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**Part**

**2**

**No. 31**

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**Laws and Regulations**

Volume 149

**Summary**

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### Contents

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**PROVINCE OF QUÉBEC**

1ST SESSION

41ST LEGISLATURE

QUÉBEC, 30 MAY 2017

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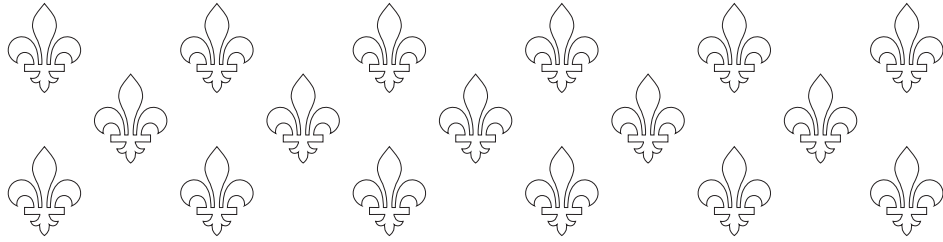
**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 30 May 2017*

This day, at forty-five minutes past four o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

115     An Act to combat maltreatment of seniors and other persons of full age in vulnerable situations

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.





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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 115  
(2017, chapter 10)

**An Act to combat maltreatment of  
seniors and other persons of full age in  
vulnerable situations**

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**Introduced 19 October 2016  
Passed in principle 8 February 2017  
Passed 30 May 2017  
Assented to 30 May 2017**

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**Québec Official Publisher  
2017**

## EXPLANATORY NOTES

*The purpose of this Act is to combat maltreatment of seniors and other persons of full age in vulnerable situations by enacting measures to facilitate the reporting of maltreatment and to implement a Québec-wide framework agreement to combat maltreatment.*

*Institutions within the meaning of the Act respecting health services and social services are required to adopt and implement a policy to combat maltreatment of persons in vulnerable situations who receive health services and social services, whether the services are provided in a facility maintained by the institution or are in-home services, and whether maltreatment occurs at the hands of a person working for the institution or of any other person. An institution's policy also applies, with the adaptations provided for, to all intermediate and family-type resources that take in users of full age and to private seniors' residences attached to that institution, as well as to the bodies, partnerships or persons the institution calls on for the provision of services. The Government may also require any other body or resource it designates to adopt such a policy.*

*The local service quality and complaints commissioner of the institution is responsible for dealing with complaints and reports made within the scope of the policy to combat maltreatment of persons in vulnerable situations. Measures are also to be put in place to preserve the confidentiality of information relating to the identity of persons who report maltreatment, to protect them against reprisals and to grant them immunity from proceedings after they make such a report in good faith.*

*The Minister responsible for Seniors, in concert with the actors from the sectors concerned, is responsible for combatting maltreatment of seniors, in particular by ensuring the complementarity and effectiveness of the actions undertaken to prevent, identify and combat such maltreatment.*

*Health and social services providers and professionals within the meaning of the Professional Code are required to report certain cases of maltreatment to the local service quality and complaints commissioner of an institution or to a police force, as applicable.*



*The Act defines in several Acts, including those concerning professional orders and those relating to the protection of personal information, the nature of the threat of, and the notion of, “serious bodily injury” in the provisions that authorize the communication of personal information, without the consent of the person concerned, to prevent an act of violence.*

*Lastly, the Government may determine, by regulation, the terms governing the use, by a user or a user’s representative, of monitoring mechanisms, such as cameras or any other technological means, on premises governed by the Act respecting health services and social services.*

#### **LEGISLATION AMENDED BY THIS ACT:**

- Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);
- Tax Administration Act (chapter A-6.002);
- Act respecting the Barreau du Québec (chapter B-1);
- Professional Code (chapter C-26);
- Act respecting labour standards (chapter N-1.1);
- Notaries Act (chapter N-3);
- Act respecting the sharing of certain health information (chapter P-9.0001);
- Youth Protection Act (chapter P-34.1);
- Act respecting the protection of personal information in the private sector (chapter P-39.1);
- Act respecting health services and social services (chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (chapter S-5).



## **Bill 115**

### **AN ACT TO COMBAT MALTREATMENT OF SENIORS AND OTHER PERSONS OF FULL AGE IN VULNERABLE SITUATIONS**

AS Québec society places value on the well-being of persons and respect for their fundamental rights;

AS, despite existing legislative and administrative measures to combat maltreatment, persons are still falling victim to it, particularly persons in vulnerable situations;

AS Québec has one of the world's populations most impacted by aging and certain seniors are in vulnerable situations;

AS maltreatment is unacceptable and the State deems it essential to intervene in order to reinforce existing measures to combat maltreatment of persons in vulnerable situations, in a manner that protects their interests and autonomy;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **OBJECTS AND DEFINITIONS**

**1.** This Act provides measures to combat maltreatment of seniors and other persons of full age in vulnerable situations, such as requiring every institution to adopt and implement a policy to combat maltreatment of such persons, facilitating the reporting of cases of maltreatment and establishing an intervention process with respect to maltreatment of seniors and other persons of full age in vulnerable situations.

**2.** For the purposes of this Act,

(1) “local service quality and complaints commissioner” means a local service quality and complaints commissioner appointed under section 30 of the Act respecting health services and social services (chapter S-4.2) or the person designated by the Cree Board of Health and Social Services of James Bay established under the Act respecting health services and social services for Cree Native persons (chapter S-5);

(2) “institution” means an institution within the meaning of the Act respecting health services and social services or the Cree Board of Health and Social Services of James Bay;

(3) “maltreatment” means a single or repeated act, or a lack of appropriate action, that occurs in a relationship where there is an expectation of trust, and that intentionally or unintentionally causes harm or distress to a person;

(4) “person in a vulnerable situation” means a person of full age whose ability to request or obtain assistance is temporarily or permanently limited because of factors such as a restraint, limitation, illness, disease, injury, impairment or handicap, which may be physical, cognitive or psychological in nature;

(5) “person working for the institution” means a physician, dentist, midwife, personnel member, medical resident, trainee, volunteer or other natural person who provides services directly to a person on behalf of the institution; and

(6) “private seniors’ residence” means a private seniors’ residence within the meaning of section 346.0.1 of the Act respecting health services and social services.

## CHAPTER II

### ANTI-MALTREATMENT POLICY

#### DIVISION I

##### POLICY ADOPTION AND IMPLEMENTATION

**3.** Every institution must adopt a policy to combat maltreatment of persons in vulnerable situations who receive health services and social services, whether services provided in a facility maintained by the institution or in-home services.

The purpose of the policy is, in particular, to establish measures to prevent and combat maltreatment of such persons, whether at the hands of a person working for the institution or of any other person, and to support them in any steps taken to end it.

The president and executive director or the executive director of the institution, as applicable, or the person designated by the president and executive director or the executive director, sees to the implementation of the policy.

The policy must include

(1) the person responsible for implementing the policy and their contact information;

(2) the measures put in place to prevent maltreatment of persons in vulnerable situations who receive health services and social services, such as awareness, information and training activities;

(3) the procedure allowing such persons who believe they are victims of maltreatment to file a complaint with the local service quality and complaints commissioner;

(4) the procedure allowing any other person, including a person who does not work for the institution, to report to the local service quality and complaints commissioner any alleged case of maltreatment of a person in a vulnerable situation who receives health services and social services;

(5) the support measures available to help a person file a complaint or report of maltreatment;

(6) the measures put in place by the local service quality and complaints commissioner to preserve the confidentiality of any information that would allow the person reporting a case of maltreatment to be identified;

(7) the sanctions, in particular disciplinary sanctions, that could be applied in cases of maltreatment; and

(8) the required follow-up in response to any complaint or report of maltreatment and the time limit for carrying it out.

The time limits for processing complaints or reports concerning cases of maltreatment must vary according to the seriousness of each case.

**4.** The policy must specify the adaptations required, if any, when it is implemented by

(1) an intermediate or family-type resource governed by the Act respecting health services and social services or any other body, partnership or person the institution calls on for the provision of its services, in particular by an agreement under section 108 or 108.1 of the Act respecting health services and social services or section 124 of the Act respecting health services and social services for Cree Native persons; or

(2) a private seniors' residence.

## **DIVISION II**

### **DISSEMINATION OF THE POLICY**

**5.** The institution must publicly display its policy in the facilities it maintains and publish it on its website. It must also, by any other means it determines, make its policy known to users covered by the policy, including those who receive in-home services, and their close family members.

**6.** The person responsible for implementing the policy must inform the persons working for the institution of the policy's content and, more specifically, of the prevention measures put in place and the possibility of reporting cases of maltreatment to the local service quality and complaints commissioner.

An integrated health and social services centre established by the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) and a local authority within the meaning of the Act respecting health services and social services must also each make its policy known to the health and social services providers working in the territory served by the centre or authority, namely, the groups of professionals, the community organizations within the meaning of section 334 of the Act respecting health services and social services, and the social economy enterprises and private resources, and to the key players in the other sectors of activity that have an impact on health services and social services.

### **DIVISION III**

#### **POLICY REVIEW**

**7.** The institution must review its policy at least every five years.

### **DIVISION IV**

#### **IMPLEMENTATION OF POLICY BY OTHER SERVICE PROVIDERS**

**8.** Any intermediate resource or family-type resource that receives users of full age must implement the anti-maltreatment policy of the institution that uses the resource's services. The same applies to any other body, partnership or person the institution calls on for the provision of services.

Any such resource, body, partnership or person must make its policy known to the users covered by the policy, their close family members and the persons working for the resource, body, partnership or person.

**9.** Any operator of a private seniors' residence must implement the anti-maltreatment policy of the integrated health and social services centre or the local authority, as applicable, in the territory where the residence is situated.

The operator must make the policy known to the residents, their close family members and the persons working for the residence.

## DIVISION V

### CONFIDENTIALITY, PROTECTION AGAINST REPRISAL AND IMMUNITY FROM PROCEEDINGS

**10.** The local service quality and complaints commissioner must take all necessary measures to preserve the confidentiality of any information that would allow a person who has reported maltreatment to be identified, unless the person consents to being identified. The commissioner may however communicate the identity of that person to the police force concerned.

**11.** Reprisals are prohibited against a person who, in good faith and within the scope of the policy provided for in this chapter, reports maltreatment or cooperates in the examination of a report or complaint of maltreatment, as are threats of reprisal against a person to dissuade them from reporting maltreatment or cooperating in the examination of a report or complaint made within the scope of the policy provided for in this chapter.

The demotion, suspension, termination of employment or transfer of a person working for the institution or any disciplinary or other measure that adversely affects the employment or working conditions of such a person is presumed to be a reprisal. Transferring a user or resident, breaking their lease, or prohibiting or restricting visits to users or residents is also presumed to be a reprisal.

**12.** No proceedings may be brought against a person who, in good faith, has reported maltreatment or cooperated in the examination of a report, whatever the conclusions issued following its examination.

## DIVISION VI

### ADOPTION OF A POLICY BY OTHER BODIES OR RESOURCES

**13.** The Government may, by regulation, require any body, resource or category of bodies or resources it designates to adopt a policy to combat maltreatment of persons in vulnerable situations and, in such a case, specify the necessary adaptations.

## DIVISION VII

### REPORTING

**14.** The local service quality and complaints commissioner must, in the activities summary the commissioner submits to the institution, include a section dealing specifically with complaints and reports the commissioner has received concerning cases of maltreatment of persons in vulnerable situations, without compromising the confidentiality of maltreatment records, including the identity of the persons concerned by a complaint or report of maltreatment.

**15.** The Minister of Health and Social Services reports annually on the application of this chapter in a report the Minister tables in the National Assembly within four months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption. The report is also published on the website of the Minister's department.

### CHAPTER III

#### QUÉBEC-WIDE FRAMEWORK AGREEMENT TO COMBAT MALTREATMENT

**16.** The Minister responsible for Seniors, in concert with the actors from the sectors concerned, is responsible for combatting maltreatment of seniors, in particular by ensuring the complementarity and effectiveness of actions undertaken to prevent, identify and combat such maltreatment.

**17.** The Minister enters into a Québec-wide framework agreement concerning maltreatment of seniors with the Minister of Public Security, the Minister of Justice, the Minister of Health and Social Services, the Director of Criminal and Penal Prosecutions, the Autorité des marchés financiers, the Commission des droits de la personne et des droits de la jeunesse, the Public Curator and any other department or body considered useful.

The framework agreement must, among other things, stipulate the parties' obligation to make sure an intervention process is established in each region that takes into account the different regional realities.

The framework agreement must also provide that it may be applied, with the necessary adaptations, to any person of full age in a vulnerable situation.

**18.** Any person who has reasonable cause to believe that a person concerned by an intervention process is a victim of maltreatment may report the case to any of the persons authorized to receive such reports under the intervention process.

**19.** Sections 10 to 12 apply, with the necessary modifications, to persons who, under this chapter, report maltreatment, receive a report of maltreatment or cooperate in the examination of such a report.

**20.** The Minister responsible for Seniors reports annually on the application of this chapter in a report the Minister tables in the National Assembly within four months of the end of the fiscal year or, if the Assembly is not sitting, within 15 days of resumption. The report is also published on the website of the Minister's department.



## CHAPTER IV

### OBLIGATION TO REPORT CERTAIN CASES OF MALTREATMENT

**21.** Any health services and social services provider or any professional within the meaning of the Professional Code (chapter C-26) who has reasonable grounds to believe that a person of full age is a victim of a single or repeated act, or a lack of appropriate action, that seriously undermines the physical or psychological integrity of the person must report it immediately if

(1) the person is lodged in a facility maintained by an institution operating a residential and long-term care centre within the meaning of the Act respecting health services and social services; or

(2) the person is under tutorship or curatorship, or is a person for whom a protection mandate has been homologated.

The report is filed with the local service quality and complaints commissioner of the institution where the person receives services, if applicable, or, in any other case, with a police force, to be handled in accordance with Chapter II or Chapter III, as applicable.

This section even applies to persons bound by professional secrecy, except lawyers and notaries who receive information about such a case in the exercise of their profession.

**22.** The Government may, by regulation, determine that the obligation to report maltreatment provided for in section 21 applies in the case of other persons receiving health services and social services.

## CHAPTER V

### AMENDING PROVISIONS

#### ACT RESPECTING ACCESS TO DOCUMENTS HELD BY PUBLIC BODIES AND THE PROTECTION OF PERSONAL INFORMATION

**23.** Section 59.1 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) is amended

(1) by replacing “an imminent danger of death or serious bodily injury to a person or an identifiable group of persons” in the first paragraph by “a serious risk of death or serious bodily injury threatening a person or an identifiable group of persons and where the nature of the threat generates a sense of urgency”;

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

“For the purposes of the first paragraph, “serious bodily injury” means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.”

#### TAX ADMINISTRATION ACT

**24.** Section 69.0.0.11 of the Tax Administration Act (chapter A-6.002) is amended

(1) by replacing “imminent danger of death or serious bodily injury to a person or identifiable group of persons or where there is an emergency situation that threatens their lives, health or safety” in the first paragraph by “a serious risk of death or serious bodily injury threatening a person or an identifiable group of persons and where the nature of the threat generates a sense of urgency”;

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

“For the purposes of the first paragraph, “serious bodily injury” means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.”

#### ACT RESPECTING THE BARREAU DU QUÉBEC

**25.** Section 131 of the Act respecting the Barreau du Québec (chapter B-1) is amended

(1) by replacing “an imminent danger of death or serious bodily injury to a person or an identifiable group of persons” in subsection 3 by “a serious risk of death or serious bodily injury threatening a person or an identifiable group of persons and where the nature of the threat generates a sense of urgency”;

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

“(4) For the purposes of subsection 3, “serious bodily injury” means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.”

#### PROFESSIONAL CODE

**26.** Section 60.4 of the Professional Code (chapter C-26) is amended

(1) by replacing “an imminent danger of death or serious bodily injury to a person or an identifiable group of persons” in the third paragraph by “a serious

risk of death or serious bodily injury threatening a person or an identifiable group of persons and where the nature of the threat generates a sense of urgency”;

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

“For the purposes of the third paragraph, “serious bodily injury” means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.”

#### ACT RESPECTING LABOUR STANDARDS

**27.** Section 3.1 of the Act respecting labour standards (chapter N-1.1), amended by section 43 of the Act to facilitate the disclosure of wrongdoings relating to public bodies (2016, chapter 34), is again amended by replacing “, 10 and 11” in the second paragraph by “and 10 to 12”.

**28.** Section 122 of the Act, amended by section 44 of the Act to facilitate the disclosure of wrongdoings relating to public bodies, is again amended by adding the following subparagraph at the end of the first paragraph:

“(12) on the ground of a report of maltreatment made by an employee or of the employee’s cooperation in the examination of a report or complaint of maltreatment under the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (2017, chapter 10).”

#### NOTARIES ACT

**29.** Section 14.1 of the Notaries Act (chapter N-3) is amended

(1) by replacing “an imminent danger of death or serious bodily injury to a person or an identifiable group of persons” in the third paragraph by “a serious risk of death or serious bodily injury threatening a person or an identifiable group of persons and where the nature of the threat generates a sense of urgency”;

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

“For the purposes of the third paragraph, “serious bodily injury” means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.”

## ACT RESPECTING THE SHARING OF CERTAIN HEALTH INFORMATION

**30.** Section 102 of the Act respecting the sharing of certain health information (chapter P-9.0001) is amended

(1) by replacing “an imminent danger of death or serious bodily injury to a person or an identifiable group of persons” in the first paragraph by “a serious risk of death or serious bodily injury threatening a person or an identifiable group of persons and where the nature of the threat generates a sense of urgency”;

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

“For the purposes of the first paragraph, “serious bodily injury” means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.”

## YOUTH PROTECTION ACT

**31.** Section 72.8 of the Youth Protection Act (chapter P-34.1) is amended

(1) by replacing “an imminent danger of death or serious bodily injury to a person or an identifiable group of persons” in the first paragraph by “a serious risk of death or serious bodily injury threatening a person or an identifiable group of persons and where the nature of the threat generates a sense of urgency”;

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

“For the purposes of the first paragraph, “serious bodily injury” means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.”

## ACT RESPECTING THE PROTECTION OF PERSONAL INFORMATION IN THE PRIVATE SECTOR

**32.** Section 18.1 of the Act respecting the protection of personal information in the private sector (chapter P-39.1) is amended

(1) by replacing “an imminent danger of death or serious bodily injury to a person or an identifiable group of persons” in the first paragraph by “a serious risk of death or serious bodily injury threatening a person or an identifiable group of persons and where the nature of the threat generates a sense of urgency”;

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

“For the purposes of the first paragraph, “serious bodily injury” means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.”

#### ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**33.** Section 19.0.1 of the Act respecting health services and social services (chapter S-4.2) is amended

(1) by replacing “an imminent danger of death or serious bodily injury to the user, another person or an identifiable group of persons” in the first paragraph by “a serious risk of death or serious bodily injury threatening the user, another person or an identifiable group of persons and where the nature of the threat generates a sense of urgency”;

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

“For the purposes of the first paragraph, “serious bodily injury” means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.”

**34.** Section 33 of the Act is amended by adding the following paragraph at the end:

“The local service quality and complaints commissioner is also answerable for the handling of reports of maltreatment made within the scope of the anti-maltreatment policy adopted under the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (2017, chapter 10) and, if the report of maltreatment must be handled by another authority, for directing the persons making the report to that authority.”

**35.** Section 505 of the Act is amended by adding the following at the end:

“(30) determine the terms governing the use, by a user and his representative described in section 12, of monitoring mechanisms, such as cameras or any other technological means, in the facilities maintained by an institution and in intermediate resources, family-type resources, private seniors’ residences or any other premises it determines, in connection with the provision of health services and social services.

A regulation under paragraph 30 that enacts measures mainly applicable to seniors is made on the joint recommendation of the Minister of Health and Social Services and the Minister responsible for Seniors.”

## ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

**36.** Section 7 of the Act respecting health services and social services for Cree Native persons (chapter S-5) is amended

(1) by replacing “an imminent danger of death or serious bodily injury to the beneficiary, another person or an identifiable group of persons” in the second paragraph by “a serious risk of death or serious bodily injury threatening the beneficiary, another person or an identifiable group of persons and where the nature of the threat generates a sense of urgency”;

(2) by adding the following paragraph after the second paragraph:

“For the purposes of the second paragraph, “serious bodily injury” means any physical or psychological injury that is significantly detrimental to the physical integrity or the health or well-being of a person or an identifiable group of persons.”

**37.** Section 18 of the Act is amended by adding the following paragraph at the end:

“The regional council is also responsible for the handling of reports of maltreatment made within the scope of the anti-maltreatment policy adopted under the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (2017, chapter 10) and, if the report of maltreatment must be handled by another authority, for directing the persons making the report to that authority.”

## CHAPTER VI

### MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

**38.** Every institution must adopt its anti-maltreatment policy, described in section 3, not later than 30 November 2018.

**39.** Despite section 7, the first review of the policy to combat maltreatment of persons in vulnerable situations who receive health services and social services must be carried out not later than 30 May 2020.

**40.** The Minister responsible for Seniors is responsible for the administration of this Act, except Chapter II and section 38, which are under the responsibility of the Minister of Health and Social Services.

**41.** This Act comes into force on 30 May 2017.

## Regulations and other Acts

### M.O., 2017

#### Order number 2017-07 of the Minister of Transport, Sustainable Mobility and Transport Electrification dated 19 July 2017

An Act respecting transportation services by taxi (chapter S-6.01)

Pilot project to promote taxi transportation services using electric taxis

THE MINISTER OF TRANSPORT, SUSTAINABLE MOBILITY AND TRANSPORT ELECTRIFICATION,

CONSIDERING the first paragraph of section 89.1 of the Act respecting transportation services by taxi (chapter S-6.01), which provides that the Minister of Transport, Sustainable Mobility and Transport Electrification may, by order

(1) authorize pilot projects designed to experiment or innovate in the area of taxi transportation services or to study, improve or define standards applicable to that area;

(2) authorize, within the scope of such pilot projects, any person or body that is a holder of a taxi owner's permit, or a business partner of such a holder, to offer taxi transportation services in compliance with standards and rules prescribed by the Minister that differ from those set out in the Act and the regulations, for the purpose of increasing the safety of users, improving the quality of the services offered or fostering the development of the taxi transportation services industry, all in compliance with the applicable privacy protection rules;

CONSIDERING the second paragraph of that section, which provides that

(1) such pilot projects are to be conducted for a period of up to two years, which the Minister may extend by up to one year;

(2) the Minister may modify a pilot project at any time;

CONSIDERING the fourth paragraph of that section, which provides that an order made under that section is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1);

CONSIDERING that by Order 2015-14 dated 9 November 2015 the Minister of Transport, Sustainable Mobility and Transport Electrification authorized the Pilot project to promote taxi transportation services using electric taxis for a period of 2 years ending on 26 November 2017;

CONSIDERING the orientation of the Government to promote electric transportation with the adoption of the Transportation Electrification Action Plan 2015-2020;

CONSIDERING that the electrification of taxi transportation shows great potential for the reduction of greenhouse gases ("GHG"), and that experimentation with electric taxi fleets appears necessary;

CONSIDERING that it is expedient to extend the pilot project for a period of 1 year and to make certain amendments to it to increase the number of permits authorized;

ORDERS AS FOLLOWS:

1. The Pilot project to promote taxi transportation services using electric taxis (chapter S-6.01, r. 2.1) is amended in section 32 by replacing "2017" by "2018".

2. The Schedule to the Pilot project is replaced by the following:

#### Schedule

(sections 1, 8, 16 and 19)

Authorized holder or business partner	Authorized urban agglomeration for leasing	Number and type of permit authorized for project
Taxelco inc.	A-5 – l'Est de Montréal	350 leased regular permits
	A-11 – Montréal	70 special permits
	A-12 – l'Ouest de Montréal	

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

LAURENT LESSARD,  
*Minister of Transport, Sustainable Mobility and Transport Electrification*

103081

**M.O., 2017**

**Order of the Minister of Municipal Affairs and Land Occupancy dated 21 July 2017**

An Act respecting municipal taxation  
(chapter F-2.1)

Regulation to amend the Regulation respecting the real estate assessment roll

CONSIDERING subparagraph 1 of the first paragraph of section 263 of the Act respecting municipal taxation (chapter F-2.1), which empowers the Minister of Municipal Affairs and Land Occupancy to make regulations to prescribe the form and content of the property assessment roll and the roll of rental values; prescribe the process by which the rolls are to be prepared and kept up to date; prescribe the information to be collected and established for the purpose of preparing the rolls and keeping them up to date, the form in which it must be sent to a person who is entitled to obtain it under the law and the information that is to accompany the rolls on their deposit; prescribe rules to favour continuity between successive rolls; require the assessor to transmit to the Minister, free of charge, the information included in the summary of the roll in the cases and according to the rules determined by the Minister; refer to a manual containing matters contemplated by the Act, as it exists at the time that the assessor must apply it, provided that the Minister gives notice in the *Gazette officielle du Québec* of each updating of the manual made after the coming into force of the regulations under that subparagraph;

CONSIDERING subparagraph 2 of the first paragraph of section 263, which empowers the Minister to prescribe the form or content of the assessor's certificates, among other things;

CONSIDERING section 263.1 of the Act, which provides that every regulation made under section 263 may prescribe rules which vary according to the fiscal year concerned from among those for which a roll applies;

CONSIDERING the making by the Minister of Municipal Affairs, by Minister's Order dated 1 September 1994 (1994, *G.O.* 2, 4104) of the Regulation respecting the real estate assessment roll, amended by Minister's Orders dated 14 June 2000 (2000, *G.O.* 2, 3423), dated 20 July 2010 (2010, *G.O.* 2, 2415) and 8 June 2015 (2015, *G.O.* 2, 1102);

CONSIDERING that it is expedient to further amend the Regulation;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting the real estate assessment roll was published in Part 2 of the *Gazette officielle du Québec* of 19 October 2016 with a notice that it could be made on the expiry of 45 days following that publication and that any person could make comments in writing before the expiry of that period;

CONSIDERING that no comments were received;

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

THE MINISTER OF MUNICIPAL AFFAIRS AND LAND OCCUPANCY ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting the real estate assessment roll, attached to this Order, is hereby made.

Québec, July 21st, 2017

MARTIN COITEUX,  
*Minister of Municipal Affairs  
and Land Occupancy*

**Regulation to amend the Regulation respecting the real estate assessment roll**

An Act respecting municipal taxation  
(chapter F-2.1, s. 263)

**1.** The Regulation respecting the real estate assessment roll (chapter F-2.1, r. 13) is amended in section 21 by adding "and it is the information prescribed by the update referred to in that paragraph" at the end of subparagraph 2 of the second paragraph.

**2.** For the purposes of keeping up to date a real estate assessment roll that came into force before 1 January 2017, and for the purposes of every municipal fiscal year as of the 2017 municipal fiscal year, section 19.1 must read as follows:

"**19.1.** An assessor draws up the certificate provided for in the first or third paragraph of section 176 of the Act using the information in Part 5D of the 2016 edition of the Manual."

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



**M.O., 2017****Order of the Minister of Municipal Affairs and Land Occupancy dated 21 July 2017**

Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001)

Replacement of the Order of the Minister of Municipal Affairs and Regions dated 26 November 2008 concerning the rules to establish the fiscal potential of the related municipalities of the urban agglomeration of Montréal for the purposes of apportioning urban agglomeration expenditures

WHEREAS Title IV.3 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), comprising sections 118.79 to 118.97, contains special provisions applicable to the urban agglomeration of Montréal;

WHEREAS the first paragraph of section 118.80 of the Act provides that the urban agglomeration expenditures are apportioned among the related municipalities in proportion to their respective fiscal potentials established according to the rules prescribed by the Minister of Municipal Affairs, Regions and Land Occupancy;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft order entitled “Order replacing the Order of the Minister of Municipal Affairs and Regions dated 26 November 2008 concerning the rules to establish the fiscal potential of the related municipalities of the urban agglomeration of Montréal for the purposes of apportioning urban agglomeration expenditures” was published in Part 2 of the *Gazette officielle du Québec* of 31 May 2017, with a notice that it could be made on the expiry of 45 day following that publication and that any person could send comments in writing before the expiry of the 45-day period;

WHEREAS a comment was received and it is not expedient to take it into account;

WHEREAS it is expedient to make the Order without amendment;

THE MINISTER OF MUNICIPAL AFFAIRS AND LAND OCCUPANCY ORDERS THE FOLLOWING:

The Order replacing the Order of the Minister of Municipal Affairs and Regions dated 26 November 2008 concerning the rules to establish the fiscal potential of the related municipalities of the urban agglomeration of Montréal for the purposes of apportioning urban agglomeration expenditures is hereby made.

Québec, July 21st, 2017

MARTIN COITEUX,  
*Minister of Municipal Affairs  
and Land Occupancy*

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**Order replacing the Order of the Minister of Municipal Affairs and Regions dated 26 November 2008 concerning the rules to establish the fiscal potential of the related municipalities of the urban agglomeration of Montréal for the purposes of apportioning urban agglomeration expenditures**

Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001, s. 118.80)

**DIVISION I  
GENERAL**

**1.** The provisions of this Order set out the rules for establishing, for the fiscal years 2017, 2018 and 2019, the fiscal potential of the related municipalities of the urban agglomeration of Montréal for the purposes of apportioning the urban agglomeration expenditures of Ville de Montréal.

**DIVISION II  
FISCAL POTENTIAL**

**2.** The fiscal potential of each related municipality of the urban agglomeration of Montréal, for the purposes of apportioning the urban agglomeration expenditures of Ville de Montréal, is established in accordance with section 261.5 of the Act respecting municipal taxation (chapter F-2.1), with the necessary modifications, in particular, the replacement of the coefficient “0.48” in subparagraph 2 of the first paragraph by “2.68”.

### DIVISION III TRANSITIONAL AND FINAL

**3.** For the fiscal year 2017, the share of the urban agglomeration expenditures of Ville de Montréal that each related municipality of the urban agglomeration of Montréal will pay is obtained by adding

(1) two-thirds of its share of the urban agglomeration expenditures apportioned according to its contributing percentage of the fiscal potential for the fiscal year 2017 established in accordance with the rules set out in the Order dated 26 November 2008 and appearing in the table in Schedule I; and

(2) one-third of its share of the urban agglomeration expenditures apportioned according to the fiscal potential of the fiscal year 2017 established in accordance with section 2.

**4.** For the fiscal year 2018, the share of the urban agglomeration expenditures of Ville de Montréal that each related municipality of the urban agglomeration of Montréal will pay is obtained by adding

(1) one-third of its share of the urban agglomeration expenditures apportioned according to its contributing percentage of the fiscal potential for the fiscal year 2017 established in accordance with the rules set out in the Order dated 26 November 2008 and appearing in the table in Schedule I; and

(2) two-thirds of its share of the urban agglomeration expenditures apportioned according to the fiscal potential of the fiscal year 2018 established in accordance with section 2.

**5.** This Order applies as of the fiscal year 2017.

**6.** This Order replaces the Order of the Minister of Municipal Affairs and Regions dated 26 November 2008 concerning the rules to establish the fiscal potential of the related municipalities of the urban agglomeration of Montréal for the purposes of apportioning urban agglomeration expenditures.

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

### SCHEDULE I

CONTRIBUTING PERCENTAGE OF THE FISCAL POTENTIAL FOR THE FISCAL YEAR 2017 OF EACH RELATED MUNICIPALITY OF THE URBAN AGGLOMERATION OF MONTRÉAL ESTABLISHED ACCORDING TO THE RULES FOR THE ESTABLISHMENT OF THE FISCAL POTENTIAL OF RELATED MUNICIPALITIES FOR THE PURPOSES OF APPORTIONING URBAN AGGLOMERATION EXPENDITURES PROVIDED FOR IN THE ORDER DATED 26 NOVEMBER 2008 OF THE MINISTER OF MUNICIPAL AFFAIRS AND REGIONS

Related municipalities	Contributing percentage of the fiscal potential for the fiscal year 2017
Ville de Montréal	81.86258%
Baie-D'Urfé	0.51132%
Beaconsfield	0.89845%
Côte-Saint-Luc	1.25568%
Dollard-des-Ormeaux	1.76560%
Dorval	3.23494%
Hampstead	0.44306%
L'Île-Dorval	0.00233%
Kirkland	1.34904%
Mont-Royal	2.02341%
Montréal-Est	0.77696%
Montréal-Ouest	0.23373%
Pointe-Claire	2.66628%
Senneville	0.15686%
Sainte-Anne-de-Bellevue	0.47248%
Westmount	2.34729%

103086

## Draft Regulations

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### Draft Regulation

Supplemental Pension Plans Act  
(chapter R-15.1)

#### Pension plans of the municipal and university sectors — Funding — Amendment

Notice is hereby given, in accordance with sections 10, 11 and 12 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the funding of pension plans of the municipal and university sectors, appearing below, may be made by the Government on the expiry of 15 days following this publication.

The purpose of the draft Regulation is to exclude the stabilization contributions paid by a plan member from the rule whereby member contributions not be used to pay more than 50% of the value of the benefit to which the member is entitled. It specifies, however, that those contributions must be taken into account where a member makes amortization payments.

The draft Regulation provides that a report on an actuarial valuation taking into account the stabilization contributions paid by a member and sent to Retraite Québec before the date on which the Regulation is published may be revised or replaced provided the pension committee sends Retraite Québec, within the time period set out by regulation, a report whose purpose is to exclude those contributions. In the case of a report on an actuarial valuation further to restructuring, the Regulation provides that the parties must make a request to the pension committee if they wish to revise or replace the report. It also provides that the Regulation has effect from 8 June 2016 with regard to actuarial valuations.

Under section 12 of the Regulations Act, the draft Regulation can be approved at the expiry of a shorter period than the 45-day period provided for under section 11 of that Act. The Government is of the opinion that the shorter delay is warranted due to the urgency caused by the fact that the report on the actuarial valuation as at 31 December 2016, which is required for any plan to which Chapter X of the Supplemental Pension Plans Act applies, must be submitted to Retraite Québec no later than 30 September 2017.

The draft Regulation does not have a negative impact on businesses, particularly on small businesses.

Further information may be obtained from Mr. Benoit Saucier, Retraite Québec, Place de la Cité, 2600, boulevard Laurier, Québec (Québec) G1V 4T3 (telephone: 418 643-8282; fax: 418 643-7421; email: benoit.saucier@retraitequebec.gouv.qc.ca).

Any person wishing to comment on the draft Regulation is asked to send his or her comments in writing before the expiry of the 15-day period mentioned above to Mr. Michel Després, President and Chief Executive Office of Retraite Québec, Place de la Cité, 2600, boulevard Laurier, 5<sup>e</sup> étage, Québec (Québec) G1V 4T3. Comments will be forwarded by Retraite Québec to the Minister of Finance, who is responsible for the application of the Supplemental Pension Plans Act.

CARLOS LEITÃO,  
*Minister of Finance*

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### Regulation to amend the Regulation respecting the funding of pension plans of the municipal and university sectors

Supplemental Pension Plans Act  
(chapter R-15.1, s. 2, 2nd and 3rd pars.)

**1.** The Regulation respecting the funding of pension plans of the municipal and university sectors (chapter R-15.1, r. 2) is amended by replacing section 6.1 with the following:

“**6.1.** For the purposes of the first paragraph of section 60 of the Act, the member contributions are those paid in accordance with section 38 of the Act as it read before 1 January 2016.

For the purposes of the second paragraph of section 60 of the Act, the member contributions paid by a member include the stabilization contributions the member has paid.”

**2.** The Regulation is amended by adding after section 59 the following:

“**60.** The report on an actuarial valuation that takes into account the stabilization contributions paid by a member pursuant to the first paragraph of section 60 of the Act and that was sent to Retraite Québec before *(insert the date of publication of this Regulation under section 8 of the*

*Regulations Act (chapter R-18.1)) may, for the sole purpose of excluding those contributions in accordance with the first paragraph of section 6.1, be revised or replaced in accordance with the second paragraph of section 120 of the Act, provided the pension committee sends to Retraite Québec the report so revised or the replacement report no later than (insert the date following by 180 days the date of coming into force of this Regulation).*

For the purpose of the first paragraph, the report on the actuarial valuation referred to in section 51 of the Act to foster the financial health and sustainability of municipal defined benefit pension plans (chapter S-2.1.1) or in section 66 of the Act respecting the restructuring of university-sector defined benefit pension plans (chapter R-26.2.1) can only be revised or replaced if the parties referred to in Chapter IV of the Act to foster the financial health and sustainability of municipal defined benefit pension plans or in Chapter V of the Act respecting the restructuring of university-sector defined benefit pension plans, as applicable, have made a written request to that effect to the pension committee or, in the case referred to in section 61 of the latter act, if the authority that has the power to make amendments to the pension plan has made a request to the pension committee.

The provisions of the first paragraph do not apply to a report on an actuarial valuation referred to in sections 4, 16 and 60 of the Act to foster the financial health and sustainability of municipal defined benefit pension plans or in section 4 of the Act respecting the restructuring of university-sector defined benefit pension plans.”.

**3.** This Regulation comes into force on *(insert the fifteenth day following the date this Regulation is published in the Gazette officielle du Québec)*. However, with regard to actuarial valuations, section 1 has effect from 8 June 2016.

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

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