

**Laws and Regulations**

Volume 136

**Summary**

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## PROVINCE OF QUÉBEC

1st SESSION

37th LEGISLATURE

QUÉBEC, 21 MAY 2004

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### OFFICE OF THE LIEUTENANT-GOVERNOR

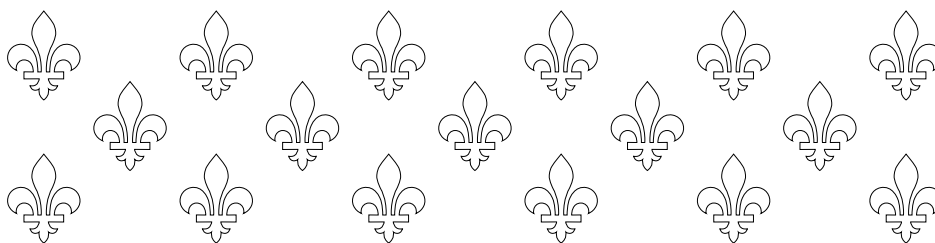
*Québec, 21 May 2004*

This day, at forty minutes past nine o'clock in the morning, Her Excellency the Lieutenant-Governor was pleased to sanction the following bill:

51      Appropriation Act No. 2, 2004-2005

To this bill the Royal assent was affixed by Her Excellency the Lieutenant-Governor.





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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-SEVENTH LEGISLATURE

Bill 51

(2004, chapter 7)

**Appropriation Act No. 2, 2004-2005**

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**Introduced 19 May 2004**

**Passage in principle 19 May 2004**

**Passage 19 May 2004**

**Assented to 21 May 2004**

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**Québec Official Publisher  
2004**

## EXPLANATORY NOTES

*This bill authorizes the Government to pay out of the consolidated revenue fund, for the 2004-2005 fiscal year, a sum not exceeding \$27,698,825,325.00, including \$428,500,000.00 for the payment of expenditures chargeable to the 2005-2006 fiscal year, representing the estimates in respect of each of the programs in the portfolios listed in Schedules 1 and 2 less the appropriations already authorized.*

*Moreover, the bill indicates which programs are covered by a net voted appropriation and specifies the amount of appropriations not entirely expended that may be carried over to 2005-2006. Finally, it establishes to what extent the Conseil du trésor may authorize the transfer of appropriations between programs or portfolios.*



## Bill 51

### APPROPRIATION ACT NO. 2, 2004-2005

#### THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The Government may draw out of the consolidated revenue fund a sum not exceeding \$27,698,825,325.00 to defray a part of the Expenditure Budget of Québec tabled in the National Assembly for the 2004-2005 fiscal year, for which provision has not otherwise been made, including an amount of \$428,500,000.00 for the payment of expenditures chargeable to the 2005-2006 fiscal year, being the amount of the estimates for each of the programs listed in Schedules 1 and 2, less the amounts of estimates voted pursuant to the Appropriation Act No. 1, 2004-2005 (\$10,595,983,175.00).

**2.** The balance of any appropriation allocated for the 2004-2005 fiscal year that is not entirely used may, subject to the conditions stipulated in the Expenditure Budget, be carried over in 2005-2006, up to the equivalent of \$130,518,200.00. Moreover, the Conseil du trésor may authorize the carry-over of an additional \$117,230,800.00 subject to the conditions and procedures stipulated in the Expenditure Budget.

**3.** In the case of programs in respect of which a net voted appropriation appears in the Expenditure Budget, the amount of the appropriation pertaining to the programs concerned may be increased, subject to the stipulated conditions, when the revenues associated with this net voted appropriation exceed revenue forecasts.

**4.** In the case of programs in respect of which a provision has been made to this effect, the Conseil du trésor may authorize the transfer of a portion of an appropriation between programs or portfolios, for the reasons and, if need be, under the conditions described in the Expenditure Budget.

**5.** Except for the programs covered by section 4, the Conseil du trésor may authorize the transfer of a portion of an appropriation between programs in a given portfolio, provided that such a transfer does not increase or reduce by more than 10% the amount of the appropriation authorized by statute.

**6.** This Act comes into force on 21 May 2004.

## SCHEDULE 1

## AFFAIRES MUNICIPALES, SPORT ET LOISIR

## PROGRAM 1

Greater Montréal Promotion and Development	30,992,600.00
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## PROGRAM 2

Upgrading Infrastructure and Urban Renewal	283,228,400.00
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## PROGRAM 3

Compensation in lieu of Taxes and Financial Assistance to Municipalities	198,024,500.00
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## PROGRAM 4

General Administration	42,165,450.00
------------------------	---------------

## PROGRAM 5

Development of Sport and Recreation	33,348,300.00
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## PROGRAM 6

Commission municipale du Québec	2,344,875.00
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## PROGRAM 7

Housing	242,941,650.00
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## PROGRAM 8

Régie du logement	10,974,075.00
	<hr/> 844,019,850.00

## AGRICULTURE, PÊCHERIES ET ALIMENTATION

## PROGRAM 1

Bio-food Company Development, Training and Food Quality	255,167,850.00
--	----------------

## PROGRAM 2

Government Agencies	123,767,500.00
	<hr/>
	378,935,350.00

## CONSEIL DU TRÉSOR ET ADMINISTRATION GOUVERNEMENTALE

## PROGRAM 1

Secretariat of the Conseil du trésor	96,152,175.00
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## PROGRAM 2

e-Government	25,755,300.00
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## PROGRAM 3

Commission de la fonction publique	2,480,325.00
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## PROGRAM 4

Retirement and Insurance Plans	3,291,525.00
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## PROGRAM 5

Contingency Fund	373,919,775.00
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	501,599,100.00
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## CONSEIL EXÉCUTIF

## PROGRAM 1

Lieutenant-Governor's Office	643,125.00
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## PROGRAM 2

Support Services for the Prime Minister and the Conseil exécutif	51,348,300.00
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## PROGRAM 3

Canadian Intergovernmental Affairs	9,620,025.00
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## PROGRAM 4

Native Affairs	117,750,150.00
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## PROGRAM 5

Youth	15,666,900.00
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## PROGRAM 6

Reform of Democratic Institutions	956,850.00
	<hr/>
	195,985,350.00

## CULTURE ET COMMUNICATIONS

## PROGRAM 1

Internal Management, National Institutions and Commission des biens culturels	58,731,375.00
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## PROGRAM 2

Support for Culture, Communications and Government Corporations	313,455,425.00
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## PROGRAM 3

Charter of the French Language	16,555,575.00
	<hr/>
	388,742,375.00

## DÉVELOPPEMENT ÉCONOMIQUE ET RÉGIONAL ET RECHERCHE

## PROGRAM 1

Department Administration	39,951,150.00
---------------------------	---------------

## PROGRAM 2

Regional and Economic Development	354,181,575.00
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## PROGRAM 3

Research, Science and Technology	180,182,400.00
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## PROGRAM 4

Promotion and Development of Tourism	88,804,950.00
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	<u>663,120,075.00</u>
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## ÉDUCATION

## PROGRAM 1

Administration and Consulting	108,230,250.00
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## PROGRAM 2

Tourism and Hotel Industry Training	12,801,900.00
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## PROGRAM 3

Financial Assistance for Education	292,153,575.00
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## PROGRAM 4

Pre-school, Primary and Secondary Education	5,295,669,750.00
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## PROGRAM 5

Higher Education	2,734,889,475.00
	<hr/>
	8,443,744,950.00



## EMPLOI, SOLIDARITÉ SOCIALE ET FAMILLE

## PROGRAM 1

Employment Assistance Measures	677,500,800.00
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## PROGRAM 2

Financial Assistance Measures	1,766,816,900.00
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## PROGRAM 3

Management Support	149,610,000.00
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## PROGRAM 4

Assistance Measures for Families and Children	1,087,567,100.00
	<hr/>
	3,681,494,800.00

## ENVIRONNEMENT

## PROGRAM 1

Environmental Protection	125,007,450.00
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## PROGRAM 2

Bureau d'audiences publiques sur l'environnement	3,919,950.00
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	128,927,400.00
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## FINANCES

## PROGRAM 1

Department Administration	47,580,150.00
---------------------------	---------------

## PROGRAM 2

Budget and Taxation Policy, Economic Analysis and Administration of Government Financial and Accounting Activities	111,315,750.00
	<hr/>
	158,895,900.00

## JUSTICE

## PROGRAM 1

Judicial Activity	18,953,400.00
-------------------	---------------

## PROGRAM 2

Administration of Justice	238,392,225.00
---------------------------	----------------

## PROGRAM 3

Administrative Justice	8,290,950.00
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## PROGRAM 4

Assistance to Persons Brought before the Courts	88,913,550.00
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	<u>354,550,125.00</u>
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## PERSONS APPOINTED BY THE NATIONAL ASSEMBLY

## PROGRAM 1

The Public Protector	6,271,575.00
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## PROGRAM 2

The Auditor General	14,334,825.00
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## PROGRAM 4

The Lobbyists Commissioner	1,858,125.00
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	22,464,525.00
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## RELATIONS AVEC LES CITOYENS ET IMMIGRATION

## PROGRAM 1

Citizen Relations and Management of Identity	14,159,400.00
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## PROGRAM 2

Immigration, Integration and Regionalization	67,750,575.00
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## PROGRAM 3

Advisory and Protection Organizations Reporting to the Minister	19,171,875.00
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## PROGRAM 4

Public Curator	30,645,225.00
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## PROGRAM 5

Status of Women	5,222,175.00
	<hr/>
	136,949,250.00

## RELATIONS INTERNATIONALES

## PROGRAM 1

International Affairs	73,935,675.00
	<hr/>
	73,935,675.00

## RESSOURCES NATURELLES, FAUNE ET PARCS

## PROGRAM 1

Management of Natural Resources and Wildlife	267,762,925.00
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## PROGRAM 2

Promotion and Development of Québec's Capital	34,827,300.00
	<hr/>
	302,590,225.00



## REVENU

## PROGRAM 1

Tax Administration	314,250,450.00
	<u>314,250,450.00</u>

## SANTÉ ET SERVICES SOCIAUX

## PROGRAM 1

National Operations	209,279,550.00
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## PROGRAM 2

Regional Operations	8,656,041,675.00
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## PROGRAM 3

Office des personnes handicapées du Québec	35,578,800.00
	<hr/>
	8,900,900,025.00

## SÉCURITÉ PUBLIQUE

## PROGRAM 1

Security, Prevention and Internal Management	307,927,575.00
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## PROGRAM 2

Sûreté du Québec	222,975,150.00
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## PROGRAM 3

Organizations Reporting to the Minister	21,487,650.00
	<u>552,390,375.00</u>

## TRANSPORTS

## PROGRAM 1

Transportation Infrastructures	847,135,950.00
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## PROGRAM 2

Transportation Systems	262,294,575.00
------------------------	----------------

## PROGRAM 3

Administration and Corporate Services	70,367,325.00
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	1,179,797,850.00
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## TRAVAIL

## PROGRAM 1

Labour

47,031,675.00

47,031,675.00

27,270,325,325.00

## SCHEDULE 2

## EMPLOI, SOLIDARITÉ SOCIALE ET FAMILLE

## PROGRAM 2

Financial Assistance Measures	279,000,000.00
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## PROGRAM 4

Assistance Measures for Families and Children	140,000,000.00
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	419,000,000.00
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## TRAVAIL

## PROGRAM 1

Labour

9,500,000.009,500,000.00428,500,000.00





## Regulations and other acts

Gouvernement du Québec

**O.C. 471-2004**, 19 May 2004

Education Act  
(R.S.Q., c. I-13.3)

### **School board**

#### **— Norms, conditions and procedure for disposing of an immovable**

Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board

WHEREAS, under section 452 of the Education Act (R.S.Q., c. I-13.3), the Government may, by regulation, determine the norms, conditions and procedure for disposing of an immovable of a school board or of the Comité de gestion de la taxe scolaire de l'Île de Montréal and prescribe the cases in which and the conditions under which the disposal is to take place for a nominal price fixed by the Minister and require the authorization of the Minister at various stages and the authorization given may be subject to certain conditions;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 30 December 2003 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS a comment was received after that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### **Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board**

Education Act  
(R.S.Q., c. I-13.3, s. 452, 1st par., subpar. 2 and 2nd par.)

### **CHAPTER I**

#### **DEFINITIONS AND SCOPE**

**1.** For the purposes of this Regulation,

(1) “value” means the standardized assessment of an immovable obtained by multiplying the values entered on the assessment roll of a municipality for the immovable by the comparative factor established for the roll under section 264 of the Act respecting municipal taxation (R.S.Q., c. F-2.1);

(2) “school board” means a school board and the Comité de gestion de la taxe scolaire de l'Île de Montréal.

**2.** This Regulation does not apply to a servitude granted by a school board where the consideration does not exceed \$20,000.

### **CHAPTER II**

#### **DISPOSAL OF AN IMMOVABLE HAVING A VALUE EXCEEDING \$100,000**

### **DIVISION I**

#### **AUTHORIZATION OF THE MINISTER**

**3.** A school board must obtain authorization from the Minister of Education to dispose of an immovable having a value exceeding \$100,000.

### **DIVISION II**

#### **DISPOSAL BY PUBLIC TENDER**

**4.** The disposal of an immovable of a school board having a value exceeding \$100,000 must be made through a public call for tenders. Notwithstanding the foregoing, if the immovable is enclosed, it may be disposed of through a written invitation to tender to the owners of adjacent immovables or, if only one owner is concerned, by agreement.

**5.** A public call for tenders shall be published in French

(1) in a daily newspaper of Québec City or Montréal and in a regional weekly newspaper circulated in the region where the immovable is located; or

(2) through an electronic tendering system.

The period for receiving tenders may not be less than 4 weeks.

The date, time and place fixed for submitting and opening tenders shall be indicated in the public call for tenders. The opening of tenders shall be public.

The tender documents shall state that the school board is not bound to accept any tender.

The disposal following a public call for tenders shall be made in favour of the tenderer who presented the highest conforming tender.

**6.** A school board may not dispose of an immovable for less than its value. Notwithstanding the foregoing, where all the bids received are below the value of the immovable,

(1) the Minister may authorize the school board to dispose of the immovable to the highest bidder; or

(2) the school board may, if it does not ask for the authorization referred to in subparagraph 1, entrust the sale of the immovable to a real estate broker.

Where all the bids received by the real estate broker are below the value of the immovable, the Minister may authorize the school board to dispose of the immovable to the highest bidder.

### **DIVISION III**

#### **DISPOSAL BY AGREEMENT TO CERTAIN BODIES**

**7.** Despite section 4, the Minister may authorize a school board to dispose of an immovable by agreement, at a nominal price fixed by the Minister, to

(1) a school board whose territory includes all or part of its own territory or is adjacent to it;

(2) a general and vocational college;

(3) a university;

(4) a private educational institution accredited for purposes of subsidies in accordance with the Act respecting private education (R.S.Q., c. E-9.1);

(5) a public institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Corporation d'hébergement du Québec;

(6) the Société d'habitation du Québec or Immobilière SHQ;

(7) the Société immobilière du Québec;

(8) a local municipality within the meaning of the Act respecting municipal territorial organization (R.S.Q., c. O-9), a regional county municipality or a metropolitan community, within whose territory the immovable is located;

(9) a housing cooperative for it to acquire and use the immovable for purposes of social housing;

(10) a body or institution that is a registered charity for the purposes of the Taxation Act (R.S.Q., c. I-3) or a non-profit organization whose purposes are cultural, scientific, recreational, charitable or social, so that those purposes may be pursued; or

(11) a childcare centre, a day care centre, a kindergarten or a stop over centre, within the meaning of the Act respecting childcare centres and childcare services (R.S.Q., c. C-8.2), so that the centre or kindergarten may be set up in the immovable.

Notwithstanding the foregoing, such an authorization is conditional on the insertion in the contract of sale of a right of first refusal clause in favour of the school board, under which the body shall, if it wishes to dispose of the immovable, first offer it to the school board at the price it initially paid.

### **DIVISION IV**

#### **DISPOSAL FOR NON-MONETARY CONSIDERATION**

**8.** Despite sections 4 and 7, the Minister may authorize the disposal of an immovable by agreement to a person offering a non-monetary consideration of a value not less than the value of the immovable.

### CHAPTER III FINAL

**9.** This Regulation replaces the Regulation respecting the norms, conditions and procedure for disposing of an immovable of a school board made by Order in Council 37-90 dated 17 January 1990.

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

6323

### M.O., 2004

#### **Order of the Minister of Municipal Affairs, Sports and Recreation regarding the establishment of management indicators that relate to the administration of certain municipal bodies dated 21 May 2004**

An Act respecting the Ministère des Affaires municipales, du Sport et du Loisir  
(R.S.Q., c. M-22.1)

WHEREAS, under section 17.6.1 of the Act respecting the Ministère des Affaires municipales, du Sport et du Loisir (R.S.Q., c. M-22.1), amended by section 208 of Chapter 19 of the Statutes of 2003, the Minister of Municipal Affairs, Sports and Recreation may, after consultation with the bodies representing municipalities including the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM), establish management indicators that relate to the administration of municipal bodies and prescribe the conditions and procedures for the implementation of the indicators in municipal bodies;

WHEREAS, under that section, the Minister may also

— classify municipal bodies into categories and establish management indicators or conditions and procedures of implementation that may vary according to the categories of municipal bodies;

— prescribe the manner in which municipal bodies are to provide citizens with the information determined by the Minister regarding the results measured using the management indicators;

— exempt any municipal body from the application of management indicators for any period the Minister determines;

WHEREAS the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales (FQM) have been consulted;

WHEREAS it is expedient, following the consultation, to establish a certain number of management indicators that relate to the administration of a category of municipal bodies;

WHEREAS section 12 of the Regulations Act (R.S.Q., c. R-18.1) provides that a proposed regulation may be made without having been published in the *Gazette officielle du Québec* if the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS section 18 of the Regulations Act provides that a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS the Minister's decision to establish management indicators that relate to the administration of municipal bodies and prescribe the conditions and procedures for the implementation of the indicators in municipal bodies must be implemented as soon as possible since the first fiscal year agreed on for the application of the new measures is the fiscal year 2003;

WHEREAS the procedure and the normal periods of time provided for in sections 11 and 17 of the Regulations Act with regard to the publication of a draft regulation and the date of coming into force 15 days following its publication in the *Gazette officielle du Québec* could, if they are respected, cause the process of implementing the management indicators to be initiated too late;

WHEREAS it is the Minister's opinion that the circumstances bring about an urgency that justifies the making of this Order without the Order having been the subject of the publication of a draft regulation and that justifies the coming into force of the regulation on the date of its publication in the *Gazette officielle du Québec*;

THEREFORE, the Minister orders that:

1. The management indicators that appear in the Schedule to this Order are established.
2. The category of municipal bodies referred to in this Order is the category consisting of local municipalities.
3. Every local municipality must, in respect of each fiscal year, measure the performance of each activity of its administration as determined in the Schedule by calculating, using the formula prescribed therein, the value of each indicator relating to the activity.

The first fiscal year in respect of which the indicators are applied is the fiscal year 2003.

4. Every local municipality must, before 30 September of the fiscal year following the fiscal year in respect of which the management indicators are applied, forward to the Minister of Municipal Affairs, Sports and Recreation a document including at least the results measured at the end of the fiscal year concerned.

5. The document referred to in section 4 must be submitted, at the latest on 31 December of the fiscal year following the fiscal year in respect of which the management indicators are applied, at a regular sitting of the council.

The first fiscal year in which the document referred to in the first paragraph must be submitted is the fiscal year 2005, and the document must include the results measured for the fiscal year 2004.

6. The municipality may inform the citizens as to the content of the document referred to in section 5, other than by the submission of the document to the council, by publishing it in a newspaper circulated in its territory or in a municipal bulletin referred to in section 346.1 of the Cities and Towns Act (R.S.Q., c. C-19) or in article 437.1 of the Municipal Code of Québec (R.S.Q., c. C-27.1), by posting it on the municipality's website or by any other mode the municipality chooses.

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

Québec, 21 May 2004

JEAN-MARC FOURNIER,  
*Minister of Municipal Affairs,  
Sports and Recreation*

## SCHEDULE MANAGEMENT INDICATORS

Functional Area and Municipal Service	Indicator	Definition	Formula
Road transportation Municipal roads	State of deterioration	Cost of street infrastructures per kilometre of road right-of-way	$\frac{\text{Amortized cost of the street infrastructures}}{\text{Number of kilometres of road right-of-way}}$
	Cost of deterioration	Percentage of cost of municipal roadwork in relation to the amortized cost of the street infrastructures	$\frac{\text{Cost of municipal roadwork} \times 100}{\text{Amortized cost of the street infrastructures}}$
	Cost per kilometre of road right-of-way	Cost of municipal roadwork per kilometre of road right-of-way	$\frac{\text{Cost of municipal roadwork}}{\text{Number of kilometres of road right-of-way}}$
Road transportation Snow removal	Cost per kilometre of road right-of-way	Cost of snow removal per kilometre of road right-of-way	$\frac{\text{Cost of snow removal}}{\text{Number of kilometres of road right-of-way cleared}}$
	Cost per kilometre of road right-of-way per centimetre of precipitation	Cost of snow removal in relation to the number of kilometres of road right-of-way cleared per centimetre of precipitation	$\frac{\text{Cost of snow removal}}{\text{Number of kilometres road right-of-way cleared} \times \text{Number of centimetres of precipitation}}$

Functional Area and Municipal Service	Indicator	Definition	Formula
Environmental health  Water supply, treatment and distribution system	Compliance with provincial standards	Number of times tests have shown non-compliance with provincial standards	Number of boil water advisories issued: a) for the entire territory served by the water distribution system  b) for part of the territory served
	Breaks per kilometre of pipe	Number of breaks in the waterworks per kilometre of water pipe	$\frac{\text{Number of breaks in the waterworks}}{\text{Number of kilometres of water pipe}}$
	Cost of water distribution per kilometre of pipe	Cost of drinking water distribution in relation to the number of kilometres of water pipes owned by the municipal body	$\frac{\text{Cost of drinking water distribution}}{\text{Number of kilometres of water pipe}}$
	Cost of treatment and supply per cubic metre	Cost assumed by the municipal body for treating one cubic metre of water and for water supply	$\frac{\text{Cost of drinking water supply and treatment + services provided}}{\text{Number of cubic metres of water flowing through the system}}$
	Cost of distribution per cubic metre	Cost assumed by the municipal body for the distribution of one cubic metre of drinking water	$\frac{\text{Cost of drinking water distribution}}{\text{Number of cubic metres of water flowing through the system}}$
Environmental health  Wastewater treatment and sewer systems	Cost of treatment per cubic metre	Cost price for treating one cubic metre of waste water	$\frac{\text{Cost of wastewater treatment + services provided}}{\text{Number of cubic metres of waste water treated}}$
	Cost of the system per kilometre	Cost of maintaining the sewer system per kilometre of sewer	$\frac{\text{Cost of sewer systems}}{\text{Number of kilometres of sewage pipes}}$
Overall financial health	Taxation percentage	Percentage of the municipality's total revenues derived from taxes	$\frac{\text{Tax revenue} \times 100}{\text{Total revenue}}$
	Cost of municipal services per \$100 of evaluation	Cost of services provided to citizens in relation to standardized property value	$\frac{\text{Cost of municipal services} \times 100}{\text{Standardized property value}}$
	Percentage of debt service	Percentage of financing costs and long-term debt repayment in relation to operating costs and the amount of long-term debt repayment	$\frac{\text{Financing costs plus long-term debt repayment} \times 100}{\text{Operating costs plus long-term debt repayment}}$
	Annual cost of the debt expressed as a percentage	Percentage of financing costs in relation to average debt	$\frac{\text{Financing costs} \times 100}{\text{Total average debt}}$
	Percentage of indebtedness	Percentage of long-term net indebtedness in relation to the value of fixed assets and of properties to be resold	$\frac{\text{Long-term indebtedness} \times 100}{\text{Value of fixed assets and of properties to be resold}}$
	Indebtedness of the aggregate of taxpayers per \$100 of evaluation	Percentage of net indebtedness of the aggregate of taxpayers in relation to standardized property value	$\frac{\text{Net indebtedness of the aggregate of taxpayers} \times 100}{\text{Standardized property value}}$
	Collective wealth per \$100 of evaluation	Taxpayers' assets in relation to standardized property value	$\frac{\text{Taxpayers assets} \times 100}{\text{Standardized property value}}$



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## Draft Regulations

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### Draft Rules

An Act respecting municipal courts  
(R.S.Q., c. C-72.01)

Courts of Justice Act  
(R.S.Q., c. T-16)

Criminal Code  
(R.S.C., 1985, c. C-46)

### Rules of the municipal courts

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Rules of the municipal courts, the text of which appears below, may be submitted to the Government for approval on the expiry of 45 days following this publication and, if so approved, will come into force on the date of publication in the *Gazette officielle du Québec* or on a later date to be fixed.

The draft Rules were adopted by a majority of the municipal judges, on april 16 2004, in agreement with the Associate Chief Judge of the Court of Québec responsible for municipal courts. The draft Rules provide for uniform rules of practice applicable to all municipal courts in matters necessary for the exercise of their jurisdiction.

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 office of the Associate Chief Judge of the Court of Québec responsible for municipal courts, Palais de justice, 300, boulevard Jean-Lesage, bureau 5.01, Québec (Québec) G1K 8K6. Further information may be obtained by contacting M<sup>e</sup> Julie Bussi res ; telephone : (418) 649-3628 ; fax : (418) 650-7994.

GILLES CHAREST,  
*Associate Chief Judge of the Court of Québec  
responsible for municipal courts*

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### Rules of the municipal courts

An Act respecting municipal courts  
(R.S.Q., c. C-72.01, s. 56.2)

Courts of Justice Act  
(R.S.Q., c. T-16, s. 98, 3rd par., subpar. 2)

Criminal Code  
(R.S.C., 1985, c. C-46, s. 482(2))

### CHAPTER I PROVISIONS APPLICABLE TO ALL MATTERS

#### DIVISION 1 DEFINITIONS

**1.** Unless the context indicates otherwise,

(a) “case” means any stage of a criminal, penal or civil proceeding and a motion or application ;

(b) “court” means a municipal court of Québec ;

(c) “clerk” means a clerk, deputy clerk or replacement clerk ;

(d) “judge” means a municipal court judge ;

(e) “president judge” means, in a court where judges exercise their functions exclusively and on a full-time basis, a judge appointed by the Government to preside over a court and includes the associate president judge where that judge replaces the president judge ;

(f) “judge responsible for the court” means, in a court composed of more than one judge, a judge designated by the Government as the judge responsible for the court ;

(g) “parties” means the Queen, the prosecuting party, the prosecution, the defendant, the intervener, the impleaded party or the opposing party.



## **DIVISION II**

### **TIME LIMITS AND POWERS EXERCISED PURSUANT TO THESE RULES**

**2. Time limits or requirements.** A president judge, a judge responsible for the court or a judge may, for serious reasons, shorten a time limit or grant an exemption from a requirement under these Rules.

**3. Powers.** Unless he or she is absent or unable to act, the powers assigned to a president judge or a judge responsible for the court under these Rules shall not be exercised by a judge of his or her court.

## **DIVISION III**

### **ACCESS TO RECORDS**

**4. Office of the court.** The office of the court shall be open on juridical days from Monday to Friday, between 8:30 a.m. and 4:30 p.m.

**5. Consultation of a record.** A record or exhibit may be filed only in the presence of the clerk or a person designated by the clerk.

**6. Copies of documents.** A person may obtain a copy of documents or exhibits filed in the court record on payment of the required fees.

**7. Removal of a record.** A record may be removed from the office of the court only at the request or with the authorization of the judge or the clerk.

**8. Removal of an exhibit.** After the expiry of the time limit for appeal from the final judgment or the sentence, a party may, upon giving a receipt therefor, remove an exhibit filed by the party, unless the exhibit has been seized.

## **DIVISION IV**

### **COURTROOMS**

**9. Courtrooms.** The president judge or the judge responsible for the court shall determine the use and purposes of courtrooms.

**10. Judges.** The president judge or the judge responsible for the court shall designate the judges who are to preside in the courtrooms of the court.

**11. Assignment of cases.** The president judge or the judge responsible for the court shall assign the cases to the judges assigned to the court.

## **DIVISION V**

### **WRITTEN MOTIONS AND APPLICATIONS**

**12. Reference to relevant provisions.** Every motion or application shall indicate the title and the reference to the regulatory or statutory provision on which it is based.

**13. Filing at the office of the court.** Every motion or application shall be filed at the office of the court at least three clear juridical days before the date of presentation.

## **DIVISION VI**

### **ROLLS OF THE COURT**

**14. Preparation.** The roll of the court shall be prepared by the clerk under the authority of the president judge, the judge responsible for the court or the judge.

**15. Contents of the roll.** The roll shall contain the name of the judge presiding over the hearing, the name of the clerk, the record numbers, the names of the parties and, where applicable, the name of the attorney, the nature of the offence, motion or application, the date and time of the sitting and the courtroom number.

**16. Roll of the court.** Before the hearing, a copy of the roll shall be delivered to the judge and a sufficient number of copies made available to the parties.

**17. Posting of the roll.** The clerk shall see to the posting of the roll at the entrance to the courtroom or at any other location designated by the president judge, the judge responsible for the court or the judge.

## **DIVISION VII**

### **COURT SITTINGS**

**18. Fixing of the dates of sittings.** The sittings of the court shall be fixed by the president judge, the judge responsible for the court or the judge.

**19. Time of sittings.** The sittings of the court shall commence at 9:30 a.m., 2:00 p.m., 6:00 p.m. or at any other time fixed by the president judge, the judge responsible for the court or the judge.

**20. Minutes of the hearing.** The clerk shall draw up the minutes of the hearing which shall include the names of the parties, their attorneys and witnesses, the exhibits and documents filed during the hearing, the amendments and admissions, the nature of the objections, the decisions rendered and any other particular the judge may require.



**21. Classification of exhibits.** At the hearing, the clerk shall classify the exhibits by letter, in numerical order.

#### **DIVISION VIII** **ORDER, DRESS CODE AND DECORUM**

**22. Persons present.** All persons present at the hearing shall rise when the judge enters the courtroom and remain standing until the judge is seated. At a recess or adjournment, they shall rise again and remain standing until the judge has retired.

**23. Opening of the session.** At the opening of the session, or at an adjournment or recess, the clerk or the person acting as usher shall say aloud: "Silence. All rise please."

At the opening of the session, the clerk shall add: "The Municipal Court of ... is now in session, the Honourable ... presiding."

Once the judge is seated, the clerk or the person acting as usher shall invite those present also to be seated.

The clerk shall announce any recess or resumption.

When the judge leaves the bench, the clerk or the person acting as usher shall invite those present to rise and no one shall leave until the judge has retired.

**24. Calling of the roll.** The clerk shall call the roll in the presence of the judge.

**25. Addressing the judge.** Every person addressing the judge or a witness shall, except with leave of the judge, rise and remain standing.

**26. Decorum.** No conduct or demeanour which interferes with the dignity and good order of the court is permitted. During the hearing, no person shall engage in conversation with another person, address the clerk or consult a record, except with leave of the judge.

**27. Good order at hearings.** During hearings, no person shall read newspapers, take photographs, film, make audio or video recordings, make radio broadcastings, use pagers or cellular telephones in a resonant mode, drink, eat or chew gum.

The media are authorized to record the proceedings and the decision on audiotape, unless the judge decides otherwise; no broadcasting of any such recording is, however, permitted.

**28. Dress in court.** Every person appearing before the court shall be suitably attired.

**29. Dress code for attorneys.** Unless otherwise ordered by the judge, no attorney shall address the court unless dressed as follows:

(a) male attorneys and articulated students shall wear conservative trousers, jacket, shirt and tie or a black robe;

(b) female attorneys and articulated students shall wear a conservative skirt or trousers with a blouse and jacket or a dress, or a black robe.

#### **DIVISION IX** **ADJOURNMENTS**

**30. Adjournment.** Where a party foresees being unable to proceed on the date set for the trial or hearing, the party shall immediately notify in writing the other parties or their attorney and the judge presiding the hearing, indicating the reason, and request an adjournment, unless exempted from doing so by the judge.

**31. Annulment of the summoning of witnesses.** Only a party or a witness concerned may, by motion to the judge, request the annulment of the summoning of a witness in a case on the roll for hearing or trial.

**32. Recording in the minutes of the hearing.** Where a motion for adjournment is granted, the reasons for the adjournment shall be recorded in the minutes of the hearing.

#### **DIVISION X** **ORAL OR WRITTEN ARGUMENTS**

**33. Copy of jurisprudence or doctrine.** A party relying on jurisprudence or doctrine shall provide a copy to the judge and the parties, indicate the relevant pages and highlight the extracts cited.

**34. Copies of statutory or regulatory provisions.** A party relying on statutory or regulatory provisions other than those set out in the Constitution Act, 1982, (R.S.C. 1985, App. II, No. 44), the Criminal Code, the Canada Evidence Act (R.S.C. 1970, c. E-10), the Controlled Drugs and Substances Act (S.C. 1996, c. 19), the Charter of human rights and freedoms (R.S.Q., c. C-12), the Code of Penal Procedure (R.S.Q., c. C-25.1), the Highway Safety Code (R.S.Q., c. C-24.2), the Civil Code of Québec or the Code of Civil Procedure, shall provide a copy to the judge and the parties.

## CHAPTER II SPECIFIC RULES FOR EACH MATTER

### DIVISION I CRIMINAL AND PENAL MATTERS

#### *§1. Motions and applications*

**35. Form.** Except on an order of the judge or unless otherwise provided by law, all motions and applications presented to a judge pursuant to the Criminal Code, the Code of Penal Procedure or these Rules shall be presented orally and without notice.

**36. Written motion or application.** All written motions and applications shall set out the facts and grounds supporting them; they shall be accompanied by an affidavit and notice.

**37. Period of service.** Unless the judge decides otherwise, a written motion or application shall be served on the opposing party or that party's attorney with notice of at least 3 clear juridical days.

**38. Service on an attorney.** Service on an attorney shall be effected, in the case of the prosecution, at the office of the attorney of the municipality concerned, and in the case of the defendant's attorney, at the attorney's elected domicile.

#### *§2. Conduct of the proceedings*

**39. Representation before the court.** The attorney of record may be represented by an associate or another attorney mandated for that purpose.

**40. Absence at the calling of the roll.** An attorney who knows that his or her client will not be present in the courtroom when the client's name is called must nonetheless be present before the court.

**41. Withdrawal after appearance.** An attorney who has appeared for a defendant may not withdraw from the record except with leave of the judge on presentation of a motion to withdraw served on the defendant and the opposing party, unless the attorney is exempted from such service by the judge seized of the motion.

**42. Content of the notice of hearing.** The notice of hearing given to the defendant in penal matters shall contain the provisions of articles 62 and 63 of the Code of Penal Procedure.

**43. Place of the defendant.** The defendant shall remain in the assigned place or beside his or her attorney throughout the trial, except with leave of the judge. The defendant shall rise and remain standing during the reading of the information laid and the pronouncement of the judgment or the sentence, except with leave of the judge.

### DIVISION II CIVIL MATTERS

#### *§1. Written proceedings and exhibits*

**44. Written proceedings.** All written proceedings shall be legibly written on one side of a good quality sheet of paper measuring 21.5 x 35.5 cm; the nature and object of the proceeding, the amount in dispute, the record number, the names of the parties and the name, address, postal code, telephone number, fax number and computer code of the attorney of the party filing the proceeding shall be indicated on the backing.

If a party is not represented by an attorney, the attorney's computer code and fax number are not required.

**45. Signing of proceedings.** A proceeding filed by a party shall be signed by the party's attorney. If the party is not represented by an attorney, the proceeding shall be signed by the party.

**46. List of exhibits.** Where a list of exhibits is submitted, the list shall enumerate and identify the exhibits to which it refers.

**47. Numbering by the clerk.** The clerk shall number a proceeding or exhibit on receiving it.

**48. Numbering of exhibits.** Each exhibit shall bear a number preceded by an identifying letter attributed to each party and which shall be used until the end of the proof. There shall be only one series of numbers per party.

**49. Designation of the parties.** The parties shall, in all proceedings, retain the same order and designation as in the proceeding introductive of suit.

**50. Medical record and expert's report.** A medical record or an expert's report prepared by a physician, a psychologist or a social worker that is filed in the record shall be kept in a sealed envelope and no person, except the parties or their attorneys, shall have access without authorization from a judge who shall fix the conditions. Access to such documents entitles the parties or attorneys to make copies, at their own expense.

## §2. *Motions*

**51. Service by fax.** Proof of service by fax shall be stapled to the back of the original of the document served.

**52. Motion for particulars.** Each paragraph of a motion for particulars shall bear the same number as the paragraph of the proceeding to which it refers.

**53. Amendments.** Should a proceeding be amended, the additions or replacements shall be underlined or indicated in the margin by a vertical line and deletions shall be indicated by means of a dotted line in parentheses.

**54. Particulars.** Where particulars to a proceeding have been ordered, a new proceeding incorporating the particulars as provided in the preceding section shall be filed in the record within the allotted time.

## §3. *Judgments*

**55. Sending of the record for advisement.** Before sending the record to the judge for advisement, the clerk shall ensure that it is complete. If the record is incomplete, the clerk shall so notify the attorneys so that they may take the necessary steps to complete it.

**56. Taking of a case under advisement.** No case shall be taken under advisement until the record has been completed, unless the judge decides otherwise.

## CHAPTER III FINAL

**57. Coming into force.** These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.



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

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