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Summary

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- (2) proclamations of Acts;
- (3) regulations made by the Government, a minister or a group of ministers and of Government agencies and semi-public agencies described by the Charter of the French language (R.S.Q., c. C-11), which before coming into force must be approved by the Government, a minister or a group of ministers;
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Coming into force of Acts

Gouvernement du Québec

O.C. 1384-2009, 21 December 2009

An Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements, and amending various legislative provisions (2009, c. 24)

— Coming into force of sections 72, 73, 92 and 93 of the Act

COMING INTO FORCE of sections 72, 73, 92 and 93 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements, and amending various legislative provisions (2009, c. 24)

WHEREAS the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements, and amending various legislative provisions (2009, c. 24) was assented to on 12 June 2009;

WHEREAS, under section 135 of the Act, the provisions of the Act come into force on the date or dates to be set by the Government, except sections 1 to 31, 53, 54, 58, 59, 61 to 63, 65 to 68, 70, 71, 89, 112 to 118, 120, 121, 123 to 127 and 129 to 134, which came into force on 12 June 2009;

WHEREAS it is expedient to set 1 January 2010 as the date of coming into force of sections 72, 73, 92 and 93 of chapter 24 of the Statutes of 2009;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT 1 January 2010 be set as the date of coming into force of sections 72, 73, 92 and 93 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements, and amending various legislative provisions (2009, c. 24).

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

9636

Gouvernement du Québec

O.C. 1385-2009, 21 December 2009

Act to amend the Act respecting health services and social services and other legislative provisions (2005, c. 32)

— Coming into force of certain provisions of the Act

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting health services and social services and other legislative provisions

WHEREAS the Act to amend the Act respecting health services and social services and other legislative provisions (2005, c. 32) was assented to on 30 November 2005;

WHEREAS, under section 341 of the Act, the Act came into force on 1 January 2006, except the provisions referred to in subparagraphs 1 to 5 of the first paragraph of that section;

WHEREAS, under subparagraph 1 of the first paragraph of that section, paragraph 2 of section 240 of the Act came into force on 30 November 2005 except as regards “or a health professional”, “or professional”, “unique identification number” and “or person to whom the health professional provides health services”;

WHEREAS, under subparagraph 2 of the first paragraph of section 341 of the Act, “unique identification number” in the paragraph introduced by paragraph 2 of section 240 of the Act came into force on 14 January 2006;

WHEREAS, under subparagraph 5 of the first paragraph of section 341 of the Act, “or a health professional”, “or professional”, and “or person to whom the health professional provides health services” in the paragraph introduced by paragraph 2 of section 240 of the Act come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 1 January 2010 as the date of coming into force of “or a health professional”, “or professional”, and “or person to whom the health professional provides health services”;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services:

THAT “or a health professional”, “or professional”, and “or person to whom the health professional provides health services” in the paragraph introduced by paragraph 2 of section 240 of the Act to amend the Act respecting health services and social services and other legislative provisions (2005, c. 32) come into force on 1 January 2010.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

9630

Regulations and other Acts

Gouvernement du Québec

O.C. 1361-2009, 21 December 2009

An Act respecting workforce vocational training and qualification
(R.S.Q., c. F-5)

Certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry
— Amendments

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry

WHEREAS, under the first paragraph of section 30 of the Act respecting workforce vocational training and qualification (R.S.Q., c. F-5), the Government may make regulations to ensure the efficient carrying out of the Act and, in particular, adopt any exceptional provision to facilitate the implementation of intergovernmental agreements in respect of workforce mobility or the recognition of the qualifications, skills or work experience in trades or vocations;

WHEREAS the second paragraph of section 30 of the Act respecting workforce vocational training and qualification states that such regulations made to facilitate the implementation of an intergovernmental agreement are not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS, by Order in Council 279-2006 dated 29 March 2006, the Government made the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry;

WHEREAS, by Order in Council 891-2009 dated 12 August 2009, the Government ratified the Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles, signed in Québec on 17 October 2008;

WHEREAS, on 27 April 2009, an arrangement on the mutual recognition of professional qualifications concerning the trade of passenger ropeway mechanic was reached, under the Entente;

WHEREAS it is expedient, to give effect to the Entente and its accompanying arrangement, to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry;

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

THAT the Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry*

An Act respecting workforce vocational training and qualification
(R.S.Q., c. F-5, s. 30, 1st par., subpar. 1 and 2nd par.)

1. The Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry is amended by inserting the following after section 7:

* The Regulation respecting certificates of qualification and apprenticeship in electricity, pipe fitting and mechanical conveyor systems mechanics in sectors other than the construction industry, made by Order in Council 279-2006 dated 29 March 2006 (2006, G.O. 2, 1252), was last amended by the regulation made by Order in Council 849-2009 dated 23 June 2009 (2009, G.O. 2, 1927). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

“7.1. Every person who holds one of the following training qualifications issued by the ministère de l'Éducation nationale de France and who has at least 2,000 hours of relevant experience since receiving the qualification is exempt from the qualification examination required in the first paragraph of section 6 to obtain the certificate in passenger ropeway mechanics:

(1) Baccalauréat professionnel – Maintenance des équipements industriels;

(2) Certificat d'aptitude professionnelle – Transports par câbles et remontées mécaniques.

The person must, however, pay the duties exigible for the issue of the certificate of qualification following an exemption from a qualification examination.”

2. Section 28 is amended by replacing “or section 7” in subparagraph 5 of the first paragraph by “, section 7 or section 7.1”.

3. This Regulation comes into force on 13 January 2010.

9617

Gouvernement du Québec

O.C. 1362-2009, 21 December 2009

An Act respecting workforce vocational training and qualification
(R.S.Q., c. F-5)

Certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels — Amendments

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels

WHEREAS, under the first paragraph of section 30 of the Act respecting workforce vocational training and qualification (R.S.Q., c. F-5), the Government may make regulations to ensure the efficient carrying out of the Act and, in particular, adopt any exceptional provision to facilitate the implementation of intergovernmental agreements in respect of workforce mobility or the recognition of the qualifications, skills or work experience in trades or vocations;

WHEREAS the second paragraph of section 30 of the Act respecting workforce vocational training and qualification states that such regulations made to facilitate the implementation of an intergovernmental agreement are not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS, by Order in Council 280-2006 dated 29 March 2006, the Government made the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels;

WHEREAS, by Order in Council 891-2009 dated 12 August 2009, the Government ratified the Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles, signed in Québec on 17 October 2008;

WHEREAS, on 27 April 2009, an arrangement on the mutual recognition of professional qualifications concerning the trade of stationary engineman (Class 4) was reached, under the Entente;

WHEREAS it is expedient, to give effect to the Entente and its accompanying arrangement, to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels;

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

THAT the Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels*

An Act respecting workforce vocational training and qualification
(R.S.Q., c. F-5, s. 30, 1st par., subpar. 1 and 2nd par.)

1. The Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels is amended by inserting the following after section 10:

* The Regulation respecting certificates of qualification and apprenticeship regarding gas, stationary engines and pressure vessels, made by Order in Council 280-2006 dated 29 March 2006 (2006, *G.O.* 2, 1260), was last amended by the regulation made by Order in Council 850-2009 dated 23 June 2009 (2009, *G.O.* 2, 1928). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

“10.1. Every person who holds a Baccalauréat professionnel “Technicien de maintenance des systèmes énergétiques et climatiques issued by the ministère de l’Éducation nationale de France is exempt from the qualification examination required in the first paragraph of section 9 to obtain the certificate in stationary engine mechanics, Class 4 of the energy production category. The person must, however, pay the duties exigible for the issue of the certificate of qualification following an exemption from the qualification examination.”.

2. Section 34 is amended by replacing “or section 10” in subparagraph 5 of the first paragraph by “, section 10 or section 10.1”.

3. This Regulation comes into force on 13 January 2010.

9618

Gouvernement du Québec

O.C. 1373-2009, 21 December 2009

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

Amount of the contribution of each member of a professional order for the 2010-2011 fiscal year to the Office des professions du Québec

WHEREAS, under the first paragraph of section 196.2 of the Professional Code (R.S.Q., c. C-26), amended by section 143 of chapter 11 of the Statutes of 2008 and by section 26 of chapter 35 of the Statutes of 2009, the expenditures incurred by the Office des professions du Québec in a fiscal year shall be payable by the members of the professional orders;

WHEREAS, under the second paragraph of section 196.2, for each fiscal year of the Office, the members of the orders shall be required to pay a contribution determined by the Government;

WHEREAS, under the third paragraph of section 196.2, each fiscal year, the surplus of the Office for the preceding fiscal year shall be added to, or its deficit for the preceding fiscal year shall be deducted from, the expenditures determined by the Office in its budget estimates for the following fiscal year. Any surplus or deficit expected by the Office for a fiscal year may also be taken into account in whole or in part. The resulting amount shall then be divided by the number of members in all the orders on 31 March of the calendar year in progress. The quotient is the amount of the annual contribution of each member;

WHEREAS, under the first paragraph of section 196.8 of the Professional Code, amended by section 148 of chapter 11 of the Statutes of 2008, every person or group and every department or other government body shall pay the charge determined by regulation of the Government after consultation with the Office and the Interprofessional Council in respect of any request they submit to the Office or of any act that must be performed by the Office in the exercise of its functions;

WHEREAS, under the second paragraph of section 196.8 of the Professional Code, the charges collected during a fiscal year are taken into account in establishing the contribution computed under section 196.2 of the Code;

WHEREAS, under subparagraph 4 of the first paragraph of section 19.1 of the Professional Code, amended by section 4 of chapter 11 of the Statutes of 2008, the Minister of Justice has submitted to the Interprofessional Council of Québec, for advice, the amount of the contribution provided for in section 196.2 of the Code for the 2010-2011 fiscal year;

WHEREAS it is expedient to fix the amount of that contribution;

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

THAT the amount of the contribution of each member of a professional order for the 2010-2011 fiscal year to the Office des professions du Québec be fixed at \$22.95.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

9633

Gouvernement du Québec

O.C. 1383-2009, 21 December 2009

An Act respecting the Québec sales tax
(R.S.Q., c. T-0.1)

Québec sales tax — Amendment

Regulation to amend the Regulation respecting the Québec sales tax

WHEREAS the first paragraph of section 388.4 of the Act respecting the Québec sales tax (R.S.Q., c. T-0.1) provides that a prescribed municipality is entitled to compensation, paid by the Minister at the prescribed time, in an amount equal to the amount prescribed for the years 2007 to 2013;

WHEREAS, subparagraph 40.1.2 of the first paragraph of section 677 of the Act provides in particular that the Government may, by regulation, determine, for the purposes of section 388.4 of the Act, the prescribed municipalities and amount;

WHEREAS the Regulation respecting the Québec sales tax was made by Order in Council 1607-92 dated 4 November 1992 under the Act respecting the Québec sales tax;

WHEREAS it is expedient to amend the Regulation respecting the Québec sales tax to determine for 2009 the prescribed municipalities and amount for the purposes of section 388.4 of the Act;

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 for in section 8 of that Act, if the authority making it is of the opinion that the fiscal nature of the norms established, amended or revoked in the regulation warrants it;

WHEREAS the Government is of the opinion that the fiscal nature of the norms established, amended or revoked by the Regulation to amend the Regulation respecting the Québec sales tax, attached to this Order in Council, warrants the absence of prior publication;

WHEREAS, under the second paragraph of section 677 of the Act respecting the Québec sales tax, a regulation made under that Act comes into force on the date of its publication in the *Gazette officielle du Québec*, unless the regulation fixes another date which may in no case be prior to 1 July 1992;

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

THAT the Regulation to amend the Regulation respecting the Québec sales tax attached to this Order in Council be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the Québec sales tax*

Act respecting the Québec sales tax

(R.S.Q., c. T-0.1, s. 677, 1st par., subpar. 40.1.2 and 2nd par.)

L. Schedule II.1.1 to the Regulation respecting the Québec sales tax is replaced by the following :

« **ANNEXE II.1.1**
(articles 388.4R1 et 388.4R3)

MUNICIPALITIES AND PRESCRIBED AMOUNTS

Name of the municipality	Amount of the compensation for 2009 (\$)		
Canton d'Amherst	17 867	Canton de Low	17 673
Canton d'Arundel	5 794	Canton de Maddington	9 054
Canton d'Aumond	8 466	Canton de Marston	5 726
Canton d'Orford	44 115	Canton de Melbourne	22 288
Canton de Bedford	10 322	Canton de Natashquan	27 623
Canton de Chichester	9 961	Canton de Nédélec	2 217
Canton de Clermont	10 291	Canton de Potton	37 279
Canton de Cleveland	17 576	Canton de Ristigouche-Partie-Sud-Est	2 267
Canton de Cloridorme	20 756	Canton de Roxton	19 429
Canton de Dundee	7 838	Canton de Saint-Camille	6 660
Canton de Godmanchester	18 371	Canton de Saint-Godefroi	1 106
Canton de Gore	13 985	Canton de Sainte-Edwidge-de-Clifton	6 355
Canton de Guérin	1 815	Canton de Shefford	69 652
Canton de Ham-Nord	5 643	Canton de Stanstead	25 895
Canton de Hampden	10 061	Canton de Stratford	14 458
Canton de Harrington	11 547	Canton de Trécesson	8 138
Canton de Hatley	24 119	Canton de Valcourt	19 102
Canton de Havelock	12 294	Canton de Wentworth	6 157
Canton de Hemmingford	22 530	Canton de Westbury	8 375
Canton de Hinchinbrooke	21 235	Cantons unis de Latulipe-et-Gaboury	1 705
Canton de Hope	11 457	Cantons unis de Stoneham-et-Tewkesbury	96 205
Canton de Landrienne	35 135	Kativik Regional Government	552 935
Canton de Launay	1 384	Municipalité d'Adstock	25 599
Canton de Lingwick	7 704	Municipalité d'Aganish	31 477
Canton de Lochaber	7 685	Municipalité d'Albanel	12 759
Canton de Lochaber-Partie-Ouest	10 692	Municipalité d'Alberville	1 619
		Municipalité d'Alleyn-et-Cawood	4 252
		Municipalité d'Ange-Gardien	35 369
		Municipalité d'Armagh	7 508
		Municipalité d'Ascot Corner	48 336
		Municipalité d'Aston-Jonction	3 185
		Municipalité d'Auclair	3 840
		Municipalité d'Audet	4 657
		Municipalité d'Austin	14 308
		Municipalité d'Authier	1 091
		Municipalité d'Authier-Nord	1 152

*The Regulation respecting the Québec sales tax, made by Order in Council 1607-92 dated 4 November 1992 (1992, G.O. 2, 4952), was last amended by the regulations made by Orders in Council 74-2009 dated 28 January 2009 (2009, G.O. 2, 71), 134-2009 dated 18 February 2009 (2009, G.O. 2, 213) and 1303-2009 dated 2 December 2009 (2009, G.O. 2, 4100). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

Municipalité d'East Broughton	50 446	Municipalité de Boileau	4 612
Municipalité d'East Farnham	10 688	Municipalité de Boischatel	125 717
Municipalité d'East Hereford	5 074	Municipalité de Bois-Franc	7 690
Municipalité d'Eastman	15 812	Municipalité de Bolton-Est	9 439
Municipalité d'Egan-Sud	7 080	Municipalité de Bolton-Ouest	15 885
Municipalité d'Elgin	8 222	Municipalité de Bonne-Espérance	39 066
Municipalité d'Entrelacs	11 437	Municipalité de Bonsecours	10 137
Municipalité d'Escuminac	3 203	Municipalité de Bouchette	7 869
Municipalité d'Esprit-Saint	1 801	Municipalité de Bowman	6 297
Municipalité d'Hébertville	43 426	Municipalité de Brigham	32 501
Municipalité d'Henryville	31 243	Municipalité de Bristol	27 355
Municipalité d'Huberdeau	10 435	Municipalité de Bryson	14 606
Municipalité d'Inverness	16 137	Municipalité de Bury	16 298
Municipalité d'Irlande	5 985	Municipalité de Cacouna	27 808
Municipalité d'Ivry-sur-le-Lac	6 312	Municipalité de Campbell's Bay	8 540
Municipalité d'Ogden	13 569	Municipalité de Cantley	51 488
Municipalité d'Oka	44 409	Municipalité de Caplan	51 332
Municipalité d'Ormstown	73 563	Municipalité de Cap-Saint-Ignace	70 062
Municipalité d'Otter Lake	14 780	Municipalité de Cascapédia—Saint-Jules	6 056
Municipalité d'Ulverton	7 822	Municipalité de Cayamant	17 290
Municipalité d'Upton	27 159	Municipalité de Chambord	48 491
Municipalité de Baie-des-Sables	6 592	Municipalité de Champlain	26 921
Municipalité de Baie-du-Febvre	22 515	Municipalité de Champneuf	1 632
Municipalité de Baie-James	160 217	Municipalité de Charette	16 439
Municipalité de Baie-Johan-Beetz	717	Municipalité de Chartierville	5 864
Municipalité de Baie-Sainte-Catherine	12 649	Municipalité de Chazel	1 562
Municipalité de Barnston-Ouest	13 642	Municipalité de Chelsea	57 776
Municipalité de Barraute	14 072	Municipalité de Chénéville	8 708
Municipalité de Batiscan	13 790	Municipalité de Chertsey	49 564
Municipalité de Béarn	10 235	Municipalité de Chesterville	11 557
Municipalité de Beaulac-Garthby	6 758	Municipalité de Chute-Saint-Philippe	21 699
Municipalité de Beaumont	16 027	Municipalité de Clarendon	37 224
Municipalité de Bégin	21 367	Municipalité de Clerval	2 093
Municipalité de Belcourt	1 729	Municipalité de Colombier	5 774
Municipalité de Berry	8 642	Municipalité de Compton	35 542
Municipalité de Berthier-sur-Mer	14 895	Municipalité de Côte-Nord-du-Golfe-du-Saint-Laurent	7 671
Municipalité de Béthanie	6 740	Municipalité de Crabtree	59 240
Municipalité de Biencourt	3 566	Municipalité de Déléage	20 266
Municipalité de Blanc-Sablon	53 692		
Municipalité de Blue Sea	6 746		

Municipalité de Denholm	11 020	Municipalité de Kipawa	8 144
Municipalité de Deschailions-sur-Saint-Laurent	5 259	Municipalité de L'Ange-Gardien (Municipalité régionale de comté de La Côte-de-Beaupré)	66 464
Municipalité de Deschambault-Grondines	51 198	Municipalité de L'Ange-Gardien (Municipalité régionale de comté des Collines-de-l'Outaouais)	37 614
Municipalité de Dixville	7 412	Municipalité de L'Anse-Saint-Jean	85 940
Municipalité de Dosquet	23 981	Municipalité de L'Ascension	29 628
Municipalité de Dudswell	19 345	Municipalité de L'Ascension-de-Patapédia	1 091
Municipalité de Duhamel	29 020	Municipalité de L'Avenir	20 566
Municipalité de Duhamel-Ouest	14 524	Municipalité de L'Île-d'Anticosti	20 626
Municipalité de Dupuy	31 458	Municipalité de L'Île-du-Grand-Calumet	4 910
Municipalité de Durham-Sud	5 789	Municipalité de L'Isle-aux-Allumettes	18 455
Municipalité de Fassett	11 345	Municipalité de L'Isle-aux-Coudres	18 143
Municipalité de Ferland-et-Boilleau	3 683	Municipalité de L'Islet	35 009
Municipalité de Ferme-Neuve	118 656	Municipalité de L'Isle-Verte	40 152
Municipalité de Fortierville	5 220	Municipalité de La Bostonnais	5 241
Municipalité de Frampton	17 706	Municipalité de La Conception	14 779
Municipalité de Franklin	23 852	Municipalité de La Corne	5 006
Municipalité de Franquelin	15 758	Municipalité de La Macaza	13 222
Municipalité de Frelighsburg	19 063	Municipalité de La Martre	2 657
Municipalité de Frontenac	15 666	Municipalité de La Minerve	24 457
Municipalité de Fugèreville	2 717	Municipalité de La Morandière	3 533
Municipalité de Gallichan	18 020	Municipalité de La Motte	5 046
Municipalité de Girardville	7 201	Municipalité de La Patrie	30 876
Municipalité de Grand-Métis	4 623	Municipalité de La Pêche	68 120
Municipalité de Grand-Remous	17 999	Municipalité de La Présentation	29 863
Municipalité de Grand-Saint-Esprit	5 795	Municipalité de La Reine	1 623
Municipalité de Grande-Vallée	53 986	Municipalité de La Visitation-de-l'Île-Dupas	9 490
Municipalité de Grenville-sur-la-Rouge	42 863	Municipalité de La Visitation-de-Yamaska	8 342
Municipalité de Gros-Mécatina	5 642	Municipalité de Labelle	33 015
Municipalité de Grosse-Île	5 373	Municipalité de Labrecque	50 235
Municipalité de Grosses-Roches	2 170	Municipalité de Lac-au-Saumon	23 147
Municipalité de Hatley	16 346	Municipalité de Lac-Beauport	99 969
Municipalité de Havre-Saint-Pierre	152 972	Municipalité de Lac-Bouchette	7 559
Municipalité de Honfleur	15 277	Municipalité de Lac-des-Aigles	3 735
Municipalité de Hope Town	1 279	Municipalité de Lac-des-Écorces	110 140
Municipalité de Kamouraska	15 568		
Municipalité de Kazabazua	8 339		
Municipalité de Kiamika	26 588		
Municipalité de Kinnear's Mills	8 071		

Municipalité de Lac-des-Plages	9 345	Municipalité de Mayo	5 302
Municipalité de Lac-des-Seize-Îles	3 704	Municipalité de McMasterville	95 123
Municipalité de Lac-Drolet	17 733	Municipalité de Messines	10 577
Municipalité de Lac-du-Cerf	8 654	Municipalité de Milan	9 550
Municipalité de Lac-Édouard	2 568	Municipalité de Mille-Isles	10 581
Municipalité de Lac-Etchemin	93 382	Municipalité de Moffet	1 771
Municipalité de Lac-Frontière	862	Municipalité de Montcalm	7 411
Municipalité de Lacolle	45 876	Municipalité de Mont-Carmel	43 399
Municipalité de Lac-Sainte-Marie	14 001	Municipalité de Montcerf-Lytton	36 078
Municipalité de Lac-Saint-Paul	13 598	Municipalité de Montebello	20 390
Municipalité de Lac-Simon	12 879	Municipalité de Montpellier	16 361
Municipalité de Lac-Supérieur	30 601	Municipalité de Mont-Saint-Grégoire	51 580
Municipalité de Lac-Tremblant-Nord	2 123	Municipalité de Mont-Saint-Michel	15 639
Municipalité de Laforce	18 015	Municipalité de Morin-Heights	29 539
Municipalité de Lamarche	5 197	Municipalité de Mulgrave-et-Derry	9 788
Municipalité de Lambton	18 546	Municipalité de Namur	24 112
Municipalité de Lanoraie	95 546	Municipalité de Nantes	7 224
Municipalité de Lantier	8 410	Municipalité de Napierville	76 128
Municipalité de Larouche	16 755	Municipalité de New Carlisle	71 732
Municipalité de Laurierville	22 113	Municipalité de Newport	15 920
Municipalité de Laverlochère	3 715	Municipalité de Nomingue	32 345
Municipalité de Leclercville	21 472	Municipalité de Normétal	3 151
Municipalité de Lefebvre	55 787	Municipalité de Notre-Dame-de-Bonsecours	2 735
Municipalité de Lejeune	5 857	Municipalité de Notre-Dame-de-Ham	5 688
Municipalité de Lemieux	1 988	Municipalité de Notre-Dame-de-la-Merci	28 222
Municipalité de Litchfield	15 948	Municipalité de Notre-Dame-de-la-Paix	3 611
Municipalité de Longue-Pointe-de-Mingan	42 580	Municipalité de Notre-Dame-de-la-Salette	15 422
Municipalité de Longue-Rive	23 447	Municipalité de Notre-Dame-de-Lorette	3 242
Municipalité de Lorrainville	32 218	Municipalité de Notre-Dame-de-Lourdes	27 861
Municipalité de Lotbinière	24 504	Municipalité de Notre-Dame-de-Montauban	6 336
Municipalité de Lyster	39 921	Municipalité de Notre-Dame-de-Pontmain	23 348
Municipalité de Mandeville	34 118	Municipalité de Notre-Dame-de-Stanbridge	10 269
Municipalité de Manseau	5 178	Municipalité de Notre-Dame-des-Bois	11 649
Municipalité de Mansfield-et-Pontefract	35 468		
Municipalité de Maria	63 844		
Municipalité de Maricourt	9 427		
Municipalité de Martinville	2 645		
Municipalité de Maskinongé	77 309		

Municipalité de Notre-Dame-des-Monts	13 563	Municipalité de Rivière-Beaudette	17 078
Municipalité de Notre-Dame-des-Neiges	31 111	Municipalité de Rivière-Bleue	9 608
Municipalité de Notre-Dame-du-Laus	49 674	Municipalité de Rivière-Éternité	32 225
Municipalité de Notre-Dame-du-Nord	6 714	Municipalité de Rivière-Héva	6 519
Municipalité de Notre-Dame-du-Portage	6 517	Municipalité de Rivière-Ouelle	15 948
Municipalité de Notre-Dame-du-Rosaire	16 895	Municipalité de Rivière-Saint-Jean	14 965
Municipalité de Nouvelle	9 800	Municipalité de Rochebaucourt	1 452
Municipalité de Noyan	22 399	Municipalité de Roquemaure	2 538
Municipalité de Padoue	1 381	Municipalité de Rougemont	56 847
Municipalité de Palmarolle	28 116	Municipalité de Roxton Pond	35 274
Municipalité de Papineauville	49 705	Municipalité de Sacré-Coeur	42 077
Municipalité de Péribonka	5 303	Municipalité de Saint-Adalbert	3 312
Municipalité de Petit-Saguenay	24 489	Municipalité de Saint-Adolphe-d'Howard	38 034
Municipalité de Petite-Rivière-Saint-François	14 778	Municipalité de Saint-Adrien	5 599
Municipalité de Petite-Vallée	1 213	Municipalité de Saint-Adrien-d'Irlande	8 190
Municipalité de Piedmont	45 590	Municipalité de Saint-Agapit	77 269
Municipalité de Pierreville	91 055	Municipalité de Saint-Aimé	11 196
Municipalité de Piopolis	6 594	Municipalité de Saint-Aimé-des-Lacs	24 033
Municipalité de Plaisance	61 714	Municipalité de Saint-Aimé-du-Lac-des-Îles	14 673
Municipalité de Pointe-à-la-Croix	47 229	Municipalité de Saint-Alban	35 167
Municipalité de Pointe-Calumet	141 658	Municipalité de Saint-Albert	23 515
Municipalité de Pontiac	41 095	Municipalité de Saint-Alexandre	52 394
Municipalité de Port-Daniel—Gascons	58 266	Municipalité de Saint-Alexandre-de-Kamouraska	21 572
Municipalité de Portneuf-sur-Mer	28 060	Municipalité de Saint-Alexis-de-Matapédia	3 851
Municipalité de Poularies	9 292	Municipalité de Saint-Alfred	4 989
Municipalité de Preissac	19 271	Municipalité de Saint-Alphonse	7 716
Municipalité de Racine	20 924	Municipalité de Saint-Alphonse-de-Granby	48 418
Municipalité de Rapide-Danseur	15 068	Municipalité de Saint-Alphonse-Rodriguez	24 481
Municipalité de Rapides-des-Joachims	15 419	Municipalité de Saint-Amable	248 234
Municipalité de Rawdon	142 630	Municipalité de Saint-Ambroise	189 030
Municipalité de Rémigny	8 768	Municipalité de Saint-André	23 946
Municipalité de Rigaud	91 462	Municipalité de Saint-André-Avellin	45 813
Municipalité de Ripon	52 729	Municipalité de Saint-André-d'Argenteuil	38 652
Municipalité de Rivière-à-Claude	730	Municipalité de Saint-André-de-Restigouche	1 375
Municipalité de Rivière-à-Pierre	21 699		
Municipalité de Rivière-au-Tonnerre	2 127		

Municipalité de Saint-Anselme	88 663	Municipalité de Saint-Cuthbert	30 593
Municipalité de Saint-Antoine-de-Tilly	12 201	Municipalité de Saint-Cyprien	5 574
Municipalité de Saint-Antoine-sur-Richelieu	20 947	Municipalité de Saint-Cyprien-de-Napierville	26 546
Municipalité de Saint-Apollinaire	72 889	Municipalité de Saint-Cyrille-de-Wendover	60 688
Municipalité de Saint-Armand	27 174	Municipalité de Saint-Damase	49 399
Municipalité de Saint-Athanase	2 351	Municipalité de Saint-Damase-de-L'Islet	3 146
Municipalité de Saint-Aubert	20 270	Municipalité de Saint-David	13 150
Municipalité de Saint-Augustin	42 183	Municipalité de Saint-David-de-Falardeau	30 631
Municipalité de Saint-Barnabé-Sud	14 863	Municipalité de Saint-Denis-sur-Richelieu	37 048
Municipalité de Saint-Benjamin	5 890	Municipalité de Saint-Dominique	44 565
Municipalité de Saint-Benoît-Labre	31 165	Municipalité de Saint-Dominique-du-Rosaire	19 242
Municipalité de Saint-Bernard	28 357	Municipalité de Saint-Donat	79 182
Municipalité de Saint-Bernard-de-Michaudville	9 785	Municipalité de Saint-Edmond-les-Plaines	7 614
Municipalité de Saint-Blaise-sur-Richelieu	30 390	Municipalité de Saint-Édouard-de-Maskinongé	7 717
Municipalité de Saint-Bonaventure	15 606	Municipalité de Saint-Élie-de-Caxton	14 071
Municipalité de Saint-Boniface	80 822	Municipalité de Saint-Elzéar (Municipalité régionale de comté de La Nouvelle-Beauce)	15 145
Municipalité de Saint-Bruno	97 577	Municipalité de Saint-Elzéar (Municipalité régionale de comté de Bonaventure)	3 494
Municipalité de Saint-Bruno-de-Guigues	6 837	Municipalité de Saint-Elzéar-de-Témiscouata	2 400
Municipalité de Saint-Bruno-de-Kamouraska	2 978	Municipalité de Saint-Émile-de-Suffolk	4 873
Municipalité de Saint-Calixte	310 801	Municipalité de Saint-Éphrem-de-Beauce	11 841
Municipalité de Saint-Casimir	15 252	Municipalité de Saint-Épiphanie	12 360
Municipalité de Saint-Célestin	11 712	Municipalité de Saint-Esprit	37 875
Municipalité de Saint-Charles-Borromée	133 845	Municipalité de Saint-Étienne-de-Beauharnois	11 790
Municipalité de Saint-Charles-de-Bellechasse	45 515	Municipalité de Saint-Étienne-de-Bolton	7 502
Municipalité de Saint-Charles-de-Bourget	4 086	Municipalité de Saint-Eugène	17 469
Municipalité de Saint-Charles-sur-Richelieu	35 179	Municipalité de Saint-Eugène-d'Argentenay	4 286
Municipalité de Saint-Chrysostome	36 199		
Municipalité de Saint-Claude	15 734		
Municipalité de Saint-Cléophas-de-Brandon	883		
Municipalité de Saint-Clet	35 503		
Municipalité de Saint-Colomban	125 186		
Municipalité de Saint-Côme—Linière	13 184		

Municipalité de Saint-Eugène-de-Guigues	1 986	Municipalité de Saint-Guy	1 098
Municipalité de Saint-Évariste-de-Forsyth	7 523	Municipalité de Saint-Henri	83 493
Municipalité de Saint-Faustin—Lac-Carré	23 722	Municipalité de Saint-Henri-de-Taillon	6 805
Municipalité de Saint-Félix-de-Dalquier	25 605	Municipalité de Saint-Herménégilde	13 344
Municipalité de Saint-Félix-de-Kingsey	25 351	Municipalité de Saint-Honoré	126 717
Municipalité de Saint-Félix-de-Valois	123 841	Municipalité de Saint-Honoré-de-Shenley	16 493
Municipalité de Saint-Félix-d’Otis	15 562	Municipalité de Saint-Honoré-de-Témiscouata	4 899
Municipalité de Saint-Ferdinand	128 227	Municipalité de Saint-Hubert-de-Rivière-du-Loup	8 214
Municipalité de Saint-Ferréol-les-Neiges	27 469	Municipalité de Saint-Hugues	19 842
Municipalité de Saint-Flavien	34 771	Municipalité de Saint-Ignace-de-Stanbridge	13 045
Municipalité de Saint-Fortunat	6 797	Municipalité de Saint-Isidore	53 759
Municipalité de Saint-François-d’Assise	4 168	Municipalité de Saint-Isidore-de-Clifton	7 363
Municipalité de Saint-François-de-la-Rivière-du-Sud	43 526	Municipalité de Saint-Jacques	49 026
Municipalité de Saint-François-de-l’Île-d’Orléans	6 973	Municipalité de Saint-Jacques-de-Leeds	11 429
Municipalité de Saint-François-de-Sales	4 708	Municipalité de Saint-Janvier-de-Joly	11 596
Municipalité de Saint-François-du-Lac	55 506	Municipalité de Saint-Jean-Baptiste	49 596
Municipalité de Saint-François-Xavier-de-Viger	1 519	Municipalité de Saint-Jean-de-Brébeuf	8 910
Municipalité de Saint-Fulgence	9 989	Municipalité de Saint-Jean-de-Dieu	7 468
Municipalité de Saint-Gabriel-de-Rimouski	33 063	Municipalité de Saint-Jean-de-la-Lande	3 080
Municipalité de Saint-Gabriel-de-Valcartier	32 250	Municipalité de Saint-Jean-de-l’Île-d’Orléans	13 092
Municipalité de Saint-Gabriel-Lalemant	24 331	Municipalité de Saint-Jean-de-Matha	26 221
Municipalité de Saint-Gédéon	33 161	Municipalité de Saint-Jean-Port-Joli	86 321
Municipalité de Saint-Gédéon-de-Beauce	30 338	Municipalité de Saint-Joseph-de-Coleraine	26 649
Municipalité de Saint-Georges-de-Clarenceville	18 179	Municipalité de Saint-Joseph-des-Érables	8 133
Municipalité de Saint-Georges-de-Windsor	13 226	Municipalité de Saint-Joseph-du-Lac	101 553
Municipalité de Saint-Germain-de-Grantham	68 532	Municipalité de Saint-Jude	15 271
Municipalité de Saint-Gervais	68 656	Municipalité de Saint-Julien	9 923
Municipalité de Saint-Guillaume	33 319	Municipalité de Saint-Just-de-Bretenières	30 210
		Municipalité de Saint-Juste-du-Lac	17 295
		Municipalité de Saint-Laurent-de-l’Île-d’Orléans	10 738

Municipalité de Saint-Lazare-de-Bellechasse	27 331	Municipalité de Saint-Pacôme	81 516
Municipalité de Saint-Léonard-d'Aston	108 091	Municipalité de Saint-Patrice-de-Beaurivage	13 830
Municipalité de Saint-Léonard-de-Portneuf	5 257	Municipalité de Saint-Paul	65 349
Municipalité de Saint-Liboire	44 522	Municipalité de Saint-Paul-d'Abbotsford	46 265
Municipalité de Saint-Louis	11 772	Municipalité de Saint-Paul-de-l'Île-aux-Noix	20 912
Municipalité de Saint-Louis-de-Blandford	4 093	Municipalité de Saint-Paul-de-Montminy	33 866
Municipalité de Saint-Louis-de-Gonzague	2 566	Municipalité de Saint-Paulin	11 301
Municipalité de Saint-Luc-de-Bellechasse	4 361	Municipalité de Saint-Philibert	7 804
Municipalité de Saint-Luc-de-Vincennes	7 921	Municipalité de Saint-Philippe	93 026
Municipalité de Saint-Ludger	6 860	Municipalité de Saint-Pierre-de-Broughton	9 843
Municipalité de Saint-Ludger-de-Milot	33 258	Municipalité de Saint-Pierre-de-Lamy	1 436
Municipalité de Saint-Magloire	4 686	Municipalité de Saint-Pierre-de-l'Île-d'Orléans	14 526
Municipalité de Saint-Malo	6 844	Municipalité de Saint-Pierre-de-Véronne-à-Pike-River	10 970
Municipalité de Saint-Marcel	2 979	Municipalité de Saint-Pierre-les-Becquets	8 349
Municipalité de Saint-Marcel-de-Richelieu	5 698	Municipalité de Saint-Placide	28 769
Municipalité de Saint-Marc-sur-Richelieu	33 725	Municipalité de Saint-Polycarpe	28 153
Municipalité de Saint-Mathias-sur-Richelieu	86 830	Municipalité de Saint-Prime	14 859
Municipalité de Saint-Mathieu	29 005	Municipalité de Saint-Prosper	114 256
Municipalité de Saint-Mathieu-de-Beloil	49 747	Municipalité de Saint-Raphaël	49 987
Municipalité de Saint-Mathieu-d'Harricana	12 041	Municipalité de Saint-René-de-Matane	38 466
Municipalité de Saint-Mathieu-du-Parc	18 851	Municipalité de Saint-Robert	37 002
Municipalité de Saint-Maxime-du-Mont-Louis	8 589	Municipalité de Saint-Robert-Bellarmin	18 617
Municipalité de Saint-Médard	1 275	Municipalité de Saint-Roch-de-l'Achigan	103 419
Municipalité de Saint-Michel-de-Bellechasse	31 904	Municipalité de Saint-Roch-de-Richelieu	43 092
Municipalité de Saint-Michel-des-Saints	114 725	Municipalité de Saint-Roch-Ouest	7 127
Municipalité de Saint-Nazaire	69 673	Municipalité de Saint-Romain	15 979
Municipalité de Saint-Norbert-d'Arthabaska	7 043	Municipalité de Saint-Sébastien	9 198
Municipalité de Saint-Omer	18 086	Municipalité de Saint-Siméon	14 662
		Municipalité de Saint-Simon	17 075
		Municipalité de Saint-Simon-les-Mines	7 390
		Municipalité de Saint-Sixte	1 621

Municipalité de Saint-Stanislas (Municipalité régionale de comté de Maria-Chapdelaine)	4 165	Municipalité de Sainte-Anne-du-Lac	25 579
Municipalité de Saint-Stanislas (Municipalité régionale de comté des Chenaux)	17 061	Municipalité de Sainte-Anne-du-Sault	30 221
Municipalité de Saint-Stanislas-de-Kostka	25 339	Municipalité de Sainte-Aurélie	5 451
Municipalité de Saint-Sylvère	12 835	Municipalité de Sainte-Barbe	14 794
Municipalité de Saint-Sylvestre	12 445	Municipalité de Sainte-Béatrix	16 516
Municipalité de Saint-Théophile	6 349	Municipalité de Sainte-Brigide- d'Iberville	13 881
Municipalité de Saint-Thomas	53 592	Municipalité de Sainte-Brigitte-de- Laval	87 165
Municipalité de Saint-Thomas- Didyme	6 217	Municipalité de Sainte-Catherine-de- Hatley	20 332
Municipalité de Saint-Tite-des-Caps	19 825	Municipalité de Sainte-Cécile-de-Milton	38 668
Municipalité de Saint-Ubalde	43 072	Municipalité de Sainte-Cécile-de- Whitton	8 102
Municipalité de Saint-Ulric	12 840	Municipalité de Sainte-Christine- d'Auvergne	8 387
Municipalité de Saint-Urbain-Premier	16 698	Municipalité de Sainte-Claire	80 316
Municipalité de Saint-Valentin	10 090	Municipalité de Sainte-Clotilde-de- Beauce	8 185
Municipalité de Saint-Valère	17 153	Municipalité de Sainte-Clotilde-de- Horton	17 081
Municipalité de Saint-Valérien-de-Milton	24 570	Municipalité de Sainte-Croix	82 716
Municipalité de Saint-Vallier	17 837	Municipalité de Sainte-Elisabeth-de- Warwick	7 770
Municipalité de Saint-Venant-de- Paquette	2 656	Municipalité de Sainte-Émélie-de- l'Énergie	33 343
Municipalité de Saint-Vianney	2 651	Municipalité de Sainte-Eulalie	17 042
Municipalité de Saint-Victor	60 508	Municipalité de Sainte-Euphémie-sur- Rivière-du-Sud	1 819
Municipalité de Saint-Wenceslas	19 944	Municipalité de Sainte-Félicité (Municipalité régionale de comté de Matane)	12 615
Municipalité de Saint-Zacharie	9 574	Municipalité de Sainte-Félicité (Municipalité régionale de comté de L'Islet)	1 280
Municipalité de Saint-Zénon	41 028	Municipalité de Sainte-Florence	1 734
Municipalité de Saint-Zotique	78 351	Municipalité de Sainte-Françoise	2 349
Municipalité de Sainte-Agathe-de- Lotbinière	27 531	Municipalité de Sainte-Germaine- Boulé	32 499
Municipalité de Sainte-Angèle-de- Mérici	10 878	Municipalité de Sainte-Gertrude- Manneville	8 614
Municipalité de Sainte-Angèle-de-Monnoir	25 619	Municipalité de Sainte-Hedwidge	19 755
Municipalité de Sainte-Angèle-de- Prémont	3 956	Municipalité de Sainte-Hélène	33 098
Municipalité de Sainte-Anne-de-la- Pérade	52 340	Municipalité de Sainte-Hélène-de- Bagot	22 685
Municipalité de Sainte-Anne-de-la- Rochelle	11 092		
Municipalité de Sainte-Anne-de-Sorel	29 512		

Municipalité de Saint-Hélène-de-Chester	8 580	Municipalité de Sheenboro	10 266
Municipalité de Sainte-Julienne	158 646	Municipalité de Shigawake	1 280
Municipalité de Sainte-Justine	35 197	Municipalité de Stanbridge Station	6 881
Municipalité de Sainte-Justine-de-Newton	14 629	Municipalité de Standbridge East	10 236
Municipalité de Sainte-Luce	126 363	Municipalité de Stanstead-Est	13 502
Municipalité de Sainte-Lucie-de-Beaugard	1 916	Municipalité de Stoke	35 980
Municipalité de Sainte-Lucie-des-Laurentides	11 475	Municipalité de Stornoway	20 230
Municipalité de Sainte-Madeleine-de-la-Rivière-Madeleine	1 671	Municipalité de Taschereau	5 608
Municipalité de Sainte-Marcelline-de-Kildare	14 091	Municipalité de Terrasse-Vaudreuil	30 476
Municipalité de Sainte-Marguerite	2 688	Municipalité de Thorne	6 746
Municipalité de Sainte-Marie-de-Blandford	3 510	Municipalité de Tingwick	23 884
Municipalité de Sainte-Marthe	18 624	Municipalité de Tourville	19 616
Municipalité de Sainte-Martine	52 513	Municipalité de Trois-Rives	24 766
Municipalité de Sainte-Mélanie	49 493	Municipalité de Val-Alain	3 897
Municipalité de Sainte-Monique (Municipalité régionale de comté de Nicolet-Yamaska)	8 899	Municipalité de Val-Brillant	30 244
Municipalité de Sainte-Monique (Municipalité régionale de comté de Lac-Saint-Jean-Est)	23 521	Municipalité de Val-des-Bois	13 010
Municipalité de Sainte-Paule	1 574	Municipalité de Val-des-Lacs	11 274
Municipalité de Sainte-Perpétue	39 859	Municipalité de Val-des-Monts	49 165
Municipalité de Sainte-Rita	2 224	Municipalité de Val-Joli	29 576
Municipalité de Sainte-Rose-de-Watford	4 505	Municipalité de Val-Morin	34 464
Municipalité de Sainte-Sabine	18 682	Municipalité de Val-Saint-Gilles	1 881
Municipalité de Sainte-Sophie	136 089	Municipalité de Vallée-Jonction	66 341
Municipalité de Sainte-Sophie-d'Halifax	8 707	Municipalité de Venise-en-Québec	20 046
Municipalité de Sainte-Thècle	64 495	Municipalité de Verchères	85 814
Municipalité de Sainte-Thérèse-de-Gaspé	37 787	Municipalité de Villerooy	9 771
Municipalité de Sainte-Thérèse-de-la-Gatineau	4 454	Municipalité de Waltham	14 053
Municipalité de Sayabec	10 387	Municipalité de Weedon	25 866
Municipalité de Scott	39 161	Municipalité de Wentworth-Nord	18 300
Municipalité de Shannon	24 665	Municipalité de Wickham	52 585
Municipalité de Shawville	39 857	Municipalité de Wotton	57 324
		Municipalité de Yamachiche	64 678
		Municipalité de Yamaska	48 949
		Municipalité des Bergeronnes	10 100
		Municipalité des Cèdres	89 428
		Municipalité des Coteaux	91 448
		Municipalité des Éboulements	15 929
		Municipalité des Escoumins	14 506
		Municipalité des Hauteurs	3 402
		Municipalité des Îles-de-la-Madeleine	968 632

Municipalité des Méchins	5 342	Municipalité régionale de comté de Mékinac	12 748
Municipalité régionale de comté d'Abitibi	2 325	Municipalité régionale de comté de Minganie	0
Municipalité régionale de comté d'Abitibi-Ouest	4 723	Municipalité régionale de comté de Pontiac	9 260
Municipalité régionale de comté d'Antoine-Labelle	15 789	Municipalité régionale de comté de Portneuf	4 025
Municipalité régionale de comté d'Avignon	0	Municipalité régionale de comté de Rimouski-Neigette	0
Municipalité régionale de comté de Bonaventure	1 124	Municipalité régionale de comté de Sept-Rivières	14 660
Municipalité régionale de comté de Caniapiscau	0	Municipalité régionale de comté de Témiscamingue	12 051
Municipalité régionale de comté de Charlevoix	481	Municipalité régionale de comté des Basques	185
Municipalité régionale de comté de Charlevoix-Est	1 928	Municipalité régionale de comté du Domaine-du-Roy	30 447
Municipalité régionale de comté de Kamouraska	479	Municipalité régionale de comté du Fjord-du-Saguenay	49 578
Municipalité régionale de comté de La Côte-de-Beaupré	9 768	Municipalité régionale de comté du Rocher-Percé	0
Municipalité régionale de comté de La Côte-de-Gaspé	779	Paroisse d'Hérouxville	44 278
Municipalité régionale de comté de La Haute-Côte-Nord	10 565	Paroisse de Brébeuf	16 203
Municipalité régionale de comté de La Haute-Gaspésie	1 677	Paroisse de Calixa-Lavallée	10 304
Municipalité régionale de comté de La Jacques-Cartier	2 270	Paroisse de Courcelles	4 966
Municipalité régionale de comté de La Matapédia	9 223	Paroisse de Disraeli	11 201
Municipalité régionale de comté de La Mitis	2 710	Paroisse de L'Ascension-de-Notre-Seigneur	54 475
Municipalité régionale de comté de La Vallée-de-la-Gatineau	24 458	Paroisse de L'Épiphanie	84 143
Municipalité régionale de comté de La Vallée-de-l'Or	1 234	Paroisse de La Doré	30 168
Municipalité régionale de comté de Lac-Saint-Jean-Est	1 856	Paroisse de La Durantaye	14 384
Municipalité régionale de comté de Manicouagan	26 116	Paroisse de La Rédemption	2 952
Municipalité régionale de comté de Maria-Chapdelaine	49 786	Paroisse de La Trinité-des-Monts	2 146
Municipalité régionale de comté de Matane	3 935	Paroisse de Lac-aux-Sables	24 988
Municipalité régionale de comté de Matawinie	29 751	Paroisse de Matapédia	6 117
		Paroisse de Notre-Dame-Auxiliatrice-de-Buckland	12 150
		Paroisse de Notre-Dame-de-Lourdes	3 627
		Paroisse de Notre-Dame-des-Pins	18 075
		Paroisse de Notre-Dame-des-Sept-Douleurs	1 598
		Paroisse de Notre-Dame-du-Bon-Conseil	16 872

Paroisse de Notre-Dame-du-Mont-Carmel	97 915	Paroisse de Saint-Denis-de-Brompton	18 714
Paroisse de Notre-Dame-du-Sacré-Coeur-d'Issoudun	12 934	Paroisse de Saint-Didace	8 347
Paroisse de Packington	4 631	Paroisse de Saint-Donat	6 709
Paroisse de Parisville	2 706	Paroisse de Saint-Edmond-de-Grantham	10 553
Paroisse de Plessisville	37 262	Paroisse de Saint-Édouard	12 793
Paroisse de Ragueneau	78 635	Paroisse de Saint-Édouard-de-Fabre	4 617
Paroisse de Sacré-Coeur-de-Jésus	11 837	Paroisse de Saint-Édouard-de-Lotbinière	22 927
Paroisse de Saint-Adelme	2 595	Paroisse de Saint-Éloi	2 573
Paroisse de Saint-Adelphe	6 049	Paroisse de Saint-Elphège	6 518
Paroisse de Saint-Alexandre-des-Lacs	1 401	Paroisse de Saint-Étienne-des-Grès	71 687
Paroisse de Saint-Alexis	15 125	Paroisse de Saint-Eugène-de-Ladrière	1 731
Paroisse de Saint-Alexis-des-Monts	84 808	Paroisse de Saint-Eusèbe	5 791
Paroisse de Saint-Ambroise-de-Kildare	61 183	Paroisse de Saint-Fabien	14 376
Paroisse de Saint-Anaclet-de-Lessard	51 072	Paroisse de Saint-Fabien-de-Panet	16 950
Paroisse de Saint-Anicet	22 138	Paroisse de Saint-François-Xavier-de-Brompton	60 838
Paroisse de Saint-Antoine-de-l'Isle-aux-Grues	3 688	Paroisse de Saint-Frédéric	21 438
Paroisse de Saint-Antonin	70 483	Paroisse de Saint-Gabriel-de-Brandon	16 065
Paroisse de Saint-Arsène	24 979	Paroisse de Saint-Gérard-Majella	5 180
Paroisse de Saint-Augustin	8 669	Paroisse de Saint-Germain	14 051
Paroisse de Saint-Augustin-de-Woburn	33 237	Paroisse de Saint-Gilbert	1 176
Paroisse de Saint-Barnabé	28 712	Paroisse de Saint-Gilles	12 690
Paroisse de Saint-Barthélemy	20 464	Paroisse de Saint-Hilaire-de-Dorset	1 138
Paroisse de Saint-Bernard-de-Lacolle	25 954	Paroisse de Saint-Hilarion	6 034
Paroisse de Saint-Camille-de-Lellis	4 539	Paroisse de Saint-Hippolyte	37 517
Paroisse de Saint-Charles-Garnier	1 561	Paroisse de Saint-Ignace-de-Loyola	39 687
Paroisse de Saint-Christophe-d'Arthabaska	43 091	Paroisse de Saint-Irénée	9 268
Paroisse de Saint-Clément	12 135	Paroisse de Saint-Isidore	42 605
Paroisse de Saint-Cléophas	1 783	Paroisse de Saint-Jacques-le-Majeur-de-Wolfestown	3 561
Paroisse de Saint-Côme	21 284	Paroisse de Saint-Jacques-le-Mineur	14 386
Paroisse de Saint-Cyprien	1 979	Paroisse de Saint-Jean-de-Cherbourg	1 134
Paroisse de Saint-Cyrille-de-Lessard	4 732	Paroisse de Saint-Joachim	26 243
Paroisse de Saint-Damase	2 412	Paroisse de Saint-Joachim-de-Shefford	17 832
Paroisse de Saint-Damien	25 064	Paroisse de Saint-Joseph-de-Ham-Sud	4 888
Paroisse de Saint-Damien-de-Buckland	73 224	Paroisse de Saint-Joseph-de-Kamouraska	6 087
Paroisse de Saint-Denis	7 418	Paroisse de Saint-Joseph-de-Lepage	3 063
		Paroisse de Saint-Jules	14 740

Paroisse de Saint-Justin	27 042	Paroisse de Saint-Patrice-de-Sherrington	18 179
Paroisse de Saint-Lambert	2 736	Paroisse de Saint-Paul-de-la-Croix	1 927
Paroisse de Saint-Lambert-de-Lauzon	122 334	Paroisse de Saint-Philémon	33 252
Paroisse de Saint-Léandre	2 629	Paroisse de Saint-Philippe-de-Néri	23 396
Paroisse de Saint-Léon-de-Standon	20 919	Paroisse de Saint-Pie-de-Guire	8 879
Paroisse de Saint-Léon-le-Grand (Municipalité régionale de comté de Maskinongé)	15 881	Paroisse de Saint-Pierre-Baptiste	8 329
Paroisse de Saint-Léon-le-Grand (Municipalité régionale de comté de La Matapédia)	4 413	Paroisse de Saint-Pierre-de-la-Rivière-du-Sud	15 438
Paroisse de Saint-Liguori	18 600	Paroisse de Saint-Prosper	5 003
Paroisse de Saint-Louis-de-Gonzague	19 420	Paroisse de Saint-Rémi-de-Tingwick	10 267
Paroisse de Saint-Louis-du-Ha! Ha!	19 872	Paroisse de Saint-René	22 640
Paroisse de Saint-Lucien	17 119	Paroisse de Saint-Roch-de-Mékinac	4 986
Paroisse de Saint-Majorique-de-Grantham	10 934	Paroisse de Saint-Roch-des-Aulnaies	11 530
Paroisse de Saint-Malachie	12 275	Paroisse de Saint-Rosaire	11 080
Paroisse de Saint-Marc-de-Figuery	3 587	Paroisse de Saint-Samuel	24 513
Paroisse de Saint-Marc-du-Lac-Long	3 238	Paroisse de Saint-Sébastien	12 093
Paroisse de Saint-Marcellin	2 940	Paroisse de Saint-Sévère	7 447
Paroisse de Saint-Martin	35 962	Paroisse de Saint-Séverin (Municipalité régionale de comté de Mékinac)	11 008
Paroisse de Saint-Mathieu-de-Rioux	8 047	Paroisse de Saint-Séverin (Municipalité régionale de comté de Robert-Cliche)	6 222
Paroisse de Saint-Maurice	123 141	Paroisse de Saint-Siméon	26 630
Paroisse de Saint-Michel	17 689	Paroisse de Saint-Simon	6 278
Paroisse de Saint-Michel-du-Squatec	18 203	Paroisse de Saint-Sulpice	42 498
Paroisse de Saint-Modeste	3 855	Paroisse de Saint-Tésphore	12 781
Paroisse de Saint-Moïse	3 019	Paroisse de Saint-Tharcisius	2 567
Paroisse de Saint-Narcisse	41 590	Paroisse de Saint-Théodore-d'Acton	24 986
Paroisse de Saint-Narcisse-de-Beaurivage	14 756	Paroisse de Saint-Thuribe	1 322
Paroisse de Saint-Narcisse-de-Rimouski	17 264	Paroisse de Saint-Urbain	6 149
Paroisse de Saint-Nazaire-d'Acton	11 658	Paroisse de Saint-Valérien	9 837
Paroisse de Saint-Nazaire-de-Dorchester	6 501	Paroisse de Saint-Zénon-du-Lac-Humqui	1 705
Paroisse de Saint-Nérée	23 937	Paroisse de Saint-Zéphirin-de-Courval	10 676
Paroisse de Saint-Norbert	17 294	Paroisse de Sainte-Anne-de-la-Pocatière	33 235
Paroisse de Saint-Octave-de-Métis	16 881	Paroisse de Sainte-Anne-de-Sabrevois	24 153
Paroisse de Saint-Odilon-de-Cranbourne	22 744	Paroisse de Sainte-Anne-des-Lacs	20 726
Paroisse de Saint-Onésime-d'Ixworth	10 297	Paroisse de Sainte-Apolline-de-Patton	16 719
		Paroisse de Sainte-Brigitte-des-Saults	13 147

Paroisse de Sainte-Cécile-de-Lévrard	2 132	Village de Chute-aux-Outardes	63 949
Paroisse de Sainte-Christine	9 055	Village de Fort-Coulonge	27 517
Paroisse de Sainte-Clotilde-de-Châteauguay	13 884	Village de Godbout	2 458
Paroisse de Sainte-Élisabeth	36 710	Village de Grandes-Piles	11 332
Paroisse de Sainte-Famille	11 583	Village de Grenville	14 583
Paroisse de Sainte-Flavie	17 877	Village de Hemmingford	11 098
Paroisse de Sainte-Françoise	2 719	Village de Howick	17 758
Paroisse de Sainte-Geneviève-de-Batiscan	19 576	Village de Kingsbury	8 657
Paroisse de Sainte-Geneviève-de-Berthier	35 082	Village de La Guadeloupe	23 698
Paroisse de Sainte-Hélène-de-Mancebourg	7 426	Village de Lac-Poulin	1 527
Paroisse de Sainte-Hénédine	24 980	Village de Lac-Saguay	10 954
Paroisse de Sainte-Irène	2 496	Village de Laurier-Station	69 497
Paroisse de Sainte-Jeanne-d'Arc	1 868	Village de Lawrenceville	17 289
Paroisse de Sainte-Louise	10 280	Village de Marsoui	7 243
Paroisse de Sainte-Marguerite	14 537	Village de Massueville	32 730
Paroisse de Sainte-Marie-Madeleine	36 667	Village de Mont-Saint-Pierre	1 434
Paroisse de Sainte-Marie-Salomé	18 575	Village de North Hatley	12 825
Paroisse de Sainte-Perpétue	13 210	Village de Notre-Dame-du-Bon-Conseil	6 200
Paroisse de Sainte-Praxède	8 616	Village de Pointe-aux-Outardes	7 696
Paroisse de Sainte-Rose-du-Nord	3 705	Village de Pointe-des-Cascades	20 178
Paroisse de Sainte-Sabine	2 169	Village de Pointe-Fortune	6 275
Paroisse de Sainte-Séraphine	9 218	Village de Pointe-Lebel	7 942
Paroisse de Sainte-Sophie-de-Lévrard	5 358	Village de Portage-du-Fort	1 443
Paroisse de Sainte-Ursule	25 867	Village de Price	20 480
Paroisse de Sainte-Victoire-de-Sorel	33 669	Village de Roxton Falls	4 768
Paroisse de Saints-Anges	12 986	Village de Saint-Alexis	20 153
Paroisse de Saints-Martyrs-Canadiens	4 724	Village de Saint-André-du-Lac-Saint-Jean	3 395
Paroisse de Senneterre	10 288	Village de Saint-Célestin	14 604
Paroisse de Très-Saint-Rédempteur	12 389	Village de Saint-Noël	1 612
Paroisse de Très-Saint-Sacrement	20 034	Village de Saint-Pierre	6 074
Paroisse de Val-Racine	8 686	Village de Sainte-Jeanne-d'Arc	23 016
Village d'Abercorn	6 346	Village de Sainte-Madeleine	38 857
Village d'Angliers	2 598	Village de Sainte-Pétronille	11 631
Village d'Ayer's Cliff	13 900	Village de Senneville	42 783
Village d'Hébertville-Station	5 176	Village de Stukely-Sud	19 119
Village de Baie-Trinité	4 488	Village de Tadoussac	15 646
Village de Brome	3 440	Village de Tring-Jonction	15 416
		Village de Val-David	33 966

Village de Vaudreuil-sur-le-Lac	15 208	Ville de Bonaventure	49 903
Village de Warden	7 265	Ville de Boucherville	631 931
Village nordique d'Akulivik	100 676	Ville de Bromont	100 088
Village nordique d'Aupaluk	68 046	Ville de Brossard	978 711
Village nordique d'Inukjuak	179 760	Ville de Brownsburg-Chatham	181 012
Village nordique d'Ivujuvik	72 990	Ville de Cabano	146 136
Village nordique d'Umiujaq	87 236	Ville de Candiac	134 721
Village nordique de Kangiqsualujuaq	112 016	Ville de Cap-Chat	116 386
Village nordique de Kangiqsujuaq	122 569	Ville de Cap-Santé	37 241
Village nordique de Kangirsuk	115 434	Ville de Carignan	72 660
Village nordique de Kuujuaq	360 991	Ville de Carleton-sur-Mer	93 095
Village nordique de Kuujuarapik	125 820	Ville de Causapsal	13 581
Village nordique de Puvirnituq	175 244	Ville de Chambly	434 152
Village nordique de Quaqaq	82 498	Ville de Chandler	304 046
Village nordique de Salluit	145 747	Ville de Chapais	190 718
Village nordique de Tasiujaq	88 039	Ville de Charlemagne	154 048
Ville d'Acton Vale	176 129	Ville de Châteauguay	1 085 692
Ville d'Alma	1 314 635	Ville de Château-Richer	101 932
Ville d'Amos	267 641	Ville de Chibougamau	266 380
Ville d'Amqui	142 817	Ville de Clermont	67 928
Ville d'Asbestos	35 361	Ville de Coaticook	82 868
Ville d'East Angus	88 637	Ville de Contrecoeur	88 675
Ville d'Estérel	9 532	Ville de Cookshire-Eaton	113 816
Ville d'Otterburn Park	195 224	Ville de Coteau-du-Lac	131 502
Ville de Baie-Comeau	503 955	Ville de Côte-Saint-Luc	284 465
Ville de Baie-D'Urfé	69 098	Ville de Cowansville	347 013
Ville de Baie-Saint-Paul	186 417	Ville de Danville	123 750
Ville de Barkmere	2 150	Ville de Daveluyville	6 677
Ville de Beaconsfield	145 096	Ville de Dégelis	120 776
Ville de Beauceville	137 858	Ville de Delson	186 416
Ville de Beauharnois	184 754	Ville de Desbiens	16 637
Ville de Beaupré	80 815	Ville de Deux-Montagnes	415 414
Ville de Bécancour	153 044	Ville de Disraeli	135 453
Ville de Bedford	80 105	Ville de Dolbeau-Mistassini	394 124
Ville de Belleterre	2 328	Ville de Dollard-Des Ormeaux	967 825
Ville de Beloeil	452 010	Ville de Donnacona	118 822
Ville de Berthierville	121 045	Ville de Dorval	423 058
Ville de Blainville	1 009 576	Ville de Drummondville	1 656 856
Ville de Boisbriand	709 246	Ville de Dunham	42 736
Ville de Bois-des-Filion	212 572	Ville de Duparquet	20 601

Ville de Farnham	301 244	Ville de Louiseville	299 472
Ville de Fermont	20 962	Ville de Macamic	67 306
Ville de Forestville	24 915	Ville de Magog	338 854
Ville de Fossambault-sur-le-Lac	21 915	Ville de Malartic	20 221
Ville de Gaspé	1 026 493	Ville de Maniwaki	71 837
Ville de Gatineau	7 567 012	Ville de Marieville	238 015
Ville de Gracefield	48 545	Ville de Mascouche	1 058 306
Ville de Granby	1 450 259	Ville de Matagami	18 264
Ville de Grande-Rivière	14 888	Ville de Matane	597 129
Ville de Hampstead	45 178	Ville de Mercier	156 888
Ville de Hudson	56 212	Ville de Métabetchouan—Lac-à-la-Croix	69 963
Ville de Huntingdon	57 997	Ville de Métis-sur-Mer	37 944
Ville de Joliette	374 589	Ville de Mirabel	327 100
Ville de Kingsey Falls	29 167	Ville de Mont-Joli	147 153
Ville de Kirkland	304 487	Ville de Mont-Laurier	389 558
Ville de L'Ancienne-Lorette	228 222	Ville de Montmagny	337 135
Ville de L'Assomption	417 075	Ville de Montréal	63 314 427
Ville de L'Épiphanie	104 758	Ville de Montréal-Est	74 919
Ville de L'Île-Cadieux	2 722	Ville de Montréal-Ouest	30 033
Ville de L'Île-Dorval	1 827	Ville de Mont-Royal	365 185
Ville de L'Île-Perrot	324 389	Ville de Mont-Saint-Hilaire	173 394
Ville de La Malbaie	255 759	Ville de Mont-Tremblant	182 328
Ville de La Pocatière	155 121	Ville de Murdochville	14 658
Ville de La Prairie	306 494	Ville de Neuville	50 618
Ville de La Sarre	116 227	Ville de New Richmond	24 401
Ville de La Tuque	73 311	Ville de Nicolet	281 966
Ville de Lac-Brome	63 377	Ville de Normandin	84 336
Ville de Lac-Delage	12 000	Ville de Notre-Dame-de-l'Île-Perrot	97 761
Ville de Lachute	434 582	Ville de Notre-Dame-des-Prairies	221 517
Ville de Lac-Mégantic	190 481	Ville de Notre-Dame-du-Lac	41 651
Ville de Lac-Saint-Joseph	5 911	Ville de Paspébiac	70 527
Ville de Lac-Sergent	5 093	Ville de Percé	89 860
Ville de Laval	8 671 037	Ville de Pincourt	257 973
Ville de Lavaltrie	333 979	Ville de Plessisville	196 536
Ville de Lebel-sur-Quévillon	21 292	Ville de Pohénégamook	154 144
Ville de Léry	14 498	Ville de Pointe-Claire	786 388
Ville de Lévis	4 078 651	Ville de Pont-Rouge	164 170
Ville de Longueuil	5 295 949	Ville de Port-Cartier	65 389
Ville de Lorraine	123 058	Ville de Portneuf	116 544

Ville de Prévost	146 641	Ville de Sainte-Adèle	121 977
Ville de Princeville	331 996	Ville de Sainte-Agathe-des-Monts	128 925
Ville de Québec	18 947 336	Ville de Sainte-Anne-de-Beaupré	39 536
Ville de Repentigny	1 768 815	Ville de Sainte-Anne-de-Bellevue	204 225
Ville de Richelieu	58 371	Ville de Sainte-Anne-des-Monts	347 654
Ville de Richmond	113 411	Ville de Sainte-Anne-des-Plaines	501 331
Ville de Rimouski	1 745 707	Ville de Sainte-Catherine	208 899
Ville de Rivière-du-Loup	388 141	Ville de Sainte-Catherine-de-la-Jacques-Cartier	196 548
Ville de Rivière-Rouge	136 172	Ville de Sainte-Julie	505 769
Ville de Roberval	83 738	Ville de Sainte-Marguerite-du-Lac-Masson	24 095
Ville de Rosemère	320 952	Ville de Sainte-Marie	375 673
Ville de Rouyn-Noranda	291 787	Ville de Sainte-Marthe-sur-le-Lac	230 644
Ville de Saguenay	6 331 644	Ville de Sainte-Thérèse	500 275
Ville de Saint-Augustin-de-Desmaures	317 636	Ville de Salaberry-de-Valleyfield	957 533
Ville de Saint-Basile	15 129	Ville de Schefferville	52 985
Ville de Saint-Basile-le-Grand	288 096	Ville de Scotstown	37 048
Ville de Saint-Bruno-de-Montarville	453 479	Ville de Senneterre	86 176
Ville de Saint-Césaire	70 231	Ville de Sept-Îles	684 172
Ville de Saint-Constant	495 739	Ville de Shawinigan	1 392 799
Ville de Saint-Eustache	909 889	Ville de Sherbrooke	5 878 014
Ville de Saint-Félicien	198 571	Ville de Sorel-Tracy	1 029 685
Ville de Saint-Gabriel	37 199	Ville de Stanstead	95 637
Ville de Saint-Georges	1 045 463	Ville de Sutton	55 474
Ville de Saint-Hyacinthe	1 108 088	Ville de Témiscaming	63 842
Ville de Saint-Jean-sur-Richelieu	2 090 616	Ville de Terrebonne	2 881 247
Ville de Saint-Jérôme	1 558 869	Ville de Thetford Mines	486 517
Ville de Saint-Joseph-de-Beauce	89 120	Ville de Thurso	36 129
Ville de Saint-Joseph-de-Sorel	16 749	Ville de Trois-Pistoles	130 607
Ville de Saint-Lambert	251 240	Ville de Trois-Rivières	4 597 581
Ville de Saint-Lazare	97 878	Ville de Valcourt	82 906
Ville de Saint-Lin-Laurentides	268 155	Ville de Val-d'Or	848 520
Ville de Saint-Marc-des-Carières	71 944	Ville de Varennes	376 190
Ville de Saint-Ours	22 947	Ville de Vaudreuil-Dorion	527 983
Ville de Saint-Pamphile	12 703	Ville de Victoriaville	1 006 602
Ville de Saint-Pascal	98 848	Ville de Ville-Marie	13 644
Ville de Saint-Pie	84 884	Ville de Warwick	199 995
Ville de Saint-Raymond	216 005	Ville de Waterloo	144 855
Ville de Saint-Rémi	135 839	Ville de Waterville	71 444
Ville de Saint-Sauveur	169 913		
Ville de Saint-Tite	46 707		

Ville de Westmount 336 644
 Ville de Windsor 136 670».

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

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Gouvernement du Québec

O.C. 1397-2009, 21 December 2009

An Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., c. R-20)

Issuance of competency certificates to certain holders of training qualifications issued in France

Regulation respecting the issuance of competency certificates to certain holders of training qualifications issued in France

WHEREAS, under the second paragraph of section 123 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., c. R-20), as amended by section 7 of the Act to provide for the implementation of the Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles and similar agreements (2009, c. 16), the Government may, in order to give effect to an intergovernmental agreement in respect of workforce mobility or the mutual recognition of qualifications, skills or work experience in trades and occupations in the construction industry, make regulations to exempt certain persons, on the conditions it determines, from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec, or to determine conditions for the issue of such a certificate by the Commission;

WHEREAS, under the second paragraph of that section, such regulations may, in particular, provide for adjustments to the provisions of the Act and the regulations and special management rules, and a regulation made under that paragraph is not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS, by Order in Council 891-2009 dated 12 August 2009, the Government ratified the Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles, signed at Québec on 17 October 2008;

WHEREAS on 27 April 2009, nine arrangements were made to provide for the mutual recognition of vocational qualifications for trades in the construction industry pursuant to the provisions of the Entente;

WHEREAS it is expedient, to give effect to the Entente and its accompanying arrangements, to make the Regulation respecting the issuance of competency certificates to certain holders of training qualifications issued in France, attached to this Order in Council;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour,

THAT the Regulation respecting the issuance of competency certificates to certain holders of training qualifications issued in France, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the issuance of competency certificates to certain holders of training qualifications issued in France

An Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., c. R-20, s. 123, 2nd par.; 2009, c. 16, s. 7)

1. The Commission de la construction du Québec issues, on request, a journeyman competency certificate to any person holding a training qualification listed in Schedule 1 issued by the ministère de l'Éducation nationale de France who provides proof that he or she has taken the safety course required under the Safety Code for the construction industry (R.R.Q., 1981, c. S-2.1, r.6).

The certificate matches the trade and, where applicable, the speciality covered by the training qualification listed in Schedule 1.

2. The Commission issues, on request, a journeyman competency certificate to any person holding a training qualification listed in Schedule 2 issued by the ministère

de l'Éducation nationale de France who provides proof that he or she has taken the safety course required under the Safety Code for the construction industry and who shows, by means of supporting documents, that he or she has practised the trade for the time prescribed in the Schedule and, where applicable, has successfully completed the complementary training identified in the Schedule.

The certificate matches the trade covered by the training qualification listed in Schedule 2.

3. The Commission issues, on request, an apprentice competency certificate to any person holding a training qualification listed in Schedule 3 issued by the ministère de l'Éducation nationale de France, if

(1) the person provides an attestation that he or she has taken the safety course required under the Safety Code for the construction industry;

(2) an employer registered with the Commission files a request for manpower for that person, guarantees that person employment for not less than 150 hours over a period not exceeding 3 months and provides the Commission with proof of the guarantee.

The certificate matches the trade covered by the training qualification listed in Schedule 3.

APPENDIX 1

(s. 1)

TRAINING QUALIFICATIONS ISSUED BY THE MINISTÈRE DE L'ÉDUCATION NATIONALE DE FRANCE GIVING ENTITLEMENT TO ONE OR MORE JOURNEYMAN COMPETENCY CERTIFICATES ISSUED BY THE COMMISSION DE LA CONSTRUCTION DU QUÉBEC

Training qualification issued by the ministère de l'Éducation nationale de France	Journeyman competency certificate issued by the Commission de la construction du Québec
Brevet professionnel – Carrelage Mosaïque [Vocational certificate – Tile setting and Mosaic tiling]	Tile setter
Brevet professionnel – Conducteur d'engins de chantier de travaux publics [Vocational certificate – Public works equipment operation]	Shovel operator and Heavy equipment operator – tractor operator, grader operator, and roller operator specialties
Brevet professionnel – Peinture revêtements [Vocational certificate – Paint finishes]	Painter

4. A competency certificate issued pursuant to this Regulation is deemed to have been issued pursuant to the Regulation respecting the issuance of competency certificates, approved by Order in Council 673-87 dated 29 April 1987. The fees exigible under that Regulation apply to the corresponding operations carried out pursuant to this Regulation, with the necessary adaptations.

5. A person applying for the issuance of a certificate under sections 1 to 3 who is not domiciled in Québec must indicate to the Commission the region in which he or she wishes to benefit from an employment preference. The competency certificate must mention this choice, which remains valid until the expiry of the competency certificate unless the certificate holder becomes domiciled in Québec.

The person is deemed to be domiciled in the region chosen pursuant to the first paragraph for the purposes of subparagraph 1 of the first paragraph of section 35 of the Regulation respecting the hiring and mobility of employees in the construction industry, approved by Order in Council 1946-82 dated 25 August 1982. The second paragraph of section 39.1 of that Regulation does not apply to the person.

6. This Regulation comes into force on 13 January 2010.

APPENDIX 2

(s. 2)

TRAINING QUALIFICATIONS ISSUED BY THE MINISTÈRE DE L'ÉDUCATION NATIONALE DE FRANCE, WORK EXPERIENCE AND COMPLEMENTARY TRAINING GIVING ENTITLEMENT TO A JOURNEYMAN COMPETENCY CERTIFICATE ISSUED BY THE COMMISSION DE LA CONSTRUCTION DU QUÉBEC

Training qualification issued by the ministère de l'Éducation nationale de France French Republic	Work experience	Complementary training	Journeyman competency certificate issued by the Commission de la construction du Québec
Baccalauréat professionnel – Technicien du bâtiment: organisation et réalisation du gros-œuvre [Vocational baccalaureate – Building technician: building shell planning and execution]	Three years experience as a mason, with no fewer than 3,000 hours after obtaining the training qualification	Stone cutting and stone laying (90 hours), Chimneys and hearths (30 hours) and Refractory brick – rotating kilns (90 hours)	Bricklayer-mason
Baccalauréat professionnel – Technicien Constructeur bois [Vocational baccalaureate – Technician, timber construction] and Certificat d'aptitude professionnelle – Constructeur en ouvrages d'art [Vocational qualification certificate – Building structures]	Three years experience as a timber construction technician, with no fewer than 3,000 hours after obtaining either training qualification	N/A	Carpenter-joiner
Baccalauréat professionnel – Ouvrages du bâtiment: métallerie [Vocational baccalaureate – Building structures: metalwork]	Three years experience as a metalworker, with no fewer than 3,000 hours after obtaining the training qualification	N/A	Ornamental iron worker

APPENDIX 3

(s. 3)

TRAINING QUALIFICATIONS ISSUED BY THE MINISTÈRE DE L'ÉDUCATION NATIONALE DE FRANCE GIVING ENTITLEMENT TO AN APPRENTICE COMPETENCY CERTIFICATE ISSUED BY THE COMMISSION DE LA CONSTRUCTION DU QUÉBEC

Training qualification issued by the ministère de l'Éducation nationale de France	Apprentice competency certificate issued by the Commission de la construction du Québec
Brevet professionnel – Étanchéité du bâtiment et des travaux publics [Vocational certificate – Watertightness of buildings and public works]	Roofer
Certificat d'aptitude professionnelle – Solier moquetliste [Vocational training certificate – floor covering and carpet layer]	Resilient flooring layer

Draft Regulations

Draft Regulation

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

Certified translators, terminologists and interpreters — Code of ethics — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation to amend the Code of ethics of the Ordre des traducteurs, terminologues et interprètes agréés du Québec”, adopted by the board of directors of the Ordre des traducteurs, terminologues et interprètes agréés du Québec, may be submitted to the Government which may approve it, with or without amendments, on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to adapt certain ethical rules to the reality of the practice of that profession within a partnership or a joint-stock company, as provided for in the draft Regulation respecting the practice of the profession of certified translator, terminologist or interpreter within a partnership or a joint-stock company.

The draft Regulation is not likely to have any impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Claude Laurent, Director General and Secretary, Ordre des traducteurs, terminologues et interprètes agréés du Québec, 2021, avenue Union, bureau 1108, Montréal (Québec) H3A 2S9; telephone: 514 845-4411 or 1 800 265-4815; fax: 514 845-9903.

Any person wishing to comment on the draft Regulation is requested to submit comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D’Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the Order and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
*Chair of the Office des
professions du Québec*

Regulation to amend the Code of ethics of the Ordre des traducteurs, terminologues et interprètes agréés du Québec*

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

1. The Code of ethics of the Ordre des traducteurs, terminologues et interprètes agréés du Québec is amended by inserting the following after section 2:

“**2.1.** Members must take reasonable measures to ensure that the partnership or joint-stock company within which they carry on professional activities, as well as the employees, shareholders, directors, partners and any other person collaborating with them in the carrying on of professional activities, comply with the Professional Code (R.S.Q., c. C-26) and its regulations.

2.2. The duties and obligations under the Professional Code and its regulations are not modified or reduced in any manner owing to the fact that a member practises the profession within a partnership or joint-stock company.”.

2. Section 10 is amended by inserting “, of those provided by the persons carrying on professional activities within the partnership or company where the member practises” after “services”.

3. The following paragraph is added at the end of section 18:

“A member may not invoke the liability of the partnership or joint-stock company within which he carries on professional activities or the liability of another person also carrying on activities within the same partnership or company as a ground for excluding or limiting the member’s personal liability.”.

4. The following is inserted after section 19:

* The Code of ethics of the Ordre des traducteurs, terminologues et interprètes agréés du Québec, approved by Order in Council 929-94 dated 22 June 1994 (1994, *G.O.* 2, 2372), was last amended by Order in Council 832-2003 dated 20 August 2003. For previous amendments, refer to the Tableau des modifications et Index sommaire, Québec Official Publisher, 2009, updated to 1 March 2009.

19.1. Members must subordinate their personal interests, and those of the partnership or joint-stock company in which they carry on professional activities or in which they have an interest, to those of their clients.

19.2. Members must safeguard their professional independence at all times and avoid any situation in which they would be or appear to be in conflict of interest.

19.3. A member must take reasonable measures to ensure that information or documents protected by professional secrecy are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company in which the member carries on professional activities or has an interest, as soon as the member becomes aware that the partner, shareholder, director, officer or employee has a conflict of interest.

The following factors must be taken in particular account in assessing the effectiveness of such measures:

- (1) the size of the partnership or joint-stock company;
- (2) the precautions taken to prevent access to the member's file by the person in the conflict of interest;
- (3) the instruction given to protect confidential information or documents relating to the conflict of interest;
- (4) the isolation of the person in the conflict of interest with respect to the member."

5. The following is inserted after section 24:

24.1. Members who carry on professional activities within a partnership or joint-stock company must ensure that the fees and expenses for professional services provided by members are always indicated separately on any invoice or statement of fees sent by the partnership or joint-stock company to a client, except if a lump sum payment was agreed upon in writing with the client. However, in the latter case, the statement or invoice must detail the professional services provided by the member.

24.2. Members may share their fees only with a person with whom they are authorized to carry on professional activities under the Regulation respecting the practice of the profession of certified translator, terminologist or interpreter within a partnership or joint stock company,

approved by Order in Council (*insert the number and date of the Order in Council*), or within a partnership within which the member is authorized to practise under that Regulation."

6. Section 32 is amended

(1) by replacing "and" after "57" by "," and by inserting the following after "58": ", 58.1, 59.1 and those that may be determined under the second paragraph of section 152";

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

"(f) practising the profession within, or having an interest in, a partnership or joint-stock company, with a person who, to the knowledge of the member, performs acts that are derogatory to the dignity of the profession;

(g) carrying on professional activities within, or having an interest in, a partnership or joint-stock company if a partner, shareholder, director, officer or employee of the partnership or joint-stock company has been struck off the roll for more than 3 months or has had his or her professional permit revoked, unless the partner, shareholder, director, officer or employee

i. ceases to hold the position of director or officer within the partnership or joint-stock company within 10 days of the date on which the striking off the roll or permit revocation becomes executory;

ii. ceases to attend shareholder meetings and to exercise voting rights, if applicable, within 10 days of the date on which the striking off the roll or permit revocation becomes executory;

iii. disposes of his or her voting shares or transfers them to a trustee within 10 days of the date on which the striking off the roll or permit revocation becomes executory;

(h) failing to inform the Order that the member has reason to believe that a member or a partnership or joint-stock company within which members practise contravenes to the Professional Code or a related regulation made pursuant to the Code;

(i) carrying on professional activities within a partnership or joint-stock company that holds itself out as or implies that it is a partnership or joint-stock company within which a member is authorized to carry on professional activities when one of the requirements in the Professional Code or its regulations is not met;

(j) entering into an agreement or permitting an agreement to be entered into within a partnership or joint-stock company in which a member is authorized to carry on professional activities, including a unanimous shareholders' agreement, if the agreement operates to threaten the independence, objectivity and integrity required for the practice of the profession or compliance by the members with the Professional Code and its regulations.”.

7. Section 37 is amended by inserting “particularly within a partnership or joint-stock company where the member carries on professional activities,” after “use of,”.

8. Section 39 is revoked.

9. Section 41 is amended by replacing “firm name” by “name”.

10. The heading of Division V is replaced by the following “NAME”.

11. Sections 45 and 46 are replaced by the following:

“**45.** Members may not practise the profession within a partnership or joint-stock company under a name that is misleading, deceptive or contrary to the honour or dignity of the profession or that is a number name.

Only partnerships or companies where all services are offered by members may use the titles reserved for members in their names.

46. Where a member retires from a partnership or joint-stock company, or dies, the member's name must no longer appear in the name or advertising of the partnership or company after 1 year following retirement or death unless an agreement to the contrary has been entered into with the member or with the member's successors and assigns.”.

12. The heading of Division VI is amended by replacing “ORDRE PROFESSIONNEL DES TRADUCTEURS ET INTERPRÈTES AGRÉÉS DU QUÉBEC” by “ORDER”.

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

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Draft Regulation

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

Certified translators, terminologists and interpreters — Practice within a partnership or a joint-stock company

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the practice of the profession of certified translator, terminologist or interpreter within a partnership or a joint-stock company, adopted by the board of directors of the Ordre des traducteurs, terminologues et interprètes agréés du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation prescribes conditions for the practice within a partnership or a joint-stock company of the professional activities of members of the Order, particularly regarding the administration of the partnership or joint-stock company and the holding of company shares or partnership units.

Those conditions also include the obligation to take out insurance against the liability of the partnership or joint-stock company arising from fault on the part of a member in the carrying on of professional activities within the partnership or joint-stock company, as well as the obligation to provide the Order with the required information on the partnership or joint-stock company and to keep it up-to-date.

The draft Regulation is not likely to have any impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Claude Laurent, Director General and Secretary, Ordre des traducteurs, terminologues et interprètes agréés du Québec, 2021, avenue Union, bureau 1108, Montréal (Québec) H3A 2S9; telephone: 514 845-4411 or 1 800 265-4815; fax: 514 845-9903.

Any person wishing to comment on the draft Regulation is requested to submit comments within the 45-day period to the Chair of the Office des professions du Québec, 800, place D'Youville, 10^e étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the Order and to interested persons, departments and bodies.

JEAN PAUL DUTRISAC,
*Chair of the Office des
professions du Québec*

Regulation respecting the practice of the profession of certified translator, terminologist or interpreter within a partnership or a joint-stock company

Professional Code
(R.S.Q., c. C-26, s. 93, pars. *g* and *h* and s. 94, par. *p*;
2008, c. 11, s. 61)

DIVISION I TERMS AND CONDITIONS OF PRACTICE

1. A member of the Ordre des traducteurs, terminologues et interprètes agréés du Québec may carry on professional activities within a joint-stock company or a limited liability partnership within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26) that holds itself out to be exclusively a partnership or joint-stock company of certified translators, terminologists or interpreters or a combination of translators, terminologists or interpreters, if

(1) more than 50% of the voting rights attached to the company shares or partnership units are held by the following persons or trusts or a combination of persons or trusts:

(a) 1 or more members of the Order;

(b) a joint-stock company where at least 90% of the voting rights attached to the shares are held by 1 or more members of the Order carrying on their professional activities within the joint-stock company; or

(c) a trust where all the trustees are members of the Order carrying on their professional activities within the partnership or joint-stock company;

(2) a majority of the directors of the board of directors of the joint-stock company, the partners or, as the case may be, the directors appointed by the partners to manage the affairs of the limited liability partnership are members of the Order carrying on their professional activities within the partnership or joint-stock company;

(3) to constitute a quorum at a meeting of the board of directors of a partnership or joint-stock company, a majority of the members present must be members of the Order; and

(4) the chair of the board of directors of the joint-stock company or the person who performs similar functions in a limited liability partnership is a member of the Order and, as the case may be, a shareholder with voting rights or a partner.

A member of the Order must ensure that the conditions listed in the first paragraph appear, as the case may be, in the articles of the joint-stock company or in the contract of the limited liability partnership and that the documents also stipulate that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities.

2. In cases other than those in section 1, a member of the Order is authorized to carry on professional activities within a joint-stock company or a limited liability partnership within the meaning of Chapter VI.3 of the Professional Code, if

(1) more than 50% of the voting rights attached to the company shares or partnership units are held by the following persons or trusts or a combination of persons or trusts:

(a) 1 or more members of a professional order governed by the Professional Code or 1 member of one of the following professional associations:

— an association of translators, terminologists or interpreters that is a member of the Canadian Translators, Terminologists and Interpreters Council;

— an order of accountants governed by the law of another Canadian province or territory;

— a law society governed by the law of another Canadian province or territory;

(b) a joint-stock company where at least 90% of the voting rights attached to the shares are held by 1 or more persons referred to in subparagraph *a*; or

(c) a trust where all the trustees are persons referred to in subparagraph *a*;

(2) a majority of the directors of the board of directors of the joint-stock company, the partners or, as the case may be, the directors appointed by the partners to manage the affairs of the limited liability partnership are persons referred to in subparagraph *a* of subparagraph 1.

To constitute a quorum at a meeting of the board of directors of a partnership or joint-stock company, a majority of the members present must be persons referred to in subparagraph *a* of subparagraph 1.

A member of the Order must ensure that the conditions appear, as the case may be, in the articles of the joint-stock company or in the contract of the limited liability partnership and that the documents also stipulate that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities.

3. A member of the Order who wishes to carry on professional activities within a partnership or joint-stock company must, before carrying on those activities, provide the secretary of the Order with

(1) a declaration made on the form provided by the Order, accompanied by the fees of \$100.00, containing

(a) the member's name, number and status within the partnership or joint-stock company;

(b) the partnership or joint-stock company name and any other names used in Québec by the partnership or joint-stock company and the registration number assigned to it by the enterprise registrar;

(c) the legal form of the partnership or joint-stock company;

(d) in the case of a joint-stock company, the address of the head office of the company and of its establishments in Québec, the names and home addresses of the directors and officers, and the Order or professional association of which they are members, if applicable;

(e) in the case of a limited liability partnership, the address of the establishments of the partnership in Québec, specifying the address of the principal establishment, names and home addresses of the partners, and, if applicable, the names and home addresses of the directors appointed by the partners to manage the partnership, whether or not they reside in Québec and, in all cases, the Order or professional association of which they are members, if applicable; and

(f) if applicable, the date on which the general partnership has become a limited liability partnership;

(2) a document issued by a competent authority certifying that the partnership or joint-stock company is covered by security in compliance with Division II;

(3) in the case of a joint-stock company, a copy of its articles of association and a document issued by a competent authority certifying that the company exists;

(4) a document issued by a competent authority certifying that the partnership or joint-stock company is registered in Québec;

(5) an irrevocable authorization from the partnership or joint-stock company within which the member practices allowing a person, committee, council or tribunal referred to in section 192 of the Professional Code to require disclosure of and obtain any document listed in section 10 from a person or to obtain a true copy of such a document; and

(6) if applicable, a true copy of the declaration required under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45), stating that the general partnership has become a limited liability partnership.

4. A member of the Order must

(1) update and provide, before 31 March of each year, the declaration prescribed in paragraph 1 of section 3; and

(2) promptly notify the secretary of the Order of any change in the security prescribed in Division II, or in the information given under paragraph 1 of section 3, violating or likely to violate the conditions set out in sections 1 and 2.

5. Where a member of the Order becomes aware that a condition set out in this Regulation or in Chapter VI.3 of the Professional Code is no longer met, the member of the Order must, within 15 days, take the necessary measures to comply, failing which, the member of the Order is no longer authorized to carry on activities within the partnership or joint-stock company.

6. If 2 or more members of the Order carry on professional activities within a partnership or joint-stock company, they must designate a representative who is a member of the Order and who carries on professional activities within the partnership or joint-stock company, to satisfy, on behalf of all the members, the conditions set out in section 3, that is, to provide the information and documents that the members of the Order must send to the Order, and to reply to requests made by the syndic, an inspector, an investigator or any other representative of the Order.

The representative must be a member of the Order who carries on professional activities in Québec within the partnership or joint-stock company.

DIVISION II

PROFESSIONAL LIABILITY COVERAGE

7. A member of the Order carrying on professional activities within a partnership or joint-stock company must furnish and maintain security on behalf of the partnership or joint-stock company, by means of an insurance or suretyship contract, or by joining a group plan contract taken out by the Order, against the liability of the partnership or joint-stock company arising from fault or negligence on the part of their members in the carrying on of professional activities within the partnership or joint-stock company.

8. The security must include

(1) an undertaking by the insurer or surety to pay in lieu of the partnership or joint-stock company, over and above the amount of the security to be furnished by the member pursuant to the Règlement sur l'assurance responsabilité professionnelle de l'Ordre des traducteurs, terminologues et interprètes agréés du Québec, approved by the Office des professions du Québec on 12 February 1997 (1997, G.O. 2, 951), or the coverage actually taken out by the member if it is greater, up to the amount of the security, any sum that the partnership or joint-stock company may be legally bound to pay to a third person on a claim filed during the coverage period and arising from fault or negligence on the part of the member in the carrying on of professional activities within the partnership or joint-stock company;

(2) an undertaking by the insurer or surety to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all legal costs of actions against the partnership or joint-stock company, including the costs of the inquiry and defence, and interest on the amount of the security;

(3) an undertaking by the insurer or surety that the security is at least \$1,000,000 per claim and for all claims filed against the partnership or joint-stock company within a 12-month coverage period;

(4) where a member of the Order is a sole practitioner of a joint-stock company, an undertaking by the insurer or surety that the security is at least \$500,000 per claim and for all claims filed against the company within a 12-month coverage period;

(5) an undertaking by the insurer or surety that the security extends to all claims submitted in the 5 years following the coverage period during which a member of the partnership or joint-stock company dies, withdraws from the partnership or joint-stock company or ceases to be a member of the Order, in order to maintain security for the partnership or joint-stock company for fault or negligence on the part of the member in the carrying on of professional activities within the partnership or joint-stock company; and

(6) an undertaking by the insurer or surety to give the secretary of the Order a 30-day prior notice of intent to terminate the security, to modify any of the conditions set out in this section or not to renew the security.

9. The suretyship contract referred to in section 7 must be with a bank, a savings and credit union, trust or insurance company domiciled in Canada and having and maintaining sufficient property in Québec to meet the coverage required under this Division.

The surety must undertake to provide the coverage in accordance with the conditions of this Division and must waive the benefit of division and discussion.

DIVISION III DOCUMENT ACCESSIBILITY

10. The documents that may be required from a partnership or joint-stock company pursuant to paragraph 5 of section 3 are the following:

(1) if the member of the Order practises within a joint-stock company,

(a) an up-to-date register of the articles and by-laws of the joint-stock company;

(b) an up-to-date register of the securities of the joint-stock company;

(c) an up-to-date register of the shareholders of the joint-stock company;

(d) an up-to-date register of the directors of the joint-stock company;

(e) any shareholders' agreement or voting agreement, and amendments;

(f) any agreement concerning a stock option with voting or concerning any other rights, even if conditional, granted to a person to be issued such stock;

(g) the declaration of registration of the joint-stock company and any update; and

(h) an up-to-date list of the joint-stock company's principal officers and their home addresses;

(2) if the member of the Order practises within a limited liability partnership,

(a) the partnership contract and amendments;

(b) the declaration of registration of the partnership and any update;

(c) an up-to-date list of the directors appointed by the partners to manage the partnership and their residential addresses; and

(d) an up-to-date register of the partners.

DIVISION IV TRANSITIONAL AND FINAL

11. A member of the Order who practises within a joint-stock company constituted for the purpose of carrying on professional activities before the date of coming into force of this Regulation must comply with this Regulation not later than one year following that date.

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

SCHEDULE A

LIST OF PROFESSIONAL ORGANIZATIONS THAT EXERCISE THE SAME CONTROL AS A PROFESSIONAL ORDER

— Any association of translators, terminologists or interpreters that is a member of the Canadian Translators, Terminologists and Interpreters Council;

— Any order of accountants governed by the law of another Canadian province or territory;

— Any law society governed by the law of another Canadian province or territory.

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Draft Regulation

Real Estate Brokerage Act
(2008, c. 9)

Regulation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to enact transitional measures for the application of the Real Estate Brokerage Act, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation ensures a smooth transition between the current system and the system that will apply once the Real Estate Brokerage Act (2008, c. 9) comes into force. The draft Regulation contains provisions related to the training of brokers, trust accounts, various committees and directors of the Association des courtiers et agents immobiliers du Québec.

Further information on the draft Regulation may be obtained by contacting Pierre Rhéaume, Director General, Encadrement du secteur financier et des personnes morales, Ministère des Finances, 8, rue Cook, 4^e étage, Québec (Québec) G1R 0A4; telephone: 418 646-7572; fax: 418 646-5744; e-mail: pierre.rheaume@finances.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

RAYMOND BACHAND,
Minister of Finance

Regulation to enact transitional measures for the application of the Real Estate Brokerage Act

Real Estate Brokerage Act
(S.Q. 2008, c. 9, s. 157)

1. A person who, on (*insert the date of the day before the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*), holds a chartered real estate broker's certificate, chartered real estate agent's certificate or affiliated real estate broker's certificate issued by the Association des courtiers et agents immobiliers du Québec under the Real Estate Brokerage Act (R.S.Q., c. C-73.1), and who, on that date, represents a partnership or a legal person that holds a chartered real estate broker's certificate, in accordance with section 7 of that Act, or manages an establishment or acts as an assistant to that person who manages an establishment, in accordance with section 13 of that Act, is deemed to have the competence in management of professional activities of brokers and agencies required to be an executive officer of the agency under the Real Estate Brokerage Act (2008, c. 9).

2. A real estate broker's licence is issued to a natural person who, on (*insert the date of the day before the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*), represents a partnership or a legal person that holds a chartered real estate broker's certificate, in accordance with section 7 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1), on that date, manages an establishment or acts as an assistant to that person, in accordance with section 13 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1), without holding a certificate issued by the Association des courtiers et agents immobiliers du Québec.

3. A person who, on (*insert the date of the day before the date of coming into force of section 13 of the Real Estate Brokerage Act (2008, c. 9)*), represents a partnership or a legal person that is deemed to hold a licence under section 147 of the Real Estate Brokerage Act (2008, c. 9), is deemed to be the executive officer of the partnership or the legal person.

4. A natural person who, not more than 2 years after the expiry or relinquishment of the person's real estate agent or broker's certificate issued in accordance with the Real Estate Brokerage Act (R.S.Q., c. C-73.1), files for a real estate broker's licence is exempt from the obligation to meet the conditions set out in paragraphs 2 and 4 of section 1 of the Regulation respecting the issue of broker's and agency licences approved by Order in Council (*insert the number and date of the Order in Council approving that Regulation*) if the person has taken all additional training imposed to holders of real estate broker's licences by the Organization since (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*).

Despite the first paragraph, the person who held an affiliated real estate agent's certificate may act on his or her account only when the person meets the qualification requirements imposed by the Organization.

5. A person who, as of (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*), has taken all additional training imposed to holders of real estate broker's licences by the Organization since that date and applies for a real estate broker's licence within 2 years of the following events, is exempt from the obligation to meet the conditions set out in paragraphs 2 and 4 of section 1 of the Regulation respecting the issue of broker's and agency licences approved by Order in Council (*insert the number and date of the Order in Council approving that Regulation*):

(1) the expiry or relinquishment of the person's chartered real estate agent's certificate or chartered or affiliated real estate broker's certificate issued under the Real Estate Brokerage Act (R.S.Q., c. C-73.1); or

(2) the time when the person ceased to act as the representative of a partnership or legal person that holds a chartered real estate broker's certificate, in accordance with section 7 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) or as the manager or assistant manager of an establishment in accordance with section 13 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1).

Such a person is deemed to have the competence in management of professional activities of brokers and agencies required to be an agency executive officer if the person has taken all additional training imposed by

the Organization to brokers qualified as agency executive officers since (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*).

6. A broker or an agency that, on (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*), holds a licence under sections 146 to 148 of the Real Estate Brokerage Act (2008, c. 9) must pay the fees payable in accordance with section 45 of the Regulation respecting the issue of broker's and agency licences approved by Order in Council (*insert the number and date of the Order in Council approving that Regulation*) and the fee to the Real Estate Indemnity Fund in accordance with section 15 of the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium approved by Order in Council (*insert the number and date of the Order in Council approving that Regulation*). The fees are reduced by an amount corresponding to the fees paid on 1 January 2010 under the By-law respecting chargeable fees and specialist titles of the Association des courtiers et agents immobiliers du Québec approved by Order in Council 1866-93 dated 15 December 1993 and the Regulation respecting the application of the Real Estate Brokerage Act made by Order in Council 1863-93 dated 15 December 1993, in proportion to the number of months remaining in the period from 1 May 2010 to 31 December 2010.

7. The following persons are deemed to meet the conditions set out in paragraphs 2 and 4 of section 1 of the Regulation respecting the issue of broker's and agency licences approved by Order in Council (*insert the number and date of the Order in Council approving that Regulation*):

(1) a person who

(a) prior to the coming into force of the Real Estate Brokerage Act (2008, c. 9), has obtained an attestation of college studies for the program provided for in section 9 of the Regulation respecting the application of the Real Estate Brokerage Act made by Order in Council 1863-93 dated 15 December 1993;

(b) has applied for the issue of a real estate broker's licence within 3 months following the coming into force of the Real Estate Brokerage Act (2008, c. 9) and not later than 2 years after obtaining the attestation of college studies mentioned in subparagraph a; and

(c) has passed the examination provided for in section 20 of the Regulation respecting the application of the Real Estate Brokerage Act made by Order in Council 1863-93 dated 15 December 1993 for the category of affiliated real estate agent's certificate;

(2) a person who

(a) prior to the coming into force of the Real Estate Brokerage Act (2008, c. 9), has started the program leading to the attestation of college studies provided for in section 9 of the Regulation respecting the application of the Real Estate Brokerage Act made by Order in Council 1863-93 dated 15 December 1993;

(b) has obtained the attestation of college studies mentioned in subparagraph *a* within 12 months of the coming into force of the Real Estate Brokerage Act (2008, c. 9);

(c) applies for the issue of a real estate broker's licence within 3 months after obtaining the attestation of college studies mentioned in subparagraph *a*; and

(d) has passed the examination provided for in section 20 of the Regulation respecting the application of the Real Estate Brokerage Act made by Order in Council 1863-93 dated 15 December 1993 for the category of affiliated real estate agent's certificate.

After the issue of the broker's licence, the person has the same rights and is subject to the same restrictions as the affiliated real estate agent referred to in section 146 of the Real Estate Brokerage Act (2008, c. 9).

8. The following persons are deemed to meet the conditions set out in paragraphs 2 and 4 of section 1 of the Regulation respecting the issue of broker's and agency licences approved by Order in Council (*insert the number and date of the Order in Council approving that Regulation*):

(1) a person who

(a) prior to the coming into force of the Real Estate Brokerage Act (2008, c. 9), has obtained the attestation of college studies provided for in section 13 of the Regulation respecting the application of the Real Estate Brokerage Act made by Order in Council 1863-93 dated 15 December 1993;

(b) has applied for a real estate broker's licence within 3 months following the coming into force of the Real Estate Brokerage Act (2008, c. 9) and not later than 2 years after obtaining the attestation mentioned in subparagraph *a*; and

(c) has passed the examination provided for in section 20 of the Regulation respecting the application of the Real Estate Brokerage Act made by Order in Council 1863-93 dated 15 December 1993 for the category of chartered real estate broker's certificate;

(2) a person who

(a) prior to the coming into force of the Real Estate Brokerage Act (2008, c. 9), has started the program leading to the attestation of college studies provided for in section 13 of the Regulation respecting the application of the Real Estate Brokerage Act made by Order in Council 1863-93 dated 15 December 1993;

(b) has obtained the attestation of college studies mentioned in subparagraph *a* within 18 months following the coming into force of the Real Estate Brokerage Act (2008, c. 9);

(c) has applied for the issue of a real estate broker's licence within 3 months after obtaining the attestation of college studies mentioned in subparagraph *a*; and

(d) has passed the examination provided for in section 20 of the Regulation respecting the application of the Real Estate Brokerage Act made by Order in Council 1863-93 dated 15 December 1993 for the category of chartered real estate broker's certificate.

That person may act on the person's own account and is deemed to have the competence in management of professional activities of brokers and agencies required to be an agency executive officer where, during at least 3 of the 5 preceding years, the person held an affiliated real estate agent's certificate issued by the Association des courtiers et agents immobiliers du Québec under the Real Estate Brokerage Act (R.S.Q., c. C-73.1), has acted as broker for an agency's account or has engaged in brokerage-related activities provided for in section 1 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) or section 1 of the Real Estate Brokerage Act (2008, c. 9).

9. An insurance or securities representative governed by the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2) who, prior to the coming into force of the Real Estate Brokerage Act (2008, c. 9), has started the courses required by the Regulation respecting brokerage activities in connection with loans secured by immovable hypothec approved by Order in Council 834-99 dated 7 July 1999, successfully completes them within 12 months following the coming into force of the Real Estate Brokerage Act (2008, c. 9) and applies for a mortgage broker's licence within 3 months following the completion of the courses is exempt from the obligation to meet the conditions set out in paragraphs 2 and 4 of section 1 of the Regulation respecting the issue of broker's and agency licences approved by Order in Council (*insert the number and date of the Order in Council approving that Regulation*).

10. Every trust account existing on (*insert the date that precedes the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*) is deemed to be a trust account governed by the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies approved by Order in Council (*insert the number and date of the Order in Council approving that Regulation*).

11. A holder of a licence issued by the Organization, other than a broker carrying on activities for an agency's account, who does not have a trust account on (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*) must, within 3 months following that date, open a general trust account and send the declaration related to the opening of accounts required under section 29 of the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies approved by Order in Council (*insert the number and date of the Order in Council approving that Regulation*) to the Organization.

12. The declarations related to the opening of trust accounts provided for in sections 111 and 113 of the By-law of the Association des courtiers et agents immobiliers du Québec approved by Order in Council 1865-93 dated 15 December 1993 are deemed to be the declarations related to the opening of accounts required by sections 29 and 30 of the Regulation respecting records, books and registers, trust accounting and the inspection of brokers and agencies approved by Order in Council (*insert the number and date of the Order in Council approving that Regulation*).

13. Despite sections 57 to 59 of the Real Estate Brokerage Act (2008, c. 9), the members of the board of directors of the Association des courtiers et agents immobiliers du Québec, appointed by the Government under section 81 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) and in office on (*insert the date of the day before the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*), remain in office until they are replaced or reappointed in accordance with the terms and conditions provided for in the Real Estate Brokerage Act (2008, c. 9).

Despite sections 57 to 59 of the Real Estate Brokerage Act (2008, c. 9), the members of the board of directors of the Association des courtiers et agents immobiliers du Québec, elected from among the members of the Association under section 81 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) and in office on (*insert the date of the day before the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*), remain in office until the end of their term in accordance

with section 80 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) or until they are replaced or re-elected in accordance with the terms and conditions provided for in the Real Estate Brokerage Act (2008, c. 9) and the Internal By-law of the Organisme d'autoréglementation du courtage immobilier du Québec.

For the purposes of section 58 of the Real Estate Brokerage Act (2008, c. 9), the Minister appoints a third director when the number of directors elected to the board of directors of the Organization goes from 9 to 8 following a first election to the board of directors in accordance with the terms and conditions provided for in the Real Estate Brokerage Act (2008, c. 9) and the Internal By-law of the Organisme d'autoréglementation du courtage immobilier du Québec.

14. The insurance fund established by the Association des courtiers et agents immobiliers du Québec under section 79.1 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) is deemed to be established under section 52 of the Real Estate Brokerage Act (2008, c. 9).

15. Despite section 52 of the Real Estate Brokerage Act (2008, c. 9), sections 5 and 6 and subparagraphs 7 and 7.1 of the first paragraph of section 74 of the Real Estate Brokerage Act (R.S.Q. c. C-73.1), and section 61.1 of the Regulation respecting the Association des courtiers et agents immobiliers du Québec approved by Order in Council 1865-93 dated 15 December 1993 continue to apply, with the necessary modifications, to every broker or agency that holds a licence issued by the Organisme d'autoréglementation du courtage immobilier du Québec, until the due date of the premium payable to the insurance fund following the coming into force of the Real Estate Brokerage Act (2008, c. 9).

16. The members of the board of directors of the Real Estate Indemnity Fund, appointed under section 46 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1), constituted under section 9.14 of the Real Estate Brokerage Act (R.S.Q., c. C-73) and continued under section 44 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1), in office on (*insert the date of the day before the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*), become members of the indemnity committee appointed under section 105 of the Real Estate Brokerage Act (2008, c. 9), without further formalities, until they are replaced or reappointed in accordance with the Real Estate Brokerage Act (2008, c. 9) and the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium.

17. The discipline committee established under section 128 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) is deemed to be, as of (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*), established under section 93 of the Real Estate Brokerage Act (2008, c. 9).

The members, appointed under section 131 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1), of the discipline committee established under section 128 of that Act, in office on (*insert the date of the day before the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*), become the members of the discipline committee established under section 93 of the Real Estate Brokerage Act (2008, c. 9), without further formalities, until they are replaced or reappointed in accordance with the Real Estate Brokerage Act (2008, c. 9). Despite the foregoing, the substitute chair appointed under section 131 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) becomes one of the vice-chairs of the discipline committee established under the Real Estate Brokerage Act (2008, c. 9).

18. The professional inspection committee established under section 107 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1) becomes, on (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*), the inspection committee established under section 73 of the Real Estate Brokerage Act (2008, c. 9).

The members, appointed under section 110 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1), of the professional inspection committee established under section 107 of the Real Estate Brokerage Act (R.S.Q., c. C-73.1), in office on (*insert the date of the day before the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*), become the members of the inspection committee established under section 73 of the Real Estate Brokerage Act (2008, c. 9), without further formalities, until they are replaced or reappointed in accordance with the Real Estate Brokerage Act (2008, c. 9) and the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies.

19. The committee established under section 25.2 of the Regulation respecting the Association des courtiers et agents immobiliers du Québec approved by Order in Council 1865-93 dated 15 December 1993 becomes, on (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*), the committee referred to in section 42 of the Real Estate Brokerage Act (2008, c. 9).

The members, appointed under section 25.2 of the Regulation respecting the Association des courtiers et agents immobiliers du Québec approved by Order in Council 1865-93 dated 15 December 1993, of the committee established under that section, in office on (*insert*

the date of the day before the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)), become the members of the committee referred to in section 42 of the Real Estate Brokerage Act (2008, c. 9), without further formalities, until they are replaced or reappointed in accordance with the Regulation respecting the issue of broker's and agency licences approved by Order in Council (*insert the number and date of the Order in Council approving that Regulation*).

20. The Financing fund of the Association des courtiers et agents immobiliers du Québec for public information, established under section 148 of the Regulation respecting the Association des courtiers et agents immobiliers du Québec approved by Order in Council 1865-93 dated 15 December 1993, becomes, on (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*), the Financing fund of the Organisme d'autoréglementation du courtage immobilier du Québec established under section 47 of the Real Estate Brokerage Act (2008, c. 9).

21. Business cards, signs or any other advertisement already used in accordance with the Real Estate Brokerage Act (R.S.Q., c. C-73.1) by a real estate broker or agent, before the coming into force of the Real Estate Brokerage Act (2008, c. 9), may be used for the 18 months following the coming into force of the Real Estate Brokerage Act (2008, c. 9).

22. The rules provided for in sections 26 and 27 of the Regulation respecting the application of the Real Estate Brokerage Act made by Order in Council 1865-93 dated 15 December 1993 and those provided for in sections 85, 86, 87, 89, 90, 94, 99, 100 and Schedules 1 to 5 to the Regulation respecting the Association des courtiers et agents immobiliers du Québec approved by Order in Council 1865-93 dated 15 December 1993 continue to apply for the 18 months following the coming into force of the Real Estate Brokerage Act (2008, c. 9), with the necessary modifications.

23. The licence applied for or held by a person who has held a certificate issued in accordance with the Real Estate Brokerage Act (R.S.Q., c. C-73.1) is subject, with the necessary modifications, to any suspension, cancellation, revocation or restriction of the right to practise affecting that certificate on (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*).

24. A person who, before the coming into force of the Real Estate Brokerage Act (2008, c. 9), has been the subject of a decision of the board of directors confirming a recommendation of the discipline committee of the Association des courtiers et agents immobiliers requiring that the person take a course or training, may not be issued a licence or maintain his or her licence unless the

person shows that he or she has successfully completed, if applicable, the course or training that was recommended, or any other training considered equivalent by the Organization and, where applicable, obtains from the board of directors of the Organization an extension of the period for completing the course or training.

25. The effects on a certificate issued by the Association des courtiers et agents immobiliers du Québec of any decision or order of the discipline committee of the Association des courtiers et agents immobiliers du Québec or a court, resulting from a disciplinary complaint, becoming final before or after the coming into force of the Real Estate Brokerage Act (2008, c. 9), are deemed to continue for the licence held by the person or partnership concerned by the decision, with the necessary modifications.

26. Every decision of the discipline committee of the Association des courtiers et agents immobiliers du Québec or a court, resulting from a disciplinary complaint, becoming final before or after the coming into force of the Real Estate Brokerage Act (2008, c. 9), that orders a person or a partnership to perform an act, not to do or to cease doing something or that restricts the right to practise or the professional activities of a person or partnership, continues to produce its effects with respect to the person or partnership, under the same terms and conditions, with the necessary modifications.

27. A person or partnership that has been the subject of a decision of the discipline committee or a court, resulting from a disciplinary complaint, becoming final before or after the coming into force of the Real Estate Brokerage Act (2008, c. 9), may not apply for the issue of a licence under the Real Estate Brokerage Act (2008, c. 9) until the end of the suspension or prohibition of issue imposed on the person by the discipline committee under the Real Estate Brokerage Act (R.S.Q., c. C-73.1).

28. A natural person who, on (*insert the date of the day before the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*), holds a chartered real estate broker's certificate issued by the Association des courtiers et agents immobiliers du Québec under the Real Estate Brokerage Act (R.S.Q., c. C-73.1), and carries on activities under a name other than the person's name, may continue to act on his or her account under that name or under another name.

29. Except for a document concerning additional training, the issue of a certificate or licence, obtaining and use of a specialist title, discipline, overseeing of the

carrying on of the activities of brokers and agencies, professional inspection and indemnification, a document in the possession of the Association des courtiers et agents immobiliers du Québec on (*insert the date of the day preceding the date of coming into force of the Real Estate Brokerage Act, (2008, c. 9)*) is deemed not to be a document of the Organization for the purposes of section 61 of the Real Estate Brokerage Act (2008, c. 9).

30. This Regulation comes into force on (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*).

9629

Draft Regulation

Real Estate Brokerage Act
(2008, c. 9)

Various regulations

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft regulations appearing below may be submitted to the Government for approval with or without amendment on the expiry of 45 days following this publication.

— Regulation respecting the issue of broker's and agency licences;

— Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies;

— Regulation respecting disciplinary proceedings of the Organisme d'autoréglementation du courtage immobilier du Québec;

— Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium;

— Regulation respecting brokerage requirements, professional conduct of brokers, advertising and additional training;

— Regulation respecting contracts and forms.

The draft Regulation respecting the issue of broker's and agency licences prescribes the rules concerning the issue of licences, in particular, the documents and information to be filed with licence applications, licence fees and reasons for suspension or revocation.

The draft Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies prescribes all the rules concerning the keeping of records, books, registers and trust accounts and the rules concerning inspections.

The draft Regulation respecting disciplinary proceedings of the Organisme d'autoréglementation du courtage immobilier du Québec prescribes the rules concerning syndics, the syndic decision review committee and the discipline committee.

The draft Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium prescribes the rules concerning the indemnity committee, claims and compensation, the fee to be paid into the indemnity fund and the professional liability insurance premium.

The draft Regulation respecting brokerage requirements, professional conduct of brokers, advertising and additional training prescribes the various rules concerning the activities of brokers and agencies, including the brokerage requirements in connection with loans secured by immovable hypothec, the rules concerning professional conduct, and advertising and information on immovables.

The draft Regulation respecting contracts and forms prescribes the terms and conditions of use of contracts and forms, as well as the mandatory particulars they must include.

Further information on the draft Regulations may be obtained by contacting Pierre Rhéaume, Director General, Encadrement du secteur financier et des personnes morales, Ministère des Finances, 8, rue Cook, 4^e étage, Québec (Québec) G1R 0A4; telephone: 418 646-7572; fax: 418 646-5744; e-mail: pierre.rheaume@finances.gouv.qc.ca

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to the Minister of Finance, 12, rue Saint-Louis, 1^{er} étage, Québec (Québec) G1R 5L3.

RAYMOND BACHAND,
Minister of Finance

Regulation respecting the issue of broker's and agency licences

Real Estate Brokerage Act
(2008, c. 9, ss. 7, 9, 42, 44.1, and 46, pars. 1 to 7, 11 and 12; 2009, c. 58, ss. 142, 144 and 145)

CHAPTER I BROKER'S AND AGENCY LICENCES

DIVISION I TERMS AND CONDITIONS FOR LICENCE ISSUE

§1. Real estate and mortgage broker's licences

1. A real estate or mortgage broker's licence is issued to a natural person at least 18 years of age who makes an application to that effect to the Organisme d'autoréglementation du courtage immobilier du Québec (the "Organization") and, in addition to meeting the requirements set out in the Real Estate Brokerage Act,

(1) is a Canadian citizen, has the status of permanent resident or has a work permit issued by Canadian immigration authorities;

(2) has passed the examination under Division VII, no more than 12 months before the licence application;

(3) has passed all the courses or completed all the training programs required by the inspection committee under the third paragraph of section 75 of the Real Estate Brokerage Act or by the discipline committee under subparagraph 7 of the first paragraph of section 98 of that Act, or taken as a consequence of a voluntary commitment on the person's part;

(4) has demonstrated a working knowledge of the official language of Québec in accordance with section 35 of the Charter of the French language (R.S.Q., c. C-11), or meets one of the following requirements that apply to knowledge of French:

(a) has passed the examination referred to in subparagraph 2, in French;

(b) has received, full time, not less than three years of secondary or post-secondary instruction in French; or

(c) has passed the fourth or fifth year secondary-level examinations in French as a first language;

(5) has paid all fees required under this Regulation, all amounts payable to the insurance fund and the fee to be paid into the Real Estate Indemnity Fund;

(6) has reimbursed the Organization for any indemnity amount paid pursuant to a decision of the indemnity committee concerning the person;

(7) has not failed to comply with an order of the discipline committee or court made in connection with a disciplinary action or a remedy referred to in sections 35 and 128 of the Real Estate Brokerage Act, or has not failed to pay any fine and any interest, costs and charges owing to the Organization pursuant to a decision of the discipline committee or a judgment;

(8) where applicable, has remitted the sum of money to the person or partnership entitled to it, in compliance with a final judgment imposing such a penalty under subparagraph 4 of the first paragraph of section 98 of the Real Estate Brokerage Act; and

(9) has paid every sum of money to the party to whom it is owing as a consequence of a commitment entered into during mediation or conciliation, or an arbitration award, pursuant to section 34 of the Real Estate Brokerage Act.

A person who applies for a broker's licence within 12 months after the date of a licence revocation or suspension is exempted from the requirements of subparagraphs 2 and 4 of the first paragraph if the person has completed all additional training required by the Organization since that date.

A person who applies for a real estate broker's licence within three years after his or her real estate broker's licence is replaced by a mortgage broker's licence or a real estate broker's licence with a restriction described in section 2 is also exempted the requirements of subparagraphs 2 and 4 of the first paragraph provided that the licence has not been revoked or suspended for a period of 12 months or more since the licence replacement.

2. A real estate broker's licence may be restricted

- (1) to residential brokerage; or
- (2) to commercial brokerage.

A restricted licence is issued to a natural person who makes a licence application in accordance with section 1 and passes the required examination prepared by the Organization for the particular restriction.

A licence holder who passes the required examination may have the restricted licence modified to include a second restriction or to have it become a real estate broker's licence with no restriction.

3. A real estate broker's licence restricted to residential brokerage authorizes its holder to act as an intermediary for the purchase, sale, lease or exchange of

(1) part or all of a chiefly residential immovable comprising less than five dwellings, or a vacant residential lot; and

(2) a fraction of a residential immovable that is the subject of an agreement or declaration under articles 1009 to 1109 of the Civil Code.

The licence also authorizes its holder to give a client the name and contact information of a person or partnership offering loans secured by immovable hypothec or to otherwise put them in contact with one another.

4. A real estate broker's licence restricted to commercial brokerage authorizes its holder

(1) to engage in the brokerage activities described in subparagraphs 1, 2 and 3 of the first paragraph of section 1 of the Real Estate Brokerage Act, including activities involving a vacant commercial lot, but excluding activities involving a chiefly residential immovable comprising less than five dwellings, or a vacant residential lot or a fraction of a residential immovable that is the subject of an agreement or declaration under articles 1009 to 1109 of the Civil Code;

(2) to engage in the brokerage activities described in subparagraph 5 of the first paragraph of section 1 of the Real Estate Brokerage Act; and

(3) to give a client the name and contact information of a person or partnership offering loans secured by immovable hypothec or to otherwise put them in contact with one another.

5. A broker's licence application must be filed with the following information and documents pertaining to the prospective broker if they are not already in the Organization's possession:

(1) if the prospective broker is a Canadian citizen, his or her act or certificate of birth or Canadian Citizenship Certificate;

(2) if the prospective broker is not a Canadian citizen, the document issued by Canadian immigration authorities attesting status of permanent resident, or the work permit issued by those authorities;

(3) the address of his or her establishment, including postal code, telephone and fax numbers and those of other communication devices and, if any, e-mail and website addresses. In the absence of an e-mail address, the applicant must ask the Organization to furnish one;

(4) the prospective broker's domicile address including postal code and telephone number;

(5) unless the prospective broker has passed the examination referred to in subparagraph *a* of subparagraph 4 of the first paragraph of section 1 in French, documents showing the applicant meets one of the requirements of subparagraph 4;

(6) a colour photograph taken not more than six months preceding the application, on a white background showing the person from the shoulders up and with the face uncovered, submitted using any medium enabling the date on which it was taken to be ascertained;

(7) the name and licence number of the agency for which the prospective broker undertakes to carry on brokerage activities or, if applicable, a mention that the prospective broker will be carrying on activities for his or her own account;

(8) where applicable, a document from the executive officer of the agency for which the prospective broker will be carrying on brokerage activities to the effect that the agency undertakes to employ or authorize the person to act for the agency once he or she has been licensed;

(9) if the prospective broker has held a licence that has been revoked, suspended or made subject to restrictions or conditions by the discipline committee or by a body in Québec responsible for overseeing and monitoring real estate brokerage, or by such a body in another province or State, the relevant documents;

(10) if the prospective broker has made an assignment of property or has been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3), the relevant documents;

(11) if the prospective broker has previously been convicted by a court of, or has pleaded guilty to, an offence or act, the relevant documents; and

(12) if the prospective broker has been assigned a tutor, curator or adviser, the relevant documents.

§2. Real estate and mortgage broker agency licences

6. A real estate agency licence or a mortgage broker agency licence is issued by the Organization to a person or partnership making an application to that effect if, in addition to meeting the requirements set out in the Real Estate Brokerage Act,

(1) in the case of a natural person, the person holds a real estate broker's licence or a mortgage broker's licence, and acts as the executive officer of the agency;

(2) the directors or executive officers of the agency have passed all courses or completed all other training programs required by the inspection or discipline committee or taken as a consequence of a voluntary commitment on their part;

(3) the executive officer has the qualifications required to act in that capacity;

(4) all fees required under this Regulation and all amounts owing to the insurance fund and the fee to be paid into the Real Estate Indemnity Fund have been paid;

(5) the person or partnership, and each of its partners in the case of a partnership or directors in the case of a legal person,

(a) has reimbursed the Organization for any indemnity amount paid pursuant to a decision of the indemnity committee concerning them;

(b) has not failed to respect an order of the discipline committee or court made in connection with a disciplinary action or a remedy referred to in sections 35 and 128 of the Real Estate Brokerage Act, or has not failed to pay any fine and any interest, costs and charges owing to the Organization pursuant to a decision of the discipline committee or a judgment;

(c) where applicable, has remitted the sum of money to the person or partnership entitled to it, in compliance with a final judgment imposing such a penalty under subparagraph 4 of the first paragraph of section 98 of the Real Estate Brokerage Act; and

(d) has paid every sum of money to the party to whom it is owing as a consequence of a commitment entered into during mediation or conciliation or an arbitration award, pursuant to section 34 of the Real Estate Brokerage Act.

7. An agency licence application must be filed with the following information and documents pertaining to the applicant if they are not already in the Organization's possession:

(1) the name of the person or partnership and, in the case of a natural person, the person's broker's licence number;

(2) the name under which the agency will be carrying on brokerage activities, which name must not suggest that the agency has not been licensed by the Organization;

(3) the address of the applicant's principal establishment and other establishments, if any, including postal code, telephone and fax numbers and those of other communication devices, and e-mail and website addresses;

(4) a statement of the current information on the person or partnership as published in the register of sole proprietorships, partnerships and legal persons;

(5) in the case of a legal person or a partnership, the name of the agency's executive officer and his or her broker's licence number;

(6) the names of the brokers through whom the applicant will be carrying on brokerage activities;

(7) if the applicant has held a licence that has been revoked, suspended or made subject to restrictions or conditions by the discipline committee or by a body in Québec responsible for overseeing and monitoring real estate brokerage, or by such a body in another province or State, the relevant documents;

(8) if the applicant has made an assignment of property or has been placed under a receiving order pursuant to the Bankruptcy and Insolvency Act, the relevant documents;

(9) if the applicant has previously been convicted by a court of or has pleaded guilty to an offence or act, the relevant documents; and

(10) if the applicant has been assigned a tutor, curator or adviser, the relevant documents.

§3. Special provisions applying to applications

8. A licence application is considered to be received only once all the information and documents required by this Division have been furnished along with all fees payable.

9. A new application made within three years after a decision under section 37, 38 or 40 of the Real Estate Brokerage Act must set out new facts that may warrant a different decision.

DIVISION II **UPDATING OF INFORMATION AND** **LICENCE PARTICULARS**

10. A licence holder must send any change in information or in a document required by the Real Estate Brokerage Act or this Regulation to the Organization without delay.

In addition, within 10 days of becoming aware of it, a licence holder must inform the Organization of any professional liability claim filed with the holder's insurer, and inform the Organization without delay of any notice of loss the holder files with the insurer in relation to professional liability.

11. A licence holder must reply to any request regarding the updating of information concerning the holder within the time set by the Organization.

12. Five years after an application has been made and every five years thereafter, a holder of a broker's licence must send the Organization a new photograph dated not more than six months previous using a medium enabling the date on which it was taken to be ascertained. A broker's licence bears the most recent photograph furnished by its holder.

13. A licence contains the following particulars:

(1) the name of the licence holder;

(2) the licence number and date of issue;

(3) a mention that the holder is a real estate or mortgage broker agency or a real estate or mortgage broker;

(4) the licence restrictions, if any;

(5) the name of the agency for which the broker carries on activities, if applicable;

(6) the address and telephone number of the licence holder's establishment;

(7) a mention that the broker is certified to be an agency executive officer, if applicable; and

(8) the address of the licence holder's website.

At the request of the holder, the licence may specify the name by which the applicant is commonly known but in that case, the holder must have supplied the Organization with a sworn declaration to the effect that the name is generally known in the holder's professional and social life, or any other document establishing that fact.

DIVISION III LICENCE SUSPENSION AND REVOCATION

14. The licence of a broker who may not carry on activities for his or her own account is suspended if

(1) the licence of the agency for which the broker carries on activities is suspended or revoked; or

(2) the broker ceases to carry on activities for an agency.

A broker who may carry on activities for his or her account is deemed to do so as of the date on which the licence of the agency for which the broker carries on activities is revoked or suspended.

15. A broker's licence is suspended by the Organization if

(1) the holder fails to pay any sum owing to the insurance fund other than the premium;

(2) the holder fails to take within the prescribed time any course or complete any training program as required by the inspection or discipline committee or taken as a consequence of a voluntary commitment on the holder's part;

(3) the holder fails to take additional training as required by the Organization and, where applicable, to pass the training;

(4) the holder fails to set up and maintain a trust account in accordance with this Regulation;

(5) the Organization becomes aware of the broker's failure to update information or a document required under the Real Estate Brokerage Act or this Regulation; or

(6) the holder no longer meets a requirement for the issue or maintenance of the licence, other than the requirement in subparagraph 6 of the first paragraph of section 1, and no specific provision in the Real Estate Brokerage Act or this Regulation deals with such a failure.

16. An agency licence is suspended by the Organization if

(1) the agency fails to pay any sum owing to the insurance fund;

(2) the holder, partners in the case of a partnership or directors in the case of a legal person, fail to take and pass within the prescribed time any course or complete any training program as required by the inspection or discipline committee or taken as a consequence of a voluntary commitment on their part;

(3) the holder, partners in the case of a partnership or directors in the case of a legal person, fail to take any additional training required by the Organization and, where applicable, to pass the training;

(4) the holder fails to set up and maintain a trust account in accordance with this Regulation;

(5) the Organization becomes aware of the agency's failure to update information or a document required under the Real Estate Brokerage Act or this Regulation;

(6) the holder ceases to have the qualifications required of an agency executive officer or, in the case of a partnership or a legal person, it has not been headed by a person having those qualifications for a period of more than 60 days; or

(7) the holder no longer meets a requirement for the issue or maintenance of the licence, other than the requirement in subparagraph *a* of paragraph 5 of section 6 of this Regulation, and no specific provision in the Real Estate Brokerage Act or this Regulation deals with such a failure.

17. Once a licence has been suspended, the holder cannot engage in brokerage transactions or, among other things, in advertising, client solicitation or representation in relation to real estate or mortgage brokerage services, or use the title of broker or agency.

18. Other than in the case in section 104 of the Real Estate Brokerage Act, a person may apply to have a licence suspension lifted if the person establishes that the cause giving rise to the suspension no longer exists.

19. A broker's licence is revoked by the Organization if

(1) the holder requests the revocation;

(2) the holder has, on the due date, failed to make the payments required by section 45 of this Regulation or by section 15 of the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium, approved by Order in Council (*insert the number and date of the Order in Council approving that Regulation*), for the issue or maintenance of the licence;

(3) the holder, through misrepresentation, obtained the issue or maintenance of the licence or the modification or lifting of the licence or the restrictions or conditions imposed on the licence;

(4) the holder no longer has an establishment in Québec;

(5) the holder no longer is a Canadian citizen or has the status of permanent resident or a work permit issued by Canadian immigration authorities; or

(6) the holder

(a) fails to repay the principal, interest and costs of any amount imposed by a final judgment arising from liability for a cause referred to in section 108 of the Real Estate Brokerage Act or from the exercise of a subrogatory action under section 112 of that Act;

(b) fails to comply with an order of the disciplinary committee or court made in connection with a disciplinary action or remedy referred to in sections 35 and 128 of the Real Estate Brokerage Act, or fails to pay any fine and any interest, costs and charges owing to the Organization pursuant to a judgment or a decision of the disciplinary committee, any fee required or any fee to be paid into the Real Estate Indemnity Fund; or

(c) fails to pay any amount of money to the party entitled to it arising out of an undertaking made during mediation or conciliation or an arbitration award, pursuant to section 34 of the Real Estate Brokerage Act.

20. A agency licence is revoked by the Organization if

(1) the holder requests the revocation;

(2) the holder has, on the due date, failed to make the payments required by section 45 of this Regulation or by section 15 of the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium for the issue or maintenance of the licence;

(3) the holder, through misrepresentation, obtained the issue or maintenance of the licence or the lifting of the suspension or the restrictions or conditions imposed on the licence;

(4) the holder no longer has an establishment in Québec;

(5) the holder, partners in the case of a partnership or directors in the case of a legal person,

(a) has or have failed to repay the principal, interest and costs of any amount imposed by a final judgment arising from liability for a cause referred to in section 108 of the Real Estate Brokerage Act or from the exercise of a subrogatory action under section 112 of that Act;

(b) has or have failed to comply with an order of the disciplinary committee or court made in connection with a disciplinary action or remedy referred to in sections 35 and 128 of the Real Estate Brokerage Act, or failed to pay any fine and any interest, costs and charges owing to the Organization pursuant to a judgment or a decision of the disciplinary committee, any fee required or any fee to be paid into the Real Estate Indemnity Fund; or

(c) has or have failed to pay any amount of money to the party entitled to it arising out of an undertaking made during mediation or conciliation or an arbitration award, pursuant to section 34 of the Real Estate Brokerage Act; or

(6) in the case of a natural person, the person no longer holds a broker's licence.

21. The licence is suspended or revoked on the date and at the time determined by the Organization.

22. Suspension or revocation of a licence does not give entitlement to a reimbursement of or reduction in the amount of fees payable under the Real Estate Brokerage Act, this Regulation or the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium.

DIVISION IV **LICENCE ISSUE AND MAINTENANCE** **COMMITTEE**

23. The licence issue and maintenance committee, as the delegatee of the functions and powers under sections 37 to 39 and 41 of the Real Estate Brokerage Act, is composed of at least three and not more than nine members, including a chair, appointed by the board of directors of the Organization for a term of three years.

The board of directors may appoint one or more vice-chairs.

At the end of their term, the members remain in office until they are replaced, dismissed or reappointed, or until they resign. A matter referred to a committee member who is later replaced or resigns may continue to be dealt with by the member.

24. If the number of committee members so allows, the committee may sit in two or more divisions composed of three or more members, one of whom is a chair or vice-chair. A division having more than three members must be composed of an odd number of members.

25. The committee members must take the oath of discretion in Schedule A to this Regulation.

26. The notice referred to in section 41 of the Real Estate Brokerage Act must also inform the licence holder or the applicant person or partnership of the possibility of producing documents to complete the file and of the remedy in section 43 of that Act.

27. A decision of the committee is made in writing by a majority of the members and must be signed by the members making it. Reasons must be given for a decision to refuse to issue or a decision to revoke, suspend or impose restrictions or conditions on a licence.

28. The committee may make a decision even if the licence holder or applicant fails to reply to the notice sent in accordance with section 41 of the Real Estate Brokerage Act, does not appear at the arranged meeting, has not submitted observations in writing or has not produced the documents necessary to complete the file.

29. The committee is to send a report on its activities to the Organization each year and whenever a request for such a report is made by the Organization.

30. The committee's meetings are held using any device that enables the participants to communicate with one another; the participants are deemed to have attended the meeting.

DIVISION V **NOTICE OF DECISION**

31. Where the Organization makes a decision that is unfavourable to a person or partnership, it must notify the person or partnership in writing.

It must also notify the agency for which the person carries on or proposed to carry on activities.

32. A decision imposing a licence suspension or revocation or imposing conditions or restrictions on a licence is made public by an entry to that effect in the register of licence holders kept by the Organization.

33. A notice of a final decision made by the licence issue and maintenance committee, the discipline committee or an appeal tribunal that suspends or revokes a broker's or agency licence or imposes conditions or restrictions on

the licence and, where applicable, a notice of a decision that rectifies or revises such a decision is to be published or inserted in an official or regular publication of the Organization or on its website. The notice must specify the name of the broker or agency holding the licence to which the decision applies, the type of licence held, the place where the activities are carried on, the name under which the broker or agency carries on the activities, the broker's or agency's specialty, if any, and the date and conclusions of the decision. If the decision is made by the discipline committee, the notice must indicate the date and nature of the offence.

DIVISION VI **QUALIFICATION OF AGENCY** **EXECUTIVE OFFICERS**

34. A person is qualified as an executive officer of a real estate or mortgage broker agency if the person

(1) holds a real estate or mortgage broker's licence that is neither suspended nor subject to restrictions or conditions;

(2) is able to act for his or her own account;

(3) meets either of the following conditions, showing that the person is qualified to manage the professional activities of brokers and agencies:

(a) has passed, in accordance with Division VII, the examination for executive officers of real estate or mortgage broker agencies; or

(b) has qualified as an executive officer of a real estate or mortgage broker agency for three of the last five years; and

(4) after passing the examination referred to in subparagraph *a* of subparagraph 3, has taken and, where applicable, passed all additional training required for brokers to qualify as agency executive officers.

To maintain qualification, an executive officer of a real estate or mortgage broker agency must continue to meet the requirements of subparagraphs 1, 2 and 4.

DIVISION VII **EXAMINATIONS**

35. The Organization's examinations deal with the skills a broker must have, according to the licence applied for or licence restrictions, those required of an agency executive officer or of the holder of a specialist's title, in the latter case according to the title applied for.

36. The Organization must make accessible the list of skills tested in the examinations it prepares and send the list to any person who requests it.

37. An examination application must be sent to the Organization before the date set for the examination along with the documents and information required by paragraphs 1, 2, 4 and 6 of section 5, and specify the licence or title for which it is made.

38. A person who fails an examination may apply up to three times for a supplemental examination within 12 months after the date of the initial examination. A person who fails all the supplemental examinations cannot re-apply for an examination for a period of 12 months after the date of the last supplemental examination.

39. The Organization may cancel the examination of a person who makes a false representation in the examination application, or who seriously disrupts the examination in a repeated or continued manner, including by fraud, copying or cheating or by collaborating in such strategies. That person may not sit for any examination for a period of 12 months after the date of the cancellation by the Organization.

CHAPTER II SPECIAL AUTHORIZATIONS

40. A special 12-month authorization for brokerage transactions described in section 1 of the Real Estate Brokerage Act may be issued to any person, partnership or group of persons or partnerships, other than brokers or agencies, requesting an authorization and that

(1) has made an application for special authorization that contains

(a) the applicant's name and contact information;

(b) if the applicant is a natural person acting for a person, a partnership or a group of persons or partnerships authorized to engage in brokerage transactions described in section 1 of the Real Estate Brokerage Act outside Québec, the name and contact information of that person, partnership or group of persons or partnerships;

(c) a description of the brokerage activities to be engaged in occasionally or from time to time by the applicant in Québec;

(d) an enumeration of the specific purposes for which the application is made;

(e) a statement whereby the applicant undertakes to act within the limits of the special authorization; and

(f) any observation the applicant considers appropriate to make to justify the application for special authorization;

(2) has furnished a certificate from the competent authority attesting that the applicant is authorized to engage in brokerage transactions described in section 1 of the Real Estate Brokerage Act outside Québec;

(3) has paid the fees required by Chapter III;

(4) has paid the fee that must be paid into the Real Estate Indemnity Fund; and

(5) has paid into the insurance fund the civil liability insurance premium set by resolution of the Organization.

41. The special authorization issued by the Organization is valid only to the extent of the limits and conditions specified in the authorization.

42. Special authorization may not be issued to a natural person who acts for a person, a partnership or a group of persons or partnerships unless that person, partnership or group holds special authorization.

43. The holder of special authorization must, throughout the period for which the authorization is valid,

(1) be authorized by the competent authority to engage in brokerage transactions described in section 1 of the Real Estate Brokerage Act outside Québec;

(2) comply with the provisions of the Real Estate Brokerage Act and the regulations made under it as if the holder were licensed by the Organization;

(3) deposit all sums to be held by the holder into a trust account maintained by a holder licensed by the Organization; and

(4) be assisted by a holder licensed or designated by the Organization or chosen by the holder of the special authorization.

The holder of the special authorization must inform the Organization in writing as soon as the authorization to engage in brokerage transactions described in section 1 of the Real Estate Brokerage Act outside Québec ceases or is made subject to restrictions or conditions.

44. In any advertising, client solicitation and representation in relation to brokerage transactions carried on in Québec and described in section 1 of the Real Estate Brokerage Act, the holder of special authorization must ensure that the following particulars appear after the holder's name:

(1) mention of the Canadian province or territory or the State where the holder is legally authorized to engage in brokerage transactions described in section 1 of the Real Estate Brokerage Act; and

(2) mention to the effect that the holder is specially authorized to engage in brokerage transactions described in section 1 of the Real Estate Brokerage Act in Québec.

The holder must also specify the limits on the special authorization.

In addition, the holder of special authorization must without delay inform in writing every person with whom the holder has dealings in connection with brokerage activities in Québec of the special authorization and of its limits.

CHAPTER III FEES

45. The annual licence fees are,

- (1) for a real estate broker's licence: \$850;
- (2) for a mortgage broker's licence: \$850;
- (3) for a real estate agency licence: \$500; and
- (4) for a mortgage broker agency licence: \$500.

The fees are payable on application for the licence and thereafter on 1 May of each year. If the licence is issued for a period of less than 12 months, the fee amount is adjusted pro rata to the number of months left until the annual licence fee due date, including the month of the application.

If a licence holder applies for both the issue of a new licence and the abandoning of a licence already held, the fees for the new licence are reduced by an amount equal to the fees paid for the abandoned licence, pro rata to the number of months left until the next annual licence fee due date, excluding the month of the application.

46. The fees for special authorization are,

- (1) for a natural person: \$850; and
- (2) for the person, partnership or group of persons or partnerships represented by a natural person: \$500.

47. The fee amounts are adjusted annually on 1 May of each year based on the rate of increase in the general Consumer Price Index for Canada, as determined by Statistics Canada for the 12-month period ending on 31 December of the preceding year.

The adjusted amounts are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

The results of the adjustment are to be published in the *Gazette officielle du Québec*.

CHAPTER IV ADDITIONAL TRAINING OF BROKERS AND AGENCY EXECUTIVE OFFICERS

48. The purpose of the additional training activities is to enable brokers and agency executive officers to develop, maintain, update, improve and broaden professional skills associated with their activities.

49. The additional training activities to be taken by all or some of the brokers or agency executive officers must deal with the following subject-matters in particular:

- (1) general or special legal rules that apply to brokerage transactions described in section 1 of the Real Estate Brokerage Act;
- (2) any legislative or regulatory reform that may affect the activities of brokers and agencies;
- (3) the content, use and drafting of contracts and forms relating to brokerage transactions described in section 1 of the Real Estate Brokerage Act;
- (4) any material, physical or environmental consideration that may affect the object of a brokerage transaction described in section 1 of the Real Estate Brokerage Act;
- (5) ethics and professional conduct of brokers and agency executive officers;
- (6) management of the professional activities of brokers and agency executive officers;
- (7) assessment of the value of an immovable or enterprise;
- (8) assessment of the quality and construction features of an immovable;
- (9) financial implications of transactions described in section 1 of the Real Estate Brokerage Act; and
- (10) financing of transactions described in section 1 of the Real Estate Brokerage Act.

50. For every training activity to which this Chapter applies, the Organization must

- (1) approve the content;
- (2) set the duration of the activity and time within which it must be taken; and
- (3) specify the training personnel, bodies or educational institutions qualified to offer it.

51. This Regulation comes into force on (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*).

SCHEDULE A (s. 25)

“OATH OF DISCRETION

I, A.B., swear under oath that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.”

Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies

Real Estate Brokerage Act
(2008, c. 9, ss. 10, 46, 47, 49 and 76;
2009, c. 58, ss. 145 and 146)

CHAPTER I REGISTERS AND RECORDS

DIVISION I GENERAL

1. A broker or agency must keep and maintain the registers and records prescribed by this Chapter.

Where a broker acts for an agency, the obligations related to the keeping of registers and records are delegated to the agency. The broker must send all the information required for that purpose to the agency without delay.

DIVISION II KEEPING OF REGISTERS

2. A broker or agency must keep the following registers at the establishment:

- (1) a register of brokerage contracts;

- (2) a register of transactions;

- (3) accounting registers on the amounts held in trust by the broker or the agency;

- (4) a register of disclosure notices required by section 18 of the Regulation respecting brokerage requirements, professional conduct of brokers, advertising and additional training approved by Order in Council XX (*insert the number and date of the Order in Council approving that Regulation*);

- (5) a register on the accounting of the broker or the agency; and

- (6) a register of the brokers acting for the agency.

3. The register of brokerage contracts must provide, in ascending order, the numbers attributed by the licence holder to each brokerage contract. The register contains, for each contract,

- (1) where the contract concerns the purchase, sale, lease or exchange of an immovable property or the purchase or sale of an enterprise, the address of the immovable or enterprise covered by the contract or its cadastral description if there is no address;

- (2) where the contract concerns a loan secured by immovable hypothec, the name and contact information of the person or partnership that awarded the contract;

- (3) the date on which the contract was awarded to the licence holder;

- (4) the number attributed to the contract from a series of consecutive numbers used only by the licence holder; and

- (5) where applicable, the name of the broker acting for the agency for the performance of the contract.

4. The register of transactions must provide, in ascending order, the numbers attributed to each transaction. The register must contain, for each transaction,

- (1) the number attributed to the transaction, from a series of consecutive numbers used only by the licence holder;

- (2) the date of acceptance of the transaction proposal;

- (3) the address of the immovable or enterprise to which the transaction pertains, or its cadastral description if there is no address;

(4) the sum received in trust, where applicable;

(5) the name of the broker to whom the transaction proposal was awarded; and

(6) the name of the person or partnership with whom the licence holder shares remuneration and, where applicable, the number of the broker's or agency licence or the number of the permit, licence, certificate or any other form of authorization issued outside Québec or under an Act other than the Real Estate Brokerage Act.

5. The accounting register showing the sums held in trust must be integrated into an accounting system kept according to generally accepted accounting principles. The register contains, in chronological order,

(1) in the case of a sum received in trust and deposited into the general trust account:

(a) the number attributed to the transaction by the licence holder, where applicable;

(b) the sum received;

(c) the number of the receipt issued to the depositor for the sum received;

(d) the date of deposit with the financial institution;

(e) identification of the depositor; and

(f) the balance of the general trust account;

(2) in the case of a sum received in trust and withdrawn from the general trust account:

(a) the number attributed to the transaction by the licence holder, where applicable;

(b) the sum withdrawn;

(c) the number attributed to the cheque, bill of exchange or transfer slip used for the withdrawal;

(d) the name of the recipient of the cheque, bill of exchange or transfer slip used for the withdrawal;

(e) the date appearing on the cheque, bill of exchange or transfer slip used for the withdrawal; and

(f) the balance of the general trust account;

(3) in the case of a sum received in trust and deposited into a special trust account:

(a) the information provided for in paragraph 1;

(b) identification of the special account; and

(c) the name of the financial institution with which the account was opened;

(4) in the case of a sum received in trust and withdrawn from a special trust account:

(a) the information provided for in paragraph 2;

(b) identification of the special account; and

(c) the name of the financial institution with which the account was opened.

6. The register of disclosure notices must provide, in ascending order, the numbers attributed to each disclosure notice. The register contains, for each transaction for which such a notice is required under section 18 of the Regulation respecting brokerage requirements, professional conduct of brokers, advertising and additional training,

(1) the name of the licence holder producing the disclosure notice and the holder's licence number;

(2) the object and nature of the transaction;

(3) the nature of the interest that the licence holder has or intends to acquire;

(4) identification of the parties to the transaction;

(5) the sale price accepted or the amount of the loan granted;

(6) the date and time of the drafting of the transaction proposal;

(7) the date and time of the acceptance of the transaction proposal; and

(8) the date and time the notice is received by each prospective contracting party.

7. Each year, before 31 March, and each time the Organization so requests, the licence holder must send a copy of the register of disclosure notices to the Organization.

8. The accounting register of the enterprise must be integrated into an accounting system kept according to generally accepted accounting principles.

9. The register of brokers acting for an agency must contain a complete updated list of the names and licence numbers of the brokers through whom the agency engages in brokerage transactions described in section 1 of the Real Estate Brokerage Act.

DIVISION III KEEPING OF RECORDS

10. A broker or agency must keep the following records at the establishment:

- (1) a record for each brokerage contract;
- (2) a record for all the transaction proposals not accepted;
- (3) a record for each transaction; and
- (4) a record for disclosure notices.

11. The record for a brokerage contract contains

- (1) the brokerage contract;
- (2) any document currently or previously used in the performance of the contract, including any document used to demonstrate the accuracy of the information provided; and
- (3) the content of the record provided for in section 13, where applicable.

12. The record for all the transaction proposals not accepted contains the transaction proposals that were not accepted, in the case where the licence holder is not the licence holder to whom a brokerage contract was awarded.

13. The record for a transaction contains the transaction proposal accepted and any other document used to complete the transaction.

14. The record for all the disclosure notices contains

- (1) the disclosure notices required by section 18 of the Regulation respecting brokerage requirements, professional conduct of brokers, advertising and additional training, duly completed, and proof of their receipt; and
- (2) the transaction proposal accepted and all documents related thereto, unless the documents have been filed in any of the records provided for in paragraphs 2 and 3 of section 10.

DIVISION IV PRESERVATION, USE AND DESTRUCTION OF REGISTERS AND RECORDS

15. A licence holder must take the measures necessary to prevent the loss or destruction of registers and records and to prevent any falsification of the information and documents contained therein.

16. A licence holder must ensure that registers and records are conserved in such a way that an unauthorized person may not have access thereto.

When the registers and records are conserved on a technological medium, access to the documents contained therein must be limited to the persons employed by or authorized to act for the licence holder, for the information necessary for the carrying on of their activities.

17. A licence holder must conserve the registers and records for at least 6 years following their final closing. After the 6-year period, those registers and records may be destroyed unless they constitute evidence in a civil, disciplinary, penal or criminal action.

18. The destruction of registers and records must be done by taking the measures necessary to protect the confidential nature of the information contained therein.

19. A broker who ceases to practise on his or her account or an agency that ceases to practise must, without delay, turn over registers and records, other than those relating to the accounting for his or her enterprise, to a broker acting on his or her account or to an agency, holding the licence or licences necessary to maintain such registers and records.

The broker or agency receiving the registers and records has the same obligations for preservation, use and destruction as the broker or agency has for their own registers and records.

20. A licence holder receiving the registers and records from another licence holder, in accordance with section 19, must, within 30 days following the date of receipt, so notify the Organization in writing.

21. A licence holder who ceases activities and who has no person to turn over his or her registers and records, in accordance with section 19, must send a notice to the Organization indicating the address where the registers and records are maintained, attesting to the security of the location, with respect in particular to the destruction of the registers and records, and guaranteeing the protection of the confidential information contained therein. Any change of location where the registers and records are maintained must be notified in writing to the Organization.

22. As soon as a licence holder ceases activities, the licence holder must send the Organization

- (1) the register of disclosure notices; and
- (2) the documents provided for in section 38.

23. The registers and records of a licence holder who ceases activities without complying with sections 19 and 21 may be seized and archived by the Organization. All costs incurred must be paid by the licence holder.

CHAPTER II TRUST ACCOUNTS

DIVISION I GENERAL

24. A broker must, in accordance with this Chapter, open and maintain a trust account.

Where a broker acts for an agency, the obligations related to the opening and maintaining of a trust account are delegated to the agency. The broker remains responsible with the agency for the obligations imposed in this Chapter.

An agency may delegate to only one other agency the obligations related to the opening and maintaining of a trust account that were delegated to the agency by the brokers acting for the agency. Those brokers remain responsible for the obligations imposed in this Chapter, with their agency and the agency to which they were delegated. A written notice of the delegation must be sent to the Organization without delay.

This section does not apply to a broker who files a declaration with the Organization to the effect that the broker

- (1) is employed by the Organization; or
- (2) is employed by a person who is not an agency and the broker engages, as such, in no brokerage transaction described in section 1 of the Real Estate Brokerage Act.

25. The sums that must be paid into a trust account are paid immediately, under the terms of the trust provided for in the transaction proposal or under the terms of any other agreement, into a general trust account opened under the name of the licence holder.

Where a person who entrusted a sum to the licence holder expressly requests that the interest on that sum be remitted to him or her, the licence holder must immediately transfer the sum from the general trust account to a special trust account. The broker or the agency must ensure that the name of the client for whom the account is opened is indicated.

26. Any sum received by a licence holder as advance on remuneration or disbursements must be paid without delay into the general trust account opened under the name of the licence holder receiving the sum.

27. A sum received by a licence holder and paid into a trust account in accordance with sections 25 and 26 may be paid in Canadian or foreign currency.

DIVISION II OPENING OF A GENERAL TRUST ACCOUNT OR A SPECIAL TRUST ACCOUNT

28. A licence holder opens only one general trust account, as soon as the licence holder's activities so require and not later than 10 days after the licence is issued, and as many special trust accounts as necessary, in which the sums held are deposited, including advances on remuneration, given by a client or another person.

The accounts must be composed of deposits covered by the deposit insurance under the Canada Deposit Insurance Corporation Act (R.S.C. 1985, c. C-3) or guaranteed under the Deposit Insurance Act (R.S.Q., c. A-26).

The accounts must be opened in Québec, in a financial institution governed by the Act respecting trust companies and savings companies (R.S.Q., c. S-29.01), the Bank Act (S.C. 1991, c. 46), the Act respecting financial services cooperatives (R.S.Q., c. C-67.3) or the Trust and Loan Companies Act (S.C. 1991, c. 45) and with which the Organization has entered into an agreement on the payment of interest into the Financing fund of the Organization.

29. When opening a general trust account, a licence holder must complete and send a declaration related to the opening of an account to the depositary financial institution and the Organization. The licence holder must keep a copy for inspection purposes.

The declaration related to the opening of an account must indicate

- (1) the name and address of the financial institution to which the declaration is addressed;
- (2) the name of the broker or the agency executive officer making the declaration, the number of the holder's licence and the address of the establishment;
- (3) the date on which the account is opened;
- (4) that the general account opened at the financial institution in the name of the licence holder is "in trust";

(5) the account number;

(6) that the account contains sums that the licence holder receives or will receive in trust in the carrying on of the holder's activities and that the account is governed by the Real Estate Brokerage Act;

(7) that the interest generated by the sums deposited into the account must be paid into the Financing fund of the Organization;

(8) that the financial institution is authorized to transfer directly to the Financing fund of the Organization the interest generated by the account and to deduct at source, if applicable, the administrative costs provided for in the agreement entered into or to be entered into with the Organization;

(9) the persons authorized to sign, on behalf of the licence holder, any document related to the current transactions of the account and the signature of each person;

(10) that at all times, the Organization is irrevocably authorized to request and obtain from the financial institution any information, explanation or copy of a document necessary or useful for the purposes of auditing the account; and

(11) that the Organization is irrevocably authorized to freeze the sums held in trust, take possession of any sum entrusted to a licence holder, revoke the signature of the broker or agency executive officer or close any of their trust accounts.

30. Where a licence holder opens a special trust account, the licence holder must complete a declaration related to the opening of an account, keep a copy of the declaration for inspection purposes and send the declaration without delay to the depositary financial institution.

The declaration must indicate, in addition to the elements referred to in paragraphs 1, 2, 3, 5, 9, 10 and 11 of section 29,

(1) the name and address of the depositor;

(2) the sum received and an indication that the sum is received "in trust" in the carrying on of the broker's activities;

(3) that the sum is deposited into a special account opened "in trust" with the financial institution under the name of the licence holder;

(4) that the account is governed by the Real Estate Brokerage Act; and

(5) that the interest generated by the sum deposited into the account belong to the depositor.

DIVISION III **MANAGEMENT OF TRUST ACCOUNTS**

31. When a licence holder receives a sum in cash, the licence holder must give the depositor a receipt indicating

(1) the date the sum is received;

(2) the amount received and the currency of the sum;

(3) whether the sum is received for someone else's account or as advance on remuneration or disbursements;

(4) the name, address, date of birth and occupation of the depositor;

(5) that, as soon as the sum is deposited into a trust account, a receipt will be issued to the depositor;

(6) the name and signature of the person who, on the licence holder's behalf, receives the sum; and

(7) the name, address and licence number of the licence holder.

32. As soon as a licence holder has deposited a sum into a general or special trust account, or the sum has been deposited in trust by electronic transfer, the licence holder must give the depositor a receipt with a number, from a series of consecutive numbers, attributed to the receipts the licence holder issues. The licence holder must keep a duplicate of the receipt in his or her records.

The receipt must be signed by the person authorized by the licence holder and, in addition to the elements referred to in paragraphs 1, 2, 3 and 6 of section 31, indicate

(1) the form under which the sum was received;

(2) that the sum is received for deposit into the trust account of the licence holder;

(3) the purposes for which the sum is received; and

(4) that the licence holder will use the sum for those purposes, in accordance with the Real Estate Brokerage Act.

33. When the payment of a cheque or another bill of exchange received as a deposit or arrears is refused by the financial institution from which it is drawn, or the sum is not received within the period provided for in the transaction proposal, a licence holder must, without delay, so inform the parties to the transaction in writing.

34. Every withdrawal from a general or special trust account must be made by electronic transfer, a cheque, another bill of exchange or a transfer slip bearing the number attributed to the transaction concerned.

The licence holder must keep a copy of a document evidencing an electronic transfer, cheques, bills of exchange and transfer slips, and a copy of the cheques and bills of exchange cashed in, for the purposes of inspection by the Organization.

35. A sum corresponding to an advance on remuneration or disbursements that is deposited in the trust account of a licence holder may be withdrawn when the invoicing or the amount of the disbursements stated in writing has been sent to or accepted by the depositor.

36. Cheques, bills of exchange and transfer slips and any document evidencing an electronic transfer that a licence holder draws from a general or special trust account must bear

(1) a number from a series of consecutive numbers attributed by the licence holder to the holder's cheques, bills of exchange and transfer slips; and

(2) except for a document evidencing an electronic transfer, the indication "trust account governed by the Real Estate Brokerage Act".

DIVISION IV **KEEPING OF TRUST ACCOUNTS**

37. A licence holder must maintain separate accounting for each trust account and prepare a monthly reconciliation thereof, according to generally accepted accounting principles.

38. Each year, before 31 March, and each time the Organization so requests, a licence holder must send the Organization

(1) a summary of the deposits into and withdrawals from the holder's general trust account and all special trust accounts including

(a) identification of the period covered;

(b) for the general trust account:

i. the balance of the general trust account according to the accounting register at the start of the period;

ii. the total of the sums deposited during the period;

iii. the sum of the amounts referred to in subparagraphs i and ii;

iv. the total of the sums withdrawn during the period;

v. the balance of the account according to the accounting register at the end of the period, established by subtracting the sum mentioned in subparagraph iv from the sum obtained in subparagraph iii;

(c) for all the special trust accounts:

i. the balance of the special trust accounts according to the accounting registers at the start of the period;

ii. the total of the sums deposited during the period;

iii. the interest deposited during the period;

iv. the sum of the amounts mentioned in subparagraphs i, ii and iii;

v. the total of the sums withdrawn during the period;

vi. the total of the interest withdrawn during the period;

vii. the sum of the amounts mentioned in subparagraphs v and vi;

viii. the balance for all the special accounts, according to the accounting register at the end of the period, established by subtracting the sum mentioned in subparagraph vii from the sum obtained in subparagraph iv;

(d) the total of the balances, according to the accounting registers at the end of the period, established by adding the balances in subparagraph v of subparagraph b and subparagraph viii of subparagraph c;

(2) a copy of the bank reconciliation statement, established at the end of the calendar year or for the period for which the Organization requests it, for the general trust account and each of the special trust accounts including

(a) the date on which ends the period covered;

(b) for the general trust account:

i. the name and address of the financial institution and the number of the general trust account;

ii. the balance of the general trust account, according to the financial institution's statement;

iii. the total of the sums not yet deposited;

iv. the sum of the amounts mentioned in subparagraphs ii and iii;

v. the total of the outstanding cheques, bills of exchange and transfer slips;

vi. the balance of the general trust account after reconciliation, established by subtracting the sum mentioned in subparagraph v from the sum mentioned in subparagraph iv;

vii. the balance mentioned in subparagraph v of subparagraph *b* of subparagraph 1;

viii. the difference between what is mentioned in subparagraphs vi and vii;

(*c*) for all the special trust accounts:

i. the name and address of the financial institution and the number of each special trust account;

ii. the balance of each special trust account, according to the financial institution's statement;

iii. the total of the sums not yet deposited in each special trust account;

iv. the sum of the amounts mentioned in subparagraphs ii and iii;

v. the total of the outstanding cheques, bills of exchange and transfer slips for each special trust account;

vi. the balance of each special trust account after reconciliation, established by subtracting the sum mentioned in subparagraph v from the sum mentioned in subparagraph iv;

vii. the total of all the special trust accounts;

viii. the balance mentioned in subparagraph viii of subparagraph *c* of subparagraph 1;

ix. the difference between what is mentioned in subparagraphs vii and viii;

(*d*) the total of the balances according to the accounting registers at the end of the period, established by adding the balances provided for in subparagraph vi of subparagraph *b* and in subparagraph vii of subparagraph *c*;

(3) the detailed list of the sums held in the licence holder's general trust account and special trust accounts at the end of the calendar year or the period for which the Organization requests the list. The list must contain

(*a*) the date of the end of the period covered;

(*b*) for the general trust account:

i. the number attributed to each transaction by the licence holder;

ii. the sum held with respect to each transaction;

iii. the total of the sums held in the general account;

(*c*) for the special trust accounts:

i. the number attributed to each transaction by the licence holder;

ii. the sum held in each special trust account;

iii. the number of the special trust account;

iv. the total of the sums held in the special trust accounts;

(*d*) the total of the balances according to the detailed list of the sums held at the end of the period, established by adding the balances provided for in subparagraph iii of subparagraph *b* and in subparagraph iv of subparagraph *c*.

The total amounts appearing under the headings mentioned in subparagraph *d* of subparagraph 1, subparagraph *d* of subparagraph 2 and subparagraph *d* of subparagraph 3 must coincide.

Each document required under subparagraphs 1, 2 and 3 of the first paragraph must contain the name of the licence holder, be signed by a person authorized by the licence holder and bear the date of the signature.

39. A licence holder holding sums in trust that are considered as unclaimed property within the meaning of the Public Curator Act (R.S.Q., c. C-81) must dispose of the sums in accordance with that Act and so notify the Organization without delay.

DIVISION V CLOSING OF A TRUST ACCOUNT

40. When closing a general trust account, a licence holder must send without delay to the Organization a notice containing

(1) the name and address of the financial institution and the account number;

(2) the date on which the account is closed; and

(3) the name, address and licence number of the broker or agency.

DIVISION VI MISCELLANEOUS

41. The Organization, the inspection committee, an inspector, the syndic or an assistant syndic may

(1) require and obtain at any time from the financial institution that is the depository of every general or special trust account all the information or explanations deemed necessary or useful for the purposes of this Regulation;

(2) require and obtain at any time from the financial institution in which sums belonging to clients are deposited and which should have been deposited by the licence holder in a general or special trust account all the information or explanations deemed necessary or useful for the purposes of this Regulation;

(3) freeze the sums held in trust; and

(4) take possession of any sum entrusted to a licence holder, revoke the signature of the broker or agency executive officer, or close any of their general or special trust accounts.

CHAPTER III FINANCING FUND

42. The “Fonds de financement de l’Organisme d’autoréglementation du courtage immobilier du Québec” is established.

The financing fund must be used in particular to produce and disseminate information on the public’s rights in real estate brokerage and to promote the quality of services by brokers and agencies.

43. The accounting for the financing fund is integrated into the accounting of the Organization, but constitutes a separate part of the accounting.

44. The Organization enters into, with the financial institutions that are the depositories of the general trust accounts held by licence holders, agreements on the interest to be paid on those accounts and the transfer of the interest to the financing fund, and any other agreement useful for the purposes of this Chapter.

CHAPTER IV INSPECTION COMMITTEE

DIVISION I COMPOSITION OF THE INSPECTION COMMITTEE

45. The inspection committee is composed of at least 3 and not more than 9 members, including a chair, appointed for a three-year term by the board of directors of the Organization.

At the end of their term, the members remain in office until they are replaced, dismissed or reappointed or until they resign.

46. The sittings of the committee may be held using any medium that enables participants to communicate with each other. They are then deemed to have been present at the sitting.

47. A member of the inspection committee, an inspector and any expert whose services are retained by them must take the oath set out in Schedule A to this Regulation.

DIVISION II ORDER OF THE INSPECTION COMMITTEE TO COMPLETE A COURSE OR TAKE A TRAINING PROGRAM

48. The committee, before requiring a broker or an agency executive officer to successfully complete a course or to take a training program and at least 15 days before the date set for the ruling, informs the broker or the executive officer of his or her right to submit written observations to the committee and send the committee the documents necessary to complete the file. The notice must also indicate the consequences of the ruling.

The committee may render a decision despite the absence of written observations or additional documents produced by the broker or the agency executive officer to complete the file.

49. Where the inspection committee requires a broker or an agency executive officer to successfully complete a course or to take a training program, the committee notifies the broker or the executive officer that he or she may request the review of such an order by the Organization’s board of directors within 30 days after receiving the decision of the inspection committee.

The notice must indicate that the broker or the executive officer may submit, within the 30-day period, written observations and, where applicable, the documents necessary to complete the file. The notice also indicates that

the Organization's board of directors may render its decision despite the absence of observations or additional documents to complete the file.

50. This Regulation comes into force on (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*).

SCHEDULE A

(s. 47)

“OATH OF DISCRETION

I, A.B., swear under oath that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.

Regulation respecting disciplinary proceedings of the Organisme d'autoréglementation du courtage immobilier du Québec

Real Estate Brokerage Act
(2008, c. 9, ss. 82, 90 and 95; 2009, c. 58, s. 148)

CHAPTER I SYNDIC

1. Neither the syndic nor an assistant syndic may act as a broker while in office.

Neither the syndic nor an assistant syndic may hold other offices arising from the application of the provisions of the Real Estate Brokerage Act.

2. Where the syndic or an assistant syndic is absent or unable to act, he or she may be replaced by a person appointed by the board of directors in accordance with section 82 of the Real Estate Brokerage Act, for the duration of the absence or inability to act.

3. The syndic or an assistant syndic may be removed from office by a vote of no fewer than 8 members of the board of directors, after being given the opportunity to be heard.

4. The syndic and assistant syndics, as well as any personnel they hire for the conduct of their office, must take all necessary measures to protect the confidentiality of records of inquiry at all times.

5. The syndic and assistant syndics, as well as any expert or investigator and any personnel they hire, must take the oath in Schedule A of this Regulation.

CHAPTER II SYNDIC DECISION REVIEW COMMITTEE

DIVISION I COMPOSITION

6. The syndic decision review committee is formed of no fewer than 3 and no more than 9 members, including a chair, appointed for a term of 3 years by the Organization's board of directors.

The board of directors may appoint one or more vice-chairs.

At the end of their term, members remain on the committee until their replacement, removal from office, re-appointment or resignation. However, a committee member who is replaced or who resigns may continue to work on a matter of which the member has been seized.

7. Where the number of members permits, the committee may sit in 2 or more divisions composed of 3 members or more, including the chair or a vice-chair. Divisions with more than 3 members must have an uneven number of members.

DIVISION II OPERATING RULES

8. A person who requests a ruling by the syndic decision review committee under section 91 of the Real Estate Brokerage Act must set out the reasons in writing.

9. At least 15 days before the date when the request for review is to be heard, the review committee must give written notice to the syndic and the person who requested a review of the syndic's decision.

10. The review committee may make a ruling even if the syndic or the person who requested a review does not attend the scheduled meeting or does not present written observations or produce the necessary documents to complete the file. The committee's ruling must be made by a majority of members. A ruling must be substantiated only if the committee decides to uphold the syndic's decision not to file a complaint. Rulings must be recorded in writing, and signed by the concurring committee members.

11. Sittings of the review committee may be held using any means of communication allowing all participants to communicate with the others. Those participating are deemed to have attended the sitting.

12. The syndic decision review committee must submit an activity report to the board of directors at least annually and whenever requested by the board.

13. Members of the syndic decision review committee must take the oath in Schedule A of this Regulation.

CHAPTER III DISCIPLINE COMMITTEE

DIVISION I GENERAL

14. There must be 3 members at the sittings of the discipline committee, including the chair or a vice-chair. The chair may increase the number where he or she deems it appropriate.

Where the number of members permits, the discipline committee may sit in 2 or more divisions composed of 3 members or more. Divisions with more than 3 members must have an uneven number of members.

If the discipline committee has more than 3 members, the committee secretary must promptly select those committee members who will sit as a division with the chair or a vice-chair.

15. Members of the discipline committee may, even after ceasing to be members, continue to hear a complaint they had begun to hear and render a decision in that regard.

16. Where a member of the discipline committee is absent or unable to act, a majority of the members of a division may validly proceed with the hearing and render a decision, provided one of them is the chair or a vice-chair.

If the member who is absent or unable to act is the chair or a vice-chair, the other members may validly make a decision, provided the hearing has ended and the decision is made without dissent.

For the purposes of the preceding paragraph, the members of the discipline committee who remain seized of a matter may be assisted by a legal counsel appointed by the board of directors. The legal counsel advises the committee on all questions of law or procedure, but abstains from committee decisions.

17. The chair or a vice-chair of the discipline committee who is appointed to a court or body in which no concurrent functions may be exercised retains jurisdiction and may continue to perform committee duties without remuneration in order to conclude the matters he had begun to hear at the time of the appointment.

However, if the appointment, replacement or vacancy takes place after the discipline committee has determined guilt, and the person appointed does not avail him or herself of the possibility under the first paragraph, another division must be formed promptly to hear the parties in relation to the penalty and impose it. The new division must impose the penalty within 90 days after the hearing on penalty. Interlocutory decisions rendered before continuance of the matter by the new division remain valid.

18. From the time of their appointment to the discipline committee, the chair or a vice-chair cannot act as attorney for a party in a case governed by the Real Estate Brokerage Act or a case in which the Organization is a party.

19. At the end of their term, members remain on the discipline committee until their re-appointment, removal, replacement or resignation.

20. The salary and fees of the members of the discipline committee, as well as the indemnities and travel and lodging expenses established to compensate members for actual expenses incurred, are set by the board of directors and borne by the Organization.

21. The board of directors appoints the secretary of the discipline committee and one or more assistant secretaries.

22. The secretary sees to the preparation and preservation of discipline committee records and sees that access to the records is available.

23. Committee records may be consulted only in the presence of the secretary or a person designated by the secretary.

DIVISION II FILING A COMPLAINT

24. Complaints must be made in writing and supported by the complainant's oath.

25. A complaint must briefly describe the alleged offence of the broker or agency, including a director or executive officer of the agency, as well as the time and place of its occurrence.

26. The discipline committee is seized of a complaint as of the date on which the secretary receives it.

27. A complaint may necessitate the immediate provisional suspension of a licence or the imposition of immediate provisional conditions or restrictions if the licence holder is alleged to have

(1) appropriated, without entitlement, sums of money or other securities held for other persons, or used such sums of money or securities for purposes other than those for which they were entrusted;

(2) committed an offence such that the protection of the public may be compromised if the holder continues to practise brokerage activities; or

(3) contravened section 80 of the Real Estate Brokerage Act.

28. Where this Regulation provides for service in accordance with the Code of Civil Procedure (R.S.Q., c. C-25), the powers under section 138 of the Code are exercised by the chair of the discipline committee or one of its vice-chairs.

29. The secretary of the discipline committee has the complaint served on the person or partnership against which it is lodged, in the manner set out in the Code of Civil Procedure.

30. A request for the immediate provisional suspension of a holder's licence or the imposition of immediate provisional conditions or restrictions on the licence must be heard and decided by preference, after the secretary of the discipline committee has served notice on the respondent in accordance with the Code of Civil Procedure, at least 2 clear juridical days before the hearing and no later than 10 days after service of the complaint.

As a result of the hearing, the committee may issue an order for the provisional suspension of the respondent's licence or impose provisional conditions or restrictions on the licence, if it considers that necessary for public protection.

An order for provisional suspension of a licence or the imposition of provisional conditions or restrictions on the licence becomes enforceable on being served on the respondent by the secretary of the discipline committee in accordance with the Code of Civil Procedure. However, an order made in the presence of a party is deemed to be served on that party on being made. The secretary must indicate in the minutes whether the parties are present or absent when the committee makes an order.

An order for the provisional suspension of a holder's licence or the imposition of provisional conditions or restrictions on the licence remains in force until service of the committee's decision dismissing the complaint or imposing a penalty, as the case may be, unless the committee decides otherwise. However, where the committee imposes a penalty under subparagraph 2 of the first paragraph of section 98 of the Real Estate Brokerage Act, the

order for provisional suspension of the licence or the imposition of provisional conditions or restrictions on the licence remains in force until the decision imposing one of those penalties becomes enforceable in accordance with section 101 of the Act or, where an appeal from the decision allowing the complaint or imposing one of those penalties is lodged before the Court of Québec, until the final decision by the Court becomes enforceable, unless the Court decides otherwise.

31. The person or partnership concerned by a complaint must appear in writing, either personally or through an advocate, at the head office of the Organization, within 10 days after service of the complaint.

A written appearance may state that the respondent acknowledges or denies the alleged fault; a respondent whose written appearance contains no such statement is presumed not to have acknowledged any fault.

A written contestation may be enclosed with a written appearance or filed within 10 days.

32. Any party or witness summoned before the disciplinary committee is entitled to be assisted or represented by an advocate.

Subject to sections 29 and 36, any document that must be sent to a party under this Regulation is validly sent to the party if sent to the party's advocate.

DIVISION III HEARING A COMPLAINT

33. The secretary of the discipline committee must keep a hearing roll and ensure that access to the roll is available at least 10 days before the date set for the hearing.

34. The chair or a vice-chair designated by the chair, acting alone, may hear and decide any preliminary exception.

Preliminary exceptions and their conclusions must be disclosed in writing to the adverse party at least 3 clear days before the date of the hearing. Failing that, the discipline committee may refuse the presentation of the exceptions.

Where a party fails to disclose in accordance with this section, the discipline committee must order the faulty party to pay the resulting charges.

35. The discipline committee holds its hearings at the Organization's head office or in any other place it determines.

36. The secretary of the discipline committee must ensure that the hearing begins within a reasonable time. Except in special circumstances, the hearing must begin within 180 days after service of the complaint.

At least 3 clear days before the hearing, the secretary of the discipline committee must serve notice, in accordance with the Code of Civil Procedure, informing the respondent or the respondent's attorney, as the case may be, of the date and place of the hearing.

37. Members of the discipline committee may be recused in cases provided in article 234 of the Code of Civil Procedure.

Articles 234 through 242 of the Code apply to such recusation, with the necessary modifications.

38. Hearings must be recorded, unless all the parties dispense with recording.

39. All hearings are public, unless an order referred to in the second paragraph of section 95 of the Real Estate Brokerage Act is made.

However, the discipline committee may, on its own initiative or on request, order that a hearing be held *in camera* or ban the disclosure, publication or release of any information or document it indicates, in the interest of public order, in particular to protect information obtained by a broker in the course of his or her activities, the professional secrecy of a member of a professional order, or an individual's privacy, reputation or safety.

40. The discipline committee has the power to decide any question of law or fact necessary for the exercise of its jurisdiction.

It may use all legal means to ascertain the facts alleged in a complaint.

41. The chair or a vice-chair of the discipline committee may, on request, dismiss a complaint that he or she considers excessive, frivolous or clearly unfounded, or subject it to certain conditions.

42. If warranted by the circumstances of a complaint, for instance its complexity or the foreseeable duration of the hearing, the chair or a vice-chair of the discipline committee may, on his or her own initiative or at the request of one of the parties, convene the parties to a case management conference in order to, among other things,

(1) come to an agreement with the parties as to the processing of the complaint, specifying the undertakings of the parties and determining the timetable to be complied with;

(2) if the parties fail to agree, determine a timetable for the proceeding, which is binding on the parties; and

(3) determine how the processing of the complaint may be simplified, facilitated or accelerated and the hearing shortened, among other things by better defining the questions at issue or recording admissions concerning any fact or document.

43. The minutes of the conference are drawn up by the secretary of the discipline committee and signed by the committee's chair or a vice-chair.

44. If the parties fail to comply with the agreement or the timetable, the chair or a vice-chair of the discipline committee may make the appropriate determinations, including foreclosure of a right under the agreement. The chair or a vice-chair may, on request, relieve a defaulting party from default, where warranted by the facts.

45. Once a party's failure to participate is noted in the minutes of the conference, the discipline committee may make the case management determinations it considers appropriate.

46. The discipline committee must permit the respondent to present a full and complete defence.

The discipline committee may conduct the hearing in the absence of a respondent who does not appear on the date and at the place fixed for the hearing.

47. A complaint may be amended at any time, on the conditions necessary to safeguard the rights of the parties. It may be so amended to request, in particular, the suspension or the imposition of provisional conditions or restrictions referred to in section 27. However, except with the consent of all the parties, the discipline committee must not allow any amendment from which an entirely new complaint unrelated to the original would result.

48. The discipline committee must summon such witnesses and require the filing of such documents as it or either party considers useful by ordinary summons over the signature of the secretary.

49. The discipline committee, through one of its members, administers the oath to the parties and witnesses.

50. A person testifying before the discipline committee is bound to answer all questions. The testimony is privileged and cannot be used against the person in any adjudicative proceedings. He may not invoke his obligation to protect the confidentiality of personal information obtained in the course of his activities or professional secrecy as a ground for refusing to answer.

Where *in camera* proceedings are ordered, anyone acquainted with such testimony is personally bound by confidentiality, saving the right of the Organization's chair and members of a court of appeal to be informed of it in the performance of their duties.

DIVISION IV DECISIONS

51. Discipline committee decisions must be made by a majority of members in a division formed in accordance with section 14. Decisions must be recorded in writing, and signed by the concurring committee members. In addition to the conclusions, a decision must contain any indication that the disclosure, publication or release of certain information or documents is banned and the reasons for the decision.

Notwithstanding the first paragraph, where a member refuses or neglects to give reasons, a decision may be rendered by the other members, provided one of them is the chair or a vice-chair.

Where the chair or a vice-chair of the discipline committee refuses or neglects to give reasons, the other members may render a decision on behalf of the majority, provided the decision is made without dissent.

52. The discipline committee must render its decision within 90 days after the matter is taken under advisement.

53. The secretary must record the minutes of the hearing and the committee's decision in a special register.

The minutes must mention if the parties dispensed with recording, in which case they must contain a summary of the hearing, including the depositions. The minutes constitute evidence of their contents until proof to the contrary.

54. After a conviction, the parties may be heard with respect to the penalty.

A hearing on penalty must take place within 120 days after the conviction. The discipline committee must impose a penalty within 90 days after the hearing on penalty.

55. The discipline committee may condemn a complainant or respondent to costs or apportion the costs between them as it indicates.

Where the chair of the discipline committee dismisses a complaint under section 41, he may condemn the complainant to costs.

The costs are those related to the processing of the complaint. They include, in particular, service costs, recording costs, the cost of expert opinion admitted in evidence, as well as the indemnities payable to summoned witnesses, calculated in accordance with the tariff established in the Regulation respecting indemnities payable to witnesses summoned before courts of justice (R.R.Q., 1981, c. C-25, r.2). If the respondent is found guilty, the costs also include the travel and lodging expenses of the discipline committee members and the clerk of the hearing.

Where a condemnation to costs becomes enforceable, the secretary of the discipline committee must draw up a list of costs and have it served in accordance with the Code of Civil Procedure. The list may be revised by the chair or a vice-chair of the discipline committee that heard the case, on a motion filed within 30 days of the date of service. At least 5 days' notice of the filing must be given to the parties in writing. A motion for revision does not prevent or suspend the execution of the decision. The decision of the chair or a vice-chair of the discipline committee concerning the revision of the list is final.

DIVISION V MISCELLANEOUS

56. The secretary of the discipline committee must send the indemnity committee any decision made following a complaint filed against a licence holder, including a director or executive officer, for fraud, fraudulent tactics or misappropriation of funds for which the latter is responsible.

57. The secretary of the Organization's discipline committee must promptly send the Organization a copy of any decision of the discipline committee or a court of appeal ordering the suspension or revocation of a holder's licence, or imposing conditions or restrictions on the licence.

58. The discipline committee must submit an activity report annually and whenever requested by the Organization.

The report must indicate in particular the number and nature of the complaints received, the number of complaints dismissed, and the number and nature of the convictions.

59. Parties and witnesses may take back any filed exhibits belonging to them in the 12 months after the end of the proceedings or the appeal period. Where a party appeals from the decision by any means, exhibits may be taken back in the 12 months after the date of the final decision or the act terminating the appeal.

After that time, the secretary of the discipline committee may copy or transfer exhibits onto any medium that ensures their integrity, accessibility, authenticity and understandability for preservation purposes, unless the chair of the discipline committee decides otherwise.

60. The members of the discipline committee must take the oath in Schedule A of this Regulation, as must the committee secretary, assistant secretaries and office personnel.

61. This Regulation comes into force on (*insert the date of coming into force of the Real Estate Brokerage Act (2008, chapter 9)*).

SCHEDULE A

(ss. 5, 13 and 60)

“OATH OF DISCRETION

I, A.B., swear under oath that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.”

Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium

Real Estate Brokerage Act
(2008, c. 9, s. 46, pars. 15 and 17; ss. 52, 107 and 109;
2009, c. 58, ss. 145 and 153)

CHAPTER I

REAL ESTATE INDEMNITY FUND

DIVISION I

INDEMNITY COMMITTEE

1. The indemnity committee is formed of no fewer than 3 and no more than 9 members, including a chair, appointed for a term of 3 years by the Organization’s board of directors.

The board of directors may appoint one or more vice-chairs.

At the end of their term, members remain on the indemnity committee until their replacement, dismissal, re-appointment or resignation. However, a committee member who is replaced or who resigns may continue to work on a matter of which the member has been seized.

2. Where the number of members permits, the indemnity committee may sit in 2 or more divisions composed of 3 members or more, including the chair or a vice-chair. Divisions with more than 3 members must have an uneven number of members.

3. Sitings of the indemnity committee may be held using any means of communication allowing all participants to communicate with the others. Those participating are deemed to have attended the sitting.

4. The indemnity committee must submit an activity report annually and whenever requested by the Organization.

5. Members of the indemnity committee must take the oath in Schedule A of this Regulation.

DIVISION II

CLAIMS AND COMPENSATION

6. Claims filed with the indemnity committee must be in writing. They must set out the facts on which they are based and state the amount claimed, supported by evidence, and identify the licence holder in question.

A request for assistance under section 70 of the Real Estate Brokerage Act in relation to facts that may result in a claim against the Fund constitutes a claim.

7. To be admissible, a claim must be filed in the year in which the claimant becomes aware of fraud, fraudulent tactics or misappropriation of funds referred to in section 108 of the Real Estate Brokerage Act.

The indemnity committee may extend the time period if the claimant proves that, for a reason beyond the claimant’s control, he or she was unable to submit the claim within the required time.

8. A claim that the indemnity committee has already determined to be admissible and for which, if applicable, it has already determined the amount of indemnity cannot be re-submitted unless new facts warrant a review of the committee’s decision.

9. Licence holders may not submit claims against the Fund in that role.

10. A claim against the Fund is ineligible if made by a person who remitted money to a licence holder for unlawful purposes or who knew or should have known that the money would be used for inappropriate purposes, or by a person who knew or should have known that the licence holder was engaged in fraud or fraudulent tactics.

11. The claimant and the licence holder must provide all information and documents pertaining to the claim and must adduce all relevant evidence.

12. The indemnity committee's ruling on a claim and, if applicable, on the amount of indemnity to be paid is final. Rulings must be made by a majority of members and substantiated. They must be recorded in writing, and signed by the concurring committee members.

13. Before receiving an indemnity determined by the indemnity committee, the claimant must sign a release in favour of the Organization, with subrogation of all rights in respect of the claim against the licence holder in question, his or her successors, or any person, partnership or legal person that is bound or may be bound to make the payment, up to the amount of the indemnity.

14. The maximum indemnity that may be paid out of the Fund is \$35,000 per claim.

DIVISION III FEES

15. The annual fee to be paid into the Real Estate Indemnity Fund is \$53 per licence.

The fee must be paid on application for a licence and annually thereafter.

Where the fee is paid for a licence covering a period of less than 12 months, it must be prorated to the number of months between the month of application and the fee's annual due date.

16. Fees paid into the Fund are indexed on May 1 of each year, on the basis of the rate of increase in the general Consumer Price Index for Canada for the 12-month period ending on 31 December of the preceding year, as determined by Statistics Canada.

Fees thus indexed are reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50 or increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The indexed fee is published in the *Gazette officielle du Québec*.

CHAPTER II PROFESSIONAL LIABILITY INSURANCE PREMIUM

17. The annual premium to be paid by licence holders into the insurance fund is determined by the Organization on the basis of common practice and forecasts. It may be adjusted to the following criteria:

(1) the juridical form chosen for the conduct of a licence holder's activities;

(2) the risks inherent in the types of licences held;

(3) risk experience, loss experience, and the frequency and amounts of claims against the licence holder;

(4) the territory where the licence holder conducts his activities;

(5) the fact of the licence holder's employment with the Organization.

Where the Organization adjusts the premium, it must do so through an additional premium, a premium credit or modification of the deductible.

18. This Regulation comes into force on (*insert the date of coming into force of the Real Estate Brokerage Act (2008, chapter 9)*).

SCHEDULE A (s. 5)

“OATH OF DISCRETION

I, A.B., swear under oath that I will not, without being so authorized by law, disclose or make known anything whatsoever of which I may take cognizance in the performance of my duties.”

Regulation respecting brokerage requirements, professional conduct of brokers, advertising and additional training

Real Estate Brokerage Act
(2008, c. 9, ss. 7, 21, 22 and 46, pars. 2, 5 and 8;
2009, c. 58, s. 145)

CHAPTER I BROKERAGE REQUIREMENTS

DIVISION I GENERAL REQUIREMENTS

1. A licence holder must disclose to every person dealt with in brokerage-related activities that a broker's or agency licence has been issued to the holder under the Real Estate Brokerage Act.

The licence must be produced by the holder on request.

2. A licence holder must avoid any situation of conflict of interest; if the situation cannot be avoided, the holder must disclose it in writing to all parties concerned without delay.

3. A licence holder who engages in professional activities that are not real estate brokerage activities or carries on another enterprise must prevent the activities or enterprise from compromising the holder's integrity, independence or competence.

4. A licence holder must offer professional services without distinction, exclusion or preference based on a ground of discrimination set out in section 10 of the Charter of human rights and freedoms, including number or age of children.

5. A licence holder must verify, in accordance with generally accepted practice, all information provided to the public or to another holder, and be able at all times to prove the accuracy of the information.

6. A licence holder engaging in brokerage activities may not elude or attempt to elude professional civil liability, including by inserting in a contract of professional services a clause that directly or indirectly, fully or partially, excludes that liability.

7. A licence holder may not allow a person to use the holder's name if the person is no longer qualified to engage in brokerage activities or is no longer licensed.

In addition, a licence holder must ensure that no person whose licence has been suspended or revoked uses the holder's name to engage in brokerage activities. Without valid reason, the holder may not employ, authorize to act, retain the employment of or tolerate such a person in the holder's office.

8. A licence holder may not derive or agree to derive remuneration determined on the basis of the difference between the price set by the party represented and the price accepted by the other party to the transaction.

9. A licence holder may not use or lend property placed in the holder's care by a party represented or another party to a transaction for purposes other than those for which the property was placed in the holder's care, without written authorization to that effect.

10. A licence holder may not unduly delay handing over property placed in the holder's care by a party represented or by a party to a transaction.

11. A licence holder must always use the most recent version of any form.

12. Every disclosure statement required under the Real Estate Brokerage Act or this Regulation must be written in plain language that is simple, clear and concise. It must be presented in a logical manner that is likely to bring the information to the attention of the person or partnership for which it is intended.

DIVISION II REPRESENTATION OF PARTIES TO A TRANSACTION

13. The parties to a transaction are all the persons having an interest in completing a transaction described in section 1 of the Real Estate Brokerage Act.

14. A licence holder represents the party to whom the holder is bound by a brokerage contract.

A licence holder not bound by a brokerage contract represents the party who has requested the holder act as an intermediary.

15. A licence holder must protect and promote the interests of the party represented and act towards all the parties to a transaction in a fair and equitable manner.

A holder may not make any representation that is contrary to the interests of the party represented. No disclosure of confidential or strategic information concerning that party or the prospective transaction may be made by the holder without the party's written authorization.

16. A licence holder representing a party must as soon as possible inform all unrepresented parties that the holder has an obligation to protect and promote the interests of the party represented and to act towards all other parties in a fair and equitable manner.

17. A licence holder must disclose without delay to the party to whom the holder is bound by a brokerage contract the fact that the holder is also bound by a brokerage contract to another party to the transaction.

DIVISION III INTEREST IN AN IMMOVABLE, AN ENTERPRISE OR A LOAN SECURED BY IMMOVABLE HYPOTHEC

18. A licence holder who, whether or not in the course of the holder's functions, directly or indirectly holds or proposes to acquire an interest in an immovable or enterprise that is to be purchased, sold or exchanged, or who acts or proposes to act as a lender in connection with a loan secured by immovable hypothec must, before the drafting or acceptance of the proposed transaction by the prospective contracting party, send without delay to that party, using any means providing proof of the date and time of receipt, a written notice containing

- (1) the name of the licence holder;
- (2) the licence held and its number;
- (3) the address of the holder's establishment;
- (4) the name and contact information of the prospective contracting party;
- (5) the purpose and nature of the transaction;
- (6) the nature of the interest the holder has or proposes to acquire;
- (7) the date and time of receipt of the notice; and
- (8) the signature of the broker or agency executive officer, as the case may be.

The notice must also state, if applicable, the fact that the licence holder, for the holder's account, is negotiating, has negotiated or intends to negotiate the resale or alienation of the immovable the holder proposes to acquire.

In the event that the notice is not given, the person entitled to the information may, as long as the contract has not been signed by the parties, withdraw without penalty from any offer or promise concerning the immovable, enterprise or loan, whether accepted or not, by sending or giving a written notice to the other party.

The licence holder's notice must be kept in the notice of disclosure record maintained by the broker or the broker's agency and be entered in the notice of disclosure register.

19. A licence holder proposing to act as a lender in connection with a loan secured by immovable hypothec cannot represent the borrower. Before entering into an agreement with the borrower, the holder must terminate any binding brokerage contract. Despite the foregoing, the brokerage contract cannot be terminated as long as negotiations are in progress with another lender for a loan applied for by the borrower.

The broker must in such a case inform the borrower in writing that the broker is not acting as a representative and that the borrower may seek representation by a licence holder of his or her choice.

20. A licence holder selling, exchanging or leasing an immovable or enterprise in which a direct or indirect interest is held by the holder may not represent an interested purchaser or lessee. The holder must without delay inform that person in writing that the holder is not acting as a representative and that the person may seek representation by a licence holder of his or her choice.

21. A licence holder acquiring a direct or indirect interest in an immovable or enterprise cannot represent the seller. The holder must without delay inform the seller in writing that the holder is not acting as a representative and that the seller may seek representation by a licence holder of his or her choice.

22. A licence holder proposing to acquire a direct or indirect interest in an immovable or enterprise to be sold, leased or exchanged by the holder pursuant to a brokerage contract must terminate the brokerage contract before submitting a transaction proposal. Despite the foregoing, the brokerage contract cannot be terminated with a view to the purchase or lease of the immovable as long as transactions are in progress or the holder is collaborating with another licence holder to complete the transaction on the immovable.

23. A licence holder cannot claim remuneration if the holder acquires an interest in an immovable or enterprise or does so for the holder, a partnership or legal person controlled by the holder, or if the married or civil union spouse of the holder, the person with whom the holder is in a de facto union or a legal person or a partnership controlled by that spouse or person acquires the immovable or enterprise.

DIVISION IV CHANGE AFFECTING A BROKER OR AGENCY BOUND BY A BROKERAGE CONTRACT

24. An agency that has entered into a brokerage contract must without delay notify the contracting party in writing of any change in the identity of the broker acting for the agency with the contracting party.

25. A broker must notify in writing the parties represented as soon as the broker ceases to act for his or her own account. The notice must, if applicable, state the right of the parties either to continue to deal with the broker if the broker is subsequently acting for an agency, with the name of the agency, or to terminate the brokerage contract.

26. If the broker ceases to act for an agency, the broker and the agency must, without delay, so notify in writing the parties represented by the broker. The notice must, if applicable, state the right of the parties either to continue to deal with the agency, to continue to deal with the broker if the broker is acting for his or her account or for a new agency, with the name of the agency, or to terminate the brokerage contract.

27. A licence holder who has entered into a brokerage contract must notify the contracting party in writing of any change in the address of the holder's establishment.

28. A brokerage contract entered into by a broker working for his or her own account is deemed to be cancelled as of the time the broker ceases brokerage activities or the broker's licence is suspended or revoked.

DIVISION V VERIFICATION OF IDENTITY AND LEGAL CAPACITY

29. A licence holder must verify and ascertain the identity of the party represented as well as the identity of the other parties to the transaction if the latter parties are not represented by a licence holder.

30. A licence holder must verify and ascertain the legal capacity of the party represented for the proposed transaction as well as the legal capacity of the other parties to the transaction if the latter parties are not represented by a licence holder.

DIVISION VI INFORMATION PROTECTION MEASURES

31. A licence holder must respect the confidential nature of information given to the holder and the confidentiality of personal information obtained in the course of the holder's brokerage activities, unless an express provision of an Act, an order of a court of competent jurisdiction or the carrying on of the brokerage activities exempts the holder from that requirement.

32. A licence holder must not use personal information obtained in the course of brokerage activities for purposes other than those for which the information was obtained.

33. A licence holder must take all reasonable measures to prevent a person employed by or authorized to act for the holder from disclosing the personal information obtained by the holder in the course of brokerage activities.

The licence holder must ensure that all office equipment and the registers and records maintained by the holder are installed and kept so that the confidentiality of the information they contain is preserved.

34. A licence holder must, when personal information is obtained from another licence holder in connection with a transaction, use the information for the sole purpose for which it was obtained. The holder may not communicate the information to another licence holder without authorization from the licence holder from whom the information was first obtained.

DIVISION VII REMUNERATION SHARING

35. A broker acting for an agency must, when receiving remuneration in connection with a transaction, pay the remuneration without delay to the agency for which he or she carries on brokerage activities.

36. Every remuneration agreement in favour of a licence holder other than the agreement with the party represented must be disclosed in writing to the party for whom the licence holder is acting as an intermediary.

In addition, the licence holder must without delay make a written disclosure to that party stating the identity of the other person or partnership from which the remuneration is owing, the nature of the holder's relation with that person or partnership, and the nature of the remuneration owing if it is a non-monetary benefit.

37. A licence holder may not share remuneration with a person or partnership that engages in or attempts to engage in brokerage activities without being authorized to do so in or outside Québec.

A licence holder may share remuneration received in connection with a transaction described in section 3 of the Regulation respecting the issue of broker's and agency licences, approved by Order in Council XX (*insert the number and date of the Order in Council approving that Regulation*), only with another licence holder, a person or a partnership authorized to engage in a brokerage transaction described in section 1 of the Real Estate Brokerage Act outside Québec, or a person or a partnership authorized to engage in a brokerage transaction under sections 2 and 3 of that Act.

Remuneration received by an agency to be paid to a broker acting for the agency may be paid to a legal person controlled by the broker. Under this paragraph, the broker will be deemed to control a legal person if 90% of its shares are held by the broker and the shares are linked to participation in the decision-making process concerning the legal person.

38. A licence holder sharing or proposing to share remuneration must without delay disclose that fact in writing to the party represented and retain a copy of the notice given to that effect.

In addition, if any other remuneration is or may be payable, the licence holder must disclose the identity of the other person or partnership and, in the case of a non-monetary benefit, the nature of the compensation.

39. A licence holder may, as a means of promoting services, offer reductions in remuneration, or benefits or gifts.

A licence holder may waive all or any part of the remuneration to which the holder is entitled so long as doing so does not disadvantage the other parties to the transaction or another licence holder.

A licence holder may not, however, waive all or any part of the remuneration to which the holder is entitled if one or more transaction proposals are presented by other licence holders at the same time as a transaction proposal presented by the holder or received directly by the seller.

40. A licence holder must without delay disclose in writing to the party represented the terms of any shared remuneration offered to the other licence holders collaborating in the transaction as well as the consequences the proposed terms entail.

DIVISION VIII **BROKERS NEW TO THE PROFESSION**

41. Before being able to act for his or her account, a broker must have carried on activities for an agency, as a broker new to the profession, for at least three of the five years preceding the time the broker begins acting for his or her account.

42. An agency acting through one or more brokers who are new to the profession must set up a system enabling the brokers to be mentored and their practices supervised. The agency must in particular review the brokerage contract files before an immovable is put on the market by a new broker, examine each of the broker's transactions and oversee its progress.

DIVISION IX **MISCELLANEOUS**

43. When acting as an intermediary in connection with a brokerage transaction described in section 1 of the Real Estate Brokerage Act, a licence holder must recommend a reasonable deposit be made.

The deposit may not be placed elsewhere than in the licence holder's trust account.

44. If a party represented wishes to use an information listing service in connection with an immovable or enterprise, the licence holder must list the immovable or enterprise with that service without delay. The listing must be made before the marketing of the immovable or enterprise or performance of the brokerage contract begins, unless written instructions to the contrary are given by the party represented.

45. A licence holder must without delay give to the party represented a copy of every document containing data used to describe the immovable, enterprise or loan secured by immovable hypothec covered by the brokerage contract, using any medium capable of ensuring its integrity, accessibility, authenticity and intelligibility.

46. A licence holder may offer to the party for whom the holder is acting as an intermediary only the immovables, enterprises or loan-related products that correspond to the party's needs or criteria. The holder must also inform the party of the reasons for selecting the proposed immovables, enterprises or products.

CHAPTER II **BROKERAGE REQUIREMENTS IN CONNECTION** **WITH LOANS SECURED BY IMMOVABLE** **HYPOTHEC**

DIVISION I **GENERAL**

47. Except where the licence holder only gives a client the name and contact information of a person or partnership offering loans secured by immovable hypothec, or otherwise puts them in contact with one another, the licence holder must ensure that the proposed loan is suitable for the party represented in view of the party's needs and financial capacity and the circumstances.

DIVISION II **DISCLOSURE IN RELATION TO LOANS** **SECURED BY IMMOVABLE HYPOTHEC**

§1. Requirement to disclose

48. A licence holder engaging in a brokerage transaction in relation to a loan secured by immovable hypothec must without delay give a written disclosure statement to the borrower, in accordance with generally accepted practice, containing all pertinent facts relating to the loan applied for.

The disclosure statement must specify the following in particular:

(1) the cost of borrowing associated with the loan applied for by the borrower;

(2) any costs or penalties to be assumed by the borrower if the loan is not repaid at term or a loan payment is not made on its due date; and

(3) all brokerage fees, if they are included in the amount borrowed and are paid directly by the lender to the broker or agency.

The requirements of this section do not apply to a licence holder who only gives a client the name and contact information of a person or partnership offering loans secured by immovable hypothec or otherwise puts them in contact with one another.

49. Disclosure may be based on an estimate or reasonable assumption if, at the time of the disclosure, the information to be disclosed cannot be known by the licence holder. Mention must be made in the disclosure statement of the fact that the information is based on an estimate or assumption.

50. Disclosure of the cost of borrowing is not required to be made as provided in this Regulation if the loan secured by immovable hypothec is made by one of the persons or partnerships listed below and the borrower is informed of the cost of borrowing in accordance with the statutes that apply to the person or partnership:

- (1) a bank;
- (2) a financial services cooperative;
- (3) an insurance company;
- (4) a mutual insurance association;
- (5) a mutual benefit association;
- (6) a savings company;
- (7) a trust company;
- (8) a loan company;
- (9) a retail association within the meaning of the Cooperative Credit Associations Act (S.C. 1991, c. 48).

51. A licence holder must without delay make a written disclosure of the following information to the borrower retaining the holder's services so that the holder may act as the intermediary for a loan secured by immovable hypothec:

- (1) the number of lenders who in the previous 12 months have made loans for which the broker or agency acted as the intermediary; and
- (2) whether the broker or agency in the previous 12 months was a lender while brokerage or agency services were retained so that the broker or agency could act as the intermediary for a loan secured by immovable hypothec.

For the purposes of subparagraph 1 of the first paragraph, if there is more than one lender for the same loan, the lenders are considered to be one lender.

On request, a licence holder must without delay make a written disclosure to a borrower

(1) of the fact that the broker or agency in the previous 12 months was the lender of more than 50% of the total number of loans secured by immovable hypothec for which the broker's or agency's services were retained so that the broker or agency could act as the intermediary; and

(2) of the name of the lender that, if applicable, made more than 50% of the total number of hypothecary loans or loan renewals for which the broker or agency acted as the intermediary during the previous 12 months.

§2. Calculation of cost of borrowing

52. The cost of borrowing is calculated as if the borrower scrupulously met all commitments. It is expressed as an annual rate with a specification, if required, of an amount in dollars and cents.

53. For the purposes of this subdivision:

“APR” means the cost of borrowing expressed as the annual rate on the principal referred to in the first paragraph of section 54;

“disbursement charge” means a charge, other than the one referred to in the first paragraph of section 57, to recover an expense incurred by the lender to arrange, document, insure or secure a loan and includes charges referred to in subparagraphs 3 and 6 to 8 of the second paragraph of section 57;

“high-ratio loan” means a loan under which the amount advanced, together with the amount outstanding under any other hypothec that ranks equally with, or prior to, the hypothec loan exceeds 80% of the market value of the property securing the loan;

“principal” means the amount borrowed but does not include any cost of borrowing.

54. The cost of borrowing is calculated using the formula

$$\text{APR} = (C/(\text{T} \times \text{P})) \times 100$$

in which

“APR” is the annual percentage rate of the cost of borrowing,

“C” is the cost of borrowing within the meaning of section 57 over the term of the loan;

“P” is the average of the principal of the loan outstanding at the end of each period for the calculation of interest under the loan agreement, before subtracting any payment that is due at that time, and

“T” is the term of the loan in years, expressed to at least two decimal points of significance.

For the purposes of the preceding paragraph:

- (1) the APR may be rounded off to the nearest 1/8%;
- (2) each instalment payment made on the loan must be applied first to the accumulated cost of borrowing and then to the outstanding principal;
- (3) a period of
 - (a) one month is 1/12 of a year;
 - (b) one week is 1/52 of a year; and
 - (c) one day is 1/365 of a year;
- (4) if the annual interest rate underlying the calculation is variable over the period of the loan, it must be set as the annual interest rate that applies on the day that the calculation is made;
- (5) if there are no instalment payments under the loan agreement, then the APR must be calculated on the basis that the outstanding principal is to be repaid in one lump sum at the end of the term of the loan; and
- (6) a loan agreement for an amount that comprises, in whole or in part, an outstanding balance from a prior loan is a new loan for the purpose of the calculation.

55. If an immovable hypothec secures the use of a credit card or line of credit, the cost of borrowing is expressed as an annual rate that is,

- (1) if the loan has a fixed annual interest rate, that annual interest rate; or
- (2) if the loan has a variable interest rate, the annual interest rate that applies on the date of the disclosure.

56. The APR for a loan is the annual interest rate if there is no cost of borrowing other than interest.

If an interest rate is disclosed in accordance with section 6 of the Interest Act (R.S.C. 1985, c. I-15), the APR must be calculated in a manner that is consistent with that section.

57. Except for a credit card or a line of credit, the cost of borrowing consists of all the costs of borrowing under the loan over its term and includes the following charges:

- (1) administrative charges, including charges for services, transactions or any other activity in relation to the loan;
- (2) charges for the services and disbursements of an advocate or notary hired by the lender and payable by the borrower;
- (3) insurance charges other than those excluded under subparagraphs 1, 6 and 8 of the second paragraph;
- (4) brokerage charges paid by the lender to a broker in connection with the loan, if the borrower is required to reimburse the lender for the charges; and
- (5) charges for appraisal, inspection or surveying services provided to the borrower in relation to the immovable that is security for the hypothec, if those services are required by the lender.

The cost of borrowing for a loan does not include

- (1) charges for insurance on the loan if
 - (a) the insurance is optional; or
 - (b) the borrower is its beneficiary and the amount insured reflects the value of the immovable that is security for the hypothec;
- (2) charges for an overdraft;
- (3) charges paid to register documents or obtain information from a public register about security interests related to the immovable given as security;
- (4) penalty charges for the prepayment of the loan;
- (5) charges for the services or disbursements of an advocate or notary, other than those mentioned in subparagraph 2 of the first paragraph;
- (6) charges for insurance against defects in title, if the borrower selects the insurer, if the insurance is paid for directly by the borrower and if the borrower is the beneficiary of the insurance;
- (7) charges for appraisal, inspection or surveying services in relation to the immovable that is security for the hypothec, if the borrower receives a report from the person providing the service and is entitled to give the report to third parties;

- (8) charges for insurance against default on a high-ratio loan;
- (9) charges to maintain a tax account that are required for a high-ratio loan or that are optional;
- (10) any charges to discharge a security interest; or
- (11) default charges.

DIVISION III

LOAN SECURED BY REVERSE IMMOVABLE HYPOTHEC

58. A licence holder may not make or enter into a loan secured by reverse immovable hypothec with a borrower unless the holder receives from the borrower a written statement signed by an advocate or a notary stating that the advocate or notary has given the borrower independent legal advice concerning the proposed loan.

59. A loan secured by reverse immovable hypothec is a loan secured by immovable hypothec that satisfies both of the following conditions:

(1) the money advanced does not have to be repaid until the occurrence of one or more of the following events:

- (a) the borrower's death or, if there is more than one borrower, the death of the last surviving borrower;
- (b) the acquisition by the borrower or the last surviving borrower, as the case may be, of another immovable to use as his or her principal residence;
- (c) the sale of the immovable charged with the hypothec;
- (d) the borrower's or last surviving borrower's vacating the immovable charged with the hypothec to live elsewhere with no reasonable prospect of returning;
- (e) payment default; and

(2) one or more of the following conditions applies while the borrower or last surviving borrower, as the case may be, continues to occupy the immovable charged with the hypothec as his or her principal residence and otherwise complies with the terms of the loan:

- (a) no repayments of the principal or interest are due or capable of becoming due;
- (b) although interest payments may become due, no repayment of all or part of the principal is due or capable of becoming due;

(c) although interest payments and repayment of part of the principal may become due, repayment of all of the principal is not due or capable of becoming due.

CHAPTER III

PROFESSIONAL CONDUCT

DIVISION I

GENERAL

60. This chapter applies to brokers and agency executive officers whether or not they are carrying on activities.

DIVISION II

GENERAL DUTIES AND OBLIGATIONS TOWARDS THE PUBLIC

61. A broker or agency executive officer must act with prudence, diligence and competence and demonstrate integrity, courtesy and a spirit of cooperation. He or she may not commit acts that are derogatory to the honour and dignity of the profession.

The broker or agency executive officer must also adhere to sound practices.

62. The conduct of a broker or agency executive officer must demonstrate objectivity, discretion and moderation.

63. A broker or agency executive officer must support any measure aimed at protecting the public.

64. A broker or agency executive officer must support any measure likely to improve the quality of the services in the field in which the activities are carried on.

65. A broker or agency executive officer must refrain from carrying on activities in conditions or circumstances likely to impair the quality of services.

66. A broker or agency executive officer must carry on activities in such a manner as to avoid controversy.

67. A broker or agency executive officer must not attempt to intimidate a person dealt with in connection with his or her activities, including to urge that person to withdraw a request made to the Organization or to alter testimony.

68. A broker or agency executive officer must not participate in any act or practice in real estate matters that may be illegal or that may harm the public or the profession.

69. A broker or agency executive officer must take all reasonable measures to ensure that the persons employed by or authorized to act on his or her behalf comply with the Real Estate Brokerage Act and the regulations made under it.

70. A broker or agency executive officer must collaborate with any official service or body responsible for protecting the public, to the extent provided by law.

71. A broker or agency executive officer must not urge a person insistently or improperly to use the broker's or the agency executive officer's professional services.

A broker or agency executive officer may not, in any manner whatsoever, unduly influence or attempt to influence persons who may be physically or emotionally vulnerable because of their age, state of health or the occurrence of a specific event or allow that such persons be influenced.

72. In carrying on activities, a broker or agency executive officer must take into account his or her aptitudes, limits on knowledge and means available. The broker or agency executive officer may not agree to engage in a brokerage transaction described in section 1 of the Real Estate Brokerage Act that is outside his or her field of expertise without seeking the necessary assistance, including from another licence holder having the required expertise.

73. A broker or agency executive officer must ensure his or her knowledge is continually maintained current.

74. A broker or agency executive officer must, when speaking publicly of real estate matters, do so in a competent manner.

75. A broker or agency executive officer may express an opinion on the value of an immovable, an enterprise or the cost of a loan only if the opinion is based on and supported by generally accepted practice.

DIVISION III DUTIES AND OBLIGATIONS TOWARDS THE PARTY REPRESENTED AND THE PARTIES TO A TRANSACTION

76. A broker or agency executive officer must demonstrate a reasonable degree of availability or otherwise designate another licence holder as a replacement, and must take the necessary measures to ensure that all communications are dealt with in his or her absence and that all files are properly followed up.

77. A broker or agency executive officer must provide all explanations necessary to enable a person to understand and evaluate the services proposed or provided.

78. A broker or agency executive officer must not advise or encourage a party to a transaction to commit an act the broker or officer knows to be illegal or fraudulent.

79. A broker or agency executive officer must, if the protection of the interests of a party to a transaction so requires, advise that party to seek the assistance of a recognized expert.

80. A broker or agency executive officer must recommend to the person proposing to acquire an immovable that the person have a full inspection performed by a professional or a building inspector who

(1) has professional liability insurance covering fault, error and omission;

(2) uses a recognized inspection service agreement;

(3) performs inspections according to recognized building inspection standards; and

(4) submits a written report to the party that requested the inspection services.

The broker or agency executive officer may furnish a list of more than one professional or building inspector meeting the requirements of the first paragraph.

81. A broker or agency executive officer must also recommend to the owner of the immovable that a statement regarding the immovable be furnished to any person proposing to acquire an interest in the immovable.

82. A broker or agency executive officer must act with objectivity whenever advising or informing the party represented and all other parties to a transaction. That obligation extends to all the material facts relevant to the transaction and to its object, and must be fulfilled without exaggeration, concealment or misrepresentation.

If applicable, the broker or officer must inform the parties of products and services that concern heritage protection and relate to the transaction.

83. A broker or agency executive officer must take steps, in accordance with accepted practice, to learn of any factors that may adversely affect the party represented, the parties to the transaction or the very object of the transaction.

84. A broker or agency executive officer must inform the party represented and all other parties to a transaction of any known factor that may adversely affect the parties or the object of the transaction.

85. A broker or agency executive officer must, to ensure that all the parties to a transaction are protected, see that their rights and obligations are recorded in writing. The broker or agency executive officer must reasonably inform all the parties to a transaction of the rights and obligations arising from the documents they sign.

86. A broker or agency executive officer must, before visiting or arranging to have an immovable visited, first obtain the consent of the licence holder having an exclusive brokerage contract or the owner-seller if no brokerage contract has been entered into for the immovable.

87. When meeting the party represented or a party to a transaction, a broker or agency executive officer must take all necessary measures to protect the confidentiality of information obtained in conversations with those parties.

88. A broker or agency executive officer must inform the party with whom he or she or the agency represented has a dispute of the possibility under section 34 of the Real Estate Brokerage Act of referring the matter to conciliation or mediation, or to arbitration of accounts between a broker or an agency and a client.

DIVISION IV DUTIES TOWARDS OTHER LICENCE HOLDERS

§1. General obligations

89. A broker or agency executive officer must not abuse another licence holder's good faith, use unfair practices against or seek to gain an unfair advantage over the other licence holder. In particular, the broker or agency executive officer must refrain from falsely claiming that a brokerage contract has been entered into or awarded exclusively or that an immovable or an enterprise is not available for visiting.

90. A broker or agency executive officer must use fair competition and customer solicitation practices.

91. A broker or agency executive officer must not denigrate or attempt to adversely affect the relations between another licence holder and the client represented, the other parties to a transaction or other licence holders.

92. A broker or agency executive officer must abstain from expressing an opinion on a transaction completed by another licence holder unless an opinion is solicited. The broker or agency executive officer must then give an informed and objective opinion that takes into account all the factors involved in the transaction.

93. A broker or agency executive officer must not use a discipline committee decision or any element brought to the broker's or agency executive officer's attention in connection with evidence disclosure for the purpose of harming a licence holder.

§2. Duty of collaboration

94. A broker or agency executive officer must, to facilitate the closing of a transaction, collaborate with every other licence holder who so requests, on reasonable terms agreed on beforehand.

In that context, the broker or agency executive officer must not share remuneration in a manner that is not conducive to the closing of a transaction. He or she must also not share or offer to share remuneration in a manner that is unfavourable to any of the parties to the transaction or that contravenes section 39.

95. Any other licence holder collaborating in a transaction must be informed by the broker or agency executive officer of the existence of every transaction proposal, whether accepted or not. The broker or agency executive officer may not, however, reveal the substance of the proposal.

96. When collaborating in a transaction, a broker or agency executive officer must reveal to the other licence holders all information relevant to the closing of the transaction.

§3. Exclusive brokerage contracts

97. A broker or agency executive officer must, before entering into a brokerage contract, take the necessary steps to ascertain whether the proposed transaction is not already covered by an exclusive brokerage contract.

98. A broker or agency executive officer must not perform any act that is incompatible with an exclusive brokerage contract made with another licence holder. In particular, the broker or officer may not set appointments, present transaction proposals or conduct negotiations in relation to a proposed transaction otherwise than through the licence holder under the exclusive brokerage contract, unless authorized to do so by that holder.

A broker or agency executive officer may, however, engage in general solicitation so long as it is not directly or specifically aimed at persons or partnerships already bound by an exclusive brokerage contract entered into with another licence holder. The solicitation may, for example, be made to all persons or partnerships that are owners in a particular geographic area or that are members of a particular profession, club or organization.

§4. Presentation of transaction proposals

99. A broker or agency executive officer must not prevent another licence holder who has obtained a written transaction proposal from participating in the presentation of the proposal, unless written instructions to that effect have been received from the party represented.

100. A broker or agency executive officer must not unduly delay presenting a transaction proposal received from another licence holder.

101. A broker or agency executive officer must present every transaction proposal to the prospective contracting party as soon as possible after receiving it. The presentation must take place through the licence holder retained by the prospective contracting party to act as a representative, unless written authorization allowing otherwise is given by the prospective contracting party.

A broker or agency executive officer receiving more than one proposal must present each proposal without preference, including as regards chronological order of receipt, identity of the licence holder receiving it and circumstances in which it was made.

DIVISION V DUTIES AND OBLIGATIONS TOWARDS THE PROFESSION

§4. Contribution to advancement of the profession

102. A broker or agency executive officer must contribute, insofar as is possible, to the development of the profession, including by sharing knowledge and experience with other licence holders.

103. A broker or agency executive officer must not allow or encourage in any manner a person or partnership not licensed by the Organization to illegally engage in brokerage or agency activities.

§2. Collaboration with the Organization

104. A broker or agency executive officer must collaborate in any inspection, inquiry conducted by the syndic or assistant syndic, process by the assistance service or the

indemnity committee to obtain information, or proceeding related to mediation, arbitration or conciliation conducted by the Organization, in particular by disclosing all the facts known personally, producing all relevant documents and replying as soon as possible to every request in the manner determined by the person making the request.

105. A broker or agency executive officer may not exaggerate, conceal or misrepresent the information or documents provided during an inspection, an inquiry conducted by the syndic or assistant syndic, the assistance service or the indemnity committee, or in any proceeding related to mediation, arbitration or conciliation conducted by the Organization.

106. A broker or agency executive officer may not urge a person holding information concerning the broker or agency executive officer, another licence holder or a transaction not to collaborate with a person referred to in section 104.

The broker or agency executive officer may not refuse to authorize a person to disclose information concerning the broker, the agency executive officer or the agency once a disclosure request has been made by a person referred to in section 104.

107. A broker or agency executive officer who is aware that no offence has been committed may not request an inquiry by the syndic or assistant syndic, request an intervention by the assistance service, or allow such an inquiry or intervention to continue with regard to a licence holder's conduct.

108. A broker or agency executive officer who is informed that a request for an inquiry or intervention has been made in his or her regard, that an inquiry in his or her regard is being conducted by the syndic or assistant syndic or by an investigator hired by the syndic, or that an intervention by the assistance service is under way, or on whom a disciplinary complaint has been served, may not communicate with the person who requested the inquiry or intervention without prior written permission of the syndic, an assistant syndic or an analyst with the assistance service.

CHAPTER IV REPRESENTATION, ADVERTISING AND INFORMATION ON IMMOVABLES

DIVISION I REPRESENTATION AND ADVERTISING

109. The goods or services provided by a broker or an agency must conform to any statement or advertisement made concerning the goods or services.

110. A broker or an agency may make representations or engage in advertising in connection with a brokerage transaction described in section 1 of the Real Estate Brokerage Act or disseminate information concerning an immovable only with the express written authorization of the person or partnership on whose behalf the broker or agency undertook to do so.

111. No licence holder or person promoting real estate or mortgage brokerage services may in any manner make representations or engage in advertising that is false, misleading or incomplete or that leaves out a material fact.

Any dissemination of false, misleading or incomplete information is therefore prohibited, in particular with regard to

- (1) the licence holder's level of competence;
- (2) the extent or efficiency of the services provided or those generally provided by brokers and agencies;
- (3) the costs of a loan secured by immovable hypothec;
or
- (4) the selling price of an immovable, which must be the price set in the brokerage contract or the transaction proposal.

112. No licence holder or person promoting real estate or mortgage brokerage services may make, engage in or allow any representation or advertising that

- (1) suggests the licence holder or person is authorized to engage in a brokerage transaction described in section 1 of the Real Estate Brokerage Act when in fact he or she is not legally qualified to do so at the time of the representation or advertising;
- (2) falsely suggests that he or she holds a specialist's title;
- (3) contains information or uses a formulation, name, trademark, slogan or logo likely to be confusing;
- (4) contains a statistic for which no source is given;
or
- (5) contains a photograph of the licence holder taken more than five years earlier.

DIVISION II IDENTIFICATION OF BROKERS AND AGENCIES

113. Representations and advertising relating to a broker must state

- (1) the broker's full name, as it appears on the broker's licence;
- (2) the licence held by the broker, except if the advertising is in a periodical, in which case a recognized abbreviation may be used; and
- (3) if applicable, the name of the agency for which the broker carries on activities and, after the name, the licence held by the agency, except if the advertising is in a periodical, in which case the name of the agency is sufficient.

A holder of a real estate broker's licence and a mortgage broker's licence may specify only one of those licences, but must specify only the mortgage broker's licence if, in representations or advertising, the agency represented is designated solely as a mortgage agency.

114. To describe the licence held, a real estate broker must specify one or more of the following designations:

- (1) real estate broker;
- (2) residential real estate broker;
- (3) commercial real estate broker;
- (4) real estate mortgage broker.

If the broker holds a real estate broker's licence with a restriction described in section 2 of the Regulation respecting the issue of broker's and agency licences, the broker may specify only the designation or designations in subparagraphs 2 and 3 that describe the broker's legal qualification.

115. An agency must, in representations and advertising, specify

- (1) the name indicated on its licence; and
- (2) the licence held, except for advertising in a periodical, in which case a recognized abbreviation may be used.

The holder of a real estate agency licence and a mortgage agency licence may specify either or both of those licences.

116. To describe the licence it holds, a real estate agency must use one or more of the following designations:

- (1) real estate agency;
- (2) residential real estate agency;
- (3) commercial real estate agency; and
- (4) real estate mortgage agency.

DIVISION III INFORMATION ON IMMOVABLES

117. Whatever the medium, a property description or similar document intended for the public in which the details of an immovable subject to a brokerage contract are provided must specify

- (1) if applicable, the existence of a statement from the owner of the immovable for sale or lease and the availability of any document containing that statement;
- (2) if applicable, that the immovable is being sold with no legal warranty;
- (3) the name of the broker or agency under the brokerage contract and the licence held, displayed prominently in type of the same colour at least the size of the other information appearing in the document or property description;
- (4) if applicable, that the holder under the brokerage contract has a direct or indirect interest in the immovable and that the notice required by section 18 is available;
- (5) if the brokerage contract is for the sale of the immovable, that the document or property description is not an offer or a promise that may bind the seller, but is an invitation to submit such offers or promises; and
- (6) unless the owner of the immovable gives written instructions regarding non-disclosure of the owner's identity, information on the subject of the brokerage contract or the parties to it that is necessary to complete a transaction proposal.

The property description or document may contain other information that conforms to the Real Estate Brokerage Act or of this Regulation.

118. This Regulation comes into force on (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c. 9)*).

Regulation respecting contracts and forms

Real Estate Brokerage Act
(2008, c. 9, ss. 26 and 46, par. 13; 2009, c. 58, s. 145)

CHAPTER I TERMS AND CONDITIONS OF USE

1. A licence holder must complete a contract, a transaction proposal or a form clearly and legibly.

The licence holder must not use any abbreviation incomprehensible to the parties or leave any ambiguity as to whether certain terms and conditions in the contract, transaction proposal or form apply.

2. Where a licence holder completes a contract, a transaction proposal or a form by hand, he or she must use ink and write neatly to facilitate reading.

3. Where a licence holder completes a contract, a transaction proposal or a form using a computer system or a printing system, he or she must use at least 10-point type.

Moreover, in the case of a form, the licence holder must use type that is different from the type used for mandatory particulars or stipulations, so as to enable the parties to easily distinguish the particulars or stipulations from any addition or amendment.

4. Where a licence holder strikes out an entry in a mandatory particular or stipulation, he or she must have the strikeout initialled by the parties before they sign at the bottom of the form.

5. The additions or amendments that a licence holder may make to a contract, a transaction proposal or a form must pertain only to the object of the terms and conditions of that contract, transaction proposal or form.

6. A licence holder must, before having a contract, a transaction proposal or a form that he or she has completed signed, allow the parties to take cognizance of its terms and conditions and, before the signing, provide all the explanations and answers to questions that the parties may ask.

7. A licence holder must not add anything to, amend or strike out anything from a contract, a transaction proposal or a form after the parties have signed at the bottom of the contract or form.

CHAPTER II
PARTICULARS AND STIPULATIONS WHICH
MUST OR MUST NOT APPEAR IN CERTAIN
CONTRACTS, TRANSACTION PROPOSALS
OR FORMS

DIVISION I
BROKERAGE CONTRACT

8. A brokerage contract made by a broker acting on his or her own account must include the following particular:

“If the BROKER ceases to carry on brokerage activities on his or her own account, (IDENTIFICATION OF THE BROKER’S CLIENT) may elect to continue to do business with the broker and to be bound to the agency for which the BROKER will carry on brokerage activities, by sending the broker a notice to that effect. This contract is then transferred to that agency. (IDENTIFICATION OF THE BROKER’S CLIENT) is then bound to the agency under the same terms and conditions as those provided for in this contract.

Should such a notice not be sent by the day on which the BROKER begins to carry on brokerage activities for the agency, this contract will be terminated”.

9. A brokerage contract made by an agency must include the following particular:

“If the broker mentioned in this contract as the AGENCY’s representative ceases to carry on brokerage activities for the agency, (IDENTIFICATION OF THE AGENCY’S CLIENT) may elect to continue to do business with the broker, whether the broker now acts on his or her own account or for a new agency, or to continue to do business with the AGENCY in accordance with this contract, by sending the AGENCY a notice stating his or her choice.

This contract is transferred to the broker or, as the case may be, to the agency for which the broker now carries on brokerage activities, as of receipt of the notice to that effect by the AGENCY. (IDENTIFICATION OF THE BROKER’S CLIENT) is then bound to the broker or agency, as the case may be, under the same terms and conditions as those provided for in this contract.

Should the notice required under the first paragraph not be sent by the day on which the BROKER ceases to carry on brokerage activities for the AGENCY, this contract will be terminated”.

10. A brokerage contract made by an agency must include the following particular:

“Except on contrary notice from (IDENTIFICATION OF THE BROKER’S CLIENT), if the AGENCY ceases its activities, this contract is transferred to the broker mentioned in this contract as the AGENCY’s representative, if the broker now carries on brokerage activities on his or her own account, or, as the case may be, to the agency for which the broker now carries on brokerage activities. (IDENTIFICATION OF THE BROKER’S CLIENT) is then bound to the broker or the new agency, as the case may be, under the same terms and conditions as those provided for in this contract.

In case of notice to the contrary, this contract is terminated on the date on which the agency ceases its activities”.

11. A contract referred to in section 23 of the Real Estate Brokerage Act must not contain a stipulation for automatic renewal.

12. A contract referred to in section 23 of the Real Estate Brokerage Act must specify that the licence holder has an obligation to submit to the contracting party every promise to purchase, lease or exchange the immovable in question.

DIVISION II
PARTICULARS THAT SUPPLEMENT INTENTION

13. Failing a stipulation as to the time of expiry of a contract referred to in section 23 of the Real Estate Brokerage Act, it expires 30 days after its making.

14. This Regulation comes into force on (*insert the date of coming into force of the Real Estate Brokerage Act (2008, c.9)*).

Treasury Board

Gouvernement du Québec

T.B. 208548, 16 December 2009

An Act respecting the Teachers Pension Plan
(R.S.Q., c. R-11)

Regulation — Amendments

Regulation to amend the Regulation under the Act respecting the Teachers Pension Plan

WHEREAS, under paragraph 2.1 of section 73 of the Act respecting the Teachers Pension Plan (R.S.Q., c. R-11), enacted by paragraph 1 of section 67 of chapter 25 of the Statutes of 2008, the Government may, by regulation, identify the classes of teachers who hold pensionable employment for which the basis of remuneration is 200 days;

WHEREAS, under paragraph 4.3 of that section 73, amended by section 12 of chapter 56 of the Statutes of 2009, the Government may, by regulation, determine the circumstances due to which an agreement becomes null or terminates and, for each circumstance, determine the pensionable salary, the annualized pensionable salary, the service credited and the contributions, and prescribe the terms and conditions on which a teacher may be credited with service not recognized by reason of any such circumstance;

WHEREAS, under paragraph 6 of that section 73, amended by paragraph 2 of section 67 of chapter 25 of the Statutes of 2008, the Government may, by regulation, determine the days and parts of a day which are not included in the contributory period;

WHEREAS, under paragraph 6.1 of that section 73, enacted by paragraph 3 of that section 67, the Government may, by regulation, determine the daily factor, which may vary with the class of teachers and the terms of payment of the salary that apply;

WHEREAS, under paragraph 6.2 of that section 73, enacted by paragraph 3 of that section 67, the Government may, by regulation, determine the method of establishing the annual basic salary of certain teachers whose conditions of employment offer a mode of remuneration that it not established with reference to such a salary;

WHEREAS, under paragraph 6.3 of that section 73, enacted by paragraph 3 of that section 67, the Government may, by regulation, determine the method of establishing the contributory period of a teacher who simultaneously holds more than one pensionable employment under the plan in a year;

WHEREAS, under that section 73, the Government exercises the regulatory powers provided therein after the Commission administrative des régimes de retraite et d'assurances has consulted the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10);

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Teachers Pension Plan by Decision 169291 dated 29 November 1988;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee has been consulted;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Teachers Pension Plan, attached hereto, is made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Teachers Pension Plan*

An Act respecting the Teachers Pension Plan (R.S.Q., c. R-11, s. 73, pars. 2.1, 4.3 and 6 to 6.3; 2008, c. 25, s. 67; 2009, c. 56, s. 12)

1. The Regulation under the Act respecting the Teachers Pension Plan is amended by inserting the following after Chapter II:

“CHAPTER II.1

CLASSES OF TEACHERS FOR WHOM THE BASIS OF REMUNERATION IS 200 DAYS

(s. 73, par. 2.1)

2.1. The classes of teachers who hold pensionable employment for which the basis of remuneration is 200 days are

(1) teachers employed by a school board within the meaning of the Education Act (R.S.Q., c. I-13.3) whose employment is to teach students under that Act;

(2) teachers employed by a school board within the meaning of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14) whose employment is to teach students under that Act; and

(3) a teacher employed by a private institution accredited for the purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1) whose contract of employment ends on 30 June and whose employment is to teach students as part of the educational services dispensed at preschool, elementary school or secondary school, belonging to one of the categories referred to in paragraphs 1 to 4 of section 1 of that Act and subject, under section 25 of that Act, to the basic school regulation prescribed under the Education Act.”

2. Section 5.2 is amended by adding the following paragraph at the end:

“To compute the pension, the annualized pensionable salary is

(1) for each of the years prior to 2010 during which the agreement applied, the salary determined in accordance with sections 35.1.1 to 35.1.3, 35.1.5 and 35.1.20 of the Act on the basis of the pensionable salary and service credited respectively referred to in subparagraphs 1 and 2 of the first paragraph;

(2) for each of the years after 2009 during which the agreement applied, the salary determined in accordance with sections 35.1.6 to 35.1.16, 35.1.19 and 35.1.20 of the Act on the basis of the pensionable salary referred to in subparagraph 1 of the first paragraph, if the teacher holds pensionable employment for which the basis of remuneration is 260 days, or, if the teacher holds pensionable employment for which the basis of remuneration is 200 days, on the basis of the basic salary and the harmonized service established for the period during which the teacher accomplished service or would have accomplished service if the teacher had not been eligible for salary insurance.”

3. Section 5.4 is amended by replacing “contributions, eligible salary and service credited” by “the pensionable salary, annualized pensionable salary, service credited and contributions”.

4. The following is inserted after section 5.4:

“**5.4.1.** In respect of a teacher who ceases to participate in the plan before 1 January 2010, sections 5.2 and 5.4 apply as they read on the date on which the teacher ceases to participate in the plan.”

5. The Regulation is amended by replacing Chapter VII by the following:

“CHAPTER VII

COMPUTATION OF PENSION

(s. 73, pars. 6, 6.1, 6.2 and 6.3)

7. The days and parts of days credited under sections 28.1, 62 and 76.2 of the Act, as well as the days and parts of days of absence without pay not credited are not part of the contributory days included in the contributory period.

7.1. The contributory period of a teacher who simultaneously holds, for the first time during a year, more than one employment under this plan is established, for the part of the year where more than one employment is simultaneously held, by retaining a reference employment from among the employments simultaneously held. The reference employment is the employment held by the teacher on the day before the day on which more than one employment begin to be held simultaneously or, if none of those employments is held on that preceding day, the employment with the highest annual basic salary.

* The Regulation under the Act respecting the Teachers Pension Plan, made by Decision 169291 of the Conseil du trésor dated 29 November 1988 (1988, *G.O.* 2, 4085), was last amended by the regulation made by Decision 207216 of the Conseil du trésor dated 20 January 2009 (2009, *G.O.* 2, 121). For previous amendments to the Regulation, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

For each subsequent year, the reference employment retained to establish the contributory period remains the same as long as the teacher continues to hold that employment.

The annual basic salary considered is the salary paid or that would have been paid to the teacher according to the employment conditions applicable to the teacher on the last credited day of the year.

7.2. Where, in a year, a teacher ceases to hold the reference employment retained pursuant to section 7.1 and, before the end of that year, the teacher simultaneously holds again more than one employment under the plan, that teacher's contributory period is established, for the part of the year where more than one employment is simultaneously held, by retaining as new reference employment from among the employments then held the employment held on the day before the day on which more than one employment begin to be held simultaneously or, if none of those employments is held on that preceding day, the employment with the highest annual basic salary.

Where, in a year, a teacher ceases to hold the reference employment retained pursuant to section 7.1 and continues to simultaneously hold more than one employment under the plan, that teacher's contributory period is established, for the part of the year that begins on the first day following the day on which the teacher ceases to hold the reference employment, by retaining as new reference employment from among the employments held on that first day the employment with the highest annual basic salary.

7.3. The daily factor used to compute the annualized pensionable salary of a teacher who holds employment under the plan for which the basis of remuneration is 260 days is 260.9.

However, that factor is 260 if the teacher is

(1) a teacher employed by a private institution accredited for the purposes of subsidies under the Act respecting private education whose employment is to teach students as part of the educational services dispensed at preschool, elementary school or secondary school, belonging to one of the categories referred to in paragraphs 1 to 4 of section 1 of that Act and subject, under section 25 of that Act, to the basic school regulation prescribed under the Education Act;

(2) a teacher employed by a private educational institution within the meaning of the Act respecting private education or employed by a college established by the General and Vocational Colleges Act (R.S.Q., c. C-29) who teaches general or vocational education at the college level; or

(3) a teacher employed by the Collège Marie de France, the Collège Stanislas or The Priory School inc. and whose employment is to teach students.

7.4. The annual basic salary of a teacher who holds pensionable employment for which the basis of remuneration is 200 days and who is paid according to an hourly rate is established by multiplying that rate by the maximum number of hours that may be paid in a year. That number is

(1) 800, in the case of a teacher in adult education or vocational training or a teacher hired by the lesson at the secondary level;

(2) 920, in the case of a teacher hired by the lesson at the preschool or elementary level;

(3) 1,000, in the case of a casual supply teacher.”

6. This Regulation comes into force on 1 January 2010.

9647

Gouvernement du Québec

T.B. 208549, 16 December 2009

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1)

Regulation
— Amendment

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel

WHEREAS, under subparagraph 2.2 of the first paragraph of section 196 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1), enacted by paragraph 1 of section 95 of chapter 25 of the Statutes of 2008, the Government may, by regulation, identify the classes of employees who hold pensionable employment for which the basis of remuneration is 200 days;

WHEREAS, under subparagraph 6 of the first paragraph of that section 196, amended by paragraph 2 of that section 95, the Government may, by regulation, determine the days and parts of a day that are not included in the contributory period;

WHEREAS, under paragraph 6.1 of the first paragraph of that section 196, enacted by paragraph 3 of that section 95, the Government may, by regulation, determine the daily factor, which may vary with the class of employees and the terms of payment of the salary that apply;

WHEREAS, under paragraph 6.2 of the first paragraph of that section 196, enacted by paragraph 3 of that section 95, the Government may, by regulation, determine the method of establishing the annual basic salary of certain employees whose conditions of employment offer a mode of remuneration that is not established with reference to such a salary;

WHEREAS, under paragraph 6.3 of the first paragraph of that section 196, enacted by paragraph 3 of that section 95, the Government may, by regulation, determine the method of establishing the contributory period of an employee who simultaneously holds more than one pensionable employment under the plan in a year;

WHEREAS, under subparagraph 8 of the first paragraph of that section 196, the Government may, by regulation, establish the limits applicable to a pension amount added under sections 104 and 105 of the Act respecting the Pension Plan of Management Personnel and the manner in which an amount that exceeds the limits is to be adjusted;

WHEREAS, under subparagraph 11 of the first paragraph of that section 196, amended by section 22 of chapter 56 of the Statutes of 2009, the Government may, by regulation, determine the circumstances by reason of which an agreement becomes null or terminates and, for each circumstance, determine the pensionable salary, the annualized pensionable salary, the service credited and the contributions, and prescribe the terms and conditions on which an employee may be credited with service not recognized by reason of any such circumstance;

WHEREAS, under subparagraph 12 of the first paragraph of that section 196, the Government may, by regulation, determine the actuarial assumptions and methods used to establish the actuarial values of the benefits referred to in sections 138.1 and 138.7 of the Act respecting the Pension Plan of Management Personnel, which may vary with the pension plans and benefits concerned;

WHEREAS, under the first paragraph of that section 196, the Government exercises the regulatory powers provided therein after the Commission administrative des régimes de retraite et d'assurances has consulted the pension committee referred to in section 196.2 of the Act respecting the Pension Plan of Management Personnel;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Pension Plan of Management Personnel by Decision 202420 dated 24 May 2005;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee has been consulted;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel, attached hereto, is made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Pension Plan of Management Personnel*

An Act respecting the Pension Plan of Management Personnel
(R.S.Q., c. R-12.1, s. 196, 1st par., subpars. 2.2, 6 to 6.3, 8, 11 and 12; 2008, c. 25, s. 95; 2009, c. 56, s. 22)

1. The Regulation under the Act respecting the Pension Plan of Management Personnel is amended by inserting the following after Division I:

“DIVISION I.1 CLASSES OF EMPLOYEES FOR WHOM THE BASIS OF REMUNERATION IS 200 DAYS (s.196, 1st par., subpar. 2.2)

1.1. The classes of employees who hold pensionable employment for which the basis of remuneration is 200 days are

(1) teachers employed by a school board within the meaning of the Education Act (R.S.Q., c. I-13.3) whose employment is to teach students under that Act;

(2) teachers employed by a school board within the meaning of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14) whose employment is to teach students under that Act; and

* The Regulation under the Act respecting the Pension Plan of Management Personnel, made by Decision 202420 of the Conseil du trésor dated 24 May 2005 (2005, *G.O.* 2, 1733), was last amended by the regulation made by Decision 207217 of the Conseil du trésor dated 20 January 2009 (2009, *G.O.* 2, 123). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

(3) a teacher employed by a private institution accredited for the purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1) whose contract of employment ends on 30 June and whose employment is to teach students as part of the educational services dispensed at preschool, elementary school or secondary school, belonging to one of the categories referred to in paragraphs 1 to 4 of section 1 of that Act and subject, under section 25 of that Act, to the basic school regulation prescribed under the Education Act.”.

2. The following is inserted after Division III:

“DIVISION III.0.1

COMPUTATION OF PENSION

(s. 196, 1st par., subpars. 6, 6.1, 6.2 and 6.3)

6.0.1. The days and parts of days credited under sections 111, 125 and 126 of the Act, as well as the days and parts of days of absence without pay not credited are not part of the contributory days included in the contributory period.

6.0.2. The contributory period of an employee who simultaneously holds, for the first time during a year, more than one employment under the plan is established, for the part of the year where more than one employment is simultaneously held, by retaining a reference employment from among the employments simultaneously held. The reference employment is the employment held by the employee on the day before the day on which more than one employment begin to be held simultaneously or, if none of those employments is held on that preceding day, the employment with the highest annual basic salary.

For each subsequent year, the reference employment retained to establish the contributory period remains the same as long as the employee continues to hold that employment.

The annual basic salary considered is the salary paid or that would have been paid to the employee according to the employment conditions applicable to the employee on the last credited day of the year.

6.0.3. Where, in a year, an employee ceases to hold the reference employment retained pursuant to section 6.0.2 and, before the end of that year, the employee simultaneously holds again more than one employment under the plan, that employee’s contributory period is established, for the part of the year where more than one employment is simultaneously held, by retaining as new reference employment from among the employments then held the employment held on the day before the day on which more than one employment begin to be held simultaneously or, if none of those employments is held on that preceding day, the employment with the highest annual basic salary.

Where, in a year, an employee ceases to hold the reference employment retained pursuant to section 6.0.2 and continues to simultaneously hold more than one employment under the plan, that employee’s contributory period is established, for the part of the year that begins on the first day following the day on which the employee ceases to hold the reference employment, by retaining as new reference employment from among the employments held on that first day the employment with the highest annual basic salary.

6.0.4. The daily factor used to compute the annualized pensionable salary of an employee who holds employment under the plan for which the basis of remuneration is 260 days is 260.9.

However, that factor is 260 if the employee is

(1) a teacher employed by a private institution accredited for the purposes of subsidies under the Act respecting private education whose employment is to teach students as part of the educational services dispensed at preschool, elementary school or secondary school, belonging to one of the categories referred to in paragraphs 1 to 4 of section 1 of that Act and subject, under section 25 of that Act, to the basic school regulation prescribed under the Education Act;

(2) a teacher employed by a private educational institution within the meaning of the Act respecting private education or employed by a college established by the General and Vocational Colleges Act (R.S.Q., c. C-29) who teaches general or vocational education at the college level;

(3) a teacher referred to in paragraph 1 or 2 of this paragraph who is, under the plan, released without pay for union activities; or

(4) a teacher employed by the Collège Marie de France, the Collège Stanislas or The Priory School inc. and whose employment is to teach students.

6.0.5. The annual basic salary of an employee who holds pensionable employment for which the basis of remuneration is 200 days and who is paid according to an hourly rate is established by multiplying that rate by the maximum number of hours that may be paid in a year. That number is

(1) 800, in the case of a teacher in adult education or vocational training or a teacher hired by the lesson at the secondary level;

(2) 920, in the case of a teacher hired by the lesson at the preschool or elementary level;

(3) 1,000, in the case of a casual supply teacher.”.

3. Section 7 is amended by replacing “sections 104 and 105” by “section 107”.

4. Section 9 is amended by replacing the definition of “TM” by the following:

“TM is

(1) for a pension credit pertaining to a year prior to 1992, the average pensionable salary established in accordance with subdivision 2.1 of Division I of Chapter IV of the Act on the basis of annualized pensionable salaries that do not take into account the limit provided for in the first paragraph of section 30 of the Act;

(2) for a pension credit pertaining to a year after 1991, the average pensionable salary established in accordance with that subdivision 2.1 of the Act on the basis of annualized pensionable salaries that take into account the limit provided for in the first paragraph of section 30 of the Act.

In respect of an employee who ceases to participate in the plan before 1 January 2010, TM has the meaning assigned by this section, as it reads on the date on which the employee ceases to participate.”.

5. The following is inserted after section 10:

“DIVISION IV.0.1
PROGRESSIVE RETIREMENT
(s. 196, 1st par., subpar. 11)

10.0.1. For the purposes of section 136 of the Act, the agreement between the employee and the employer becomes void by reason of any of the following circumstances:

(1) the time worked is less than 40% of the regular time of a full-time employee holding such a position;

(2) the employee voluntarily ceases to participate in this plan during the first year of participation in the agreement;

(3) an employee eligible for a pension does not cease participating in this plan on the expiry of the period agreed upon.

10.0.2. When the agreement becomes void, the pensionable salary, the service credited and the contributions shall be determined as follows:

(1) the pensionable salary is the salary paid to the employee and that to which he would have been entitled if the employee had accomplished service, had it not been for the employee’s eligibility for salary insurance;

(2) the service credited to the employee corresponds to the number of days and parts of days during which the employee accomplished service and during which the employee would have accomplished service if the employee had not been eligible for salary insurance;

(3) the contributions recognized are those calculated on the pensionable salary paid to the employee and on that to which the employee would have been entitled if the employee had accomplished service, had it not been for the employee’s eligibility for salary insurance.

To compute the pension, the annualized pensionable salary is

(1) for each of the years prior to 2010 during which the agreement applied, the salary determined in accordance with sections 53.1 to 53.3, 53.5 and 53.20 of the Act on the basis of the pensionable salary and service credited respectively referred to in subparagraphs 1 and 2 of the first paragraph;

(2) for each of the years after 2009 during which the agreement applied, the salary determined in accordance with sections 53.6 to 53.16, 53.19 and 53.20 of the Act on the basis of the pensionable salary referred to in subparagraph 1 of the first paragraph, if the employee holds pensionable employment for which the basis of remuneration is 260 days, or, if the employee holds pensionable employment for which the basis of remuneration is 200 days, on the basis of the basic salary and the harmonized service established for the period during which the employee accomplished service or would have accomplished service if the employee had not been eligible for salary insurance.

10.0.3. The agreement between the employee and the employer terminates in the case of any of the following circumstances:

(1) the employee’s death;

(2) the employee voluntarily ceases to participate in the plan later than one year after the date fixed for the beginning of the agreement;

(3) the employee is laid off, dismissed or holds pensionable employment with another department, body or employer, unless in the latter case the new department, agency or employer agrees to continue the agreement;

(4) the employee and the employer decide jointly to terminate the agreement later than one year after the date fixed for the beginning of the agreement;

(5) the employee becomes covered by the Pension Plan of Certain Teachers or by the Pension Plan of Peace Officers in Correctional Services;

(6) the employee is still disabled at the 105th week and if, during the disability, the employee was eligible for salary insurance under a salary insurance plan other than the plan referred to in the second paragraph of section 34 of the Act.

10.0.4. The provisions of sections 134 and 135 of the Act apply in respect of the pensionable salary, annualized pensionable salary, service credited and contributions until the date on which the agreement terminates pursuant to section 10.0.3.”.

6. Section 10.1 is amended by striking out the second sentence of the second paragraph after the heading “Actuarial method”

7. This Regulation comes into force on 1 January 2010, except section 6, which comes into force on 16 December 2009.

9640

Gouvernement du Québec

T.B. 208550, 16 December 2009

An Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12)

Regulation

— Amendments

Regulation to amend the Regulation under the Act respecting the Civil Service Superannuation Plan

WHEREAS, under paragraph 5 of section 109 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12), amended by paragraph 1 of section 76 of chapter 25 of the Statutes of 2008, the Government may, by regulation, determine the days and parts of a day that are not included in the contributory period;

WHEREAS, under paragraph 6.1 of that section 109, enacted by paragraph 2 of that section 76, the Government may, by regulation, determine the daily factor applicable to the salary, which may vary with the class of officers and the terms of payment of the salary that apply;

WHEREAS, under paragraph 6.2 of that section 109, enacted by paragraph 2 of that section 76, the Government may, by regulation, determine the method of establishing the contributory period of an officer who simultaneously holds more than one pensionable employment under the plan in a year;

WHEREAS, under paragraph 8.1.2 of that section 109, amended by section 16 of chapter 56 of the Statutes of 2009, the Government may, by regulation, determine the circumstances due to which an agreement becomes null or terminates and, for each circumstance, determine the pensionable salary, the annualized pensionable salary, the service credited and the contributions, and prescribe the terms and conditions on which an officer may be credited with service not recognized by reason of any such circumstance;

WHEREAS, under that section 109, the Government exercises the regulatory powers provided therein after the Commission administrative des régimes de retraite et d'assurances has consulted the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10);

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Conseil du trésor made the Regulation under the Act respecting the Civil Service Superannuation Plan by Decision 169292 dated 29 November 1988;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee has been consulted;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Civil Service Superannuation Plan, attached hereto, is made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Civil Service Superannuation Plan*

An Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12, s. 109, pars. 5, 6.1, 6.2 and 8.1.2; 2008, c. 25, s. 76; 2009, c. 56, s. 16)

1. The Regulation under the Act respecting the Civil Service Superannuation Plan is amended by replacing Chapter IV by the following:

“CHAPTER IV COMPUTATION OF PENSION (s. 109, pars. 5, 6.1 and 6.2)

4. The days and parts of days credited under sections 67.1, 99.5 and 112.2 of the Act, as well as the days and parts of days of absence without pay not credited are not part of the contributory days included in the contributory period.

4.1. The contributory period of a public servant who simultaneously holds, for the first time during a year, more than one employment under this plan is established, for the part of the year where more than one employment is simultaneously held, by retaining a reference employment from among the employments simultaneously held. The reference employment is the employment held by the public servant on the day before the day on which more than one employment begin to be held simultaneously or, if none of those employments is held on that preceding day, the employment with the highest annual basic salary.

For each subsequent year, the reference employment retained to establish the contributory period remains the same as long as the public servant continues to hold that employment.

The annual basic salary considered is the salary paid or that would have been paid to the public servant according to the employment conditions applicable to the public servant on the last credited day of the year.

4.2. Where, in a year, a public servant ceases to hold the reference employment retained pursuant to section 4.1 and, before the end of that year, the public servant simultaneously holds again more than one employment under the plan, that public servant’s contributory period is established, for the part of the year where more than

one employment is simultaneously held, by retaining as new reference employment from among the employments then held the employment held on the day before the day on which more than one employment begin to be held simultaneously or, if none of those employments is held on that preceding day, the employment with the highest annual basic salary.

Where, in a year, a public servant ceases to hold the reference employment retained pursuant to section 4.1 and continues to simultaneously hold more than one employment under the plan, that public servant’s contributory period is established, for the part of the year that begins on the first day following the day on which the public servant ceases to hold the reference employment, by retaining as new reference employment from among the employments held on that first day the employment with the highest annual basic salary.

4.3. The daily factor used to compute the annualized pensionable salary of a public servant who holds employment under the plan whose basis of remuneration is 260 days is 260.9.

However, that factor is 260 if the public servant is

(1) a teacher employed by a private institution accredited for the purposes of subsidies under the Act respecting private education whose employment is to teach students as part of the educational services dispensed at preschool, elementary school or secondary school, belonging to one of the categories referred to in paragraphs 1 to 4 of section 1 of that Act and subject, under section 25 of that Act, to the basic school regulation prescribed under the Education Act;

(2) a teacher employed by a private educational institution within the meaning of the Act respecting private education or employed by a college established by the General and Vocational Colleges Act (R.S.Q., c. C-29) who teaches general or vocational education at the college level;

(3) a teacher referred to in paragraph 1 or 2 of this paragraph who is, under the plan, released without pay for union activities; or

(4) a teacher employed by the Collège Marie de France, the Collège Stanislas or The Priory School inc. and whose employment is to teach students.”.

2. Section 8.2 is amended by adding the following paragraph at the end:

“To compute the pension, the annualized pensionable salary is

* The Regulation under the Act respecting the Civil Service Superannuation Plan, made by Decision 169292 of the Conseil du trésor dated 29 November 1988 (1988, *G.O.* 2, 4088), was last amended by the regulation made by Decision 207216 of the Conseil du trésor dated 20 January 2009 (2009, *G.O.* 2, 121). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2009, updated to 1 March 2009.

(1) for each of the years prior to 2010 during which the agreement applied, the salary determined in accordance with sections 62.6 to 62.8, 62.10 and 62.24 of the Act on the basis of the pensionable salary and service credited respectively referred to in subparagraphs 1 and 2 of the first paragraph;

(2) for each of the years after 2009 during which the agreement applies, the salary determined in accordance with sections 62.11 to 62.20, 62.23 and 62.24 of the Act on the basis of the pensionable salary referred to in subparagraph 1 of the first paragraph, if the public servant holds pensionable employment for which the basis of remuneration is 260 days, or, if the public servant holds pensionable employment for which the basis of remuneration is 200 days, on the basis of the basic salary and the harmonized service established for the period during which the civil servant accomplished service or would have accomplished service if the public servant had not been eligible for salary insurance.”.

3. Section 8.4 is amended by replacing “contributions, pensionable salary and service credited” by “the pensionable salary, annualized pensionable salary, service credited and contributions”.

4. The following is inserted after section 8.4:

“**8.4.1.** In respect of a public servant who ceases to participate in the plan before 1 January 2010, sections 8.2 and 8.4 apply as they read on the date on which the public servant ceased to participate in the plan.”.

5. This Regulation comes into force on 1 January 2010.

9641

Gouvernement du Québec

T.B. 208551, 16 December 2009

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

Application of Title IV.2 of the Act — Amendments

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

WHEREAS, under the first paragraph of section 215.11.13 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), the amount of the pension and, where applicable, the amount of the pension

credit of the person referred to in section 215.11.12 of the Act is increased, in accordance with the actuarial assumptions and methods determined by regulation, by an amount corresponding to the actuarial reduction applicable under the person’s plan, if the person pays to the Commission administrative des régimes de retraite et d’assurances a certain amount established;

WHEREAS, under subparagraph 1 of the first paragraph of section 215.13 of the Act, amended by section 27 of chapter 25 of the Statutes of 2008, the Government may, by regulation, determine the manner in which a person’s pensionable salary, annualized pensionable salary, credited service and employee and employer contributions, together with the terms and conditions governing the payment of those contributions, are calculated for the purposes of the pension plan following the application of certain provisions of a person’s conditions of employment, in particular within the scope of measures concerning alternative work schedules or the granting of leave without pay to reduce certain costs arising from the conditions of employment, or following the application of sections 79.3 and 81.15 of the Act respecting labour standards (chapter N-1.1);

WHEREAS, under subparagraph 3 of the first paragraph of that section 215.13, the Government may, by regulation, determine measures designed to encourage retirement, and in particular measures designed to anticipate the payment of certain pension benefits;

WHEREAS, under subparagraph 6 of the first paragraph of that section 215.13, the Government may, by regulation, in respect of a person whose employer under the plan has not deducted from the pensionable salary an annual amount provided for in the pension plan whereas the person was an employee to whom the pension plan applied,

— determine the terms and conditions of payment of the necessary sums by the person, the person’s spouse or successors and, as the case may be, the applicable rate of interest;

— prescribe the terms and conditions applicable to the redemption of a period of service prior to the period during which the person was a member of the plan;

— determine, notwithstanding sections 187 to 191.1 of the Act respecting the Government and Public Employees Retirement Plan, the terms and conditions of payment of the contributory amounts by the employers, and the employers exempted from such payment;

WHEREAS, under the first paragraph of section 215.17 of the Act respecting the Government and Public Employees Retirement Plan, amended by section 9 of chapter 56 of the Statutes of 2009, government regulations under Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan are made after the Commission administrative des régimes de retraite et d'assurances has consulted with the pension committees referred to in sections 163 of that Act and section 196.2 of the Act respecting the Pension Plan of Management Personnel (R.S.Q., c. R-12.1);

WHEREAS, under the second paragraph of section 215.17 of the Act respecting the Government and Public Employees Retirement Plan, a regulation made under Title IV.2 of the Act may have effect 12 months or less before it is adopted;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

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

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committees have been consulted;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, attached hereto, is made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

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

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10, ss. 215.11.13, 1st par., 215.13, 1st par., subpars. 1, 3, 6 and 215.17; 2009, c. 56, s. 9)

1. The Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan is amended in the heading of Chapter I by inserting “annualized pensionable salary,” after “pensionable salary.”

2. The following is inserted after section 4.1:

“4.2. The annualized pensionable salary of a person who ceases to be a member of one of the plans referred to in paragraphs 1 to 5.1 and 9 of Schedule I after 31 December 2009 is, for the purposes of computing the person’s accrued pension, the salary that would have been determined for that person if the person had not availed himself or herself of the measures provided for in sections 2 to 4.”

3. Section 11 is amended by replacing “in subparagraph 2 of the first paragraph of section 35” in subparagraph 1 of the first paragraph by “in the first paragraph of section 18.1”.

4. Section 13 is amended by adding the following at the end:

“This section applies only in respect of a pensioner who went back to work before 1 January 2007.”

5. Section 15.1 is amended by replacing “in subparagraph 2 of the first paragraph of section 51” in subparagraph 1 of the first paragraph by “in the first paragraph of section 30”

6. Section 38.8 is replaced by the following:

* The Regulation respecting the application of Title IV.2 of the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 690-96 dated 12 June 1996 (1996, G.O. 2, 2759), was last amended by the regulation made by Decision 203096 of the Conseil du trésor dated 6 December 2005 (2005, G.O. 2, 5504). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

“38.8. For the purposes of Chapter II of this Regulation and the provisions of the pension plan concerned, the interest on amounts paid under this Chapter is computed as of the date on which the amounts are paid.”

7. Schedule III is amended

(1) by inserting the following after the heading of the Schedule:

“For the purposes of this Schedule, “CIA Standard” means the Standard of Practice for Determining Pension Commuted Values confirmed by the board of directors of the Canadian Institute of Actuaries on 15 June 2004.”;

(2) by replacing subparagraph *a* of paragraph 3 by the following:

“(a) for a fully-indexed benefit according to the rate of increase in the pension index, the indexing rate is computed in the manner described in the CIA Standard;”.

8. This Regulation comes into force on 1 January 2010. Despite the foregoing, section 4 comes into force on 16 December 2009, section 6 comes into force on the date of coming into force of section 90 of chapter 43 of the Statutes of 2007 and section 7 has effect since 1 April 2009.

9642

T.B. 208552, 16 December 2009

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

Pension plan for Federal Employees transferred to employment with the Gouvernement du Québec — Amendments

Amendments to the Pension plan for federal employees transferred to employment with the Gouvernement du Québec

WHEREAS, under the first paragraph of section 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), employees of the federal government who transfer to an employment that is pensionable employment under the Act within the framework of an agreement between the Government of Canada and the Gouvernement du Québec may elect, in accordance with the rules and conditions fixed by the

Government, to become members of this plan or of a pension plan established by the Government in respect of those employees or of each group of employees affected by such an agreement and similar to the plan to which they formerly belonged;

WHEREAS the Government made the Pension plan for federal employees transferred to employment with the Gouvernement du Québec by Order in Council 430-93 dated 31 March 1993;

WHEREAS, under the first paragraph of section 10.0.1 of the Act respecting the Government and Public Employees Retirement Plan, section 125 of that Act applies to the plan so established;

WHEREAS, under section 26 of chapter 56 of the Statutes of 2009, the first Order in Council amending the Pension plan for federal employees transferred to employment with the Gouvernement du Québec made after 4 December 2009 may have effect as of a date not prior to 1 January 2008;

WHEREAS, under section 125 of that Act, no supplemental pension plan may be amended without prior authorization by the Commission administrative des régimes de retraite et d'assurances and any amendment entailing additional costs for the plan may be authorized by the Government;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS it is expedient to amend the plan;

WHEREAS the Commission has authorized the amendments to the plan;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Amendments to the Pension plan for federal employees transferred to employment with the Gouvernement du Québec, attached hereto, are made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Amendments to the Pension plan for federal employees transferred to employment with the Gouvernement du Québec*

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 10.0.1; 2009, c. 56, s. 26)

1. The Pension plan for federal employees transferred to employment with the Gouvernement du Québec is amended in section 1 by replacing “established under section 136 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)” in the definition of “Commission” by “established under section 1 of the Act respecting the Commission administrative des régimes de retraite et d’assurances (R.S.Q., c. C-32.1.2)”.

2. Section 16 is amended by adding “The fraction is rounded to the fourth decimal.” at the end of the second paragraph.

3. Section 17 is replaced by the following:

“**17.** Where an employee holds more than one pensionable employment under the plan, section 20 of the provincial Act applies, with the necessary modifications.”.

4. The following is inserted after section 17:

“**17.1.** Division II.1 of Chapter II of Title 1 of the provincial Act, respecting the harmonized service of an employee who holds pensionable employment for which the basis of remuneration is 260 days, applies to employees governed by this plan, with the necessary modifications.”.

5. Section 36 is amended

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

(2) by adding the following at the end:

“The employer must deduct those contributions from the salary paid to employees and, where applicable, to a pensioner or a person who ceased to participate in the plan, in the case of the salary referred to in section 14.1 or section 16 of the provincial Act.”.

6. The following is inserted after section 37:

“**37.1.** The insurer must withhold the amount to be withheld under section 36 or, as the case may be, section 37, from any lump sum benefit it pays to an employee under a mandatory supplementary long-term salary insurance plan applicable to management staff in the public and parapublic sectors, within the scope of measures designed to protect the employee’s salary following rehabilitation.

37.2. An amount withheld under section 36 or 37 is recalculated to take into account, where applicable, the salary resulting from the application of subparagraph 2 of the second paragraph of section 18 of the provincial Act.”.

7. Section 53 is amended

(1) by adding “until the date of the refund” at the end of the first sentence;

(2) by striking out the second sentence;

(3) by adding the following at the end:

“Where the refund concerns amounts paid to redeem credited service under Divisions II and III of Chapter III of Title I, the interest is calculated as of the date of payment of the amounts; where the refund concerns sums paid by an employee to pension and supplementary benefits plans established under the federal Act, the interest is calculated as of the date on which the employee begins to participate in the provincial pension plan.

The employee’s contributions within the meaning of Division IV of Chapter III of Title I pertaining to a year are deemed received at the mid-point of the period during which the employee participated in this plan during a year.”.

8. The following is inserted after the heading of Chapter V of Title I:

“DIVISION 0.1
METHOD OF CALCULATION OF THE
PENSION OF CONTRIBUTORS WHO
CEASE TO PARTICIPATE IN THIS PLAN
BEFORE 1 JANUARY 2010

54.1. Where a contributor ceases to participate in this plan before 1 January 2010, sections 55 to 55.2 apply as they read on the date on which the employee ceases to participate in the plan.”.

9. The heading of Division I of Chapter V of Title I is amended by replacing “CALCULATION METHOD” by “METHOD OF CALCULATION OF THE PENSION OF CONTRIBUTORS WHO CEASE TO PARTICIPATE IN THIS PLAN AFTER 31 DECEMBER 2009”.

10. Section 55 is amended

(1) by inserting “, who ceases to participate in this plan after 31 December 2009,” after “contributor” in the first paragraph;

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

“For the purposes of the first paragraph, the average annual salary is determined in accordance with this Division on the basis of annualized salaries that do not take into account the limit provided for in section 18.1 of the provincial Act.”;

(3) by replacing “while applying, to the annual salaries used for pension calculation purposes, the limit provided for in section 18.1 of the provincial Act” in the second paragraph by “using, however, the average annual salary determined in accordance with this Division on the basis of annualized salaries that take into account the limit provided for in the first paragraph of section 18.1 of the provincial Act”.

11. Section 55.1 is replaced by the following:

“**55.1.** The average annual salaries referred to in the first, second and third paragraphs of section 55 are obtained by carrying out the following operations in order:

(1) by carrying over, from among the highest annualized salaries, as many salaries as necessary to make the sum of the employee’s consecutive periods of contribution corresponding to each year for which the salaries are carried over equal to 6 or, where that sum is less than 6, by carrying over all the salaries;

(2) by multiplying each salary thus carried over for each year by the corresponding period of contribution; and

(3) by dividing the sum of the salaries obtained under paragraph 2 by the sum of the corresponding periods of contribution.”.

12. Section 55.2 is revoked.

13. The following is inserted after section 55.2:

“**55.3.** For the purposes of section 55.1, the annualized salaries are determined in accordance with sections 36.1.1 to 36.1.4, 36.1.6, 36.1.7, 36.1.9 to 36.1.11, 36.1.14, 36.1.15, 36.1.17, 36.1.18 and 36.1.20 of the provincial Act, subject to the following modifications:

(1) a reference to subparagraph 1 of the first paragraph of section 34.2 of the provincial Act must be read as a reference to the first and second paragraphs of section 55 of this plan;

(2) a reference to subparagraph 2 of the first paragraph of section 34.2 of the provincial Act must be read as a reference to the third paragraph of section 55 of this plan;

(3) a reference to paragraph 1 of section 34.3 of the provincial Act must be read as a reference to paragraph 1 of section 55.1 of this plan;

(4) a reference to paragraph 2 of section 34.3 of the provincial Act must be read as a reference to paragraph 2 of section 55.1 of this plan;

(5) a reference to the contributions within the meaning of section 50 of the provincial Act must be read as a reference to the contributions within the meaning of section 53 of this plan;

(6) the terms and conditions provided for in the provincial Act concerning employment for which the basis of remuneration is 200 days and those referred to in sections 20.1, 20.2, 22, 39, 74, 85.1 and 221.1 of that Act do not apply.”.

14. Section 90.5 is amended by replacing “established according to section 55” in paragraph 2 by “calculated under subdivisions 0.1 and 1 of Chapter V of Title 1”.

15. These Amendments have effect as of 1 January 2010; however, the amendments provided for in sections 2 to 5 and section 6, insofar as it enacts section 37.2 of this plan, have effect as of 1 January 2008, the amendments provided for in section 7 have effect as of the date of coming into force of section 90 of chapter 43 of the Statutes of 2007 and the amendments provided for in section 1 and section 6, insofar as it enacts section 37.1 of this plan, have effect as of the day these Amendments are made.

Gouvernement du Québec

T.B. 208553, 16 December 2009

An Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2)

Regulation

— Amendments

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services

WHEREAS, under paragraph 1.1 of section 130 of the Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2), enacted by paragraph 1 of section 50 of chapter 25 of the Statutes of 2008, the Government may, by regulation, identify the classes of employees who hold pensionable employment for which the basis of remuneration is 200 days;

WHEREAS, under paragraph 3 of that section 130, the Government may, by regulation, determine the actuarial assumptions and methods used to calculate the actuarial value of the benefits referred to in sections 23, 41.7 and 41.12 of the Act respecting the Pension Plan of Peace Officers in Correctional Services, which may vary according to the pension plans and benefits concerned;

WHEREAS, under paragraph 3.1 of that section 130, the Government may, by regulation, establish the limits applicable to a pension amount added under section 41.6 of the Act respecting the Pension Plan of Peace Officers in Correctional Services and the manner in which an amount is to be adjusted to comply with the limits;

WHEREAS, under paragraph 5.1 of that section 130, enacted by paragraph 3 of section 50 of chapter 25 of the Statutes of 2008, the Government may, by regulation, determine the daily factor, which may vary with the class of employees and the terms of payment of the salary that apply;

WHEREAS, under paragraph 5.2 of that section 130, enacted by paragraph 3 of that section 50, the Government may, by regulation, determine the method of establishing the annual basic salary of certain employees whose conditions of employment offer a mode of remuneration that is not established with reference to an annual basic salary;

WHEREAS, under paragraph 5.3 of that section 130, enacted by paragraph 3 of that section 50, the Government may, by regulation, determine the method of establishing the contributory period of an employee who simultaneously holds more than one pensionable employment under the plan in a year;

WHEREAS, under section 25 of chapter 56 of the Statutes of 2009, the first amendment made after 4 December 2009 to section 3.0.1 of the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988, may have effect as of a date not prior to 1 January 2006;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Government made the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services by Order in Council 1842-88 dated 14 December 1988;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, attached hereto, is made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services*

An Act respecting the Pension Plan of Peace Officers in Correctional Services (R.S.Q., c. R-9.2, s. 130, pars. 1.1, 3, 3.1, 5.1 to 5.3; 2008, c. 25, s. 50; 2009, c. 56, s. 25)

1. The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services is amended by inserting the following after Chapter I:

* The Regulation under the Act respecting the Pension Plan of Peace Officers in Correctional Services, made by Order in Council 1842-88 dated 14 December 1988 (1988, G.O. 2, 4149), was last amended by the regulation made by Decision 207218 of the Conseil du trésor dated 20 January 2009 (2009, G.O. 2, 124). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

**“CHAPTER I.1
CLASSES OF EMPLOYEES FOR WHOM THE
BASIS OF REMUNERATION IS 200 DAYS
(s. 130, par. 1.1)**

1.1. The classes of employees who hold pensionable employment for which the basis of remuneration is 200 days are

(1) teachers employed by a school board within the meaning of the Education Act (R.S.Q., c. I-13.3) whose employment is to teach students under that Act;

(2) teachers employed by a school board within the meaning of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14) whose employment is to teach students under that Act; and

(3) teachers employed by a private institution accredited for the purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1) whose contract of employment ends on 30 June and whose employment is to teach students as part of the educational services dispensed at preschool, elementary school or secondary school, belonging to one of the categories referred to in paragraphs 1 to 4 of section 1 of that Act and subject, under section 25 of that Act, to the basic school regulation prescribed under the Education Act.”.

2. Section 3.0.1. is amended

(1) by replacing “sections 23 and 41.7” in the second paragraph following the heading “Actuarial method” by “section 23”;

(2) by striking out “or less than 4 years from retirement under the Pension Plan of members of the Sûreté du Québec” in the same paragraph.

3. Section 3.3 is amended by replacing the definition of TM by the following:

“TM represents

(1) for a pension credit pertaining to a year prior to 1992, the average pensionable salary determined in accordance with subdivision 2.0.1 of Division I of Chapter IV of the Act on the basis of average annualized pensionable salaries that do not take into account the limit provided for in the first paragraph of section 14.1 of the Act;

(2) for a pension credit pertaining to a year after 1991, the average pensionable salary determined in accordance with that subdivision 2.0.1 of the Act on the basis of average annualized pensionable salaries that take into account the limit provided for in the first paragraph of section 14.1 of the Act.

In respect of an employee who ceases to participate in the plan before 1 January 2010, TM has the meaning assigned by this section as it reads on the date on which the employee ceases to participate.”.

4. The heading of Chapter V is replaced by the following:

“COMPUTATION OF PENSION
(s. 130, pars. 5, 5.1, 5.2 and 5.3)”.

5. The following is inserted after section 5:

“**5.1.** The contributory period of an employee who simultaneously holds, for the first time during a year, more than one employment under the plan is established, for the part of the year where more than one employment is simultaneously held, by retaining a reference employment from among the employments simultaneously held. The reference employment is the employment held by the employee on the day before the day on which more than one employment begin to be held simultaneously or, if none of those employments is held on that preceding day, the employment with the highest annual basic salary.

For each subsequent year, the reference employment retained to establish the contributory period remains the same as long as the employee continues to hold that employment.

The annual basic salary considered is the salary paid or that would have been paid to the employee according to the employment conditions applicable to the employee on the last credited day of the year.

5.2. Where, in a year, an employee ceases to hold the reference employment retained pursuant to section 5.1 and, before the end of that year, the employee simultaneously holds again more than one employment under the plan, that employee’s contributory period is established, for the part of the year where more than one employment is simultaneously held, by retaining as new reference employment from among the employments then held the employment held on the day before the day on which more than one employment begin to be simultaneously held or, if none of those employments is held on that preceding day, the employment with the highest annual basic salary.

Where, in a year, an employee ceases to hold the reference employment retained pursuant to section 5.1 and continues to simultaneously hold more than one employment under the plan, that employee’s contributory period is established, for the part of the year that begins on the first day following the day on which the employee ceases to hold the reference employment, by

retaining as new reference employment from among the employments held on that first day the employment with the highest annual basic salary.

5.3. The daily factor used to compute the annualized pensionable salary of an employee who holds employment under the plan for which the basis of remuneration is 260 days is 260.9.

However, that factor is 260 if the employee is

(1) a teacher employed by a private institution accredited for the purposes of subsidies under the Act respecting Private Education whose employment is to teach students as part of the educational services dispensed at preschool, elementary school or secondary school, belonging to one of the categories referred to in paragraphs 1 to 4 of section 1 of that Act and subject, under section 25 of that Act, to the basic school regulation prescribed under the Education Act;

(2) a teacher employed by a private educational institution within the meaning of the Act respecting private education or employed by a college established by the General and Vocational Colleges Act (R.S.Q., c. C-29) who teaches general or vocational education at the college level; or

(3) a teacher employed by the Collège Marie de France, the Collège Stanislas or The Priory School inc. and whose employment is to teach students.

5.4. The annual basic salary of an employee who holds pensionable employment for which the basis of remuneration is 200 days and who is paid according to an hourly rate is established by multiplying that rate by the maximum number of hours that may be paid in a year. That number is

(1) 800, in the case of a teacher in adult education or vocational training or a teacher hired by the lesson at the secondary level;

(2) 920, in the case of a teacher hired by the lesson at the preschool or elementary level;

(3) 1,000, in the case of a casual supply teacher.”.

6. This Regulation comes into force on 1 January 2010, except section 2, which comes into force on 1 January 2006.

9644

Gouvernement du Québec

T.B. 208554, 16 December 2009

An Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1)

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers

WHEREAS, under paragraph 1.0.0.1 of section 41.8 of the Act respecting the Pension Plan of Certain Teachers (R.S.Q., c. R-9.1), enacted by section 33 of chapter 25 of the Statutes of 2008, the Government may, by regulation, identify the categories of persons who hold pensionable employment for which the basis of remuneration is 200 days;

WHEREAS, under paragraph 1.1 of that section 41.8, the Government may, by regulation, establish the limits applicable to a pension amount added under section 35.9 of the Act respecting the Pension Plan of Certain Teachers and the manner in which an amount that exceeds the limits is to be adjusted;

WHEREAS, under that section 41.8, the Government exercises the regulatory powers provided therein after the Commission administrative des régimes de retraite et d'assurances has consulted the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10);

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor, after consulting the Minister of Finance, exercises the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Government made the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers by Order in Council 708-94 dated 18 May 1994;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee has been consulted;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers, attached hereto, is made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers*

An Act respecting the Pension Plan of Certain Teachers
(R.S.Q., c. R-9.1, s. 41.8, par. 1.0.0.1 and 1.1;
2008, c. 25, s. 33)

1. The Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers is amended by inserting the following before Division 0.0.1:

“DIVISION 0.0.0.1

CLASSES OF PERSONS FOR WHOM THE BASIS OF REMUNERATION IS 200 DAYS

(s. 4)

0.0.0.1. The classes of persons who hold pensionable employment for which the basis of remuneration is 200 days are

(1) teachers employed by a school board within the meaning of the Education Act (R.S.Q., c. I-13.3) whose employment is to teach students under that Act;

(2) teachers employed by a school board within the meaning of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14) whose employment is to teach students under that Act; and

(3) teachers employed by a private institution accredited for the purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1) whose contract of employment ends on 30 June and whose employment is to teach students as part of the educational services dispensed at preschool, elementary school or secondary

school, belonging to one of the categories referred to in paragraphs 1 to 4 of section 1 of that Act and subject, under section 25 of that Act, to the basic school regulation prescribed under the Education Act.”.

2. Section 0.3 is amended by replacing “9” in the definition of TM by “19”.

3. This Regulation comes into force on 1 January 2010.

9645

T.B. 208555, 16 December 2009

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

Regulation — Amendments

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under subparagraph 0.1 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10), enacted by paragraph 1 of section 21 of chapter 25 of the Statutes of 2008, the Government may, by regulation, identify the classes of employees who hold pensionable employment for which the basis of remuneration is 200 days;

WHEREAS, under subparagraph 6 of the first paragraph of that section 134, amended by paragraph 2 of that section 21, the Government may, by regulation, determine the days and parts of a day that are not included in the contributory period;

WHEREAS, under paragraph 6.1 of the first paragraph of that section 134, enacted by paragraph 3 of that section 21, the Government may, by regulation, determine the daily factor, which may vary with the class of employees and the terms of payment of the salary that apply;

WHEREAS, under paragraph 6.2 of the first paragraph of that section 134, enacted by paragraph 3 of that section 21, the Government may, by regulation, determine the method of establishing the annual basic salary of certain employees whose conditions of employment offer a mode of remuneration that is not established with reference to such a salary;

* The Regulation respecting the application of the Act respecting the Pension Plan of Certain Teachers, made by Order in Council 708-94 dated 18 May 1994 (1994, G.O. 2, 2046), was last amended by the regulation made by Decision 206221 of the Conseil du trésor dated 1 April 2008 (2008, G.O. 2, 1165). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

WHEREAS, under paragraph 6.3 of the first paragraph of that section 134, enacted by paragraph 3 of that section 21, the Government may, by regulation, determine the method of establishing the contributory period of an employee who simultaneously holds more than one pensionable employment under the plan in a year;

WHEREAS, under subparagraph 9.1 of the first paragraph of that section 134, the Government may, by regulation, establish the limits applicable to a pension amount added under sections 73.1 and 73.2 of the Act respecting the Government and Public Employees Retirement Plan and the manner in which an amount that exceeds the limits is to be adjusted;

WHEREAS, under subparagraph 11.2 of the first paragraph of that section 134, amended by paragraph 4 of section 21 of chapter 25 of the Statutes of 2008, the Government may, by regulation, determine the circumstances by reason of which an agreement becomes null or terminates and, for each circumstance, determine the pensionable salary, the annualized pensionable salary, the service credited and the contributions, and prescribe the terms and conditions on which an employee may be credited with service not recognized by reason of any such circumstance;

WHEREAS, under subparagraph 13.2 of the first paragraph of that section 134, the Government may, by regulation, determine the actuarial assumptions and methods used to establish the actuarial values of the benefits referred to in sections 109.2 and 109.8 of the Act respecting the Government and Public Employees Retirement Plan, which may vary with the pension plans and benefits concerned;

WHEREAS, under the first paragraph of that section 134, the Government exercises the regulatory powers provided therein after the Commission administrative des régimes de retraite et d'assurances has consulted the pension committee referred to in section 163 of the Act respecting the Government and Public Employees Retirement Plan;

WHEREAS, under section 40 of the Public Administration Act (R.S.Q., c. A-6.01), the Conseil du trésor exercises, after consulting the Minister of Finance, the powers conferred on the Government by an Act that establishes a pension plan applicable to personnel of the public and parapublic sectors, except certain powers;

WHEREAS the Government made the Regulation under the Act respecting the Government and Public Employees Retirement Plan by Order in Council 1845-88 dated 14 December 1988;

WHEREAS it is expedient to amend the Regulation;

WHEREAS the pension committee has been consulted;

WHEREAS the Minister of Finance has been consulted;

THEREFORE, THE CONSEIL DU TRÉSOR DECIDES:

THAT the Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan, attached hereto, is made.

SERGE MARTINEAU,
Clerk of the Conseil du trésor

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan*

An Act respecting the Government and Public Employees Retirement Plan
(R.S.Q., c. R-10, s. 134, 1st par., subpars. 0.1, 6 to 6.3, 9.1, 11.2 and 13.2; 2008, c. 25, s. 21)

1. The Regulation under the Act respecting the Government and Public Employees Retirement Plan is amended by inserting the following after the heading of Chapter I:

“DIVISION 0.1
CLASSES OF EMPLOYEES FOR WHOM THE BASIS OF REMUNERATION IS 200 DAYS
(s.134, 1st par., subpar. 0.1)

0.1. The classes of employees who hold pensionable employment for which the basis of remuneration is 200 days are

(1) teachers employed by a school board within the meaning of the Education Act (R.S.Q., c. I-13.3) whose employment is to teach students under that Act;

(2) teachers employed by a school board within the meaning of the Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14) whose employment is to teach students under that Act; and

* The Regulation under the Act respecting the Government and Public Employees Retirement Plan, made by Order in Council 1845-88 dated 14 December 1988 (1988, *G.O.* 2, 4154), was last amended by the regulation made by Decision 207216 of the Conseil du trésor dated 20 January 2009 (2009, *G.O.* 2, 121). For previous amendments, refer to the *Tableau des modifications et Index som-maire*, Québec Official Publisher, 2009, updated to 1 March 2009.

(3) teachers employed by a private institution accredited for the purposes of subsidies under the Act respecting private education (R.S.Q., c. E-9.1) whose contract of employment ends on 30 June and whose employment is to teach students as part of the educational services dispensed at preschool, elementary school or secondary school, belonging to one of the categories referred to in paragraphs 1 to 4 of section 1 of that Act and subject, under section 25 of that Act, to the basic school regulation prescribed under the Education Act.”.

2. The Regulation is amended by replacing Division V of Chapter I by the following:

“DIVISION V

COMPUTATION OF PENSION

(s. 134, 1st par., subpars. 6, 6.1, 6.2 and 6.3)

10. The days and parts of days credited under sections 74, 85.1 and 221.1 of the Act, as well as the days and parts of days of absence without pay not credited are not part of the contributory days included in the contributory period.

10.1. The contributory period of an employee who simultaneously holds, for the first time during a year, more than one employment under the plan is established, for the part of the year where more than one employment is simultaneously held, by retaining a reference employment from among the employments simultaneously held. The reference employment is the employment held by the employee on the day before the day on which more than one employment begin to be held simultaneously or, if none of those employments is held on that preceding day, the employment with the highest annual basic salary.

For each subsequent year, the reference employment retained to establish the contributory period remains the same as long as the employee continues to hold that employment.

The annual basic salary considered is the salary paid or that would have been paid to the employee according to the employment conditions applicable to the employee on the last credited day of the year.

10.2. Where, in a year, an employee ceases to hold the reference employment retained pursuant to section 10.1 and, before the end of that year, the employee simultaneously holds again more than one employment under the plan, that employee’s contributory period is established, for the part of the year where more than one employment is simultaneously held, by retaining as new reference employment from among the employments

then held the employment held on the day before the day on which more than one employment begin to be held simultaneously or, if none of those employments is held on that preceding day, the employment with the highest annual basic salary.

Where, in a year, an employee ceases to hold the reference employment retained pursuant to section 10.1 and continues to simultaneously hold more than one employment under the plan, that employee’s contributory period is established, for the part of the year that begins on the first day following the day on which the employee ceases to hold the reference employment, by retaining as new reference employment from among the employments held on that first day the employment with the highest annual basic salary.

10.3. The daily factor used to compute the annualized pensionable salary of an employee who holds employment under the plan for which the basis of remuneration is 260 days is 260.9.

However, that factor is 260 if the employee is

(1) a teacher employed by a private institution accredited for the purposes of subsidies under the Act respecting private education whose employment is to teach students as part of the educational services dispensed at preschool, elementary school or secondary school, belonging to one of the categories referred to in paragraphs 1 to 4 of section 1 of that Act and subject, under section 25 of that Act, to the basic school regulation prescribed under the Education Act;

(2) a teacher employed by a private educational institution within the meaning of the Act respecting private education or employed by a college established by the General and Vocational Colleges Act (R.S.Q., c. C-29) who teaches general or vocational education at the college level;

(3) a teacher referred to in paragraph 1 or 2 of this paragraph who is, under the plan, released without pay for union activities; or

(4) a teacher employed by the Collège Marie de France, the Collège Stanislas or The Priory School inc. and whose employment is to teach students.

10.4. The annual basic salary of an employee who holds pensionable employment for which the basis of remuneration is 200 days and who is paid according to an hourly rate is established by multiplying that rate by the maximum number of hours that may be paid in a year. That number is

(1) 800, in the case of a teacher in adult education or vocational training or a teacher hired by the lesson at the secondary level;

(2) 920, in the case of a teacher hired by the lesson at the preschool or elementary level;

(3) 1,000, in the case of a casual supply teacher.”.

3. Section 12.3 is amended by replacing “sections 73.1 and 73.2” by “section 73.4”.

4. Section 12.5 is amended by replacing the definition of TM by the following:

“TM is

(1) for a pension credit pertaining to a year prior to 1992, the average pensionable salary established in accordance with subdivision 2.1 of Division I of Chapter IV of Title I of the Act on the basis of annualized pensionable salaries that do not take into account the limit provided for in the first paragraph of section 18.1 of the Act;

(2) for a pension credit pertaining to a year after 1991, the average pensionable salary established in accordance with that subdivision 2.1 of the Act on the basis of annualized pensionable salaries that take into account the limit provided for in the first paragraph of section 18.1 of the Act.

In respect of an employee who ceases to participate in the plan before 1 January 2010, TM has the meaning assigned by this section, as it reads on the date on which the employee ceases to participate.”.

5. Section 29.2 is amended by adding the following paragraph at the end:

“To compute the pension, the annualized pensionable salary is

(1) for each of the years prior to 2010 during which the agreement applied, the salary determined in accordance with sections 36.1.1 to 36.1.3, 36.1.5 and 36.1.20 of the Act on the basis of the pensionable salary and service credited respectively referred to in subparagraphs 1 and 2 of the first paragraph;

(2) for each of the years after 2009 during which the agreement applied, the salary determined in accordance with sections 36.1.6 to 36.1.16, 36.1.19 and 36.1.20 of the Act on the basis of the pensionable salary referred to in subparagraph 1 of the first paragraph, if the employee

holds pensionable employment for which the basis of remuneration is 260 days, or, if the employee holds pensionable employment for which the basis of remuneration is 200 days, on the basis of the basic salary and the harmonized service established for the period during which the employee accomplished service or would have accomplished service if the employee had not been eligible for salary insurance.”.

6. Section 29.4 is amended by replacing “contributions, eligible salary and service credited” by “eligible salary, annualized pensionable salary, service credited and contributions”.

7. The following is inserted after section 29.4:

“**29.4.1.** In respect of an employee who ceases to participate in the plan before 1 January 2010, sections 29.2 and 29.4 apply as they read on the date on which the employee ceases to participate.”.

8. Section 30.1 is amended by striking out the second sentence of the second paragraph after the heading “Actuarial method”

9. This Regulation comes into force on 1 January 2010, except section 8, which comes into force on 16 December 2009.

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

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