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Part

2

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Laws and Regulations

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Summary

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Contents

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- (1) Acts assented to, before their publication in the annual collection of statutes;
- (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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- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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Regulations and other Acts

Gouvernement du Québec

O.C. 353-2010, 21 April 2010

An Act respecting contracting by public bodies
(R.S.Q., c. C-65.1)

Supply contracts of public bodies — Amendments

Regulation to amend the Regulation respecting supply contracts of public bodies

WHEREAS, under subparagraph 3 of the first paragraph of section 23 of the Act respecting contracting by public bodies (R.S.Q., c. C-65.1), the Government may, by regulation, determine bid solicitation procedures and the contract award rules applicable to them;

WHEREAS, by Order in Council 531-2008 dated 28 May 2008, the Government made the Regulation respecting supply contracts of public bodies;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting supply contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 4 November 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the first paragraph of section 23 of the Act respecting contracting by public bodies, the Minister of Education, Recreation and Sports and the Minister of Health and Social Services have been consulted on the draft Regulation and the Conseil du trésor recommends that it be made;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting supply contracts of public bodies, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting supply contracts of public bodies*

An Act respecting contracting by public bodies
(R.S.Q., c. C-65.1, s. 23, 1st par., subpar. 3)

1. The Regulation respecting supply contracts of public bodies is amended by inserting the following after section 37:

“DIVISION IV ATTESTATION FROM THE MINISTER OF REVENUE

37.1. Every supply contract involving an expenditure equal to or greater than \$25,000 must be entered into with a supplier who has obtained an attestation from the Minister of Revenue of Québec.

The attestation is issued to every supplier who, on the date indicated in the attestation, has filed the returns and reports that the supplier had to file under fiscal laws and who has no overdue account payable to the Minister of Revenue of Québec, in particular when its recovery has been legally suspended or arrangements have been made with the supplier to ensure payment and the supplier has not defaulted.

The supplier must send the attestation to the public body with the supplier’s tender if the contract is awarded following a call for tenders, or before the contract is entered into if it is awarded by mutual agreement. The attestation must neither have been issued more than 90 days before the tender closing time nor after tender closing time or, in the case of a contract by mutual agreement, more than 90 days before the contract award date.

* The Regulation respecting supply contracts of public bodies, made by Order in Council 531-2008 dated 28 May 2008 (2008, *G.O.* 2, 2079), was amended once, by Order in Council 694-2009 dated 18 June 2009 (2009, *G.O.* 2, 1861A).

An attestation held by the supplier is considered as an eligibility requirement within the meaning of section 6.

37.2. Section 37.1 does not apply to a supplier that does not have an establishment in Québec where activities are carried on on a permanent basis, clearly identified under the supplier's name and accessible during regular business hours.

It does not apply either where a supply contract must be entered into by reason of an emergency that threatens human safety or property.”.

2. Despite the third and fourth paragraphs of section 37.1 of that Regulation, a supplier remains eligible to submit a tender for a call for tenders whose tender closing time is prior to 1 October 2010 even if the supplier's attestation is issued after tender closing time.

3. The Chair of the Conseil du trésor is to report to the Government about the first year of application of section 37.1 of that Regulation.

4. This Regulation comes into force on 1 June 2010 and applies only to call for tenders issued and contracts entered into by mutual agreement as of that date.

9800

Gouvernement du Québec

O.C. 354-2010, 21 April 2010

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1)

Construction contracts of public bodies — Amendments

Regulation to amend the Regulation respecting construction contracts of public bodies

WHEREAS, under subparagraph 3 of the first paragraph of section 23 of the Act respecting contracting by public bodies (R.S.Q., c. C-65.1), the Government may, by regulation, determine bid solicitation procedures and the contract award rules applicable to them;

WHEREAS, by Order in Council 532-2008 dated 28 May 2008, the Government made the Regulation respecting construction contracts of public bodies and revoking the Regulation respecting grants for the purposes of construction;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting construction contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 4 November 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the first paragraph of section 23 of the Act respecting contracting by public bodies, the Minister of Education, Recreation and Sports and the Minister of Health and Social Services have been consulted on the draft Regulation and the Conseil du trésor recommends that it be made;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting supply construction of public bodies, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting construction contracts of public bodies*

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1, s. 23, 1st par., subpar. 3)

1. The Regulation respecting construction contracts of public bodies is amended by inserting the following after section 40:

“DIVISION III ATTESTATION FROM THE MINISTER OF REVENUE

40.1. Every construction contract involving an expenditure equal to or greater than \$25,000 must be entered into with a contractor who has obtained an attestation from the Minister of Revenue of Québec.

* The Regulation respecting construction contracts of public bodies, made by Order in Council 532-2008 dated 28 May 2008 (2008, *G.O.* 2, 2086), was last amended by the regulation made by Order in Council 695-2009 dated 18 June 2009 (2009, *G.O.* 2, 1862A).

The attestation is issued to every contractor who, on the date indicated in the attestation, has filed the returns and reports that the contractor had to file under fiscal laws and who has no overdue account payable to the Minister of Revenue of Québec, in particular when its recovery has been legally suspended or arrangements have been made with the contractor to ensure payment and the constructor has not defaulted.

The contractor must send the attestation to the public body with the contractor's tender if the contract is awarded following a call for tenders, or before the contract is entered into if it is awarded by mutual agreement. The attestation must neither have been issued more than 90 days before the tender closing time nor after tender closing time or, in the case of a contract by mutual agreement, more than 90 days before the contract award date.

An attestation held by the contractor is considered as an eligibility requirement within the meaning of section 6.

40.2. Section 40.1 does not apply to a contractor that does not have an establishment in Québec where activities are carried on on a permanent basis, clearly identified under the contractor's name and accessible during regular business hours.

It does not apply either where a construction contract must be entered into by reason of an emergency that threatens human safety or property.”.

2. Despite the third and fourth paragraphs of section 40.1 of that Regulation, a contractor remains eligible to submit a tender for a call for tenders whose tender closing time is prior to 1 October 2010 even if the contractor's attestation is issued after tender closing time.

3. The Chair of the Conseil du trésor is to report to the Government about the first year of application of section 40.1 of that Regulation.

4. This Regulation comes into force on 1 June 2010 and applies only to call for tenders issued and contracts entered into by mutual agreement as of that date.

9801

Gouvernement du Québec

O.C. 355-2010, 21 April 2010

An Act respecting contracting by public bodies
(R.S.Q., c. C-65.1)

Service contracts of public bodies — Amendments

Regulation to amend the Regulation respecting service contracts of public bodies

WHEREAS, under subparagraph 3 of the first paragraph of section 23 of the Act respecting contracting by public bodies (R.S.Q., c. C-65.1), the Government may, by regulation, determine bid solicitation procedures and the contract award rules applicable to them;

WHEREAS, by Order in Council 533-2008 dated 28 May 2008, the Government made the Regulation respecting service contracts of public bodies and amending other regulatory provisions;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting service contracts of public bodies was published in Part 2 of the *Gazette officielle du Québec* of 4 November 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, in accordance with the first paragraph of section 23 of the Act respecting contracting by public bodies, the Minister of Education, Recreation and Sports and the Minister of Health and Social Services have been consulted on the draft Regulation and the Conseil du trésor recommends that it be made;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting service contracts of public bodies, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting service contracts of public bodies*

(R.S.Q., c. C-65.1, s. 23, 1st par., subpar. 3)

1. The Regulation respecting service contracts of public bodies is amended by inserting the following after section 50:

“DIVISION IV ATTESTATION FROM THE MINISTER OF REVENUE

50.1. Every service contract involving an expenditure equal to or greater than \$25,000 must be entered into with a service provider who has obtained an attestation from the Minister of Revenue of Québec.

The attestation is issued to every service provider who, on the date indicated in the attestation, has filed the returns and reports that the provider had to file under fiscal laws and who has no overdue account payable to the Minister of Revenue of Québec, in particular when its recovery has been legally suspended or arrangements have been made with the provider to ensure payment and the provider has not defaulted.

The service provider must send the attestation to the public body with the service provider's tender if the contract is awarded following a call for tenders, or before the contract is entered into if it is awarded by mutual agreement. The attestation must neither have been issued more than 90 days before the tender closing time nor after tender closing time or, in the case of a contract by mutual agreement, more than 90 days before the contract award date.

An attestation held by the service provider is considered as an eligibility requirement within the meaning of section 6.

50.2. Section 50.1 does not apply to a service provider that does not have an establishment in Québec where activities are carried on on a permanent basis, clearly identified under the service provider's name and accessible during regular business hours.

It does not apply either where a service contract must be entered into by reason of an emergency that threatens human safety or property.”.

* The Regulation respecting service contracts of public bodies, made by Order in Council 533-2008 dated 28 May 2008 (2008, G.O. 2, 2099), was last amended by Order in Council 696-2009 dated 18 June 2009 (2009, G.O. 2, 1863A).

2. Despite the third and fourth paragraphs of section 50.1 of that Regulation, a service provider remains eligible to submit a tender for a call for tenders whose tender closing time is prior to 1 October 2010 even if the provider's attestation is issued after tender closing time.

3. The Chair of the Conseil du trésor is to report to the Government about the first year of application of section 50.1 of that Regulation.

4. This Regulation comes into force on 1 June 2010 and applies only to call for tenders issued and contracts entered into by mutual agreement as of that date.

9802

Gouvernement du Québec

O.C. 366-2010, 21 April 2010

Automobile Insurance Act
(R.S.Q., c. A-25)

Reimbursement of certain expenses — Amendments

Regulation to amend the Regulation respecting the reimbursement of certain expenses

WHEREAS, under paragraph 16 of section 195 of the Automobile Insurance Act (R.S.Q., c. A-25), the Société de l'assurance automobile du Québec may make a regulation to determine what expenses may be reimbursed to an automobile accident victim under the second paragraph of section 83.2 of the Act;

WHEREAS, under the second paragraph of section 83.2 of the Act, a victim is entitled, in the cases and on the conditions prescribed by regulation, to the reimbursement of expenses determined by regulation of the Société;

WHEREAS the Regulation respecting the reimbursement of certain expenses was approved by Order in Council 1925-89 dated 13 December 1989;

WHEREAS, at the meeting of its board of directors on 9 September 2009, the Société made the Regulation to amend the Regulation respecting the reimbursement of certain expenses;

WHEREAS, under section 197 of the Act, a regulation of the Société must be approved by the Government, except those made under sections 151 to 151.3 and 195.1;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* dated 16 December 2009 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the reimbursement of certain expenses, attached to this Order in Council, be approved.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the reimbursement of certain expenses*

Automobile Insurance Act
(R.S.Q., c. A-25, s. 83.2, 2nd par., and s. 195, par. 16)

1. The Regulation respecting the reimbursement of certain expenses is amended by substituting the following for section 50:

“**50.** Expenses incurred for the obtaining of a report prepared by a health care professional within the meaning of section 83.8 of the Act and needed for the processing of a claim qualify for reimbursement to a maximum of the following amounts:

- (1) in the case of a report prepared by a health care professional other than a physician, 25 \$;
- (2) in the case of a report prepared by a physician:
 - (a) 25 \$ for an “Initial Medical Report”;
 - (b) 70 \$ for a “Medical Assessment Report”;
 - (c) 70 \$ for a “Medical Progress Report”;
 - (d) 65 \$ for a “Medical Aftereffects Report.”.

* The latest amendments to the Regulation respecting the reimbursement of certain expenses, approved by Order in Council 1925-89 of 13 December 1989 (1989, *G.O.* 2, 4661), were made by the Regulation approved by Order in Council 1138-2009 of 28 October 2009 (2009, *G.O.* 2, 3648). For prior amendments, see *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2009, updated to 1 November 2009.

Where a report is prepared by a physician otherwise than on a form provided for that purpose by the Société for a medical report referred to in subparagraph 2 of the first paragraph, it qualifies for reimbursement to a maximum amount of 25 \$.”.

2. The words “by sections 83.5 and 83.13” are substituted for the words “by section 83.5” in sections 55 and 56.

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

9803

Gouvernement du Québec

O.C. 367-2010, 21 April 2010

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

Tariff for the purposes of section 194 — Amendment

Regulation to amend the Tariff for the purposes of section 194 of the Highway Safety Code

WHEREAS, under subparagraph 52 of the first paragraph of section 621 of the Highway Safety Code (R.S.Q., c. C-24.2), the Government may by regulation fix, on the basis of the costs borne by the Société de l'assurance automobile du Québec for the purposes of section 194 of the Code, the amount to be used to determine the amount to be paid to the Société by the Government, every municipality and every Native community pursuant to section 648.2 of the Code;

WHEREAS the Government made the Tariff for the purposes of section 194 of the Highway Safety Code by Order in Council 414-2004 dated 28 April 2004;

WHEREAS, under the second paragraph of section 621 of the Highway Safety Code, the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to a regulation made under subparagraph 52 of the first paragraph of section 621 of the Code;

WHEREAS, under the same paragraph, the Minister of Transport shall consult with the bodies representing municipalities, more particularly, the Union des municipalités du Québec and the Fédération québécoise des municipalités locales et régionales before submitting a

draft of the regulation to the Government. The Minister may also seek any other consultation the Minister considers appropriate;

WHEREAS the Minister has consulted the two above-mentioned bodies as well as the Association des greffiers de cours municipales du Québec and the Bureau des infractions et amendes which is a government agency under the Ministère de la Justice of Québec;

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

THAT the Regulation to amend the Tariff for the purposes of section 194 of the Highway Safety Code, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Tariff for the purposes of section 194 of the Highway Safety Code*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 621, 1st par., subpar. 52)

1. The Tariff for the purposes of section 194 of the Highway Safety Code is amended in section 1 by replacing “\$30.90” by “\$22”.

2. This Regulation comes into force on 1 June 2010.

9798

* The Tariff for the purposes of section 194 of the Highway Safety Code, made by Order in council 414-2004 dated 28 April 2004 (2004, G.O. 2, 1341A), has not been amended since it was made.

Draft Regulations

Draft Regulation

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

Charges payable for the use of water

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act (R.S.Q., c. Q-2), that the Regulation respecting the charges payable for the use of water, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The draft Regulation establishes charges for the use of water in the industrial sector, whether the water comes from a water distribution system or is taken directly from surface water or groundwater. A rate of \$0.07 per cubic metre of water used is set for certain large users, namely in the sectors of bottled water production, beverage manufacturing, fruit and vegetable canning and pickling, non-metallic mineral product manufacturing, pesticide, fertilizer and other agricultural chemical manufacturing, inorganic chemical manufacturing and certain activities in oil and gas extraction. A lesser rate of \$0.0025 per cubic metre of water used is set for other industrial sectors, namely mining, quarrying, oil and gas extraction, and manufacturing.

The draft Regulation also requires the installation of measuring equipment within 24 months of the coming into force of the Regulation and refers to the Regulation respecting the declaration of water withdrawals, made by Order in Council 875-2009 dated 12 August 2009, for the requirements related to the installation, operation, monitoring and measurement by measuring equipment or according to an estimation method as well as for the keeping of a register.

The users covered in the draft Regulation whose water does not come from a water distribution system are also covered in the Regulation respecting the declaration of water withdrawals and are already required to send the Minister of Sustainable Development, Environment and Parks a declaration on their water withdrawals. For users whose water comes from a water distribution system, the draft Regulation provides that they will also have to send the Minister of Sustainable Development, Environment and Parks a declaration to inform the Minister of the water distribution system from which comes the water used, the activity for which the water is used and the volume of water used.

The draft Regulation should have no negative impact on the volume of business of enterprises. The most expensive element will be the installation of water meters over the course of 2 years.

Further information may be obtained by contacting Yvon Maranda, Direction des politiques de l'eau, Ministère du Développement durable, de l'Environnement et des Parcs, édifice Marie-Guyart, 8^e étage, 675, boulevard René-Lévesque Est, Québec (Québec) G1R 5V7; telephone: 418 521-3885, extension 4117; fax: 418 643-0252; e-mail: yvonmaranda@mddep.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to Yvon Maranda, whose contact information appears above.

LINE BEAUCHAMP,
*Minister of Sustainable Development,
Environment and Parks*

Regulation respecting the charges payable for the use of water

Environment Quality Act
(R.S.Q., c. Q-2, s. 31, 1st par., subpar. e.1, and 2nd par., s. 46, par. s, and ss. 109.1 and 124.1)

1. This Regulation establishes charges for the use of water, whether it comes from a distribution system or is taken directly from surface water or groundwater, to promote the protection and development of the resource and ensure that there is an adequate quality and quantity of water in a sustainable development perspective.

2. For the purposes of this Regulation, any action for lowering or diverting groundwater is considered a use of water.

3. The following activities are covered by this Regulation:

(1) production of water in bottles or other containers, whether or not the water is intended for human consumption;

(2) mining, quarrying and oil and gas extraction (NAICS 21);

(3) the manufacturing activities mentioned in the Schedule.

NAICS codes mentioned in this Regulation correspond to the codes of the “North American Industry Classification System (NAICS) Canada 2007” published by Statistics Canada (Catalog no.12-501-XIF, 1998, ISBN 0-662-72948-X). The description of the activities to which the codes refer applies for the purposes of this Regulation, whether the activities are carried on as main activities or not.

4. Every person whose activity results in the use of an average volume of water of 75 cubic metres or more per day is subject to charges for the use of water. The daily average volume is calculated based on the monthly quantity of water used, divided by the number of days of use in the month concerned.

Charges are established on the basis of the volume of water used in a year.

5. The rate of the charge is set at \$0.0025 per cubic metre of water used, except for the following activities for which the charge is set at \$0.07 per cubic metre of water used:

(1) the production of water in bottles or other containers, whether the water is intended for human consumption or not;

(2) beverage manufacturing (NAICS 3121);

(3) fruit and vegetable canning, pickling and drying (NAICS 31142);

(4) non-metallic mineral product manufacturing (NAICS 327);

(5) pesticide, fertilizer and other agricultural chemical manufacturing (NAICS 3253);

(6) other basic inorganic chemical manufacturing (NAICS 32518);

(7) oil and gas extraction (NAICS 211).

6. For the purposes of measuring the volume of water used annually, every person subject to charges for the use of water is required to install measuring equipment the installation, operation, monitoring and measurement of which meet the requirements of Chapter IV of the Regulation respecting the declaration of water withdrawals, made by Order in Council 875-2009 dated 12 August 2009.

7. Charges for the use of water are payable to the Minister of Finance, not later than 31 March of the year following the year for which the charges are payable or, if the person ceases to use water during a year, within 60 days of the cessation.

8. Persons subject to charges for the use of water must, when they are withdrawers referred to in the Regulation respecting the declaration of water withdrawals, indicate in the annual declaration to be sent to the Minister of Sustainable Development, Environment and Parks under section 9 of that Regulation, the amount of the charges paid to the Minister of Finance.

Where the persons are not withdrawers referred to in that Regulation, the persons must declare each year to the Minister of Sustainable Development, Environment and Parks, not later than 31 March of the year following the year for which the declaration is made or, if they have ceased using water during a year, within 60 days of the cessation,

(1) their name, address, telephone number and, where applicable, the Québec enterprise number (NEQ);

(2) the distribution system from which comes the water used;

(3) the number of days during which water was taken from that system;

(4) the activity for which the water is used, identified by its NAICS code;

(5) the monthly volumes and the annual volume of water used, in cubic metres and, in the case of several activities, the volumes broken down for each activity;

(6) the type of measuring equipment installed and any malfunction, breakdown, abnormality or other defect that affected the operation of the equipment, and the number of days during which the volumes could not be measured in a reliable and accurate manner;

(7) the amount of the charges paid to the Minister of Finance.

The declaration is completed and sent electronically, using the form on the website of the Ministère du Développement durable, de l'Environnement et des Parcs at www.mddep.gouv.qc.ca. Documents in support of the declaration must be kept at the establishment concerned and made available to the Minister for 5 years.

The persons referred to in the second paragraph must also keep a register in accordance with section 10 of the Regulation respecting the declaration of water withdrawals, which applies with the necessary modifications.

9. The Minister may set the charges payable for the use of water where the annual declaration referred to in section 8 has not been sent within the prescribed time, is incorrect or incomplete.

The Minister's decision is notified to the person concerned who must then immediately pay to the Minister of Finance the charges set and the amounts provided for in section 11, which are calculated from the date of default, in accordance with section 7.

10. The rates of the charges set in section 5 are indexed on 1 January of each year on the basis of the rate of change in the Consumer Price Index for Canada as published by Statistics Canada. That rate is calculated by establishing the difference between the average of the monthly indexes for the 12-month period ending on 30 September of the preceding year and the average of the monthly indexes for the period equivalent to the second preceding year.

The Minister is to publish the result of the indexing in the *Gazette officielle du Québec* before 1 January of each year and, if the Minister considers it appropriate, by any other means.

11. Charges for the use of water not paid within the prescribed time bear interest, from the date of default, at the rate determined under the first paragraph of section 28 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31).

In addition to the interest payable, the following amounts are added to every amount outstanding:

- (1) 7% of the amount of the unpaid charges if the delay does not exceed 7 days;
- (2) 11% of the amount of the unpaid charges if the delay exceeds 7 days but does not exceed 14 days;
- (3) 15% of the amount of the unpaid charges in all other cases.

12. Charges for the use of water payable to the Minister of Finance under this Regulation, as well as the interest and amounts provided for in section 10, are paid into the Fonds vert for the purpose of ensuring water governance.

13. An offence against section 7 renders the offender liable to a fine of

- (1) \$2,000 to \$15,000, in the case of a natural person; and
- (2) \$5,000 to \$100,000, in the case of a legal person.

The fines are doubled for a second or subsequent offence.

Section 19 of the Regulation respecting the declaration of water withdrawals applies, with the necessary modifications, for the determination of penalties for offences against sections 6 and 8 of this Regulation.

14. Persons subject to charges for the use of water by reason of activities they carry on on the date of coming into force of this Regulation have 24 months as of that date to install the measuring equipment prescribed by section 6.

Until the installation of measuring equipment, the volume of water used is measured by an estimation made in accordance with Chapter V of the Regulation respecting the declaration of water withdrawals.

In addition, until that installation, the information prescribed by subparagraph 6 of the second paragraph of section 8 of this Regulation is replaced by the following: the name of the professional who estimated the volumes of water used, his or her profession and the description of the estimation method used.

15. Despite the third paragraph of section 8, the declaration provided for in the second paragraph of that section may, until 31 March 2013, be sent to the Minister on paper. In that case, the declaration must be dated and signed by the person who prepared it and must certify the accuracy of the information it contains.

16. The obligation to pay charges for the use of water applies as of 2011 and the annual declaration and the payment of the charges for that year must be sent not later than 31 March 2012.

17. The Minister of Sustainable Development, Environment and Parks must, 5 years after the coming into force of this Regulation, report to the Government on the implementation of this Regulation and particularly on the advisability of amending certain of its provisions to take into consideration the latest scientific and technical knowledge.

This report is made available to the public not later than 15 days after it is sent to the Government.

18. This Regulation applies in a reserved area and an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (R.S.Q., c. P-41.1).

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

SCHEDULE

(s. 3)

Activity	NAICS code
Food manufacturing	311
Beverage and tobacco product manufacturing	312
Textile mills	313
Textile product mills	314
Clothing manufacturing	315
Leather and allied product manufacturing	316
Wood product manufacturing	321
Paper manufacturing	322
Printing and related support activities	323
Petroleum and coal product manufacturing	324
Chemical manufacturing	325
Plastics and rubber products manufacturing	326
Non-metallic mineral product manufacturing	327
Primary metal manufacturing	331
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Machinery manufacturing	333
Computer and electronic product manufacturing	334
Electrical equipment, appliance and component manufacturing	335
Transportation equipment manufacturing	336
Furniture and related product manufacturing	337
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Draft Regulation

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

Occupational therapists**— 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 occupational therapists”, made by the board of directors of the Ordre des ergothérapeutes 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 adapts certain rules of ethics to the reality of the practice of the professional activities of occupational therapist within a partnership or joint-stock company, as provided in the draft Regulation respecting the practice of the profession of occupational therapist within a partnership or joint-stock company.

The draft Regulation also clarifies conflicts of interest.

Lastly, the draft Regulation regulates the use of the graphic symbol of the Order in advertising or in connection with the name of a multidisciplinary partnership or joint-stock company.

The Ordre des ergothérapeutes du Québec advises that the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Caroline Fortier, Ordre des ergothérapeutes du Québec, 2021, avenue Union, bureau 920, Montréal (Québec) H3A 2S9; telephone: 514 844-5778 or 1 800 265-5778; fax: 514 844-0478.

Any person wishing to comment on the draft Regulation is requested to submit written 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 professional order that made the Regulation 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 occupational therapists*

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

1. The Code of ethics of occupational therapists is amended by inserting the following after section 1.02:

“**1.03.** An occupational therapist must take reasonable measures to ensure compliance with the Professional Code (R.S.Q., c. C-26) and the regulations thereunder by any person, other than an occupational therapist, who cooperates with the occupational therapist in the carrying on of professional activities or by any partnership or joint-stock company within which the occupational therapist engages in professional activities.

Carrying on professional activities within a partnership or joint-stock company does not in any manner modify or reduce an occupational therapist’s duties and obligations under the Professional Code and the regulations thereunder.

1.04. An occupational therapist must ensure that the obligations towards the partnership or joint-stock company of which the member is a director or officer are not incompatible with the obligations towards clients.”

2. Section 3.02.02 is amended by adding the following paragraph at the end:

“Similarly, an occupational therapist must avoid any misrepresentation with respect to the competency or efficiency of the services generally provided by the persons with whom he or she carries on professional activities within a partnership or joint-stock company.”

3. Section 3.04.01 is amended by adding the following paragraph at the end:

“An occupational therapist may not invoke the liability of the partnership or joint-stock company within which he or she carries on professional activities or the liability of another person also carrying on activities there as a ground for excluding or limiting his or her personal civil liability.”

4. The following is inserted after section 3.05.01:

“**3.05.01.01.** Occupational therapists must subordinate their personal interests, those of the partnership or joint-stock company within which they carry on professional activities or have an interest and those of any person carrying on activities within the partnership or company or not, to the interests of the client.

3.05.01.02. No occupational therapist may conclude an agreement that could jeopardize the independence, impartiality, objectivity or integrity required to practice his or her professional activities.

Any agreement entered into by an occupational therapist or a partnership or joint-stock company of which the occupational therapist is a partner or shareholder regarding the enjoyment of a building or space to carry on professional activities must be entirely recorded in writing and include a statement by the parties that the obligations arising from the agreement comply with this Code and a clause authorizing release of the agreement to the Order on request.”

5. Section 3.05.02 is amended by adding the following paragraph at the end:

“In all cases in which an occupational therapist engages in his or her professional activities within a partnership or joint-stock company, conflict of interest situations are assessed with regard to all the clients of persons with whom the occupational therapist carries on professional activities within the partnership or company.”

6. The following is inserted after section 3.05.02:

“**3.05.02.01.** An occupational therapist must take the necessary measures to ensure that information and documents protected by professional secrecy are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company within which the occupational therapist carries on professional activities or in which he or she has an interest, as soon as the occupational therapist becomes aware that the partner, shareholder, director, officer or employee has a conflict of interest.

The following factors must be taken into 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 occupational therapist’s file by the person in the conflict of interest;

(3) the instructions given to protect confidential information or documents relating to the conflict of interest; and

* The Code of ethics of occupational therapists (R.R.Q., 1981, c. C-26, r.78) was last amended by the regulation approved by Order in Council 839-2003 dated 20 August 2003 (2003, G.O. 2, 2719). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 November 2009.

(4) the isolation of the person in the conflict of interest with respect to the occupational therapist.”

7. Section 3.05.03 is amended by adding at the end “other than customary tokens of appreciation and gifts of small value”.

8. The following is inserted after section 3.05.03:

“**3.05.04.** An occupational therapist may share his or her fees only with a person with whom the occupational therapist is authorized to practise under the Regulation respecting the practice of the profession of occupational therapist 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 or joint-stock company in which the occupational therapist is authorized to practise under that Regulation.”

9. The following is inserted after section 3.06.01:

“**3.06.01.01.** Occupational therapists must take reasonable measures to ensure that any person with whom they carry on professional activities does not communicate to a third person the confidential information of which they may have taken cognizance.”

10. Section 3.06.04 is amended by replacing “or for another person” by “, for another person or for a partnership or company in which the occupational therapist carries on professional activities”.

11. The following is inserted after section 3.08.03:

“**3.08.03.01.** An occupational therapist who carries on professional activities within a partnership or joint-stock company must ensure that the fees and expenses for professional services provided by occupational therapists are always indicated separately on every invoice or statement of fees that the partnership or company sends the client.”

12. Section 3.08.06 is replaced by the following:

“**3.08.06.** No occupational therapist may sell or otherwise transfer accounts of professional fees, except to another occupational therapist or to a partnership or joint-stock company within which the occupational therapist is authorized to carry on professional activities under the Regulation respecting the practice of the profession of occupational therapist within a partnership or joint-stock company.”

13. Section 4.01.01 is amended by adding the following paragraphs:

“(f) carrying on professional activities within, or having an interest in, a partnership or company, where a partner, shareholder, director, officer or employee of the partnership or 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, within 15 days of the date on which the mandatory striking off or revocation of permit has become effective, ceases to hold a position of director or officer within the partnership or company, ceases, if applicable, to attend any shareholder meetings and to exercise the right to vote and disposes of his or her voting shares or turns them over to a trustee; and

(g) failing to inform the Order that he has reasonable grounds to believe that an occupational therapist or a partnership or joint-stock company within which occupational therapists practise contravenes the Professional Code or a regulation thereunder.”

14. The following is inserted after section 5.13:

“**5.14.** In the case of a partnership or joint-stock company which provides professional services of occupational therapists and services of persons other than members of the Order with whom the occupational therapist is authorized to carry on professional activities, the graphic symbol of the Order may be used in connection with the name of the partnership or company or in its advertising provided the graphic symbol identifying each of the professional orders to which such persons belong is also used.”

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

9805

Draft Regulation

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

Occupational therapists — 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 occupational therapist within a partnership or a joint-stock company”, made by the board of directors of the

Ordre des ergothérapeutes 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 contains special provisions setting out the terms and conditions on which occupational therapists may practise within a partnership or a joint-stock company, on their own or with members of certain professional orders governed by the Professional Code (R.S.Q., c. C-26), particularly as regards the management of the partnership or joint-stock company and the holding of shares or partnership units. Special rules are made for partnerships or joint-stock companies that hold themselves out exclusively as partnerships or joint-stock companies of occupational therapists.

In accordance with Chapter VI.3 of the Professional Code, the conditions set out also include the obligation to take out insurance to cover any liability that may be incurred by the partnership or joint-stock company as a result of faults or negligence committed by members while practising the profession within the partnership or joint-stock company. Members must also provide the Order with the required information on the partnership or joint-stock company and update that information.

The Ordre des ergothérapeutes du Québec advises that the Regulation will have no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Caroline Fortier, Ordre des ergothérapeutes du Québec, 2021, avenue Union, bureau 920, Montréal (Québec) H3A 2S9; telephone: 514 844-5778 or 1 800 265-5778; fax: 514 844-0478.

Any person wishing to comment on the draft Regulation is requested to submit written 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 professional order that made the Regulation 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 occupational therapist 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*)

DIVISION I GENERAL

1. A member of the Ordre des ergothérapeutes du Québec may, subject to the terms, conditions and restrictions established in this Regulation, 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).

2. Occupational therapists may carry on their professional activities within a partnership or joint-stock company that holds itself out exclusively as a partnership or joint-stock company of occupational therapists if the following conditions are met at all times:

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

(a) 1 or more occupational therapists carrying on professional activities within the partnership or joint-stock company;

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

(c) a trust where all the trustees are occupational therapists all 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 managers appointed by the partners to manage the affairs of the limited liability partnership are occupational therapists carrying on their professional activities within the partnership or joint-stock company;

(3) to constitute a quorum of the board of directors of a joint-stock company, a majority of the members present must be occupational therapists.

Occupational therapists who are partners, directors, managers, officers or shareholders of the partnership or joint-stock company must ensure that those 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 provide that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities.

3. In cases other than those in section 2, occupational therapists are authorized to carry on professional activities within a limited liability partnership or a joint-stock company if the following conditions are met at all times:

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

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

— a regulatory organization that is a member of the Association of Canadian Occupational Therapy Regulatory Organizations;

— a regulatory organization that is a member of the Canadian Alliance of Physiotherapy Regulators;

(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;

(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 managers appointed by the partners to manage the affairs of the limited liability partnership are persons referred to in subparagraph a of subparagraph 1 of the first paragraph;

(3) to constitute a quorum of the board of directors of a joint-stock company, a majority of the members present must be persons referred to in subparagraph a of subparagraph 1 of the first paragraph.

Occupational therapists who are partners, directors, managers, officers or shareholders of the partnership or joint-stock company must ensure that those 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 provide that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities.

4. An occupational therapist who wishes to carry on professional activities within a partnership or a joint-stock company must, before carrying on those activities, provide the secretary of the Order with

(1) a declaration provided for in section 5 made on the form provided by the secretary of the Order, accompanied by the fees fixed by the board of directors of the Order;

(2) a written 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 constitution issued by a competent authority certifying that the company exists;

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

(5) a written document issued by a competent authority certifying that the partnership or joint-stock company has an establishment in Québec;

(6) an undertaking from the partnership or joint-stock company 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 12 from any person or to obtain a true copy of such a document;

(7) where applicable, a certified true copy of the declaration from the competent authority stating that the general partnership has been continued as a limited liability partnership; and

(8) a written undertaking from the partnership or joint-stock company that its shareholders having voting rights, its partners, directors, managers and officers, as well as the members of its staff who are not occupational therapists are aware of and comply with the Code of ethics of occupational therapists (R.R.Q., 1981, c. C-26, r.78).

5. The declaration provided for in paragraph 1 of section 4 contains the following information:

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

(2) the partnership or joint-stock company name and any other names used in Québec by the partnership or joint-stock company within which the occupational therapist carries on professional activities and the business number assigned by the competent authority;

(3) the legal form of the partnership or joint-stock company and the fact that the partnership or joint-stock company complies with the conditions prescribed in section 1, 2 or 3;

(4) if the occupational therapist carries on professional activities within a limited liability partnership, the address of the establishments of the partnership in Québec, specifying the address of the principal establishment, the names and home addresses of all the partners, their percentage of units and an indication of their management functions, if applicable;

(5) if the occupational therapist carries on professional activities within 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 all the shareholders, their percentage of voting shares and non-voting shares and an indication of their functions of director and officer, as the case may be;

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

(7) a document certifying that the units or shares held and the rules of administration of the partnership or joint-stock company comply with the conditions set out in this Regulation.

6. If more than one occupational therapist carries on professional activities within a partnership or joint-stock company, only one declaration may be made by a representative for all the occupational therapists in the partnership or joint-stock company.

The declaration is deemed to be each occupational therapist's declaration and each occupational therapist remains responsible for the accuracy of the information provided pursuant to paragraphs 1 and 2 of section 5.

The representative must be an occupational therapist who carries on professional activities within the partnership or joint-stock company.

7. An occupational therapist or a representative must

(1) update and provide, before 31 March of each year, the declaration prescribed in section 5 accompanied by the update fees fixed by the board of directors of the Order; and

(2) immediately notify the secretary of the Order of any change in the security prescribed in Division II or in the information contained in the declaration prescribed in section 5 that might affect compliance with the conditions set out in section 2 or 3.

8. Where an occupational therapist becomes aware that any of the terms, conditions or restrictions set out in this Regulation or in Chapter VI.3 of the Professional Code is no longer met, the occupational therapist must, within 15 days, take the necessary measures to comply, failing which, the occupational therapist is no longer authorized to carry on professional activities within the partnership or joint-stock company.

9. Where an occupational therapist carries on professional activities within a joint-stock company, the income resulting from the professional services rendered within and on behalf of the company belongs to the company, unless agreed otherwise.

DIVISION II

SECURITY AGAINST THE PROFESSIONAL FAULT OF PARTNERSHIP OR JOINT-STOCK COMPANY MEMBERS

10. To be authorized to carry on professional activities in accordance with this Regulation, an occupational therapist 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 contract or by joining a group plan contract entered into by the Order, or by contributing to a professional liability insurance fund established in accordance with section 86.1 of the Professional Code, against liabilities of the partnership or joint-stock company arising from fault on the part of occupational therapists in the carrying on of professional activities within the partnership or joint-stock company.

11. The security must include

(1) an undertaking by the insurer 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 de la responsabilité professionnelle des ergothérapeutes, approved by the Office des professions du Québec on 6 November 2002, 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 on the part of the occupational therapist in the carrying on of professional activities within the partnership or joint-stock company;

(2) an undertaking by the insurer 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 that the security is at least \$3,000,000 per claim and at least \$6,000,000 for all claims filed against the partnership or joint-stock company within a coverage period not exceeding 12 months, regardless of the number of members in the partnership or joint-stock company;

(4) where an occupational therapist is the sole practitioner of a joint-stock company, an undertaking that the security is at least \$1,000,000 per claim and at least \$3,000,000 for all claims filed against the company within a coverage period not exceeding 12 months;

(5) an undertaking by the insurer to give the partnership or joint-stock company and the Order a 30-day prior notice before modifying, terminating or not renewing the insurance contract; and

(6) an undertaking by the insurer to inform the Order when it pays an amount of money as a result of the fault of an occupational therapist in the carrying on of professional activities within a partnership or joint-stock company, specifying, in particular, the name of the partnership or joint-stock company and of the occupational therapist involved, the nature of the injury and of the fault, and the amount of money that was paid.

DIVISION III DOCUMENT ACCESSIBILITY

12. The documents that may be required from a partnership or joint-stock company pursuant to paragraph 6 of section 4 are the following:

(1) if the occupational therapist 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 shares 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 and voting agreement, and amendments;

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

(g) the registration certificate and declaration 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 occupational therapist practises within a limited liability partnership,

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

(b) the partnership contract and amendments;

(c) an up-to-date register of the partners of the partnership;

(d) if applicable, an up-to-date register of the managers of the partnership; and

(e) the names of the principal officers and their home addresses.

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

9806

Municipal Affairs

Gouvernement du Québec

O.C. 350-2010, 21 April 2010

An Act respecting municipal territorial organization
(R.S.Q., c. O-9)

Amalgamation of Ville de Cabano and Ville de Notre-Dame-du-Lac

WHEREAS each of the municipal councils of Ville de Cabano and Ville de Notre-Dame-du-Lac adopted a by-law authorizing the filing of a joint application with the Government requesting that it constitute a local municipality through the amalgamation of the two municipalities under the Act respecting municipal territorial organization (R.S.Q., c. O-9);

WHEREAS a copy of the joint application was sent to the Minister of Municipal Affairs, Regions and Land Occupancy;

WHEREAS no opposition was communicated to the Minister of Municipal Affairs, Regions and Land Occupancy;

WHEREAS, under section 96 of the Act respecting municipal territorial organization, the Minister of Municipal Affairs, Regions and Land Occupancy, where the Minister is of opinion that the application must be amended, is to transmit to each applicant municipality a written notice setting out the amendments the Minister intends to make to the application;

WHEREAS a notice of the amendment proposal was transmitted to the applicant municipalities, which informed the Minister, within the period prescribed in section 97 of the Act, that they approved the proposal;

WHEREAS it is expedient, under section 108 of the Act, to give effect to the joint application as amended;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy:

THAT the application be granted as amended and that a local municipality be constituted through the amalgamation of Ville de Cabano and Ville de Notre-Dame-du-Lac in accordance with the following provisions:

1. The name of the new town is “Ville de Cabano-Notre-Dame-du-Lac”.

However, at the same time as the first general election, a consultative referendum poll must be held, in accordance with section 517 of the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2), to consult qualified voters on the name to be given to the new town. Once the consultation has been held, the council composed of members elected during that election must, if applicable, file an application for a change of name, in accordance with the Act respecting municipal territorial organization. The second paragraph of section 517 of the Act respecting elections and referendums in municipalities does not apply to the poll held in accordance with this paragraph.

2. The description of the territory of the new town is the description drawn up by the Minister of Natural Resources and Wildlife on 21 January 2010; that description appears as Schedule A to this Order in Council.

3. The new town is governed by the Cities and Towns Act (R.S.Q., c. C-19).

4. The territory of Municipalité régionale de comté de Témiscouata comprises the territory of the new town.

5. Until the term of the majority of candidates elected in the first general election begins, the new town is to be governed by a provisional council made up of all the council members of the former towns in office at the time of the coming into force of this Order in Council.

6. The mayor of the former Ville de Cabano and the mayor of the former Ville de Notre-Dame-du-Lac act respectively as mayor and deputy mayor of the new town from the coming into force of this Order in Council until the last day of the month in which it comes into force, at what time they switch roles for the following month, and so forth alternatively, until the term of the mayor elected during the first general election begins. Until that time, they continue to sit on the council of Municipalité régionale de comté de Témiscouata and have the same number of votes as they had before the coming into force of this Order in Council.

7. A majority of the members in office at any time is the quorum of the provisional council. The decisions of the provisional council are made by a majority vote and, in case of a tie-vote, the mayor has a casting vote.

8. The members of the provisional council receive the remuneration paid to the mayor and members of the council of the former Ville de Cabano under by-law 336-02 establishing the remuneration of elected municipal officers of the former Ville de Cabano.

9. The first sitting of the provisional council is to be held at the council hall located of the former Ville de Cabano.

10. The polling for the first general election is to be held on Sunday, June 20, 2010. The second general election is to be held in 2013.

11. For the purposes of the first general election, and for any by-election held before the second general election, the territory of the new town is divided into 6 electoral districts described in Schedule B to this Order in Council.

12. Gilles Desrosiers, director general of the former Ville de Cabano, acts as director general of the new town and Colomba Lebel, director general of the former Ville de Notre-Dame-du-Lac, acts as assistant director general.

13. If a budget has been adopted by a former town for the fiscal year during which this Order in Council comes into force,

(1) that budget remains applicable;

(2) the expenditures and revenues of the new town for the remainder of the fiscal year during which this Order in Council comes into force continue to be accounted for separately for each of the former town as if the amalgamation had not taken place; and

(3) an expenditure recognized by the council of the new town as resulting from the amalgamation is to be charged to each former town in the proportion that, for each former town, its standardized property value is of the total standardized property values of the former towns as they appear in the financial statements of the former towns for the fiscal year preceding the fiscal year during which this Order in Council comes into force.

14. All subsidies granted under the Programme d'aide financière au regroupement municipal (PAFREM) are to be paid into the general fund of the new town and are used for the benefit of all the taxpayers of the new town.

15. The subsidies provided for in the Programme de trans-ferts aux municipalités du Québec d'une partie des revenus de la taxe d'accise sur l'essence, the Programme d'infra-structures Québec-Municipalités (PIQM), the

Programme d'aide aux immobilisations (MCCCFQ), the Fonds chantiers Canada-Québec (FCCQ) and the Programme de soutien aux installations sportives et récréatives (MELS) continue to be for the benefit of the sector made up of the territory of the former town that was granted the subsidy.

16. Any surplus accumulated on behalf of a former town, at the end of the last fiscal year for which separate budgets were adopted, is to be used for the benefit of taxpayers in the sector made up of the territory of that former town.

17. For the 4 fiscal years following the fiscal year in which this Order in Council comes into force, an amount of \$100,000 from the surplus accumulated on behalf of the former Ville de Cabano is allocated each year to reduce the tariff for the drinking water service of users in the sector made up of the territory of that former town.

18. Any deficit accumulated by a former town at the end of the last fiscal year for which separate budgets were adopted is charged to all the taxable immovables in the sector made up of the territory of that former town.

19. The annual repayment of the instalments in principal and interest for loans contracted under by-laws adopted by a former town remains chargeable to the taxable immovables of the sector or part of sector made up of the territory of the former town that contracted the loans, in accordance with the taxation clauses in those by-laws.

20. The aliquot shares payable by a former town to the Société québécoise d'assainissement des eaux under an agreement entered into with the Gouvernement du Québec continue to burden the users in the sector or part of sector made up of the territory of that former town. For the purpose of repaying the aliquot shares, the council of the new town must impose an annual tariff on those users.

21. Arrears of taxes related to the fiscal years for which the former towns adopted separate budgets are accounted for in the surplus accumulated on behalf of each of the former towns.

22. For each of the first 5 fiscal years following the last fiscal year for which the former towns adopted separate budgets, a special property tax will be levied and imposed on all the taxable immovables in the sector made up of the territory of the former Ville de Notre-Dame-du-Lac, on the basis of their value as it appears on the assessment roll in force each year; the rate of the special tax is:

First fiscal year:	\$0.35 per \$100 of assessment;
Second fiscal year:	\$0.35 per \$100 of assessment;
Third fiscal year:	\$0.30 per \$100 of assessment;
Fourth fiscal year:	\$0.25 per \$100 of assessment;
Fifth fiscal year:	\$0.15 per \$100 of assessment.

Considering that the Municipalité régionale de comté de Témiscouata acquired the buildings town hall and Saint-Viateur from the former Ville de Notre-Dame-du-Lac and took possession of them on 31 December 2009, an amount of \$1M from that real estate transaction is to be used for the benefit of taxpayers in the sector made up of the territory of that former town and applied to reduce the rate of the special tax provided for in the first paragraph.

The commitment made by the former Ville de Notre-Dame-du-Lac towards Municipalité régionale de comté de Témiscouata under resolution 164-2009 adopted on 21 December 2009 concerning a loss of income from the rental of the immovables mentioned in the second paragraph is, if applicable, chargeable to the taxable immovables in the sector made up of the territory of the former Ville de Notre-Dame-du-Lac.

23. A municipal housing bureau is constituted under the name of "Office municipal d'habitation de la Ville de Cabano-Notre-Dame-du-Lac". The name of the bureau may initially be changed by a simple resolution of the board of directors in the year following its constitution. A notice regarding the change of name is to be sent to the Société d'habitation du Québec and published in the *Gazette officielle du Québec*.

That municipal bureau succeeds the municipal housing bureaus of the former Ville de Cabano and the former Ville de Notre-Dame-du-Lac, which are dissolved. The third and fourth paragraphs of section 58 of the Act respecting the Société d'habitation du Québec (R.S.Q., c. S-8) apply to the new municipal housing bureau as though it had been constituted by letters patent under section 57 of that Act.

The bureau is administered by a board of directors formed of 7 members/directors. Three members are appointed by the council of the new town, 2 elected by all the lessees of the bureau, in accordance with the Act respecting the Société d'habitation du Québec, and 2 are appointed by the Minister of Municipal Affairs, Regions and Land Occupancy, after consultation, from among the most representative socioeconomic groups of the bureau's territory.

Until the town designates the first directors in accordance with the third paragraph, the provisional directors of the new bureau are the members of the former municipal housing bureaus.

The directors elect from among themselves a chair, vice-chair and any other officer they deem necessary to appoint.

The term of the members of the board of directors is 3 years and is renewable. Despite the expiry of their term, the board members remain in office until reappointed or replaced.

The quorum is the majority of the members in office.

The directors may, from the coming into force of this Order in Council,

(1) secure loans on behalf of the bureau;

(2) issue debentures or other securities of the bureau and use them as a guarantee or dispose of them for the price and amount deemed appropriate;

(3) hypothecate or use as collateral the present or future immovables and movables of the bureau, to ensure the payment of such debentures or other securities, or give only part of the guarantees for those purposes;

(4) hypothecate the immovables and movables of the bureau or otherwise affect them, or give various types of surety, to ensure the payment of loans secured other than by the issue of debentures, as well as the payment or execution of other debts, contracts and commitments of the bureau;

(5) subject to the Act respecting the Société d'habitation du Québec, the regulations made under that Act and the directives issued by the Société, make any by-law deemed necessary or useful for the internal management of the bureau.

The employees of the bureaus that have been dissolved become, without reduction in salary, employees of the new bureau, and retain their seniority and fringe benefits.

Within 15 days of their adoption, the bureau must send to the Société d'habitation du Québec a certified true copy of the by-laws and resolutions appointing or dismissing a member or director.

The budgets of the dissolved municipal offices remain applicable for the remainder of the current fiscal year.

24. The second sentence of the second paragraph and the third and fourth paragraphs of section 126, the second paragraph of section 127, sections 128 to 133, the second and third paragraphs of section 134 and sections 135 to 137 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) do not apply to a

by-law adopted by the new town in order to replace all the zoning and subdivision by-laws applicable on its territory by, respectively, a new zoning by-law and a new subdivision by-law applicable to the whole territory of the new town, provided that such a by-law comes into force within 4 years of the coming into force of this Order in Council.

Such a by-law must be approved, in accordance with the Act respecting elections and referendums in municipalities, by the qualified voters of the whole territory of the new town.

25. Any debt or gain that may result from legal proceedings for any act performed by a former town is charged or credited to all the taxable immovables in the sector made up of the territory of that former town.

26. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

SCHEDULE A

OFFICIAL DESCRIPTION OF THE BOUNDARIES OF THE TERRITORY OF THE VILLE DE CABANO-NOTRE-DAME-DU-LAC, IN MUNICIPALITÉ RÉGIONALE DE COMTÉ DE TÉMISCOUATA.

The current territory of the towns of Cabano and Notre-Dame-du-Lac, in Municipalité régionale de comté de Témiscouata, comprising in reference to a territory without a cadastral survey and to the cadastres of Paroisse de Notre-Dame-du-Lac-Témiscouata, Seigneurie de Madawaska and Québec all the lots or parts of lots, their present and future subdivisions, their successor lots, as well as the roads, highways, railway right-of-ways, islands, lakes, watercourses or parts thereof, within the perimeter that commences at the meeting point of the western line of rang de la Rivière Caldwell of Seigneurie de Madawaska (in reference to the original cadastre territory without a cadastral survey) with the southwestern side of the right-of-way of a public highway (route 293); thence, successively, the following lines and demarcations: southeasterly, the southwestern side of the right-of-way of the said highway, its extension across a public highway (route 232), then the northeastern limit of lot 46 of rang de la Rivière Caldwell of Seigneurie de Madawaska (in reference to the original survey of the proposed unofficial increase of Canton de Hocquart territory without a cadastral survey), the latter line extended to the centre line of lac Témiscouata; successively, southwesterly

and southeasterly, the said centre line of lac Témiscouata, to the northeastern extension of the dividing line between the cadastres of the parishes of Notre-Dame-du-Lac-Témiscouata and Sainte-Rose-du-Déglé; southwesterly, the said extension, then a broken line separating the cadastres of Paroisse de Notre-Dame-du-Lac-Témiscouata and the cadastre of Seigneurie de Madawaska on one side from the cadastre of Paroisse de Sainte-Rose-du-Déglé and the cadastre of Canton de Packington on the other side, to the dividing line between ranges 4 and 5 of the cadastre of Seigneurie de Madawaska; successively, northwesterly, a broken line limiting to the southwest rang 4 of the cadastre of the Seigneurie de Madawaska then rang 4 of the cadastre of Paroisse de Notre-Dame-du-Lac-Témiscouata, to the meeting point of the southwestern limit of lot 384-A of the cadastre of Paroisse de Notre-Dame-du-Lac-Témiscouata with the southern limit of lot 2 616 952 of the cadastre of Québec; westerly, the southern limit of lot 2 616 952 of the cadastre of Québec; successively, southeasterly the northeastern limit of lots 2 616 952, 2 616 953 then a part of the northeastern limit of lot 2 616 954 to its meeting point with the former rear line of the lands of the road to Mission de St-Eusèbe; southwesterly, the said rear line across a part of lot 2 616 954 and lots 2 616 956, 2 616 955, 2 616 947, 2 616 946 and 2 616 957 of the cadastre of Québec and a part of the territory without a cadastral survey of Seigneurie de Madawaska to the northeastern line of lot 52 of rang 11 of the cadastre of Canton de Cabano; northwesterly, a part of the northeastern limit of the said lot to the apex of the eastern angle of lot 2 617 456 of the cadastre of Québec; southwesterly, the southeastern limit of lots 2 617 456, 2 617 054, 2 617 052, again 2 617 054, 2 617 457 and its extension to the centre line of rivière Cabano; southwesterly, the centre line of the said river to the extension of the southwestern limit of lot 2 617 119; northwesterly the said extension and the southwestern limit of lots 2 617 119, 4 170 962, 4 170 961, 2 617 055, 2 617 112, 2 617 454, 2 616 975 and 2 619 060; northeasterly, the northwestern limit of lots 2 617 060, 2 617 059 and 2 617 061; successively, northeasterly, a straight line across lots 2 617 004, 2 617 005, 2 617 011, to the apex of the southern angle of lot 3 690 461, the northwestern limit of lot 3 690 460 extended into lot 2 617 014 to the apex of the southern angle of lot 2 617 019 then the northwestern limit of lot 2 617 018 extended into lots 2 617 021, 2 617 022, 2 617 023, 2 617 025, 2 617 027, 2 617 029, 2 617 030, 2 617 448, 2 616 985, 2 617 110, 3 184 428, 2 616 978 and 2 616 979 to the intersection with the northwestern limit of the latter lot; northeasterly, part of the northwestern limit of lots 2 616 979 and 2 617 101 to the western limit of lot 2 617 113; northerly, the western limit of lot 2 617 113; easterly, part of the northern limit of the latter lot to the northwestern limit of lot 2 963 519; northeasterly, the northwestern limit of

lots 2 963 519, 2 963 468, 2 616 417 (route 185 Trans-Canada Highway) and 2 963 454 to the south side of a road; in a general westerly direction, following the south side of the said road, part of the south line of lot 4 285 945 and the south line of lots 4 269 805, 4 285 786, 4 269 804, 4 269 803 and 4 285 785; northeasterly, the northwestern limit of lots 4 285 785, 4 435 885, 4 435 884 extended into Petite Rivière, then the northwestern limit of lot 2 616 405 to the apex of the eastern angle of lot 3 225 952; northwesterly, the southwestern limit of lot 2 616 403 and the broken line of lot 2 616 404; northerly, the west limit of lots 2 616 404 and 2 616 410; successively in general westerly and northwesterly directions, the northern and northeastern limits of lots 3 225 462, 3 225 925, 3 225 803, 3 225 804 and 4 396 631, then a part of the dividing line between the former northeastern limit of rang Nord-Est of the former Chemin Témiscouata of the cadastre of Paroisse de Saint-Louis-du-Ha! Ha! and the southwestern limit of lots 24 in declining order to 19 of rang 12 and lots 18 in declining order to 13 of rang 13 of Seigneurie de Madawaska (*in reference to the original survey of the proposed unofficial increase of canton de Demers territory without a cadastral survey*), until a straight line in Seigneurie de Madawaska, parallel to the rear line of rang de la Rivière Caldwell of Seigneurie de Madawaska (*in reference to the original survey territory without a cadastral survey*) whose departure point is located on the extension of the northern limit of lot 1 of the said range at a distance of 5,030 metres (250 chains) from the west shore of lac Témiscouata; northeasterly, the said parallel line to the said departure point; easterly, the said extension of the northern limit of lot 1 of rang de la Rivière Caldwell to the western limit of lot 31 of rang de la Rivière Caldwell of Seigneurie de Madawaska (*in reference to the original survey of the proposed unofficial increase of canton de Hocquart-territory without a cadastral survey*); lastly, northerly along the western limit of rang de la Rivière Caldwell of Seigneurie de Madawaska (*in reference to the original survey-territory without a cadastral survey*) to the starting point.

Ministère des Ressources naturelles et de la Faune
Office of the Surveyor-General of Québec
Service des levés officiels et des limites administratives

Québec, 21 January 2010

Prepared by: _____
GENEVÈVE TÉTREAUULT,
Land surveyor

C-306/1
Record: 512168

SCHEDULE B

District No. 1 (756 voters)

— Starting from a point located at the intersection of rue Caldwell and the bicycle path, the centre of rue Caldwell in a northwesterly direction to the line separating the properties bearing the civic numbers 17 and 19 Caldwell, that line in a northerly direction to the municipal boundary in the centre of lac Témiscouata, that municipal boundary in a northwesterly direction to the intersection of the boundary with rivière Cabano, that river to the intersection with route 185, route 185 in a northwesterly direction to the meeting point with ruisseau Bernard, ruisseau Bernard in a northerly direction to the bicycle path, the bicycle path to the starting point.

District No. 2 (833 voters)

— Starting from a point at the intersection of rue Commerciale with rivière Cabano, the centre of rue Commerciale to the intersection with rue Vieux-Chemin, the centre of rue Vieux-Chemin over all its length and its extension into the centre of rue Caldwell to the intersection with the dividing line between the properties of 17 and 19 Caldwell, thence that line in a northerly direction to the municipal boundary in the centre of lac Témiscouata, that municipal boundary to the meeting point with the extension of rivière Cabano into lac Témiscouata, and thence rivière Cabano to the starting point.

District No. 3 (740 voters)

— Starting from a point at the meeting of rivière Cabano and route 185, rivière Cabano in a northerly direction to the intersection with rue Commerciale, the centre of rue Commerciale to the intersection with rue Vieux-Chemin, the centre of rue Vieux-Chemin over all its length and its extension into the centre of rue Caldwell to the meeting point with the bicycle path, that bicycle path in a westerly direction to the meeting point with ruisseau Bernard, ruisseau Bernard to route 185, route 185 in a southerly direction to the starting point.

District No. 4 (610 voters)

— Starting from a point at the intersection of the municipal boundary with rue de l'Église, the centre of rue de l'Église in a northerly direction up to rue Bélanger, rue Bélanger in a westerly direction to the meeting point with rue Morin, the centre of rue Morin to rue Commerciale, the extension of rue Morin to ruisseau Pedneault and thence, ruisseau Pedneault to the municipal boundary in the centre of lac Témiscouata, the

municipal boundary in a westerly direction to the meeting point with the extension of rivière Cabano in the centre of lac Témiscouata, that extension and rivière Cabano in a southerly direction to the municipal boundary, that municipal boundary to the starting point.

District No. 5 (546 voters)

— Starting from a point at the intersection of rue de l'Aréna with rang du Vieux Chemin, the centre of rue de l'Aréna to the intersection of the lot line separating lots 70 and 78, that lot line to the front line of the subdivided lots to the south of rue Leclerc, that front line in an easterly direction to ruisseau Caron, that ruisseau Caron in a northerly direction to route 185, route 185 in a northwesterly direction to the extension line of rue Caron with route 185, that line and the centre of rue Caron in a northerly direction to rue Commerciale, the extension of rue Caron in a northerly direction to the municipal boundary in the centre of lac Témiscouata, that municipal boundary to the meeting point with the extension of ruisseau Pedneault in the centre of lac Témiscouata, that extension and ruisseau Pedneault in a southwesterly direction in a straight line to the intersection of Commerciale, Notre-Dame and Morin streets, the centre of rue Morin to rue Bélanger, rue Bélanger in an easterly direction to rue de l'Église, the centre of rue de l'Église in a southerly direction to the intersection of rang du Vieux Chemin, and thence a straight line between that point and the starting point.

District No. 6 (567 voters)

— Starting from a point at the intersection of rang du Vieux Chemin with rue de l'Église, the centre of rue de l'Église in a southerly direction to the municipal boundary, that municipal boundary in an easterly direction to the centre of lac Témiscouata, that municipal boundary in a northwesterly direction to the meeting point with the extension of rue Caron to the centre of lac Témiscouata, that extension and the centre of rue Caron to the extension of that street with route 185, route 185 in an easterly direction to ruisseau Caron, that ruisseau Caron in a southerly direction to the front line of the subdivided lots to the south of rue Leclerc, that front line to the dividing line between lots 70 and 78, that lot line in a southerly direction to the intersection of rue de l'Aréna, the centre of rue de l'Aréna to the intersection of rang du Vieux Chemin, and thence a straight line between that point and the starting point.

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

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