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Part

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Laws and Regulations

Volume 143

Summary

Table of Contents

Coming into force of Acts

Regulations and other Acts

Index

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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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Table of Contents

Page

Coming into force of Acts

1254-2011	Money-Services Businesses Act and to amend various legislative provisions, An Act to enact the... — Coming into force of certain sections of the Act	3653A
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Regulations and other Acts

1246-2011	Government and Public Employees Retirement Plan, An Act respecting the ... — Regulation (Amend)	3655A
1255-2011	Issue of broker's and agency licences (Amend.)	3656A
1256-2011	Brokerage requirements, professional conduct of brokers and advertising (Amend.)	3657A
1257-2011	Real Estate Indemnity Fund and determination of the professional liability insurance premium (Amend.)	3659A
1258-2011	Records, books and registers, trust accounting and inspection of brokers and agencies (Amend.)	3660A
1279-2011	Brokerage of bulk trucking services (Amend.)	3661A
1280-2011	Standardization of rules of adjustment of fees collected by the Commission des transports du Québec	3665A
1281-2011	Certain fees collected by the Commission des transports du Québec and authorizing the Commission to issue special or temporary permits	3667A
1282-2011	Rules of practices and rules for the internal management of the Commission des transports du Québec (Amend.)	3668A
1284-2011	Automotive services industry – Arthabaska, Granby, Sherbrooke and Thetford Mines	3670A

Coming into force of Acts

Gouvernement du Québec

O.C. 1254-2011, 7 December 2011

An Act to enact the Money-Services Businesses Act and to amend various legislative provisions (2010, c. 40)

— Coming into force of certain sections of the Act

COMING INTO FORCE of certain sections of the Act to enact the Money-Services Businesses Act and to amend various legislative provisions

WHEREAS the Act to enact the Money-Services Businesses Act and to amend various legislative provisions (2010, c. 40) was assented to on 10 December 2010;

WHEREAS paragraph 1 of section 93 of the Act provides that the Act comes into force on 10 December 2010, except sections 15 to 17 and 21 to 24, which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 1 January 2012 as the date of coming into force of sections 15, 16 to the extent that it enacts sections 22.1 to 22.6 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), sections 17 and 21 to 24 of the Act to enact the Money-Services Businesses Act and to amend various legislative provisions;

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

THAT 1 January 2012 be set as the date of coming into force of sections 15, 16 to the extent that it enacts sections 22.1 to 22.6 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), sections 17 and 21 to 24 of the Act to enact the Money-Services Businesses Act and to amend various legislative provisions (2010, c. 40).

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulations and other Acts

Gouvernement du Québec

O.C. 1246-2011, 7 December 2011

An Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10)

Regulation — Amendment

Regulation to amend the Regulation under the Act respecting the Government and Public Employees Retirement Plan

WHEREAS, under subparagraph 18 of the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., c. R-10) and section 177 of the Act, amended respectively by paragraph 2 of section 12 and section 14 of chapter 24 of the Statutes of 2011, the Government may establish, by regulation, for the purposes of section 177, the rate of contribution applicable each year to the plan, according to the rules, terms and conditions prescribed by the regulation and prescribe the factor used each year for the contribution formula;

WHEREAS the Minister received the report of the independent actuary on 8 November 2010;

WHEREAS, pursuant to the report, the rate of contribution should be increased;

WHEREAS, under the first paragraph of section 134 of the Act respecting the Government and Public Employees Retirement Plan, the Regulation is made by the Government after the Commission administrative des régimes de retraite et d'assurances has consulted the pension committee established under section 163 of the Act;

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;

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 under the Act respecting the Government and Public Employees Retirement Plan, attached hereto, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

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., subpar. 18 and s. 177; 2011, c. 24, s. 12, par. 2 and s. 14)

1. The Regulation under the Act respecting the Government and Public Employees Retirement Plan (R.R.Q., c. R-10, r. 2) is amended by replacing section 39 by the following:

“39. The rate of contribution of the plan applicable from 1 January following the receipt by the Minister of the report of the independent actuary accompanying the actuarial valuation provided for in the first paragraph of section 174 of the Act and those that apply respectively on 1 January of the 2 subsequent years are obtained by performing the following operations:

(1) calculating the difference between the rate of contribution resulting from the actuarial valuation, established with an exemption of 35% of the maximum pensionable earnings, and the last rate of contribution applicable under the plan, established with the exemption of 35%;

(2) increasing or decreasing, as the case may be, for the first year, the last rate of contribution, established with the exemption of 35%, by one-third of that difference and, for each of the 2 subsequent years, the rate of contribution of the previous year increased or decreased by one-third of that difference;

(3) determining, from the rates thus obtained pursuant to subparagraph 2, the rates of contribution applicable for each of the 3 years, taking into account the percentage of exemption applicable to the maximum pensionable earnings of the year concerned as provided for in Schedule II.1.1 to the Act.

Despite the first paragraph, the rates of contribution respectively applicable from 1 January 2012 and 2013 are obtained by performing the following operations:

(1) for 2012, increasing the rate of contribution applicable in 2011, established with an exemption of 35% of the maximum pensionable earnings, by 0.50% and, for 2013, the rate thus obtained by 0.50%;

(2) determining, from the rates obtained pursuant to subparagraph 1, the rates of contribution applicable for each of the 2 years, taking into account the percentage of exemption applicable to the maximum pensionable earnings of the year concerned as provided for in Schedule II.1.1 to the Act.

For the purposes of this section, where a rate of contribution is established with a percentage of exemption of the maximum pensionable earnings and a second rate of contribution is established with a different percentage of exemption, the last rate must generate an aggregate of the contributions calculated for the year concerned equivalent to the aggregate of the contributions calculated with the other rate.

The applicable rate of contribution and the factor used each year in the formula provided for in Schedule II.1.1 to the Act, used to determine the amount withheld annually by employers, are referred to in Schedule IV.4.”

2. The following is inserted after Schedule IV.3:

“SCHEDULE IV.4

(s. 39)

RATE OF CONTRIBUTION AND FACTOR

Year	Rate of contribution	Factor
2012	8.94%	0.0034
2013	9.18%	0.0071.”

3. This Regulation comes into force on 1 January 2012.

1790

Gouvernement du Québec

O.C. 1255-2011, 7 December 2011

Real Estate Brokerage Act
(R.S.Q., c. C-73.2)

**Issue of broker’s and agency licences
— Amendment**

Regulation to amend the Regulation respecting the issue of broker’s and agency licences

WHEREAS the first paragraph of section 22.1 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), made by section 16 of chapter 40 of the Statutes of 2010, provides that a broker acting on behalf of an agency may carry on brokerage activities, in accordance with the terms, conditions and rules set out in the regulations of the Organisme d’autoréglementation du courtage immobilier du Québec, within a business corporation which the broker controls;

WHEREAS the Organization made the Regulation to amend the Regulation respecting the issue of broker’s and agency licences on 21 July 2011;

WHEREAS section 130 of the Real Estate Brokerage Act provides that all regulations of the Organization, except internal by-laws, must be submitted to the Government for approval with or without amendments;

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 the issue of broker’s and agency licences was published in Part 2 of the *Gazette officielle du Québec* of 5 October 2011 with a notice that it could be submitted to the Government 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 Finance and the Minister for Finance:

THAT the Regulation to amend the Regulation respecting the issue of broker’s and agency licences, attached to this Order in Council, be approved without amendment.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the issue of broker's and agency licences

Real Estate Brokerage Act
(R.S.Q., c. C-73.2, s. 22.1, 1st par.; 2010, c. 40, s. 16)

1. The Regulation respecting the issue of broker's and agency licences (c. C-73.2, r. 3) is amended in section 5 by adding the following after paragraph 12:

“(13) if the broker intends to carry on activities within a business corporation, in accordance with Division IV of Chapter II of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) and Division VI.1 of Chapter I of the Regulation respecting brokerage requirements, professional conduct of brokers and advertising (c. C-73.2, r. 1);

(a) a statement of updated information on that corporation, published in the enterprise register and, if the corporation is constituted under a statute other than a statute of Québec, written confirmation from a competent authority attesting to the corporation's existence; or

(b) where the broker is not the sole shareholder, the names of all shareholders and, for each of them, the percentage of voting rights and the terms and conditions for participation in the dividends attached to the shares they hold.”.

2. Section 13 is amended by inserting “, at the request of the Organization,” in the second paragraph after “social life or”.

3. Section 18 is amended by replacing “suspension lifted if the person establishes that the cause giving rise to the suspension” by “suspension, restriction or condition imposed on the licence if the person establishes that the cause giving rise to the suspension, restriction or condition”.

4. This Regulation comes into force on 1 January 2012.

1792

Gouvernement du Québec

O.C. 1256-2011, 7 December 2011

Real Estate Brokerage Act
(R.S.Q., c. C-73.2)

Brokerage requirements, professional conduct of brokers and advertising — Amendment

Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising

WHEREAS the first paragraph of section 22.1 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), made by section 16 of chapter 40 of the Statutes of 2010, provides that a broker acting on behalf of an agency may carry on brokerage activities, in accordance with the terms, conditions and rules set out in the regulations of the Organisme d'autoréglementation du courtage immobilier du Québec, within a business corporation which the broker controls;

WHEREAS the Organization made the Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising on 21 July 2011;

WHEREAS section 130 of the Real Estate Brokerage Act provides that all regulations of the Organization, except internal by-laws, must be submitted to the Government for approval with or without amendments;

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 brokerage requirements, professional conduct of brokers and advertising was published in Part 2 of the *Gazette officielle du Québec* of 5 October 2011 with a notice that it could be submitted to the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising, attached to this Order in Council, be approved with amendments.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation respecting brokerage requirements, professional conduct of brokers and advertising

Real Estate Brokerage Act
(R.S.Q., c. C-73.2, s. 22.1, 1st par.; 2010, c. 40, s. 16)

1. The Regulation respecting brokerage requirements, professional conduct of brokers and advertising (c. C-73.2, r. 1) is amended in section 6 by inserting “, either his or her own or, if applicable, that of the business corporation within which the licence holder carries on activities in accordance with Division IV of Chapter II of the Real Estate Brokerage Act (R.S.Q., c. C-73.2)” after “professional civil liability”.

2. The following is inserted after Division VI of Chapter I:

“DIVISION VI.1 BROKERAGE ACTIVITIES WITHIN A BUSINESS CORPORATION

34.1. A broker acting on behalf of an agency is authorized to carry on activities within a business corporation, in accordance with Division IV of Chapter II of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), if the following requirements are met:

(1) the broker holds at least 90% of the voting rights attached to the corporation’s shares;

(2) the broker is the president of the corporation;

(3) the information in paragraphs 1 and 2 may be verified by examining the documents that may be required under paragraph 9;

(4) the broker has sent to the Organisme d’auto-réglementation du courtage immobilier du Québec the documents and information required in paragraph 13 of section 5 of the Regulation respecting the issue of broker’s and agency licences (c. C-73.2, r. 3);

(5) a contract has been entered into between the corporation, represented by the broker, and the agency for which the broker is acting;

(6) the broker is acting on behalf of the agency exclusively through the corporation;

(7) the name of the corporation includes the broker’s name as it appears on the licence; and

(8) the broker provides, at the request of the Organization, within the time limits and according to the terms and conditions set by the Organization, the following updated documents:

(a) the articles and by-laws of the corporation and the documents that must be attached under the Business Corporations Act (R.S.Q., c. S-31.1) or similar documents required under the constituting Act of the corporation;

(b) the securities register of the corporation;

(c) any shareholders’ agreement and voting agreement and amendments;

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

(e) the initial declaration or declaration of registration of the corporation and any updates filed under the Act respecting the legal publicity of enterprises (R.S.Q., c. P-44.1); and

(f) the names and home addresses of the corporation’s chief executive officers.

34.2. Where a broker carrying on activities within a business corporation becomes aware that one of the requirements prescribed in this Regulation or in Division IV of Chapter II of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) is no longer met, the broker must, within 15 days of becoming aware, take the necessary measures to rectify the situation; failing that, the broker ceases to be authorized to carry on activities within the business corporation.

Where the Organization becomes aware that the broker was authorized to carry on activities within a business corporation under false pretences, the broker immediately ceases to be authorized to carry on activities within that corporation.

34.3. Where a broker carries on activities within a business corporation, every contract or form evidencing such a contract relating to brokerage transactions referred to in section 1 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) must be signed by the corporation, represented by the broker, for and on behalf of the agency for which the broker is acting.”.

3. Section 37 is amended by striking out the third paragraph.

4. Section 55 is amended by replacing “57” by “58” in the first paragraph.

5. Section 105 is amended by adding the following paragraph:

“A broker carrying on activities within a business corporation must ensure the collaboration of the corporation, its executive officers and its employees, if applicable.”.

6. Section 107 is amended by replacing “104” wherever it appears by “105”.

7. The following is inserted after section 115:

“**115.1.** Where a broker carries on activities within a business corporation, representations and advertising must be made by the corporation and indicate, in addition to the indications provided for in section 114, the name of the corporation.

The broker does not have to indicate the designations provided for in subparagraphs 1 and 2 of the first paragraph of section 114 if the broker indicates, after the name of the corporation, as the case may be, “business corporation of a real estate broker” or “business corporation of a mortgage broker”.”.

8. This Regulation comes into force on 1 January 2012.

1793

Gouvernement du Québec

O.C. 1257-2011, 7 December 2011

Real Estate Brokerage Act
(R.S.Q., c. C-73.2)

Real Estate Indemnity Fund and determination of the professional liability insurance premium — Amendment

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

WHEREAS the first paragraph of section 22.1 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), made by section 16 of chapter 40 of the Statutes of 2010, provides that a broker acting on behalf of an agency may carry on brokerage activities, in accordance with the terms, conditions and rules set out in the regulations of the

Organisme d'autoréglementation du courtage immobilier du Québec, within a business corporation which the broker controls;

WHEREAS the Organization adopted the Regulation to amend the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium on 21 July 2011;

WHEREAS section 130 of the Real Estate Brokerage Act provides that all regulations of the Organization, except internal by-laws, must be submitted to the Government for approval with or without amendments;

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 the Real Estate Indemnity Fund and determination of the professional liability insurance premium was published in Part 2 of the *Gazette officielle du Québec* of 5 October 2011 with a notice that it could be submitted to the Government 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 Finance and the Minister for Finance:

THAT the Regulation to amend the Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium, attached to this Order in Council, be approved without amendment.

GILLES PAQUIN,
Clerk of the Conseil exécutif

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

Real Estate Brokerage Act
(R.S.Q., c. C-73.2, s. 22.1, 1st par.; 2010, c. 40, s. 16)

1. The Regulation respecting the Real Estate Indemnity Fund and determination of the professional liability insurance premium (c. C-73.2, r. 5) is amended in section 17 by inserting the following after subparagraph 5 of the first paragraph:

“(6) the fact that the licence holder carries on activities within a business corporation, in accordance with Division IV of Chapter II of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) and Division VI.1 of Chapter I of the Regulation respecting brokerage requirements, professional conduct of brokers and advertising (c. C-73.2, r. 1).”.

2. This Regulation comes into force on 1 January 2012.

1794

Gouvernement du Québec

O.C. 1258-2011, 7 December 2011

Real Estate Brokerage Act
(R.S.Q., c. C-73.2)

Records, books and registers, trust accounting and inspection of brokers and agencies — Amendment

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

WHEREAS the first paragraph of section 22.1 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), made by section 16 of chapter 40 of the Statutes of 2010, provides that a broker acting on behalf of an agency may carry on brokerage activities, in accordance with the terms, conditions and rules set out in the regulations of the Organisme d'autoréglementation du courtage immobilier du Québec, within a business corporation which the broker controls;

WHEREAS the Organization adopted the Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies on 21 July 2011;

WHEREAS section 130 of the Real Estate Brokerage Act provides that all regulations of the Organization, except internal by-laws, must be submitted to the Government for approval with or without amendments;

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 records, books and registers, trust accounting and inspection of brokers and agencies was published in Part 2 of the *Gazette officielle du Québec* of 5 October 2011 with a notice that it could be submitted to the Government 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 Finance and the Minister for Finance:

THAT the Regulation to amend the Regulation records, books and registers, trust accounting and inspection of brokers and agencies, attached to this Order in Council, be approved without amendment.

GILLES PAQUIN,
Clerk of the Conseil exécutif

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

Real Estate Brokerage Act
(R.S.Q., c. C-73.2, s. 22.1, 1st par.; 2010, c. 40, s. 16)

1. The Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies (c. C-73.2, r. 4) is amended in section 9 by adding “and must indicate whether the brokers carry on activities within a business corporation, in accordance with Division IV of Chapter II of the Act and Division VI.1 of Chapter I of the Regulation respecting brokerage requirements, professional conduct of brokers and advertising (c. C-73.2, r. 1)” at the end.

2. Section 10 is amended by adding the following after paragraph 4:

“(5) a record for all the business corporations within which the brokers acting for the agency carry on their activities, if applicable.”.

3. The following is inserted after section 14:

“**14.1.** The record for all business corporations contains

(1) a statement of updated information on each corporation within which brokers acting for the agency carry on activities, published in the enterprise register and, if the corporation is constituted under a statute other than a statute of Québec, written confirmation from a competent authority attesting to the corporation’s existence;

(2) where the broker is not the sole shareholder of the business corporation within which the broker carries on activities, the updated information relating to the names of all the shareholders of the corporation and, for each

of them, the percentage of voting rights and the terms and conditions for participation in the dividends attached to the shares they hold; and

(3) the contract between the corporation, represented by the broker, and the agency.”.

4. This Regulation comes into force on 1 January 2012.

1795

Gouvernement du Québec

O.C. 1279-2011, 7 December 2011

Transport Act
(R.S.Q., c. T-12)

Brokerage of bulk trucking services — Amendment

Regulation to amend the Regulation respecting brokerage of bulk trucking services

WHEREAS paragraphs *d, f, k, m, n, o, o.1* and *o.2* of section 5 of the Transport Act (R.S.Q., c. T-12) empower the Government to make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting brokerage of bulk trucking services was published in Part 2 of the *Gazette officielle du Québec* of 5 October 2011 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendment;

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

THAT the Regulation to amend the Regulation respecting brokerage of bulk trucking services, attached to this Order in Council, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting brokerage of bulk trucking services

Transport Act
(R.S.Q., c. T-12, s. 5, pars. *d, f, k, m, n, o, o.1, o.2* and *q*)

1. The Regulation respecting brokerage of bulk trucking services (R.R.Q., c. T-12, r. 4) is amended in section 4

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

“For the purposes of the first paragraph, where the application is for a brokerage permit in Region 10, operators that are registered in the bulk trucking register and that have signed, during the subscription period and pursuant to the second paragraph of section 16, a contract for brokerage services in that region, are added to the operators referred to in the first paragraph.”;

(2) by striking out “de la” in the fourth paragraph of the French text after “zone de courtage”;

(3) by replacing “second” in the fifth paragraph by “third”.

2. Section 5 is amended

(1) by striking out “, within 10 days of the expiry of the subscription period,” in the first paragraph;

(2) by replacing subparagraph 1 of the first paragraph by the following:

“(1) within 10 days of the expiry of the subscription period,

(a) file with the Commission

i. the application and the information that will establish its representativeness, using the appropriate forms;

ii. the originals of all brokerage contracts, upon request by the Commission;

iii. the contract for the hiring of the brokerage director;

(b) pay costs of \$304 to the Commission;”;

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

“(2) within 40 days of the expiry of the subscription period,

(a) file with the Commission its revenue and expenditure forecasts;

(b) submit to the Commission for approval the by-laws referred to in section 8 of the Transport Act, particularly those respecting disciplinary provisions, a description of the brokerage director's duties and brokerage fees;

(c) show the Commission that the requirements of section 47.13.1 of the Transport Act were complied with, in particular by filing

i. a copy of the notice of a special meeting accompanied by the by-laws that were submitted for approval at the meeting;

ii. a list of the subscribers to the brokerage services of that legal person on the date on which the special meeting is held;

iii. a list of the members present at the special meeting;

iv. the result of votes taken at that meeting.”;

(4) by striking out subparagraph 3 of the first paragraph;

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

“The by-laws referred to in subparagraph *b* of subparagraph 2 of the first paragraph may not provide mediation and arbitration procedures.”.

3. Section 6 is amended by replacing “paragraph 2” in paragraph 2 by “subparagraph *b* of subparagraph 2 of the first paragraph”.

4. Section 7 is amended by replacing “this Division” by “this Regulation”.

5. Section 9 is replaced by the following:

“9. Every brokerage permit issued or renewed as of 1 April 2012 expires on 31 March 2017.”.

6. Section 14 is amended

(1) by adding “, as the case may be,” in the part preceding subparagraph 1 of the first paragraph after “services”;

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

“(5) within 30 days of the transfer of the principal establishment of an operator in another zone of the same region;

(6) within 30 days of the cancellation of a brokerage contract made pursuant to the first paragraph of section 17.2.”.

7. Section 16 is amended

(1) by replacing “A natural person” in the second paragraph by “An operator”;

(2) by replacing “domicile” wherever it appears in the second paragraph by “principal establishment”;

(3) by replacing “08” in the second paragraph by “8”;

(4) by striking out “de la” in the second paragraph of the French text after “zone de courtage”;

(5) by adding the following at the end:

“Any operator may subscribe for brokerage services, for which the region recorded in the operator's registration in the bulk trucking register is Region 1,

(1) in the Îles-de-la-Madeleine zone if the operator or, in the case of a transfer, the transferor is or was subscribed in that zone;

(2) in a zone of Region 1, except in the Îles-de-la-Madeleine zone, if the operator or, in the case of a transfer, the transferor is not or was not subscribed in the Îles-de-la-Madeleine zone.”.

8. Section 17 is replaced by the following:

“17. For the purposes of this Regulation, where a brokerage contract was signed during

(1) the periods provided for in subparagraph 1, 2 or 3 of the first paragraph of section 14 of the year in which the broker applies to the Commission des transports du Québec for the issue or renewal of a brokerage permit, the operator remains subscribed to brokerage services of the brokerage permit holder from the date on which the last signature is affixed to the brokerage contract until the expiry date of the brokerage permit issued or renewed, as the case may be;

(2) any other period than those referred to in subparagraph 1 of the first paragraph, the operator remains subscribed to brokerage services of the brokerage permit holder from the date on which the last signature is affixed to the brokerage contract until the expiry date of the valid brokerage permit at the time of the signature.

17.1. Despite section 17, a brokerage contract ends if the operator

(1) is removed by the permit holder as a disciplinary measure;

(2) is removed from the bulk trucking register;

(3) transferred the operator's registration;

(4) subscribed to a brokerage service in another zone of the same region following the transfer of the operator's principal establishment;

(5) subscribed to a brokerage service during the subscription period referred to in section 4 of the year in which a brokerage permit holder to which the operator is already subscribed may apply to the Commission for the renewal of the permit;

(6) that is registered with the brokerage permit holder whose issued or renewed permit has been valid for 3 years or more, subscribed to another brokerage service between 1 January and 10 February of the year during which the legal person to which the operator is newly subscribed applies to the Commission for the issue of a brokerage permit.

The signing of the brokerage contract referred to in subparagraphs 5 and 6 of the first paragraph with a legal person that is not a brokerage permit holder at the time of the subscription ends the subscription referred to in the first paragraph only on the date of issue of the brokerage permit to the legal person.

Despite paragraph 1 of section 17 and subparagraph 5 of the first paragraph, where an operator signs 2 brokerage contracts during the subscription period provided for in section 4, only the contract of adhesion for brokerage services to which the operator subscribes, following the request by the Commission referred to in the third paragraph of section 4, is valid.

17.2. Despite section 17, the operator may cancel the brokerage contract

(1) within 120 days following the coming into force of a by-law for which the brokerage permit holder obtained the approval provided for in section 8 of the Transport Act and that provides that all the permit holder's by-laws in force concerning transport brokerage services under government contracts, and only those by-laws, also apply to contracts other than government contracts to which the permit holder is a party;

(2) for any other reason, where the brokerage permit issued or renewed has been valid for 3 years or more.

The cancellation referred to in subparagraph 2 of the first paragraph may take effect only if prior notice of at least 30 days was sent to the brokerage permit holder by registered mail.”.

9. Section 21 is amended

(1) by replacing “circumstances” in the part preceding paragraph 1 by “cases” and by replacing “suivantes” in the French text of the Regulation by “suivants”;

(2) by striking out “qui” in the French text wherever it appears in paragraphs 1 to 4.

10. Section 24 is amended by replacing the second paragraph by the following:

“Where the budget involves a change in the permit holder's brokerage fee, the budget may not be applied unless the new fee has been approved by the Commission.”.

11. Section 26 is amended by adding the following at the end:

“The brokerage permit holder must, within 30 days of the brokerage director's taking office or within 30 days of the change to the contract for the hiring of the brokerage director, as the case may be, file with the Commission a copy of that contract.”.

12. Section 29 is amended by adding the following at the end:

“(4) part of a sum received under section 42.1 of the Transport Act that corresponds to brokerage fees.”.

13. Section 30 is amended by adding “or other orders of payment” at the end.

14. The following is inserted before section 34 in Division V:

“**33.1.** The fees provided for in this Regulation are adjusted by operation of law on 1 April of each year by the rate provided for in section 83.3 of the Financial Administration Act (R.S.Q., c. A-6.001). The rate may not be lower than zero.

The Regulation respecting the rounding off of adjusted fees (R.R.Q., c. A-6.001, r. 0.1) applies to the adjustment, adapted as required.

The Commission publishes the result of the adjustment of the fees in the *Gazette officielle du Québec*.”.

15. The following is inserted after section 37.1:

“**37.2.** At the time of renewal of a brokerage permit in 2012, the legal person must again submit to the Commission for approval the by-laws referred to in subparagraph *b* of subparagraph 2 of the first paragraph of section 5. In accordance with section 47.13.1 of the Transport Act (R.S.Q., c. T-12), the by-laws must have been previously approved by the subscribers.”.

16. Schedule 1 is amended

(1) by replacing “is related within the meaning of the Taxation Act (R.S.Q., c. I-3) to the following corporations that operate a bulk trucking enterprise or a contractor’s licence issued by the Régie du bâtiment;” in subparagraph *d* of Part 1 by “, if the Operator is a legal person, declares being related within the meaning of the Taxation Act (R.S.Q., c. I-3) to the following legal persons that are subscribed with the broker and that operate a bulk trucking enterprise or a contractor’s licence issued by the Régie du bâtiment;”;

(2) by inserting “, including, where applicable, those offered with the authorization of the Commission des transports du Québec in contracts other than government contracts,” after “by the broker” in subparagraph *f* of Part 1;

(3) by striking out “, approved by the Commission des transports du Québec” in subparagraph *g* of Part 1;

(4) by replacing the second sentence in subparagraph *j* of Part 1 by the following: “Where the Operator is a legal person, that obligation also applies to the legal persons that are related to the Operator within the meaning of the Taxation Act and that are subscribed with the broker”;

(5) by replacing the second sentence in subparagraph *l* of Part 1 by the following: “Where the Operator is a legal person, the Operator must also abide by this undertaking with respect to its related legal persons within the meaning of the Taxation Act and that are subscribed with the broker, specifically those referred to in subparagraph *d*.”;

(6) by inserting the following after Part 1:

“1.1. TERM OF THE BROKERAGE CONTRACT

This contract comes into force on the date on which the last signature is affixed.

This contract ends on the expiry date of the brokerage permit currently in force or for which an application for the issue or renewal is or will be made to the Commission des transports du Québec in February or March of the year in which the contract is signed.

The Operator remains subscribed to brokerage services throughout the term of the brokerage permit unless

(a) the Operator is removed by the permit holder as a disciplinary measure;

(b) the Operator is removed from the bulk trucking register;

(c) the Operator transfers the Operator’s registration;

(d) the Operator subscribes to another brokerage service in the same region following the transfer of the Operator’s principal establishment;

(e) the Operator subscribes to a brokerage service during the subscription period of the year in which the broker applies to the Commission des transports du Québec for the renewal of a brokerage permit or during the time where the application is heard;

(f) the broker’s permit has been valid for 3 years or more and the Operator has subscribed to another brokerage service between 1 January and 10 February of the year in which the legal person to which the Operator is newly subscribed applies to the Commission des transports du Québec for the issue of a brokerage permit.

The signing of the brokerage contract referred to in subparagraphs *e* and *f* of the third paragraph with a legal person that is not a brokerage permit holder at the time of the subscription terminates this brokerage contract only on the date of issue of a brokerage permit to that legal person.

Despite the foregoing, the Operator may cancel the brokerage contract

(1) within 120 days following the coming into force of a by-law for which the brokerage permit holder obtained the approval provided for in section 8 of the Transport Act and that provides that all the permit holder’s by-laws in force concerning transport brokerage services under government contracts, and only those by-laws, also apply to contracts other than government contracts to which the permit holder is a party;

(2) for any other reason, where the brokerage permit issued or renewed has been valid for 3 years or more.

The cancellation referred to in subparagraph 2 of the fifth paragraph may take effect only if prior notice of at least 30 days was sent to the broker by registered mail.

Broker	Operator
_____	_____
Signed at _____	Signed at _____
Date: _____	Date: _____”.

(7) by adding the following at the end of the first paragraph of Part 2:

“Despite the foregoing, where the region provided for in the transferor’s registration is Region 1, the transferee must, where the transferee undertakes to become a subscriber to a brokerage agency in a zone of that region, do so

(a) in the Îles-de-la-Madeleine zone if the transferor is subscribed in that zone;

(b) in a zone of Region 1, except in the Îles-de-la-Madeleine zone, if the transferor is not subscribed in the Îles-de-la-Madeleine zone.”.

17. For the purposes of section 83.4 of the Financial Administration Act, on 1 January 2012, the fees provided for in the Regulation respecting the brokerage of bulk trucking services are presumed to have been set on 29 December 2011.

18. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 5 of section 2 and section 5 which come into force on 1 April 2012.

Despite the foregoing, until 1 April 2012, subparagraph *b* of paragraph 2 of section 5 of the Regulation respecting the brokerage of bulk trucking services, made by paragraph 3 of section 2, must be read as follows:

“(b) submit to the Commission for approval the by-laws referred to in section 8 of the Transport Act, particularly those respecting disciplinary provisions, a description of the brokerage director’s duties, arbitration procedures and brokerage fees;”.

1796

Gouvernement du Québec

O.C. 1280-2011, 7 December 2011

Railway Act
(R.S.Q., c. C-14.1)

An Act respecting owners, operators and drivers of heavy vehicles
(R.S.Q., c. P-30.3)

An Act respecting transportation services by taxi
(R.S.Q., c. S-6.01)

Transport Act
(R.S.Q., c. T-12)

Standardization of rules of adjustment of fees collected by the Commission des transports du Québec

Regulation respecting the standardization of rules of adjustment of fees collected by the Commission des transports du Québec

WHEREAS, under paragraph 5 of section 38 of the Railway Act (R.S.Q., c. C-14.1), the Government may, by regulation, prescribe the amount of the fees payable for the certificate of competence, and for mediation under section 18 of the Act;

WHEREAS, under the first paragraph of section 6, subparagraph 2 of the first paragraph of section 7 and the first paragraph of section 16 of the Act respecting owners, operators and drivers of heavy vehicles (R.S.Q., c. P-30.3), the Government may, by regulation, set the fees payable to register as owners or operators, to register or renew a registration as a taxi transportation service intermediary and to put a heavy vehicle into operation or operate a heavy vehicle on a road open to public vehicular traffic;

WHEREAS, under subparagraphs 2, 6 and 8 of the first paragraph of section 88 and the third paragraph of section 89 of the Act respecting transportation services by taxi (R.S.Q., c. S-6.01), the Government may make regulations fixing the annual duties payable to obtain, maintain or renew a taxi owner’s permit, a taxi driver’s permit or a taxi transportation service intermediary’s permit, and reduce the duties where a municipal or supramunicipal authority exercises the power referred to in subparagraph 1 of the second paragraph of section 89 of that Act, fixing the duties payable for the acquisition of an interest, referred to in section 21 of that Act, or the transfer of a taxi owner’s permit, and determining the conditions the holder of a taxi owner’s permit must comply with when offering or providing specialized transportation services;

WHEREAS, under paragraph *k* of section 5 of the Transport Act (R.S.Q., c. T-12), the Government may, by regulation, prescribe annual dues or other duties payable to the Commission des transports du Québec;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the standardization of rules of adjustment of fees collected by the Commission des transports du Québec was published in Part 2 of the *Gazette officielle du Québec* of 28 September 2011 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment:

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

THAT the Regulation respecting the standardization of rules of adjustment of fees collected by the Commission des transports du Québec, attached to this Order in Council, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation respecting the standardization of rules of adjustment of fees collected by the Commission des transports du Québec

Railway Act
(R.S.Q., c. C-14.1, s. 38, par. 5)

An Act respecting owners, operators and drivers of heavy vehicles
(R.S.Q., c. P-30.3, s. 6, 1st par., s. 7, 1st par., subpar. 2, and s. 16, 1st par.)

An Act respecting transportation services by taxi
(R.S.Q., c. S-6.01, s. 88, 1st par., subpars. 2, 6 and 8, and s. 89, 3rd par.)

Transport Act
(R.S.Q., c. T-12, s. 5, par. *k*)

REGULATION RESPECTING RAIL TRANSPORTATION

1. The Regulation respecting rail transportation (R.R.Q., c. C-14.1, r. 1) is amended by inserting the following after section 11:

“**11.1.** The fees provided for in this Regulation are adjusted by operation of law on 1 April of each year by the rate provided for in section 83.3 of the Financial Administration Act (R.S.Q., c. A-6.001). The rate may not be lower than zero.

The Regulation respecting the rounding off of adjusted fees (R.R.Q., c. A-6.001, r. 0.1) applies to the adjustment, adapted as required.

The Commission publishes the result of the adjustment of the fees in the *Gazette officielle du Québec*.”.

REGULATION RESPECTING THE ACT RESPECTING OWNERS, OPERATORS AND DRIVERS OF HEAVY VEHICLES

2. The Regulation respecting the Act respecting owners, operators and drivers of heavy vehicles (R.R.Q., c. P-30.3, r. 1) is amended by replacing section 4 by the following:

“**4.** The fees provided for in this Regulation are adjusted by operation of law on 1 April of each year by the rate provided for in section 83.3 of the Financial Administration Act (R.S.Q., c. A-6.001). The rate may not be lower than zero.

The Regulation respecting the rounding off of adjusted fees (R.R.Q., c. A-6.001, r. 0.1) applies to the adjustment, adapted as required.

The Commission publishes the result of the adjustment of the fees in the *Gazette officielle du Québec*.”.

TAXI TRANSPORTATION REGULATION

3. The Taxi Transportation Regulation (R.R.Q., c. S-6.01, r. 3) is amended by inserting the following before section 76 in Division XII:

“**75.1.** The fees referred to in the second paragraph are adjusted by operation of law on 1 April of each year by the rate provided for in section 83.3 of the Financial Administration Act (R.S.Q., c. A-6.001). The rate may not be lower than zero.

The fees are those set

(1) in subparagraph 8 of the first paragraph of section 1;

(2) in the second paragraph of section 1;

(3) in subparagraph 5 of the first paragraph of section 1.1;

- (4) in the second paragraph of section 1.1;
- (5) in paragraph 8 of section 7;
- (6) in subparagraph 3 of the first paragraph of section 9;
- (7) in the first and second paragraphs of section 13;
- (8) in paragraph 5 of section 18;
- (9) in section 19;
- (10) in paragraph 8 of section 20;
- (11) in paragraph 8 of section 21.

The Regulation respecting the rounding off of adjusted fees (R.R.Q., c. A-6.001, r. 0.1) applies to the adjustment, adapted as required.

The Commission publishes the result of the adjustment of the fees in the *Gazette officielle du Québec*.

REGULATION RESPECTING THE TRANSPORT OF PASSENGERS BY WATER

4. The Regulation respecting the transport of passengers by water (R.R.Q., c. T-12, r. 21.01) is amended by inserting the following after section 12:

“**12.1.** The additional fee provided for in the second paragraph of section 6 is adjusted by operation of law on 1 April of each year by the rate provided for in section 83.3 of the Financial Administration Act (R.S.Q., c. A-6.001). The rate may not be lower than zero.

The Regulation respecting the rounding off of adjusted fees (R.R.Q., c. A-6.001, r. 0.1) applies to the adjustment, adapted as required.

The Commission publishes the result of the adjustment of the additional fee in the *Gazette officielle du Québec*.

TRANSITIONAL AND FINAL

5. For the purposes of section 83.4 of the Financial Administration Act, on 1 January 2012, the fees provided for in the Regulation respecting rail transportation, the fees referred to in the second paragraph of section 75.1 of the Taxi Transportation Regulation and the additional fee provided for in the second paragraph of section 6 of the Regulation respecting the transport of passengers by water are presumed to have been set on 29 December 2011.

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

1799

Gouvernement du Québec

O.C. 1281-2011, 7 December 2011

Transport Act
(R.S.Q., c. T-12)

Certain fees collected by the Commission des transports du Québec and authorizing the Commission to issue special or temporary permits

Regulation respecting certain fees collected by the Commission des transports du Québec and authorizing the Commission to issue special or temporary permits

WHEREAS, under paragraphs *d* and *k* of section 5 and section 38 of the Transport Act (R.S.Q., c. T-12), the Government may, by regulation, prescribe annual dues or other duties payable to the Commission des transports du Québec and authorize the Commission to issue, in such cases and on such conditions as it may determine, special permits for a period of less than one year and temporary permits for a maximum period of 45 days;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting certain fees collected by the Commission des transports du Québec and authorizing the Commission to issue special or temporary permits was published in Part 2 of the *Gazette officielle du Québec* of 28 September 2011 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation respecting certain fees collected by the Commission des transports du Québec and authorizing the Commission to issue special or temporary permits, attached to this Order in Council, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation respecting certain fees collected by the Commission des transports du Québec and authorizing the Commission to issue special or temporary permits

Transport Act
(R.S.Q., c. T-12, s. 5, pars. *d* and *k*, and s. 38)

DIVISION I FEES

1. Within the scope of its functions, the Commission des transports du Québec collects the following fees:

(1) for any application respecting the obtaining or renewal of a permit for the transport of passengers by water: \$253;

(2) for any application respecting authorization for a taxi business to specialize in limousine and “de grand luxe” limousine services: \$398;

(3) for any other application introducing a matter: \$92;

(4) for any opposition or intervention: \$92;

(5) for any interlocutory or ancillary application: \$47;

(6) for each filing of rates and tariffs: \$92.

2. The fees provided for in this Regulation are adjusted by operation of law on 1 April of each year by the rate provided for in section 83.3 of the Financial Administration Act (R.S.Q., c. A-6.001). The rate may not be lower than zero.

The Regulation respecting the rounding off of adjusted fees (R.R.Q., c. A-6.001, r. 0.1) applies to the adjustment, adapted as required.

The Commission publishes the result of the adjustment of the fees in the *Gazette officielle du Québec*.

DIVISION II SPECIAL OR TEMPORARY PERMITS

3. Where circumstances are appropriate, the Commission may issue a special permit or a temporary permit.

A special permit is issued in an emergency where no permit holder is able to ensure the services especially required.

A temporary permit is issued to respond to an exceptional and unforeseeable case of emergency.

REGULATION AUTHORIZING THE COMMISSION DES TRANSPORTS DU QUÉBEC TO ISSUE TEMPORARY TRUCKING PERMITS

4. The Regulation authorizing the Commission des transports du Québec to issue temporary trucking permits (R.R.Q., c. T-12, r. 1) is revoked.

RULES OF PRACTICE AND RULES FOR THE INTERNAL MANAGEMENT OF THE COMMISSION DES TRANSPORTS DU QUÉBEC

5. Sections 22, 35 and 120 and Schedule 1 to the Rules of practice and rules for the internal management of the Commission des transports du Québec (R.R.Q., c. T-12, r. 12) are revoked.

FINAL

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

1798

Gouvernement du Québec

O.C. 1282-2011, 7 December 2011

Transport Act
(R.S.Q., c. T-12)

Rules of practice and rules for the internal management of the Commission des transports du Québec — Amendment

Regulation replacing certain provisions in the Rules of practice and rules for the internal management of the Commission des transports du Québec

WHEREAS, under the first and second paragraphs of section 46 of the Transport Act (R.S.Q., c. T-12), the Commission des transports du Québec may, by regulation, fix tariffs in respect of services for the transport of persons and transport brokerage services referred to in the first paragraph of section 2 of the Act, including inter-zone brokerage services, and may also fix a tariff in respect of one or more specific carriers, at the request of those carriers;

WHEREAS, under the third paragraph of section 46 of the Transport Act, the Government may limit the powers of the Commission to fix tariffs and may, with regard to a given service, determine that the tariffs are to be fixed by the carriers concerned and filed with the Commission according to the procedure applicable to the filing of a tariff and the conditions subject to which the tariff comes into force determined by government 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 replacing certain provisions in the Rules of practice and rules for the internal management of the Commission des transports du Québec was published in Part 2 of the *Gazette officielle du Québec* of 28 September 2011 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation replacing certain provisions in the Rules of practice and rules for the internal management of the Commission des transports du Québec, attached to this Order in Council, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation replacing certain provisions in the Rules of practice and rules for the internal management of the Commission des transports du Québec

Transport Act
(R.S.Q., c. T-12, s. 46, 3rd par.)

RULES OF PRACTICE AND RULES FOR THE INTERNAL MANAGEMENT OF THE COMMISSION DES TRANSPORTS DU QUÉBEC

1. The Rules of practice and rules for the internal management of the Commission des transports du Québec (R.R.Q., c. T-12, r. 12) are revoked.

REGULATION RESPECTING TARIFFS, RATES AND COSTS

2. The Regulation respecting tariffs, rates and costs (R.R.Q., c. T-12, r. 14) is amended by replacing section 4 by the following:

“**4.** Rates and tariffs for the following services are governed by the filing procedure provided for in this Division:

(1) leasing; and

(2) the services provided under the Bus Transport Regulation.

4.1. A permit holder files rates and tariffs for the services the permit holder is authorized to provide.

A permit holder filing rates and tariffs must indicate in writing to the Commission whether existing rates and tariffs are being amended or replaced and quote the text of any provision amended.

4.2. Rates and tariffs are filed by any means of transmission that enables to prove the date on which the Commission received them.

4.3. A filing of rates and tariffs may be refused by the Commission; if so, the filing introduces a suit and the Commission decides if standard procedure or the procedure for special permits is to be followed according to the urgency of the situation.

4.4. Except where they are refused by the Commission under section 4.3, the rates and tariffs filed come into force on the fifteenth day after the date on which they are filed or on any later date specified by the carrier or its agent. In respect of the transport of persons, the Commission may, in a case of urgency, shorten the regulatory 15-day period.”

FINAL

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

1797

Gouvernement du Québec

O.C. 1284-2011, 7 December 2011

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

Automotive services industry – Arthabaska, Granby, Sherbrooke and Thetford Mines — Amendment

Decree to amend the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions

WHEREAS, under section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government made the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions (c. D-2, r. 6);

WHEREAS, under section 6.1 of the Act, the contracting parties designated in the Decree have applied to the Minister of Labour for amendments to be made to the Decree;

WHEREAS sections 2 and 6.1 of the Act authorize the Government to amend a collective agreement decree;

WHEREAS, under section 7 of the Act, notwithstanding section 17 of the Regulations Act (R.S.Q., c. R-18.1), a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft amending decree was published in Part 2 of the *Gazette officielle du Québec* of 18 May 2011 and, on the same date, in a French language newspaper and in an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments have been received with respect to the draft Decree;

WHEREAS it is expedient to make the draft Decree without amendment;

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

THAT the Decree to amend the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions, attached hereto, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions

An Act respecting collective agreement decrees
(R.S.Q., c. D-2, ss. 2 and 6.1)

1. The Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions (c. D-2, r. 6) is amended by inserting the following after section 3.02:

“**3.02.1.** An employee may refuse to work

(1) more than 4 hours after regular daily working hours or more than 14 working hours per 24-hour period, whichever period is the shortest;

(2) more than 12 working hours per 24-hour period if the employee’s daily working hours are flexible or non-consecutive; or

(3) more than 50 working hours per week.”.

2. Section 6.02 is replaced by the following:

“**6.02.** To be entitled to a statutory general holiday provided for in section 6.01, an employee must not have been absent from work without the employer’s authorization or without valid cause on the first working day of the employee’s work schedule preceding or following the holiday.”.

3. Section 7.11 is amended by inserting “or paternity” in the first paragraph after “maternity”.

4. The following section is added after section 7.12:

“**7.13.** No employer may reduce the annual leave of an employee or change the way the indemnity pertaining to it is computed, in comparison with what is granted to other employees performing the same tasks in the same establishment, for the sole reason that the employee usually works less hours each week.”.

5. The following sections are added after section 8.05:

“8.06. An employee may be absent from work, without pay, for 10 days per year to fulfil obligations relating to the custody, health or education of the employee’s child or the child of the employee’s spouse, or because of the state of health of the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents.

The leave may be divided into days. A day may also be divided if the employer consents thereto.

The employee must advise the employer of his or her absence as soon as possible and take the reasonable steps within his or her power to limit the leave and its duration.

8.07. In accordance with the provisions of the Act respecting labour standards (R.S.Q., c. N-1.1), an employee may be absent from work

(1) if the employee must stay with the employee’s child, spouse, the child of the employee’s spouse, the employee’s father, mother, the spouse of the employee’s father or mother, the employee’s brother, sister or one of the employee’s grandparents because of a serious illness or a serious accident;

(2) if the employee’s minor child has a serious and potentially mortal illness;

(3) if the employee must stay with the employee’s minor child who suffered serious bodily injury during or as a direct result of a criminal offence that renders the child unable to carry on regular activities;

(4) if the employee’s minor child has disappeared;

(5) if the employee’s spouse or child commits suicide; or

(6) if the death of the employee’s spouse or child occurs during or as a direct result of a criminal offence.

8.08. In accordance with the provisions of the Act respecting labour standards, a pregnant employee is entitled to a maternity leave, an employee is entitled to a paternity leave and the father and the mother of a newborn child, and a person who adopts a child, are entitled to parental leave.

An employee may also be absent from work without pay for a medical examination related to her pregnancy or for an examination related to her pregnancy carried out by a midwife.”

6. Section 9.01 is replaced by the following:

“9.01. The minimum hourly wage rates are as follows:

Trades	As of 14 December 2011	As of 1 January 2012	As of 1 January 2013	As of 1 January 2014
1. Apprentice:				
1st year	\$11.14	\$11.47	\$11.81	\$12.11
2nd year	\$12.14	\$12.50	\$12.88	\$13.21
3rd year	\$13.11	\$13.50	\$13.91	\$14.26
4th year	\$13.77	\$14.18	\$14.61	\$14.98
2. Journeyman:				
A	\$20.12	\$20.72	\$21.35	\$21.89
B	\$17.37	\$17.89	\$18.43	\$18.89
C	\$15.73	\$16.20	\$16.69	\$17.11
3. Parts Clerk:				
1st year	\$10.73	\$11.05	\$11.38	\$11.67
2nd year	\$11.41	\$11.75	\$12.10	\$12.41
3rd year	\$12.17	\$12.54	\$12.91	\$13.24
4th year	\$12.84	\$13.23	\$13.62	\$13.96
A	\$14.80	\$15.24	\$15.70	\$16.10
B	\$14.35	\$14.78	\$15.22	\$15.60
C	\$13.55	\$13.96	\$14.38	\$14.74

Trades	As of 14 December 2011	As of 1 January 2012	As of 1 January 2013	As of 1 January 2014
4. Messenger:	\$10.07	\$10.37	\$10.68	\$10.95
5. Dismantler:				
1st grade	\$10.55	\$10.87	\$11.19	\$11.47
2nd grade	\$11.23	\$11.57	\$11.91	\$12.21
3rd grade	\$11.90	\$12.26	\$12.62	\$12.94
6. Washer:	\$10.15	\$10.45	\$10.76	\$11.03
7. Semiskilled Worker:				
1st grade	\$10.55	\$10.87	\$11.19	\$11.47
2nd grade	\$11.23	\$11.57	\$11.91	\$12.21
3rd grade	\$11.90	\$12.26	\$12.62	\$12.94
4th grade	\$12.99	\$13.38	\$13.78	\$14.13
8. Vendor of tires and wheels:				
1st grade	\$10.73	\$11.05	\$11.38	\$11.67
2nd grade	\$11.41	\$11.75	\$12.10	\$12.41
3rd grade	\$12.17	\$12.54	\$12.91	\$13.24
4th grade	\$12.84	\$13.23	\$13.62	\$13.96
5th grade	\$13.55	\$13.96	\$14.38	\$14.74
6th grade	\$14.35	\$14.78	\$15.22	\$15.60
7th grade	\$14.80	\$15.24	\$15.70	\$16.10
9. Pump Attendant:	\$9.75	\$10.04	\$10.34	\$10.60
10. Serviceman:				
1st grade	\$10.55	\$10.87	\$11.20	\$11.48
2nd grade	\$11.23	\$11.57	\$11.92	\$12.22
3rd grade	\$11.90	\$12.26	\$12.63	\$12.95
4th grade	\$12.59	\$12.97	\$13.36	\$13.70
5th grade	\$13.61	\$14.02	\$14.44	\$14.81
6th grade	\$14.76	\$15.20	\$15.66	\$16.06
11. Suspension Specialist:				
1st grade	\$11.14	\$11.47	\$11.82	\$12.12
2nd grade	\$12.14	\$12.50	\$12.88	\$13.21
3rd grade	\$13.11	\$13.50	\$13.91	\$14.26
4th grade	\$13.77	\$14.18	\$14.61	\$14.98
5th grade	\$14.46	\$14.89	\$15.34	\$15.73
6th grade	\$15.33	\$15.79	\$16.26	\$16.67
7th grade	\$16.32	\$16.81	\$17.31	\$17.75
12. Parts Assembler:				
1st grade	\$10.55	\$10.87	\$11.19	\$11.47
2nd grade	\$11.23	\$11.57	\$11.91	\$12.21
3rd grade	\$11.90	\$12.26	\$12.62	\$12.94
4th grade	\$12.59	\$12.97	\$13.36	\$13.70
5th grade	\$13.61	\$14.02	\$14.44	\$14.81
6th grade	\$14.76	\$15.20	\$15.66	\$16.06
7th grade	\$16.32	\$16.81	\$17.31	\$17.75

9.01.1. The minimum wage provided for in the Regulation respecting labour standards (c. N-1.1, r. 3), increased by \$0.25, applies as soon as it exceeds one of the minimum hourly wage rates provided for in section 9.01.

9.01.2. No employer may remunerate an employee at a lower rate of wage than that granted to other employees performing the same tasks in the same establishment for the sole reason that the employee usually works less hours each week.”.

7. Section 9.11 is revoked.

8. Section 12.01 is amended by striking out “brakes specialist,” after “as”.

9. Section 12.02 is replaced by the following:

“**12.02.** As of 14 December 2011, the parity committee ceases to issue cards as a brakes, chassis or differential specialist. For the holders of cards issued before that date, the advancement in step is maintained and the minimum hourly wage rate is that provided for a suspension specialist.”.

10. Section 14.01 is amended

(1) by replacing “12 September 2010” by “1 January 2015”;

(2) by replacing “2001” by “2014”.

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

Index

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

	Page	Comments
Automotive services industry – Arthabaska, Granby, Sherbrooke and Thetford Mines (An Act respecting collective decrees, R.S.Q., c. D-2)	3670A	M
Brokerage of bulk trucking services (Transport Act, R.S.Q., c. T-12)	3661A	M
Brokerage requirements, professional conduct of brokers and advertising (Real Estate Brokerage Act, R.S.Q., c. C-73.2)	3657A	M
Certain fees collected by the Commission des transports du Québec and authorizing the Commission to issue special or temporary permit (Transport Act, R.S.Q., c. T-12)	3667A	N
Collective agreement decrees, An Act respecting... — Automotive services industry – Arthabaska, Granby, Sherbrooke and Thetford Mines (R.S.Q., c. D-2)	3670A	M
Government and Public Employees Retirement Plan, An Act respecting the ... — Regulation (R.S.Q., c. R-10)	3655A	M
Issue of broker’s and agency licences (Real Estate Brokerage Act, R.S.Q., c. C-73.2)	3656A	M
Money-Services Businesses Act and to amend various legislative provisions, An Act to enact the... — Coming into force of certain sections of the Act (2010, c. 40)	3653A	
Owners, operators and drivers of heavy vehicles, An Act respecting... — Standardization of rules of adjustment of fees collected by the Commission des transports du Québec (R.S.Q., c. P-30.3)	3665A	N
Railway Act — Standardization of rules of adjustment of fees collected by the Commission des transports du Québec (R.S.Q., c. C-14.1)	3665A	N
Real Estate Brokerage Act — Brokerage requirements, professional conduct of brokers and advertising (R.S.Q., c. C-73.2)	3657A	M
Real Estate Brokerage Act — Issue of broker’s and agency licences (R.S.Q., c. C-73.2)	3656A	M
Real Estate Brokerage Act — Real Estate Indemnity Fund and determination of the professional liability insurance premium (R.S.Q., c. C-73.2)	3659A	M
Real Estate Brokerage Act — Records, books and registers, trust accounting and inspection of brokers and agencies (R.S.Q., c. C-73.2)	3660A	M
Real Estate Indemnity Fund and determination of the professional liability insurance premium (Real Estate Brokerage Act, R.S.Q., c. C-73.2)	3659A	M

Records, books and registers, trust accounting and inspection of brokers and agencies (Real Estate Brokerage Act, R.S.Q., c. C-73.2)	3660A	M
Rules of practices and rules for the internal management of the Commission des transports du Québec (Transport Act, R.S.Q., c. T-12)	3668A	M
Standardization of rules of adjustment of fees collected by the Commission des transports du Québec (An Act respecting owners, operators and drivers of heavy vehicles, R.S.Q., c. P-30.3)	3665A	
Standardization of rules of adjustment of fees collected by the Commission des transports du Québec (An Act respecting transportation services by taxi, R.S.Q., c. S-6.01)	3665A	N
Standardization of rules of adjustment of fees collected by the Commission des transports du Québec (Railway Act, R.S.Q., c. C-14.1)	3665A	N
Standardization of rules of adjustment of fees collected by the Commission des transports du Québec (Transport Act, R.S.Q., c. T-12)	3665A	N
Transport Act — Brokerage of bulk trucking services (R.S.Q., c. T-12)	3661A	M
Transport Act — Certain fees collected by the Commission des transports du Québec and authorizing the Commission to issue special or temporary permits (R.S.Q., c. T-12)	3667A	N
Transport Act — Rules of practices and rules for the internal management of the Commission des transports du Québec (R.S.Q., c. T-12)	3668A	M
Transport Act — Standardization of rules of adjustment of fees collected by the Commission des transports du Québec (R.S.Q., c. T-12)	3665A	N
Transportation services by taxi, An Act respecting... — Standardization of rules of adjustment of fees collected by the Commission des transports du Québec (R.S.Q., c. S-6.01)	3665A	N

