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Part

2

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Laws and Regulations

Volume 144

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Contents

Part 2 contains:

- (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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- (5) regulations and rules made by a Government agency which do not require approval by the Government, a minister or a group of ministers to come into force, but whose publication in the *Gazette officielle du Québec* is required by law;
- (6) rules of practice made by judicial courts and quasi-judicial tribunals;
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Coming into force of Acts

Gouvernement du Québec

O.C. 151-2012, 29 February 2012

**Money-Services Businesses Act
(2010, c. 40, Schedule I)
— Coming into force of the Act**

COMING INTO FORCE of the Money-Services
Businesses Act

WHEREAS the Money-Services Businesses Act (2010, c. 40, Schedule I) was assented to on 10 December 2010;

WHEREAS, under section 86 of the Act, the provisions of the Act come into force on the date or dates set by the Government;

WHEREAS it is expedient to set 1 April 2012 as the date of coming into force of the Money-Services Businesses Act, except subparagraph 5 of the second paragraph of section 1, section 3 to the extent that it concerns the operation of automated teller machines, subparagraph 5 of the first paragraph of section 4, the second paragraph of section 4, the third paragraph of section 6, and section 58;

WHEREAS it is expedient to set 1 January 2013 as the date of coming into force of subparagraph 5 of the second paragraph of section 1, section 3 to the extent that it concerns the operation of automated teller machines, subparagraph 5 of the first paragraph of section 4, the second paragraph of section 4, the third paragraph of section 6, and section 58 of the Act;

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

THAT 1 April 2012 be set as the date of coming into force of the Money-Services Businesses Act (2010, c. 40, Schedule I), except subparagraph 5 of the second paragraph of section 1, section 3 to the extent that it concerns the operation of automated teller machines, subparagraph 5 of the first paragraph of section 4, the second paragraph of section 4, the third paragraph of section 6, and section 58 of the Act, which come into force on 1 January 2013.

GILLES PAQUIN,
Clerk of the Conseil exécutif

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Gouvernement du Québec

O.C. 153-2012, 29 February 2012

**An Act to amend various legislative provisions
mainly concerning the financial sector (2011, c. 26)
An Act to amend various legislative provisions
principally to tighten the regulation of the financial
sector (2009, c. 58)
Derivatives Act (2008, c. 24)
— Coming into force of certain provisions**

COMING INTO FORCE of certain provisions of the Act to amend various legislative provisions mainly concerning the financial sector, the Act to amend various legislative provisions principally to tighten the regulation of the financial sector and the Derivatives Act

WHEREAS the Act to amend various legislative provisions mainly concerning the financial sector (2011, c. 26) was assented to on 30 November 2011;

WHEREAS section 90 of the Act provides that the Act comes into force on 30 November 2011, except section 20 insofar as it enacts the second paragraph of section 115.2 of the Act respecting the distribution of financial products and services, and sections 42 to 44 and 59 to 61, which come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set the date of coming into force of sections 42 to 44 and 59 to 61 of the Act to amend various legislative provisions mainly concerning the financial sector (2011, c. 26);

WHEREAS the Act to amend various legislative provisions principally to tighten the regulation of the financial sector (2009, c. 58) was assented to on 4 December 2009;

WHEREAS section 187 of that Act provides that the Act comes into force on 4 December 2009, except sections 28 to 31, which came into force on 1 January 2010, and paragraph 1 of section 5, section 13, section 18 to the extent that it enacts the second paragraph of section 40.2.1 of the Deposit Insurance Act (R.S.Q., c. A-26), sections 75, 91, 92, 100, 111, paragraph 2 of section 138 and sections 139 to 153, 158, 159 and 177, which come into force on the date or dates to be set by the Government;

WHEREAS, by Order in Council 294-2010 dated 31 March 2010, sections 139 to 153 of that Act came into force on 1 May 2010;

WHEREAS, by Order in Council 632-2010 dated 7 July 2010, the provisions of section 13 of that Act came into force on 15 July 2010;

WHEREAS it is expedient to set the date of coming into force of sections 158, 159 and 177 of the Act to amend various legislative provisions principally to tighten the regulation of the financial sector (2009, c. 58);

WHEREAS the Derivatives Act (2008, c. 24) was assented to on 20 June 2008;

WHEREAS section 240 of the Act provides that the Act comes into force on the date or dates to be set by the Government, except sections 180, 181 and 223, which came into force on 20 June 2008;

WHEREAS, by Order in Council 19-2009 dated 14 January 2009, that Act came into force on 1 February 2009, except the provisions of sections 55, 58, 59, the second paragraph of section 82, sections 83 to 85 and subparagraphs 21 and 22 of the first paragraph of section 175 of that Act;

WHEREAS, by Order in Council 960-2009 dated 2 September 2009, sections 55, 58 and 59 of that Act came into force on 28 September 2009;

WHEREAS it is expedient to set the date of coming into force of the second paragraph of section 82 and section 83 of the Derivatives Act (2008, c. 24), as amended by sections 42 and 44, respectively, of the Act to amend various legislative provisions mainly concerning the financial sector (2011, c. 26), and section 84 and section 85 of the Derivatives Act, as replaced by section 159 of the Act to amend various legislative provisions principally to tighten the regulation of the financial sector (2009, c. 58);

WHEREAS it is expedient to set the date of coming into force of sections 82.1 to 82.7 of the Derivatives Act (2008, c. 24), enacted by section 43 of the Act to amend various legislative provisions mainly concerning the financial sector (2011, c. 26);

WHEREAS it is expedient to set the date of coming into force of subparagraphs 21 and 22 of the first paragraph of section 175 of the Derivatives Act (2008, c. 24), as amended by section 177 of the Act to amend various legislative provisions principally to tighten the regulation of the financial sector (2009, c. 58);

WHEREAS it is expedient to set the date of coming into force of subparagraphs 21.1 and 22.1 of section 175 of the Derivatives Act (2008, c. 24), enacted by section 61 of the Act to amend various legislative provisions mainly concerning the financial sector (2011, c. 26);

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

THAT 13 April 2012 be set as the date of coming into force of the following provisions:

(a) sections 42, 44, 59 and 60 of the Act to amend various legislative provisions mainly concerning the financial sector (2011, c. 26);

(b) sections 43 and 61 of the Act to amend various legislative provisions mainly concerning the financial sector (2011, c. 26), which enact sections 82.1 to 82.7, 83.1 and subparagraphs 21.1 and 22.1, respectively, of section 175 of the Derivatives Act (2008, c. 24);

(c) sections 158, 159 and 177 of the Act to amend various legislative provisions principally to tighten the regulation of the financial sector (2009, c. 58);

(d) the second paragraph of section 82 and section 83 of the Derivatives Act (2008, c. 24), as amended by sections 42 and 44, respectively, of the Act to amend various legislative provisions mainly concerning the financial sector (2011, c. 26);

(e) sections 84 and 85 of the Derivatives Act (2008, c. 24), as replaced by section 159 of the Act to amend various legislative provisions principally to tighten the regulation of the financial sector (2009, c. 58);

(f) subparagraphs 21 and 22 of the first paragraph of section 175 of the Derivatives Act (2008, c. 24), as amended by section 177 of the Act to amend various legislative provisions principally to tighten the regulation of the financial sector (2009, c. 58).

GILLES PAQUIN,
Clerk of the Conseil exécutif

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Regulations and other Acts

Gouvernement du Québec

O.C. 152-2012, 29 February 2012

Money-Services Businesses Act
(2010, c. 40, Schedule I)

Fees and tariffs payable under the Act

Regulation respecting fees and tariffs payable under the Money-Services Businesses Act

WHEREAS paragraph 1 of section 60 of the Money-Services Businesses Act (2010, c. 40, Schedule I) provides that the Autorité des marchés financiers may make regulations determining the fees and tariffs payable for any formality required by the Act and for the services provided by the Authority, and payment terms and time limits;

WHEREAS the second paragraph of section 61 of the Act provides that a regulation of the Autorité des marchés financiers under paragraph 1 of section 60 of the Act must be submitted for approval to the Government, which may approve it with or without amendment;

WHEREAS section 62 of the Act provides that regulatory provisions made under Chapter V of the Act may vary according to the class of licence to which they apply;

WHEREAS, on 21 October 2011, the Autorité des marchés financiers made the Regulation respecting fees and tariffs payable under the Money-Services Businesses Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published as a draft in Part 2 of the *Gazette officielle du Québec* of 28 December 2011 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired and no comments were received before the expiry of that period;

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 respecting fees and tariffs payable under the Money-Services Businesses Act, attached to this Order in Council, be approved.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation respecting fees and tariffs payable under the Money-Services Businesses Act

Money-Services Businesses Act
(S.Q., 2010, c. 40, Schedule I, s. 60, par. (1), and s. 62)

DIVISION I FEES PAYABLE

1. The fees payable by a money-services business for a licence application filed with the *Autorité des marchés financiers* (the “Authority”) for each class of licence are:

- (1) \$600 for currency exchange;
- (2) \$600 for funds transfer;
- (3) \$600 for the issue or redemption of traveller’s cheques, money orders or bank drafts;
- (4) \$600 for cheque cashing;
- (5) \$200 for the operation of each automated teller machine.

2. Fees are also payable for a licence application in the amount of \$112 for each person covered by the security clearance report issued under section 8 of the Money-Services Businesses Act (S.Q., 2010, c. 40, Schedule I).

3. The money-services business must, by March 31 of each year, pay to the Authority the fees prescribed under section 1 with respect to each class of licence, as applicable.

DIVISION II TARIFFS PAYABLE

4. The charges payable with respect to the issue of a new security clearance report are \$112 for each person or entity referred to in section 27 of the Act.

5. The costs payable with respect to the preparation of an inspection, the inspection itself and the follow-up on the recommendations are \$86 per hour per inspector.

Such costs are payable only after the fourth completed hour and are payable within 30 days from the date of the statement of fees.

6. The costs incurred in connection with an investigation pursuant to section 56 of the Act are \$86 per hour per investigator.

7. The fees, charges and costs prescribed under this Regulation are not refundable.

8. The fees, charges and costs payable are adjusted annually on January 1 in accordance with the rate of increase of the general consumer price index for Canada for the period ending on September 30 of the preceding year, as determined by Statistics Canada. They are rounded down to the nearest dollar if they include a fraction of a dollar lower than \$0.50 and rounded up to the nearest dollar if they include a fraction of a dollar that is equal to or greater than \$0.50.

The result of the annual indexation is published annually in the *Gazette officielle du Québec* and in the Bulletin of the Authority.

9. This Regulation comes into force on April 1, 2012.

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Gouvernement du Québec

O.C. 154-2012, 29 February 2012

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 section 10 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) provides that all money received by a broker in the course of the broker's functions that does not belong to the broker must be deposited in a trust account as specified in the *Organisme d'autoréglementation du courtage immobilier du Québec's* regulations and the interest earned on money held in trust that is not claimed by the person who is entitled to the interest must be paid into the financing fund established under section 47 of the Act, as specified in the Organization's regulations;

WHEREAS paragraphs 10 and 10.1 of section 46 of the Act provides that, in addition to its regulatory powers under the Act, the Organization may determine, by regulation, rules for opening and maintaining a trust account, as well as the terms and conditions governing deposits and withdrawals and what measures may be taken to safeguard money entrusted to a licence holder or held in trust, and who may take such measures;

WHEREAS section 47 of the Act provides that the Organization must, by regulation, establish a financing fund made up of the interest earned on the money held in trust, and determine rules for the administration of the fund and the terms of payment of interest into the fund;

WHEREAS section 49 of the Act provides that the Organization may, for the purposes of any regulation, establish special or supplementary rules for real estate brokers, mortgage brokers, real estate agencies or mortgage broker agencies;

WHEREAS section 76 of the Act provides that the inspection committee's operating rules are set out in the Organization's regulations;

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

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), the draft 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 28 December 2011 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies, attached to this Order in Council, be approved with amendments.

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, ss. 10 and 46, pars. 9, 10 and 10.1, and ss. 49 and 76)

1. The Regulation respecting records, books and registers, trust accounting and inspection of brokers and agencies (R.R.Q., c. C-73.2, r. 4) is amended in the French text by inserting “que l’institution financière est autorisée à transférer” before “directement au Fonds de financement” in subparagraph 8 of the second paragraph of section 29.

2. Section 32 is amended by replacing “3 and 6” in the second paragraph by “3, 4 and 6”.

3. Section 45 is amended by inserting the following after the first paragraph:

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

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

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Gouvernement du Québec

O.C. 155-2012, 29 February 2012

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

Contracts and forms

Regulation respecting contracts and forms

WHEREAS the first paragraph of section 26 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) provides that the rules governing the contracts are set out in the Organisme d’autoréglementation du courtage immobilier du Québec’s regulations;

WHEREAS paragraph 13 of section 46 of the Act provides that, in addition to its regulatory powers under this Act, the Organization may determine, by regulation, the form of contracts or forms, other than a contract referred to in section 26, how and when they may be used, the particulars and stipulations which must or must not appear in certain contracts or forms and those that supplement intention;

WHEREAS, on 9 October 2011, the Organization made the Regulation respecting contracts and forms;

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), the draft Regulation respecting contracts and forms was published in Part 2 of the *Gazette officielle du Québec* of 28 December 2011 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 Finance and the Minister for Finance:

THAT the Regulation respecting contracts and forms, attached to this Order in Council, be approved without amendment.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation respecting contracts and forms

Real Estate Brokerage Act
(R.S.Q., c. C-73.2, ss. 26 and 46, par. 13)

CHAPTER I

TERMS AND CONDITIONS OF USE

1. Every contract, transaction proposal and form, including a form used to record a contract or transaction proposal, relating to a brokerage transaction referred to in section 1 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2), must be completed clearly and legibly by the licence holder concerned. When a licence holder completes a contract, transaction proposal or form by hand, he or she must use ink.

2. When a licence holder uses an abbreviation, he or she must write the term out in full at its first occurrence or in an appendix to the contract, transaction proposal or form.

3. A particular or stipulation may not leave any ambiguity about whether or not some of the terms and conditions or a contract, transaction proposal or form apply.

4. A licence holder who completes a form must use type that is different from the type used for the particulars or stipulations printed on the form, to enable the parties to easily distinguish those particulars and stipulations from any additions or amendments.

5. Any particular or stipulation printed on a contract, transaction proposal or form that is struck out must be struck out by the licence holder in a clearly visible way, and the consent of the parties to the strikeout must be indicated on the contract, transaction proposal or form before it is signed.

6. Any amendment made to a contract, transaction proposal or form by a licence holder must pertain only to the object of the terms and conditions of that contract, transaction proposal or form.

7. A licence holder must, before having a contract, a transaction proposal or a form that he or she has completed signed, allow the parties to take cognizance of its terms and conditions and provide all explanations and answers to questions that the parties may ask.

8. A licence holder must not add anything to, amend or strike out anything from a contract, a transaction proposal or a form after one of the parties has signed at the bottom of the contract, transaction proposal or form.

9. A form must bear a title and a unique identifying number.

10. A particular required by this Regulation to be indicated on a contract, transaction proposal or form may be indicated on an appendix to the contract, transaction proposal or form, and forms an integral part of it.

11. A licence holder must use the form published by the Organization in connection with a transaction proposal or contract when such a form exists, and for any appendix or amendment to such a transaction proposal or contract.

The Organization must display a form referred to in the first paragraph on its official website.

The first paragraph does not apply to forms the use of which is simply recommended by the Organization.

12. A licence holder must give a copy of the contract, transaction proposal or form to the parties concerned once it has been completed and signed.

A contract, transaction proposal or form may be in the form of a paper document or in any other form that allows it to be printed and guarantees its integrity.

CHAPTER II

COMPULSORY AND PROHIBITED PARTICULARS AND PARTICULARS THAT SUPPLEMENT INTENTION

DIVISION I

GENERAL PROVISIONS

13. Every contract in which a broker or agency undertakes to act as an intermediary with respect to an immovable or enterprise must include the following particulars:

(1) the names of the parties and their contact information;

(2) the object and duration of the contract;

(3) if such is the case, the contract's exclusivity;

(4) if such is the case, the contract's irrevocability;

(5) the identification of the immovable concerned, the characteristics of the immovable sought, or a description of the enterprise concerned, as the case may be;

(6) the price and conditions for the sale, purchase or exchange of the immovable or enterprise, or for the leasing of the immovable;

(7) the mode of remuneration of the broker or agency, and the conditions on which the remuneration may be claimed;

(8) the possibility for the parties of engaging in conciliation, mediation or arbitration of accounts in the event of a dispute, as provided for in section 34 of the Real Estate Brokerage Act;

(9) any other right or obligation of the parties.

14. Every transaction proposal with respect to an immovable or enterprise must include the following particulars:

(1) the names of the parties and their contact information;

(2) the object of the transaction proposal;

(3) the identification of the immovable or a description of the enterprise concerned, as the case may be;

(4) the price and conditions for the purchase, sale or exchange of the immovable or enterprise or for the leasing of the immovable and, if applicable, the amount of the deposit given in trust to the broker or agency in accordance with the terms and conditions for trust accounting;

(5) the mode of payment of the purchase, sale or exchange price and, if applicable, the terms and conditions governing the payment of additional funds, a new hypothecary loan, the transfer of the obligations of an existing hypothecary loan or a balance of sale price;

(6) the terms and conditions governing the signing of the deed of sale, the lease or the contract of exchange by the parties;

(7) a mention to the effect that any statement concerning the immovable or enterprise made prior to the transaction by the seller or lessor forms an integral part of the transaction;

(8) the conditions for the acceptance of the transaction proposal, including the date and time at which the transaction proposal expires;

(9) any other right or obligation of the parties.

15. A contract, transaction proposal or form may contain any other particular that complies with the provisions of the Real Estate Brokerage Act.

16. No licence holder may include in a contract or form a stipulation allowing the licence holder to be remunerated or paid before the services which the licence holder has undertaken to provide have been provided or before the amounts concerned have been disbursed.

DIVISION II

CONTRACTS AND TRANSACTION PROPOSALS CONCERNING CERTAIN RESIDENTIAL IMMOVABLES

17. A contract relating to an immovable referred to in section 23 of the Real Estate Brokerage Act must, in addition to the particulars specified in section 13 of this Regulation, include particulars specifying

(1) that unless the date and time at which the contract expires are indicated, the contract expires 30 days after being signed;

(2) that the data included in the contract may only be used in accordance with the terms and conditions prescribed in the contract or as provided for by the Regulation respecting brokerage requirements, professional conduct of brokers and advertising (R.R.Q., c. C-73.2, r. 1);

(3) except in the case of a brokerage contract for a purchase, that the broker or agency is, if applicable, authorized to forward information concerning the immovable that is the object of the contract to a service that disseminates information to other brokers and agencies, and that the broker or agency is required to forward such information without delay to the information dissemination service;

(4) if applicable, that any amount received as an advance on remuneration or disbursements will be paid without delay into the general trust account of the broker or agency and may not be withdrawn until the services have been provided or the disbursements have been incurred, and until the amounts have been invoiced or specified in writing and sent to or accepted by the co-contractant;

(5) except in the case of a brokerage contract for a purchase, the conditions for the sharing of remuneration offered to a broker or agency that participates in the transaction, and the consequences of those conditions;

(6) the text of section 28 of the Real Estate Brokerage Act, above the space provided for the signatures of the parties;

(7) the rights and obligations provided for in Division IV of Chapter I of the Regulation respecting brokerage requirements, professional conduct of brokers and advertising and, if applicable, the way in which they are to be exercised;

(8) any statement by the seller or lessor concerning the immovable that is relevant to the transaction.

18. No contract referred to in this Division may contain a stipulation that automatically renews the contract.

19. Unless the date and time on which a contract referred to in this Division expires are indicated, the contract expires 30 days after being signed.

20. No licence holder may claim or receive remuneration from the party he or she represents unless a contract referred to in this Division has been signed.

21. A transaction proposal with respect to an immovable referred to in section 23 of the Real Estate Brokerage Act must, in addition to the particulars specified in section 14 of this Regulation, include particulars specifying

(1) where applicable, the conditions governing an inspection and the conditions governing the cancellation of the transaction proposal following an inspection;

(2) the date of occupation and, if applicable, the terms and conditions for occupation if it occurs after the signing of the deed of sale.

22. No person may amend a form published by the Organization in connection with a contract or transaction proposal referred to in this Division in any way that reduces the obligations of the licence holder or increases the obligations of the co-contractor or co-contractors.

DIVISION III CONTRACT RELATING TO A LOAN SECURED BY IMMOVABLE HYPOTHEC

23. A contract signed with a lender in which a broker or agency undertakes to act as an intermediary in the obtaining of a loan secured by immovable hypothec must, in addition to the particulars specified in paragraphs 1 to 4 and 7 to 9 of section 13 of this Regulation, include particulars specifying

(1) the characteristics of and terms and conditions for the obtaining of the loan, and the identification of the immovable that will be affected by the hypothec, if applicable;

(2) if applicable, that any amount received as an advance on remuneration or disbursements will be paid without delay into the general trust account of the broker or agency and may not be withdrawn until the services have been provided or the disbursements have been incurred, and until the amounts have been invoiced or specified in writing and sent to or accepted by the lender;

(3) the terms and conditions governing the gathering, use and disclosure of personal information concerning the borrower, and the fact that the information may only be used in accordance with the terms and conditions prescribed in the contract, as provided for in the Regulation respecting brokerage requirements, professional conduct of brokers and advertising or by the Acts concerning the protection of personal information.

24. Unless the date and time on which a contract referred to in this Division expires are indicated, the contract expires 30 days after being signed.

CHAPTER III FINAL PROVISIONS

25. This Regulation replaces the Regulation respecting contracts and forms (R.R.Q., c. C-73.2, r. 2).

26. This Regulation comes into force on 1 July 2012.

1936

Gouvernement du Québec

O.C. 156-2012, 29 February 2012

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 7 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) provides that a broker, when new to the occupation, must carry on brokerage activities for an agency for the period set out

in the Organisme d'autoréglementation du courtage immobilier du Québec's regulations before the broker may work for the broker's own account or become an executive officer of an agency;

WHEREAS section 21 of the Act provides that brokers, agencies and the directors and executive officers of agencies must act with honesty, loyalty and competence, and must also disclose any conflict of interest;

WHEREAS paragraphs 5 and 8 of section 46 of the Act provides that, in addition to its regulatory powers under this Act, the Organization may determine, by regulation, the rules of professional conduct applicable to brokers and to executive officers of an agency, and the requirements to be met in order to engage in a brokerage transaction described in section 1 of the Act;

WHEREAS section 49 of the Act provides that the Organization may, for the purposes of any regulation, establish special or supplementary rules for real estate brokers, mortgage brokers, real estate agencies or mortgage broker agencies;

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

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), the draft 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 28 December 2011 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance 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 to amend the Regulation respecting brokerage requirements, professional conduct of brokers and advertising

Real Estate Brokerage Act
(R.S.Q., c. C-73.2, ss. 7, 21, 46, pars. 5 and 8, and s. 49)

1. The Regulation respecting brokerage requirements, professional conduct of brokers and advertising (R.R.Q., c. C-73.2, r. 1) is amended by inserting the following after section 12:

“**12.1** A licence holder must have access to a computer at his or her establishment and must, at all times, have a valid electronic mail address for professional purposes.”.

2. Section 20 is amended by replacing “The holder must without delay inform that person” by “Except for the conclusion or renewal of a lease on a residential immovable, the holder must without delay inform the purchaser or lessee”.

3. Section 37 is amended by inserting the following paragraph after the second paragraph:

“Despite the first and second paragraphs, a licence holder may share remuneration with a firm, an independent representative or an independent partnership within the meaning of the Act respecting the distribution of financial products and services (R.S.Q. c. D-9.2), or with a dealer or adviser governed by the Securities Act (R.S.Q., c. V-1.1) or the Derivatives Act (R.S.Q., c. I-14.01).”.

4. Section 41 is amended by adding the following paragraph:

“In the case of a person who is qualified and authorized to engage in brokerage transactions within the meaning of section 1 of the Real Estate Brokerage Act in a province, state or territory for which an agreement on the mutual recognition of professional qualifications has been entered into by the Gouvernement du Québec and another government, the period mentioned in the first paragraph is reduced by the time during which the person was so qualified and authorized in the 5 years preceding the time when a licence was issued to the person.”.

5. Section 42 is amended by inserting “or enterprise” after “immovable”.

6. Section 51 is amended by inserting “as specified in subparagraphs 1 to 3 of the second paragraph of section 49” after “Disclosure of the cost of borrowing”.

7. Section 82 is amended

- (1) by striking out “also”;
- (2) by adding the following:

“, when no form that must be used by licence holders concerning statements made by the seller is published by the Organization, in accordance with section 11 of the Regulation respecting contracts and forms, approved by Order in Council 155-2012 dated 29 February 2012.”.

8. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraph 2 of section 7, which comes into force on 1 July 2012.

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Gouvernement du Québec

O.C. 157-2012, 29 February 2012

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 section 7 of the Real Estate Brokerage Act (R.S.Q., c. C-73.2) provides that a broker, when new to the occupation, must carry on brokerage activities for an agency for the period set out in the Organisme d’autoréglementation du courtage immobilier du Québec’s regulation before the broker may work for the broker’s own account or become an executive officer of an agency;

WHEREAS section 21 of the Act provides that brokers, agencies and the directors and executive officers of agencies must act with honesty, loyalty and competence, and must also disclose any conflict of interest;

WHEREAS section 42 of the Act provides that the Organization may delegate its functions and powers under sections 37 to 39 and 41 of the Act to a committee and the operating and decision-making rules of such a committee are to be determined by regulation of the Organization;

WHEREAS paragraphs 1, 2, 3, 6, 7 and 12 of section 46 of the Act provide that the Organization may determine, by regulation, rules governing the training required to

become a broker and the examination to be taken by prospective brokers, rules governing additional training, including the specific circumstances under which such training is compulsory for all or some of an agency’s brokers or executive officers, the terms and conditions governing the issue, suspension or revocation of a licence, and the cases in which restrictions or conditions may be imposed on a licence, the information and documents to be provided by a prospective broker, a broker or an agency, the particulars a licence must contain and the qualifications required of executive officers of an agency;

WHEREAS section 49 of the Act provides that the Organization may, for the purposes of any regulation, establish special or supplementary rules for real estate brokers, mortgage brokers, real estate agencies or mortgage broker agencies;

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

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), the draft 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 28 December 2011 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Finance 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 with amendments.

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, ss. 7, 42 and 46, pars. 1, 2, 3, 6, 7 and 12, and s. 49)

1. The Regulation respecting the issue of broker's and agency licences (R.R.Q., c. C-73.2, r. 3) is amended in section 1

(1) by replacing "in accordance with section 35 of the Charter of the French language (R.S.Q., c. C-11), or meets" in subparagraph 4 of the first paragraph by "by meeting";

(2) by striking out "that apply to knowledge of French" in subparagraph 4 of the first paragraph;

(3) by adding the following subparagraphs after subparagraph *c* of subparagraph 4 of the first paragraph:

"(d) has obtained, beginning in the 1985-1986 school year, a secondary school diploma in Québec;

(e) has obtained a certificate from the Office québécois de la langue française or holds a certificate defined as equivalent by regulation of the Government, in accordance with section 35 of the Charter of the French language (R.S.Q., c. C-11);";

(4) by striking out "or suspension" in the second paragraph;

(5) by adding "or that was applicable to the person when he or she held a licence" at the end of the second paragraph.

2. Section 5 is amended by adding the following after paragraph 13:

"(14) if the prospective broker is qualified or authorized to engage in brokerage transactions within the meaning of section 1 of the Real Estate Brokerage Act in a province, state or territory for which an agreement on the mutual recognition of professional qualifications has been entered into by the Gouvernement du Québec and another government, a certificate from a competent authority certifying and describing the scope of the qualification or authorization."

3. The heading of subdivision 2 of Division I of Chapter I is amended in the English text by replacing "mortgage broker agency" by "mortgage agency".

4. Section 6 is amended in the English text by replacing "mortgage broker agency" by "mortgage agency".

5. Section 13 is amended in the English text by replacing "mortgage broker agency" in subparagraph 3 of the first paragraph by "mortgage agency".

6. Section 14 is struck out.

7. Section 15 is amended by adding the following after paragraph 6:

"(7) the licence of the agency for which the licence holder carries on activities is suspended or revoked;

(8) the holder ceases to carry on activities for an agency."

8. Section 16 is amended in the French text by inserting "et registres" after "livres" in paragraph 4.

9. Section 18 is amended by adding the following paragraph:

"A broker authorized to carry on activities for his or her own account whose licence is suspended pursuant to paragraph 7 or 8 of section 15 of this Regulation may request that the licence suspension be lifted to allow him or her to carry on activities for his or her own account or for an agency."

10. Section 19 is amended by inserting the following after paragraph 3:

"(3.1) the holder has made a false representation when updating information concerning him or her as requested by the Organization in accordance with section 11;"

11. Section 20 is amended by inserting the following after paragraph 3:

"(3.1) the holder has made a false representation when updating information concerning him or her as requested by the Organization in accordance with section 11;"

12. Section 34 is amended

(1) in the English text by replacing the words "mortgage broker agency" wherever they appear by "mortgage agency";

(2) by adding the following after paragraph *b* of subparagraph 3 of the first paragraph:

“(c) is authorized to represent, direct or qualify a person or partnership that engages in brokerage transactions within the meaning of section 1 of the Real Estate Brokerage Act through the intermediary of natural persons authorized to engage in such transactions in a province, state or territory for which an agreement on the mutual recognition of professional qualifications has been entered into by the Gouvernement du Québec and another government;”;

(3) by replacing “after passing the examination referred to in subparagraph *a* of subparagraph 3” in subparagraph 4 of the first paragraph by “after qualifying as an executive officer of a real estate or mortgage agency”;

(4) by inserting “some or all” after “required for” in subparagraph 4 of the first paragraph.

13. Section 35 is amended by adding the following paragraph:

“In the case of a person who is qualified and authorized to engage in brokerage transactions within the meaning of section 1 of the Real Estate Brokerage Act in a province, state or territory for which an agreement on the mutual recognition of professional qualifications has been entered into by the Gouvernement du Québec and another government, the examination for the issue of a broker’s licence deals with the legislation and regulations connected with the activity of broker.”.

14. The title of Chapter III is amended in the French text by striking out “ET COTISATIONS”.

15. Section 45 is amended in the English text by replacing “mortgage broker agency” in subparagraph 4 of the first paragraph by “mortgage agency”;

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

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Gouvernement du Québec

O.C. 159-2012, 29 February 2012

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

Professional activities that may be engaged in by a clinical perfusionist

Regulation respecting the professional activities that may be engaged in by a clinical perfusionist

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order may make a regulation to determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with paragraph *h* of section 94 of the Professional Code, the board of directors of the Collège des médecins du Québec consulted the Ordre des infirmières et infirmiers du Québec and the Ordre professionnel des inhalothérapeutes du Québec before making the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

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 professional activities that may be engaged in by a clinical perfusionist was published in Part 2 of the *Gazette officielle du Québec* of 27 July 2011 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist, attached to this Order in Council, be approved.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation respecting the professional activities that may be engaged in by a clinical perfusionist

Professional Code
(R.S.Q., c. C-26, s. 94, par. h)

1. The purpose of this Regulation is to determine, among the professional activities that may be engaged in by physicians, those that may be engaged in by a clinical perfusionist or by other persons in a centre operated by an institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), or in the interhospital transportation of a patient or an organ.

2. In this Regulation, “clinical perfusionist” means any person certified by the Canadian Society of Clinical Perfusion and who meets one of the following conditions:

(1) the person holds a certificate or Diplôme d’études supérieures spécialisées (D.E.S.S.) en perfusion extracorporelle issued by the Université de Montréal; or

(2) the person has had 24 months’ experience in clinical perfusion during the last 4 years and holds an attestation issued by a cardiovascular and thoracic surgeon or by a heart surgeon confirming successful completion of a supervised training period lasting 3 months performed in a training site of the training program leading to the Diplôme d’études supérieures spécialisées (D.E.S.S.) en perfusion extracorporelle issued by the Université de Montréal.

3. A clinical perfusionist may engage in the following professional activities:

(1) operate and ensure the operation of cardiac, pulmonary or circulatory assistance, autotransfusion or apheresis equipment;

(2) provide clinical supervision of the condition of persons linked to cardiac, pulmonary or circulatory assistance, autotransfusion or apheresis equipment;

(3) administer and adjust prescribed medications or other substances;

(4) mix substances in order to complete the preparation of a medication, according to a prescription;

(5) take specimens from catheters already in place or through the circuit of the circulatory supports, according to a prescription;

(6) perform treatments through the circulatory supports, according to a prescription; and

(7) program a pacemaker or cardiac defibrillator, according to a prescription.

A clinical perfusionist must engage in those professional activities for the purpose of contributing to the maintenance of bodily functions of a human being in a treatment requiring the temporary support or replacement of cardiac, pulmonary or circulatory functions.

4. The following persons may also engage in the professional activities provided for in section 3:

(1) a student registered in a training program leading to a diploma provided for in paragraph 1 of section 2, provided the student engages in the professional activities in the presence of a clinical perfusionist and that those professional activities are required to complete the program;

(2) a person engaged in the training period provided for in paragraph 2 of section 2, provided the person engages in the professional activities in the presence of a clinical perfusionist, cardiovascular and thoracic surgeon or a cardiac surgeon and that those professional activities are required to complete the training period; and

(3) the holder of a diploma provided for in paragraph 1 of section 2, during the holder’s period of eligibility for certification by the Canadian Society of Clinical Perfusion.

5. A person who, on 1 September 2003, practised as a clinical perfusionist, is authorized to continue to engage in the professional activities provided for in section 3.

6. This Regulation replaces the Regulation respecting the professional activities which may be performed by a clinical perfusionist (c. M-9, r. 3).

7. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and ceases to apply on the date of the fourth anniversary of its coming into force.

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Gouvernement du Québec

O.C. 160-2012, 29 February 2012

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

Chartered appraiser — Practice of the profession within a partnership or a joint-stock company

Regulation respecting the practice of the profession of chartered appraiser within a partnership or a joint-stock company

WHEREAS, under paragraph *p* of section 94 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order may authorize the members of the Order to carry on their professional activities within a limited liability partnership or a joint-stock company constituted for that purpose and, as appropriate, determine the applicable terms and conditions and restrictions;

WHEREAS, under paragraphs *g* and *h* of section 93 of the Professional Code, the board of directors of a professional order must impose on its members who carry on their professional activities within a partnership or a joint-stock company the obligation to furnish and maintain coverage, on behalf of the partnership or company, against liabilities of the partnership or company arising from fault in the practice of their profession and fix the conditions and procedure applicable to a declaration made to the Order;

WHEREAS the board of directors of the Ordre des évaluateurs agréés du Québec made the Regulation respecting the practice of the profession of chartered appraiser within a partnership or a joint-stock company;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, pursuant to the first paragraph of section 95.2 of the Professional Code, a regulation made by the board of directors of an order under paragraph *g* or *h* of section 93 must be transmitted for examination to the Office, which may approve it with or without amendment;

WHEREAS the first regulation made by the board of directors of an order under paragraph *p* of section 94 of the Professional Code must be submitted to the Government for approval;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation respecting the practice of the profession of chartered appraiser within a partnership or a joint-stock company was published in Part 2 of the *Gazette officielle du Québec* of 22 June 2011 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office approved, with amendments, subparagraph 1 of the first paragraph of section 5 and section 6 relating to the declaration prior to the practice of the profession of chartered appraiser within a partnership or a joint-stock company and Division III of the Regulation concerning professional liability coverage;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve, with amendments, Division I, sections 3 and 4, subparagraphs 2 to 4 of the first paragraph and the second paragraph of section 5, sections 7 and 8 and Divisions IV and V of the Regulation;

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

THAT Division I, sections 3 and 4, subparagraphs 2 to 4 of the first paragraph and the second paragraph of section 5, sections 7 and 8 and Divisions IV and V of the Regulation respecting the practice of the profession of chartered appraiser within a partnership or a joint-stock company, attached to this Order in Council, be approved with amendments.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation respecting the practice of the profession of chartered appraiser 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. Members of the Ordre des évaluateurs agréés du Québec are authorized, on the terms, conditions and restrictions established in this Regulation, to carry on their professional activities within a limited liability partnership or a joint-stock company within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26).

If members become aware that a condition set out in this Regulation or in Chapter VI.3 of the Professional Code is no longer met, they must, within 15 days, take the necessary measures to comply, failing which members are no longer authorized to carry on their professional activities within the partnership or joint-stock company.

2. Members who are struck off the roll for a period in excess of 3 months or whose permit has been revoked may not, during the period of the striking off or revocation, directly or indirectly hold any unit or share in the partnership or joint-stock company.

During that period, members may not hold the position of director, officer or representative of the partnership or joint-stock company.

DIVISION II TERMS AND CONDITIONS OF PRACTICE

3. Members may carry on their professional activities within a partnership or a joint-stock company that holds itself out to be a partnership or a joint-stock company of chartered appraisers if

(1) more than 50% of the voting rights attached to the shares or units of the partnership or joint-stock company are held

(a) by at least one member of the Order;

(b) by a legal person, trust or any other enterprise whose voting rights attached to the shares or units of the partnership or company, or other entitlements are held entirely by at least one member of the Order; or

(c) in any combination by a person, a trust or enterprise referred to in subparagraphs *a* and *b*;

(2) a majority of the directors of the board of directors of the joint-stock company, the partners or, where applicable, the directors appointed by the partners to manage the affairs of the limited liability partnership are members of the Order;

(3) the board of directors or, as the case may be, the internal management board is made up of a majority of the members of the Order who must, at all times, constitute the majority of the quorum of such boards; and

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

Members must ensure that the conditions set out in the first paragraph appear in the articles of the joint-stock company or in the contract of the limited liability partnership, in the unanimous shareholders' agreement or in any other document relating to the constitution and operation of the partnership or joint-stock company. Members must also ensure that those documents provide or stipulate that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities.

4. Members may carry on professional activities within a partnership or a joint-stock company that does not hold itself out to be a partnership or a joint-stock company of chartered appraisers if

(1) more than 50% of the voting rights attached to the shares or units of the partnership or joint-stock company are held

(a) by professionals governed by the Professional Code;

(b) by members in good standing of the Appraisal Institute of Canada holding the "AACI" designation;

(c) by representatives who hold a certificate issued by the Autorité des marchés financiers under the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2);

(d) by a legal person, a trust or any other enterprise whose voting rights attached to the units or shares, or other rights are held entirely by one or more persons referred to in subparagraphs *a* and *b*; or

(e) by a combination of the persons referred to in subparagraphs *a* to *d*;

(2) a majority of the directors of the board of directors of the joint-stock company, the partners or, if applicable, the directors appointed by the partners to manage the affairs of the limited liability partnership are the persons referred to in subparagraphs *a* and *b* of subparagraph 1; and

(3) the board of directors or, as the case may be, the internal management board is made up of a majority of persons referred to in subparagraphs *a* and *b* of subparagraph 1 who must, at all times, constitute the majority of the quorum of such boards.

Members must ensure that the conditions set out in the first paragraph appear in the articles of the joint-stock company or in the contract of the limited liability partnership, in the unanimous shareholders' agreement or in any other document relating to the constitution and operation of the partnership or joint-stock company and that those documents provide that the partnership or joint-stock company is constituted for the purpose of carrying on professional activities.

5. Members may carry on their professional activities within a partnership or joint-stock company if, before carrying on those activities, they provide the Order with the following documents:

(1) a declaration in compliance with section 6, accompanied by the fees payable prescribed by the board of directors of the Order;

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

(3) if 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

(4) an irrevocable written authorization from the partnership or joint-stock company within which members carry on professional activities allowing a person, committee, disciplinary body or tribunal referred to in section 192 of the Professional Code to require disclosure of and obtain any document listed in section 11 from any partner or shareholder or to obtain a copy of such a document.

Members are however exempt from complying with the conditions provided for in the first paragraph if a representative of the partnership or joint-stock company within which the representative carries on professional activities has already provided the Order with the documents concerned.

6. The declaration provided for in subparagraph 1 of the first paragraph of section 5 must be made using the form provided for that purpose by the Order and contain the following information:

(1) the name of the partnership or joint-stock company and any other names used in Québec by the partnership or joint-stock company, and the business number assigned to them by the competent authority for every partnership or joint-stock company;

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

(3) the names of the members of the Order who practise within the partnership or company;

(4) the name, membership number and status of the member making the declaration;

(5) in the case of a limited liability partnership, the address of its establishments in Québec, specifying the address of the principal establishment, names and home addresses of the partners and, if applicable, the names and home addresses of the directors appointed by the partners to manage the partnership, whether or not they reside in Québec, and the percentage of partnership units held by the appointed partners and directors;

(6) in the case of a joint-stock company, the address of the head office of the company and the address of its establishments in Québec, the names and home addresses of the shareholders, the percentage of shares they hold with or without voting rights, along with an indication of their functions as director and officer, as the case may be; and

(7) a written 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.

7. Members must update and provide, before 1 April of each year, the declaration provided for in subparagraph 1 of the first paragraph of section 5, with the related fees.

Members must immediately inform the Order of any change to the coverage provided for in Division III of this Regulation or the cancellation of the coverage, the striking off, dissolution, assignment of property, bankruptcy, voluntary or forced liquidation of the partnership or joint-stock company or any other cause likely to prevent the partnership or joint-stock company from carrying on its activities and of any change to the information provided in the declaration that would violate the conditions set out in section 3 or 4.

8. If 2 or more members of the Order carry on professional activities within the same partnership or joint-stock company, a representative must be designated to act on behalf of the other members to meet the requirements of sections 5 to 7.

The representative must be a member of the Order, shareholder and director of the board of directors or partner and director appointed by the partners and carry on his or her professional activities in Québec within the partnership or joint-stock company.

The declaration is deemed to be the declaration of each member of the partnership or joint-stock company. The representative remains responsible for the accuracy of the information it contains with the exception of the information provided for in paragraphs 5 and 6 of section 6.

The representative is also mandated by members carrying on their professional activities within the partnership or joint-stock company to reply to requests made by the syndic, an inspector, an investigator or any other representative of the Order and provide, where applicable, documents the members are required to submit.

DIVISION III **PROFESSIONAL LIABILITY COVERAGE**

9. Members who carry 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 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 members carrying on professional activities within the partnership or joint-stock company.

10. 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 a member pursuant to the Règlement sur la souscription obligatoire au Fonds d'assurance de la responsabilité professionnelle de l'Ordre des évaluateurs agréés du Québec, approved by the Office des évaluateurs agréés on 15 September 2010, up to the amount of the security, any sum that the partnership or joint-stock company may be legally bound to pay to third persons on a claim filed during the coverage period and arising from fault on the part of a member in the practice of the profession 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 any claim submitted in the 5 years following the coverage period during which a member of the partnership or joint-stock company has died, withdrawn from the partnership or joint-stock company or ceased to be a member of the Order, in order to maintain coverage for the partnership or joint-stock company for fault on the part of the member in the practice of the profession within the partnership or joint-stock company;

(4) an undertaking by the insurer to guarantee at least \$1,000,000 per claim and for all claims filed against the partnership or joint-stock company during a 12-month coverage period, regardless of the number of members in the partnership or joint-stock company;

(5) an undertaking by the insurer to give the Order a 30-day prior notice of intent to cancel or modify the insurance contract where the modification refers to a condition set out in this Regulation;

(6) an undertaking by the insurer to notify the Order that the insurance contract has not been renewed; the notice must be sent within 15 days following the expiry of the contract; and

(7) an undertaking by the insurer to notify the Order when it has paid a sum of money by reason of a fault on the part of a member setting out the name of the partnership or joint-stock company and of the member involved, the nature of the fault, the damage, and the sum paid.

DIVISION IV **DOCUMENT ACCESSIBILITY AND ADVERTISING**

11. The documents referred to in subparagraph 4 of the first paragraph of section 5 are the following:

(1) if the member carries on professional activities within a limited liability partnership,

(a) the partnership contract and amendments;

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

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

(d) where applicable, the up-to-date register of the directors; and

(e) the names and home addresses of the partnership's principal officers;

(2) if the member carries on professional activities within a joint-stock company,

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

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

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

(d) any shareholders' agreement and voting agreement and amendments;

(e) the up-to-date register of the directors of the joint-stock company; and

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

12. Where a general partnership is continued as a limited liability partnership or where a joint-stock company is constituted, members must send to their clients, on the date of the continuation or constitution, a notice informing them of the nature and effects of the change of status of the partnership or joint-stock company, in particular with respect to their professional liability and the professional liability of the partnership or joint-stock company.

DIVISION V **TRANSITIONAL AND FINAL**

13. Members who carry on professional activities within a joint-stock company constituted for that purpose before the date of coming into force of this Regulation must comply with the requirements set out in this Regulation not later than within the year following that date.

14. Until the Order has received the authorization from the competent authorities allowing the professional liability insurance fund of the Order to furnish the security provided for in Division III of this Regulation, members must furnish and maintain, for the partnership or joint-stock company within which they carry on professional activities, by insurance contract, such a security that complies with the requirements of section 10.

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

1940

Gouvernement du Québec

O.C. 161-2012, 29 February 2012

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

Évaluateurs agréés

— **Code of ethics of the members of the Ordre**
— **Amendment**

Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the board of directors of the Ordre des évaluateurs agréés du Québec made the Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec was published in Part 2 of the *Gazette officielle du Québec* of 22 June 2011 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Office has examined the Regulation and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec, attached to this Order in Council, be approved.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation to amend the Code of ethics of the members of the Ordre des évaluateurs agréés du Québec

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

1. The Code of ethics of the members of the Ordre des évaluateurs agréés du Québec (c. C-26, r. 123) is amended by inserting the following after section 1:

“**1.1.** An appraiser must, in respect of any person other than an appraiser who collaborates with the appraiser in carrying on professional activities or in respect of any partnership or joint-stock company within which the appraiser carries on professional activities, take reasonable measures to ensure that the Professional Code and its regulations are complied with.

1.2. The duties and obligations under the Professional Code and its regulations are not modified or reduced in any manner owing to the fact that an appraiser carries on professional activities within a partnership or joint-stock company.

1.3. An appraiser must ensure that the obligations towards the partnership or joint-stock company of which the appraiser is the director or officer are not incompatible with the obligations towards the client.”

2. Section 7 is amended by replacing “on society” by “on the public”.

3. The following is inserted after section 10:

“**10.1.** An appraiser must ensure that none of the activities in which the appraiser engages in connection with an office or within an enterprise, and that does not

constitute the practice of the profession of appraiser, compromises compliance with the obligations of professional conduct prescribed by this Code, including honour, dignity and integrity of the profession.”

4. Section 14 is amended by inserting “, those of the partnership or joint-stock company within which the appraiser carries on professional activities or in which the appraiser has an interest and those of any other person carrying on activities within such a partnership or joint-stock company,” in the first paragraph after “interests”.

5. Section 19 is amended by inserting the following after the first paragraph:

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

6. The following is inserted after section 19:

“**19.1.** An appraiser 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 appraiser carries on professional activities or in which the appraiser has an interest, where the appraiser becomes aware that the partner, shareholder, director, officer or employee has a conflict of interest. Those measures take into account the following factors:

(1) the size of the partnership or joint-stock company;

(2) the precautions taken to prevent access to the appraiser’s record by the person having a conflict of interest;

(3) the instructions given to protect information or documents protected by professional secrecy;

(4) isolation, from the appraiser, of the person having a conflict of interest.”

7. Section 27 is amended by adding the following after the first paragraph:

“Where an appraiser carries on professional activities within a joint-stock company, the fees and expenses relating to the professional services the appraiser provided within and on behalf of the joint-stock company belong to the company, unless otherwise agreed.”

8. Section 32 is amended by adding the following at the end of the first paragraph:

“An appraiser may not exclude or limit that liability or attempt to do so, in particular by invoking the liability of the partnership or joint-stock company within which the appraiser carries on professional activities or that of a person carrying on activities within that partnership or joint-stock company.”.

9. The following is inserted after section 42:

“**42.1.** An appraiser must first inform the client when the appraiser intends to resort to a third person to provide essential aspects of the services.”.

10. Section 50 is amended

(1) by replacing the paragraph preceding paragraph 1 by the following:

“**50.** In addition to sections 57, 58, 58.1, 59.1 and 59.2 of the Professional Code (R.S.Q., c. C-26) and those that may be determined pursuant to the second paragraph of section 152 of the Professional Code, the following acts are derogatory to the dignity of the profession:”;

(2) by inserting “whether personally or through a natural or legal person, a partnership or joint-stock company, a group,” in paragraph 2 after “a person”;

(3) by replacing “made pursuant to the Code” in paragraph 3 by “made under the Code or that a partnership or joint-stock company within which members carry on their professional activities contravenes the Code and its regulations;”;

(4) by inserting “whether personally or through a natural or legal person, a partnership or joint-stock company, a group,” in paragraph 5 after “business”;

(5) by adding the following at the end:

“(9) entering into an agreement or permitting an agreement to be entered into within a partnership or joint-stock company in which the appraiser practises, including a unanimous agreement between shareholders, that operates to impair the independence, objectivity and integrity required for the practice of the profession or compliance by the appraiser with the Professional Code and the regulations made under the Code;

(10) carrying on professional activities within, or having interest in, a partnership or joint-stock company if a partner, shareholder, director, officer or representative of the partnership or joint-stock company governed by the Professional Code, has been struck off the roll for

more than 3 months or has had his or her permit revoked, unless the partner, shareholder, director, officer or representative

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

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

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

11. Section 51 is amended by replacing paragraph 2 by the following:

“(2) take the necessary measures to ensure that any person who cooperates or collaborates with the appraiser or carries on activities with the appraiser within a partnership or joint-stock company does not disclose or use such information that becomes known to the appraiser in the performance of their duties;”.

12. Section 54 is replaced by the following:

“**54.** An appraiser who, pursuant to the second paragraph of section 60.5 of the Professional Code, refuses to allow a client access to information contained in a record established in the client’s respect must indicate to the client in writing, the reasons for the refusal.”.

13. Section 57 is amended by adding the following after the first paragraph:

“An appraiser who carries on professional activities within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or joint-stock company complies with the requirements of the first paragraph.”.

14. Section 60 is replaced by the following:

“**60.** An appraiser who, in advertising, claims to possess skills or specific qualities, particularly in respect of the appraiser’s level of competence, the effectiveness or scope of the appraiser’s services or, as the case may be, the effectiveness of the services of persons who carry on their activities within the same partnership or joint-stock company as the appraiser, must be able to substantiate such claims.”.

15. Section 61 is amended by inserting “or in regard of persons who carry on their activities within the same partnership or joint-stock company as the appraiser” after “in his regard”.

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

1941

Gouvernement du Québec

O.C. 167-2012, 29 February 2012

An Act respecting the Ministère des Transports (R.S.Q., c. M-28)

Signing by a functionary of certain deeds, documents and writings of the Ministère des Transports — Amendment

Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports

WHEREAS, the first paragraph of section 7 of the Act respecting the Ministère des Transports (R.S.Q., c. M-28) provides that no deed, document or writing binds the department or is attributed to the Minister unless signed by the Minister, the Deputy Minister or a functionary but, in the case of such functionary, only to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*;

WHEREAS it is expedient to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, made by Order in Council 701-94 dated 11 May 1994;

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

THAT the Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports, attached to this Order in Council, be made.

GILLES PAQUIN,
Clerk of the Conseil exécutif

Regulation to amend the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports

An Act respecting the Ministère des Transports (R.S.Q., c. M-28, s. 7)

1. Section 1.1 of the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (R.R.Q., c. M-28, r. 5) is revoked.

2. Section 2 is amended

(1) by replacing “A director general is authorized” in the part preceding paragraph 1 by “An associate deputy minister and an assistant deputy minister are authorized”;

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

“The Assistant Director General for Human, Financial and Information Resources is authorized to sign, for the purposes of accomplishing the mandate of the administrative unit for which he or she is responsible, the documents referred to in subparagraph 1 of the first paragraph.”.

3. Section 3 is amended by replacing “A director general, the” by “The”.

4. Section 3.1 is revoked.

5. Division 5.3, comprising sections 31.8 to 31.11, is revoked.

6. This Regulation comes into force on 1 April 2012.

1942

M.O., 2012**Order number AM 2012-007 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife, dated 5 March 2012**

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the Regulation to amend the Regulation respecting the classes of licences to keep animals in captivity and their term

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE AND THE MINISTER FOR NATURAL RESOURCES AND WILDLIFE,

CONSIDERING subparagraph 1 of the first paragraph of section 163 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provides that the Minister may make regulations on the matters set forth therein, in particular to determine the conditions for the transfer of licences;

CONSIDERING the first paragraph of section 164 of the Act, which provides that a regulation made under subparagraph 1 of the first paragraph of section 163 is not subject to the publication requirements set out in section 8 of the Regulations Act (R.S.Q., c. R-18.1);

CONSIDERING the making of the Regulation respecting the classes of licences to keep animals in captivity and their term (R.R.Q., c. C-61.1, r. 10);

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

ORDER AS FOLLOWS:

The Regulation to amend the Regulation respecting the classes of licences to keep animals in captivity and their term, attached hereto, is hereby made.

Québec, 5 March 2012

SERGE SIMARD,
*Minister of Natural
Resources and Wildlife*

CLÉMENT GIGNAC,
*Minister for Natural
Resources and Wildlife*

Regulation to amend the Regulation respecting the classes of licences to keep animals in captivity and their term

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 163, 1st par., subpar. 1)

1. The Regulation respecting the classes of licences to keep animals in captivity and their term (c. C-61.1, r. 10) is amended by inserting the following heading before section 1:

“**DIVISION I**
LICENCES TO KEEP ANIMALS IN CAPTIVITY”.

2. The following Division is inserted after section 2:

“**DIVISION II**
TRANSFER OF THE GAME RANCH AND
BREEDING LICENCE FOR WHITE-TAILED DEER

3. The rights conferred by the game ranch and breeding licence for white-tailed deer may not be transferred without the Minister’s authorization.

4. To obtain the Minister’s authorization, the person who wants to acquire the licence must

(1) file a written application with the Minister that contains the following information and documents:

(a) the person’s name and address; in the case of a legal person or partnership, its name and the address of its main place of business; in the case of a natural person doing business under another name, that name, the person’s name and address and the address of the main place of business;

(b) a copy of the plans of the facilities that will be used to keep the deer in captivity;

(2) comply with the provisions of Division II and sections 55 to 62 of the Regulation respecting animals in captivity;

(3) acquire all the white-tailed deer held by the former licence holder;

(4) pay the fees payable for the licence transfer provided for in the Regulation respecting the scale of fees and duties related to the development of wildlife (c. C-61.1, r. 32).”.

5. The rights conferred by the game ranch and breeding licence for white-tailed deer may not be transferred if the chronic wasting disease of cervids was detected within the hunting areas where the game ranches are located.”.

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

1945

M.O., 2012

Minister's Order number M.O. 2012-006 of the Minister of Natural Resources and Wildlife and the Minister for Natural Resources and Wildlife dated 5 March 2012

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

CONCERNING the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

THE MINISTER OF NATURAL RESOURCES AND WILDLIFE
AND THE MINISTER FOR NATURAL RESOURCES AND WILDLIFE,

CONSIDERING subparagraph 4 of the first paragraph of section 163 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1), which provides that the Minister may make regulations on the matters set forth therein, in particular to set the fees payable for the transfer of a licence;

CONSIDERING the making of the Regulation respecting the scale of fees and duties related to the development of wildlife (R.R.Q., c. C-61.1, r. 32);

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife was published in Part 2 of the *Gazette officielle du Québec* of 14 December 2011 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation without amendment;

ORDER AS FOLLOWS:

The Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, attached hereto, is hereby made.

Québec, 5 March 2012

SERGE SIMARD, CLÉMENT GIGNAC,
Minister for Natural Resources and Wildlife *Minister of Natural Resources and Wildlife*

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 163, 1st par., subpar. 4)

1. The Regulation respecting the scale of fees and duties related to the development of wildlife (c. C-61.1, r. 32) is amended in section 4.3 by adding the following paragraph:

“The fees payable for the transfer of the game ranch and breeding licence for white-tailed deer are those provided for in subparagraph 9 of the first paragraph.”.

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

1946

Draft Regulations

Draft Regulation

Animal Health Protection Act
(R.S.Q., c. P-42)

Designate contagious or parasitic diseases, infectious agents or syndromes affecting bees

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 designate contagious or parasitic diseases, infectious agents or syndromes affecting bees, appearing below, may be made by the Minister of Agriculture, Fisheries and Food on the expiry of 45 days following this publication.

The draft Regulation designates the small hive beetle (*Aethina tumida*), Tropilaelaps mites (*Tropilaelaps spp.*), the American foulbrood (*Paenibacillus larvae*) and the African bee (*Apis mellifera scutellata*) and its hybrids as contagious or parasitic diseases, infectious agents or syndromes for the purposes of the provisions of the Animal Health Protection Act (R.S.Q., c. P-42) relating to mandatory reports, treatments or sanitary measures, the transfer or transportation of animals and the health certification of imported animals.

To date, study of the matter has revealed a negligible raise in costs for enterprises.

Further information may be obtained by contacting Sylvie Dansereau, Direction du développement et de la réglementation, Ministère de l'Agriculture, des Pêcheries et de l'Alimentation; telephone: 418 380-2100, extension 3114.

Any person wishing to comment on the matter is requested to submit written comments, within the 45-day period, to Madeleine Fortin, Assistant Deputy Minister, Direction générale de la santé animale et de l'inspection des aliments, 200, chemin Sainte-Foy, 12^e étage, Québec (Québec) G1R 4X6; fax: 418 380-2171.

PIERRE CORBEIL,
Minister of Agriculture, Fisheries and Food

Regulation to designate contagious or parasitic diseases, infectious agents or syndromes affecting bees

Animal Health Protection Act
(R.S.Q., c. P-42, s. 3)

1. The small hive beetle (*Aethina tumida*), Tropilaelaps mites (*Tropilaelaps spp.*), the American foulbrood (*Paenibacillus larvae*) and the African bee (*Apis mellifera scutellata*) and its hybrids are designated contagious or parasitic diseases, infectious agents or syndromes, for the purposes of each of the following provisions of the Animal Health Protection Act (R.S.Q., c. P-42):

(1) the provisions of section 3.1 relating to mandatory reports;

(2) the provisions of section 3.2 to 3.4 relating to treatments or sanitary measures;

(3) the provisions of section 8 relating to the transfer or transportation of animals.

2. The honey bee (*Apis mellifera*) is covered by the prohibition provided for in the first paragraph of section 8 of the Animal Health Protection Act.

3. The small hive beetle (*Aethina tumida*), Tropilaelaps mites (*Tropilaelaps spp.*) and the American foulbrood (*Paenibacillus larvae*) are designated contagious or parasitic diseases, infectious agents or syndromes, for the purposes of the provisions of section 9 of the Animal Health Protection Act relating to the health certification of imported animals.

4. In order to be valid, the certificate provided for in section 9 of the Animal Health Protection Act must have been issued no more than 30 days before the bringing into Québec of honey bees (*Apis mellifera*) which according to the certificate are free from contagious or parasitic diseases, infectious agents or syndromes referred to in section 3.

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

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

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