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2

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## Laws and Regulations

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### Summary

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## Regulations and other acts

Gouvernement du Québec

### **O.C. 1098-2004**, 29 November 2004

Environment Quality Act  
(R.S.Q., c. Q-2)

#### **Agricultural operations — Amendments**

Regulation to amend the Agricultural Operations Regulation

WHEREAS, under subparagraphs *a*, *c*, *d* to *h*, *j*, *k* and *m* of the first paragraph of section 31, subparagraphs 1 to 5 of the first paragraph of section 53.50, paragraphs 1, 2, 3, 5 and 8 of section 70, and sections 109.1 and 124.1 of the Environment Quality Act (R.S.Q., c. Q-2), the Government made the Agricultural Operations Regulation by Order in Council 695-2002 dated 12 June 2002;

WHEREAS the Regulation provided for certain prohibitions concerning the implementation or expansion of swine raising sites until 15 December 2003 or 15 June 2004, as the case may be;

WHEREAS, under subparagraphs *c* and *d* of the first paragraph of section 31 of the Environment Quality Act, the Government made the Regulation to amend the Agricultural Operations Regulation by Order in Council 1197-2003 dated 19 November 2003;

WHEREAS that Regulation provided for the maintenance of prohibitions concerning the implementation or expansion of swine raising sites until 15 June 2004 or 15 December 2004, as the case may be;

WHEREAS the total cultivated area of a drainage basin is an important element to be taken into consideration in the problem of eutrophication of bodies of water;

WHEREAS deforestation to create new areas for crop cultivation has been a simple solution used by existing swine production operations to balance their phosphorus report;

WHEREAS it is again expedient to temporarily maintain certain prohibitions in respect of swine production operations in order to prevent further deterioration of the quality of watercourses in the drainage basins in Québec;

WHEREAS the areas under cultivation in the degraded drainage basins are already too expansive;

WHEREAS, in those basins, it is also expedient to prevent any increase in the areas used for crop cultivation in the territories of municipalities situated in whole or in part in the basins;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be made without having been published as provided in section 8 of that Act and in section 124 of the Environment Quality Act where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of the Regulation Act, a regulation may come into force between the date of its publication in the *Gazette officielle du Québec* and the fifteenth day following that publication where the authority making it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— it is necessary, as soon as possible, to maintain certain prohibitions concerning the implementation or expansion of swine raising sites which are to end on 15 December 2004;

— it is necessary to stop, as soon as possible, any increase in the areas used for crop cultivation in the territories of municipalities situated in whole or in part in the degraded drainage basins in Québec;

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

THAT the Regulation to amend the Agricultural Operations Regulation, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Agricultural Operations Regulation\*

Environment Quality Act  
(R.S.Q., c. Q-2, s. 31, 1st par., subpars. c, d and e  
and s. 109.1)

**1.** The Agricultural Operations Regulation is amended in section 44 by replacing “Any” in the part preceding paragraph 1 of the second paragraph by “Except for an offence against the provisions of section 50.2, any”.

**2.** The Regulation is amended by replacing “zones” in the title of Division I of Chapter VI by “territories”.

**3.** Section 45 is amended by deleting the definition of “limited activity zone”.

**4.** Section 46 is replaced by the following:

“**46.** Despite sections 19 and 20, in the territory of a municipality listed in Schedule II,

(1) no new raising site for swine is permitted;

(2) in a raising site existing on 15 June 2002, an increase in the number of sows or of more than 250 hogs, in relation to operating rights, is prohibited unless all the swine waste from the raising site undergoes full treatment and the treatment product is used elsewhere than in an agricultural operation situated in the territory of a municipality listed in Schedule II or Schedule III; and

(3) in a raising site existing on 15 June 2002, an increase of 250 hogs or less, in relation to operating rights, is prohibited unless

(a) all swine waste from the raising site undergoes full treatment and the treatment product is used elsewhere than in an agricultural operation situated in the territory of a municipality listed in Schedule II or Schedule III; or

(b) all swine waste from the raising site is spread on cultivated parcels owned or leased by the operator or for which the operator holds a written spreading agreement; in the latter case, the parcels must not be situated more than 20 km from the raising site.

The increase contemplated by subparagraph *b* of subparagraph 3 of the first paragraph is authorized only once in the period from 15 June 2002 to 15 December 2005 and only for one of the raising sites belonging to the same operator.”.

**5.** Section 47 is replaced by the following:

“**47.** Despite sections 19 and 20, in the territory of a municipality listed in Schedule III,

(1) a new raising site for swine is authorized only if all swine waste from the raising site undergoes full treatment and the treatment product is used elsewhere than in an agricultural operation situated in the territory of a municipality listed in Schedule II or Schedule III or the waste is spread on cultivated parcels owned by the operator of the raising site; and

(2) in a raising site existing on 15 June 2002, an increase in the number of sows or of more than 250 hogs, in relation to operating rights, is authorized only if the phosphorus load corresponding to the increase undergoes full treatment and the treatment product is used elsewhere than in an agricultural operation situated in the territory of a municipality listed in Schedule II or Schedule III or the waste is spread on cultivated parcels owned by the operator of the raising site.

**47.1.** Despite sections 19 and 20, a new raising site for swine is authorized in the territory of a municipality other than a municipality listed in Schedule II or III only if all swine waste from the raising site undergoes full treatment and the treatment product is used elsewhere than in an agricultural operation situated in the territory of a municipality listed in Schedule II or Schedule III or the waste is spread on cultivated parcels at least 50% of which are owned by the operator of the raising site.”.

**6.** Section 48 is revoked.

**7.** The following is inserted after section 50:

“**50.1.** For the purposes of sections 50.2 and 50.3, the area used for crop cultivation excludes all tree-covered spaces.

For the purposes of those sections, the area of a site used for crop cultivation during the 2004 growing season may include, if applicable, the area of any other lot or part of a lot that has been cultivated at least once in the preceding fourteen growing seasons.

\* The Agricultural Operations Regulation made by Order in Council 695-2002 dated 12 June 2002, was last amended by the regulation made by Order in Council 1197-2003 dated 19 November 2003 (2003, *G.O.* 2, 3393). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

**50.2.** Every person who, on 16 December 2004, is the owner of a raising site or spreading site situated in the territory of a municipality listed in Schedule II or Schedule III and is required under the second paragraph of section 22 to have an agro-environmental fertilization plan established must have the area of the site used for crop cultivation during the 2004 growing season determined by the agrologist retained by the person to implement the plan for the 2005 growing season, and must file with the Minister of the Environment a written declaration to that effect. The declaration must be signed by the agrologist and a copy attached to the plan.

Every other person who, on 16 December 2004, is the owner of a raising site or spreading site situated in the territory of a municipality listed in Schedule II or Schedule III, or the person's mandatory, must also declare in writing to the Minister the area of the site used for crop cultivation during the 2004 growing season.

The declaration of the area of a site used for crop cultivation during the 2004 growing season must be received by the Minister of the Environment on or before 31 March 2005, on the form provided by the Minister. The owner of the raising site or spreading site must attach, where applicable, in support of the declaration, a copy certified true by the Minister of Agriculture, Fisheries and Food of the part pertaining to the cultivated areas of every registration slip for the agricultural operation filed with that Minister for the 1990-2004 growing seasons.

Even where a person who is the owner of a raising site or spreading site on 16 December 2004 transfers the site before 1 April 2005, the person is still required to file the declaration with the Minister of the Environment within the time prescribed in the third paragraph.

The persons referred to in the first, second or fourth paragraph must retain a copy of the declaration for at least two years after transfer of the site and in the case of a transfer, provide a copy to the transferee.

This section applies only in respect of a site having an area used for crop cultivation during the 2004 growing season that exceeds one hectare.

**50.3.** No person may cultivate crops in the territory of a municipality listed in Schedule II or Schedule III.

However, crop cultivation in that territory is authorized if

(1) the person is the owner of a raising site or spreading site existing on 16 December 2004 and cultivates crops on the site only over an area that does not exceed the area of the site used for crop cultivation during the 2004 growing season; or

(2) the person is the owner of land having an area used for crop cultivation that does not exceed one hectare.

A person referred to in subparagraph 1 of the second paragraph must have in his or her possession a copy of the declaration filed in accordance with section 50.2 which the person must retain for at least two years after transfer of the operation and in the case of a transfer, provide a copy to the transferee.”.

**8.** Section 56 is amended by replacing the second and third paragraphs by the following:

“Sections 45 to 47.1 concerning limited activity territories and swine production cease to have effect on 15 December 2005.”.

**9.** Schedule II is replaced by Schedule II attached to this Regulation.

**10.** Schedule III attached to this Regulation is added after Schedule II.

**11.** This Regulation comes into force on 16 December 2004.

## SCHEDULE II

(ss. 46, 47, 47.1, 50.2 and 50.3)

### LIST OF MUNICIPALITIES

48028	Acton Vale	V
31056	Adstock	M
93042	Alma	V
55008	Ange-Gardien	M
19037	Armagh	M
27028	Beauceville	V
48005	Béthanie	M
42040	Bonsecours	M
46090	Brigham	M
46070	Brome	VL
47005	Bromont	V
39030	Chesterville	M
44037	Coaticook	V
44071	Compton	M
41045	Cookshire	V
61013	Crabtree	M
40047	Danville	V
31020	Disraeli	P
44023	Dixville	M
33040	Dosquet	M
49058	Drummondville	V
46050	Dunham	V
46085	East Farnham	VL
44010	East Hereford	M
46112	Farnham	V

38047	Fortierville	M	26055	Saint-Bernard	M
26005	Frampton	M	54115	Saint-Bernard-de-Michaudville	M
47015	Granby	V	93030	Saint-Bruno	M
45043	Hatley	M	40025	Saint-Camille	CT
93025	Hébertville-Station	VL	55023	Saint-Césaire	V
19070	Honfleur	M	19097	Saint-Charles-de-Bellechasse	M
32058	Inverness	M	39060	Saint-Christophe-d'Arthabaska	P
14050	Kamouraska	M	54060	Saint-Dominique	M
31105	Kinnear's Mills	M	33017	Sainte-Agathe-de-Lotbinière	M
19090	La Durantaye	P	78032	Sainte-Agathe-des-Monts	V
29030	La Guadeloupe	VL	51055	Sainte-Angèle-de-Prémont	M
54035	La Présentation	P	42050	Sainte-Anne-de-la-Rochelle	M
46075	Lac-Brome	V	39150	Sainte-Anne-du-Sault	M
28053	Lac-Etchemin	M	56105	Sainte-Brigide-d'Iberville	M
30095	Lambton	M	47055	Sainte-Cécile-de-Milton	CT
32072	Laurierville	M	48020	Sainte-Christine	P
49025	L'Avenir	M	19055	Sainte-Claire	M
42045	Lawrenceville	VL	31060	Sainte-Clotilde-de-Beauce	M
33123	Leclercville	M	39117	Sainte-Clotilde-de-Horton	M
49020	Lefebvre	M	49100	Saint-Edmond-de-Grantham	P
60040	L'Épiphanie	P	33080	Saint-Édouard-de-Lotbinière	P
25213	Lévis	V	44055	Sainte-Edwidge-de-Clifton	CT
51015	Louiseville	V	39090	Sainte-Élisabeth-de-Warwick	P
32065	Lyster	M	38035	Sainte-Françoise	M
39165	Maddington	CT	14025	Sainte-Hélène	P
42065	Maricourt	M	54095	Sainte-Hélène-de-Bagot	M
44060	Martinville	M	26040	Sainte-Hénédine	P
42075	Melbourne	CT	63060	Sainte-Julienne	M
56097	Mont-Saint-Grégoire	M	26022	Saint-Elzéar	M
39045	Norbertville	VL	54025	Sainte-Madeleine	VL
32080	Notre-Dame-de-Lourdes	P	26035	Sainte-Marguerite	P
49080	Notre-Dame-du-Bon-Conseil	P	26030	Sainte-Marie	V
33085	Notre-Dame-du-Sacré-Coeur-d'Issoudun	P	38015	Sainte-Marie-de-Blandford	M
50113	Pierreville	M	63005	Sainte-Marie-Salomé	P
32045	Plessisville	P	61050	Sainte-Mélanie	M
32033	Princeville	V	29112	Saint-Éphrem-de-Beauce	M
42032	Racine	M	28030	Sainte-Rose-de-Watford	M
55037	Rougemont	M	46105	Sainte-Sabine	P
48015	Roxton	CT	39105	Sainte-Séraphine	P
48010	Roxton Falls	VL	75028	Sainte-Sophie	M
47047	Roxton Pond	M	38040	Sainte-Sophie-de-Lévrard	P
31130	Sacré-Coeur-de-Jésus	P	32023	Sainte-Sophie-d'Halifax	M
31095	Saint-Adrien-d'Irlande	M	63030	Saint-Esprit	M
33045	Saint-Agapit	M	49105	Saint-Eugène	M
39085	Saint-Albert	M	51040	Sainte-Ursule	P
14035	Saint-Alexandre-de-Kamouraska	M	62007	Saint-Félix-de-Valois	M
63025	Saint-Alexis	P	33052	Saint-Flavien	M
47010	Saint-Alphonse	P	31030	Saint-Fortunat	M
61040	Saint-Ambroise-de-Kildare	P	42020	Saint-François-Xavier-de-Brompton	P
14040	Saint-André	M	27065	Saint-Frédéric	P
19062	Saint-Anselme	M	52085	Saint-Gabriel-de-Brandon	P
33090	Saint-Apollinaire	M	40032	Saint-Georges-de-Windsor	M
51025	Saint-Barnabé	P	14045	Saint-Germain	P
54105	Saint-Barnabé-Sud	P	49048	Saint-Germain-de-Grantham	M
28025	Saint-Benjamin	M	19075	Saint-Gervais	M
29100	Saint-Benoît-Labre	P	33035	Saint-Gilles	P



[illegible]

46035	Bedford	V	61025	Joliette	V
57040	Beloeil	V	42070	Kingsbury	VL
52035	Berthierville	V	39097	Kingsey Falls	V
73015	Blainville	V	41027	La Patrie	M
21045	Boischatel	M	67015	La Prairie	V
45095	Bolton-Est	M	50085	La Visitation-de-Yamaska	M
46065	Bolton-Ouest	M	22040	Lac-Beauport	M
76043	Brownsburg-Chatham	V	22030	Lac-Delage	V
41070	Bury	M	62914	Lac-des-Dix-Milles	NO
59030	Calixa-Lavallée	P	30080	Lac-Drolet	M
67020	Candiac	V	76020	Lachute	V
57010	Carignan	V	21904	Lac-Jacques-Cartier	NO
57005	Chambly	V	62910	Lac-Legendre	NO
36005	Charette	M	30030	Lac-Mégantic	V
60005	Charlemagne	V	62902	Lac-Minaki	NO
41020	Chartierville	M	56023	Lacolle	M
67050	Châteauguay	V	16902	Lac-Pikauba	NO
21035	Château-Richer	V	29095	Lac-Poulin	VL
62047	Chertsey	M	78095	Lac-Supérieur	M
39035	Chester-Est	CT	21040	L'Ange-Gardien	P
42110	Cleveland	CT	52017	Lanoraie	M
59035	Contrecoeur	V	78015	Lantier	M
30090	Courcelles	P	94080	Larouche	M
46080	Cowansville	V	60028	L'Assomption	V
39155	Daveluyville	V	33060	Laurier-Station	VL
67025	Delson	V	52007	Lavaltrie	V
38070	Deschailions-sur-Saint-Laurent	M	38020	Lemieux	M
31015	Disraeli	V	60035	L'Épiphanie	V
78802	Doncaster	R	67055	Léry	V
41117	Dudswell	M	41085	Lingwick	CT
69075	Dundee	CT	58227	Longueuil	V
49015	Durham-Sud	M	33115	Lotbinière	M
41060	East Angus	V	45070	Magog	V
31122	East Broughton	M	52095	Mandeville	M
45093	Eastman	M	38028	Manseau	M
69050	Elgin	CT	55048	Marieville	V
62053	Entrelacs	M	30035	Marston	CT
69010	Franklin	M	64015	Mascouche	V
46010	Frelighsburg	M	53010	Massueville	VL
30025	Frontenac	M	57025	McMasterville	VL
92055	Girardville	M	67045	Mercier	V
69060	Godmanchester	CT	30040	Milan	M
76025	Gore	CT	76030	Mille-Isles	M
50065	Grand-Saint-Esprit	M	74005	Mirabel	V
76060	Grenville	M	78055	Montcalm	M
39010	Ham-Nord	CT	14005	Mont-Carmel	M
41075	Hampden	CT	57035	Mont-Saint-Hilaire	V
45055	Hatley	CT	77050	Morin-Heights	M
69005	Havelock	CT	30045	Nantes	M
93020	Hébertville	M	68030	Napierville	VL
68015	Hemmingford	CT	50072	Nicolet	V
56042	Henryville	M	92040	Normandin	V
69045	Hinchinbrooke	CT	45050	North Hatley	VL
69025	Howick	VL	19010	Notre-Dame-Auxiliatrice-de-Buckland	P
69055	Huntingdon	V	39015	Notre-Dame-de-Ham	M
31040	Irlande	M	62055	Notre-Dame-de-la-Merci	M

61045	Notre-Dame-de-Lourdes	P	67035	Saint-Constant	V
30010	Notre-Dame-des-Bois	M	52062	Saint-Cuthbert	M
29120	Notre-Dame-des-Pins	P	28040	Saint-Cyprien	P
61030	Notre-Dame-des-Prairies	M	68035	Saint-Cyprien-de-Napierville	P
46100	Notre-Dame-de-Stanbridge	P	49070	Saint-Cyrille-de-Wendover	M
49075	Notre-Dame-du-Bon-Conseil	VL	54017	Saint-Damase	M
12080	Notre-Dame-du-Portage	P	62075	Saint-Damien	P
56015	Noyan	M	19030	Saint-Damien-de-Buckland	P
45020	Ogden	M	53005	Saint-David	P
45115	Orford	CT	42025	Saint-Denis-de-Brompton	P
69037	Ormstown	M	57068	Saint-Denis-sur-Richelieu	M
57030	Otterburn Park	V	62060	Saint-Donat	M
38055	Parisville	P	77022	Sainte-Adèle	V
77030	Piedmont	M	55030	Sainte-Angèle-de-Monnoir	P
30020	Piopolis	M	56060	Sainte-Anne-de-Sabrevois	P
32040	Plessisville	V	77035	Sainte-Anne-des-Lacs	P
45030	Potton	CT	53065	Sainte-Anne-de-Sorel	P
75040	Prévost	V	73035	Sainte-Anne-des-Plaines	V
23027	Québec	V	28015	Sainte-Aurélie	M
62037	Rawdon	M	69065	Sainte-Barbe	P
60013	Repentigny	V	62020	Sainte-Béatrix	M
55057	Richelieu	V	22045	Sainte-Brigitte-de-Laval	M
42098	Richmond	V	49085	Sainte-Brigitte-des-Saults	P
77065	Saint-Adolphe-d'Howard	M	67030	Sainte-Catherine	V
40010	Saint-Adrien	M	45060	Sainte-Catherine-de-Hatley	M
53015	Saint-Aimé	P	38060	Sainte-Cécile-de-Lévrard	P
56055	Saint-Alexandre	M	30050	Sainte-Cécile-de-Whitton	M
63020	Saint-Alexis	VL	68020	Sainte-Clotilde-de-Châteauguay	P
51065	Saint-Alexis-des-Monts	P	33102	Sainte-Croix	M
27015	Saint-Alfred	M	92050	Saint-Edmond	M
62025	Saint-Alphonse-Rodriguez	M	68045	Saint-Édouard	P
59015	Saint-Amable	M	52030	Sainte-Élisabeth	P
76008	Saint-André-d'Argenteuil	M	62070	Sainte-Émélie-de-l'Énergie	M
69070	Saint-Anicet	P	50005	Sainte-Eulalie	M
33095	Saint-Antoine-de-Tilly	M	52040	Sainte-Geneviève-de-Berthier	P
57075	Saint-Antoine-sur-Richelieu	M	59010	Sainte-Julie	V
46017	Saint-Armand	M	28045	Sainte-Justine	M
30005	Saint-Augustin-de-Woburn	P	36010	Saint-Élie	P
57020	Saint-Basile-le-Grand	V	50095	Saint-Elphège	P
45080	Saint-Benoît-du-Lac	M	78020	Sainte-Lucie-des-Laurentides	M
68005	Saint-Bernard-de-Lacolle	P	62030	Sainte-Marcelline-de-Kildare	M
56065	Saint-Blaise-sur-Richelieu	M	77012	Sainte-Marguerite-Estérel	V
49125	Saint-Bonaventure	M	54030	Sainte-Marie-Madeleine	P
14010	Saint-Bruno-de-Kamouraska	M	70012	Sainte-Martine	M
63055	Saint-Calixte	M	50057	Sainte-Monique	M
28070	Saint-Camille-de-Lellis	P	50050	Sainte-Perpétue	P
50030	Saint-Célestin	VL	31050	Sainte-Praxède	P
61035	Saint-Charles-Borromée	M	28065	Sainte-Sabine	P
49065	Saint-Charles-de-Drummond	M	70030	Saint-Étienne-de-Beauharnois	M
57057	Saint-Charles-sur-Richelieu	M	45100	Saint-Étienne-de-Bolton	M
69017	Saint-Chrysostome	M	29025	Saint-Évariste-de-Forsyth	M
42100	Saint-Claude	M	53025	Sainte-Victoire-de-Sorel	P
52075	Saint-Cléophas-de-Brandon	M	78047	Saint-Faustin-Lac-Carré	M
75005	Saint-Colomban	P	91042	Saint-Félicien	V
62065	Saint-Côme	P	49005	Saint-Félix-de-Kingsey	M
29057	Saint-Côme-Linière	M	32013	Saint-Ferdinand	M

50128	Saint-François-du-Lac	M	29050	Saint-René	P
52080	Saint-Gabriel	V	53020	Saint-Robert	P
22025	Saint-Gabriel-de-Valcartier	M	30070	Saint-Robert-Bellarmin	M
14075	Saint-Gabriel-Lalemant	M	53040	Saint-Roch-de-Richelieu	M
93035	Saint-Gédéon	M	30100	Saint-Romain	M
29013	Saint-Gédéon-de-Beauce	M	39130	Saint-Samuel	P
29073	Saint-Georges	V	77045	Saint-Sauveur	V
56010	Saint-Georges-de-Clarenceville	M	30085	Saint-Sébastien	M
53085	Saint-Gérard-Majella	P	51030	Saint-Sévère	P
49113	Saint-Guillaume	M	39005	Saints-Martyrs-Canadiens	P
62912	Saint-Guillaume-Nord	NO	70040	Saint-Stanislas-de-Kostka	P
29020	Saint-Hilaire-de-Dorset	P	60020	Saint-Sulpice	P
75045	Saint-Hippolyte	P	29005	Saint-Théophile	M
67040	Saint-Isidore	P	61027	Saint-Thomas	M
41012	Saint-Isidore-de-Clifton	M	92045	Saint-Thomas-Didyme	M
63013	Saint-Jacques	M	70005	Saint-Urbain-Premier	M
31025	Saint-Jacques-le-Majeur-de-Wolfestown	P	56030	Saint-Valentin	P
68040	Saint-Jacques-le-Mineur	P	19117	Saint-Vallier	M
31100	Saint-Jean-de-Brébeuf	M	62080	Saint-Zénon	M
56083	Saint-Jean-sur-Richelieu	V	41080	Scotstown	V
31045	Saint-Joseph-de-Coleraine	M	22020	Shannon	M
40005	Saint-Joseph-de-Ham-Sud	P	43027	Sherbrooke	V
53050	Saint-Joseph-de-Sorel	V	53052	Sorel-Tracy	V
31035	Saint-Julien	P	46045	Stanbridge East	M
18005	Saint-Just-de-Bretenières	M	45008	Stanstead	V
50042	Saint-Léonard-d'Aston	M	22035	Stoneham-et-Tewkesbury	CU
39170	Saint-Louis-de-Blandford	P	30105	Stornoway	M
70035	Saint-Louis-de-Gonzague	P	45105	Stukely-Sud	VL
28060	Saint-Luc-de-Bellechasse	M	46058	Sutton	V
30072	Saint-Ludger	M	64008	Terrebonne	V
28075	Saint-Magloire	M	39025	Tingwick	P
49095	Saint-Majorique-de-Grantham	P	69030	Très-Saint-Sacrement	P
54125	Saint-Marcel-de-Richelieu	M	42078	Ulverton	M
57050	Saint-Marc-sur-Richelieu	M	42055	Valcourt	V
55065	Saint-Mathias-sur-Richelieu	M	78010	Val-David	VL
67005	Saint-Mathieu	M	78100	Val-des-Lacs	M
57045	Saint-Mathieu-de-Beloeil	M	78005	Val-Morin	M
36015	Saint-Mathieu-du-Parc	M	30015	Val-Racine	P
68050	Saint-Michel	P	59020	Varenes	V
62085	Saint-Michel-des-Saints	M	56005	Venise-en-Québec	M
53032	Saint-Ours	V	59025	Verchères	M
68025	Saint-Patrice-de-Sherrington	P	47025	Waterloo	V
56035	Saint-Paul-de-l'Île-aux-Noix	P	43005	Waterville	V
19005	Saint-Philémon	P	76035	Wentworth	CT
67010	Saint-Philippe	M	77060	Wentworth-Nord	M
49130	Saint-Pie-de-Guire	P	42088	Windsor	V
32050	Saint-Pierre-Baptiste	P	53072	Yamaska	M
46025	Saint-Pierre-de-Véronne-à-Pike-River	M			
38065	Saint-Pierre-les-Becquets	M	6625		
72043	Saint-Placide	M			
28020	Saint-Prosper	M			
68055	Saint-Rémi	V			
39020	Saint-Rémi-de-Tingwick	P			

Gouvernement du Québec

## O.C. 1122-2004, 2 December 2004

Food Products Act  
(R.S.Q., c. P-29)

### Food — Amendments

Regulation to amend the Regulation respecting food

WHEREAS, under paragraphs *c*, *f* and *g* of section 40 of the Food Products Act (R.S.Q., c. P-29), the Government may make regulations respecting the various matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting food, attached hereto, was published in Part 2 of the *Gazette officielle du Québec* of 14 July 2004 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments have been received in respect of the draft Regulation;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting food, without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Agriculture, Fisheries and Food:

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

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting food\*

Food Products Act  
(R.S.Q., c. P-29, s. 40, pars. *c*, *f* and *g*)

**1.** The Regulation respecting food is amended by inserting the following after section 1.3.1.12:

\* The Regulation respecting food (R.R.Q., 1981, c. P-29, r.1) was last amended by the regulation made by Order in Council 647-2001 dated 30 May 2001 (2001, *G.O.* 2, 2641). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

**“1.3.1.12.1.** A person applying for a dismembering plant permit in the “composting” category must be a poultry producer.”.

**2.** Section 1.3.4.1 is amended

(1) by replacing “8” in the introductory paragraph by “9”;

(2) by inserting the following after paragraph *h*:

“(i) dismembering plant permit, “composting” category.”.

**3.** The following is inserted after section 1.3.4.9:

**“1.3.4.9.1.** A permit of the dismembering plant “composting” category authorizes its holder, subject to section 7.4.9, to operate a dismembering plant for the purpose of composting poultry carcasses and eggs from the permit holder’s livestock exclusively, in a plant that conforms to section 7.2.11.1.”.

**4.** Section 1.3.6.3 is amended by inserting the following after paragraph *h*:

“(i) \$30 for a permit of the “composting” category.”.

**5.** Section 7.1.6 is amended by inserting the following after the first paragraph:

“Despite the first paragraph, an animal admitted, received or held in a dismembering plant in the “composting” category must be dead before it enters the composting facility.”.

**6.** Section 7.2.1 is amended by inserting the following after the second paragraph:

“A dismembering plant referred to in section 7.2.11.1 must be built on the site of the permit holder’s agricultural operation.”.

**7.** The following is inserted after section 7.2.11:

**“7.2.11.1.** A dismembering plant operated under a “composting” category permit must have a composting facility with

(a) an impervious concrete platform designed so that runoff from rain and snow flows outside the facility and the leachate resulting from the composting is retained inside the facility;

(b) a roof with cornices to prevent rain and snow from entering the facility;

(c) primary and secondary composting areas each having a maximum height of 1.8 metres; and

(d) a structure that prevents access to the facility by live animals.”.

**8.** Section 7.2.15 is amended by inserting “or “composting”” after ““rendering plant””.

**9.** Section 7.2.18 is amended by inserting the following after the second paragraph:

“This section does not apply to a dismembering plant referred to in section 7.2.11.1.”.

**10.** Section 7.2.21 is amended by inserting the following after the first paragraph:

“This section does not apply to a dismembering plant referred to in section 7.2.11.1.”.

**11.** Section 7.2.23 is amended by inserting the following after the second paragraph:

“This section does not apply to a dismembering plant referred to in section 7.2.11.1.”.

**12.** Section 7.4.3 is amended by inserting the following after the first paragraph:

“Despite the first paragraph, inedible meat held by the operator of a dismembering plant referred to in section 7.2.11.1 must enter the composting facility on the day of the animal’s death.”.

**13.** Section 7.4.4 is amended by inserting the following after the first paragraph:

“Despite the first paragraph, the operator of a dismembering plant referred to in section 7.2.11.1 who holds inedible meat and cannot treat it in accordance with section 7.4.3 must dispose of it by another authorized procedure.”.

**14.** Section 7.4.5 is amended by inserting “, “composting”” in the first paragraph after ““rendering plant””.

**15.** Section 7.4.9 is amended by inserting the following after subparagraph *l* of the first paragraph:

“(m) in the case of the dismembering plant operated under a “composting” category permit, sales, shipping and delivery operations in relation to inedible meat are prohibited.”.

**16.** Section 7.4.10 is amended by inserting the following after the fifth paragraph:

“In the case of a dismembering plant operated under a “composting” category permit, the operator must, for each day of operation, maintain a register indicating, for each primary composting area in operation, the name of the person in charge, the date on which carcasses enter the area and their number, approximate weight and species. The register must be kept for at least one year after the date of the last entry.”.

**17.** Section 7.4.15 is amended by inserting the following after the first paragraph:

“This section does not apply to a dismembering plant referred to in section 7.2.11.1.”.

**18.** The following is inserted after section 7.4.16:

**“7.4.16.1.** The operation of a composting facility by a dismembering plant referred to in section 7.2.11.1 and the use of the compost produced by the facility must comply with the Environment Quality Act and the regulations thereunder.”.

**19.** Schedule 1.3.A to the Regulation is amended in section 1 of item B entitled “Information about the category of permit applied for” by inserting “Composting” in the “Dismembering plant” category under “Special preparation”.

**20.** Schedule 1.3.B to the Regulation is amended in section 1 entitled “Dismembering plant” by inserting “Composting” under “Special preparation”.

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



Gouvernement du Québec

## O.C. 1129-2004, 8 December 2004

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

### Issuance and renewal of representatives' certificates — Amendments

Regulation to amend the Regulation respecting the issuance and renewal of representatives' certificates

WHEREAS, by resolution No. 99.07.08 dated 6 July 1999, the Bureau des services financiers made the Regulation respecting the issuance and renewal of representatives' certificates and the Regulation appeared on 19 July 1999 in Bulletin No. 3 published by the Bureau des services financiers;

WHEREAS the Regulation was not submitted to the Government for approval when made in 1999;

WHEREAS the Bureau des services financiers was replaced by the Agence nationale d'encadrement du secteur financier by chapter 45 of the Statutes of 2002;

WHEREAS, under section 200 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), the Agency may, for each discipline, determine by regulation the elements listed in paragraphs 1 to 9 of that section;

WHEREAS, under section 203 of the Act, the Agency may, for each sector, make regulations to determine the elements listed in paragraphs 1 to 6 of that section;

WHEREAS, under the first paragraph of section 217 of the Act, a regulation made pursuant to the Act respecting the distribution of financial products and services shall be submitted to the Government for approval with or without amendment;

WHEREAS it is expedient to amend the Regulation respecting the issuance and renewal of representatives' certificates;

WHEREAS, in accordance with paragraphs 7 and 9 of section 200 and paragraphs 1, 3, 5 and 6 of section 203 of the Act, the Agency made the Regulation to amend the Regulation respecting the issuance and renewal of representatives' certificates on 24 November 2004;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in the *Gazette officielle du Québec* of 13 October 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the issuance and renewal of representatives' certificates, the text of which is attached to this Order in Council, be approved with amendments.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting the issuance and renewal of representatives certificates\*

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2, s. 200, subpars. 7, 9, s. 203, subpars. 1, 3, 5, 6 and s. 217)

**1.** Section 118 of the Regulation respecting the issuance and renewal of representatives' certificates is amended by replacing the words "a candidate must have paid the fees prescribed in the Regulation respecting annual fees and other fees payable" with the words "the annual fees and other fees payable under the Regulation respecting annual fees and other fees payable must have been paid".

**2.** The Regulation is amended by inserting the following after 118:

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\* The Regulation respecting the issuance and renewal of representatives' certificates, which was adopted on July 6, 1999 by resolution 99.07.08 and published on July 19, 1999 in Bulletin no. 3 of the Bureau des services financiers (BSF), was amended by the Regulation adopted on October 6, 2000 by resolution 2000.10.09 and published in October 2000 in BSF Bulletin no. 8, the Regulation adopted on December 14, 2000 by resolution 2000.12.20 and published on February 5, 2001 in BSF Bulletin no. 11, the Regulations adopted on October 25, 2001 by resolutions 2001.10.18 and 2001.10.19 and published on November 7, 2001 in BSF Bulletin no. 19, the Regulation adopted on February 13, 2003 by resolution 2003.02.09 and published on March 6, 2003 in BSF Bulletin no. 32, and the Regulation adopted on October 9, 2003 by resolution 2003.10.17 and published on October 17, 2003 in BSF Bulletin no. 40.

**“118.0.1.** To obtain a securities representative’s certificate, the candidate must apply to the Agency in accordance with Regulation 31-102Q respecting the National Registration Database approved by Ministerial Order 2004-05 dated 2 December 2004 and Regulation 33-109Q respecting registration information approved by Ministerial Order 2004-06 dated 2 December 2004.”.

**3.** Section 122 of the Regulation is amended by:

(1) inserting after the words “initial certificate” the words “to act in the sector of insurance of persons, group insurance of persons, damage insurance, claims adjustment or financial planning, or any classes thereof,”;

(2) adding the following paragraph at the end:

“For the issue of the initial certificate to act in the sector of group savings plan brokerage, investment contract brokerage or scholarship plan brokerage, the period of validity extends to the following December 31 and may be less than six months.”.

**4.** Section 123 of the Regulation is amended by:

(1) inserting after the words “expiry date” the words “of a certificate, to act in the sector of insurance of persons, group insurance of persons, damage insurance, claims adjustment or financial planning, or any classes thereof,”;

(2) adding the following paragraph at the end:

“The expiry date of a certificate to act in the sector of group savings plan brokerage, investment contract brokerage or scholarship plan brokerage is established as December 31.”.

**5.** Section 125 of the Regulation is amended:

(1) by replacing the words “the Bureau” with the words “the Agency”;

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

“Notwithstanding the first paragraph, the securities representative must give his notice in accordance with Regulation 31-102Q respecting the National Registration Database and Regulation 33-109Q respecting registration information according to the time periods stipulated therein.”.

**6.** Section 126 of the Regulation is replaced with the following:

**“126.** A representative’s certificate is renewed upon the expiry thereof where the following conditions are met:

(1) the fees prescribed in the Regulation respecting annual fees and other fees payable are paid;

(2) the holder complies with the conditions prescribed in section 94;

(3) in the case of a securities representative, the firm for which he is acting has complied with the provisions of Regulation 31-102Q respecting the National Registration Database and Regulation 33-109Q respecting registration information;

(4) in the case in which he intends to act on behalf of a firm without being an employee thereof, the holder has forwarded a copy of the insurance contract to the Agency demonstrating that he is covered by professional liability insurance in accordance with the requirements set out in Division VI of the Regulation respecting the pursuit of activities as a representative approved by Order in Council 830-99 dated July 7, 1999;

(5) in the case of a certificate to act in the sector of insurance of persons, group insurance of persons, damage insurance, claims adjustment and financial planning, the holder forwards to the Agency the documents and information stipulated in sections 96 and 97;

(6) the holder is not in default of complying with the rules relating to the compulsory professional development prescribed in the by-laws of the *Chambre de la sécurité financière*, the *Chambre de l’assurance de dommages* or the *Institut québécois de planification financière* that apply to the sector or sector class contemplated by his certificate;”.

**7.** Sections 2, 4, 6, 8, 10 to 12, 14, 15, 17 to 19, 20.2, 21 to 39, 39.3 to 40, 42, 45 to 47, 49 to 49.4, 51, 52, 54, 56, 58, 63, 65, 67 to 74, 77, 83, 84, 94 to 94.2, 96, 98, 117, 118.1 to 120, 124 and 128 of the Regulation are amended by replacing the words “by the Bureau des services financiers” wherever they appear with the words “by the Agence nationale d’encadrement du secteur financier” and the words “to the Bureau”, “of the Bureau” and “the Bureau” with the words “to the Agency”, “of the Agency” and “the Agency” respectively and making the necessary modifications.



**8.** Notwithstanding the second paragraph in section 123 of the Regulation respecting the issuance and renewal of representatives' certificates, enacted by section 4, for the period from January 1, 2005 to December 31, 2005, the expiry date of a certificate to act in the sector of group savings plan brokerage, investment contract brokerage or scholarship plan brokerage, issued in 2004, is maintained until the day preceding the first day of the month corresponding to the first letter of the surname of the holder in accordance with the first paragraph of such section 123.

Moreover, notwithstanding section 121 of the Regulation, the period of validity of a certificate renewed in 2005 may be less than one year.

**9.** For the application of sections 118 and 126 of the Regulation respecting the issuance and renewal of representatives' certificates, respectively amended by section 1 and enacted by section 6, for the period from January 1, 2005 to December 31, 2005, the annual fees and other fees payable under the Regulation respecting annual fees and other fees payable, approved by Order in Council 836-99 dated July 7, 1999, for the issuance of a certificate in 2005 or the renewal of a certificate issued in 2004 to act in the sector of group savings plan brokerage, investment contract brokerage or scholarship plan brokerage shall be paid by the representative concerned in proportion to the period of validity of the certificate.

**10.** This Regulation comes into force on January 1, 2005.

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Gouvernement du Québec

## **O.C. 1130-2004, 8 December 2004**

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

### **Registration of firms, representatives and independent partnerships — Amendments**

Regulation to amend the Regulation respecting the registration of firms, representatives and independent partnerships

WHEREAS the Bureau des services financiers made the Regulation respecting the registration of firms, representatives and independent partnerships by Resolution 99.07.09 dated 6 July 1999, and the Regulation appeared on 19 July 1999 in Bulletin No. 3 published by the Bureau des services financiers;

WHEREAS the Regulation was not submitted to the Government for approval when made in 1999;

WHEREAS the Bureau des services financiers was replaced by the Agence nationale d'encadrement du secteur financier by chapter 45 of the Statutes of 2002;

WHEREAS, under section 223 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), the Agency may, by regulation, determine for each sector the elements listed in paragraphs 1 to 15 of that section;

WHEREAS, under the first paragraph of section 217 of the Act, a regulation made pursuant to the Act shall be submitted to the Government for approval with or without amendment;

WHEREAS it is expedient to amend the Regulation respecting the registration of firms, representatives and independent partnerships;

WHEREAS, in accordance with paragraphs 4, 5, 14 and 15 of section 223 of the Act, the Agency made the Regulation to amend the Regulation respecting the registration of firms, representatives and independent partnerships on 24 November 2004;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in the *Gazette officielle du Québec* of 13 October 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the registration of firms, representatives and independent partnerships, the text of which is attached to this Order in Council, be approved with amendments.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

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## Regulation to amend the Regulation respecting the registration of firms, representatives and independent partnerships\*

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2, s. 217 and s. 223, subpars. 4, 5, 14 and 15)

**1.** Section 1 of the Regulation respecting the registration of firms, representatives and independent partnerships is amended:

(1) by replacing in the first paragraph the words “to the Bureau des services financiers” and “the Bureau” with “to the Agence nationale d’encadrement du secteur financier” and “the Agency” respectively;

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

“Moreover, the legal person who proposes to register as a firm that will act through a securities representative must apply in accordance with Regulation 31-102Q respecting the National Registration Database approved by Ministerial Order 2004-05 dated 2 December 2004 and Regulation 33-109Q respecting registration information approved by Ministerial Order 2004-06 dated 2 December 2004.”.

**2.** Section 9 of the Regulation is amended by adding the following paragraph at the end:

“The firm acting through a securities representative must file its notice in accordance with Regulation 31-102Q respecting the National Registration Database and Regulation 33-109Q respecting registration information according to the time periods stipulated therein.”.

**3.** Section 10 of the Regulation is amended by inserting the following after subparagraph 1:

“1.1 in the case of a firm acting through a securities representative, comply with the provisions of Regulation 31-102Q respecting the National Registration Database and Regulation 33-109Q respecting registration information.”.

\* The Regulation respecting the registration of firms, representatives and independent partnerships, which was adopted on July 6, 1999 by resolution 99.07.09 and published on July 19, 1999 in Bulletin No. 3 of the Bureau des services financiers (BSF), was amended only by the Regulation adopted on October 5, 2000 by resolution 2000.10.07 and published in October 2000 in BSF Bulletin No. 8.

**4.** Sections 2 to 6, 7, 9 to 12 and 14.2 to 14.5, as well as schedules 1 to 6 of the Regulation are amended by replacing the words “to the Bureau”, “by the Bureau” and “the Bureau” wherever they appear with the words “to the Agency”, “by the Agency” and “the Agency” and making the necessary modifications.

**5.** This Regulation comes into force on January 1, 2005.

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Gouvernement du Québec

## O.C. 1131-2004, 8 December 2004

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

### Practice in the securities field — Amendments

Regulation to amend the Regulation respecting practice in the securities field

WHEREAS, under section 214 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), the Agence nationale d’encadrement du secteur financier may, by regulation, determine the conditions to be met by a securities representative offering shares other than qualifying shares issued by a financial services cooperative governed by the Act respecting financial services cooperatives (R.S.Q., c. C-67.3) that is not exempted from the application of Titles II to VIII of the Securities Act (R.S.Q., c. V-1.1);

WHEREAS, under section 217 of the Act respecting the distribution of financial products and services, a regulation made pursuant to the Act shall be submitted to the Government for approval with or without amendment;

WHEREAS the Government approved the Regulation respecting practice in the securities field by Order in Council 1122-99 dated 29 September 1999;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the Agency made the Regulation to amend the Regulation respecting practice in the securities field on 24 November 2004;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in the *Gazette officielle du Québec* of 13 October 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting practice in the securities field, attached to this Order in Council, be approved with amendments.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting practice in the securities field\***

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2, s. 214 et s. 217)

**1.** Section 3 of the Regulation respecting practice in the securities field is amended by replacing “by providing the Financial Services Bureau with a written declaration demonstrating that” by “if”.

**2.** This Regulation comes into force on January 1, 2005.

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Gouvernement du Québec

### **O.C. 1132-2004, 8 December 2004**

Securities Act  
(R.S.Q., c. V-1.1)

#### **Securities — Amendments**

Regulation to amend the Securities Regulation

WHEREAS, under subparagraph 9 of the first paragraph of section 331 of the Securities Act (R.S.Q., c. V-1.1), the Agence nationale d’encadrement du secteur financier may, by regulation, prescribe the fees payable for any formality provided for in the Act or the regulations and for services rendered by the Agency, and the terms and conditions of payment;

WHEREAS, under the second paragraph of section 331, a regulation made under that section shall be submitted to the Government for approval, with or without amendment;

WHEREAS the Government made the Securities Regulation by Order in Council 660-83 dated 30 March 1983;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the Agency made the Regulation to amend the Securities Regulation on 24 November 2004;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in the *Gazette officielle du Québec* of 13 October 2004 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Securities Regulation, attached to this Order in Council, be approved with amendments.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

\* The Regulation respecting practice in the securities field, approved by Order in Council 1122-99 dated 29 September 1999 (1999, G.O. 2, 3613), was not modified since its approval.

## Regulation to amend the Securities Regulation<sup>1</sup>

Securities Act  
(R.S.Q., c. V-1.1, s. 331, par. 1, subpar. 9)

**1.** Section 271.5 of the Securities Regulation is amended:

(1) in subparagraph 3 of the first paragraph:

(a) “the first day of the fourth month following the end of the financial year” with “on December 31 of each year, in the case”;

(b) by replacing clause *a* of subparagraph 3 in the first paragraph with the following:

“(a) \$1 500;”;

(c) by replacing, in clause *b*, the words “at the end of the financial year” with “on December 31”;

(2) by inserting the following after subparagraph 3 of first paragraph:

“(3.1) the first day of the fourth month following the end of the financial year of a dealer with an unrestricted practice or of a discount broker, the amount exceeding 0.14% of the capital employed in the province and the fee prescribed in clause *a* of subparagraph 3;”;

(3) in subparagraph 4 of the first paragraph:

(a) “the first day of the fourth month following the end of the financial year” with “on December 31 of each year, in the case”;

(b) by replacing, in clause *b*, the words “at the end of the financial year” with “on December 31”;

(4) in subparagraph 5 of the first paragraph:

(a) “the first day of the fourth month following the end of the financial year” with “on December 31 of each year, in the case”;

(b) by replacing, in clause *b*, the words “at the end of the financial year” with “on December 31”.

**2.** This Regulation comes into force on December 1, 2005.

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Gouvernement du Québec

**O.C. 1138-2004, 8 December 2004**

Code of Civil Procedure  
(R.S.Q., c. C-25)

### Determination of child support payments — Amendments

Regulation to amend the Regulation respecting the determination of child support payments

WHEREAS, under article 825.8 of the Code of Civil Procedure (R.S.Q., c. C-25), the Government, by regulation, shall establish standards for the determination of child support payments to be made by a parent, on the basis of the basic parental contribution determined in respect of the child, of the child care expenses, post-secondary education expenses and special expenses relating to the child and of the parents’ custodial arrangement in respect of the child;

WHEREAS, under that article, the Government shall prescribe the use of a form and of a related table determining, on the basis of the parents’ disposable income and the number of children, the basic parental contribution, as well as the production of evidentiary documents;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the determination of child support payments was published in Part 2 of the *Gazette officielle du Québec* of 13 October 2004 with a notice that the Regulation could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the determination of child support payments, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

<sup>1</sup> The *Securities Regulation*, made by Order in Council 660-83 dated 30 March 1983 (1983, *G.O.* 2, 1269), was last amended by the regulation approved by Order in Council 630-2003 dated 4 June 2003 (2003, *G.O.* 2, 1887) and Ministerial Order 2003-01 dated 28 May 2003 (2003, *G.O.* 2, 1890). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2004, updated to 1 September 2004.

## Regulation to amend the Regulation respecting the determination of child support payments\*

Code of Civil Procedure  
(R.S.Q., c. C-25. art. 825.8)

**1.** Section 1 of the Regulation respecting the determination of child support payments is amended by striking out the last sentence of the second paragraph.

**2.** Schedule II to the Regulation is replaced by the Schedule attached to this Regulation.

**3.** This Regulation comes into force on 1 January 2005.

### SCHEDULE II (s. 3)

#### BASIC PARENTAL CONTRIBUTION DETERMINATION TABLE (Effective as of 1 January 2005)

Disposable Income of Parents (\$)	Basic Annual Contribution Number of Children					
	1 child	2 children	3 children	4 children	5 children	6 children (1)
1 - 1 000	500	500	500	500	500	500
1 001 - 2 000	1 000	1 000	1 000	1 000	1 000	1 000
2 001 - 3 000	1 500	1 500	1 500	1 500	1 500	1 500
3 001 - 4 000	2 000	2 000	2 000	2 000	2 000	2 000
4 001 - 5 000	2 260	2 500	2 500	2 500	2 500	2 500
5 001 - 6 000	2 320	3 000	3 000	3 000	3 000	3 000
6 001 - 7 000	2 430	3 500	3 500	3 500	3 500	3 500
7 001 - 8 000	2 530	3 940	4 000	4 000	4 000	4 000
8 001 - 9 000	2 610	4 070	4 500	4 500	4 500	4 500
9 001 - 10 000	2 670	4 180	4 940	5 000	5 000	5 000
10 001 - 12 000	2 830	4 390	5 200	6 000	6 000	6 000
12 001 - 14 000	3 010	4 690	5 560	6 460	7 000	7 000
14 001 - 16 000	3 210	4 960	5 930	6 890	7 880	8 000
16 001 - 18 000	3 400	5 240	6 310	7 370	8 440	9 000
18 001 - 20 000	3 570	5 490	6 640	7 810	8 950	10 000

\* The Regulation respecting the determination of child support payments, made by Order in Council 484-97 dated 9 April 1997 (1997, *G.O.* 2, 1651), was last amended by the regulation made by Order in Council 1312-2003 dated 10 December 2003 (2003, *G.O.* 2, 3605). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

Disposable Income of Parents (\$)	Basic Annual Contribution Number of Children					
	1 child	2 children	3 children	4 children	5 children	6 children (1)
20 001 - 22 000	3 780	5 800	7 050	8 290	9 530	10 740
22 001 - 24 000	3 970	6 110	7 430	8 740	10 080	11 410
24 001 - 26 000	4 190	6 440	7 860	9 270	10 700	12 130
26 001 - 28 000	4 410	6 740	8 310	9 840	11 410	12 950
28 001 - 30 000	4 640	7 060	8 710	10 380	12 040	13 710
30 001 - 32 000	4 850	7 350	9 140	10 940	12 710	14 500
32 001 - 34 000	5 060	7 650	9 580	11 460	13 370	15 280
34 001 - 36 000	5 290	7 940	9 970	11 990	14 010	16 030
36 001 - 38 000	5 470	8 250	10 310	12 380	14 460	16 530
38 001 - 40 000	5 690	8 510	10 640	12 780	14 920	17 030
40 001 - 42 000	5 890	8 770	10 980	13 170	15 370	17 570
42 001 - 44 000	6 100	9 050	11 300	13 540	15 790	18 030
44 001 - 46 000	6 300	9 300	11 620	13 940	16 250	18 570
46 001 - 48 000	6 480	9 590	11 960	14 360	16 750	19 130
48 001 - 50 000	6 670	9 810	12 290	14 760	17 220	19 690
50 001 - 52 000	6 860	10 060	12 620	15 190	17 720	20 290
52 001 - 54 000	7 050	10 330	12 950	15 560	18 190	20 820
54 001 - 56 000	7 220	10 570	13 280	16 020	18 720	21 430
56 001 - 58 000	7 400	10 820	13 600	16 370	19 180	21 960
58 001 - 60 000	7 590	11 050	13 910	16 780	19 660	22 510
60 001 - 62 000	7 760	11 280	14 210	17 150	20 090	23 010
62 001 - 64 000	7 910	11 490	14 520	17 530	20 550	23 570
64 001 - 66 000	8 070	11 720	14 820	17 900	20 980	24 050
66 001 - 68 000	8 250	11 910	15 070	18 240	21 390	24 560
68 001 - 70 000	8 370	12 110	15 350	18 610	21 850	25 100
70 001 - 72 000	8 510	12 310	15 620	18 920	22 250	25 560
72 001 - 74 000	8 650	12 490	15 890	19 280	22 690	26 080
74 001 - 76 000	8 820	12 680	16 160	19 650	23 140	26 620
76 001 - 78 000	8 920	12 830	16 370	19 920	23 450	26 990
78 001 - 80 000	9 040	13 010	16 610	20 200	23 800	27 390
80 001 - 82 000	9 160	13 160	16 810	20 460	24 110	27 770
82 001 - 84 000	9 270	13 320	17 030	20 740	24 460	28 170
84 001 - 86 000	9 440	13 470	17 250	21 000	24 780	28 540
86 001 - 88 000	9 530	13 600	17 420	21 250	25 060	28 880
88 001 - 90 000	9 610	13 730	17 580	21 430	25 280	29 150
90 001 - 92 000	9 700	13 850	17 770	21 670	25 600	29 510
92 001 - 94 000	9 790	13 980	17 930	21 880	25 810	29 760
94 001 - 96 000	9 900	14 100	18 110	22 110	26 110	30 100
96 001 - 98 000	9 980	14 220	18 250	22 300	26 340	30 400
98 001 - 100 000	10 070	14 330	18 410	22 470	26 560	30 640

Disposable Income of Parents (\$)	Basic Annual Contribution Number of Children					
	1 child	2 children	3 children	4 children	5 children	6 children (1)
100 001 - 102 000	10 160	14 440	18 570	22 680	26 820	30 940
102 001 - 104 000	10 240	14 530	18 720	22 860	27 050	31 200
104 001 - 106 000	10 320	14 650	18 850	23 060	27 270	31 460
106 001 - 108 000	10 390	14 750	19 010	23 240	27 500	31 720
108 001 - 110 000	10 450	14 840	19 160	23 410	27 710	31 960
110 001 - 112 000	10 540	14 940	19 300	23 570	27 940	32 230
112 001 - 114 000	10 620	15 030	19 440	23 760	28 170	32 480
114 001 - 116 000	10 710	15 140	19 580	23 930	28 380	32 730
116 001 - 118 000	10 790	15 230	19 730	24 100	28 610	33 000
118 001 - 120 000	10 870	15 330	19 880	24 310	28 820	33 240
120 001 - 122 000	10 940	15 430	20 000	24 470	29 040	33 490
122 001 - 124 000	11 010	15 540	20 150	24 650	29 270	33 740
124 001 - 126 000	11 090	15 640	20 290	24 810	29 500	34 010
126 001 - 128 000	11 170	15 730	20 450	25 000	29 710	34 270
128 001 - 130 000	11 240	15 830	20 590	25 170	29 920	34 520
130 001 - 132 000	11 320	15 940	20 750	25 350	30 150	34 770
132 001 - 134 000	11 390	16 030	20 870	25 540	30 380	35 030
134 001 - 136 000	11 470	16 130	21 010	25 710	30 580	35 280
136 001 - 138 000	11 560	16 220	21 170	25 870	30 820	35 530
138 001 - 140 000	11 630	16 330	21 310	26 070	31 040	35 800
140 001 - 142 000	11 710	16 420	21 450	26 240	31 260	36 050
142 001 - 144 000	11 790	16 530	21 600	26 410	31 490	36 300
144 001 - 146 000	11 870	16 620	21 730	26 570	31 710	36 560
146 001 - 148 000	11 950	16 720	21 890	26 790	31 920	36 820
148 001 - 150 000	12 020	16 830	22 030	26 950	32 160	37 080
150 001 - 152 000	12 100	16 930	22 170	27 120	32 370	37 320
152 001 - 154 000	12 170	17 020	22 310	27 310	32 600	37 560
154 001 - 156 000	12 260	17 130	22 480	27 480	32 830	37 840
156 001 - 158 000	12 330	17 240	22 610	27 650	33 030	38 100
158 001 - 160 000	12 410	17 320	22 730	27 830	33 270	38 360
160 001 - 162 000	12 480	17 410	22 890	28 020	33 490	38 600
162 001 - 164 000	12 570	17 510	23 040	28 200	33 700	38 840
164 001 - 166 000	12 640	17 630	23 190	28 370	33 930	39 120
166 001 - 168 000	12 710	17 730	23 330	28 540	34 160	39 370
168 001 - 170 000	12 790	17 820	23 460	28 720	34 370	39 620
170 001 - 172 000	12 880	17 920	23 620	28 900	34 600	39 890
172 001 - 174 000	12 960	18 030	23 760	29 080	34 810	40 120
174 001 - 176 000	13 040	18 120	23 910	29 260	35 050	40 400
176 001 - 178 000	13 100	18 230	24 030	29 440	35 270	40 650
178 001 - 180 000	13 180	18 330	24 210	29 620	35 490	40 910



Disposable Income of Parents (\$)	Basic Annual Contribution Number of Children					
	1 child	2 children	3 children	4 children	5 children	6 children (1)
180 001 - 182 000	13 270	18 420	24 340	29 790	35 710	41 170
182 001 - 184 000	13 340	18 530	24 480	29 960	35 930	41 410
184 001 - 186 000	13 410	18 620	24 630	30 140	36 140	41 670
186 001 - 188 000	13 500	18 710	24 780	30 330	36 380	41 930
188 001 - 190 000	13 570	18 810	24 920	30 490	36 600	42 190
190 001 - 192 000	13 650	18 920	25 060	30 690	36 820	42 440
192 001 - 194 000	13 730	19 030	25 200	30 870	37 050	42 710
194 001 - 196 000	13 810	19 120	25 370	31 040	37 270	42 960
196 001 - 198 000	13 880	19 230	25 500	31 220	37 470	43 220
198 001 - 200 000	13 960	19 330	25 640	31 400	37 720	43 460
Disposable income greater than \$ 200,000 (2)	13 960 plus 3.5% of excess amount	19 330 plus 4.5% of excess amount	25 640 plus 6.5% of excess amount	31 400 plus 8.0% of excess amount	37 720 plus 10.0% of excess amount	43 460 plus 11.5% of excess amount

(1) For families of 7 children or more, multiply the difference between 5 and 6 children by the number of additional children and add the product to the basic annual contribution for 6 children (s. 11).

(2) For the portion of income exceeding \$200,000, the percentage indicated is shown for information purposes only (s. 10).

Amount of the basic deduction for the purpose of calculating disposable income (line 301 on the Child Support Determination Form) effective as of 1 January 2005 : \$10,100

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Gouvernement du Québec

## O.C. 1149-2004, 8 December 2004

An Act respecting income support, employment assistance and social solidarity  
(R.S.Q., c. S-32.001)

### Income support — Amendments

Regulation to amend the Regulation respecting income support

WHEREAS, in accordance with the Act respecting income support, employment assistance and social solidarity (R.S.Q., c. S-32.001), the Government made the Regulation respecting income support by Order in Council 1011-99 dated 1 September 1999;

WHEREAS it is expedient to amend the Regulation;

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

WHEREAS, under section 13 of that Act, the reason justifying the absence of prior publication must be published with the regulation;

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

— the amendments in the Regulation attached to this Order in Council are being made to increase, as of 1 January 2005, the benefits granted under the Employment-Assistance Program, in keeping with the *Plan d'action gouvernemental en matière de lutte contre la pauvreté et l'exclusion sociale*, made by Décret 416-2004 dated 28 April 2004, according to the rate applicable to the personal income tax system which was made public only on 12 November 2004;



WHEREAS it is expedient to make the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment, Social Solidarity and Family Welfare:

THAT the Regulation to amend the Regulation respecting income support, attached hereto, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting income support\*

An Act respecting income support, employment assistance and social solidarity  
(R.S.Q., c. S-32.001, s. 156, pars. 5, 8, 11, 12, 15, 19, 22, 29 and s. 160)

**1.** The Regulation respecting income support is amended in section 9

(1) by replacing “\$804.00”, “\$1149.00”, “\$1362.00”, “\$1194.00”, “\$1424.00” and “\$1637.00” in the first paragraph by “\$816.00”, “\$1166.00”, “\$1382.00”, “\$1212.00”, “\$1445.00” and “\$1661.00” respectively;

(2) by replacing “\$213.00” in the second paragraph by “\$216.00”;

(3) by replacing “\$804.00”, “\$230.00” and “\$213.00” in the third paragraph by “\$816.00”, “\$233.00” and “\$216.00” respectively;

(4) by replacing “\$804.00” in the fifth paragraph by “\$816.00”.

**2.** Section 10 is amended

(1) by replacing “\$5345.00”, “\$5558.00”, “\$5230.00” and “\$5443.00” in the first paragraph by “\$5350.00”, “\$5566.00”, “\$5233.00” and “\$5449.00” respectively;

(2) by replacing “\$213.00” in the second paragraph by “\$216.00”;

(3) by replacing “\$230.00” and “\$213.00” in the third paragraph by “\$233.00” and “\$216.00” respectively.

**3.** Section 23 is amended

(1) by replacing “\$533.00” and “\$825.00” in the first paragraph by “\$537.00” and “\$831.00” respectively;

(2) by replacing “\$433.00” and “\$725.00” in the second paragraph by “\$437.00” and “\$731.00” respectively.

**4.** Section 24 is amended

(1) by replacing “\$13.58” in subparagraph 1 of the first paragraph by “\$13.75”;

(2) by replacing “\$27.16” in subparagraph 2 of the first paragraph by “\$27.50”;

(3) by replacing “\$9.17” in the second paragraph by “\$9.33”.

**5.** Section 25 is amended by replacing “\$146.00”, “\$96.00”, “\$13.58”, “\$113.00” and “\$249.00” by “\$147.00”, “\$97.00”, “\$13.75”, “\$114.00” and “\$254.00” respectively.

**6.** Sections 26, 27 and 28 are amended by replacing “\$167.00” by “\$169.00”.

**7.** Section 32 is amended in the table by replacing “\$248.00” by “\$256.00”, “\$195.00” by “\$196.00”, “\$113.00” wherever that amount occurs by “\$114.00” and “\$342.00” wherever that amount occurs by “\$353.00”.

**8.** Section 33 is amended by replacing “\$113.00” by “\$114.00”.

**9.** Section 79 is amended

(1) by replacing “\$345.00”, “\$558.00”, “\$230.00” and “\$443.00” in the first paragraph by “\$350.00”, “\$566.00”, “\$233.00” and “\$449.00” respectively;

(2) by replacing “\$213.00” in the second paragraph by “\$216.00”;

(3) by replacing “\$230.00” and “\$213.00” in the third paragraph by “\$233.00” and “\$216.00” respectively.

\* The Regulation respecting income support, made by Order in Council 1011-99 dated 1 September 1999 (1999, *G.O.* 2, 2881), was last amended by the regulations made by Orders in Council 562-2004 dated 9 June 2004 (2004, *G.O.* 2, 1832) and 1047-2004 dated 9 November 2004 (2004, *G.O.* 2, 3105A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 September 2004.

**10.** Section 90 is amended

(1) by replacing “\$804.00”, “\$1149.00”, “\$1362.00”, “\$1194.00”, “\$1424.00” and “\$1637.00” in the first paragraph by “\$816.00”, “\$1166.00”, “\$1382.00”, “\$1212.00”, “\$1445.00” and “\$1661.00” respectively;

(2) by replacing “\$213.00” in the second paragraph by “\$216.00”;

(3) by replacing “\$804.00”, “\$230.00” and “\$213.00” in the third paragraph by “\$816.00”, “\$233.00” and “\$216.00” respectively;

(4) by replacing “\$804.00” in the fifth paragraph by “\$816.00”.

**11.** Section 104 is amended

(1) by replacing “\$345.00”, “\$558.00”, “\$230.00” and “\$443.00” in the first paragraph by “\$350.00”, “\$566.00”, “\$233.00” and “\$449.00” respectively;

(2) by replacing “\$213.00” in the second paragraph by “\$216.00”;

(3) by replacing “\$230.00” and “\$213.00” in the third paragraph by “\$233.00” and “\$216.00” respectively.

**12.** Section 150 is amended

(1) by replacing “\$804.00”, “\$1149.00”, “\$1362.00”, “\$1194.00”, “\$1424.00” and “\$1637.00” in subparagraph 1 of the first paragraph by “\$816.00”, “\$1166.00”, “\$1382.00”, “\$1212.00”, “\$1445.00” and “\$1661.00” respectively;

(2) by replacing “\$345.00”, “\$558.00”, “\$230.00” and “\$443.00” in subparagraph *c* of subparagraph 2 of the first paragraph by “\$350.00”, “\$566.00”, “\$233.00” and “\$449.00” respectively;

(3) by replacing “\$213.00” in the second paragraph by “\$216.00”.

**13.** This Regulation comes into force on 1 January 2005.

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**M.O., 2004****Order number 2004-018 of the Minister of Health and Social Services dated 7 December 2004**

An Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (2003, c. 25)

Date of effect of sections 72 to 92 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors

WHEREAS the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (2003, c. 25) was assented to on 18 December 2003;

WHEREAS the Act introduces a union representation system applicable to associations of employees and institutions in the social affairs sector whose negotiation process is governed by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2);

WHEREAS, under section 71 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, the Minister determines by order the date on which sections 72 to 92 take effect for each institution indicated by the Minister;

WHEREAS by Orders of the Minister of Health and Social Services 2004-004 dated 25 February 2004, 2004-009 dated 20 July 2004 and 2004-011 dated 20 August 2004, 2004-014 dated 19 October 2004 and 2004-017 dated 30 November 2004, sections 72 to 92 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors have taken effect for the institutions listed in the Orders;

WHEREAS it is expedient to determine the date of effect of sections 72 to 92 of the Act for certain other institutions;

THEREFORE, the Minister of Health and Social Services determines 20 December 2004 to be the date on which sections 72 to 92 of the Act respecting bargaining units in the social affairs sector and amending the Act respect-

ing the process of negotiation of the collective agreements in the public and parapublic sectors take effect for the following institutions :

### **Region 16 – Montérégie**

Centre de santé et de services sociaux du Suroît  
Centre de santé et de services sociaux Vaudreuil-Soulanges

PHILIPPE COUILLARD,  
*Minister of Health and Social Services*

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### **M.O., 2004-016**

#### **Order of the Minister of Health and Social Services dated 30 November 2004 for the designation of breast cancer detection centres**

Health Insurance Act  
(R.S.Q., c. A-29)

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING subparagraph *b.3* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING subparagraph *ii* of paragraph *o* of section 22 of the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1);

ORDERS :

That the following breast cancer detection centre is designated for the Laval region :

“Radiologie Concorde  
300, boulevard de la Concorde  
Laval (Québec)  
H7G 2E6”;

That the following breast cancer detection centre is designated for the Gaspésie–Îles-de-la-Madeleine region :

“Centre de santé et de services sociaux de la Haute-Gaspésie  
50, rue Belvédère  
Sainte-Anne-des-Monts (Québec)  
G0E 2G0”.

Québec, 30 November 2004

PHILIPPE COUILLARD,  
*Minister of Health and Social Services*

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### **M.O., 2004**

#### **Order number V-1.1-2004-05 of the Minister of Finance dated 2 December 2004**

Securities Act  
(R.S.Q., c. V-1.1)

CONCERNING the Regulation 31-102Q respecting the National Registration Database

WHEREAS subparagraphs 1, 2, and 26 of section 331.1 of the Securities Act stipulate that the Agence nationale d'encadrement du secteur financier may, by regulation, determine the form and content of the documents, declarations, statements and attestations required under this Act or the regulations, determine, from among the documents required under this Act to be filed with or transmitted to it, those that must be filed or transmitted using the medium or technology it specifies in the regulation and establish categories of registration, the conditions to be met by applicants, the duration of registration and the rules governing the activities of registrants;

WHEREAS the third and fourth sub-paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Agency, accompanied by the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth sub-paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

Whereas the draft Regulation 31-102Q respecting the National Registration Database was published in the Supplement to the Bulletin concerning securities of the Agency, volume 1, No.36 of October 8, 2004;

WHEREAS on November 29, 2004, the Agency passed the Regulation 31-102Q respecting the National Registration Database;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves, without amendment, the Regulation 31-102Q respecting the National Registration Database, appended hereto.

Québec, 2 December 2004

YVES SÉGUIN,  
*Minister of Finance*

## Regulation 31-102Q respecting the National Registration Database

Securities Act  
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (2) and (26))

### PART 1 DEFINITIONS AND INTERPRETATION

#### 1.1. In this Regulation

“authorized firm representative” (“AFR”) means, for a firm filer, an individual with his or her own NRD user ID and who is authorized by the firm filer to submit information in NRD format for that firm filer and individual filers with respect to whom the firm filer is the sponsoring firm;

“chief AFR” means, for a firm filer, an individual who is an AFR and has accepted an appointment as a chief AFR by the firm filer;

“firm filer” means a firm that is registered or has applied for registration as a securities dealer or adviser;

“individual filer” means an individual that is required under securities legislation to make an NRD submission in accordance with this Regulation;

“NRD” means the electronic National Registration Database, the online electronic database of registration information regarding NRD filers and includes the computer system providing for the transmission, receipt, review and dissemination of that registration information by electronic means;

“NRD account” means an account held by a firm filer with a member of the Canadian Payments Association from which fees exigible by the Agence nationale d’encadrement du secteur financier (“Agency”) and the fees related to NRD use may be paid by electronic pre-authorized debit;

“NRD administrator” means CDS INC. or a successor appointed by the securities regulatory authority to operate NRD and its website;

“NRD filer” means an individual filer or a firm filer;

“NRD format” means the electronic format for submitting information through the NRD website;

“NRD number” means the unique number first generated by NRD to identify an NRD filer, a non-registered individual, or a business location of a firm filer;

“Regulation 33-109” means Regulation 33-109Q respecting Registration Information approved by Ministerial Order 2004-06 dated 2 December 2004 (2004, G.O. 2, 3485)

1.2. Terms defined in Regulation 33-109 and used in this Regulation have the respective meanings ascribed to those terms in Regulation 33-109.

### PART 2 INFORMATION TO BE SUBMITTED IN NRD FORMAT

2.1. A person or company that is required to submit any of the following to the Agency must make the submission in NRD format:

(a) Form 33-109F1;

(b) Form 33-109F2;

(c) Form 33-109F3;

(d) Form 33-109F4 or a change to any information previously submitted in respect of Form 33-109F4.

### PART 3 MAKING NRD SUBMISSIONS AND OBLIGATIONS OF FIRM FILERS

#### 3.1. NRD Submissions

(1) An NRD filer that is required to submit information in NRD format must make that NRD submission:

(a) through the NRD website;

(b) using the NRD number of the NRD filer, non-registered individual, or business location of the firm filer required to make a submission, and

(c) in accordance with this Regulation.

(2) A requirement in securities legislation relating to the format in which a document or other information to be submitted must be printed, or specifying the number of copies of a document that must be submitted, does not apply to an NRD submission required to be made in accordance with this Regulation.

(3) An NRD filer making an NRD submission must make the NRD submission through an AFR.

**3.2. A firm filer must :**

- (a) be enrolled with the NRD administrator;
- (b) have one and no more than one chief AFR enrolled with the NRD administrator;
- (c) maintain one and no more than one NRD account;
- (d) notify the NRD administrator of the appointment of a chief AFR within 5 business days of the appointment;
- (e) notify the NRD administrator of any change in the firm's chief AFR within 5 business days of the change; and
- (f) submit any change in an AFR, other than the firm's chief AFR, in NRD format within 5 business days of the change.

**PART 4****PAYMENT OF FEES THROUGH NRD****4.1. Payment of Submission Fees**

- (1) If a fee is required with respect to an NRD submission, a firm filer must pay the required fee by electronic pre-authorized debit through NRD.
- (2) A payment under subsection (1) must be made from the firm filer's NRD account.

**4.2. Payment of Annual Registration Fees**

- (1) If a firm filer is required to pay an annual registration fee, the firm filer must pay the required fee by electronic pre-authorized debit through NRD.
- (2) A payment under subsection (1) must be made from the firm filer's NRD account.

**4.3. Payment of NRD User Fees – Annual**

- (1) If a firm filer is required to pay an annual NRD user fee, the firm filer must pay the required fee by electronic pre-authorized debit through NRD.
- (2) A payment under subsection (1) must be made from the firm filer's NRD account.

**PART 5****TEMPORARY HARDSHIP EXEMPTION****5.1. Temporary Hardship Exemption**

(1) If unanticipated technical difficulties prevent an individual filer from submitting an application in NRD format, the individual filer may submit the application in paper format.

(2) If unanticipated technical difficulties prevent an NRD filer from making a submission in NRD format within a prescribed time limit, the NRD filer is exempt from the requirement to make the submission within the required time period, if the NRD filer makes the submission in paper format or NRD format no later than 5 business days after the day on which the information was required to be submitted.

(3) Form 33-109F5 is the paper format for submitting a notice of a change to Form 33-109F4 information.

(4) An NRD filer who experiences temporary technical difficulties and has to submit information in paper format must state the following in capital letters at the top of the first page of the submission:

“IN ACCORDANCE WITH SECTION 5.1 OF REGULATION 31-102 RESPECTING THE NATIONAL REGISTRATION DATABASE (NRD), THIS [SPECIFY DOCUMENT] IS BEING SUBMITTED IN PAPER FORMAT UNDER A TEMPORARY HARDSHIP EXEMPTION.”.

(5) If an NRD filer makes a paper format submission under this section, the NRD filer must resubmit the information in NRD format within 10 business days after the technical difficulties have been resolved.

**PART 6****TRANSITION****6.1. In this Part**

“NRD access date” means the date the transition firm receives notice that it has access to NRD to make NRD submissions; and

“transition firm” means a firm registered as a securities dealer or adviser on January 1, 2005.

**6.2.** In order to use NRD, a transition firm must enrol with the NRD administrator no later than January 15, 2005.

### **6.3. Integration of Individuals**

(1) As of the NRD access date, the transition firm must submit a completed Form 33-109F4 in NRD format no later than the day preceding the first day of the month corresponding to the initial letter of the family name of the registered or non-registered individual acting on its behalf on that date, as follows:

- (a) February where such letter is A or B;
- (b) March where such letter is C;
- (c) April where such letter is D;
- (d) May where such letter is E, F or G;
- (e) June where such letter is H, I, J or K;
- (f) July where such letter is L;
- (g) September where such letter is M, N or O;
- (h) October where such letter is P, Q or R;
- (i) November where such letter is S, T or U;
- (j) December where such letter is V, W, X, Y or Z.

(2) Despite subsection (1), the transition firm is not required to submit Form 33-109F4 in respect of an individual if another firm has already done so and the information contained therein is correct.

(3) Despite subsection (2), a transition firm must submit information in NRD format regarding the employment location of the individual in accordance with subsection (1).

**6.4.** A transition firm must submit Form 33-109F3 in NRD format for each business location within 30 business days of the NRD access date.

### **6.5. Changes to Form 4 Information - Registered Individuals**

(1) This section applies to a registered individual who has not submitted Form 33-109F4 in accordance with section 6.3.

(2) The registered individual must notify the Agency of a change to any information previously submitted in Form 4, or under this subsection, by submitting a completed Form 33-109F5 in paper format within 5 business days of the change.

(3) A registered individual who has submitted a Form 33-109F5 in accordance with subsection (2) must submit a completed Form 33-109F4 in NRD format by the later of 15 business days after:

- (a) the NRD access date of the individual's sponsoring firm, and
- (b) the date that the individual submitted Form 33-109F5.

### **6.6. Changes to Form 4 Information - Non-Registered Individuals**

(1) This section applies to a transition firm that has not submitted Form 33-109F4 in accordance with section 6.3 in respect of a non-registered individual.

(2) The transition firm must notify the Agency of a change to any information previously submitted in Form 4, or under this subsection, in respect of a non-registered individual by submitting a completed Form 33-109F5 in paper format no later than 5 business days after the change.

(3) The transition firm that has submitted a Form 33-109F5 for a non-registered individual in accordance with subsection (2) must submit a completed Form 33-109F4 for the individual in NRD format by the later of 15 business days after:

- (a) the NRD access date, and
- (b) the date that the firm submitted Form 33-109F5.

(4) Despite subsection (3), a transition firm is not required to submit a completed Form 33-109F4 in respect of the individual if another firm has submitted a completed Form 33-109F4 in respect of the individual.

(5) Despite subsection (4), a transition firm must submit, in NRD format, information regarding the employment location of the individual according to the time period stipulated in subsection (3).



### 6.7. Application to Change Individual's Registration Category

(1) If an individual submitted an application in paper format, before the NRD access date, to change his or her category of registration and the information in NRD format regarding this category has not yet been submitted, the individual must:

(a) submit a completed Form 33-109F4 in NRD format within 30 business days after the NRD access date of his or her sponsoring firm, and;

(b) resubmit the application to change his or her category of registration by submitting a completed Form 33-109F2 in NRD format within 1 business day of submitting Form 33-109F4 under paragraph *a*.

(2) For purposes of subsection (1), a Form 33-109F4 submitted under that subsection must contain the individual's categories of registration as they existed on the NRD access date.

**6.8.** Save for purposes of subsection 6.7(2), a completed Form 33-109F4 that is submitted under this Part must be current on the date that it is submitted despite any prior submission in paper format.

**6.9.** Despite the requirements under this Part, a transition firm is not required to submit a Form 33-109F4 in respect of an individual if the firm has submitted a completed Form 33-109F1 in respect of the individual in paper format before the firm's NRD access date or in NRD format after the firm's NRD access date.

**6.10.** For the period from January 1, 2005 to December 31, 2005, sections 4.1 and 4.2 of this Regulation do not apply as regards the payment of fees exigible by the Agency.

**6.11.** Despite any requirement in this Regulation to submit information in NRD format, a transition firm may submit information in paper format before the NRD access date if that date is not the same as the effective date of this Regulation.

## PART 7

### FINAL PROVISION AND EFFECTIVE DATE

**7.1.** The provisions of this Regulation take precedence over any inconsistent provisions of Title V of the Securities Regulation made by Order in Council 660-83 dated 30 March 1983 (1983, *G.O.* 2, 1269).

**7.2.** This Regulation comes into force on January 1, 2005.

## M.O., 2004

### Order number V-1.1-2004-06 of the Minister of Finance, dated 2 December 2004

Securities Act  
(R.S.Q., c. V-1.1)

CONCERNING the Regulation 33-109Q respecting Registration Information

WHEREAS subparagraphs 1, 2, and 26 of section 331.1 of the Securities Act stipulate that the Agence nationale d'encadrement du secteur financier may, by regulation, determine the form and content of the documents, declarations, statements and attestations required under this Act or the regulations, determine, from among the documents required under this Act to be filed with or transmitted to it, those that must be filed or transmitted using the medium or technology it specifies in the regulation, establish categories of registration, the conditions to be met by applicants, the duration of registration and the rules governing the activities of registrants and define, for the purposes of section 159, the changes that must be notified to the Agency and those for which approval must be obtained from the Agency;

WHEREAS the third and fourth sub-paragraphs of section 331.2 of the said Act stipulate that a draft regulation shall be published in the Bulletin of the Agency, accompanied by the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth sub-paragraphs of the said section stipulate that every regulation made under section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS the draft Regulation 33-109Q respecting Registration Information was published in the Supplement to the Bulletin concerning securities of the Agency, volume 1, n° 36 of October 8, 2004;

WHEREAS on November 29, 2004, the Agency passed the Regulation 33-109Q respecting Registration Information;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves, without amendment, the Regulation 33-109Q respecting Registration Information, appended hereto.

Québec, 2 December 2004

YVES SÉGUIN,  
*Minister of Finance*

## **Regulation 33-109Q respecting Registration Information**

Securities Act  
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (2), (26) and (27))

### **PART 1 DEFINITIONS**

#### **1.1. In this Regulation**

“Form 3” means form 2 entitled “Application for Registration as a Dealer or Adviser” provided for in section 195 of the Securities Regulation, made by Order in Council 660-83 dated March 30, 1983 (1983, *G.O.* 2, 1269);

“Form 4” means form 3 entitled “Standard Application for Registration or for Certification of Natural Persons” provided for in section 197 of the Securities Regulation and used before December 31, 2004;

“non-registered individual” means an individual who is not required to register as a securities representative and who is a director, partner, officer, or branch manager of a registered firm;

“NRD submission number” means the unique number generated by NRD to identify each NRD submission;

“registered firm” means a legal person or an organization that is registered as a securities dealer or adviser;

“registered individual” means a person registered as a securities representative to act as securities dealer or adviser on behalf of a registered firm;

“Regulation 31-102” means Regulation 31-102Q respecting the National Registration Database approved by Ministerial Order 2004-05 dated 2 December “sponsoring firm” means, 2004 (2004, *G.O.* 2, 3481);

“sponsoring firm” means,

(a) for a registered individual, the registered firm on whose behalf the individual acts as a securities dealer or adviser;

(b) for an individual applying for registration as the representative of a registered firm or of a legal person or an organization having applied to become a registered firm, the registered firm, the legal person or the organization;

(c) for a non-registered individual, the registered firm on whose behalf the individual acts; or

(d) for a non-registered individual who acts on behalf of a legal person or an organization having applied to become a registered firm, the legal person or the organization.

**1.2.** Terms defined in Regulation 31-102 and used in this Regulation have the respective meanings ascribed to those terms in Regulation 31-102.

**1.3.** For purposes of the schedules to this Regulation, “regulator” means the Agence nationale d’encadrement du secteur financier (“Agency”).

### **PART 2 APPLICATION FOR REGISTRATION**

**2.1.** An applicant for registration as a securities dealer or adviser must submit to the Agency:

(a) in paper format, a completed Form 3;

(b) in accordance with Regulation 31-102, a completed Form 33-109F3 for each of its business locations, other than its head office; and

(c) in accordance with Regulation 31-102, a completed Form 33-109F4 for each non-registered individual who acts on behalf of the applicant and has not applied to become a registered representative under subsection 2.2(1).

#### **2.2. Individual Registration**

(1) An individual who applies for registration as a securities representative must make the application by submitting to the Agency in accordance with Regulation 31-102 a completed Form 33-109F4.

(2) Despite subsection (1), a non-registered individual who acts on behalf of a registered firm and applies to become a registered securities representative must make the application by submitting to the Agency in accordance with Regulation 31-102 a completed Form 33-109F2.



**PART 3****CHANGES TO REGISTERED FIRM INFORMATION****3.1. Changes to Form 3 Information**

(1) A registered firm must notify the Agency of a change to any information previously submitted in Form 3, or under this subsection, within 5 business days of the change.

(2) A notice of change must be made by submitting a completed Form 33-109F5 in paper format.

(3) Despite subsection (2), a notice of change under this section is not required to be in Form 33-109F5 if the change relates to:

(a) the addition of an individual acting as director, partner or officer of the registered firm, and if a completed Form 33-109F4 in respect of the director, partner or officer is submitted under section 2.2 or 3.3;

(b) the resignation or termination of an individual acting as director, partner or officer of the registered firm, and if a completed Form 33-109F1 is submitted in respect of the director, partner or officer under section 4.3 or 5.2; or

(c) a business location other than the head office of the registered firm, and if a completed Form 33-109F3 is submitted under section 3.2.

**3.2. Changes to Business Locations**

(1) A registered firm must notify the Agency of the opening of a business location, other than a head office, by submitting in accordance with Regulation 31-102 a completed Form 33-109F3 within 5 business days of the opening.

(2) A registered firm must notify the Agency of a change to any information previously submitted in Form 33-109F3 by resubmitting in accordance with Regulation 31-102 a completed Form 33-109F3 within 5 business days of the change.

**3.3.** A registered firm must submit to the Agency in accordance with Regulation 31-102 a completed Form 33-109F4 for a non-registered individual within 5 business days of the individual becoming a non-registered individual of the registered firm.

**PART 4****CHANGES TO REGISTERED INDIVIDUAL INFORMATION****4.1. Changes to Form 33-109F4 Information**

(1) A registered individual must notify the Agency in accordance with Regulation 31-102 of a change to any information previously submitted in Form 33-109F4, or under this subsection, within 5 business days of the change.

(2) Despite subsection (1), a registered individual must notify the Agency in accordance with Regulation 31-102 of a change to information previously submitted in Item 3 or Item 8 of Form 33-109F4, or under this subsection, within 1 year of the change.

**4.2.** A registered individual who applies to change or surrender one of his or her registration categories must make the application by submitting to the Agency in accordance with Regulation 31-102 a completed Form 33-109F2.

**4.3.** A registered firm must, within 5 business days after a registered individual ceases to act on its behalf, notify the Agency of the termination of the relationship by submitting in accordance with Regulation 31-102 a completed Form 33-109F1.

**PART 5****CHANGES TO NON-REGISTERED INDIVIDUAL INFORMATION****5.1. Changes to Form 33-109F4 Information**

(1) A registered firm must notify the Agency in accordance with Regulation 31-102 of a change to any information previously submitted in Form 33-109F4, or under this subsection, in respect of a non-registered individual within 5 business days of the change.

(2) Despite subsection (1), a registered firm must notify the Agency in accordance with Regulation 31-102 of a change to any information previously submitted in Item 3 of Form 33-109F4, or under this subsection, in respect of a non-registered individual within 1 year of the change.

(3) Despite subsection (1), a registered firm must notify the Agency of a change to any information regarding a category of non-registered individual listed in Item 6 of Form 33-109F4 by submitting in accordance with Regulation 31-102 a completed Form 33-109F2 within 5 business days of the change.

(4) Despite subsections (1), (2) and (3), a registered firm is not required to notify the Agency of a change to information contemplated in those subsections if another firm has already done so in accordance with Regulation 31-102 and within the required time.

**5.2.** A registered firm must, within 5 business days after a non-registered individual ceases to act on its behalf, notify the Agency of the termination of the relationship by submitting in accordance with Regulation 31-102 a completed Form 33-109F1.

## **PART 6**

### **DUE DILIGENCE AND RECORD-KEEPING**

#### **6.1. Sponsoring Firm Obligations**

(1) A sponsoring firm must make reasonable efforts to ensure that information submitted by the firm for a non-registered individual or information submitted by a registered individual or by an individual applying for registration as a securities representative, for whom the firm is the sponsoring firm, is true and complete.

(2) A sponsoring firm must retain all documents used by the firm to satisfy its obligation :

(a) in the case of a non-registered individual, for a period of 7 years after the individual ceases to be a non-registered individual; or

(b) in the case of a registered individual, or an individual applying for registration as a securities representative, for a period of 7 years after the individual ceases to act on behalf of the firm.

(3) If a registered individual, or an individual applying for registration as a securities representative, appoints an agent for service, the sponsoring firm must keep the original Appointment of Agent for Service executed by the individual for the period of time set out in paragraph (2)(b).

(4) A sponsoring firm that retains a document under subsection (2) or (3) in respect of an NRD submission must record the NRD submission number on the document.

## **PART 7**

### **FINAL PROVISION AND EFFECTIVE DATE**

**7.1.** The provisions of this Regulation take precedence over any inconsistent provisions of Title V of the Securities Regulation.

**7.2** This Regulation comes into force on January 1, 2005.

## **FORM 33-109F1**

### **Notice of termination**

Enter the following information using the online version of this submission at the NRD web site ([www.nrd.ca](http://www.nrd.ca)). If the NRD filer is relying on the temporary hardship exemption in Regulation 31-102, this form is required to be delivered to the regulator in paper format.

#### **1. Individual**

Name of individual: \_\_\_\_\_

NRD number of individual: \_\_\_\_\_

#### **2. Business location**

Address of business location: \_\_\_\_\_

NRD number of business location: \_\_\_\_\_

### 3. Termination

Effective date of termination : \_\_\_\_\_

Indicate whether the individual :

was dismissed for cause \_\_\_\_\_

was dismissed in good standing \_\_\_\_\_

resigned in good standing \_\_\_\_\_

is deceased \_\_\_\_\_

Include details regarding any :

unresolved client complaints :

internal discipline matters :

restrictions for violation of regulatory requirements :

financial obligations the individual has to clients :

#### Notice of Collection and Use of Personal Information

The personal information required under this form is collected on behalf of and used by the securities regulatory authorities set out below for the administration and enforcement of certain provisions of the securities legislation in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Québec, Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland and Labrador, Northwest Territories, Yukon Territory, and Nunavut.

If you have any questions about the collection and use of this information, you may contact the securities regulatory authority in any jurisdiction in which the required information is filed, at the address or telephone number provided in Schedule "A".

#### WARNING :

It is an offence to submit information that, at the time and in the light of the circumstances in which it is submitted, is misleading or untrue.

#### CERTIFICATION

**The following certification is to be used when submitting this form in NRD format :**

☐ I am making this submission as agent for the NRD filer. By checking this box, I certify that all statements of fact in this submission were provided to me by the NRD filer.

**The following certification is to be used when submitting this form in paper format :**

I, the undersigned, certify that I have read and that I understand the questions in the notice and the Warning set out above. I also certify that all statements of fact made in the answers to the questions are true.

\_\_\_\_\_  
Signature of authorized officer or partner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Firm name

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**SCHEDULE “A”**  
**Notice and Collection and Use of Personal Information**

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**Contact Information**

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**Alberta**

Alberta Securities Commission  
4th Floor, 300 B 5th Avenue S.W.  
Calgary, AB T2P 3C4  
Attention: Information Officer  
Telephone: (403) 297-6454

**British Columbia**

British Columbia Securities Commission  
P.O. Box 10142, Pacific Centre  
701 West Georgia Street  
Vancouver, BC V7Y 1L2  
Attention: Freedom of Information Officer  
Telephone: (604) 899-6500 or (800) 373-6393  
(in B.C.)

**Manitoba**

The Manitoba Securities Commission  
1130-405 Broadway  
Winnipeg, MB R3C 3L6  
Attention: Director – Legal  
Telephone: (204) 945-4508

**New Brunswick**

Securities Administration Branch  
P.O. Box 5001  
133 Prince William Street, suite 606  
Saint John, NB E2L 4Y9  
Attention: Deputy Administrator, Capital Markets  
Telephone: (506) 658-3021

**Newfoundland and Labrador**

Securities Commission of Newfoundland and Labrador  
P.O. Box 8700, 2nd Floor, West Block  
Confederation Building  
St. John's, NF A1B 4J6  
Attention: Director of Securities  
Tel: (709) 729-4189

**Nova Scotia**

Nova Scotia Securities Commission  
2nd Floor, Joseph Howe Building  
1690 Hollis Street  
P.O. Box 458  
Halifax, NS B3J 3J9  
Attention: FOI Officer  
Telephone: (902) 424-7768

**Northwest Territories**

Government of the Northwest Territories  
P.O. Box 1320  
Yellowknife, NT X1A 2L9  
Attention: Deputy Registrar of Securities  
Telephone: (867) 920-8984

**Nunavut**

Legal Registries Division  
Department of Justice  
Government of Nunavut  
P.O. Box 1000 Station 570  
Iqaluit, NU X0A 0H0  
Attention: Deputy Registrar of Securities  
Telephone: (867) 975-6190

**Ontario**

Ontario Securities Commission  
Suite 1903, Box 55  
20 Queen Street West  
Toronto, ON M5H 3S8  
Attention: FOI Coordinator  
Telephone: (416) 593-8314

**Prince Edward Island**

Securities Registry  
Office of the Attorney General B  
Consumer, Corporate and Insurance Services Division  
P.O. Box 2000  
Charlottetown, PE C1A 7N8  
Attention: Deputy Registrar of Securities  
Telephone: (902) 368-4569

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**Contact Information**

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**Québec**

Autorité des marchés financiers  
800, square Victoria  
C.P. 246, 22<sup>e</sup> étage  
Montréal (Québec) H4Z 1G3  
À l'attention du responsable de l'accès à l'information  
Telephone: (514) 395-0337 or  
(877) 525-0337 (in Québec)

**Saskatchewan**

Saskatchewan Financial Services Commission  
6th Floor, 1919 Saskatchewan Dr.  
Regina, Saskatchewan S4P 3V7  
Attention: Director  
Telephone: (306) 787-5842

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**Yukon**

Department of Community Services Yukon  
P.O. Box 2703  
Whitehorse, YT Y1A 2C6  
Attention: Registrar of Securities  
Telephone: (867) 667-5225

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**FORM 33-109F2****Change or surrender of individual categories**

Enter the following information using the online version of this submission at the NRD web site ([www.nrd.ca](http://www.nrd.ca)). If the NRD filer is relying on the temporary hardship exemption in Regulation 31-102, this form is required to be delivered to the regulator in paper format.

**1. Individual**

Name of individual: \_\_\_\_\_

NRD number of individual: \_\_\_\_\_

**2. Individual categories**

Indicate the individual categories that the individual is adding or removing:

**3. Details of surrender**

If the individual is surrendering his or her registration, include details regarding any:

unresolved client complaints:

internal discipline matters:

restrictions for violation of regulatory requirements that occurred at any time during the individual's employment with the firm:

financial obligations the individual has to clients:

**Notice of Collection and Use of Personal Information**

The personal information required under this form is collected on behalf of and used by the securities regulatory authorities set out below or by any duly authorized self-regulatory organization for the administration and enforcement of certain provisions of the securities legislation in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Québec, Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland and Labrador, Northwest Territories, Yukon Territory, and Nunavut. Furthermore, the personal information required under this form may be communicated to and circulated among the aforementioned securities regulatory authorities and duly authorized self-regulatory organizations for the same purposes.

By submitting this information, you consent to the collection by the securities regulatory authority of the personal information provided above, police records, records from other government or non-governmental regulatory authorities or self-regulatory organizations, credit records and employment records about you as may be necessary for the securities regulatory authority to complete its review of the information submitted above including your continued fitness for registration, if applicable, in accordance with the legal authority of the securities regulatory authority for the duration of the period which you remain registered or approved by the securities regulatory authority. The sources the securities regulatory authority may contact include government and private bodies or agencies, individuals, corporations and other organizations.

If you have any questions about the collection and use of this information, you may contact the securities regulatory authority in any jurisdiction in which the required information is filed, at the address or telephone number provided in Schedule "A".

**WARNING :**

It is an offence to submit information that, at the time and in the light of the circumstances in which it is submitted, is misleading or untrue.

**CERTIFICATION :****The following certification is to be used when submitting this form in NRD format :**

- ☐ I am making this submission as agent for the individual to whom this submission relates. By checking this box I certify that all statements of fact in this submission were provided to me by the individual.

**Both of the following certifications are to be used when submitting this form in paper format :**

I, the undersigned, certify that I have read and that I understand the questions in this form and the Warning set out above. I also certify that all statements of fact provided in this application are true.

\_\_\_\_\_  
Signature of applicant or non-registered individual

\_\_\_\_\_  
Date

I, the undersigned, certify on behalf of the sponsoring firm that the individual will be engaged by the sponsoring firm as a registered individual or a non-registered individual. I certify that I have, or a branch manager or another officer or partner has, discussed the questions set out in this form and I am satisfied that the individual fully understands the questions.

\_\_\_\_\_  
Signature of authorized officer or partner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Firm name

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**SCHEDULE “A”**  
**Notice and Collection and Use of Personal Information**

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**Contact Information**

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**Alberta**

Alberta Securities Commission  
4th Floor, 300 B 5th Avenue S.W.  
Calgary, AB T2P 3C4  
Attention: Information Officer  
Telephone: (403) 297-6454

**British Columbia**

British Columbia Securities Commission  
P.O. Box 10142, Pacific Centre  
701 West Georgia Street  
Vancouver, BC V7Y 1L2  
Attention: Freedom of Information Officer  
Telephone: (604) 899-6500 or (800) 373-6393  
(in B.C.)

**Manitoba**

The Manitoba Securities Commission  
1130-405 Broadway  
Winnipeg, MB R3C 3L6  
Attention: Director – Legal  
Telephone: (204) 945-4508

**New Brunswick**

Securities Administration Branch  
P.O. Box 5001  
133 Prince William Street, suite 606  
Saint John, NB E2L 4Y9  
Attention: Deputy Administrator, Capital Markets  
Telephone: (506) 658-3021

**Newfoundland and Labrador**

Securities Commission of Newfoundland and Labrador  
P.O. Box 8700, 2nd Floor, West Block  
Confederation Building  
St. John's, NF A1B 4J6  
Attention: Director of Securities  
Tel: (709) 729-4189

**Nova Scotia**

Nova Scotia Securities Commission  
2nd Floor, Joseph Howe Building  
1690 Hollis Street  
P.O. Box 458  
Halifax, NS B3J 3J9  
Attention: FOI Officer  
Telephone: (902) 424-7768

**Northwest Territories**

Government of the Northwest Territories  
P.O. Box 1320  
Yellowknife, NT X1A 2L9  
Attention: Deputy Registrar of Securities  
Telephone: (867) 920-8984

**Nunavut**

Legal Registries Division  
Department of Justice  
Government of Nunavut  
P.O. Box 1000 Station 570  
Iqaluit, NU X0A 0H0  
Attention: Deputy Registrar of Securities  
Telephone: (867) 975-6190

**Ontario**

Ontario Securities Commission  
Suite 1903, Box 55  
20 Queen Street West  
Toronto, ON M5H 3S8  
Attention: FOI Coordinator  
Telephone: (416) 593-8314

**Prince Edward Island**

Securities Registry  
Office of the Attorney General B  
Consumer, Corporate and Insurance Services Division  
P.O. Box 2000  
Charlottetown, PE C1A 7N8  
Attention: Deputy Registrar of Securities  
Telephone: (902) 368-4569

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**Contact Information**

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**Québec**

Autorité des marchés financiers  
800, square Victoria  
C.P. 246, 22<sup>e</sup> étage  
Montréal (Québec) H4Z 1G3  
À l'attention du responsable de l'accès à l'information  
Telephone: (514) 395-0337 or  
(877) 525-0337 (in Québec)

**Saskatchewan**

Saskatchewan Financial Services Commission  
6th Floor, 1919 Saskatchewan Dr.  
Regina, Saskatchewan S4P 3V7  
Attention: Director  
Telephone: (306) 787-5842

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**Yukon**

Department of Community Services Yukon  
P.O. Box 2703  
Whitehorse, YT Y1A 2C6  
Attention: Registrar of Securities  
Telephone: (867) 667-5225

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**FORM 33-109F3****Business locations other than Head Office**

Enter the following information using the online version of this submission at the NRD web site ([www.nrd.ca](http://www.nrd.ca)). If the NRD filer is relying on the temporary hardship exemption in Regulation 31-102, this form is required to be delivered to the regulator in paper format.

Please select one box:

- ☐ This form is being submitted to notify the regulator of the opening of this business location. Complete the entire form.
- ☐ This form is being submitted to notify the regulator of the closing of this business location. Complete the entire form.
- ☐ This form is being submitted to notify the regulator of the change of information previously submitted in respect of this business location. Complete the entire form and describe the information that has changed (for example, "telephone number" or "type of business location"):
- 

**1. Type of business location**

\_\_\_\_\_ branch

\_\_\_\_\_ sub-branch



**2. Supervisor or branch manager**

NRD number of the designated supervisor or branch manager:

\_\_\_\_\_

Name of designated supervisor or branch manager:

\_\_\_\_\_

**3. Business location information**

Business address:

\_\_\_\_\_

Telephone number: (     ) \_\_\_\_\_

Facsimile number: (     ) \_\_\_\_\_

Mailing address (if different from business address):

\_\_\_\_\_

**Notice of Collection and Use of Personal Information**

The personal information required under this form is collected on behalf of and used by the securities regulatory authorities set out below or by any duly authorized self-regulatory organization for the administration and enforcement of certain provisions of the securities legislation in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Québec, Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland and Labrador, Northwest Territories, Yukon Territory, and Nunavut. Furthermore, the personal information required under this form may be communicated to and circulated among the aforementioned securities regulatory authorities and duly authorized self-regulatory organizations for the same purposes.

If you have any questions about the collection and use of this information, you may contact the securities regulatory authority in any jurisdiction in which the required information is filed, at the address or telephone number provided in Schedule "A".

**WARNING:**

It is an offence to submit information that, at the time and in the light of the circumstances in which it is submitted, is misleading or untrue.

**CERTIFICATION**

**The following certification is to be used when submitting this form in NRD format:**

☐ I am making this submission as agent for the NRD filer. By checking this box, I certify that all statements of fact in this submission were provided to me by the NRD filer.

**The following certification is to be used when submitting this form in paper format:**

I, the undersigned, certify that I have read and that I understand the questions in this notice and the Warning set out above. I also certify that all statements of fact made in the answers to the questions are true.

\_\_\_\_\_  
Signature of authorized officer or partner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Firm name

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**SCHEDULE “A”**  
**Notice and Collection and Use of Personal Information**

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**Contact Information**

---

**Alberta**

Alberta Securities Commission  
4th Floor, 300 B 5th Avenue S.W.  
Calgary, AB T2P 3C4  
Attention: Information Officer  
Telephone: (403) 297-6454

**British Columbia**

British Columbia Securities Commission  
P.O. Box 10142, Pacific Centre  
701 West Georgia Street  
Vancouver, BC V7Y 1L2  
Attention: Freedom of Information Officer  
Telephone: (604) 899-6500 or (800) 373-6393  
(in B.C.)

**Manitoba**

The Manitoba Securities Commission  
1130-405 Broadway  
Winnipeg, MB R3C 3L6  
Attention: Director – Legal  
Telephone: (204) 945-4508

**New Brunswick**

Securities Administration Branch  
P.O. Box 5001  
133 Prince William Street, suite 606  
Saint John, NB E2L 4Y9  
Attention: Deputy Administrator, Capital Markets  
Telephone: (506) 658-3021

**Newfoundland and Labrador**

Securities Commission of Newfoundland and Labrador  
P.O. Box 8700, 2nd Floor, West Block  
Confederation Building  
St. John's, NF A1B 4J6  
Attention: Director of Securities  
Tel: (709) 729-4189

**Nova Scotia**

Nova Scotia Securities Commission  
2nd Floor, Joseph Howe Building  
1690 Hollis Street  
P.O. Box 458  
Halifax, NS B3J 3J9  
Attention: FOI Officer  
Telephone: (902) 424-7768

**Northwest Territories**

Government of the Northwest Territories  
P.O. Box 1320  
Yellowknife, NT X1A 2L9  
Attention: Deputy Registrar of Securities  
Telephone: (867) 920-8984

**Nunavut**

Legal Registries Division  
Department of Justice  
Government of Nunavut  
P.O. Box 1000 Station 570  
Iqaluit, NU X0A 0H0  
Attention: Deputy Registrar of Securities  
Telephone: (867) 975-6190

**Ontario**

Ontario Securities Commission  
Suite 1903, Box 55  
20 Queen Street West  
Toronto, ON M5H 3S8  
Attention: FOI Coordinator  
Telephone: (416) 593-8314

**Prince Edward Island**

Securities Registry  
Office of the Attorney General B  
Consumer, Corporate and Insurance Services Division  
P.O. Box 2000  
Charlottetown, PE C1A 7N8  
Attention: Deputy Registrar of Securities  
Telephone: (902) 368-4569

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**Contact Information**

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**Québec**

Autorité des marchés financiers  
800, square Victoria  
C.P. 246, 22<sup>e</sup> étage  
Montréal (Québec) H4Z 1G3  
À l'attention du responsable de l'accès à l'information  
Telephone: (514) 395-0337 or  
(877) 525-0337 (in Québec)

**Saskatchewan**

Saskatchewan Financial Services Commission  
6th Floor, 1919 Saskatchewan Dr.  
Regina, Saskatchewan S4P 3V7  
Attention: Director  
Telephone: (306) 787-5842

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**Yukon**

Department of Community Services Yukon  
P.O. Box 2703  
Whitehorse, YT Y1A 2C6  
Attention: Registrar of Securities  
Telephone: (867) 667-5225

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**FORM 33-109F4 REGISTRATION INFORMATION FOR AN INDIVIDUAL**

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**SUBMISSION TO NRD**

Enter the following information using the online version of this submission at the NRD web site ([www.nrd.ca](http://www.nrd.ca)). If the NRD filer is relying on the temporary hardship exemption in Regulation 31-102 this form is required to be delivered to the regulator in paper format.

**INSTRUCTIONS FOR FILING IN PAPER FORMAT**

1. This form is to be used by every individual seeking registration from a securities regulatory authority or a self-regulatory organization or who is a non-registered individual with a registered firm or a firm seeking registration.
  2. This form is also to be used by any sole proprietor submitting an application for registration as a dealer, broker, adviser or underwriter to a securities regulatory authority.
  3. Failure to answer all applicable questions may cause delays in the processing of the application form.
  4. This form must be legible.
  5. To complete the application, individuals should seek advice from an authorized officer of the sponsoring firm or from a legal adviser.
  6. The number of originally-signed copies of the form to be filed with the self-regulatory organization and/or securities regulatory authority or similar authority varies from province to province. If unsure of the procedure, please consult the Registration Department of the self-regulatory organization to which you are applying or the applicable securities regulatory authority, or similar authority.
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**Item 1 – Name**

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**1. Legal name**

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Last name	First name	Second name (if applicable)	Third name (if applicable)
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**2. Other names**

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Are you currently, or have you previously been, known by a name other than the name provided above ? ☐ Yes ☐ No

If “Yes”, complete Schedule “A”.

---

**Item 2 - Residential address**

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**Current address**

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Provide all residential addresses, including any foreign residential addresses, for the past 10 years.

Current residential address: \_\_\_\_\_  
(number, street, city, province, territory or state, country, postal code)

Telephone number: (     ) \_\_\_\_\_ Resided at this address since: \_\_\_\_\_  
(YYYY/MM)

If you have resided at this address for less than 10 years, complete Schedule “B”.

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**Item 3 – Personal information**

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**Personal description**

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Date of birth: \_\_\_\_\_ Place of birth: \_\_\_\_\_  
(city, province, territory or state, country)

---

Gender: ☐ Female                      Colour of eyes: \_\_\_\_\_ Colour of hair: \_\_\_\_\_  
☐ Male

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Height: imperial units: \_\_\_\_\_ OR metric units: \_\_\_\_\_

Weight: imperial units: \_\_\_\_\_ OR metric units: \_\_\_\_\_

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**Item 4 – Citizenship**

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**Citizenship information**

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What is your citizenship ?

☐ Canadian

☐ Other, specify : \_\_\_\_\_

If you are a citizen of a country other than Canada, complete the following for that other citizenship. You are only required to provide the following information for one citizenship.

Passport number : \_\_\_\_\_ Country of citizenship : \_\_\_\_\_

Date of issue : \_\_\_\_\_  
(YYYY/MM/DD)

Place of issue : \_\_\_\_\_  
(city, province, territory or state, country)

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**Item 5 - Registration jurisdictions**

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**Jurisdictions**

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Indicate, by checking the appropriate box, each province or territory to which you are submitting this form :

☐ Alberta

☐ Northwest Territories

☐ Prince Edward Island

☐ British Columbia

☐ Nova Scotia

☐ Québec

☐ Manitoba

☐ Nunavut

☐ Saskatchewan

☐ New Brunswick

☐ Ontario

☐ Yukon Territory

☐ Newfoundland and Labrador

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**Item 6 - Individual categories**

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**Categories**

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Indicate, by checking the appropriate box in Schedule “C”, each registration category for which you are applying. If you are a non-registered individual and you are not applying for registration, indicate each category that describes your position with your sponsoring firm.

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**Item 7 - Address and agent for service**

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**1. Address for service**

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You must have one address for service in each province or territory in which you are now, or are applying to become, a registered individual or non-registered individual. A post office box is not an acceptable address for service. Complete Schedule “D” for each additional address for service you are providing.

Address for service : \_\_\_\_\_  
(number, street, city, province or territory, postal code)

Telephone number : (    ) \_\_\_\_\_ Fax number : (    ) \_\_\_\_\_

E-mail address : \_\_\_\_\_

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**Item 7 - Address and agent for service**

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**2. Agent for service**

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If you have appointed an agent for service, provide the following information for the agent. The address for service provided above must be the address of any agent named below.

Name of agent for service: \_\_\_\_\_

Contact person: \_\_\_\_\_  
Last name First name

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**Item 8 – Proficiency**

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**1. Course or examination information**

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Complete Schedule “E” to indicate each course and examination that you have successfully completed or for which you have received an exemption.

If you are not required under securities legislation or the rules of a self-regulatory organization to satisfy any course or examination requirements you are not required to complete this item.

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**2. Student numbers**

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If you have a student number with one of the following institutions, provide it below :

Canadian Securities Institute (CSI): \_\_\_\_\_

Investment Funds Institute of Canada (IFIC): \_\_\_\_\_

Institute of Canadian Bankers (ICB): \_\_\_\_\_

Association for Investment Management and Research (AIMR): \_\_\_\_\_

Canadian Association of Insurance and Financial Advisors (CAIFA): \_\_\_\_\_

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**3. Exemption refusal**

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Has any securities regulatory authority or self-regulatory organization refused to grant you an exemption from a course, examination or experience requirement ? ☐ Yes ☐ No

If “Yes”, complete Schedule “F”.

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**Item 9 – Location of employment**

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**Location of employment**

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Provide the following information for the location of the sponsoring firm at which you will be working. If you will be working out of more than one location, provide the following information for the location out of which you will be doing most of your business.

NRD number: \_\_\_\_\_

Business address: \_\_\_\_\_  
(number, street, city, province, territory or state, country, postal code)

Telephone number: (     ) \_\_\_\_\_ Fax number: (     ) \_\_\_\_\_

☐ Check here if the mailing address of the location is the same as the business address provided above. Otherwise, complete the following:

Mailing address: \_\_\_\_\_  
(number, street, city, province, territory or state, country, postal code)

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**Item 10 - Current employment**

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**Employment information**

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On Schedule “G”, provide the information requested for your current business and employment activities, including those with your sponsoring firm.

☐ Check here if you are not required under securities legislation to provide this information.

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**Item 11 - Previous employment**

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**Employment information**

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On Schedule “H”, provide the information requested for your previous business and employment activities for the 10-year period before the date of this application. Include any periods of self-employment or unemployment during this period. Do not include summer employment while you were a full-time student.

In addition, provide the information requested for all of your securities or exchange contracts (including commodity futures contracts and commodity futures options) business and employment activities during and prior to the ten-year period.

☐ Check here if you are not required under securities legislation to provide this information.

☐ Check here if the information required by this section has been provided in Item 10.

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**Item 12 - Resignations and terminations**

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**Resignation and termination information**

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Have you ever resigned or been terminated following allegations, made by a client, sponsoring firm, self-regulatory organization, securities regulatory authority or any other regulatory authority that you:

a) violated investment related statutes, regulations, rules or industry standards of conduct ? ☐ Yes ☐ No

b) failed to supervise in connection with investment related statutes, regulations, rules or industry standards of conduct ? ☐ Yes ☐ No

c) committed fraud or the wrongful taking of property ? ☐ Yes ☐ No

If “Yes”, to any of the above questions, complete Schedule “T”.

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**Item 13 – Regulatory disclosure**

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**1. Securities regulatory authorities**

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a) Other than a registration that has been recorded on NRD under the NRD number you are using to make this submission, are you now, or have you ever been, registered or licensed to trade in or advise on securities or exchange contracts (including commodity futures contracts and commodity futures options) in any province, territory, state or country ? ☐ Yes ☐ No

If “Yes”, complete Schedule “J”, section 1(a).

---

b) Are you now, or have you ever been, a partner, director, officer, or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities of any firm which has been registered or licensed, or is now registered or licensed, to trade in or advise on securities or exchange contracts (including commodity futures contracts and commodity futures options) in any province, territory, state or country ? ☐ Yes ☐ No

If “Yes”, complete Schedule “J”, section 1(b).

---

c) Have you, or has any firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13(1)(b)), when you were a partner, director, officer or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities of that firm, been refused registration or a license to trade in or advise on securities or exchange contracts (including commodity futures contracts and commodity futures options) in any province, territory, state or country ? ☐ Yes ☐ No

If “Yes”, complete Schedule “J”, section 1(c).

---

d) Have you, or has any firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13(1)(b)), when you were a partner, director, officer or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities of that firm, been denied the benefit of any exemption from registration provided by securities legislation or legislation governing exchange contracts (including commodity futures contracts and commodity futures options) in any province, territory, state or country ? ☐ Yes ☐ No

If “Yes”, complete Schedule “J”, section 1(d).

---

e) Have you, or has any firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13(1)(b)), when you were a partner, director, officer or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities of that firm, been subject to a cease trade order, a cease distribution order, a suspension or termination order, any disciplinary proceedings or any order resulting from disciplinary proceedings pursuant to securities legislation or legislation governing exchange contracts (including commodity futures contracts and commodity futures options) in any province, territory, state or country ? ☐ Yes ☐ No

If “Yes”, complete Schedule “J”, section 1(e).

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**Item 13 – Regulatory disclosure**

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**2. Self-regulatory organizations**

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a) Have you, or has any firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13(1)(b)), when you were a partner, director, officer or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities of that firm, been a member or participating organization of any stock exchange or other self-regulatory organization in any province, territory, state or country ? ☐ Yes ☐ No

If “Yes”, complete Schedule “J”, section 2 (a).

b) Have you, or has any firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13(1)(b)), when you were a partner, director, officer or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities of that firm, been refused membership or entry as a participating organization in any stock exchange or other self-regulatory organization in any province, territory, state or country ? ☐ Yes ☐ No

If “Yes”, complete Schedule “J”, section 2 (b).

c) Have you, or has any firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13(1)(b)), when you were a partner, director, officer or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities of that firm, been subject to a suspension, expulsion or termination order, or been subject to any disciplinary proceedings or any order resulting from disciplinary proceedings conducted by any stock exchange or other self-regulatory organization in any province, territory, state or country ? ☐ Yes ☐ No

If “Yes”, complete Schedule “J”, section 2 (c).

---

**3. Non-securities regulation**

---

a) Have you, or has any firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13(1)(b)), when you were a partner, director, officer or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities of that firm, been registered or licensed under any legislation which requires registration or licensing to deal with the public in any capacity other than to trade in or advise on securities or exchange contracts (including commodity futures contracts and commodity futures options) in any province, territory, state or country ? ☐ Yes ☐ No

If “Yes”, complete Schedule “J”, section 3 (a).

b) Have you, or has any firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13(1)(b)), when you were a partner, director, officer or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities of that firm, been refused registration or a licence under any legislation which requires registration or licensing to deal with the public in any capacity other than to trade in or advise on securities or exchange contracts (including commodity futures contracts and commodity futures options) in any province, territory, state or country ? ☐ Yes ☐ No

If “Yes”, complete Schedule “J”, section 3(b).

c) Have you, or has any firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13(1)(b)), when you were a partner, director, officer or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities of that firm, been subject to a suspension or termination order, or disciplinary proceedings or any order resulting from disciplinary proceedings conducted under any legislation which requires registration or licensing to deal with the public in any capacity other than to trade in or advise on securities or exchange contracts (including commodity futures contracts and commodity futures options) in any province, territory, state or country ? ☐ Yes ☐ No

If “Yes”, complete Schedule “J”, section 3(c).

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**Item 14 - Criminal disclosure**

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**Criminal, provincial and territorial offences**

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With respect to questions (b) and (d) below, if you or your firm have pleaded guilty or been found guilty of an offence, that offence must be reported even if an absolute or conditional discharge has been granted with respect to the offence. You are not required to disclose any offence for which a pardon has been granted under the *Criminal Records Act* (Canada) unless the pardon has been revoked. You are not required to disclose speeding or parking violations.

a) Is there currently an outstanding charge against you alleging an offence that was committed in any province, territory, state, or country ? ☐ Yes ☐ No

If “Yes”, complete Schedule “K”, section (a).

b) Have you, since attaining the age of 18, ever been convicted of, pleaded guilty to or no contest to an offence that was committed in any province, territory, state, or country ? ☐ Yes ☐ No

If “Yes”, complete Schedule “K”, section (b).

c) Have charges been laid, alleging an offence that was committed in any province, territory, state, or country against any firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13(1)(b)) in which you are or were at the time of that event a partner, director, officer or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities ? ☐ Yes ☐ No

If “Yes”, complete Schedule “K”, section (c).

d) Has any firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13(1)(b)), when you were a partner, director, officer or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities of that firm, been convicted of, pleaded guilty to or no contest to an offence that was committed in any province, territory, state, or country ? ☐ Yes ☐ No

If “Yes”, complete Schedule “K”, section (d).

---

**Item 15 - Civil disclosure**

---

**Current and past civil proceedings**

---

a) Have you, or has any firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13(1)(b)), when you were a partner, director, officer or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities of that firm, been a defendant or respondent in any civil proceeding in which fraud, theft, deceit, misrepresentation, or similar conduct is, or was, alleged ? ☐ Yes ☐ No

If “Yes”, complete Schedule “L”, section (a).

b) Other than what you disclosed in Item 15(a), were you, at the time the events that led to the civil proceeding occurred, a partner, director or officer or a holder of securities carrying more than 10 percent of the votes of all outstanding voting securities of a firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13 (1) (b)) that is or was a defendant or respondent in any civil proceeding in which fraud, theft, deceit, misrepresentation, or similar conduct is or was alleged ? ☐ Yes ☐ No

If “Yes”, complete Schedule “L”, section (b).

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**Item 16 – Financial disclosure**

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**1. Bankruptcy**

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Under the law of any province, territory, state, or country, have you, or has any firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13(1) (b)), when you were a partner, director, officer or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities of that firm :

a) had a petition in bankruptcy issued against you or the firm or made a voluntary assignment in bankruptcy ? ☐ Yes ☐ No

b) made a proposal under any legislation relating to bankruptcy or insolvency ? ☐ Yes ☐ No

c) been subject to proceedings under any legislation relating to the winding up, dissolution or companies' creditors arrangement ? ☐ Yes ☐ No

d) been subject to or instituted any proceedings, arrangement or compromise with creditors (including having a receiver, receiver-manager, administrator or trustee appointed by or at the request of creditors, either privately, or through court process, or by order of a regulator, to hold your assets) ? ☐ Yes ☐ No

If "Yes" to any of the above questions, complete Schedule "M", section 1.

---

**2. Debt Obligations**

---

Have you ever failed to meet a financial obligation of \$500 or more as it came due, or has any firm (other than your sponsoring firm or a firm that is or was registered in a Canadian jurisdiction and identified in response to Item 13(1)(b)), when you were a partner, director, officer or holder of voting securities carrying more than 10 percent of the votes carried by all outstanding voting securities of that firm, failed to meet a financial obligation as it came due ? ☐ Yes ☐ No

If "Yes", complete Schedule "M", section 2.

---

**3. Surety bond or fidelity bond**

---

Have you ever applied for a surety or fidelity bond and been refused ? ☐ Yes ☐ No

If "Yes", complete Schedule "M", section 3.

---

**4. Garnishments, unsatisfied judgments or directions to pay**

---

Are there currently, or have there been, outstanding against you any of the following :

a) garnishments,

b) unsatisfied judgments, or

c) directions to pay ;

issued by a federal, provincial, territorial or state authority ? ☐ Yes ☐ No

If "Yes", complete Schedule "M", section 4.

---

---

**Item 17 - Related securities firms**

---

**Related securities firms and holdings**

---

Are you a partner, director, or officer of a firm (other than your sponsoring firm) whose principal business is trading in or advising on securities or exchange contracts (including commodity futures contracts and commodity futures options) or are you a holder of 10 percent or more of the voting securities of any firm (including your sponsoring firm) whose principal business is trading in or advising on securities or exchange contracts (including commodity futures contracts and commodity futures options) ? ☐ Yes ☐ No

If “Yes”, complete Schedule “N”.

---

Agent for Service

---

By submitting this form you certify that in each jurisdiction in which you have appointed an agent for service you have properly executed the appointment of agent for service required by the regulator or the securities legislation of that jurisdiction.

---

Submission to Jurisdiction

---

By submitting this application you irrevocably and unconditionally submit to the non-exclusive jurisdiction of the judicial, quasi-judicial and administrative tribunals of each jurisdiction to which you have submitted this application and any administrative proceeding in that jurisdiction, in any action, investigation or administrative, criminal, quasi-criminal, penal or other proceeding (each, a “Proceeding”) arising out of or relating to or concerning your activities as a registrant or an officer, partner or director of a registrant under the securities legislation of the jurisdiction, and irrevocably waive any right to raise as a defence in any Proceeding any alleged lack of jurisdiction to bring that Proceeding.

---

Notice of collection and use of personal information

---

The personal information required under this form is collected on behalf of and used by the securities regulatory authorities set out below for purposes of the administration and enforcement of certain provisions of the securities legislation in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Québec, Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland and Labrador, Northwest Territories, Yukon Territory, and Nunavut.

By submitting this application you consent to the collection by the securities regulatory authority to which this application is being submitted of the personal information contained in the application, police records, records from other government or non-governmental regulatory authorities or self-regulatory organizations, credit records and employment records about you as may be necessary for the securities regulatory authority to complete its review of your application or continued fitness for registration in accordance with the legal authority of the securities regulatory authority for the duration of the period which you remain registered or approved by the securities regulatory authority. The sources the securities regulatory authority may contact include government and private bodies or agencies, individuals, corporations and other organizations.

The principal purpose for which this collection of personal information is to be used is to assess your suitability for registration and to assess your continued fitness for registration in accordance with the applicable securities legislation.

If you have any questions about the collection and use of this information, you may contact the securities regulatory authority in any jurisdiction in which the required information is filed, at the address or telephone number set out in Schedule "O".

**WARNING :** It is an offence to submit information that, at the time and in the light of the circumstances in which it is submitted, is misleading or untrue.

---

Certification

---

**The following certification is to be used when submitting this form in NRD format :**

I am making this submission as agent for the individual to whom this submission relates. By checking this box I certify that all statements of fact in this submission were provided to me by the individual.

**Both of the following certifications are to be used when submitting this form in paper format :**

I, the undersigned, certify that I have read and that I understand the questions in this form and the Warning set out above.

I also certify that all statements of fact provided in this application are true.

---

Signature of applicant or non-registered individual

---

Date

I, the undersigned, certify on behalf of the sponsoring firm that the individual will be engaged by the sponsoring firm as a registered individual or a non-registered individual. I certify that I have, or a branch manager or another officer or partner has, discussed the questions set out in this form with the individual and I am satisfied that the individual fully understands the questions.

---

Signature of authorized officer or partner

---

Date

---

Firm name

---

**SCHEDULE "A"**  
**Name**

---

**Item 1**

**Other names**

---

---

Last name

First name

Second name  
(if applicable)

Third name  
(if applicable)

Provide the reasons for the use of this name (for example, marriage, divorce, court order, commonly used name).

When did you use this name ? From : \_\_\_\_\_ To : \_\_\_\_\_  
(YYYY/MM) (YYYY/MM)

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---

**Item 1**

---

**Other names**

---

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Last name	First name	Second name (if applicable)	Third name (if applicable)
-----------	------------	--------------------------------	-------------------------------

---

Provide the reasons for the use of this name (for example, marriage, divorce, court order, commonly used name).

When did you use this name ? From: \_\_\_\_\_ To: \_\_\_\_\_  
(YYYY/MM) (YYYY/MM)

---

---

Last name	First name	Second name (if applicable)	Third name (if applicable)
-----------	------------	--------------------------------	-------------------------------

---

Provide the reasons for the use of this name (for example, marriage, divorce, court order, commonly used name).

When did you use this name ? From: \_\_\_\_\_ To: \_\_\_\_\_  
(YYYY/MM) (YYYY/MM)

---

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**SCHEDULE “B”**  
**Residential address**

---

**Item 2**

---

**Previous addresses**

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A postal code (or ZIP code) and a telephone number are not required for any previous address.

---

Residential address: \_\_\_\_\_  
(number, street, city, province, territory or state, country)

When did you live at this address ? From: \_\_\_\_\_ To: \_\_\_\_\_  
(YYYY/MM) (YYYY/MM)

---

Residential address: \_\_\_\_\_  
(number, street, city, province, territory or state, country)

When did you live at this address ? From: \_\_\_\_\_ To: \_\_\_\_\_  
(YYYY/MM) (YYYY/MM)

---

Residential address: \_\_\_\_\_  
(number, street, city, province, territory or state, country)

When did you live at this address ? From: \_\_\_\_\_ To: \_\_\_\_\_  
(YYYY/MM) (YYYY/MM)

---

Residential address: \_\_\_\_\_  
(number, street, city, province, territory or state, country)

When did you live at this address ? From: \_\_\_\_\_ To: \_\_\_\_\_  
(YYYY/MM) (YYYY/MM)

---



**Item 2****Previous addresses**

Residential address: \_\_\_\_\_  
 (number, street, city, province, territory or state, country)

When did you live at this address ? From: \_\_\_\_\_ To: \_\_\_\_\_  
 (YYYY/MM) (YYYY/MM)

---

**SCHEDULE “C”**  
**Individual categories**

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**Item 6****Categories**

Indicate, by checking the appropriate box, each category for which you are applying.

*Alberta*

- |  |  |
|--|--|
| <input type="checkbox"/> Salesperson           | <input type="checkbox"/> Shareholder               |
| <input type="checkbox"/> Officer (Trading)     | <input type="checkbox"/> Branch Manager            |
| <input type="checkbox"/> Officer (Non-Trading) | <input type="checkbox"/> Officer (Advising)        |
| <input type="checkbox"/> Partner (Trading)     | <input type="checkbox"/> Officer (Non-Advising)    |
| <input type="checkbox"/> Partner (Non-Trading) | <input type="checkbox"/> Junior Officer (Advising) |
| <input type="checkbox"/> Director              | <input type="checkbox"/> Partner (Advising)        |
|  | <input type="checkbox"/> Partner (Non-Advising)    |

*British Columbia*

- |   |  |
|---|--|
| <input type="checkbox"/> Salesperson            | <input type="checkbox"/> Officer (Advising)      |
| <input type="checkbox"/> Officer (Trading)      | <input type="checkbox"/> Officer (Non-Advising)  |
| <input type="checkbox"/> Officer (Non-Trading)  | <input type="checkbox"/> Partner (Advising)      |
| <input type="checkbox"/> Partner (Trading)      | <input type="checkbox"/> Partner (Non-Advising)  |
| <input type="checkbox"/> Partner (Non-Trading)  | <input type="checkbox"/> Director (Advising)     |
| <input type="checkbox"/> Director (Trading)     | <input type="checkbox"/> Director (Non-Advising) |
| <input type="checkbox"/> Director (Non-Trading) | <input type="checkbox"/> Advising Employee       |
| <input type="checkbox"/> Compliance Officer     |  |
| <input type="checkbox"/> Shareholder            |  |
| <input type="checkbox"/> Branch Manager         |  |

*Manitoba*

- |   |  |
|---|--|
| <input type="checkbox"/> Salesperson            | <input type="checkbox"/> Associate Advising Officer                    |
| <input type="checkbox"/> Officer (Trading)      | <input type="checkbox"/> Associate Advising Partner                    |
| <input type="checkbox"/> Officer (Non-Trading)  | <input type="checkbox"/> Associate Advising Director                   |
| <input type="checkbox"/> Partner (Trading)      | <input type="checkbox"/> Associate Advising Employee                   |
| <input type="checkbox"/> Partner (Non-Trading)  | <input type="checkbox"/> Non-trading                                   |
| <input type="checkbox"/> Director (Trading)     | <input type="checkbox"/> Officer                                       |
| <input type="checkbox"/> Director (Non-Trading) | <input type="checkbox"/> Partner                                       |
| <input type="checkbox"/> Branch Manager         | <input type="checkbox"/> Futures Contract Portfolio Manager            |
| <input type="checkbox"/> Advising Officer       | <input type="checkbox"/> Associate Futures Contracts Portfolio Manager |
| <input type="checkbox"/> Advising Partner       | <input type="checkbox"/> Floor Trader                                  |
| <input type="checkbox"/> Advising Director      | <input type="checkbox"/> Floor Broker                                  |
| <input type="checkbox"/> Non-Advising Officer   | <input type="checkbox"/> Local   |
| <input type="checkbox"/> Non-Advising Partner   | <input type="checkbox"/> Adviser                                       |
| <input type="checkbox"/> Non-Advising Director  |  |
| <input type="checkbox"/> Advising Employee      |  |

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**Categories**


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*New Brunswick*

- |  |  |
|--|--|
| <input type="checkbox"/> Salesperson           | <input type="checkbox"/> Compliance Officer        |
| <input type="checkbox"/> Officer (Trading)     | <input type="checkbox"/> Officer (Advising)        |
| <input type="checkbox"/> Officer (Non-Trading) | <input type="checkbox"/> Officer (Non-Advising)    |
| <input type="checkbox"/> Partner (Trading)     | <input type="checkbox"/> Junior Officer (Advising) |
| <input type="checkbox"/> Partner (Non-Trading) | <input type="checkbox"/> Partner (Advising)        |
| <input type="checkbox"/> Director              | <input type="checkbox"/> Partner (Non-Advising)    |
| <input type="checkbox"/> Shareholder           |  |
- 

*Newfoundland and Labrador*

- |  |   |
|--|---|
| <input type="checkbox"/> Salesperson           | <input type="checkbox"/> Officer (Advising)     |
| <input type="checkbox"/> Officer (Trading)     | <input type="checkbox"/> Officer (Non-Advising) |
| <input type="checkbox"/> Officer (Non-Trading) | <input type="checkbox"/> Director               |
| <input type="checkbox"/> Director              | <input type="checkbox"/> Shareholder            |
| <input type="checkbox"/> Shareholder           | <input type="checkbox"/> Partner (Advising)     |
| <input type="checkbox"/> Partner (Trading)     | <input type="checkbox"/> Partner (Non-Advising) |
| <input type="checkbox"/> Partner (Non-Trading) | <input type="checkbox"/> Branch Manager         |
| <input type="checkbox"/> Branch Manager        |   |
- 

*Northwest Territories*

- |  |  |
|--|--|
| <input type="checkbox"/> Salesperson           | <input type="checkbox"/> Shareholder               |
| <input type="checkbox"/> Officer (Trading)     | <input type="checkbox"/> Branch Manager            |
| <input type="checkbox"/> Officer (Non-Trading) | <input type="checkbox"/> Representative (Advising) |
| <input type="checkbox"/> Director              | <input type="checkbox"/> Officer (Advising)        |
| <input type="checkbox"/> Partner (Trading)     | <input type="checkbox"/> Officer (Non-Advising)    |
| <input type="checkbox"/> Partner (Non-Trading) | <input type="checkbox"/> Partner (Advising)        |
| <input type="checkbox"/> Sole Proprietor       | <input type="checkbox"/> Partner (Non-Advising)    |
- 

*Nova Scotia*

- |  |   |
|--|---|
| <input type="checkbox"/> Salesperson               | <input type="checkbox"/> Officer (Advising)         |
| <input type="checkbox"/> Officer (Trading)         | <input type="checkbox"/> Officer (Non-Advising)     |
| <input type="checkbox"/> Officer (Non-Trading)     | <input type="checkbox"/> Associate Partner          |
| <input type="checkbox"/> Sole Proprietor (Trading) | <input type="checkbox"/> Partner (Advising)         |
| <input type="checkbox"/> Director                  | <input type="checkbox"/> Partner (Non-Advising)     |
| <input type="checkbox"/> Partner (Trading)         | <input type="checkbox"/> Sole Proprietor (Advising) |
| <input type="checkbox"/> Partner (Non-Trading)     |   |
- 

*Nunavut*

- |  |  |
|--|--|
| <input type="checkbox"/> Salesperson           | <input type="checkbox"/> Shareholder               |
| <input type="checkbox"/> Officer (Trading)     | <input type="checkbox"/> Branch Manager            |
| <input type="checkbox"/> Officer (Non-Trading) | <input type="checkbox"/> Representative (Advising) |
| <input type="checkbox"/> Director              | <input type="checkbox"/> Officer (Advising)        |
| <input type="checkbox"/> Partner (Trading)     | <input type="checkbox"/> Officer (Non-Advising)    |
| <input type="checkbox"/> Partner (Non-Trading) | <input type="checkbox"/> Partner (Advising)        |
| <input type="checkbox"/> Sole Proprietor       | <input type="checkbox"/> Partner (Non-Advising)    |
-

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**Categories**


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*Ontario*

Except as indicated the following categories are available under the Securities Act and the Commodity Futures Act.

- |  |  |
|--|--|
| <input type="checkbox"/> Floor Trader              | <input type="checkbox"/> Associate Advising Representative<br>(Securities Act category only) |
| <input type="checkbox"/> Salesperson               | <input type="checkbox"/> Officer (Advising)  |
| <input type="checkbox"/> Officer (Trading)         | <input type="checkbox"/> Officer (Non-Advising)  |
| <input type="checkbox"/> Officer (Non-Trading)     | <input type="checkbox"/> Associate Officer (Securities Act category only)                    |
| <input type="checkbox"/> Partner (Trading)         | <input type="checkbox"/> Partner (Advising)  |
| <input type="checkbox"/> Partner (Non-Trading)     | <input type="checkbox"/> Partner (Non-Advising)  |
| <input type="checkbox"/> Sole Proprietor (Trading) | <input type="checkbox"/> Associate Partner (Securities Act category only)                    |
| <input type="checkbox"/> Director                  | <input type="checkbox"/> Sole Proprietor (Advising)  |
| <input type="checkbox"/> Advising Representative   | <input type="checkbox"/> Shareholder   |
- 

*Prince Edward Island*

- |  |  |
|--|--|
| <input type="checkbox"/> Salesperson           | <input type="checkbox"/> Branch Manager                |
| <input type="checkbox"/> Officer (Trading)     | <input type="checkbox"/> Compliance Officer            |
| <input type="checkbox"/> Officer (Non-Trading) | <input type="checkbox"/> Counselling Officer (Officer) |
| <input type="checkbox"/> Partner (Trading)     | <input type="checkbox"/> Counselling Officer (Partner) |
| <input type="checkbox"/> Partner (Non-Trading) | <input type="checkbox"/> Counselling Officer (Other)   |
| <input type="checkbox"/> Director              | <input type="checkbox"/> Officer (Non-Advising)        |
| <input type="checkbox"/> Shareholder           | <input type="checkbox"/> Partner (Non-Advising)        |
- 

*Québec***Dealer**

- ☐ Representative
  - ☐ Representative – group savings plan brokerage
  - ☐ Representative – commodity pool brokerage
  - ☐ Representative – permanent and preferred shares brokerage
  - ☐ Representative – investment contract brokerage
  - ☐ Representative – scholarship plan brokerage
  - ☐ Director
  - ☐ Officer
  - ☐ Officer responsible for the activities in Québec
  - ☐ Compliance supervisor
  - ☐ Correspondent (contact person)
  - ☐ Branch Manager
  - ☐ Shareholder
  - ☐ Partner
- 

**Adviser**

- ☐ Representative (portfolio manager)
  - ☐ Representative (adviser)
  - ☐ Representative acting in derivatives-Options
  - ☐ Representative acting in derivatives-Futures
  - ☐ Director
  - ☐ Officer
  - ☐ Officer in charge of derivatives-Options
  - ☐ Officer in charge of derivatives-Futures
  - ☐ Shareholder
  - ☐ Officer responsible for the activities in Québec
  - ☐ Partner
- 

*Saskatchewan*

- |  |   |
|--|---|
| <input type="checkbox"/> Salesperson           | <input type="checkbox"/> Employee (Advising)    |
| <input type="checkbox"/> Officer (Trading)     | <input type="checkbox"/> Officer (Advising)     |
| <input type="checkbox"/> Officer (Non-Trading) | <input type="checkbox"/> Officer (Non-Advising) |
| <input type="checkbox"/> Partner (Trading)     | <input type="checkbox"/> Partner (Advising)     |
| <input type="checkbox"/> Partner (Non-Trading) | <input type="checkbox"/> Partner (Non-Advising) |
| <input type="checkbox"/> Director              |   |
-

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**Categories**


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*Yukon*

- |  |   |
|--|---|
| <input type="checkbox"/> Salesperson               | <input type="checkbox"/> Shareholder                |
| <input type="checkbox"/> Officer (Trading)         | <input type="checkbox"/> Officer (Advising)         |
| <input type="checkbox"/> Officer (Non-Trading)     | <input type="checkbox"/> Officer (Non-Advising)     |
| <input type="checkbox"/> Partner (Trading)         | <input type="checkbox"/> Partner (Advising)         |
| <input type="checkbox"/> Partner (Non-Trading)     | <input type="checkbox"/> Partner (Non-Advising)     |
| <input type="checkbox"/> Director                  | <input type="checkbox"/> Sole Proprietor (Advising) |
| <input type="checkbox"/> Sole Proprietor (Trading) |   |
| <input type="checkbox"/> Branch Manager            |   |
- 

*Investment Dealers Association*

- |  |  |
|--|--|
| <input type="checkbox"/> Partner (Industry)  | <input type="checkbox"/> Registered Representative (Mutual Funds)                        |
| <input type="checkbox"/> Partner (Non-Industry)  | <input type="checkbox"/> Registered Representative (Retail)                              |
| <input type="checkbox"/> Director (Industry)   | <input type="checkbox"/> Registered Representative (Non-Retail)                          |
| <input type="checkbox"/> Director (Non-Industry)   | <input type="checkbox"/> Registered Representative Options (Retail)                      |
| <input type="checkbox"/> Officer (Trading)   | <input type="checkbox"/> Registered Representative Options (Non-Retail)                  |
| <input type="checkbox"/> Officer (Non-Trading)   | <input type="checkbox"/> Registered Futures Contract Representative Options (Retail)     |
| <input type="checkbox"/> Industry Investor   | <input type="checkbox"/> Registered Futures Contract Representative Options (Non-Retail) |
| <input type="checkbox"/> Non-Industry Investor   | <input type="checkbox"/> Trader - CATS   |
| <input type="checkbox"/> Chief Compliance Officer  | <input type="checkbox"/> Trader - TradeCDNX  |
| <input type="checkbox"/> Ultimate Designated Person                                      | <input type="checkbox"/> Trader - Commodity Floor Trader                                 |
| <input type="checkbox"/> Alternate Designated Person                                     | <input type="checkbox"/> Associate Portfolio Manager - Securities                        |
| <input type="checkbox"/> Designated Registered Options Principal                         | <input type="checkbox"/> Associate Portfolio Manager - Security Options                  |
| <input type="checkbox"/> Alternate Registered Options Principal                          | <input type="checkbox"/> Associate Portfolio Manager - Commodity Futures Options         |
| <input type="checkbox"/> Designated Registered Futures Options Principal                 | <input type="checkbox"/> Portfolio Manager - Securities                                  |
| <input type="checkbox"/> Alternate Registered Futures Options Principal                  | <input type="checkbox"/> Portfolio Manager - Security Options                            |
| <input type="checkbox"/> Sales Manager   | <input type="checkbox"/> Portfolio Manager - Commodity Futures Options                   |
| <input type="checkbox"/> Branch Manager  |  |
| <input type="checkbox"/> Co-Branch Manager   |  |
| <input type="checkbox"/> Assistant Branch Manager  |  |
| <input type="checkbox"/> Futures Contract Options Supervisor                             |  |
| <input type="checkbox"/> Investment Representative (Mutual Funds)                        |  |
| <input type="checkbox"/> Investment Representative (Retail)                              |  |
| <input type="checkbox"/> Investment Representative (Non-Retail)                          |  |
| <input type="checkbox"/> Investment Representative Options (Retail)                      |  |
| <input type="checkbox"/> Investment Representative Options (Non-Retail)                  |  |
| <input type="checkbox"/> Investment Futures Contract Representative Options (Retail)     |  |
| <input type="checkbox"/> Investment Futures Contract Representative Options (Non-Retail) |  |
-

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**SCHEDULE “D”**  
**Address and Agent for Service**

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**Item 7****Address for Service****1. Address for service**

You must have one address for service in each province or territory in which you are now, or are applying to become, a registered individual or non-registered individual. A post office box is not an acceptable address for service.

Address for service: \_\_\_\_\_  
(number, street, city, province or territory, postal code)

Telephone number: (    ) \_\_\_\_\_ Fax number: (    ) \_\_\_\_\_

E-mail address: \_\_\_\_\_

**2. Agent for service**

If you have appointed an agent for service, provide the following information for the agent. The address for service provided above must be the address of the agent named below.

Name of agent for service: \_\_\_\_\_

Contact person: \_\_\_\_\_  
Last name First name

---

**SCHEDULE “E”**  
**Proficiency**

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**Item 8****Course or examination information**

Indicate each course and examination that you have successfully completed or for which you have received an exemption.

<b>COURSE OR EXAMINATION</b>	<b>DATE COMPLETED</b>	<b>DATE EXEMPTED AND BY WHICH JURISDICTION OR REGULATOR (YYYY/MM/DD)</b>
30-day Training Program		
90-day Training Program		
ACE Trader Exam		
Agricultural Markets – Risk Management Course (ARM)		
Branch Compliance Officers Course		
Branch Manager’s Examination Course (formerly the Canadian Branch Managers Qualifying Examination)		

<b>COURSE OR EXAMINATION</b>	<b>DATE COMPLETED</b>	<b>DATE EXEMPTED AND BY WHICH JURISDICTION OR REGULATOR (YYYY/MM/DD)</b>
Canadian Commodity Futures Examination		
Canadian Commodity Supervisors Examination		
Canadian Funds Course (Quebec only)		
Canadian Futures Exam (Part 1)		
Canadian Futures Exam (Part 2)		
Canadian Investment Finance Course Part I		
Canadian Investment Finance Course Part II		
Canadian Investment Funds Course		
Canadian Investment Management Program (Part 1)		
Canadian Investment Management Program (Parts 2)		
Canadian Options Course		
Canadian Securities Course		
CATS Examination-Oral		
CATS Examination-Written		
Certified Financial Planners Program		
Chartered Financial Analyst Charter		
Chartered Financial Analyst Course (Level I)		
Chartered Financial Analyst Course (Level II)		
Chartered Financial Analyst Course (Level III)		
Commodity Futures Exam (Part 1)		
Commodity Futures Exam (Part 2)		
Conduct and Practices Handbook Course		
Derivatives Fundamentals Course		
Derivatives Operational Management Course		
Effective Management Seminar		
Energy Markets - Risk Management Course		
Ensis Growth Fund Understanding Labour Sponsored Investment Funds (Full Course)		

<b>COURSE OR EXAMINATION</b>	<b>DATE COMPLETED</b>	<b>DATE EXEMPTED AND BY WHICH JURISDICTION OR REGULATOR (YYYY/MM/DD)</b>
Examination based on Manual for Registered Representatives (RR Exam)		
Fellow of the Canadian Securities Institute		
Financial Markets Risk Management Course		
Examination based on Manual for Registered Representatives (RR Exam)		
Futures Floor Trader Examination (Winnipeg Stock Exchange)		
Futures Licensing Course		
General Securities Representative Examination (Series 7)		
In-House Scholarship Training Program		
Investment Funds Course		
Investment Management Techniques		
Labour Sponsored Investment Funds Course		
National Commodity Futures Examination		
New Entrants Examination		
Officers' Partners' and Directors' Course		
Operations Course		
Options Licensing Course		
Options Strategies Course		
Options Supervisors Course		
Partners, Directors and Senior Officers Qualifying Examination		
Personal Financial Planning Diploma		
Portfolio Management Techniques		
Principles of Mutual Funds Investment Course		
Professional Financial Planning Course		
Professional Options Trader Examination		



<b>COURSE OR EXAMINATION</b>	<b>DATE COMPLETED</b>	<b>DATE EXEMPTED AND BY WHICH JURISDICTION OR REGULATOR (YYYY/MM/DD)</b>
Real Estate Agent's Pre-Licensing Course		
Registered Options Principal's Qualifying Examination		
Technical Analysis Course (TAC)		
Trader Training Course		
VCT Trader Exam		
Wealth Management Techniques		
Other, specify :		
Other, specify :		
Other, specify :		
Other, specify :		

**SCHEDULE "F"**  
**Proficiency**

**Item 8**

**Exemption refusal**

Complete the following for each exemption that was refused.

Which securities regulatory authority or self-regulatory organization refused to grant the exemption ?

State the name of the course, examination or experience requirement :

State the reason given for not being granted the exemption :

Which securities regulatory authority or self-regulatory organization refused to grant the exemption ?

State the name of the course, examination or experience requirement :

State the reason given for not being granted the exemption :

---

**SCHEDULE “G”**  
**Current employment**

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**Item 10**

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**Employment information**

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Provide the information requested for each of your current business and employment activities, including those with your sponsoring firm.

---

☐ Unemployed

☐ Full-time student

☐ Employed or self-employed

From: \_\_\_\_\_  
(YYYY/MM/DD)

You are only required to fill in the following if you have indicated above that you are employed or self-employed.

Name of business or employer:

---

Address of business or employer:

---

(number, street, city, province, territory or state, country)

Name and title of immediate supervisor: \_\_\_\_\_

Describe the type of business or employment and your duties. If you are seeking a type of registration for which specified experience is required, provide details of that experience below (for example, level of responsibility, value of accounts under direct supervision, and research experience):

Indicate the number of hours per week you will be devoting to this business or employment:

---

If the business or employment described above is with the sponsoring firm and if you are working less than 30 hours per week for the firm, explain why you are working less than 30 hours per week for the firm:

---

---

**SCHEDULE “H”**  
**Previous employment**

---

**Item 11**

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**Employment information**

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Provide the information requested for your previous business and employment activities for the 10 year period before the date of this application. Include any periods of self-employment or unemployment during this period. Do not include summer employment while you were a full-time student.

In addition, provide the information requested in respect of all of your securities or exchange contracts (including commodity futures contracts and commodity futures options) business and employment activities during and prior to the ten-year period.

☐ Unemployed

☐ Full-time student

☐ Employed or self-employed

From: \_\_\_\_\_ To: \_\_\_\_\_  
(YYYY/MM/DD) (YYYY/MM/DD)

You are only required to fill in the following if you have indicated above that you are, or were, employed or self-employed.

Name of business or employer: \_\_\_\_\_

Address of business or employer: \_\_\_\_\_

(number, street, city, province, territory or state, country)

Name and title of immediate supervisor: \_\_\_\_\_

Describe the type of business or employment and your duties. If you are seeking a type of registration for which specified experience is required, provide details of that experience below (for example, level of responsibility, value of accounts under direct supervision, and research experience): \_\_\_\_\_

---

**SCHEDULE “T”**  
**Resignations and terminations**

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**Item 12**

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**Resignation and Termination information**

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For each resignation or termination indicate below, (1) the name of the firm from which you resigned or were terminated, (2) whether you resigned or were terminated, (3) the date you resigned or were terminated, and (4) the circumstances relating to your resignation or termination (including whether the allegations were made by a client, sponsoring firm, self-regulatory organization or securities regulatory authority). \_\_\_\_\_

---

**SCHEDULE “J”**  
**Regulatory disclosure**

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**Item 13**

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**1. Securities regulatory authorities**

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a) For each registration or licence, indicate below (1) the securities regulatory authority with which you are, or were, registered or licensed, (2) the type or category of registration or licence, and (3) the dates between which you held the registration or licence.

b) For each registration or licence, indicate below (1) the name of the firm, (2) the securities regulatory authority with which the firm is, or was, registered or licensed, (3) the type or category of registration or licence, and (4) the dates between which you held the registration or licence.

c) For each registration or licence refused, indicate below (1) the party that was refused the registration or licence, (2) the securities regulatory authority that refused the registration or licence, (3) the type or category of registration or licence refused, (4) the date of the refusal, and (5) the reasons for the refusal.

d) For each exemption from registration denied, indicate below (1) the party that was denied the exemption, (2) the securities regulatory authority that denied the exemption, (3) the date the exemption was denied, and (4) any other information that you think is relevant or that is requested by the regulator.

e) For each order or disciplinary proceeding, indicate below (1) the party against whom the order was made or the proceeding taken, (2) the securities regulatory authority that issued the order or that is, or was, conducting the proceeding, (3) the date any notice of proceeding was issued, (4) the date any order or settlement was made, (5) a summary of any notice, order or settlement (including any sanctions imposed), and (6) any other information that you think is relevant or that is requested by the regulator.

**2. Self-regulatory organizations**

---

a) For each membership or participation, indicate below (1) the party that is, or was, a member or participating organization, (2) the self-regulatory organization with which the party is, or was, a member or participating organization, (3) the type or category of membership or participation, and (4) the dates between which the party was a member or participating organization.

b) For each membership or participation refused, indicate below (1) the party that was refused membership or participation, (2) the self-regulatory organization that refused the membership or participation, (3) the type or category of membership or participation refused, (4) the date of the refusal, and (5) the reasons for the refusal.

c) For each order or disciplinary proceeding, indicate below (1) the party against whom the order was made or the proceeding taken, (2) the self-regulatory organization that issued the order or that is, or was, conducting the proceeding, (3) the date any notice of proceeding was issued, (4) the date any order or settlement was made, (5) a summary of any notice, order or settlement (including any sanctions imposed), and (6) any other information that you think is relevant or that is requested by the regulator.

**3. Non-securities regulation**

---

a) For each registration or licence, indicate below (1) the party is, or was, registered or licensed, (2) with which regulatory authority, or under what legislation, the party is, or was, registered or licensed, (3) the type or category of registration or licence, and (4) the dates between which the party held the registration or licence.

b) For each registration or licence refused, indicate below (1) the party that was refused registration or licensing, (2) with which regulatory authority, or under what legislation, the registration or licence was refused, (3) the type or category of registration or licence refused, (4) the date of the refusal, and (5) the reasons for the refusal.

c) For each order or disciplinary proceeding, indicate below (1) the party against whom the order was made or the proceeding taken, (2) the regulatory authority that made the order or that is, or was, conducting the proceeding, or under what legislation the order was made or the proceeding is being, or was, conducted, (3) the date any notice of proceeding was issued, (4) the date any order or settlement was made, (5) a summary of any notice, order or settlement (including any sanctions imposed), and (6) any other information that you think is relevant or that is requested by the regulator.

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**SCHEDULE “K”**  
**Criminal disclosure**

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**Item 14**

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**Criminal, provincial and territorial offences**

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- a) For each charge, indicate below (1) the charge, (2) the date of the charge, (3) any trial or appeal dates, and (4) the court location.
- 
- b) For each conviction, indicate below (1) the offence, (2) the date of the conviction, and (3) the disposition (state any penalty or fine and the date any fine was paid).
- 
- c) For each charge, indicate below (1) the name of the firm, (2) the charge, (3) the date of the charge, (4) any trial or appeal dates, and (5) the court location.
- 
- d) For each conviction, indicate below (1) the name of the firm, (2) the offence, (3) the date of the conviction, and (4) the disposition (state any penalty or fine and the date any fine was paid).
- 

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**SCHEDULE “L”**  
**Civil disclosure**

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**Item 15**

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**Current and past civil proceedings**

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- a) For each civil proceeding, indicate below (1) the party that is, or was, a defendant or respondent, (2) each plaintiff in the proceeding, (3) whether the proceeding is pending, on appeal or final, (4) the jurisdiction in which the action is being, or was, pursued, and (5) a summary of any disposition or settlement. (Disclosure must include those actions settled without admission of liability.)
- 
- b) For each civil proceeding, indicate below (1) the firm that was a defendant or respondent in the proceeding, (2) your relationship to the firm, (3) each plaintiff in the proceeding, (4) whether the proceeding is pending, on appeal or final, (5) the jurisdiction in which the action is being, or was, pursued, and (6) a summary of any disposition or settlement. (Disclosure must include those actions settled without admission of liability.)
- 

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**SCHEDULE “M”**  
**Financial Disclosure**

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**Item 16**

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**1. Bankruptcy**

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For each event, indicate below (1) the party about whom this disclosure is being made, (2) any amounts currently owing, (3) the creditors, (4) the status of the matter, (5) a summary of any disposition or settlement, and (6) any other information that you think is relevant or that is requested by the regulator.

---

**2. Solvency**

---

For each event, indicate below (1) the party that failed to meet its financial obligation, (2) the amount that was owing at the time the party failed to meet its financial obligation, (3) the party to whom the amount is, or was, owing, (4) any relevant dates (for example, when payments are due or when final payment was made), (5) any amounts currently owing, and (6) any other information that you think is relevant or that is requested by the regulator.

---

**Item 16****3. Surety Bond or Fidelity Bond**

For each bond refused, indicate below (1) the name of the bonding company, (2) the address of the bonding company, (3) the date of the refusal, and (4) the reasons for the refusal.

**4. Garnishments, Unsatisfied Judgments or Directions to Pay**

For each garnishment, unsatisfied judgement or direction to pay, indicate below (1) the amount that was owing at the time the garnishment, judgement or direction to pay was rendered, (2) the party to whom the amount is, or was, owing, (3) any relevant dates (for example, when payments are due or when final payment was made), (4) any amounts currently owing, and (5) any other information that you think is relevant or that is requested by the regulator.

**SCHEDULE “N”  
Related securities firms**

**Item 17****Related Securities Firms and Holdings**

Indicate below (a) the name of the firm and (b) your relationship to the firm.

a) Firm name :

b) Relationship to the firm and period of relationship :

- |  |                                  |  |
|--|----------------------------------|--|
| <input type="checkbox"/> Partner                                     | From: _____ / _____<br>(YYYY/MM) | To: _____ / _____ (if applicable)<br>(YYYY/MM) |
| <input type="checkbox"/> Director                                    | From: _____ / _____<br>(YYYY/MM) | To: _____ / _____ (if applicable)<br>(YYYY/MM) |
| <input type="checkbox"/> Officer                                     | From: _____ / _____<br>(YYYY/MM) | To: _____ / _____ (if applicable)<br>(YYYY/MM) |
| <input type="checkbox"/> Holder of voting securities over 10 percent | From: _____ / _____<br>(YYYY/MM) | To: _____ / _____ (if applicable)<br>(YYYY/MM) |

If you are a holder of 10 percent or more of the voting securities of the firm, complete (c), (d), (e), (f), (g) and (h).

c) State the number, value, class and percentage of securities or the amount of partnership interest you own or propose to acquire upon approval. If acquiring shares upon approval, state source (for example, treasury shares, or if upon transfer, state name of transferor).

d) State the value of subordinated debentures or bonds of the firm to be held by you or any other subordinated loan to be made by you to the firm (if applicable):

**Item 17****Related Securities Firms and Holdings**

e) If another party has provided you with funds to invest in the firm, identify the party and state the relationship between you and that party :

f) Are the funds to be invested (or proposed to be invested) guaranteed directly or indirectly by any person or firm ? ☐ Yes ☐ No

If “Yes”, identify the party and state the relationship between you and that party :

g) Have you either directly or indirectly given up any rights with respect to such securities or partnership interest, or do you, on approval of this application, intend to give up any such rights (including by hypothecation, pledging or depositing as collateral the securities or partnership interest with any institution or person) ? ☐ Yes ☐ No

If “Yes”, identify the party, state the relationship between you and that party and describe the rights that have been or will be given up :

h) Is a person other than you the beneficial owner of the shares, bonds, debentures, partnership units or other notes held by you ? ☐ Yes ☐ No

If “Yes”, complete (i), (j) and (k).

i) Name of beneficial owner :

Last name	First name	Second name (if applicable)	Third name (if applicable)
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j) Residential address :

(number, street, city, province, territory or state, country, postal code)

k) Occupation :

**SCHEDULE “O”**  
**Notice and Collection and Use of Personal Information**

**Contact Information**

**Alberta**

Alberta Securities  
Commission 4th Floor, 300 B 5th Avenue S.W.  
Calgary, AB T2P 3C4  
Attention: Information Officer  
Telephone: (403) 297-6454

**British Columbia**

British Columbia Securities Commission  
P.O. Box 10142, Pacific Centre  
701 West Georgia Street  
Vancouver, BC V7Y 1L2  
Attention: Freedom of Information Officer  
Telephone: (604) 899-6500 or (800) 373-6393  
(in B.C.)

**Manitoba**

The Manitoba Securities Commission  
1130-405 Broadway  
Winnipeg, MB R3C 3L6  
Attention: Director – Legal  
Telephone: (204) 945-4508

**New Brunswick**

Securities Administration Branch  
P.O. Box 5001  
133 Prince William Street, suite 606  
Saint John, NB E2L 4Y9  
Attention: Deputy Administrator, Capital Markets  
Telephone: (506) 658-3021



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**Contact Information**

---

**Newfoundland and Labrador**

Securities Commission of Newfoundland and Labrador  
P.O. Box 8700, 2nd Floor, West Block  
Confederation Building  
St. John's, NF A1B 4J6  
Attention: Director of Securities  
Tel: (709) 729-4189

**Nova Scotia**

Nova Scotia Securities Commission  
2nd Floor, Joseph Howe Building  
1690 Hollis Street  
P.O. Box 458  
Halifax, NS B3J 3J9  
Attention: FOI Officer  
Telephone: (902) 424-7768

**Northwest Territories**

Government of the Northwest Territories  
P.O. Box 1320  
Yellowknife, NT X1A 2L9  
Attention: Deputy Registrar of Securities  
Telephone: (867) 920-8984

**Nunavut**

Legal Registries Division  
Department of Justice  
Government of Nunavut  
P.O. Box 1000 Station 570  
Iqaluit, NU X0A 0H0  
Attention: Deputy Registrar of Securities  
Telephone: (867) 975-6190

**Ontario**

Ontario Securities Commission  
Suite 1903, Box 55  
20 Queen Street West  
Toronto, ON M5H 3S8  
Attention: FOI Coordinator  
Telephone: (416) 593-8314

**Prince Edward Island**

Securities Registry  
Office of the Attorney General B  
Consumer, Corporate and Insurance Services Division  
P.O. Box 2000  
Charlottetown, PE C1A 7N8  
Attention: Deputy Registrar of Securities  
Telephone: (902) 368-4569

**Québec**

Autorité des marchés financiers  
800, square Victoria  
C.P. 246, 22<sup>e</sup> étage  
Montréal (Québec) H4Z 1G3  
À l'attention du responsable de l'accès à l'information  
Telephone: (514) 395-0337 or  
(877) 525-0337 (in Québec)

**Saskatchewan**

Saskatchewan Financial Services Commission  
6th Floor, 1919 Saskatchewan Dr.  
Regina, Saskatchewan S4P 3V7  
Attention: Director  
Telephone: (306) 787-5842

**Yukon**

Department of Community Services Yukon  
P.O. Box 2703  
Whitehorse, YT Y1A 2C6  
Attention: Registrar of Securities  
Telephone: (867) 667-5225

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**FORM 33-109F5****CHANGE OF REGISTRATION INFORMATION****GENERAL INSTRUCTIONS**

1. This notice must be submitted when notifying a regulator of changes to Form 3 or Form 4 information in accordance with Regulation 33-109.
2. If the NRD filer is relying on the temporary hardship exemption in Regulation 31-102, this form is required to be delivered to the regulator in paper format when notifying a regulator of changes to Form 33-109F4.
3. If this form is being submitted in respect of a change to a Form 3, Form 4 or Form 33-109F4, an authorized partner or officer of the firm must sign the form.

**1. Type of form**

Identify the part of Form 3, Form 4, or Form 33-109F4 for which this notice is being provided. If this notice is being provided to update an individual's Form 4 or Form 33-109F4, provide the name of the individual.

☐ Form 3, Item(s) \_\_\_\_\_,

☐ Form 4, Item(s) \_\_\_\_\_, name of individual \_\_\_\_\_, or

☐ Form 33-109F4, Item(s) \_\_\_\_\_, name of individual \_\_\_\_\_

**2. Details of Change**

Provide the details of the change for each item identified above :

**Notice of Collection and Use of Personal Information**

The personal information required under this form is collected on behalf of and used by the securities regulatory authorities set out below or by any duly authorized self-regulatory organization for the administration and enforcement of certain provisions of the securities legislation in British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Québec, Nova Scotia, New Brunswick, Prince Edward Island, Newfoundland and Labrador, Northwest Territories, Yukon Territory, and Nunavut. Furthermore, the personal information required under this form may be communicated to and circulated among the aforementioned securities regulatory authorities and duly authorized self-regulatory organizations for the same purposes.

By submitting this information, you consent to the collection by the securities regulatory authority of the personal information provided above, police records, records from other government or non-governmental regulatory authorities or self-regulatory organizations, credit records and employment records about you as may be necessary for the securities regulatory authority to complete its review of your continued fitness for registration, if applicable, in accordance with the legal authority of the securities regulatory authority for the duration of the period which you remain registered or approved by the securities regulatory authority. The sources the securities regulatory authority may contact include government and private bodies or agencies, individuals, corporations and other organizations.

If you have any questions about the collection and use of this information, you may contact the securities regulatory authority in any jurisdiction in which the required information is filed, at the address or telephone number provided in Schedule "A".

**WARNING :** It is an offence to submit information, that at the time and in the light of the circumstances in which it is submitted, is misleading or untrue.

**CERTIFICATION**

I, the undersigned, certify that I have read and that I understand the questions in this notice and the Warning set out above. I also certify that all statements of fact made in the answers to the questions are true.

\_\_\_\_\_  
Signature of registered or non-registered individual

\_\_\_\_\_  
Date

(No signature is required here if this form is being submitted in respect of a change to Form 3 information.)

If this form is being submitted in respect of a change to Form 3, I, the undersigned, certify that I understand the requirements and the Warning in this notice and that all statements of fact provided in this notice are true.

\_\_\_\_\_  
Signature of authorized officer or partner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Firm name

**SCHEDULE “A”**  
**Notice and Collection and Use of Personal Information**

**Contact Information**

**Alberta**

Alberta Securities Commission  
4th Floor, 300 B 5th Avenue S.W.  
Calgary, AB T2P 3C4  
Attention: Information Officer  
Telephone: (403) 297-6454

**British Columbia**

British Columbia Securities Commission  
P.O. Box 10142, Pacific Centre  
701 West Georgia Street  
Vancouver, BC V7Y 1L2  
Attention: Freedom of Information Officer  
Telephone: (604) 899-6500 or (800) 373-6393  
(in B.C.)

**Manitoba**

The Manitoba Securities Commission  
1130-405 Broadway  
Winnipeg, MB R3C 3L6  
Attention: Director – Legal  
Telephone: (204) 945-4508

**New Brunswick**

Securities Administration Branch  
P.O. Box 5001  
133 Prince William Street, suite 606  
Saint John, NB E2L 4Y9  
Attention: Deputy Administrator, Capital Markets  
Telephone: (506) 658-3021

**Newfoundland and Labrador**

Securities Commission of Newfoundland and Labrador  
P.O. Box 8700, 2nd Floor, West Block  
Confederation Building  
St. John's, NF A1B 4J6  
Attention: Director of Securities  
Tel: (709) 729-4189

**Nova Scotia**

Nova Scotia Securities Commission  
2nd Floor, Joseph Howe Building  
1690 Hollis Street  
P.O. Box 458  
Halifax, NS B3J 3J9  
Attention: FOI Officer  
Telephone: (902) 424-7768

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**Contact Information**

---

**Northwest Territories**

Government of the Northwest Territories  
P.O. Box 1320  
Yellowknife, NT X1A 2L9  
Attention: Deputy Registrar of Securities  
Telephone: (867) 920-8984

**Nunavut**

Legal Registries Division  
Department of Justice  
Government of Nunavut  
P.O. Box 1000 Station 570  
Iqaluit, NU X0A 0H0  
Attention: Deputy Registrar of Securities  
Telephone: (867) 975-6190

**Ontario**

Ontario Securities Commission  
Suite 1903, Box 55  
20 Queen Street West  
Toronto, ON M5H 3S8  
Attention: FOI Coordinator  
Telephone: (416) 593-8314

**Prince Edward Island**

Securities Registry  
Office of the Attorney General B  
Consumer, Corporate and Insurance Services Division  
P.O. Box 2000  
Charlottetown, PE C1A 7N8  
Attention: Deputy Registrar of Securities  
Telephone: (902) 368-4569

**Québec**

Autorité des marchés financiers  
800, square Victoria  
C.P. 246, 22<sup>e</sup> étage  
Montréal (Québec) H4Z 1G3  
À l'attention du responsable de l'accès à l'information  
Telephone: (514) 395-0337 or  
(877) 525-0337 (in Québec)

**Saskatchewan**

Saskatchewan Financial Services Commission  
6th Floor, 1919 Saskatchewan Dr.  
Regina, Saskatchewan S4P 3V7  
Attention: Director  
Telephone: (306) 787-5842

**Yukon**

Department of Community Services Yukon  
P.O. Box 2703  
Whitehorse, YT Y1A 2C6  
Attention: Registrar of Securities  
Telephone: (867) 667-5225

## Notice

### **Amendment to the Regulation (2005) amending the Rules of practice in civil matters (c. C-25, r.8)**

Notice is hereby given, to be published in the *Gazette officielle du Québec*, that the judges of the Superior Court have established, in virtue of the inherent power of the Court and of section 47 of the Code of Civil Procedure (R.S.Q., c. C-25) at a meeting convened for the purpose by the chief justice and held on October 8th 2004, the Regulation (2005) amending the Rules of Practice in Civil matters, the text of which appears below.

Montréal, 29 November 2004

FRANÇOIS ROLLAND,  
*Chief Justice*

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## Superior Court

### **Regulation (2005) amending the Rules of practice in civil matters (c. C-25, r.8)**

**1.** The Rules of practice in civil matters are amended by inserting the following after section 38:

« **38.1 Interviews and use of cameras.** In order to ensure the fair administration of justice, the serenity of judicial hearings and the respect of the rights of litigants and witnesses, interviews and the use of cameras in a courthouse shall only be permitted in the areas designated for such purposes by directives of the chief justices.

**38.2 Broadcasting prohibited.** Any broadcasting of a recording of a hearing is prohibited. ».

**2.** This Regulation comes into force ten days after its publication in the *Gazette officielle du Québec*.



## Treasury Board

Gouvernement du Québec

**T.B. 201768**, 30 November 2004

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

### **School boards — Certain conditions of employment of senior executives**

Regulation respecting certain conditions of employment of senior executives of school boards

WHEREAS under section 451 of the Education Act (R.S.Q., c. I-13.3), the Minister of Education may, by regulation and with the authorization of the Conseil du trésor, establish for all or certain school boards, a classification of positions, the maximum number of positions in each job category, working conditions, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS on 18 November 2004, the Minister of Education ordered that the Regulation respecting certain conditions of employment of senior executives of school boards be made;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to this regulation;

THE CONSEIL DU TRÉSOR DECIDES :

1. To approve the Regulation respecting certain conditions of employment of senior executives of school boards, attached hereto;

2. To ask for the publication of the Regulation in the *Gazette officielle du Québec*.

SERGE MARTINEAU,  
*Clerk of the Conseil du trésor*

### **Regulation respecting certain conditions of employment of senior executives of school boards**

Education Act  
(R.S.Q., c. I-13.3, s. 451)

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**SCHEDULE 8**  
**JOB CLASSIFICATION PLAN FOR SENIOR**  
**EXECUTIVES OF THE COMMISSION**  
**SCOLAIRE DE MONTRÉAL**

**SCHEDULE 9**  
**ADMINISTRATIVE REGIONS**

**SCHEDULE 10**  
**CLASSIFICATION PLAN AND SALARY SCALES ON**  
**1 JULY 2005**

**CHAPTER 1**  
**APPLICATION AND DEFINITIONS**

**DIVISION 1**  
**APPLICATION**

**1.** This Regulation applies to regular full-time senior executives. It also applies to senior executives on a reduced schedule, determined on a pro rata basis according to the time worked.

**2.** For the purposes of this Regulation, the Comité des directeurs généraux (CDG) is the committee in which the associations representing senior executives participate with representatives of the employer federations and the Ministry of Education at the provincial level in setting and changing the conditions of employment for senior executives. The CDG also takes part in the interpretation of these conditions of employment and in the study of methods of applying them. The committee shall establish its rules of procedure.

The parties shall decide on the composition of the committee.

**3.** The only conditions of employment involving payment of salary to a senior executive are those specified in this Regulation.

The conditions of employment not prescribed in this Regulation or in the contract concluded between a senior executive and a school board shall be determined by the school board after consultation with the senior executives. The conditions of employment shall also be obligatorily the object of a decision by the council of commissioners.

The conditions of employment agreed locally may not have the effect of changing any of the conditions of employment described in this Regulation.

**DIVISION 2**  
**DEFINITIONS**

**4.** In this Regulation, unless the context indicates otherwise:

“administrative regions”: means the administrative regions listed in Schedule 9 of this Regulation;

“administrator”: means a senior staff member of services or a manager;

“agency in the education sector”: means a school board or a general and vocational college;

“agency in the networks”: means a school board, a general and vocational college or a public institution within the meaning of the Act respecting health and social services (R.S.Q., c. S-4.2);

“agency in the public or parapublic sector” means:

— the ministries, persons or agencies the personnel of which is appointed or remunerated in accordance with the Public Service Act (R.S.Q., c. F-3.1.1);

— the persons or agencies whose operational budgets are taken from the consolidated revenue fund or appear in whole or in part in the budgetary forecasts submitted to the National Assembly;

— the school boards, colleges and institutions within the meaning of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2), the governmental agencies covered by this law and the educational institutions at the university level within the meaning of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1);

— the agencies or businesses and their totally owned subsidiaries which must produce, by law, an annual report which must be tabled in the National Assembly;

“association”: means the Association des directeurs généraux des commissions scolaires or the Association of Directors General of English School Boards of Quebec;

“centre”: means an adult education centre or a vocational training centre;

“employer federations”: means the Quebec English School Boards Association and the Fédération des commissions scolaires du Québec;

“in-school/centre administrator”: means a senior staff member in a school or centre;

“probation period”: means the fixed period prescribed in the contract during which a senior executive is evaluated;

“salary”: means remuneration paid to a senior executive in accordance with the salary scales prescribed by this Regulation, excluding performance bonuses, lump-sum payments and premiums for regional disparities;

“school board”: means a French-language school board, an English-language school board or the Commission scolaire du Littoral;

“senior consultant”: means a director general or an assistant director general assigned to a position of consultant to the director general;

“senior executive”: means a director general, an assistant director general or a senior consultant;

“senior executive on a reduced schedule”: means a senior executive who, in accordance with this Regulation, is entitled to a temporarily reduced workweek, a part-time leave without pay or a progressive retirement program;

“senior staff member”: an administrator or an in-school/centre administrator;

“year of service”: means any complete 12-month period of employment for the school board accumulated on a full-time basis.

## CHAPTER 2

### JOB CLASSIFICATION AND GRADING

#### DIVISION 1

##### JOB CLASSIFICATION

**5.** Senior executive positions include the following categories:

- level 1: director general;
- level 2: assistant director general;
- level 3: senior consultant to the director general.

**6.** The definition of each position found in Schedule 1 includes a general reference to a senior executive’s job description as well as the required minimum qualifications.

**7.** In this Regulation, a senior executive who has successfully completed his probation period in a senior executive position in a school board shall be considered as meeting the required minimum qualifications for that position.

**8.** The job classification plan for senior executives includes positions, classifications and classes.

**9.** Classifications assigned to each employment category correspond to the nature and degree of responsibility a position entails.

**10.** The job classification plan for senior executives, with the exception of that for senior executives of the Commission scolaire de Montréal, is outlined in Schedule 2.

**11.** The job classification plan for senior executives of the Commission scolaire de Montréal is outlined in Schedule 8.

#### DIVISION 2

##### GRADING

**12.** Senior executive positions are graded on the basis of the classification and class assigned to the position concerned according to the job classification plan.

**13.** A senior executive’s class is determined on the basis of the number of youth and adult students.

**14.** The number of students corresponds to the number of students enrolled on 30 September in the schools and centres of the school board.

**15.** The number of adult students corresponds to that calculated for the educational establishments of the school board for the preceding school year. The total number of adult students is obtained by multiplying the number of group-hours of instruction by 17 (average number of students per group) and by dividing the result obtained by 900 (number of hours of attendance of a full-time student in a school).

**16.** Any change in a senior executive’s class that results from the application of this division shall come into force on 1 July of the current school year.

#### DIVISION 3

##### SPECIAL CLASSIFICATIONS

**17.** Where a school board cannot determine the classification of a senior executive because his principal and customary duties and responsibilities do not correspond to any of the job descriptions prescribed in Schedule 1, the school board shall submit the case to the Ministry for a decision. The file shall include:

(a) a detailed description of the senior executive’s duties and responsibilities;

(b) the senior executive's situation in the school board's structure;

(c) the eligibility requirements.

**18.** If the Ministry is of the opinion that the principal and customary duties and responsibilities do not correspond to any of the job descriptions prescribed in Schedule 1, it shall determine the senior executive's salary.

### CHAPTER 3 REMUNERATION

#### DIVISION 1 CALCULATION OF SALARY

**19.** The school board shall determine the salary of a person appointed, assigned or promoted to a senior executive position after consulting the senior executive on the basis of the salary scales found in Schedule 3, his training and experience and any other rule determined by the school board. However, the salary must be between the minimum and maximum rates of the applicable salary scale.

The salary scales of senior executives are found in Table I and those of the senior executives of the Commission scolaire de Montréal are found in Table II.

**20.** In the case of a temporary assignment exceeding one month, section 19 applies retroactively to the first day of the assignment.

Where a person was not employed by a school board at the time of the temporary assignment, he shall be paid, in addition to his salary, a lump sum equal to 19% of his salary as compensation for the absence of any other working condition, including vacation and paid holidays. The lump sum shall be set pro rata to the duration of the temporary assignment and shall be paid according to the same terms and conditions respecting payment of salary.

A person on a temporary assignment who subscribes to the insurance plans of senior executives shall be paid a lump sum of 13%.

***§1.** Calculation of salary following a change in class that results from a fluctuation in the number of students in the youth or adult sector*

**21.** Where the class of a senior executive is changed as a result of an increase or decrease in the number of students in the youth or adult sector, his salary shall be fixed as follows:

(1) where the maximum rate of the new salary scale is higher than the maximum rate of his former salary scale, the salary shall be fixed by adding to the salary that he was receiving an amount equal to the difference between those two rates;

(2) where the maximum rate of the new salary scale is lower than the maximum rate of his former salary scale, the salary shall be maintained if equal to or lower than the maximum rate of the new salary scale. If higher than the latter rate, it shall be reduced to that rate.

**22.** The senior executive referred to in paragraph 2 of section 21, whose salary is greater than the maximum rate of his new class, shall have his salary protected for a period not exceeding two years. In this case, the senior executive shall receive a lump-sum payment and sections 38 and 40 of this Regulation shall apply.

#### *§2. Plurality of Positions*

**23.** At the request of his school board, a senior executive who agrees to hold, temporarily and simultaneously, for at least two months, another full-time senior or senior executive staff position in addition to his usual position shall receive, during that period, additional remuneration equal to 10% of his salary. The additional remuneration shall be paid in the form of a lump sum according to the same terms and conditions respecting payment of salary until the senior executive no longer holds two positions.

#### DIVISION 2 PERFORMANCE BONUSES

**24.** On 1 July of each school year, the school board shall pay a performance bonus according to the policy it applies for that purpose to a senior executive in office on 1 July and 30 June of the preceding school year to reward his excellent contribution.

For the purposes of this division, the senior executive who is in office for no less than six months is deemed in office on 1 July and 30 June of the preceding school year.

**25.** In order to pay the performance bonus, the school board must have a policy for evaluating its senior executives and for determining the levels of efficiency in comparison with previously indicated expectations. The school board shall apply the policy after consultation with the persons concerned.

**26.** A performance bonus of up to 6% of the salary shall be paid on the basis of the salary on the preceding 30 June.

Following an evaluation by the school board, it shall pay a performance bonus according to the following scale of the level of expectation in comparison with previously indicated expectations, it being understood that a rating of A, B, or C is associated with a performance exceeding the expectations indicated:

- A 6%
- B 4%
- C 2%
- D 0%

Following its evaluation, the school board shall not grant any bonus to a senior executive whose performance has not exceeded the expectations indicated.

**27.** The school board shall, not later than 30 September each year, evaluate its senior executives and shall pay, not later than 31 October, the performance bonus, unless there is an agreement to the contrary between the senior executive and the school board.

#### **DIVISION 3** **SALARY REVIEW**

**28.** Salary review occurs on 1 April each year and includes a salary increment for senior executives who have not attained the maximum of their salary scale as well as a salary scale adjustment.

**29.** Salary review applies to a senior executive in office on the day before and on the day of the salary review. It also applies to a senior executive on total disability leave in office for no less than six months during the period from the preceding 1 April to 31 March.

**30.** In the case of a promotion or a change in class as prescribed in sections 37 and 38 on the date on which the salaries are revised, section 28 shall apply prior to the calculation of the new salary.

**31.** A senior executive whose performance is deemed unsatisfactory shall not be entitled to a salary increment on 1 April.

**32.** Where the dates of the salary increment and the salary scale adjustment coincide, the increment and adjustment rates shall be added and the sum of those rates shall be applied to the salary.

**33.** The salary scales and rates of senior executives shall be increased as follows:

1 April 2003: 2%

**34.** The salary scales and rates of senior executives of the Commission scolaire de Montréal shall be increased as follows:

1 April 2003: 2%

**35.** Where the salary of a senior executive is lower than the maximum rate of the salary scale for his class of employment on 31 March of a given year, it shall be increased by 4% on the following 1 April, without exceeding the maximum rate of the salary scale for his class of employment.

#### **DIVISION 4** **SALARY READJUSTMENT PROCEDURE**

**36.** Under this division, salary protection applies to a senior executive whose appointment is terminated or expires.

**37.** In the case of a renunciation of appointment, application of the salary readjustment procedure by the school board is optional.

**38.** A senior executive shall receive a lump-sum payment equal to the positive difference between the salary that he was receiving in his previous position and that he will receive in his new position.

**39.** Salary protection shall apply for a period not exceeding two years except for the director general who has three years of continuous service as director general with the school board. In this case, the director general shall continue to receive the protected salary until such time as it is equal to or less than the salary of the new position.

The assistant director general and the senior consultant who performed a senior executive position for no less than five years in the school board network may be covered by salary protection provisions for over two years, if the school board so decides, at a senior executive's request, for the period it determines.

**40.** The lump sum shall be adjusted according to the changes in the senior executive's salary in his new position and shall cease to apply when the salary of the senior executive in his new position equals or exceeds the protected salary.

The lump sum shall be paid according to the same terms and conditions respecting payment of salary and shall count for purposes of pension plan contributions.

## **DIVISION 5**

### **REGIONAL DISPARITIES**

**41.** The provisions concerning regional disparities applicable to professionals in the employ of the school board shall apply to senior executives.

## **DIVISION 6**

### **FRINGE BENEFITS**

#### **§1. Insurance Plans**

**42.** In Subdivisions 1 and 2 of this division, unless the context indicates otherwise:

“insurer”: means an insurance company that has concluded a contract with the Government of Québec for the purposes of providing group coverage to management staff in the public and parapublic sectors;

“insurance plans”: means the group insurance plans offered to management staff in the public and parapublic sectors;

“salary”: means remuneration paid to a senior executive during a period of absence covered by a short-term salary insurance plan including:

(1) the lump-sum payment resulting from the application of the rules respecting salary review, where applicable;

(2) the lump-sum payment resulting from the salary readjustment procedure for the period during which the lump sum is paid, where applicable;

(3) an isolation and remoteness premium or retention premium, where applicable.

**43.** Unless there are provisions to the contrary, a senior executive is covered by the following insurance plans:

(1) Plans insured by the Government of Québec and described in this subdivision are as follows:

- (a) a uniform life insurance plan;
- (b) a short-term salary insurance plan;
- (c) a survivor’s pension plan.

(2) Plans insured by the insurer and described in the master policy of the insurance plans and in sections 65 to 76 are as follows:

(a) compulsory basic plans:

- i. a life insurance plan;
- ii. a health and accident insurance plan. However, this plan shall not apply to a senior executive whose application for exemption is accepted by the school board in accordance with the insurance policy;

iii. a long-term salary insurance plan;

(b) complementary plans:

- i. a compulsory long-term salary insurance plan;
- ii. an optional supplemental life insurance plan.

**44.** A senior executive shall be eligible for the insurance plans at the end of a one-month waiting period from the date on which he assumed the position, provided that he is working. If he is not working on that date, he shall be eligible for those plans on the date of his return to work.

However, subject to the specific provisions to that effect in the master policy of the insured plans, a senior executive who formerly held a position in an agency in the public or parapublic sector and was eligible for a group insurance plan applicable to employees in that sector shall be eligible for the insurance plans on the date on which he assumes the position of senior executive, provided that his previous employment ended not more than 30 days prior to the date on which he assumes the position and that he furnish the necessary proof of his previous position.

**45.** The school board may not terminate the employment relationship of a senior executive who receives benefits under the short- or long-term salary insurance plan for the sole reason that he is totally disabled.

**46.** During a leave without pay or a partial leave without pay of less than 30 days, a senior executive shall continue to participate in the insurance plans and shall pay the contribution he would pay were he at work.

Where the duration of a leave without pay, other than a partial leave without pay, is 30 days or more or during any other absence without pay, a senior executive shall continue to participate in the uniform life insurance plan. Moreover, the senior executive shall continue to

participate in the compulsory basic health and accident insurance plan by paying his contribution and that of the school board to that plan and he may, if he so requests the school board before the beginning of the leave or absence, continue to participate in the insured plans to which he subscribed before the leave or absence according to the provisions of the master policy.

During a partial leave without pay of 30 days or more, the senior executive shall continue to participate in the insurance plans on the basis of the time worked. However, the senior executive who continues to participate in the plans on the basis of the time worked prior to the partial leave without pay shall also pay his contribution and that of the school board to the plans on the basis of the time not worked, excluding the school board's contribution to the compulsory basic health and accident insurance plan which continues to be assumed by the latter.

A senior executive who continues to participate in all the insured plans to which he subscribed before the leave or absence without pay shall also continue to participate in the survivor's pension plan by paying the premium determined by the Treasury Board to cover the cost of the plan.

For the purposes of the short-term salary insurance plan, disability that develops during the leave or absence without pay shall be considered as beginning on the date on which the leave or absence ends.

**47.** A senior executive assigned to a teaching, professional or support staff position may continue to participate in the insurance plans provided that he have completed two years of continuous service in a senior or senior executive staff position on the date of the assignment and that he so request the school board prior to that date.

However, these provisions do not apply to an assignment of a disciplinary nature.

#### 1. Plans Insured by the Government of Québec

##### (a) Uniform Life Insurance Plan

**48.** A senior executive, whose regular workweek equals or exceeds 70% of that of a full-time senior executive, shall have life insurance in the amount of \$6 400 payable to his beneficiaries.

**49.** Unless there are provisions to the contrary, a senior executive shall cease to participate in the uniform life insurance plan on the earlier of the following dates:

(1) the date on which the senior executive is no longer covered by this chapter;

(2) the date on which he retires.

##### (b) Short-term Salary Insurance Plan

**50.** The short-term salary insurance plan covers the first 104 weeks of a total disability period.

**51.** During the first week of total disability, the senior executive shall receive the salary to which he would have been entitled had he been at work.

**52.** As of the second week of total disability and up to 26 weeks from the beginning of the total disability, the senior executive shall receive a salary insurance benefit equal to 80% of his salary. A senior executive on a reduced schedule shall receive a benefit equal to 80% of his salary in proportion to the time worked.

As of the 27th week of total disability and up to 104 weeks from the beginning of the total disability, the senior executive shall receive a salary insurance benefit equal to 70% of his salary. A senior executive on a reduced schedule shall receive a benefit equal to 70% of his salary in proportion to the time worked.

**53.** For the purposes of the short-term salary insurance plan, total disability means a state of incapacity resulting from an illness, an accident or serious complications of a pregnancy or a surgical procedure directly related to family planning requiring medical care and rendering the senior executive totally unable to perform the usual duties of his position or of any other similar position calling for comparable remuneration that may be offered by the school board.

**54.** For the purposes of the short-term salary insurance plan, period of total disability means a continuous period of total disability or successive periods of total disability resulting from the same illness or accident, separated by fewer than 15 days of actual full-time or part-time work, as the case may be, in accordance with the senior executive's regular position. The computation of the 15-day period of actual work shall not take into account vacation, paid legal holidays, leaves without pay, leaves related to parental rights or any other absence, whether remunerated or not.

Total disability resulting from a self-inflicted illness or injury, alcoholism or drug addiction, service in the armed forces, active participation in a riot or insurrection, or from indictable or other offences shall not be recognized as a period of total disability. However, in the case of alcoholism or drug addiction, the period during which a senior executive receives medical care or treatment with a view to his rehabilitation shall be recognized as a period of total disability.



**55.** A totally disabled senior executive who receives a salary or benefits under the salary insurance plan shall provide the information as well as the supporting documents required by the school board or its representative (the insurer or a firm of medical experts) for the purposes of verifying whether he complies with the definition of total disability in order to determine the cause and the duration and whether he agrees to undergo, at the school board's expense, a medical examination by the physician chosen by the school board.

A senior executive shall also authorize the school board or its representative to disclose such information and to provide the supporting documents for the purposes of assessing the possibilities of offering him a position according to the provisions of Subdivisions 1 and 2 of this division.

**56.** A disabled senior executive shall continue to participate in the pension plan and in the insurance plans. As of the second week of total disability, a senior executive who receives salary insurance benefits shall be exempted from contributing to the complementary insured plans and to the pension plan, if the plan so provides.

During that period, the senior executive's contribution to the compulsory basic insured plans shall be borne by the school board.

**57.** The salary and benefits paid under sections 51 and 52 shall be reduced by the amount of any disability benefits paid under a provincial statute, regardless of subsequent increases in basic benefits paid under a provincial statute as a result of indexation.

**58.** A senior executive entitled to disability benefits under a provincial statute shall immediately inform the school board.

**59.** Salary and salary insurance benefits shall be paid directly by the school board provided the senior executive submit the supporting documents required under section 55.

**60.** On the senior executive's return to work from a total disability leave, the school board may require him to undergo a medical examination to determine whether he has sufficiently recovered to be able to return to work. The cost of the examination shall be borne by the school board.

Where the opinion of the physician chosen by the school board is contrary to that of the physician consulted by the senior executive, the two physicians shall

agree on the choice of a third physician whose fees shall be paid equally by the school board and the senior executive and whose decision is final.

**61.** A senior executive who receives salary insurance benefits may agree with his school board on a period of gradual return to work provided that, during that period, he carries out the duties related to the position he held prior to his period of total disability or any other position calling for comparable remuneration that may be offered by the school board, while still being covered by the salary insurance plan.

During that period, the senior executive shall receive the gross salary for the time worked as well as the salary insurance benefits calculated in proportion to the time not worked.

As a rule, this period shall not exceed six consecutive months and cannot have the effect of extending the period of total disability under the short-term salary insurance plan beyond 104 weeks.

**62.** A senior executive who is disabled as a result of a work accident that occurred while he was employed by the school board shall receive his salary from the 1st to the 104th week of his total permanent or temporary disability as if he had remained at work.

In such a case, the senior executive shall receive, in addition to the indemnity prescribed by the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), an amount equal to the positive difference between his net salary and that indemnity. The amount constitutes a gross salary from which the school board shall withhold all deductions and contributions required by the Act and this Regulation.

For the purposes of this section, a senior executive's net salary means his gross salary less federal and provincial income taxes and contributions to the Québec Pension Plan, the pension plan, the employment insurance plan and the insurance plans.

**63.** Unless there are provisions to the contrary, a senior executive shall cease to participate in the short-term salary insurance plan on the earliest of the following dates:

(1) the date on which he is no longer covered by this chapter;

(2) the date on which he begins to use his bank of sick-leave days to entirely offset the time worked prescribed in the progressive retirement agreement which immediately precedes retirement;

(3) the date on which his total preretirement leave begins;

(4) the date of his retirement.

(c) Survivor's Pension Plan

**64.** The Directive concernant le régime de rentes de survivants adopted by the Conseil du trésor applies to senior executives, subject to the following provisions:

(1) the words "civil servant" and "remuneration" are replaced respectively by the words "senior executive" and "salary";

(2) the definition of "remuneration" found in section 2 of the Directive is replaced by the following definition:

"salary":

— for a disability which began after 31 December 1981, salary means that defined in section 60 of this Regulation as well as, where applicable, the compulsory complementary long-term salary insurance plan;

— for a disability which began on or prior to 31 December 1981, salary means the senior executive's annual salary;

(3) section 25 of the Directive is replaced by section 140 of this Regulation.

2. Plans Insured by the Insurer

**65.** The provisions of section 66 and sections 68 to 75 shall apply to a senior executive who became totally disabled after 31 March 1994.

**66.** In sections 68 to 74 and Subdivision 2 of this division, the following terms and expressions mean:

"employment" or "rehabilitative employment": employment for which a senior executive is reasonably qualified according to his education, training and experience; such employment may be a senior staff position in the case of a senior staff member, a manager position in the case of a manager or equivalent employment to that held prior to his appointment to a senior executive, professional or teaching position or, in the case of a manager, a technical, administrative or labour support position;

"total disability": total disability within the meaning of the compulsory basic long-term salary insurance plan;

"benefit": benefit that a senior executive would have received had he been eligible for the compulsory basic long-term salary insurance plan.

**67.** The cost of the compulsory basic plans shall be shared by the government and all the participants of the plans according to the terms and conditions of the insuring agreement signed on 2 October 2001 by the Government of Québec and the associations representing the participants of the group insurance plans for management staff in the public and parapublic sectors for the duration of the said agreement.

**68.** Where the school board is advised by the insurer that the senior executive no longer complies with the definition of total disability and that payment of his benefits shall be suspended or refused, the school board may submit the disagreement to contest the insurer's decision to the Medical Arbitration Tribunal in order to determine whether the senior executive complies with the definition of total disability in accordance with the medical arbitration agreement concluded with the insurer and provided that the senior executive agrees that the disagreement be submitted to the Tribunal for a final decision. The disagreement may be submitted directly to the Tribunal or after the school board has required, at its expense, that the senior executive undergo a medical examination.

However, the school board that concurs with the insurer's decision shall offer the senior executive a position in writing.

Within 90 days of the date on which the insurer's decision becomes effective under the conditions specified in the medical arbitration agreement, a senior executive may submit the disagreement to the Medical Arbitration Tribunal to contest the insurer's decision according to which he does not comply with the definition of total disability. In such a case, the school board shall not assume any costs.

**69.** The school board shall pay a senior executive a salary equal to the benefit that he was receiving for the period beginning on the date on which the payment of benefits was suspended or the refusal of payment came into effect and ending on the date of the Medical Arbitration Tribunal decision, provided the following conditions are met:

(1) the senior executive was party to the medical arbitration agreement concluded with the insurer;

(2) the disagreement between the school board and the insurer or between the senior executive and the insurer was validly submitted to the Medical Arbitration Tribunal for a final decision in accordance with the medical arbitration agreement concluded with the insurer.



**70.** Where the Medical Arbitration Tribunal confirms that the senior executive does not comply with the definition of total disability, the contributions of both the school board and the senior executive to the insurance and pension plans shall be paid retroactively to the date on which the payment of benefits was suspended or the refusal of payment came into effect and the senior executive shall continue to receive from the school board a salary equal to the benefit until such time as the school board offers him a position. Where the senior executive submits the disagreement to the Tribunal, he must reimburse the school board for the salary paid to him.

Where the Medical Arbitration Tribunal confirms the senior executive's total disability, the school board shall continue to pay the salary equal to the benefit until such time as the benefit is paid by the insurer. The insurer shall reimburse the school board for the amounts paid and the latter shall reimburse the senior executive, where applicable, for the arbitration and medical examination costs.

**71.** A senior executive who accepts the position offered by the school board under sections 66 to 74 shall be assigned the classification and salary corresponding to his new position.

Contributions of both the senior executive and the school board to the insurance and pension plans shall be determined on the basis of that salary.

**72.** Where the school board and the senior executive agree with the insurer's decision according to which the senior executive does not comply with the definition of total disability or on the date of the Medical Arbitration Tribunal's decision to that effect, the senior executive shall receive, during the waiting period for a position, a salary equal to the benefit and the contributions of both the senior executive and the school board to the pension and insurance plans shall be determined on the basis of that salary. During that period, the school board may use the senior executive's services temporarily.

**73.** The senior executive who does not comply with the definition of total disability after the first 104 weeks of total disability cannot refuse a position offered to him in an agency in the education sector in his administrative region, except for the period during which he submitted his disagreement with the insurer to the Medical Arbitration Tribunal. If the senior executive refuses the position offered, he shall be dismissed. Before proceeding with the dismissal, the school board shall forward a 15-working day notice to the senior executive and shall forward a copy thereof to the committee referred to in section 75.

During that period, the committee may make appropriate recommendations in accordance with section 75.

The duration of the regular workweek of such a position must not be less than that of the position held by a senior executive at the beginning of the total disability.

**74.** The salary equal to the benefit paid to the senior executive, as provided under this subdivision, cannot exceed the date of termination of the benefit prescribed in the master policy.

**75.** At the request of either party, a committee shall be set up to study any particular problem pertaining to the return to work and to propose appropriate solutions to the problems encountered by the school board, the senior executive and the insurer, notably in cases where the return to work may involve the temporary use of the senior executive's services or his moving. The committee shall be composed of a representative designated by each of the following bodies:

- the associations of senior executives;
- the Fédération des commissions scolaires du Québec;
- the Quebec English School Boards Association;
- the Ministry of Education.

The committee may call upon the services of resource persons, if needed.

**76.** Notwithstanding the provisions of this subdivision, the provisions dealing with the definition of disability, the definition of a disability period and the benefits, applicable to the disabled senior executive on 31 March 1994, shall continue to apply to a senior executive who is disabled on that same date and section 45 shall not apply to the senior executive.

## *§2. Rehabilitation*

**77.** A senior executive shall be eligible for rehabilitation if he meets the following eligibility criteria:

- (1) total disability began after 31 March 1994, and the senior executive has been totally disabled for six months or more;
- (2) total disability began more than two years prior to the earlier of the following dates:

- (a) his 65th birthday;
- (b) the earliest date on which he becomes eligible for:
  - i. a retirement pension without actuarial reduction calculated with 35 years of service credited to his pension plan;
  - ii. an actuarially reduced retirement pension the amount of which would correspond to that of a retirement pension without actuarial reduction calculated with 35 years of service credited to his pension plan;
  - iii. a total benefit within the meaning of the PPCT corresponding to 70% of the average pensionable salary on the basis of which the pension under this plan is calculated.

Notwithstanding the first paragraph, a senior executive shall not be eligible for rehabilitation in the following circumstances:

- (1) the attending physician or the insurer confirms that the return to work can be assured without any rehabilitation;
- (2) the insurer confirms that the senior executive will not return to work;
- (3) the insurer confirms that the senior executive does not qualify for rehabilitation.

**78.** A senior executive to whom the school board has offered rehabilitative employment in writing must inform the school board in writing whether he accepts or refuses the rehabilitative employment, regardless of whether the rehabilitation commences before or after the first 104 weeks of disability.

The duration of the regular workweek of rehabilitative employment must not be less than the regular workweek of the position held by a senior executive at the beginning of his total disability.

**79.** The period during which a senior executive holds, on a trial basis, rehabilitative employment cannot have the effect of extending the period of total disability under the short-term salary insurance plan beyond 104 weeks.

**80.** A senior executive whose rehabilitation occurs during the first 104 weeks of disability shall be deemed as totally disabled for that period and shall receive, for the time worked while holding rehabilitative employment,

a short-term salary insurance benefit equal to 90% of the salary to which he would have been entitled had he been at work in the position he held prior to his total disability and, for the time not worked or the waiting period for such employment, where applicable, a short-term salary insurance benefit equal to 70% of that salary.

The benefit shall be subject to the provisions relating to the waiver of contributions to the insurance and pension plans as well as to the provisions relating to the coordination of the benefit according to the terms and conditions prescribed in sections 56 and 57 of this Regulation.

However, a senior executive whose rehabilitation occurs in the position he held prior to his total disability shall receive his salary for the time worked.

**81.** A senior executive whose partial rehabilitation occurs after the 104th week of total disability shall be entitled to the provisions of section 80 up to the end of the 104th week of disability.

From the 105th week to the end of the rehabilitation, a senior executive shall receive for the time worked the salary earned from rehabilitative employment, provided that it not be less than the compulsory basic long-term salary insurance benefit and, for the time not worked, he shall receive a salary equal to that benefit. However, a senior executive whose rehabilitation occurs in his position shall receive his salary for the time worked and a salary equal to the compulsory basic long-term salary insurance plan benefit for the time not worked.

**82.** A senior executive whose total rehabilitation occurs after the 104th week of total disability shall receive for the time worked the salary earned from rehabilitative employment, provided that it not be less than the compulsory basic long-term salary insurance benefit.

**83.** Any period during which a senior executive carries out training or professional development activities prescribed by the rehabilitation program approved by the insurer shall be considered as time worked.

**84.** A senior executive shall be assigned the classification and the salary of the rehabilitative employment at the end of the 104th week of disability or, where applicable, at the end of the rehabilitation if the latter ends after the 104th week.

Contributions of both the senior executive and the school board to the insurance and pension plans shall be determined on the basis of the salary of the rehabilitative employment.

**85.** A senior executive already considered as totally disabled who is again absent from work due to total disability resulting from the same illness or accident before the end of the first 104 weeks of disability but after having undergone rehabilitation shall be considered as having suffered a relapse of the same disability.

In such a case, the senior executive shall continue to receive a benefit equal to 90% of the salary to which he would have been entitled had he been at work in his position, up to 104 weeks from the beginning of the disability, and the provision set out in the second paragraph of section 80 shall apply.

Where a new total disability begins before the end of the first 104 weeks of the first disability but after the senior executive has undergone rehabilitation, the senior executive shall be considered as totally disabled in the position he held at the beginning of the new disability. However, a senior executive shall continue to receive a benefit equal to 90% of the salary to which he would have been entitled had he been at work in the position he held at the beginning of the first disability period, up to 104 weeks from the beginning of the first total disability period, and the provision set out in the second paragraph of section 80 shall apply.

At the end of the first 104 weeks of the first total disability period, a senior executive whose rehabilitation occurs in the rehabilitative employment shall be assigned a new classification in accordance with section 84.

#### **CHAPTER 4** **VACATION, LEAVES AND CHANGE** **IN SCHOOL BOARD**

##### **DIVISION 1** **VACATION**

**86.** The school board shall draw up the annual vacation plan, after consultation with the senior executives. Besides the exceptions prescribed in the vacation plan established by the school board or in the contract concluded between a senior executive and a school board, vacation days may neither be redeemed nor accumulated from one year to the next. Where a senior executive definitively leaves the school board, the school board shall pay him an allowance equal to the annual salary divided by 260 for each day of vacation not taken.

**87.** Notwithstanding section 86, where a disability lasts for more than six cumulative months during the preceding school year, the number of vacation days

established under section 86 shall be reduced in proportion to the number of working days during which the senior executive was not entitled to his salary. A disability period due to a work accident shall not be considered as an absence without pay for the purposes of this section.

##### **DIVISION 2** **LEAVES**

**88.** A senior executive may obtain a leave without pay for a reason deemed valid by the school board, provided that the senior executive so requests and his request is approved by the school board.

**89.** The school board shall determine the terms and conditions for coordinating the leaves after consultation with the senior executive concerned.

**90.** A senior executive on leave without pay may, subject to section 46, continue to participate in the group insurance plans, except for salary insurance benefits, provided that he pay the total cost of the premiums. The senior executive must submit a request to this effect to the school board prior to the leave.

**91.** A senior executive who intends to run for public office shall, on written request, be granted a leave without pay for the length of time required by his candidacy or, if elected, by his office.

##### **DIVISION 3** **SICK-LEAVE DAYS**

###### *§1. Reimbursement of Sick-leave Days*

**92.** A senior executive who was entitled to redeemable sick-leave days prescribed by a school board resolution or by-law shall maintain his entitlement to reimbursement of the redeemable days accumulated on the date on which the insurance plans came into force, that is, 1 January 1974 or on the date on which he assumed his duties, it being understood that, even if no new day is credited, the percentage of redeemable days shall be determined by taking into account the years of service both before and after the date on which the insurance plans came into force.

**93.** For a senior executive in office as a senior staff member or senior executive on the date on which the insurance plans came into force, the terms and conditions for reimbursement of redeemable days shall be those determined by the school board by resolution or by-law adopted before 25 January 1972.

A senior executive who assumed his duties as a senior staff member or senior executive after the date on which the insurance plans came into force and who accumulated redeemable sick-leave days shall be reimbursed for the redeemable days according to the terms and conditions applicable at the time when those days were credited.

**94.** The provisions of this subdivision may not have the effect of changing the value already fixed for the redeemable days the value of which was fixed by school board resolution or by-law.

## **§2. Use of Sick-leave Days**

**95.** Redeemable or nonredeemable sick-leave days to the credit of a senior executive may be used for the following purposes:

(1) defraying the cost of redeeming years of prior service as prescribed in the provisions respecting pension plans;

(2) taking a total or gradual preretirement leave in accordance with Schedule 7;

(3) taking additional days of vacation as agreed to between a senior executive and the school board;

(4) any other reason mentioned in this Regulation;

(5) offsetting the difference between a short-term salary insurance benefit and the salary that a senior executive would receive were he not on disability leave.

**96.** The value in money or time of redeemable days shall be determined proportionately to the percentage of cash convertibility acquired at the time of use without ever being less than 50%, based on the senior executive's salary at that time.

**97.** The value in money or time of nonredeemable days shall be fixed at 50% of the number of days accumulated, based on the senior executive's salary at the time of use.

**98.** The school board may pay some or all of the nonredeemable sick-leave days to the credit of a senior executive when he leaves the school board to take a preretirement leave or to retire, provided that he so requests. The value of those days shall be fixed in accordance with section 97.

**99.** A senior executive who receives a benefit under the compulsory basic long-term salary insurance plan may choose to take a total preretirement leave prescribed

in sections 95 and 100 instead of the benefit, provided that the total preretirement leave not extend beyond the date of the end of the benefit under this plan which would otherwise have been applicable to him.

**100.** A senior executive who uses his sick-leave days for the purposes of taking a preretirement leave shall be entitled to the benefits prescribed by this Regulation, except for the salary insurance plan, premiums for regional disparities and parental rights, provided that they are compatible with the nature of the leave.

## **DIVISION 4 PROVISIONS APPLICABLE TO A CHANGE IN SCHOOL BOARD**

**101.** Where a senior executive is participating in the sabbatical leave plan with deferred salary at the time when he changes school board, he may continue to participate in the plan, provided that the school board that engages him so accepts.

**102.** The school board and the senior executive may reach an agreement concerning the reimbursement of moving expenses.

**103.** Where a change in school board occurs, the value in money or time of a senior executive's fringe benefits shall be paid by the school board of origin.

## **CHAPTER 5 IN-SERVICE TRAINING**

### **DIVISION 1 GENERAL PRINCIPLE**

**104.** The Ministry of Education and the school boards must facilitate the participation of senior executives in various in-service training and resourcing activities designed to enable senior executives to broaden their knowledge, acquire new skills or develop new aptitudes necessary to improve their competence and performance.

### **DIVISION 2 LOCAL PROFESSIONAL DEVELOPMENT**

**105.** The nature as well as the procedures for organizing professional development activities shall be specified in a local professional development policy after consulting the persons concerned or, failing that, in the contract concluded between a senior executive and a school board.

### **DIVISION 3**

#### **PROVINCIAL PROFESSIONAL DEVELOPMENT**

**106.** The Minister shall draw up a professional development plan in order to make professional development activities available to senior executives, regardless of the geographical location or size of a school board, taking into consideration the collective needs of the school board network.

**107.** The Minister shall be advised by a provincial professional development committee in which the associations of senior executives as well as the employer federations participate to determine and apportion the annual amount available. The provincial committee shall also determine the conditions and procedures for organizing professional development activities.

### **CHAPTER 6**

#### **EMPLOYMENT PLAN**

### **DIVISION 1**

#### **SELECTION, ENGAGEMENT AND APPOINTMENT**

**108.** The school board shall select senior executives based on the required minimum qualifications set forth in Schedule 1 and on any other eligibility requirements that may be added by the school board.

**109.** A person who is not in the employ of the school board shall be engaged for a definite or indefinite period. The person shall be appointed senior executive for a definite or indefinite period.

**110.** The person already in the employ of the school board shall be appointed senior executive for a definite or indefinite period.

**111.** The engagement for a definite period as well as the appointment for a definite period cannot exceed five years and cannot include a clause on tacit renewal.

**112.** The duration of a person's engagement, the term of the appointment as senior executive and certain conditions of employment during the appointment are specified in a written contract between the person and the school board.

If a person is hired for a definite period, the contract must specifically stipulate that, at the end of that period, his engagement shall be terminated.

### **DIVISION 2**

#### **RENEWAL OF APPOINTMENT**

**113.** A school board shall apply Division 1 in the case of the renewal of a senior executive's engagement or appointment.

### **DIVISION 3**

#### **TERMINATION OF APPOINTMENT**

**114.** The termination of appointment means the decision of the school board to terminate the appointment of a senior executive before the end of the contract.

**115.** Where a school board decides to terminate the appointment of a senior executive, it shall inform him of its decision, provide him with the reasons for its decision and meet with him in order to find a solution acceptable to both parties. During the meeting, the senior executive may choose to be accompanied by a representative of the association to which he belongs.

If the school board maintains its decision to terminate a senior executive's appointment, it must allow for a time limit of 10 days from the time when the meeting specified in this section is held and the time when the decision is made by the council of commissioners.

**116.** Where the school board decides to terminate the appointment of a senior executive, it shall inform him in writing and shall specify the reasons for its decision. It shall implement one of the following measures as of the effective date on which the senior executive's appointment is terminated:

(1) assign the director general or the assistant director general respectively to a position of assistant director general or senior consultant in the school board;

(2) assign the senior executive to an available administrator position, excluding a manager position, for which he is qualified, or an in-school/centre administrator position;

(3) assign the senior executive as a senior consultant until he is assigned in accordance with paragraph 1 or 2 of this section;

(4) assign a senior executive to a professional or teaching position, provided that the senior executive so requests and his request is approved by the school board;

(5) following a senior executive's resignation, grant him severance pay equal to one month of salary per year of service in the employ of the school board. Severance pay may not be greater than 12 months of salary or less than three months of salary, subject to the following provisions:

(a) a senior executive must waive in writing any right to appeal;

(b) a senior executive who is eligible for a pension corresponding to 70% of his average pensionable salary shall not be entitled to severance pay;

(c) where a senior executive is less than one year from entitlement to a pension corresponding to 70% of his average pensionable salary, severance pay cannot extend beyond the number of months remaining before such entitlement;

(d) payment of severance pay shall cease if a senior executive is employed by an agency in the public or parapublic sector;

(e) a senior executive who has already received severance pay as a senior executive or senior staff member may only receive the difference between the amount of severance pay already received and the amount of the new severance pay.

Where a senior executive's appointment is terminated before the end of the predetermined contract period, the senior executive shall be assigned to a position for the remainder of the initial contract.

**117.** A senior executive whose request is approved by the school board may substitute leave with pay for severance pay. In such a case, a senior executive shall be entitled, except for the salary insurance plan, premiums for regional disparities and parental rights, to the benefits prescribed by this Regulation, provided they are compatible with the nature of the leave.

However, the leave with pay shall end as soon as a senior executive is hired by an agency in the public or parapublic sector. In such a case, a senior executive shall receive, where applicable, severance pay equal to the positive difference between the amount corresponding to three months of salary and the amount received in salary during the leave with pay.

**118.** The following provisions shall apply to a senior executive assigned to another position under section 116:

(1) except for fair and sufficient reasons, the school board shall apply the salary readjustment procedure outlined in sections 36 to 40;

(2) the provisions concerning sick-leave days in sections 95 to 100 shall continue to apply to a senior executive assigned to a professional or teaching position.

#### **DIVISION 4** **EXPIRY OF APPOINTMENT**

**119.** The expiry of a senior executive's appointment shall occur at the end of the predetermined contract period.

**120.** Where the appointment of a senior executive for a definite period expires, the school board shall inform him in writing at least 60 days in advance of its decision to implement one of the following measures. The school board shall:

(1) renew a senior executive's appointment;

(2) not renew his appointment and, if he has completed two years of continuous service, apply one of the five measures specified in section 116;

(3) not renew his appointment and, if he has not completed two years of continuous service, assign the senior executive according to one of the four measures specified in section 116 or, terminate the senior executive's employment;

(4) paragraphs 2 and 3 do not apply to the senior executive hired for a definite period when the senior executive's appointment has not been renewed and,

if the senior executive's appointment expires at the same time as his engagement, the school board shall terminate his engagement if the contract so stipulates;

if the appointment expires before the end of the engagement, the school board shall assign the senior executive for the remaining period to a position according to one of the four measures specified in section 116.



**121.** Paragraphs 1 and 2 of section 118 shall apply to a senior executive assigned to another position in accordance with section 120.

#### **DIVISION 5 DISMISSAL**

**122.** Dismissal means the decision of the school board to terminate the senior executive's employment relationship for just cause.

**123.** Where a school board decides to dismiss a senior executive, it shall inform him of its decision, provide him with the reasons for its decision and meet with him in order to find a solution acceptable to both parties. During the meeting, the senior executive may choose to be accompanied by a representative of the association to which he belongs.

If the school board maintains its decision to dismiss a senior executive, it must allow for a time limit of 10 days from the time the meeting specified in this section is held and the time when the decision is made by the council of commissioners.

**124.** Where the school board decides to dismiss a senior executive, it shall notify him in writing and shall state the reasons for its decision.

#### **DIVISION 6 RENUNCIATION OF APPOINTMENT**

**125.** The renunciation of appointment means the decision of a senior executive, accepted by the school board, to terminate his appointment as senior executive before the end of the contract without terminating the employment relationship. In this case, paragraphs 1 to 4 of section 116 apply.

#### **DIVISION 7 RESIGNATION**

**126.** Resignation means the decision of a senior executive to sever his employment ties.

**127.** Where a senior executive decides to resign, he shall inform the school board of his decision in writing at least 60 days before the effective date of his resignation. He shall be entitled to severance pay equal to one month of salary per year of service with the school board up to six months, provided that he have completed two years of continuous service as senior executive. However:

(a) a senior executive who is eligible for a pension corresponding to 70% of his average pensionable salary shall not be entitled to severance pay;

(b) payment of severance pay shall cease if a senior executive is employed by an agency in the public or parapublic sector;

(c) a senior executive who has already received severance pay as a senior executive or senior staff member may only receive the difference between the amount of severance pay already received and the amount of the new severance pay.

**128.** The senior executive and the school board shall agree on the other terms and conditions of application of the resignation.

#### **DIVISION 8 SUSPENSION**

**129.** The school board may, at any time, suspend a senior executive, with or without pay, for just cause.

#### **CHAPTER 7 RIGHT OF APPEAL**

**130.** In this chapter, the following words and expressions mean:

"working days": the days from Monday to Friday inclusive, excluding legal holidays and days during the month of July.

**131.** This chapter applies to a senior executive whose complaint is related to the implementation or interpretation of this Regulation or in the case of a suspension, dismissal, termination or expiry of an appointment.

However, notwithstanding the foregoing, the following provisions are excluded:

(1) the second paragraph of section 3 dealing with the conditions of employment not prescribed in this Regulation;

(2) the reasons underlying a termination or expiry of an appointment specified in Chapter 6;

(3) Schedule 1 concerning job descriptions and minimum qualifications;

(4) section 1 of Schedule 4 concerning the decision of the school board not to grant a progressive retirement;

(5) section 1 of Schedule 6 concerning the decision of the school board not to grant a sabbatical leave plan with deferred salary;

(6) a suspension, dismissal, termination or expiry of the appointment of a senior executive on probation.

However, where the senior executive comes from another school board, the right to appeal a suspension or a dismissal shall apply during the probation period, provided that he satisfy either one of the following two conditions on the date on which he assumes his duties in the new school board:

— has successfully completed the probation period in the former school board

— has completed two years of continuous service as senior executive with the former school board

(7) the expiry of the appointment of a senior executive whose contract expressly stipulates the termination of the employment relationship at the end of the contract.

**132.** A senior executive shall have 60 days after receiving the school board's decision in which to submit his complaint. At his request, the complaint may be submitted through his association.

The complaint must contain a statement of facts and must be forwarded to the first chairman of the Appeals Committee. A copy shall be sent to the school board and to the employer federation concerned. The address of the first chairman of the Appeals Committee is as follows:

Grefe des comités de recours et d'appel  
575, rue Saint-Amable, 2<sup>e</sup> étage  
Québec (Québec) G1R 5Y8

**133.** The complaint shall be heard by an Appeals Committee composed of a single chairman, unless one of the parties requests that it be heard by an Appeals Committee composed of a chairman and one representative from each party.

**134.** Within 20 days of receiving a copy of the complaint, the parties shall agree on an Appeals Committee composed of a single chairman or a chairman and a representative of each party and, on the choice of a chairman of the committee. A copy of the agreement shall be forwarded to the first chairman of the Appeals Committee.

Where the parties cannot agree on the choice of a chairman of the Appeals Committee, the first chairman of the Appeals Committee shall appoint a chairman from the list approved by the Comité des directeurs généraux.

**135.** The chairman of the Appeals Committee shall summon the parties as soon as possible to study the complaint. During the hearings, the parties, their representatives and the Ministry of Education may intervene to present the comments they deem pertinent to the complaint.

**136.** Where a complaint deals with an application or interpretation issue, the Appeals Committee shall determine whether the decision of the school board complies with the provisions of this Regulation.

Where the Appeals Committee determines that the decision does not comply with the provisions of this Regulation, it shall give the reasons therefor. It may change the decision of the school board wholly or in part.

The decision of the Appeals Committee may not have the effect of modifying or adding to the provisions of this Regulation.

Where the Appeals Committee is composed of a chairman and a representative of each party, the decision of the Appeals Committee must be unanimous or by a majority. Any dissenting member may make a separate report.

The decision of the Appeals Committee is final, executory and binds the parties.

**137.** Where the complaint deals with a suspension, dismissal or termination or expiry of an appointment, the Appeals Committee shall determine whether the reasons underlying the school board's decision are fair and sufficient.

The decision of the Appeals Committee shall be conveyed to the parties within 40 working days from the date of the end of the hearings. However, the decision shall not be void if it is conveyed after the period prescribed.

Where the Appeals Committee considers that the reasons for the school board's decision are not fair and sufficient, the parties shall have 20 working days after the date of the Appeals Committee's decision in which to find a satisfactory solution.



Where agreement is reached, the parties shall jointly inform the chairman of the Appeals Committee.

If no agreement has been reached by the end of the period prescribed in the third paragraph, the Appeals Committee shall, within 20 working days:

(1) decide, where applicable, the amount of compensation for any actual loss of salary incurred. The amount may be reduced by the amount corresponding to the period of suspension without pay determined, where applicable, by the Appeals Committee taking into account the nature of the case submitted;

(2) order the school board to:

(a) reinstate a senior executive and apply the provisions concerning the termination of the appointment specified in section 116, excluding paragraph 5, and section 118. In such a case, the salary protection specified in section 39 shall apply for a period exceeding two years until such time as it is equal to or greater than the salary of the new position;

or

(b) reinstate a senior executive in a senior executive, senior staff or professional or teaching position in accordance with the provisions of the agreements and collective agreements. In such a case, application of the salary readjustment procedure by the school board is optional.

The decision of the Appeals Committee shall be conveyed to the parties within the 20 working days prescribed in the 5th paragraph of this section. However, the decision shall not be void if it is conveyed after the period prescribed.

**138.** Within 30 days of receiving the decision of the Appeals Committee, a senior executive may refuse to have the provisions of paragraph 2 of section 137 applied to him. In which case, a senior executive is deemed to have resigned and shall receive compensation for damages in addition to the compensation set by the Appeals Committee for actual loss of salary.

The compensation for damages is equal to two months of salary per year of service as senior executive or senior staff member; however, it shall not be less than three months of salary or more than 12 months of salary.

The compensation may be converted into a leave with pay, provided that a senior executive so requests and his request is approved by the school board.

The school board shall execute the decision of the Appeals Committee within 20 working days of the date on which the decision was forwarded to it.

The decision of the Appeals Committee is final, executory and binds the parties.

**139.** The expenses and fees of the chairman of the Appeals Committee shall be borne by the Ministry of Education.

Notwithstanding the preceding paragraph, in the case of the cancellation or postponement of a hearing date served, by telephone or in writing, to the chairman of the Appeals Committee less than 15 working days prior to the date set, the fees and, where applicable, expenses of the chairman of the Appeals Committee shall be reimbursed by the party or parties that initiated the request, either the association of senior executives or the school board concerned.

**140.** A senior executive who submits a complaint concerning a dismissal or a termination or expiry of an appointment continues to be covered by the uniform life insurance plan. Also, a senior executive continues to be covered by the compulsory basic health and accident insurance plan, provided that he pay his contribution and that of the school board and may, if he so requests the school board, continue to contribute to all the insured plans until a decision is handed down by the Appeals Committee or the parties reach a settlement, provided a written request to that effect be forwarded to the insurance company concerned according to the provisions specified in the master policy. A senior executive who continues to participate in all of the insured plans shall also continue to participate in the survivor's pension plan, provided that he pay the premium determined according to the provisions of the plan.

In the event of a decision of the Appeals Committee favourable to the senior executive or a settlement reached by the parties, the senior executive shall be reimbursed for the contribution normally paid by the school board for the insured plans and the premium paid to cover his continued participation in the survivor's pension plan, retroactively to the date of dismissal or termination of the employment relationship and, should the senior executive be reinstated, any total disability that began since that date shall then be recognized.

**141.** The time limits may be changed by agreement between the parties.

## **CHAPTER 8**

### **CIVIL RESPONSIBILITY**

**142.** The school board shall assume the case of every senior executive concerning an error committed in performing his duties. It shall not make any claim against the senior executive, unless it was established by final judgement that there was gross and intentional negligence on his part.

## **CHAPTER 9**

### **RESOURCING MEASURES**

#### **DIVISION 1**

##### **TRAINING SESSION IN ANOTHER WORK ENVIRONMENT**

**143.** A senior executive may undergo a training session in another work environment for the purposes of professional resourcing or to lend his qualifications, provided that he so requests and his request is approved by the school board.

In this case, the senior executive shall agree in writing with the school board on the inherent conditions of the training session and the return to work at the end of the training session.

**144.** The provisions of this Regulation shall apply to the senior executive during the training session.

#### **DIVISION 2**

##### **LEAVE WITH PAY**

**145.** A senior executive may be granted a leave with pay to carry out a resourcing project related to his career path, to complete a program of university studies or to facilitate the initial contact with a new work environment, provided that he so requests and his request is approved by the school board. To obtain the leave with pay, a senior executive shall:

(1) have eight years of experience as a senior executive with an agency in the public or parapublic sector, including four years with the school board;

(2) submit in writing a resourcing project to the school board.

**146.** The leave with pay shall not exceed 12 months.

**147.** A senior executive shall agree in writing with the school board on the inherent conditions of the leave and the return to work at the end of the leave.

**148.** The provisions of this Regulation apply, with the exception of salary insurance benefits, to a senior executive during the leave with pay.

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

## **SCHEDULE 1**

### **JOB DESCRIPTIONS AND REQUIRED MINIMUM QUALIFICATIONS**

#### **SENIOR EXECUTIVE POSITIONS**

##### **1. Director general**

The position of director general entails total responsibility for the management of all the activities, programs and resources of the agency for all the administrative units, establishments and fields of activity as well as the implementation of the decisions made by the council of commissioners and the executive committee in accordance with the laws and regulations in force.

This position includes, in particular, the following responsibilities:

— supervise the personnel required for the operations of the school board;

— take part without voting rights in meetings of the council of commissioners and of the executive committee;

— oversee the advisory committee on management;

— participate in the advisory committee on services for handicapped students and students with social maladjustments or learning difficulties, if he has not designated a representative.

##### **Required minimum qualifications**

— Graduate or undergraduate degree in a relevant field of study certifying a minimum three-year university program or hold a senior executive or senior staff position, excluding a manager position, in a school board.

— Ten years of relevant experience, including at least five years in a senior staff position.

## 2. Assistant Director General

The position of assistant director general entails performing any duty and assignment prescribed by the director general relating to the administration of the activities, programs and resources of the school board and exercising, under his authority, the rights, powers and duties delegated by the council of commissioners.

This position includes, in particular, the following responsibilities:

— take part in defining the objectives and policies of the school board;

— coordinate the application of the school board policies with the directors of the administrative units in the fields of activity of an educational or administrative nature;

— participate in the advisory committee on services for handicapped students and students with social maladjustments or learning difficulties.

### Required minimum qualifications

— Graduate or undergraduate degree in a relevant field of study certifying a minimum three-year university program or hold a senior executive or senior staff position, excluding a manager position, in a school board.

CLASSES: number of students

Class I	Class II	Class III	Class IV	Class V	Class VI	Class VII
Fewer than 6 999	7 000 - 11 999	12 000 - 17 999	18 000 - 24 999	25 000 - 32 999	33 000 - 41 999	42 000 or more

— Eight years of relevant experience, including at least three years in a senior staff position.

## 3. Senior Consultant to the Director General

The position of senior consultant to the director general entails performing any duty prescribed by the general directorate relating to the administration of the programs or activities. This position includes, in particular, exercising the powers delegated by the director general.

### Special Condition

This position applies solely to a senior executive covered by sections 116 and 120.

## SCHEDULE 2 CLASSIFICATION PLAN

### JOB CLASSIFICATION PLAN FOR SENIOR EXECUTIVES

POSITIONS	CLASSIFICATION	CLASSES
Director general	HC0	I to VII
Assistant director general	HC1	I to VII
Senior consultant to the director general	CC	I to VII

### SCHEDULE 3 SALARY SCALES

1. The salary scales of senior executives and senior executives of the Commission scolaire de Montréal are found in the following tables:

**TABLE I**  
**SENIOR EXECUTIVES**

Salary scales as of 1 April 2003

Classification	Salary	Class I 6 999 or less	Class II 7 000 - 11 999	Class III 12 000 - 17 999	Class IV 18 000 - 24 999	Class V 25 000 - 32 999	Class VI 33 000 - 41 999	Class VII 42 000 or more
HC0	Maximum	104 616	110 742	117 228	124 092	131 072	135 006	139 053
	Minimum	83 634	88 530	93 707	99 196	104 777	107 923	111 160
HC1	Maximum	93 835	96 674	98 735	103 060	105 120	110 184	112 388
	Minimum	73 283	74 447	76 031	79 365	80 949	84 851	86 539
CC	Maximum	80 856	82 471	84 122	85 808	87 524	89 274	91 059
	Minimum	62 431	63 566	64 787	66 027	67 103	68 446	69 815

**TABLE II**  
**SENIOR EXECUTIVES**  
(Commission scolaire de Montréal)

Salary scales as of 1 April 2003

CLASSIFICATION	SALARY	SPECIAL CLASS
HC0	Maximum	147 195
	Minimum	117 662
HC1	Maximum	123 875
	Minimum	95 379

### SCHEDULE 4 PROGRESSIVE RETIREMENT PLAN

#### DIVISION 1 APPLICATION

1. The progressive retirement plan shall be granted to a senior executive who applies therefor and whose application is accepted by the school board.

2. The progressive retirement plan shall apply to a senior executive who meets the following conditions:

(1) participates in the Government and Public Employees Retirement Plan, the Teachers Pension Plan, the Civil Service Superannuation Plan or the Pension Plan for Management;

(2) must have an attestation from the Commission administrative des régimes de retraite et d'assurances (CARRA) confirming that he will be entitled to a pension on the date on which the agreement expires; the attestation, along with the senior executive's written request for the progressive retirement plan, must be forwarded to the school board;

(3) must have concluded a written agreement with the school board.

#### DIVISION 2 CONTENTS OF THE AGREEMENT

3. The senior executive and the school board must conclude a written agreement according to the provisions of the laws and regulations governing the progressive retirement plan and the provisions of this schedule. The agreement must include the following elements:

(1) the duration of the progressive retirement, which may vary from one to five years;

(2) the proportion of time worked for each of the calendar years or parts of calendar years covered by the progressive retirement plan which cannot be less than 40% of the time worked by regular full-time senior executives.

For the purposes of this paragraph, the expression "parts of calendar years" means the portion of the calendar year when the senior executive's progressive retirement plan begins and when it ends;

(3) scheduling of time worked;

(4) the senior executive's commitment to retire upon completion of the progressive retirement plan, subject to sections 11 and 12 of this schedule.

### **DIVISION 3**

#### **OTHER TERMS AND CONDITIONS**

4. Subject to the provisions of this schedule, the provisions prescribed by this Regulation, adjusted in proportion to the time worked according to the agreement, shall apply to a senior executive for the duration of the progressive retirement plan.

5. The salary of the senior executive who avails himself of a progressive retirement plan shall be paid for the full calendar year or part thereof in proportion to the time worked prescribed for each of the calendar years or parts thereof covered by the agreement.

6. For the purposes of the senior executive's pension plan, the following provisions shall apply for the duration of the progressive retirement plan:

(1) the pensionable salary for the years or parts thereof covered by the progressive retirement plan is the salary and, where applicable, the lump-sum payment resulting from the application of the salary readjustment procedure that the senior executive would have received or, for the period during he received benefits under the salary insurance plan, to which he would have been entitled had he not availed himself of the progressive retirement plan;

(2) the credited service is the service that would have been credited had the senior executive not availed himself of the progressive retirement plan;

(3) the senior executive's contributions to his pension plan are equal to the contributions that he would have paid had he not availed himself of the progressive retirement plan;

(4) if the senior executive becomes disabled, he shall be exonerated, from the fourth to the 104th week of total disability, from contributing to his pension plan as if he had not availed himself of the progressive retirement plan.

7. For the purposes of the insurance plans, the following provisions shall apply for the duration of the progressive retirement plan:

(1) except for the short-term salary insurance plan, the senior executive shall be covered by the insurance plans to which he would have been entitled had he not availed himself of the progressive retirement plan.

The short-term salary insurance plan shall apply in proportion to the time worked prescribed for each of the calendar years or parts of calendar years covered by the agreement. The monetary benefits shall be paid for the duration of the total disability period without exceeding the date on which the agreement expires;

(2) the insurance premiums of the senior executive and the school board are the premiums that would apply had the senior executive not availed himself of the progressive retirement plan.

8. For the duration of the plan, the senior executive can use the sick-leave days to his credit to dispense himself from all or part of his working time prescribed by the agreement. In this case, the terms and conditions respecting the use of sick-leave days prescribed in sections 95 to 100 of this Regulation shall apply.

9. For the purposes of calculating vacation credit, each of the years or parts of years of the progressive retirement plan shall constitute continuous service.

10. Should the senior executive not be entitled to his pension on the date on which the agreement expires, the agreement shall be extended to the date on which the senior executive will be entitled to his pension.

Moreover, where the years or parts of years of service credited to the senior executive are less than those estimated by the Commission administrative des régimes de retraite et d'assurances, the agreement shall be extended until such time as the years or parts of years of service credited to the senior executive correspond to the estimate made by the Commission administrative des régimes de retraite et d'assurances.

11. If, while the plan is in progress, the senior executive resigns and is employed by another school board or another agency in the education, health and social services or civil service sectors, the agreement shall terminate unless the new employer agrees to continue the agreement and provided that the Commission administrative des régimes de retraite et d'assurances so approves.

12. If the agreement becomes null or terminates due to circumstances stipulated in the preceding section or due to other circumstances stipulated in Division IX.1 of Chapter I of the Regulation under the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, s. 134, par. 11.2), in Chapter V.1 of the Regulation under the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11, s. 73, par. 4.3) or in Chapter VIII.1 of the Regulation under the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12,

s. 109, par. 8.1.2), the pensionable salary, the credited service and the contributions for pension plan purposes shall be determined for each of the circumstance in the manner prescribed by those regulations.

13. A senior executive can only opt for the progressive retirement program once.

## **SCHEDULE 5**

### **PARENTAL RIGHTS**

1. The provisions of this schedule may not have the effect of granting any monetary or nonmonetary benefit that a senior executive would not have had had he or she remained at work.

For the purposes of this schedule, a “spouse” means either of two persons who:

- (1) are married or in a civil union and cohabiting;
- (2) are living together in a conjugal relationship and are the father and mother of the same child;
- (3) are of opposite sex or the same sex and have been living together in a conjugal relationship for one year or more.

However, the dissolution of marriage by divorce or annulment cancels the status of spouse, as does a de facto separation for more than three months in the case of persons who are married or living in a conjugal relationship.

2. The maternity leave allowances prescribed in Division 1 are paid solely as supplements to employment insurance benefits or, in the cases mentioned below, as payments during a period of unemployment caused by pregnancy for which the employment insurance plan provides no benefit.

3. If the granting of leave is restricted to one spouse, the restriction shall have effect when the other spouse is also employed by an agency in the public or parapublic sector.

4. The school board shall not repay to a senior executive the amounts that could be claimed from Human Resources Development Canada (HRDC) pursuant to the Employment Insurance Act (R.S.C., 1996, c. 23).

5. The salary, deferred salary and severance pay are neither increased nor decreased by the amounts received under the supplementary employment insurance benefits plan.

## **DIVISION 1**

### **MATERNITY LEAVE**

6. A pregnant senior executive is entitled to a maternity leave of 20 weeks which, subject to section 11 of this schedule, must be consecutive.

Maternity leave may be for a shorter duration than 20 weeks. A senior executive who returns to work within two weeks following the birth must, at the school board's request, submit a medical certificate attesting that she has sufficiently recovered to return to work.

7. A senior executive who becomes pregnant while on leave without pay or partial leave without pay prescribed in this schedule is also entitled to maternity leave and to the benefits attached thereto.

8. A senior executive who gives birth to a stillborn child after the beginning of the 20th week preceding the expected date of delivery is also entitled to maternity leave.

9. Where the spouse of a senior executive dies, the remainder of the 20 weeks of maternity leave shall be transferred to the senior executive, who shall benefit from the rights and benefits attached thereto.

10. The distribution of maternity leave before and after delivery shall be decided by the senior executive and shall include the day of delivery.

11. When a senior executive has sufficiently recovered from delivery, but the child is unable to leave the health institution, she may interrupt the maternity leave and return to work.

A senior executive whose child is hospitalized within 15 days of birth is entitled to the same right.

The maternity leave may be interrupted only once. It shall be completed when the child is brought home. When the interrupted maternity leave is resumed, the school board shall pay the allowance to which the senior executive would have been entitled had the senior executive not opted to interrupt the maternity leave.

12. If the birth occurs after the expected date, the senior executive is entitled to extend the maternity leave for the length of time the birth is overdue, except if at least two weeks of maternity leave are already scheduled after the birth.



Furthermore, the maternity leave may be extended for six weeks if the baby is hospitalized during the maternity leave or if the baby's state of health makes it necessary.

During a period of extended maternity leave, the senior executive shall not receive any allowance or salary. However, she is entitled to the benefits prescribed in section 42 of this schedule provided she is entitled to them.

13. During the fourth week preceding the date of expiry of a maternity leave, the school board shall send the senior executive a notice indicating the date on which the leave is to expire.

A senior executive to whom the school board has sent the notice described above must report for work on the date of expiry of the maternity leave, unless the leave is extended in the manner prescribed in Division 4.

14. To obtain maternity leave, a senior executive must give notice to the school board not less than three weeks before the date on which the leave is to begin. The notice must be accompanied by a medical certificate attesting to the pregnancy and the expected date of birth.

Less than three weeks' notice may be given if a medical certificate attests that the senior executive must stop working earlier than expected. In unforeseeable circumstances, the senior executive is not required to give notice, but must submit a medical certificate to the school board stating it is necessary to stop working immediately.

#### ***§1. Cases Covered by Employment Insurance***

15. A senior executive who has accumulated 20 weeks of service and who, after submitting an application for benefits under the employment insurance plan, receives such benefits, is entitled, during the maternity leave, to receive:

(1) for each week of the waiting period prescribed by the employment insurance plan, an allowance equal to 93% of the basic weekly salary;

(2) for each week in which the senior executive receives employment insurance benefits, a supplementary allowance equal to the difference between 93% of the senior executive's basic weekly salary and the weekly rate of employment insurance benefit received by the senior executive.

The supplementary allowance shall be calculated on the basis of the employment insurance benefits that a senior executive is entitled to receive, without taking into account the amounts subtracted from those benefits for repayment of benefits, interest, penalties and other amounts recoverable under the employment insurance plan.

The maternity leave allowance paid by the Government of Québec shall be subtracted from the allowances paid under this subdivision.

However, a senior executive who works for more than one employer shall receive a supplementary allowance equal to the difference between 93% of the basic salary paid by the school board and the percentage of the employment insurance benefits that represents the proportion of the basic weekly salary paid by it compared to the sum of the basic weekly salaries paid by all the employers. For that purpose, the senior executive shall submit to each employer a statement of the weekly salary paid by each of them, together with the amount of benefits paid by Human Resources Development Canada.

If Human Resources Development Canada reduces the number of weeks of employment insurance benefits, where applicable, the senior executive shall continue to receive the supplementary allowance, without taking into account the weeks subtracted by Human Resources Development Canada as though the senior executive had received employment insurance benefits during that period;

(3) for each of the weeks following the period mentioned in paragraph 2 of this section, an allowance equal to 93% of the basic weekly salary until the end of the 20th week of maternity leave.

16. For the purposes of entitlement to maternity leave benefits, a senior executive who is absent shall accumulate service if the absence is authorized, particularly for total disability, and includes a benefit or remuneration.

17. For the purposes of this division, basic weekly salary means the regular salary of the senior executive, including the lump sums resulting from the annual increment or the salary readjustment procedure.

18. The school board may not offset any reduction in employment insurance benefits attributable to the salary earned with another employer by paying an allowance to a senior executive on maternity leave.

Notwithstanding the provisions of the preceding paragraph, the school board shall pay the compensation if the senior executive proves that the salary earned with another employer is a regular salary by means of a letter to that effect from the employer paying it. If the senior executive proves that only part of the salary is regular, the compensation shall be limited to that part.

The employer paying the regular salary mentioned in the preceding paragraph must provide such a letter at the request of the senior executive.

19. The total amounts received by the senior executive during the maternity leave as employment insurance benefits, allowances and salary may not exceed 93% of the basic salary paid by the senior executive's employer or employers.

20. No allowance may be paid during a vacation period during which a senior executive is paid.

21. The allowance owing for the first two weeks shall be paid by the school board within two weeks following the beginning of the leave. The allowance owing after that date shall be paid at two-week intervals, the first payment being due, in the case of a senior executive eligible for employment insurance benefits, only 15 days after the school board obtains proof that she is receiving employment insurance benefits. For the purposes of this section, a statement of benefits, a payment stub and the information provided by Human Resources Development Canada to the school board by mechanical reproduction shall be considered proof.

22. The duration of service shall be calculated with all employers of the public and parapublic sectors (public service, education, health and social services), the regional health and social services boards, all agencies for which, by law, the employees' employment conditions or salary standards and scales are determined or approved by the Government, the Office franco-québécois pour la jeunesse, the Société de gestion du réseau informatique des commissions scolaires (GRICS) or any other agency listed in Schedule C of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R.-8.2).

Moreover, the requirement of 20 weeks of service under sections 6 and 24 shall be deemed to have been met when the senior executive has satisfied that requirement with any employer mentioned in the preceding paragraph.

23. A senior executive may defer not more than four weeks of annual vacation if they fall within the maternity leave and if, not later than two weeks before the expiry of the maternity leave, she notifies the school board in writing of the date on which the vacation is to be taken.

## *§2. Cases not Covered by Employment Insurance*

24. A senior executive excluded from receiving employment insurance benefits or declared ineligible shall also be excluded from receiving any compensation. However, a full-time senior executive who has accumulated 20 weeks of service is also entitled to an allowance equal to 93% of the basic weekly salary prescribed under this division for 12 weeks if she is not eligible for employment insurance benefits because she has not held insurable employment for the required number of hours during the qualifying period prescribed by the employment insurance plan.

## **DIVISION 2** **PATERNITY LEAVE**

25. A senior executive is entitled to take paid leave for a maximum of five working days for the birth of his child. A senior executive is also entitled to the leave if the child is stillborn and the delivery takes place after the beginning of the 20th week preceding the expected date of delivery. The paid leave may be discontinuous, but must be taken between the beginning of the confinement and the 15th day following the mother's or the child's return home. One of the five days may be used for the baptism or registration of the child.

## **DIVISION 3** **ADOPTION LEAVE AND LEAVE WITHOUT PAY** **FOR ADOPTION PURPOSES**

26. A senior executive who legally adopts a child is entitled to a leave not exceeding 10 consecutive weeks, provided that the senior executive's spouse does not take the same leave. The adoption leave must be taken after the order of placement of the child or the equivalent in the case of an international adoption in accordance with the adoption plan.

27. A senior executive legally adopting a child, who is not entitled to the adoption leave under section 26, is entitled to leave for a maximum of five working days, only the first two of which are paid.

The leave may be discontinuous, but it may not be taken later than 15 days following the child's arrival home.



However, if the child is the spouse's child, the senior executive is entitled only to leave without pay for a maximum of two working days.

28. For each week of leave taken under section 26 of this schedule, the senior executive shall receive an allowance equal to the salary he or she would have received had he or she remained at work.

29. For adoption purposes, a senior executive may take leave without pay of up to 10 weeks' duration from the date on which he or she actually takes custody of the child.

30. On a written request to the school board if possible four weeks in advance, a senior executive who travels outside of Québec to adopt a child shall obtain leave without pay for the required travel time. If the senior executive obtains actual custody of the child, the maximum duration of the leave without pay shall be 10 weeks, in accordance with section 29 of this schedule. During the leave, the senior executive shall be entitled to the benefits attached to leave without pay prescribed in this schedule.

31. Sections 26 to 30 of this schedule do not apply to the senior executive who adopts his or her spouse's child.

32. The adoption leave prescribed in section 26 of this schedule may take effect on the date on which the leave without pay for adoption purposes begins, if the maximum duration of the unpaid leave is 10 consecutive weeks and if the senior executive so chooses in the request submitted under section 30.

If no child is adopted following a leave for adoption purposes for which the senior executive receives an allowance paid under section 28, the senior executive is deemed to have been on a leave without pay and shall repay the allowance to the school board.

Where the adoption leave takes effect on the date when the leave without pay begins, the senior executive is entitled only to the benefits prescribed for adoption leave.

#### **DIVISION 4 LEAVE WITHOUT PAY**

33. A leave without pay as extended maternity leave, paternity leave or adoption leave shall not exceed two years.

A senior executive who wishes to terminate the leave during the first 52 weeks must give written notice to this effect at least 21 days before he or she intends to return to work.

A senior executive who does not take the leave without pay may, for the portion of the leave that is not taken by his or her spouse, choose to take a leave without pay.

34. A senior executive who does not opt to take the leave prescribed in section 33 of this schedule may, following the birth or adoption of a child, take a leave without pay of up to 52 continuous weeks, beginning on the date chosen by the senior executive and ending not later than 70 weeks after the birth or, in the case of an adoption, 70 weeks after responsibility is taken for the child. However, this paragraph does not apply to a senior executive who adopts his or her spouse's child.

A senior executive who wishes to terminate his or her leave before the scheduled date must give written notice to this effect at least 21 days before he or she intends to return to work.

35. A leave without pay or a partial leave without pay of up to one year shall be granted to a senior executive whose minor child suffers from socioemotional problems, a handicap or a prolonged illness and who requires his or her care.

36. A senior executive may be absent from work up to six days each year to attend to his or her minor child or spouse's minor child if his or her presence is expressly required for reasons linked to the child's health, safety or education. The days of leave shall be deducted from the senior executive's bank of sick-leave days or, failing that, shall be unpaid.

37. Subject to sections 33 and 34 of this schedule, a senior executive who is absent from work without pay to extend a leave prescribed in this schedule shall, prior to the beginning of leave, come to an agreement with the school board with respect to the terms and conditions of leave and eventual return to a position.

Notwithstanding the first paragraph, upon returning from a leave without pay not exceeding 12 weeks, a senior executive shall be reinstated in the position that he or she would have had had he or she been at work.

#### **DIVISION 5 OTHER SPECIAL LEAVES AND PREVENTIVE WITHDRAWAL**

38. A senior executive shall be entitled to special leave in the following cases:

(1) where a pregnancy complication or a risk of miscarriage requires the senior executive to stop work for the period prescribed by a medical certificate. The special leave may not extend beyond the beginning of the 8th week preceding the expected date of delivery;

(2) upon submission of a medical certificate prescribing a period of leave, when a natural or induced miscarriage occurs before the beginning of the 20th week preceding the expected date of delivery ;

(3) for pregnancy-related visits to a health professional, certified by a medical certificate.

39. In the case of the visits mentioned in paragraph 3 of section 38 of this schedule, the senior executive shall take special leave with pay of up to four days. This special leave may be taken in half-days.

40. During the special leaves granted under this division, the senior executive shall be entitled to the benefits prescribed in sections 42 and 45 of this schedule.

Notwithstanding paragraph 1 of section 42 of this schedule, a senior executive covered by section 38 of this schedule may also opt for salary insurance benefits. However, in the case of paragraph 3 of section 38 of this schedule, the senior executive must first have exhausted the four days prescribed in section 39 of this schedule before opting for the basic salary insurance plan.

41. A senior executive who benefits from preventive withdrawal under the Act respecting occupational health and safety (R.S.Q., c. S-2.1) is also entitled to the benefits prescribed in sections 23 and 42 of this schedule, provided she is normally entitled to them, and may subsequently avail herself of the provision prescribed in section 44 of this schedule.

## **DIVISION 6 OTHER PROVISIONS**

42. During a maternity leave and the extensions prescribed in section 12 or a 10-week adoption leave, a senior executive shall have, if she is normally entitled thereto, the following benefits:

(1) insurance plans excluding salary insurance benefits. However, in the case of a maternity leave, the school board shall pay all the premiums of the compulsory basic plans and the senior executive shall not be required to pay the premiums according to the provisions contained in the master policy of the insurance plans ;

(2) accumulation of vacation ;

(3) accumulation of experience and continuous service ;

(4) premiums for regional disparities.

Notwithstanding paragraph 4, the total amount received as maternity leave benefits shall not exceed 93% of the amount comprising the basic weekly salary and the premiums for regional disparities.

43. During a leave without pay in accordance with this schedule, a senior executive shall retain his or her experience and shall continue to accumulate service. The insurance plans shall apply to a senior executive in accordance with the provisions of section 43 of the Regulation.

44. A school board and a senior executive shall agree, before the leave begins, on the terms and conditions of a maternity leave, a paternity leave, an adoption leave or a leave without pay for adoption purposes.

45. Upon returning to work from a maternity leave, an adoption leave or a leave for adoption purposes, the senior executive shall be reinstated in the position he or she would have held, had he or she remained at work.

## **SCHEDULE 6 SABBATICAL LEAVE PLAN WITH DEFERRED SALARY**

1. The granting of a sabbatical leave with deferred salary is the exclusive responsibility of the school board ; however, should the school board not accept an application for participation in the plan, it shall provide the senior executive who so requests with the reasons for its refusal.

2. The school board shall maintain its contribution to the Québec Pension Plan, the Québec Health Insurance Plan, the group insurance plan and the occupational health and safety plan during the senior executive's sabbatical leave.

The employment insurance contributions of the school board and those of the senior executive shall not apply during the senior executive's sabbatical leave.

3. The replacement of a senior executive on sabbatical leave is encouraged but not necessary ; however, the replacement, where applicable, is temporary.

4. A senior executive must return to work, following his sabbatical leave, for a period equal to the duration of his leave. His return to work shall take place during the contract or following its expiry.

5. A senior executive covered by salary insurance or on a leave without pay may only avail himself of these provisions on the date of his return to work.

6. The provisions of the pension plans concerning sabbatical leave with deferred salary are contained in sections 192 to 197 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10).

### **DIVISION 1**

#### **DURATION OF CONTRACT**

7. The provisions of this schedule may apply to a senior executive for a period of two, three, four or five years; this period is hereinafter referred to as “the contract”.

### **DIVISION 2**

#### **DURATION OF SABBATICAL LEAVE, PERCENTAGE OF SALARY AND WORKLOAD**

8. The duration of the sabbatical leave and the percentage of applicable salary based on the duration of the contract are found in the following table:

Duration of leave	Percentage of salary based on duration of contract			
	2 years	3 years	4 years	5 years
6 months	75.00	83.33	87.50	90.00
7 months	70.83	80.56	85.42	88.33
8 months	66.67	77.78	83.33	86.67
9 months	N.A.	75.00	81.25	85.00
10 months	N.A.	72.22	79.17	83.33
11 months	N.A.	69.44	77.08	81.67
12 months	N.A.	66.67	75.00	80.00

9. Notwithstanding any provision to the contrary, as a result of benefits and conditions of which a senior executive may avail himself during the contract, the duration of the leave must be at least six consecutive months and the leave may not be interrupted for any reason, regardless of its duration.

10. Notwithstanding any provision to the contrary, as a result of benefits and conditions of which a senior executive may avail himself during the contract, the sabbatical leave must begin no later than the expiry of a maximum period of six years after the date on which the senior executive's salary begins to be deferred.

11. Except for the duration of the sabbatical leave, the workload of a senior executive for the period of the contract shall not be modified.

12. Upon his return, a senior executive shall be reinstated in his position.

### **DIVISION 3**

#### **RIGHTS AND BENEFITS**

13. Subject to the provisions of this schedule, a senior executive shall be entitled, for the duration of the contract, to the provisions of this Regulation, provided that the provisions are compatible with the nature of the leave.

14. During the sabbatical leave, the senior executive may not receive any premium or supplement prescribed by this Regulation. During the other years of the contract, a senior executive is entitled to all of the premiums and supplements, where applicable.

15. For the purposes of this schedule, the salary of a senior executive includes his salary and, where applicable, any lump sum related to the salary review or salary readjustment procedure.

16. The plan is not designed to provide retirement income or to defer the payment of income tax. Moreover, during the sabbatical leave, a senior executive may not receive any other remuneration from the school board or from any other person or partnership with which the school board is affiliated in accordance with tax legislation requirements, except an amount corresponding to the percentage of the senior executive's salary for the duration of the contract.

17. For insurance plan purposes, the insurable salary during the contract is the salary that the senior executive would receive had he not taken the sabbatical leave with deferred salary and the premium of the senior executive shall be calculated on the basis of that salary.

18. For the purposes of calculating vacation credit, each of the years of the contract shall constitute a year of continuous service.

19. Vacation deemed used during the sabbatical leave shall be proportional to the duration of the leave.

20. Each of the years covered by the contract shall count as a year of service for pension plan purposes.

### **DIVISION 4**

#### **TOTAL DISABILITY**

21. Where a disability occurs during the contract, the following provisions apply:

(1) If total disability occurs during the sabbatical leave:

Total disability shall be considered as beginning on the date on which a senior executive returns to work and not during the sabbatical leave.

During the sabbatical leave, the senior executive shall receive the salary determined in section 8 of this schedule. As of the date of his return to work, the senior executive, if still disabled, shall receive salary insurance benefits based on the percentage prescribed in section 8 for the duration of the contract.

(2) If the total disability occurs after the sabbatical leave has been taken:

The senior executive shall continue to participate in the contract and shall receive, for the duration of the contract, a salary insurance benefit based on the percentage prescribed in section 8.

(3) If the total disability occurs before the sabbatical leave has been taken and ends before the beginning of the sabbatical leave:

The senior executive shall continue to participate in the contract and shall receive the salary insurance benefits based on the percentage prescribed in section 8.

(4) If the total disability occurs before the sabbatical leave has been taken and persists until the date scheduled for the beginning of the leave, the senior executive may select one of the following options:

(a) continue to participate in the contract and defer the sabbatical leave either to the date of his return to work or to the following school year in accordance with the agreement concluded between the school board and the senior executive;

(b) terminate the contract. In such a case, the school board shall reimburse a senior executive, without interest, for the total amount of deferred salary during the first year of assessment following the termination of the contract.

(5) If the disability lasts more than two years, the contract shall cease to have effect and:

(a) if the senior executive has already taken his sabbatical leave, the school board shall not make any monetary claim for the salary paid;

(b) if the senior executive has not already taken his sabbatical leave, the school board shall reimburse him, without interest, for the total amount of deferred salary during the first year of assessment following the termination of the contract.

## **DIVISION 5**

### **RESIGNATION, RETIREMENT OR WITHDRAWAL OF A SENIOR EXECUTIVE**

22. In the case of resignation, retirement or withdrawal from the plan during the contract, the contract terminates on the date on which the measure takes effect and the following conditions apply:

(1) If a senior executive has already taken the sabbatical leave, he shall reimburse, without interest, the school board for the difference between the salary received during the sabbatical leave and the total amount of deferred salary. In such a case, the school board and the senior executive may agree on the terms and conditions of reimbursement.

(2) If a senior executive has not yet taken the sabbatical leave, the school board shall reimburse him, without interest, for the total amount of deferred salary during the first year of assessment following the termination of the contract.

(3) If the sabbatical leave is in progress, the amount owed by either party shall be calculated as follows:

The amount received by the senior executive during the leave less the total amount of deferred salary; if the balance is negative, the school board shall reimburse the balance to the senior executive, starting from the first year of assessment following the termination of the contract; if it is positive, the senior executive shall reimburse the balance to the school board. In such a case, the school board and the senior executive may agree on the terms and conditions of reimbursement.

This paragraph does not apply to a withdrawal from the plan, which is not permitted during the sabbatical leave.

Notwithstanding the provisions of this section, a senior executive who, following a resignation, is hired as a senior executive by another school board shall continue to participate in the contract, provided that he so request and that his request be approved by the school board that hires him.

**DIVISION 6**  
**DEATH**

23. If the senior executive dies while the plan is in progress, the plan shall terminate on the date of death, and the provisions of section 22 of this schedule apply. However, the school board shall not make any monetary claim if the senior executive is required to reimburse the school board following the application of paragraph 1 or 3 of the said section.

**DIVISION 7**  
**LEAVE WITHOUT PAY**

24. For the duration of the contract, a senior executive shall be entitled to one or more leaves without pay according to the policy in effect at the school board; in which case, the period of the contract shall be extended accordingly.

The total duration of one or more leaves without pay may not exceed 12 months.

Should the total duration of one or more leaves without pay exceed 12 months, the contract shall terminate on the date following that on which the allowed period expires and the provisions of section 22 shall apply.

**DIVISION 8**  
**MATERNITY LEAVE AND ADOPTION LEAVE**

25. Where a senior executive obtains a maternity leave (20 weeks) or adoption leave (10 weeks) during the contract, the sabbatical leave shall be interrupted for the duration of the maternity leave or adoption leave and shall be extended accordingly.

Where the maternity leave or adoption leave is taken before the sabbatical leave, the senior executive shall terminate the contract and paragraph 2 of section 22 shall apply.

**DIVISION 9**  
**DISMISSAL**

26. Where a senior executive is dismissed, the contract shall cease to have effect. The conditions prescribed in section 22 then apply.

**SCHEDULE 7**  
**GRADUAL PRERETIREMENT**

1. The gradual preretirement program is intended for any senior executive who, during the period immediately preceding his retirement, wishes to reduce his workweek by using sick-leave days to his credit in accordance with sections 108 to 112 of this Regulation.

In such a case, the actual workweek shall not be less than 40% of the regular workweek of a regular full-time senior executive.

2. The granting of a gradual preretirement leave shall be subject to prior written agreement between a senior executive and his school board, which shall take the needs of the school board into account. Such an agreement shall specify the terms and conditions of the gradual preretirement leave, such as the duration, proportion and scheduling of the time worked.

3. A senior executive on gradual preretirement leave shall be entitled to the short-term salary insurance plan on the basis of the time worked as prescribed in the agreement.

However, where the gradual preretirement leave spreads over a period of over 104 weeks, a senior executive shall continue to participate in the compulsory long-term salary insurance plans, subject to the provisions prescribed in the master policy.

**SCHEDULE 8**  
**JOB CLASSIFICATION PLAN FOR SENIOR**  
**EXECUTIVES OF THE COMMISSION SCOLAIRE**  
**DE MONTRÉAL****JOB CLASSIFICATION PLAN FOR SENIOR**  
**EXECUTIVES**

POSITIONS	CLASSIFICATION	CLASSES
Director general	HC0	Special
Assistant director general	HC1	Special

## SCHEDULE 9

### ADMINISTRATIVE REGIONS<sup>1</sup>

Région administrative du Bas-Saint-Laurent (01)  
 Région administrative du Saguenay–Lac-St-Jean (02)  
 Région administrative de la Capitale-Nationale (03)  
 Région administrative de la Mauricie (04)  
 Région administrative de l'Estrie (05)  
 Région administrative de Montréal (06)  
 Région administrative de l'Outaouais (07)  
 Région administrative de l'Abitibi-Témiscamingue (08)  
 Région administrative de la Côte-Nord (09)  
 Région administrative du Nord-du-Québec (10)  
 Région administrative de la Gaspésie–Îles-de-la-Madeleine (11)  
 Région administrative de la Chaudière-Appalaches (12)  
 Région administrative de Laval (13)  
 Région administrative de Lanaudière (14)  
 Région administrative des Laurentides (15)  
 Région administrative de la Montérégie (16)  
 Région administrative du Centre-du-Québec (17)

## SCHEDULE 10

### CLASSIFICATION PLAN AND SALARY SCALES ON 1 JULY 2005

1. The classification plan in Table A comes into effect on 1 July 2005.

2. The salary scale in Table B comes into effect on 1 July 2005.

3. The following integration rules apply on 1 July 2005:

(a) a senior executive shall integrate his new salary scale on 1 July 2005;

(b) a senior executive's salary cannot be less than the minimum rate of his new class of employment;

(c) a senior executive's salary shall be increased by 2% without exceeding the maximum rate of his new class of employment;

(d) salary protection shall apply to a senior executive whose salary, on 30 June 2005, is higher than the maximum rate of his new class.

4. The other rules and terms and conditions of integration will be determined between now and the date on which the classification plan comes into effect.

**TABLE A**  
CLASSIFICATION PLAN ON 1 JULY 2005

POSITION	CLASSES April 2003	CSDM	> 24 000 students	12 000 – 24 000 students	6 000 – 12 000 students	< 6000 students
DG of school boards	HC0	17	16	15	13	12
ADG of school boards	HC1	14	13	12	11	10

<sup>1</sup> For the purposes of applying this schedule, the following are considered as the same administrative region:

1. administrative regions 01 and 11
2. administrative regions 03 and 12
3. administrative regions 04 and 17
4. administrative regions 08 and 10
5. administrative regions 13, 14 and 15



**TABLE B**  
SALARY SCALE ON 1 JULY 2005

CLASSES	RATES	
	MINIMUM	MAXIMUM
17	110 396	147 195
16	104 289	139 052
15	98 519	131 359
14	93 069	124 092
13	87 920	117 227
12	83 057	110 742
11	78 462	104 616
10	74 122	98 829

6620

Gouvernement du Québec

**T.B. 201770**, 30 November 2004

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

**School boards**  
— **Conditions of employment of management staff**  
— **Amendments**

Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards

WHEREAS under section 451 of the Education Act (R.S.Q., c. I-13.3), the Minister of Education may, by regulation and with the authorization of the Conseil du trésor, establish for all or certain school boards, a classification of positions, the maximum number of positions in each job category, working conditions, remuneration, recourses and rights of appeal of the members of the staff who are not members of a certified association within the meaning of the Labour Code (R.S.Q., c. C-27);

WHEREAS the Regulation respecting the conditions of employment of management staff of school boards was made by the Minister's Order dated 23 September 1998;

WHEREAS the Regulations Act (R.S.Q., c. R-18.1) does not apply to this regulation;

WHEREAS the Minister of Education is of the opinion that it is expedient to amend the Regulation;

WHEREAS on 18 November 2004, the Minister of Education ordered that the Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards be made;

THE CONSEIL DU TRÉSOR DECIDES :

1. To approve the Regulation to amend the Regulation respecting the conditions of employment of management staff of school boards, attached hereto;

2. To ask for the publication of the Regulation in the *Gazette officielle du Québec*.

SERGE MARTINEAU,  
*Clerk of the Conseil du trésor*

**Regulation to amend the Regulation  
respecting the conditions of employment  
of management staff of school boards<sup>1</sup>**

Education Act  
(R.S.Q., c. I-13.3, s. 451)

**1.** Section 1 of the Regulation respecting the conditions of employment of management staff of school boards is amended by:

1) deleting the definition of “association of senior executives”;

2) replacing the definition of “senior staff member” by “senior staff member”: “a management staff member”;

3) deleting, in the definition of “management staff member”, the words “a senior executive”;

4) deleting the definition of “senior executive”.

<sup>1</sup> The latest amendments to the Regulation respecting the conditions of employment of management staff of school boards, made by the minister's order dated 23 September 1998 (1998, *G.O.* 2, 5498), were made by the minister's order dated 14 May 2004 (2004, *G.O.* 2, 2683). For previous amendments, see *Tableau des modifications et Index sommaire*, Publications du Québec, 2004, updated to 1 March 2004.

**2.** Section 4 of the Regulation is amended by:

1) deleting, in the first paragraph, the words “senior executives”;

2) deleting, in the second paragraph, the words “Committee of Directors General for senior executives”;

**3.** Section 5 of the Regulation is amended by deleting paragraph (1).

**4.** Section 7 of the Regulation is amended by deleting, in the first paragraph, the words “senior executives”.

**5.** Section 14 of the Regulation is amended by deleting the words “senior executives and”.

**6.** Section 15 of the Regulation is amended by deleting the words “senior executives and”.

**7.** The title of Subdivision 1 of Division 2 of Chapter 2 of Part 1 of the Regulation is amended by deleting the words “Senior Executive or”.

**8.** Section 28.1 of the Regulation is amended by:

1) deleting, in the first paragraph, the words “a senior executive or”;

2) deleting, in paragraph *a*, the words “the senior executive or”;

3) deleting, in paragraph *b*, the words “the senior executive or”.

**9.** Section 28.2 of the Regulation is amended by deleting the words “the senior executive or”.

**10.** The title of Subdivision 2 of Division 1 of Chapter 3 of Part 1 of the Regulation is repealed.

**11.** The title of Subdivision 3 of Division 1 of Chapter 3 of Part 1 of the Regulation is amended by deleting the words, “Except for a First Appointment to a Senior Executive Position”.

**12.** Section 36 of the Regulation is repealed.

**13.** The title of Subdivision 7 of Division 1 of Chapter 3 of Part 1 is repealed.

**14.** Sections 47 and 48 of the Regulation are repealed.

**15.** The title of Subdivision 8 of Division 1 of Chapter 3 of Part 1 of the Regulation is repealed.

**16.** Section 48.1 of the Regulation is repealed.

**17.** Section 51 of the Regulation is amended by deleting the words “Except for the assistant director general referred to in section 47,” and by replacing the word “temporary” by “Temporary”.

**18.** Section 93 of the Regulation is amended by deleting the words “a representative designated by the association of senior executives”;

**19.** Section 135 of the Regulation is amended by deleting the words “Comité de perfectionnement des directeurs généraux (CPDG) for senior executives”;

**20.** Part 2 of the Regulation including sections 136 to 252.2 is repealed.

**21.** Part A of Schedule 1 of the Regulation and the inherent provisions are repealed.

**22.** Schedule 2 of the Regulation is amended by deleting Table 1.

**23.** Schedule 3 of the Regulation is amended by:

1) deleting, in sections 1 and 2, the words “senior executives and”;

2) deleting the following tables: Table I-A, Table I-B, Table I-BB, Table I-C, Table I-CC, Table I-D, Table I-DD and Table I-E;

3) deleting the following tables: Table VIII-A, Table VIII-B, Table VIII-C, Table VIII-CC, Table VIII-D, Table VIII-DD and Table VIII-E.

**24.** Schedule 10 of the Regulation is amended by deleting the words “Committee of Directors General” and the inherent paragraph.

**25.** Schedule 11 of the Regulation is amended by:

1) deleting, in the title, the words “senior executives and”;

2) deleting Table 1.

**26.** Schedule 17 of the Regulation is amended by deleting the words “senior executives and” in the titles of Tables A, B, C and D.

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



## Decisions

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### Decision 1178-2, 27 November 2003

Public Protector Act  
(R.S.Q., c. P-32)

CONCERNING the Regulation respecting contracts of the Public Protector adopted under the Public Protector Act

WHEREAS, in Decision 0640-2 dated 17 November 1993, the Office of the National Assembly approved the Regulation respecting contracts of the Public Protector;

WHEREAS the Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies has been in force since 1 October 2000 under Order in Council 961-2000 dated 16 August 2000;

WHEREAS that Regulation does not apply to the Public Protector;

WHEREAS section 35.2 of the Public Protector Act (R.S.Q., c. P-32) provide that the Public Protector may, by regulation, determine the terms of the contracts he is authorized to conclude;

WHEREAS the same section of that Act provide that the regulation comes into force on the date of its approval by the Office of the National Assembly and that it shall be published in the *Gazette officielle du Québec*;

WHEREAS the Public Protector adopted the Regulation respecting contracts of Public Protector on November 21 2003;

WHEREAS it is expedient that the Office of the National Assembly approve that regulation;

IT IS THE DECISION OF THE OFFICE

THAT the Regulation respecting contracts of the Public Protector, attached hereto, is approved;

THAT this Decision replaces Decision 0640-2 dated 17 November 1993;

THAT this Decision and the Regulation respecting contracts of the Public Protector attached hereto shall be published in the *Gazette officielle du Québec*.

FRANÇOIS CÔTÉ,  
*Secretary of the Office of the National Assembly*

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### Regulation respecting contracts of the Public Protector

Public Protector Act  
(R.S.Q., c. P-32, s. 35.2)

#### CHAPTER I GENERAL

##### DIVISION I SCOPE

**1.** This Regulation applies to the following contracts entered into by the Public Protector:

(1) supply contracts, that is, contracts for the purchase or lease of movable property, which may include the cost of installing, operating or maintaining that property;

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

(3) service contracts, including contracts of enterprise or for services within the meaning of the Civil Code, damage insurance contracts and carriage contracts, but excluding construction contracts and contracts referred to in the Politique d'intégration des arts à l'architecture et à l'environnement des bâtiments et des sites gouvernementaux (O.C. 955-96); and

(4) contracts to lease immovables, other than occupation agreements between the Public Protector and the Société immobilière du Québec, by which the right to occupy an immovable is acquired for a certain time in return for rent.

**2.** This Regulation does not apply to the following contracts:

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

(2) contracts entered into in an emergency situation where the safety of persons or property is in jeopardy, except for section 64.

**DIVISION II**  
**DEFINITIONS**

**3.** In this Regulation,

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

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

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

“call for tenders” means a procedure calling for competitive tendering by several suppliers, inviting them to submit bids or tenders for services with a view to obtaining a contract; (*appel d’offres*)

“central register” means the central register of Government suppliers as established under section 62 of the Public Administration Act (R.S.Q., c. A-6.01); (*fichier*)

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

“mixed contract” means a contract involving at least two of the following: the supply of goods, the supply of services and construction work; (*contrat mixte*)

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

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

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

“professional services contract” means a contract for services to be carried out by professionals or under their responsibility, it being understood that professionals are persons who hold an undergraduate university degree recognized by the Minister of Education or the equivalent and, in the case of an exclusive profession, are members of a professional order governed by the Professional Code (R.S.Q., c. C-26); (*contrat de services professionnels*)

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

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

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

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

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

“travel services” means services involving the issue of an airline passenger ticket and may include advice on the organization of a trip, hotel reservations, car rental, and the reservation, issue or delivery of ground transportation tickets; (*services relatifs aux voyages*)

“unsolicited offer” means an offer of professional services submitted by a supplier, on the supplier’s own initiative, in order to meet or try to meet a need of the Public Protector. (*proposition non sollicitée*)

## CHAPTER II CONTRACT CONDITIONS

### DIVISION I SUPPLIER’S OBLIGATIONS

#### §1. *Affirmative action program*

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

If such a contract or subcontract is to be entered into with a supplier or subcontractor outside Québec but within Canada whose business employs more than 100 persons, the supplier or subcontractor shall provide an attestation to the effect that the supplier or subcontractor has already made a commitment, if any, to implement an employment equity program of the province or territory concerned or to implement a federal employment equity program.

The Public Protector shall award no other contract to a supplier or a subcontractor whose attestation has been revoked until such time as the supplier or subcontractor is issued a new attestation.

#### §2. *Quality assurance*

**5.** A contract, except where referred to in paragraphs 5, 7 and 13 of section 8, may not be entered into with a supplier or a group of businesses acting as a supplier unless that supplier or the business in that group that is to carry out the contract holds a registration certificate

issued by a registrar accredited by the Standards Council of Canada or by an accrediting body recognized by it, according to which it has a quality assurance system that covers the goods and services or construction work in question and complies with the ISO standard listed in Schedule I to the Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies (2000, 35 G.O. 2, 4377) in the following cases:

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

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

The definitions of the specialties in that schedule correspond to those used for the registration of suppliers in the central register for the specialties where such registration is possible.

**6.** Notwithstanding section 5, a call for tenders may be extended to all suppliers concerned, whether or not they hold an ISO registration certificate, in the following cases:

(1) where the territory considered in the call for tenders does not allow healthy competition as not enough suppliers in the territory hold an ISO registration certificate in a specialty listed in Schedule I of the Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies; or

(2) where the contract is for printing services.

In such cases, when tenders are submitted by suppliers holding an ISO registration certificate listed in Schedule I of the Regulation respecting supply contracts, construction contracts and service contracts of government departments and public bodies, the lowest tender or the tender for services with the highest score is determined after subtracting up to 10% from the tender submitted by each such supplier. The percentage fixed for this purpose by the Public Protector must be specified in the tender documents.

### DIVISION II CALL FOR TENDERS

**7.** Subject to section 8, a contract may not be entered into unless a call for tenders was issued, except where the amount of the contract is less than

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

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

(1) where a contract is awarded to one of the suppliers on the list of suppliers whose standing offers have been accepted;

(2) where a contract is awarded to a contracting party other than a supplier within the meaning of section 3;

(3) where the name of only one supplier is requested or obtained from the central register;

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

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

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

(7) where a contract is awarded to the only possible supplier by reason of an exclusive right such as a copyright or a right based on a licence or a patent, or by reason of the artistic or museological value of the goods or services to be supplied;

(8) where a contract is awarded under a co-production agreement in the cultural field and such agreement provides for specific contract conditions and financial participation by a co-producer who is not subject to this Regulation;

(9) where the contract is for less than \$25,000 and is for the furnishings of the private office used by the Public Protector in the performance of his or her duties;

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

(11) where the contract is for the purchase of books, works of art or documents deposited in accordance with Chapter II.1 of the Act respecting the Bibliothèque nationale du Québec (R.S.Q., c. B-2.2);

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

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

(14) where the contract is a service contract for the hiring of a labour relations investigator, conciliator, negotiator or arbitrator, or of an expert court witness;

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

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

(17) where a professional services contract is given to the designer of the plans and specifications or to the person who supervised the work for the defense of the Public Protector's interests with respect to a claim submitted to the ordinary courts of law or to an arbitration procedure;

(18) where a service contract relating to training activities or consulting services is awarded to a private educational institution dispensing the educational services referred to in paragraphs 4 and 8 of section 1 of the Act respecting private education (R.S.Q., c. E-9.1);

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

(20) where the contract is related to a formal event and is for accommodation, restaurant, hall rental or cruise services;

(21) where the contract is for auxiliary services and is subject to a set rate prescribed under an Act or approved by the Government or by the Conseil du trésor;

(22) where the contract is for less than \$100,000 and is a travel services contract under which section 18 applies;

(23) where the contract is for repairing motor vehicles or heavy equipment;

(24) where the goods to be purchased under the contract have already been the object of a leasing contract, and the payments are totally or partially credited to the purchase;

(25) where the Public Protector makes the media placement directly;

(26) where the contract is for the renewal of a leasing contract; or

(27) where the contract is for construction work on an immovable or part of an immovable leased by the Public Protector and for related professional services, and the contract is to be performed by the lessor of the immovable.

**9.** Where the Public Protector is of the opinion that, due to the special requirements or time limits involved, the call for tenders procedure prescribed in this Regulation would compromise the carrying out of an intervention in accordance with the Public Protector Act, the Public Protector may

(1) extend an invitation to tender for the awarding of a contract; or

(2) exempt the awarding of a contract from the call for tenders procedure.

Notwithstanding sections 10 and 11, only the Public Protector may sign a contract or authorize a call for tenders under this section.

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

**10.** Every contract referred to in this Regulation must be signed by the Public Protector or by a person authorized to sign on behalf of the Public Protector.

**11.** A call for tenders must be authorized by the Public Protector or by the Public Protector's representative authorized for that purpose in the following cases:

(1) where the call for tenders provides that a supplier must hold a registration certificate that complies with an ISO standard attesting that the supplier has a quality control system the scope of which is different from that provided for in sections 5 and 6;

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

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

(4) where standing offers are solicited and the applicable conditions do not stipulate that specific contracts must be awarded, among the selected suppliers, to the supplier who, given the cost of transportation related to the delivery of the goods or services and, where applicable, their availability, submitted the lowest price or the best quality/price ratio.

**12.** A contract must be authorized by the Public Protector or by the Public Protector's representative authorized for that purpose in the following cases:

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

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

(3) where a call for tenders was not issued and the contract awarded to a contracting party other than a supplier does not include a clause whereby up to 10% of the amount of the contract may be used to remunerate activities subcontracted out; or

(4) where the contract is for an amount of \$25 000 or more and only one compliant tender has been received.

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

#### **DIVISION I** **CONSTRUCTION CONTRACTS**

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

(1) \$2,000, where the estimated amount of the contract is equal to or greater than \$500,000 but less than \$1,000,000; or

(2) \$5,000, where the estimated amount of the contract is equal to or greater than \$1,000,000.

**14.** Acceptance of the work by the Public Protector shall be made by means of a notice of acceptance with or without reservation.

**15.** Once the supplier's contract has been partially completed, the Public Protector may accept, in accordance with sections 16 and 17, any completed portion of the work provided that the supplier consents thereto and guarantees free and safe access to the portions put into use.

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

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

**17.** A notice of acceptance without reservation is a document signed by the representative authorized for that purpose by the Public Protector, certifying that the work is ready for its intended use and that, where applicable, all the work on the list attached to the notice of acceptance with reservation has been completed or corrected, as the case may be.

#### **DIVISION II** **TRAVEL SERVICES CONTRACTS**

**18.** Any travel services contract for an amount less than \$100,000 shall be awarded to a supplier located in the region of the Communauté métropolitaine de Québec or in the region of the Communauté métropolitaine de Montréal and selected by the Public Protector from among the suppliers in the central register for the specialty concerned.

#### **DIVISION III** **MIXED CONTRACTS**

**19.** Subject to sections 20 to 22, a mixed contract must be entered into in accordance with the rules applicable to the object representing the greatest part of the estimated amount of the contract.

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

**20.** Sections 43 and 44 do not apply to a mixed construction and services contract.

**21.** A contract that includes both the purchase of services and the carrying out of construction work must be entered into for a fixed price. It may however stipulate, if need be, a unit price, rate or percentage.

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

#### **DIVISION IV** **STANDING OFFERS**

**23.** The Public Protector may only solicit standing offers for the purpose of drawing up a list of suppliers to meet the needs of a group of users.

**24.** The Public Protector may not draw up a list of suppliers where, following a public call for tenders, there is only one compliant standing offer. However, the Public Protector may award that supplier an open contract, if the supplier accepts it.

#### **DIVISION V** **UNSOLICITED OFFERS**

**25.** Where the Public Protector receives an unsolicited offer, the Public Protector must

(1) make sure that it does not correspond to a project the Public Protector has already started, that it falls within the scope of the Public Protector's mission and that it could directly help achieve one of the Public Protector's objectives; and

(2) evaluate its quality particularly in view of its feasibility, profitability and timeliness.

**26.** After evaluating an unsolicited offer, the Public Protector shall notify the supplier as to whether the offer is admissible or not and, if not, shall give the reasons therefor.

**27.** Where the unsolicited offer is determined to be admissible by the Public Protector, the procedure is as follows:

(1) if the unsolicited offer is not detailed enough to enable potential suppliers to offer to carry it out at a fixed price, the Public Protector shall, without issuing a call for tenders, award the supplier who submitted the offer a contract for the purpose of clarifying the offer, provided that the contract is for less than \$100,000 and the supplier guarantees that the ensuing offer will be detailed enough to be carried out at a fixed price; and

(2) if the offer is or becomes detailed enough to enable potential suppliers to offer to carry it out at a fixed price, the Public Protector shall hold a call for tenders for services.



Notwithstanding section 44, the call for tenders referred to in subparagraph 2 of the first paragraph must require that suppliers submit a fixed price with a view to obtaining the contract. The lowest compliant offer shall be determined after subtracting 7% from the price tendered by the supplier who submitted the unsolicited offer determined to be admissible, provided that the supplier did not have to clarify the offer pursuant to subparagraph 1 of the first paragraph.

**28.** An unsolicited offer determined to be admissible may not be submitted again by a supplier to another department or body, unless the Public Protector informs the supplier that the offer will not be carried out.

## CHAPTER IV TYPES OF CALLS FOR TENDERS

### DIVISION I PRINCIPLE

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

### DIVISION II APPLICATION

#### *§1. Public call for tenders*

**30.** A public call for tenders shall be issued where the estimated amount of the contract is \$25,000 or more.

**31.** A public call for tenders may be issued in the following cases:

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

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

(3) where the negotiation allowed by section 60 does not lead to the signing of a contract.

#### *§2. Invitation to tender*

**32.** Subject to section 31, an invitation to tender shall be issued in the following cases:

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

(2) where the contract is related to a specialty in the central register, except in the case specified in paragraph 3 of section 8.

**33.** Subject to the second paragraph, where the Public Protector issues an invitation to tender, the Public Protector shall address it to a minimum of three suppliers who have a place of business in Québec or, failing that, to the only two suppliers who have a place of business in Québec.

Where an invitation to tender is issued and the specialty and level corresponding to the estimated amount of the contract are provided for in the central register, the invited suppliers shall include suppliers whose names are obtained from the central register.

**34.** Notwithstanding sections 35 and 36, where a call for bids is issued for a contract the estimated amount of which is less than \$25,000, the invitations and tenders may be made verbally, in which case a written report of all acts performed shall be kept.

### DIVISION III ELIGIBILITY AND COMPLIANCE OF TENDERS

**35.** The Public Protector shall indicate, in the tender documents, the eligibility requirements for tenders and the conditions for the awarding of contracts, the rules for the receipt, opening, compliance and evaluation of tenders, including the evaluation criteria and the weighting applicable in accordance with section 47 and, where applicable, the use of the preferential margin fixed in section 6 or in the second paragraph of section 27.

If the purpose of the call for tenders is to draw up a list of suppliers from whom standing offers will be accepted, the tender documents shall also specify the terms and conditions for the inclusion of a supplier on that list and the contract awarding procedures.

In addition, the Public Protector shall state therein that the Public Protector does not undertake to accept any of the tenders received.

**36.** The rules relating to the compliance of tenders shall specify the irregularities that will entail automatic rejection of a tender, in particular where

(1) a required document is missing;

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

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

(4) the tender is conditional or restrictive; or

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

**37.** Only tenders submitted by suppliers having the required qualifications, authorizations, permits, licences and registrations and having a place of business in Québec shall be considered by the Public Protector.

**38.** The Public Protector may refuse to consider the tender of a supplier for whom the Public Protector produced, in the two years preceding the date of opening of tenders, an unsatisfactory performance report, which evaluation was upheld pursuant to section 73, if the nature of the contract in question is the same.

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

#### **DIVISION IV** **PUBLICATION OF PUBLIC CALLS FOR TENDERS**

**39.** A public call for tenders is made by means of a notice circulated in an electronic tendering system.

**40.** The notice shall include information concerning the goods, services or construction work required and it shall state the conditions applicable to the receipt of tenders and the conditions set out in section 37.

The notice must, where applicable, specify that the Public Protector may refuse to consider a tender pursuant to section 38.

#### **DIVISION V** **TENDER DEADLINES**

**41.** The deadline for receiving tenders shall be calculated from the date the call for tenders is first published.

**42.** Any addenda shall be forwarded to the suppliers to whom tender documents have been provided. If the addenda is likely to affect the amount of the bids, it must be forwarded at least seven days before the tender deadline. The deadline shall be extended by as many days as necessary to observe the seven-day notice.

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

#### **DIVISION I** **SOLICITING OF TENDERS**

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

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

(2) where a list of suppliers is to be drawn up with a view to awarding contracts based on standing offers accepted from those suppliers.

**44.** A price must be solicited where a call for tenders for services is issued.

Notwithstanding the first paragraph, the solicitation of a price is not required in the following cases:

(1) where a services contract is to be awarded for the carrying out of an advertising campaign; or

(2) where there is a set rate prescribed under an Act or approved by the Government or by the Conseil du trésor.

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

#### **DIVISION II** **EVALUATION OF TENDERS FOR SERVICES**

##### *§1. Selection committee*

**45.** The evaluation of tenders for services shall be made by a selection committee composed of a secretary and of at least three members appointed by the Public Protector or the Public Protector's representative authorized for that purpose. In addition, the Public Protector shall ensure the rotation of the persons designated to sit on such committees.

##### *§2. Selection procedure*

**46.** Members of the selection committee shall evaluate the quality of compliant tenders for services by means of a chart developed by the Public Protector.

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



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

**48.** Tenders shall be evaluated according to the established criteria without the tendered price, where required, being known by the members of the selection committee. The price shall be tendered under separate cover.

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

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

A minimum score of 60% may be required in respect of any criterion or group of criteria identified in the tender documents. In that case, a tender for services that does not reach that minimum is considered unacceptable.

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

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

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

**53.** The supplier whose tender for services is acceptable as to quality pursuant to section 52 having tendered the lowest price or the price deemed the lowest under the second paragraph of section 27, in terms of the approximate total price, where applicable, shall be awarded 100 points for the price criterion. The other suppliers whose tenders for services are acceptable shall be awarded 100 points minus the number of points corresponding to the percentage

representing the difference between their price and the lowest tendered price, up to a maximum of 10 points; a supplier whose tendered price exceeds the lowest tendered price by more than 10 points shall be eliminated.

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

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

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

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

(1) the rank and score obtained by the supplier or the reasons why the supplier's tender is non-compliant;

(2) the number of compliant and non-compliant suppliers; and

(3) the name of and score obtained by the successful tenderer and, where applicable, the price tendered.

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

### **DIVISION III**

#### **AWARDING OF CONTRACTS**

**56.** In the case of a call for bids, the contract shall be awarded to the supplier who submitted the compliant tender with the lowest fixed price or approximate total price, as the case may be, as calculated in accordance with the method provided for in the tender documents or to the supplier who is deemed to have submitted the lowest price pursuant to section 6. If identical bids are submitted, the contract shall be awarded by a drawing of lots among the suppliers. The price indicated in the contract shall not exceed the price tendered.

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

**58.** In the case of a call for tenders for services where a price was solicited, the contract shall be awarded to the supplier whose compliant tender obtained the highest score pursuant to section 53. In the case of identical results, the contract shall be awarded to the supplier who has submitted the lowest price or approximate total price, as the case may be, or to the supplier who is deemed to have submitted the lowest price pursuant to the second paragraph of section 27. In the case of identical tenders for services and prices, the contract shall be awarded by a drawing of lots among the suppliers. The price indicated in the contract shall not exceed the price tendered.

**59.** The Public Protector may, following a public call for tenders, negotiate the price with the sole supplier having submitted a compliant bid or a compliant and acceptable tender for services, where the price tendered by the supplier varies considerably from the initial estimate.

**60.** The Public Protector may, following an invitation to tender, negotiate the price with the supplier having submitted the lowest compliant bid or having obtained the highest score in respect of a compliant and acceptable tender for services where the price tendered by the supplier varies considerably from the initial estimate.

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

## **CHAPTER VI**

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

#### **DIVISION I**

##### **SUPPLEMENTS**

**62.** Subject to section 63, the Public Protector may grant a supplement to the amount payable for the performance of a contract in any of the following cases:

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

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

(3) where salaries payable have been changed under an Act or an order in council.

**63.** A supplement to a supply, construction or professional services contract in a case referred to in paragraph 1 of section 62 or a supplement attributable to a variation in a period determined in a contract where the remuneration is established on the basis of a rate must be authorized by the Public Protector in the following cases:

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

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

#### **DIVISION II**

##### **PAYMENT**

**64.** No payment for the performance of a contract entered into in an emergency situation where the safety of persons or goods is in jeopardy may be made without the authorization of the Public Protector or the Public Protector's representative authorized for that purpose.

#### **DIVISION III**

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

**65.** Any dispute arising from a contract or during the performance of a contract may be settled by legal recourse or arbitration.

**66.** The Public Protector may be a party to an arbitration agreement only if the contract entered into with a contracting party so provides.

For the purposes of the first paragraph, "arbitration agreement" means an agreement under which the Public Protector undertakes with another contracting party to submit a current or potential dispute to one or more arbitrators other than the courts.

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

**68.** Every arbitration decision is final and is not subject to appeal.

## **CHAPTER VII** **EVALUATION OF THE PERFORMANCE OF** **THE SUPPLIERS**

**69.** The Public Protector shall evaluate the performance of a supplier in respect of a contract of \$100,000 or more.

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

**71.** The Public Protector shall forward a copy of any unsatisfactory performance report to the supplier concerned.

**72.** A supplier may, within 30 days following receipt of an unsatisfactory performance report, forward any comments on that report in writing to the Public Protector.

**73.** Within 30 days following the period provided for in section 72 or within 30 days following receipt of the supplier's written comments, as the case may be, the Public Protector shall either revoke or uphold the evaluation and shall inform the supplier of that decision. In the event that that time limit is not respected, the supplier's performance shall be considered satisfactory.

## **CHAPTER VIII** **CENTRAL REGISTER**

**74.** Except in the cases provided for in sections 75 and 76, the Public Protector shall solicit tenders from all the suppliers whose names have been referred to the Public Protector from the central register.

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

**76.** The name of a supplier outside Québec referred from the central register must be refused by the Public Protector.

**77.** If a contract project is abandoned by the Public Protector, the names of the suppliers referred from the central register in respect of that project are deemed not to have been referred.

**78.** As soon as the Public Protector is informed that the registration of a supplier whose name has already been referred from the central register has been cancelled or struck off the central register in a given specialty or level, the Public Protector shall suspend any procedure undertaken with the supplier with a view to entering into a contract. Notwithstanding the foregoing, if the contract is already entered into and includes a renewal clause, the Public Protector shall ascertain that the supplier is properly registered with the central register before the contract is renewed.

## **CHAPTER IX** **TRANSITIONAL AND FINAL PROVISIONS**

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

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

**81.** This Regulation replaces the Regulation respecting contracts of the Public Protector adopted on 20 October 1993 and approved by the Office of the National Assembly on 17 November 1993 by Decision 0640-2.

**82.** This Regulation comes into force on 27 November 2003.

Adopted in Québec, on November 21, 2003

PAULINE CHAMPOUX-LESAGE,  
*Public Protector*

6614



## Municipal Affairs

Gouvernement du Québec

### **O.C. 1110-2004, 2 December 2004**

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

Rectification of the territorial boundaries of the former Canton de Grenville, Municipalité de Grenville-sur-la-Rouge and Village de Grenville and validation of acts performed by the former Canton de Grenville and Municipalité de Grenville-sur-la-Rouge

WHEREAS the territorial boundaries of Municipalité de Grenville-sur-la-Rouge and Village de Grenville are imprecise;

WHEREAS the territory made up of lots 8A and 8B of Rang 2 of the cadastre of the township of Grenville was within the territorial boundaries of Village de Grenville although the village was unaware of that fact;

WHEREAS Village de Grenville never acted in the territory made up of lots 8A and 8B of Rang 2 of the cadastre of the township of Grenville;

WHEREAS Municipalité de Grenville-sur-la-Rouge results from the amalgamation of Canton de Grenville and Village de Calumet and it succeeded to the rights and obligations of the former township;

WHEREAS Municipalité de Grenville-sur-la-Rouge was constituted on 24 April 2002 under Order in Council 417-2002 dated 10 April 2002;

WHEREAS the former Canton de Grenville and Municipalité de Grenville-sur-la-Rouge have acted in the territory as if it were theirs;

WHEREAS, in accordance with section 179 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the Minister of Municipal Affairs, Sports and Recreation transmitted to Village de Grenville and Municipalité de Grenville-sur-la-Rouge a notice containing the proposed rectification and validation of acts the Minister intended to submit to the Government;

WHEREAS the municipalities have notified the Minister that they agree with the proposed rectification;

WHEREAS, pursuant to sections 178 and 192 of the Act respecting municipal territorial organization, the Government may rectify the territorial boundaries of the municipalities in order to clarify them and validate the acts performed without right;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Sports and Recreation:

THAT the territorial boundaries of the former Canton de Grenville, Municipalité de Grenville-sur-la-Rouge and Village de Grenville be rectified and that the acts performed by the former Canton de Grenville and Municipalité de Grenville-sur-la-Rouge be validated as follows:

1. The territory of the former Canton de Grenville included, for the period between 1 January 1876 and 24 April 2002, the territory made up of lots 8A and 8B of Rang 2 of the cadastre of the township of Grenville, in accordance with the description prepared by the Minister of Natural Resources, Wildlife and Parks on 20 March 2003. That description appears as a schedule to this Order in Council;

2. The territory of Municipalité de Grenville-sur-la-Rouge has included the territory described in the Schedule to this Order in Council since 24 April 2002;

3. The territory of Village de Grenville has never included the territory described in the Schedule to this Order in Council;

4. The acts performed by the former Canton de Grenville or by Municipalité de Grenville-sur-la-Rouge in the territory described in the Schedule to this Order in Council are validated and no allegation of illegality may be raised on the grounds that those municipalities had no jurisdiction in respect of the territory;

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

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

OFFICIAL DESCRIPTION PREPARED FOR  
THE PURPOSE OF RECTIFYING A PART OF THE  
TERRITORIAL BOUNDARIES OF MUNICIPALITÉ  
DE GRENVILLE-SUR-LA-ROUGE AND VILLAGE  
DE GRENVILLE, IN MUNICIPALITÉ RÉGIONALE  
DE COMTÉ D'ARGENTEUIL

A territory that is currently part of Village de Grenville and that consists of lots 8A and 8B of Rang 2 of the cadastre of the township of Grenville and their present and future subdivisions, the whole within the two perimeters hereinafter described, namely :

**First perimeter**

Commencing at the apex of the northeastern angle of Lot 8A of Rang 2; thence, successively, the following lines and demarcations: southerly, the east line of the said lot crossing Rivière Kingham (shown on the original) that it meets; westerly, the south line of the said lot; northerly, the west line of the said lot crossing Rivière Kingham (shown on the original) that it meets; lastly, easterly, the north line of the said lot along the south limit of the right-of-way of a public road shown on the original (Route 148) to the point of commencement.

**Second perimeter**

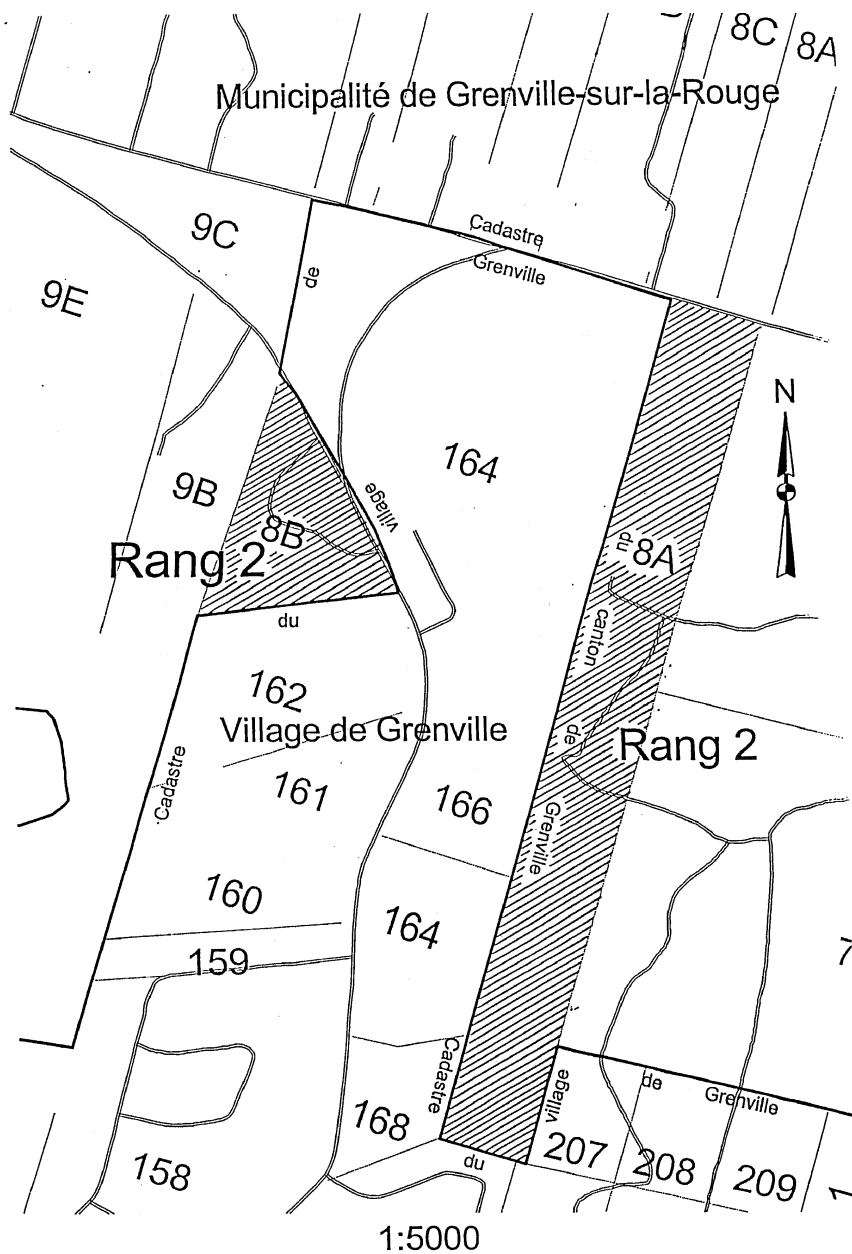
Commencing at the apex of the northern angle of Lot 8B of Rang 2; thence, successively, the following lines and demarcations: southeasterly, the northeast line of the said lot along the southwest limit of the public road shown on the original (Route 344); southwesterly, the southeast line of the said lot; lastly, northerly, the west line of the said lot to the point of commencement.

Ministère des Ressources naturelles  
Office of the Surveyor-General of Québec  
Service des levés officiels et des limites administratives

Québec, 20 March 2003

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

G-144/2  
G-75/2



Rectification of a part of the territorial boundaries of Municipalité de Grenville-sur-la-Rouge and Village de Grenville

Municipalité régionale de comté d'Argenteuil

Dossier: G-144/2  
G-75/2

Total area: 0.135 km<sup>2</sup>





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

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