applies is limited to 5%.

The following shall constitute the tax burden:

(1) revenues from the general property tax as a result of applying the full rate or a part thereof;

(2) revenues from other taxes, including the taxes based on the rental value of immovables or compensation deemed to be taxes under the law, particularly those used to finance services such as drinking water supply, waste water purification, snow removal, garbage removal and the recycling of waste materials;

(3) revenues from sums payable in lieu of taxes for immovables, either by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation (R.S.Q., c. F-2.1), or by the Government, in accordance with section 254 and the first paragraph of section 255 of the Act, or by the Crown in right of Canada or one of its mandataries; and

(4) revenues of which the city was deprived by granting a credit, with respect to any source of revenue referred to in paragraphs 1 to 3, for the purposes of applying section 18 concerning the use of a surplus.

However, the revenues referred to in the second paragraph used to finance debt-related expenses are not included in the tax burden.

37. Notwithstanding section 26, the city may, for a fiscal year, set the business tax rate so that, with respect to the previous fiscal year, the increase in revenues arising from the tax for all the business establishments located in a sector is limited to 5%.

Those revenues include any sums in lieu of the business tax payable by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, or the second paragraph of section 254 and the first paragraph of section 255 of the Act.

38. If the city exercises one of its powers under sections 36 and 37, it may replace the maximum increase provided for in those sections by another, which must be the same for all the sectors in question and be less than 5%.

39. In the event that the increase referred to in section 36 or 37 does not result solely from the constitution of the city, the maximum shall apply only with respect to the portion of the increase that is a result thereof.

40. If the city exercises one of its powers under section 36 or 37, it shall, subject to any by-law made under the second paragraph, establish the rules that will enable a determination to be made as to whether the increase referred to in this section is a result solely of the constitution of the city and enable the establishment of the portion of the increase that is a result thereof if it is not.

The Government, may, by regulation, provide for cases where the increase is deemed not to be a result of the constitution of the city.

If the city does not exercise its power under section 244.29 of the Act respecting municipal taxation and imposes a surtax or a tax on non-residential immovables or a surtax on vacant land, it shall, if it exercises its power under section 36, establish the necessary rules of concordance to obtain the same results, for the purposes of this section, as if the city imposed a general property tax with rates specific to the categories that include the units of assessment subject to each tax or surtax imposed.

41. For the purposes of determining the percentage of increase referred to in section 36 for the 2002 fiscal year, where the local municipality whose territory constitutes the sector referred to has appropriated as revenue for the 2001 fiscal year all or a portion of the surplus from previous fiscal years, for an amount that exceeds the average amount so appropriated for the 1996 to 2000 fiscal years, the difference obtained by subtracting from the excess amount the sum that the municipality did not have to pay for the special fund for the financing of local activities as a result of the application of sections 90 to 96 of chapter 54 of the Statutes of 2000 shall be included in the tax burden for all the units of assessment located in the sector for the 2001 fiscal year.

42. The city may establish the rules enabling it to grant an abatement for a given fiscal year, with respect to the previous fiscal year, in order to limit to 5% the increase in the tax burden of a unit of assessment or a business establishment.

The second and third paragraphs of section 36 and sections 37 to 41 shall apply, adapted as required, for the purposes of the increase ceiling provided for in the first paragraph.

If the city exercises its power under that paragraph, it shall establish rules enabling it to adapt the provisions of the second paragraph to each individual unit of assessment or business establishment that take into account all the units or establishments.

43. The city may, for a given fiscal year, set any rate for the general property tax so that, with respect to the previous fiscal year, the reduction in the tax burden for all the units of assessment located in a sector and to which all or a portion of the rate applies shall not exceed the percentage that the city shall set for all the sectors.

The second and third paragraphs of section 36, the third paragraph of section 40 and section 41 shall apply, adapted as required, for the purposes of the reduction ceiling provided for in the first paragraph.

44. The city may, for a given fiscal year, set the rate for the business tax so that, with respect to the previous fiscal year, the reduction in revenues from that tax for all the business establishments located in a sector shall not exceed the percentage that the city shall set for all the sectors.

These revenues include revenues from the sums payable in lieu of the business tax that shall be paid by the Government, in accordance with the second paragraph of section 210 of the Act respecting municipal taxation, or the second paragraph of section 254 and the first paragraph of section 255 of the Act.

45. If the city does not exercise its power under section 43 or 44, it may establish rules enabling it to require a supplement for a given fiscal year so that, with respect to the previous fiscal year, the reduction in the tax burden for a unit of assessment or business establishment does not exceed the percentage that the city shall set for the entire territory.

The second and third paragraphs of section 36, the third paragraph of section 40 and section 41 shall apply to a unit of assessment, and the second paragraph of section 44 to a business establishment, adapted as required, for the purposes of the reduction ceiling provided for in the first paragraph.

If the city exercises its power under that paragraph, it shall establish rules enabling it to adapt the provisions of the second paragraph to each individual unit of assessment or business establishment that take into account all the units or establishments.

46. The city may exercise its powers under Division III.1 of Chapter XVIII of the Act respecting municipal taxation with respect to one sector and not to another or vary the exercise of the powers in different sectors.

47. Where, for a fiscal year prior to the year in which the first assessment roll drawn up specifically for the city comes into force, the city sets, under section 244.29 of the Act respecting municipal taxation, a rate for the general property tax that is specific to one of the categories provided for in sections 244.34 and 244.35 of the Act, the coefficient referred to in sections 244.44 and 244.47 of the Act shall be the coefficient that is established on the basis of the comparison of the last two property assessment rolls of the municipalities subject to this amalgamation whose population in 2001 was the highest.

48. The city may establish a program under which it may grant, in the circumstances provided for in the second paragraph, a credit applicable to the amount of the general property tax that is imposed, for any fiscal year commencing with the one referred to in subparagraph 1 of that paragraph, on any unit of assessment that is located in a sector and belongs to the group provided for in section 244.31 of the Act respecting municipal taxation.

The credit may be granted where all the following conditions have been met:

(1) for a given fiscal year, the business tax is not imposed on the sector, neither distinctly nor within the entire territory of the city, or, if it is, the revenues provided for the sector are less than those of the previous fiscal year;

(2) the business tax has been imposed on the sector, for the fiscal year preceding that referred to in subparagraph 1, without it having been imposed in the entire territory of the city;

(3) the revenues of the general property tax for the sector for the fiscal year referred to in subparagraph 1, which are a product of the application in whole or in part of one of the specific rates for the categories specified in sections 244.33 and 244.34 of the Act respecting municipal taxation exceed the revenues that would have been produced had there been no loss or reduction in revenues from the business tax.

The credit shall reduce the amount payable in general property tax imposed on any units of assessment referred to in the first paragraph and in respect of which applies in whole or in part the rate referred to in subparagraph 3 of the second paragraph. The amount of credit shall be determined according to the rules of the program.

The cost of the entire credits granted for the units of assessment located in the sector is payable by all the units located in that sector and that belong to the group referred to in the first paragraph.

If the city does not exercise its power under section 244.29 of the Act respecting municipal taxation and imposes a surtax or a tax on non-residential immovables, it shall, if it exercises its power under the first paragraph, establish the necessary rules of concordance to obtain the same results, for the purposes of the first four paragraphs, as if the city imposed a general property tax with rates specific to the categories that include the assessment units subject to the surtax or tax imposed on non-residential immovables.

49. Where a municipality subject to this amalgamation has exercised, with respect to its assessment roll in effect on 1 January 2001, its power under section 253.27 of the Act respecting municipal taxation, the city may, no later than the date on which the budget for the 2002 fiscal year is adopted, provide that the averaging of the variation in the taxable values resulting from the coming into force of a roll be extended for that fiscal year and for the sector concerned.

50. Sections 33 to 49 have effect until 31 December 2011.

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

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE A

OFFICIAL DESCRIPTION OF THE LIMITS OF THE TERRITORY OF THE NEW VILLE DE SAINT-GEORGES, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE BEAUCE-SARTIGAN

The current territory of Municipalité d'Aubert-Gallion, of the parishes of Saint-Georges-Est and Saint-Jean-de-la-Lande and of Ville de Saint-Georges, in Municipalité régionale de comté de Beauce-Sartigan, comprising, in reference to the cadastres of the townships of Jersey, Linière, Shenley and the cadastre of Paroisse de Saint-Georges, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the boundaries described hereafter, namely : starting from the apex of the northern angle of Lot 846 of the cadastre of Paroisse de Saint-Georges ; thence, successively, the following lines and demarcations : in reference to that cadastre, southeasterly, the northeastern line of lots 846, 789, 788, 787 and 786, that line crossing Rivière Famine and Route 204 that it meets ; southwesterly, the southeastern line of lots 786 down to 782, 781C, 781B, 781A, 781, 780, 779, 778, 777A, 777, 776A, 776, 775, 774, 773, 772, 771A, 771 down to 763 and part of the southeastern line of Lot 762 to the northeastern line of Lot 719 ; southeasterly, successively, the northeastern line of the said lot, its extension across Rang Sainte-Marguerite and the northeastern line of Lot 674A ; southwesterly, part of the dividing line between the cadastres of Paroisse de Saint-Georges and Canton de Linière to the dividing line between Rang Continuation-du-1er-Rang-d'Aubin-De L'Isle and Rang 2 Section A of the cadastre of Canton de Linière ; in reference to that cadastre, southeasterly, part of the dividing line between the said ranges to the southeastern line of Lot 11 of Rang Continuation-du-1er-Rang-d'Aubin-De L'Isle ; southwesterly, successively, the southeastern line of Lot 11 of Rang Continuation-du-1er-Rang-d'Aubin-De L'Isle, the southeastern line of Lot 11 of Rang 1 d'Aubin-De L'Isle, extended across Route 173 that it meets, then the extension of that line to the centre line or Rivière du Loup ; in a general westerly direction, the centre line of the said river, downstream, to the northeasterly extension of the dividing line between the cadastres of Paroisse de Saint-Georges and Canton de Jersey ; southwesterly, successively, the said extension and part of the dividing line between the said cadastres to the northern line of Rang 6 of the cadastre of Canton de Jersey, that line crossing Rang Jersey Nord and Route de Saint-René that it meets ; in reference to the latter cadastre, successively easterly and southeasterly, the northern line of ranges 6 and 7, then the northeastern line of Lot 13 of Rang 7, that line crossing Route de Saint-René that it meets in the first part ; southwesterly, the southeastern line of Lot 13 in ranges 7 and 6, that line crossing Route de Saint-René that it meets ; southerly, part of the dividing line between ranges 1 and 2 to the southern line of Lot 16C of Rang 1 ; westerly, successively, the southern line of the said lot, crossing Route 204 and its extension to the centre line of Rivière Chaudière ; in a general southerly direction, the centre line of the said river upstream to the eastern extension of the dividing line between lots 25A and 24C of Rang 1 of the cadastre of Canton de Shenley ; in reference to that cadastre, westerly, the said extension and the dividing line between the said lots ; southerly, part of the dividing line between ranges 2 and 1 to the southern line of Lot 15A of Rang 2 ; in a general westerly direction, successively, the southern line of Lot 15A in ranges 2, 3 and 4, those lines linked together by parts of some range lines ; northerly, part of the dividing line between Rang 4 Sud and Rang 5 Sud to the southern line of Lot 30B of Rang 5 Sud ; westerly, the southern line of the said lot, northerly, successively, part of the dividing line between Rang 5 Sud and Rang 6 Sud, then the dividing line between Rang 5 Gore and Rang 6 Gore ; easterly, part of

the dividing line between Rang 5 Gore and Rang 6 Nord to the apex of the southwestern angle of Lot 19A of Rang 5 Nord; northerly, part of the dividing line between Rang 5 Nord and Rand 6 Nord to the northern line of Lot 20 of Rang 5 Nord; easterly, the northern line of Lot 20 of the said range; northwesterly, part of the dividing line between the cadastres of the Canton de Shenley and Paroisse de Saint-Georges to the northwestern line of Lot 209 of the cadastre of Paroisse de Saint-Georges; in reference to that cadastre, northeasterly, the northwestern line of lots 209, 209A, 209B, 210, 210A, 211 to 216, 216B, 216A and 217 to 220, then part of the northwestern line of Lot 221 to the dividing line between lots 264 and 264A; northwesterly, successively, the dividing line between the said lots, extending across Rang Sainte-Éveline, then the dividing line between lots 299 and 298; northeasterly, the northwestern line of lots 299 to 311, then part of the northwestern line of Lot 312 to the southwestern line of Lot 397; northwesterly, the southwestern line of lots 397, 398, 401, 402, 405, 406, 413, 417, 418, 419, 419A, 420A, 420 to 424, 424A, 425, 426, 427A, 427 to 432, 434, 435, 439, 440, 443, 444 and 447, that line extended across Rivière Pozer, Rang Saint-Charles, Route 271 and Petite Route Saint-Henri that it meets; northeasterly, part of the dividing line between the cadastres of the parishes of Saint-Georges and Saint-François to the centre line of Rivière Chaudière; in a general southerly direction, the centre line of the said river upstream to the southeastern extension of the northwestern line of Lot 530; northeasterly, the said extension skirting to the south Lot 883 and then the northwestern line of Lot 530, that line crossing Route 173 and the railway right-of-way that it meets; northerly, part of the western line of Lot 856 to the dividing line between that lot and Lot 857A; northeasterly, the northwestern line of Lot 856; in a general southerly direction, a broken line bounding to the east lots 856 down to 847, that line extended across Route Cumberland that it meets; finally, northeasterly, successively, part of the northwestern line of Lot 845D and then the northwestern line of Lot 846 to the starting point, that line crossing the railway right-of-way that it meets.

The said boundaries define the territory of the new Ville de Saint-Georges, in Municipalité régionale de comté de Beauce-Sartigan.

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

Charlesbourg, 5 September 2001

Prepared by: JEAN-PIERRE LACROIX,
Land surveyor

G-142/1

SCHEDULE B

CANADA
PROVINCE OF QUÉBEC
JUDICIAL DISTRICT OF BEAUCE

DESCRIPTION OF THE LIMITS OF THE ELECTORAL DISTRICTS OF THE NEW VILLE DE SAINT-GEORGES, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE BEAUCE-SARTIGAN

Electoral district (ONE) 1 of Ville de Saint-Georges in the territory of Ville de Saint-Georges, in Municipalité régionale de comté de Beauce-Sartigan, comprising, in reference to the cadastre of Paroisse de Saint-Georges the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the boundaries described hereafter, namely: starting from the apex of the eastern angle of Lot 551-76; thence, successively, the following lines and demarcations: part of the northwestern line of Lot 552-58 and the northwestern line of lots 554A-1 and 938; the northeastern line of lots 938, 947, 560B-1, 560C-1, 562-21, 562-4, 562-9, 562-10, 563, 969, 581, 583, 588-21, 589-18, 591-67, 595-68, 596-204, 1117, 929, 1118 and part of Lot 1114 to the extension, across Lot 1114, of the northwestern line of Lot 607-126; the said extension in a southwesterly direction, the northwest side of lots 607-126, 607-124, 607-124-1, 607-124, 607-43, crossing Lot 1148 (25e Avenue), the southeast side of lots 600-76, 1144-15 and 1144; part of the northeast side of Lot 607-50 in a southeasterly direction to the extension of the centre line of Lot 607-19 (124e Rue); the said extension in a southwesterly direction crossing lots 607-50, 607-49, 607-34-1, 1143 (10e Avenue), 607-34-2, 1141 (boulevard Lacroix), the centre line of Lot 607-19 and its extension, crossing lots 1107 (2e Avenue), 607-1-4, 1125, 608-2, 1106 (1e Avenue), 607-6-2-3, 607-6-2-1-1, 910-1, 1105 (Promenade Chaudière) and the bed of Rivière Chaudière to its centre line; that said centre line, the line passing halfway between the northeastern shore of Île Pozer (lots 892 and 893) and the northeast shore of Rivière Chaudière, the extension of the line passing halfway between the northeast shore of Île aux Chèvres (lots 886, 887 and 888) and the northeast shore of Rivière Chaudière and the latter line passing halfway to the extension of the dividing line between the Demi-nord-ouest and the Demi-sud-est of Lot 549; the said extension and the said dividing line, that line coinciding with the northwestern line of lots 549-24, 549-23, 549-22, 549-18, 549-17, 549-6, 549-9, 549-10, 549-11 and 549-15; finally part of the eastern line of Lot 549 and the eastern line of Lot 551-76 to the starting point; the said boundaries defining the territory of electoral district 1.

The number of electors in ward 1 is estimated at 3552.

Electoral district (TWO) 2 of Ville de Saint-Georges in the territory of Ville de Saint-Georges, in Municipalité régionale de comté de Beauce-Sartigan, comprising, in reference to the cadastre of Paroisse de Saint-Georges the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the boundaries described hereafter, namely: starting from the extension of the northwestern line of Lot 607-26 with the northeastern line of Lot 1114; thence, the following lines and demarcations: part of the northeast line of Lot 1114, the northeastern line of lots 1167, 610-134, 610-41, 610-41-2, 611-2, 612-3, 613-1, 614-1, 615-2 and part of the northeastern line of Lot 617-5 to its intersection with the extension of the centre line of Lot 617-168 (140e Rue); the said extension in a southeasterly direction crossing lots 617-5, 617-109, 617-177 (22e Avenue); the said centre line of Lot 617-168, a line crossing diagonally Lot 1057 (12e Avenue) to the northeastern limit of the centre line of Lot 617-9 (140e Rue); the said centre line and its extension across Lot 1056 (10e Avenue), the centre line of Lot 617-61 (140e Rue) and its extension across Lot 1070 (boulevard Lacroix) to the northeastern limit of the centre line of Lot 617-38 (140e Rue); the said centre line with its longest arm extending across lots 617-34, 1067 (2e Avenue), 617-19, 617-1-1, 1065 (1e Avenue), 1069 and the bed of Rivière Chaudière to its centre line; the said centre line in a general northwesterly direction, to the extension of the centre line of Lot 607-19 (124e Rue); the said extension in a northeasterly direction, crossing the northeastern half of the bed of Rivière Chaudière, then lots 1105 (Promenade Chaudière), 910-1, 607-6-2-1-1, 607-6-2-3, 1106 (1e Avenue), 608-2, 1125, 607-1-4, 1107 (2e Avenue); the centre line of Lot 607-19 (124e Rue) and its extension across lots 1141 (boulevard Lacroix), 607-34-2, 1143 (10e Avenue), 607-34-1, 607-49 and 607-50; part of the northeastern line of Lot 607-50, the southeastern line of lots 1144, 1144-15, 600-76 and its extension across Lot 1148 (25e Avenue); the northwest side of lots 607-43, 607-124, 607-126 and its extension across Lot 1114 (35e Avenue) to the starting point, the said boundaries defining the territory of electoral district 2.

The number of electors in ward 2 is estimated at 3460.

Electoral district THREE (3) of Ville de Saint-Georges in the territory of Ville de Saint-Georges, in Municipalité régionale de comté de Beauce-Sartigan, comprising, in reference to the cadastre of Paroisse de Saint-Georges the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the boundaries described hereafter, namely: starting from the intersection of the northeastern line of Lot 617-5 with the extension of the centre line of Lot 617-168 (140e Rue); thence, the following lines and demarcations: part of the northeastern line of Lot 617-5 in a southeasterly direction; the northeastern line of lots 618-4, 619-8, 620-3 and 622-2, that line extended across the public roads and watercourses that it meets; the southeastern line of Lot 622-2 and part of the southeastern line of Lot 622-22 to the northeastern line of Lot 738-1; the northeastern line of lots 738-1, 738-2, 1096, 658A-1 and 658A-2; the northern line of lots 651-8, 649-2 and 649-1; the southeastern line of lots 649-1, 649-2, 1098, 649-6, 1101, 649-8, 649-7, 649-9, 649-11, 619-12, 649-14 and 650, that line extended to the centre line of Rivière Linière; the centre line of the said river in a general westerly direction and its extension to the centre line of Rivière Chaudière, the centre line of the said river northerly to the extension of the centre line, along its main axis, of Lot 617-38 (140e Rue); the said extension in a northeasterly direction crossing half of the bed of the said river, of lots 1069, 1065 (1e Avenue), 617-1-1, 617-19, 1067 (2e Avenue) and 617-34, the said main centre line of Lot 617-38, in a northeasterly direction and its extension across Lot 1070 (boulevard Lacroix); the centre line of Lot 617-61 (140e Rue) and its extension across Lot 1056 (10e Avenue), the centre line of Lot 617-9 (140e Rue) extending diagonally across Lot 1057 (12e Avenue), the centre line of Lot 617-168 (140e Rue) and its extension across lots 617-177 (22e Avenue), 617-104 and 617-5 to the starting point; the said boundaries defining electoral district 3.

The number of electors in ward 3 is estimated at 3658.

Electoral district FOUR (4) of Ville de Saint-Georges in the territory of Ville de Saint-Georges, in Municipalité régionale de comté de Beauce-Sartigan, comprising, in reference to the cadastre of Paroisse de Saint-Georges the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the boundaries described hereafter: starting from the apex of the western angle of Lot 65-11; thence, successively the following lines and demarcations: the northwestern line of Lot 65-11; the northern line of lots 65-11, 65-10 and 65-9; the northwestern line of lots 65-9, 65-8, 65-7, 65-122 and 65-75; the southern line of lots 65-73, 65-114, 65-115, 65-123, 1385-6, 65-61-1, 65-61, 65-93, 65-94 an 65-107, that is, up to the dividing line between the original Lot 65 and the original lots 61, 61A and 64; the said dividing line of the lots in a northeasterly direction and its extension to the line passing halfway between the southwest shore of Île Pozer (lots 892 and 893) and the southwest shore of Rivière Chaudière; southeasterly, the said line passing halfway and its extension to the centre line of Rivière Chaudière; southeasterly, the said centre line in a general southeasterly direction to the extension of the centre

line of Lot 89-98 (23e Rue); the said extension in a southwesterly direction crossing half the bed of Rivière Chaudière then lots 82-1, 89A-2, 89A-1, 920 (1e Avenue), 88-2, 88-3, 89-103, 89-94 (2e Avenue), 89-110, 89-115, 89-95 (3e Avenue), 89-120, 89-124, 89-126 and 89-97 (4e Avenue), the said centre line extended across Lot 89-100 (6e Avenue), the centre line of Lot 89-5 (23e Avenue) extended across Lot 89-7 (8e Avenue), the centre line of Lot 89-8 extended across lots 89-10 (10e Avenue), 89-89, 1391-26, 1391-1 (12e Avenue) 1391, 89-89 and 89-89-1; the southwestern line of lots 89-89-1, 89-886, 75-117-1, 75-16, 75-2-2, 75-157-7, 69-189-3, 68-132, 67-207, 67-207-1, 66-17-1, 66-17 and 65-11 to the starting point, the said boundaries defining the territory of electoral district 4.

The number of electors in ward 4 is estimated at 2719.

Electoral district FIVE (5) of Ville de Saint-Georges in the territory of Ville de Saint-Georges, in Municipalité régionale de comté de Beauce-Sartigan, comprising, in reference to the cadastre of Paroisse de Saint-Georges the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the boundaries described hereafter: starting from the intersection of the extension of the dividing line between lots 117-21 and 118 and the centre line of Rivière Chaudière, thence, the following lines and demarcations: the southeastern line of lots 117-21, 117-20, 117-16, 117-13, 117-12, 117-7, 1365-1, 117-1, 117-2, 117-3, 117-4, 117-5, 117-6 and 1314; the southwestern line of lots 1314, 115, 112, 112-1 and 111; the southeastern line of Lot 332-1; the southwestern line of lots 332-1, 333-1, 334-1, 335-1, 336-1 and 337-1, the northwestern line of lots 337-1 and 928; the southwestern line of lots 92-106-1, 92-101-5 and 92-102; part of the southwestern line of Lot 89-89-1 to the extension of the centre line of Lot 89-8 (24e Rue); the said extension in a northeasterly direction, crossing lots 89-89-1, 89-89, 1391, 1391-1 (12e Avenue) 1391-26, 89-89, 89-10 (10e Avenue); the centre line of Lot 89-8 (24e Rue) extended across Lot 89-7 (8e Avenue), the centre line of Lot 89-5 (23e Rue) extended across lot 89-100 (6e Avenue), the centre line of Lot 89-98 (23e Rue) extended across lots 89-126, 89-120, 89-95 (3e Avenue), 89-115, 89-110, 89-94 (2e Avenue), 89-103, 88-3, 88-2, 920 (1e Avenue), 89A-1, 89A-2 and half of the bed of Rivière Chaudière; the centre line of Rivière Chaudière in a general southwesterly direction to the starting point, the said boundaries defining the territory of electoral district 5.

The number of electors in ward 5 is estimated at 2859.

Electoral district SIX (6) of Ville de Saint-Georges in the territory of Ville de Saint-Georges, in Municipalité régionale de comté de Beauce-Sartigan, comprising, in reference to the cadastres of Paroisse de Saint-Georges, of Canton de Linière and Canton de Jersey, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the boundaries described hereafter: starting from the apex of the western angle of Lot 872 of the cadastre of Paroisse de Saint-Georges; thence, successively, the following lines and demarcations: the northeastern line of Lot 846 going in a southeasterly direction, crossing Rivière Famine and continuing along the said side of Lot 846, the northeast side of Lot 789 crossing Route 204, the northeast side of lots 788, 787 and 786 down to 782, 781C, 781B, 781A, 781 down to 777, 776A, 776 down to 772, 771A, 771 down to 762 to the northeastern line of Lot 719; the said line in a southeasterly direction crossing 175e Rue, then the northwestern line of Lot 674A, as it is the southwest side of Route du Rang St-Charles; the southeastern line of lots 674A, 674 down to 666 to the dividing line between Rang 2 Section A with Rang Continuation and Rang 1 d'Aubin-Delisle of the cadastre of Canton de Linière; the said range line in a southeasterly direction to the southeastern line of Lot 11 of Continuation du Rang 1 d'Aubin-Delisle; the said lot line in a southwesterly direction, then the southwestern line of Lot 11 of Rang 1 d'Aubin-Delisle and its extension to the centre line of Rivière Linière; the said centre line in a general westerly direction to the extension of the northwestern line of Lot 1A of Rang Chemin Kennebec of the cadastre of Canton de Jersey; the said extension in a southwesterly direction and its extension across a public road then the northwestern line of Lot 1C of the said range; the southern line of lots 2C, 3C, 4C, 5C and 6C of the said range then turning toward a southeasterly direction the southwestern line of lots 7C, 8C and 9C; the southeastern line of Lot 13 of Rang 7 then the southeastern line of Lot 13 of Rang 6; the eastern line of lots 15A to 16C of Rang 1; the southern line of Lot 16C of Rang 1 extended to the centre line of Rivière Chaudière; the centre line of Rivière Chaudière in a general northeasterly direction, to the extension of the centre line of Rivière Linière, the said extension, then the centre line of Rivière Linière in a general easterly direction to the extension of the southeastern line of Lot 650; the southeast side of lots 650, 649-14, 649-12, 649-11, 649-9, 649-7, 649-8, 1101, 649-6, 1098, 649-2 and 649-1, the northern line of lots 649-1, 649-2 and 651-8, the northeastern line of lots 658A-2, 658A-1, 1096, 738-2 and 738-1; part of the southeastern line of Lot 622-22, the southeastern line of Lot 622-2; the northeastern line of lots 622-2, 620-3, 619-8, 618-4, 617-5, 615-2, 614-1, 613-2, 611-2, 610-41-2, 610-41-1, 610-134, 1167, 1114, 1118, 929, 1117, 596-204, 595-68, 591-67, 589-18, 588-21, 583, 581, 969, 563, 562-10,

562-9, 562-4, 562-21, 560C-1, 560B-1, 947 and 938; the northwestern line of lots 938, 554A-1, part of the northwestern line of Lot 552-58; the western line of lots 551-76 and 549; the northwestern line of the centre line of Lot 549 corresponding to the line of lots 549-15, 549-11, 549-10, 549-9, 549-6, 549-17, 549-18, 549-22, 549-23-1, 549-23-1-9 to 549-23-1-11, 549-1-4, 549-23-1-5 and 549-24; the said line extended to a line equidistant from the northeastern shores of Île aux Chèvres (lots 886, 887 and 888) and northeast of Rivière Chaudière; the said equidistant line in a general northwesterly direction; the centre line of Rivière Chaudière in a general northwesterly direction skirting Île 884 to the northeast to the extension of the dividing line between Île 883 and Lot 530; the said extension then the said centre line to the extension of the northwestern line of Lot 530; the extension and the northwestern line of Lot 530; the eastern line of Lot 529; the northwestern line of Lot 856, the eastern line of lots 856 down to 847; part of the northwestern line of Lot 845D and the northwestern line of Lot 846 to the starting point, the said boundaries defining the territory of electoral district 6.

The number of electors in ward 6 is estimated at 2822.

Electoral district SEVEN (7) of Ville de Saint-Georges in the territory of Ville de Saint-Georges, in Municipalité régionale de comté de Beauce-Sartigan, comprising, in reference to the cadastres of Paroisse de Saint-Georges and Canton de Shenley, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the boundaries described hereafter: starting from the apex of the western angle of Lot 872 of the cadastre of Paroisse de Saint-Georges; thence, successively, the following lines and demarcations: starting from the eastern apex of Lot 448; thence, successively, the following lines and demarcations: the northeastern line of lots 448 and 477 extended across Route 271, the northeastern line of Lot 478 extended across Route Saint-Henri, the northeastern line of Lot 525; the dividing line between the cadastres of the parishes of Saint-Georges and Saint-François in a northeasterly direction and its extension to the centre line of Rivière Chaudière; the said centre line in a general southerly direction skirting to the northeast islands 884, 886, 887 and 888 to the extension of a line equidistant to the shores of Île Pozer (lots 892 and 893) and southwest of Rivière Chaudière, the said extension and the said equidistant line in a general westerly direction to the extension of the line of lots 64 and 65; the said extension in a southwesterly direction of the line of the original lots 61, 61A and 64 toward the southeast, that line coinciding with the northwestern line of lots 65-120, 65-92, 65-110, 65-109, 65-108, 65-107; the southern line of lots 65-107, 65-94, 65-93, 65-61, 65-61-1, 1385-6, 65-123, 65-115, 65-114 and 65-73; the northwestern line of lots 65-75, 65-122, 65-7, 65-8 and 65-9; the northern line of lots 65-9, 65-10 and 65-11; the northwestern line of Lot 65-11; the southwestern line of lots 65-11, 66-17, 66-17-1, 67-207-1, 67-207, 68-132, 69-189-3, 72-157-7, 75-2-2, 75-16, 75-117-1, 89-88-6, 89-89-1, 92-102-1, 92-101-5 and 92-106-1; the northwestern line of lots 928 and 337-1; the southwestern line of lots 337-1, 3336-1, 335-1, 334-1, 333-1, 332-1; the southeastern line of Lot 332-1, the southwestern line of lots 111, 112-1, 112, 115 and 1314; the southeastern line of lots 1314, 117-6, 117-5, 117-4, 117-3, 117-2, 117-1, 1365-1, 117-7, 117-12, 117-13, 117-16, 117-20 and 117-21 extended to the centre line of Rivière Chaudière; the said centre line in a general southwesterly direction then in a general southerly direction to the extension of the dividing line between lots 25A and 25C of Rang 1 of the cadastre of Canton de Shenley; the said extension in a westerly direction; then the said line crossing longitudinally Route Veilleux to the dividing line between ranges 1 and 2; the said line in a northerly direction to the dividing line between the cadastres of Canton de Shenley and Paroisse de Saint-Georges; the said line in a northeasterly direction to its intersection with the western line of Lot 170, the western line of lots 170, 169, 167, 165, 163, 161, 159, 157, 991, 155 and 989, a line crossing Chemin Saint-Jean to the northwest side of the said route to its intersection with the northeastern line of Lot 141; the northeastern line of Lot 141; the southeastern line of Lot 137; the southwestern line of lots 137, 136 and part of Lot 127B, that is, to the northwestern line of Lot 243; the southeastern line of Lot 324; the southwestern line of lots 324 to 336 and part of the line of Lot 337; the southeastern line of lots 395, 396 and 397 to the starting point, the said boundaries defining the territory of electoral district 7.

The number of electors in ward 7 is estimated at 1714.

Electoral district EIGHT (8) of Ville de Saint-Georges in the territory of Ville de Saint-Georges, in Municipalité régionale de comté de Beauce-Sartigan, comprising, in reference to the cadastres of Paroisse de Saint-Georges and Canton de Shenley, the lots or parts of lots and their present and future subdivisions, as well as the roads, routes, streets, railway rights-of-way, islands, lakes, watercourses or parts thereof, the whole within the boundaries described hereafter: starting from the apex of the western angle of Lot 872 of the cadastre of Paroisse de Saint-Georges; thence, successively, the following lines and demarcations: starting from the eastern apex of Lot 448; thence, the following lines and demarcations: the southeastern line of lots 397, 396 and 395; the northeastern line of lots 323, 244, 245 and 246; the southeastern line of Lot 324; part of the northeastern line of Lot 243; the northwestern line of Lot 141; the

northeastern line of Lot 141; a line crossing diagonally Route Saint-Jean-de-la-Lande to the apex of the western angle of Lot 989; the southwestern line of Lot 989; the western line of lots 989, 155, 991, 157, 159, 161, 163, 165, 167, 169 and 170; the dividing line between the cadastres of Paroisse de Saint-Georges and the cadastre of Canton de Shenley in a southerly direction to its intersection with the eastern line of Rang 2 of the cadastre of Canton de Shenley; the eastern line of Rang 2 in a southerly direction; the southern line of Lot 15A of Rang 2 and its extension to the centre line of Chemin du deuxième rang; the said centre line in a southerly direction to the extension of the southern line of Lot 15A of Rang 3, the said extension in a westerly direction then the said line to the dividing line between ranges 3 and 4, the said range line in a southerly direction to the southern line of Lot 15A of Rang 4; the said line in a westerly direction and its extension to the dividing line between ranges 4 and 5 south; the said range line in a northerly direction to the extension of the southern line of Lot 30B of Rang 5 Sud, the said extension in a westerly direction then the said line toward Rang 5 Sud; the said extension in a westerly direction then the said line; the western line of lots 30B to 36 of Rang 5 Sud then the western line of lots 37, 38 and 39 of Rang 5 Gore; the northern line in an easterly direction of Lot 39 to its intersection with the western line of Lot 19A of Rang 5 Nord; the western line of lots 19A to 20 of Rang 5 Nord; the northern line of Lot 20 of Rang 5 Nord extended across Chemin du quatrième rang, that is, the southwest side of Lot 209 of the cadastre of Paroisse de Saint-Georges; the said southwest side in a northwesterly direction; the northwestern line of lots 209 to 220 and part of the northwestern line of Lot 221; the southwestern line of Lot 264 and its extension across Chemin Rang Ste-Evelyne then the southwestern line of Lot 299; the northwestern line of lots 299 to 311, part of the northwestern line of Lot 312 to the starting point, the said boundaries defining the territory of electoral district 8.

The number of electors in ward 8 is estimated at 568.

The whole as shown on the attached plan bearing number 8851 of my minutes.

Done and prepared at Ville de Saint-Georges, August 1, 2001, under number 8851 of my minutes.

(s) RICHARD POULIN, *a.-g.*
BOLDUC, POULIN ET ASSOCIÉS,
Land surveyors

File 2008
Minute 8895

4561

Gouvernement du Québec

O.C. 1049-2001, 12 September 2001

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

Rectification of the territorial boundaries of Municipalité de L'Isle-Verte and Paroisse de Saint-Éloi and validation of acts performed by Paroisse de Saint-Éloi

WHEREAS certain sections of the territorial boundaries of Municipalité de L'Isle-Verte and Paroisse de Saint-Éloi are imprecise;

WHEREAS the Ministère de Ressources naturelles has ascertained imprecisions in the description of the territorial boundaries of Municipalité de L'Isle-Verte and Paroisse de Saint-Éloi;

WHEREAS Paroisse de Saint-Éloi has always acted as if the imprecisely described parts of adjacent territory were subject to its jurisdiction;

WHEREAS the Minister of Municipal Affairs and Greater Montréal has, in accordance with section 179 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), transmitted to both municipalities a notice containing the proposed rectification and validation of the acts that the Minister intends to submit to the Government;

WHEREAS both municipalities have notified the Minister of Municipal Affairs and Greater Montréal of their approval of the proposal;

WHEREAS the Government may, pursuant to sections 178 and 192 of the Act respecting municipal territorial organization, rectify the territorial boundaries of the municipalities in order to have them clearly indicated and validate the acts performed without right by a municipality in respect of a territory not subject to its jurisdiction;

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

THAT the territorial boundaries of Municipalité de L'Isle-Verte and Paroisse de Saint-Éloi be rectified and the acts performed by Paroisse de Saint-Éloi be validated in accordance with the following:

1. The description of the territorial boundaries of Paroisse de Saint-Éloi includes the territory described by the Minister of Natural Resources on 13 April 2000. The description of the territory appears as Schedule A;

2. The description of the territorial boundaries of Municipalité de L'Isle-Verte excludes the territory described in Schedule A;

3. No allegation of illegality may be raised against acts performed by Paroisse de Saint-Éloi on the ground that the municipality had no jurisdiction over the territory described in Schedule A;

4. The rectification is effective from 27 October 1951;

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

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

SCHEDULE A

OFFICIAL DESCRIPTION PREPARED FOR THE PURPOSE OF RECTIFYING A SECTION OF THE TERRITORIAL BOUNDARIES OF MUNICIPALITÉ DE L'ISLE-VERTE, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE RIVIÈRE-DU-LOUP, AND PAROISSE DE SAINT-ÉLOI, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DES BASQUES

A territory within the boundaries of both Municipalité de L'Isle-Verte, in Municipalité régionale de comté de Rivière-du-Loup, and Paroisse de Saint-Éloi, in Municipalité régionale de comté des Basques, comprising, in reference to the cadastre of Paroisse de Saint-Jean-Baptiste-de-l'Île-Verte, the lots or parts of lots as well as their present and future subdivisions, the whole within the two perimeters hereinafter described, namely:

First perimeter

Starting from the apex of the northern angle of Lot 10; thence, successively, the following lines and demarcations: southeasterly, the northeast line of Lot 10; in a general southwesterly direction, the broken line bounding on the southeast lots 10, 11, 14, 16, 18, 19, 20, 21, 23, 27, 30, 32 and 34; northwesterly, the southwest line of Lot 34; northeasterly, the northwest line of lots 34 and 32; northwesterly, part of the southwest line of Lot 30 to the apex of its western angle; in a general northeasterly direction, successively, the broken line bounding on the northwest lots 30, 27, 23, 21, 20, 19, 18, 16 and 14, then the extension of the northwest line of Lot 14 in Lot 11 to the southwest line of Lot 10; northwesterly, part of the southwest line of Lot 10 to the apex of its western angle; finally, northeasterly, the northwest line of Lot 10 to the starting point.

Second perimeter

Starting from the apex of the northern angle of Lot 387; thence, successively, the following lines and demarcations: southeasterly, the northeast line of the said lot; southwesterly, part of the southeast line of the said lot to the apex of the northern angle of Lot 736; southeasterly, the northeast line of the said lot; southwesterly, the southeast line of lots 736, 735, 734 and 733; northwesterly, the southwest line of Lot 733; southwesterly, part of the southeast line of Lot 490 to the apex of its southern angle; northwesterly, the southwest line of the said lot; finally, northeasterly, the northwest line of lots 490, 489, 488 and 487 to the starting point.

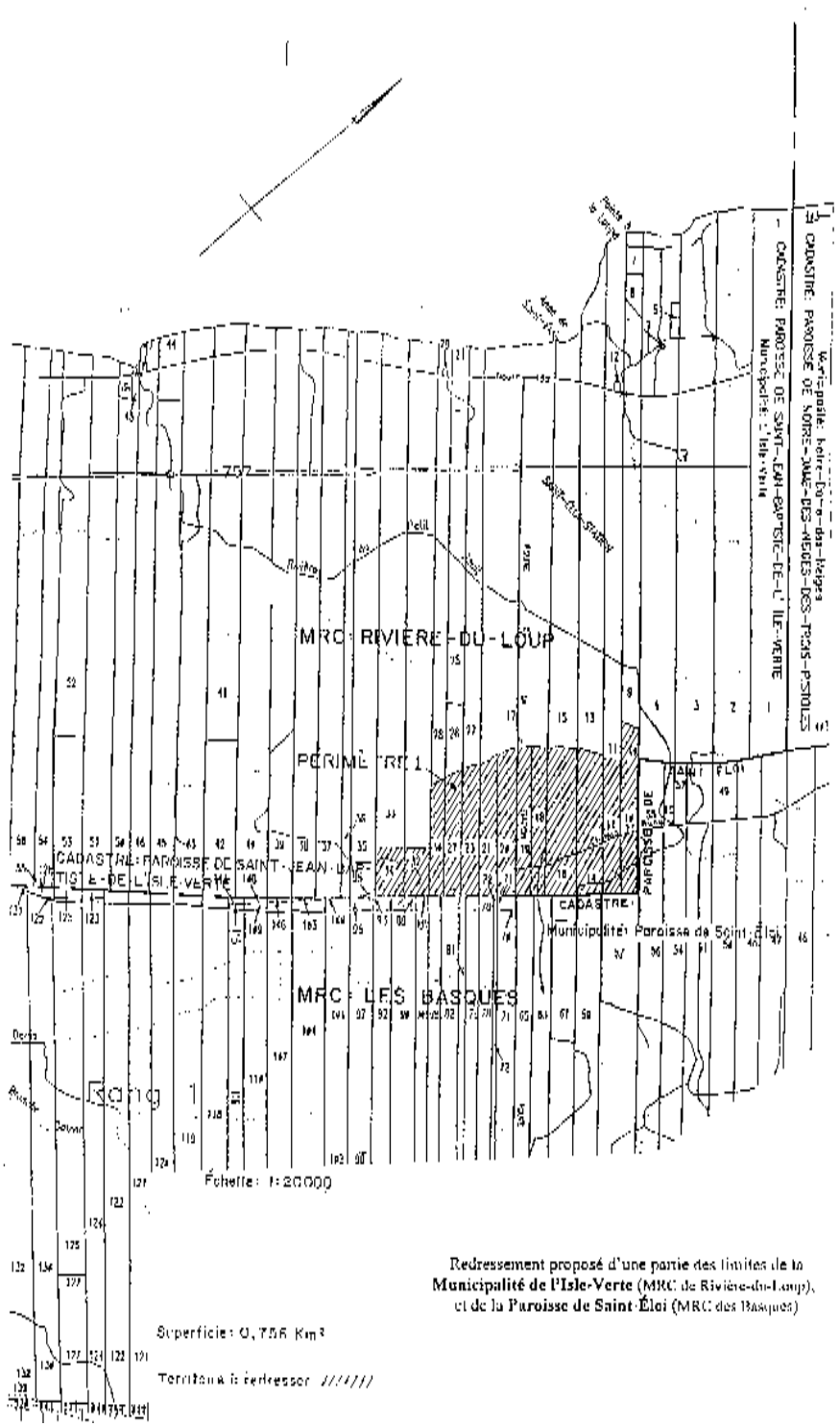
Ministère des Ressources naturelles
Directions de l'information foncière sur le territoire public
Division de l'arpentage foncier

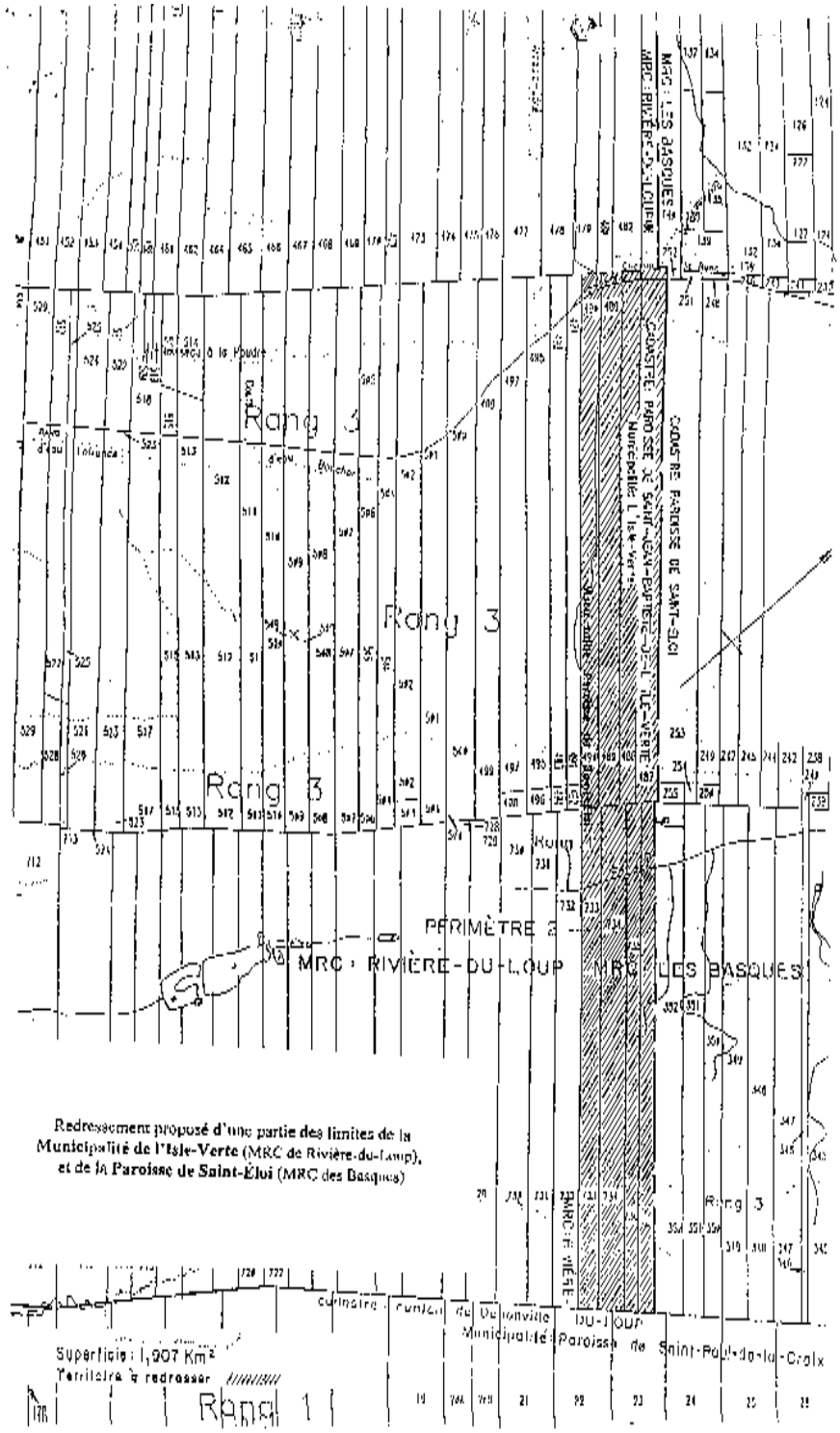
Charlesbourg, 13 April 2000

Prepared by: JEAN-FRANÇOIS BOUCHER,
Land surveyor

JFB/JPL/mt

L-358/2
E-23/4


MRC RIVIÈRE-DU-LOUP
PERIMÈTRE 1
MRC LES BASQUES
CADASTRE: PAROISSE DE SAINT-JEAN-BAPTISTE-DE-L'ISLE-VERTE
CADASTRE: PAROISSE DE NOTRE-DAME-DES-ANGES-DES-TROIS-PISTOLES
Municipalité: Paroisse de Saint-Éloi
Échelle: 1:20000
Redressement proposé d'une partie des limites de la Municipalité de l'Isle-Verte (MRC de Rivière-du-Loup), et de la Paroisse de Saint-Éloi (MRC des Basques)
Superficie: 0,756 Km²
Territoire à redresser ////////


Rang 3
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PÉRIMÈTRE
MRC : RIVIÈRE-DU-LOUP
MRC : LES BASQUES
COMTÉ PAROISSE DE SAINT-ÉLOI
Municipalité L'Isle-Verte
Redressement proposé d'une partie des limites de la Municipalité de l'Isle-Verte (MRC de Rivière-du-Loup), et de la Paroisse de Saint-Éloi (MRC des Basques)
Superficie : 1,907 Km²
Territoire à redresser
Municipalité Paroisse de Saint-Paul-de-la-Croix

Index Statutory Instruments

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