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**2**

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**Laws and Regulations**

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**Summary**

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### Contents

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- (1) Acts assented to;
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- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
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## Coming into force of Acts

Gouvernement du Québec

**O.C. 962-2018, 3 July 2018**

**Québec Immigration Act (2016, chapter 3)  
—Coming into force of the provisions of the Act**

COMING INTO FORCE of the provisions of the Québec Immigration Act

WHEREAS the Québec Immigration Act (2016, chapter 3) was assented to on 6 April 2016;

WHEREAS section 130 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 2 August 2018 as the date of coming into force of the provisions of the Québec Immigration Act, except paragraph 2 of section 72;

IT IS ORDERED, therefore, on the recommendation of the Minister of Immigration, Diversity and Inclusiveness:

THAT 2 August 2018 be set as the date of coming into force of the Québec Immigration Act (2016, chapter 3), except paragraph 2 of section 72.

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

103601

Gouvernement du Québec

**O.C. 987-2018, 3 July 2018**

**An Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs  
—Coming into force of certain provisions of the Act**

COMING INTO FORCE of certain provisions of the Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs

WHEREAS the Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs (2017, chapter 24) was assented to on 15 November 2017;

WHEREAS, under section 85 of the Act, the provisions of the Act come into force on the date or dates to be set by the Government, except sections 1, 5, 62, 69 and 83, which come into force on 15 November 2017;

WHEREAS it is expedient to set 1 August 2018 as the date of coming into force of the following sections:

—sections 9, 43, 49 to 52, 57, 58, 64 to 66, 70, 71 to 74, 79 and 84 of the Act;

—sections 23, 44, 55 and 59 of the Act, to the extent that they enact the first paragraph of section 115.1, sections 187.6, 187.8, 244.1 and 251.2 of the Consumer Protection Act (chapter P-40.1);

—the second paragraph of section 81 of the Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs, to the extent that it concerns section 187.8 of the Consumer Protection Act;

WHEREAS it is expedient to set 1 February 2019 as the date of coming into force of the following sections:

—sections 4, 48, 53 and 75 of the Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs;

—sections 55 and 63 of the Act, to the extent that they enact sections 244.2 to 244.6, subparagraph *h* of the first paragraph and the second paragraph of section 321 of the Consumer Protection Act;

WHEREAS it is expedient to set 1 August 2019 as the date of coming into force of all the other provisions of the Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs that are not yet in force;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and for Housing:

THAT 1 August 2018 be set as the date of coming into force of the following sections:

—sections 9, 43, 49 to 52, 57, 58, 64 to 66, 70, 71 to 74, 79 and 84 of the Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs (2017, chapter 24);

—sections 23, 44, 55 and 59 of the Act, to the extent that they enact the first paragraph of section 115.1, sections 187.6, 187.8, 244.1 and 251.2 of the Consumer Protection Act (chapter P-40.1);

—the second paragraph of section 81 of the Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs, to the extent that it concerns section 187.8 of the Consumer Protection Act;

THAT 1 February 2019 be set as the date of coming into force of the following sections:

—sections 4, 48, 53 and 75 of the Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs;

—sections 55 and 63 of the Act, to the extent that they enact sections 244.2 to 244.6, subparagraph *h* of the first paragraph and the second paragraph of section 321 of the Consumer Protection Act;

THAT 1 August 2019 be set as the date of coming into force of all the other provisions of the Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs that are not yet in force.

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

103604

Gouvernement du Québec

## **O.C. 995-2018, 3 July 2018**

### **An Act to amend the Building Act and other legislative provisions mainly to give effect to certain Charbonneau Commission recommendations (2018, chapter 13)**

#### **— Coming into force of the provisions of the Act**

COMING INTO FORCE of the provisions of the Act to amend the Building Act and other legislative provisions mainly to give effect to certain Charbonneau Commission recommendations

WHEREAS the Act to amend the Building Act and other legislative provisions mainly to give effect to certain Charbonneau Commission recommendations (2018, chapter 13) was assented to on 31 May 2018;

WHEREAS section 46 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 4 September 2018 as the date of coming into force of the provisions of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and Housing:

THAT 4 September 2018 be set as the date of coming into force of the provisions of the Act to amend the Building Act and other legislative provisions mainly to give effect to certain Charbonneau Commission recommendations (2018, chapter 13).

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

103611

## Regulations and other Acts

Gouvernement du Québec

### O.C. 931-2018, 3 July 2018

An Act respecting the Régie de l'énergie  
(chapter R-6.01)

#### Régie de l'énergie — Rules of procedure governing mediation

CONCERNING the Rules of procedure governing mediation of the Régie de l'énergie

WHEREAS, pursuant to the first paragraph of section 113 of the Act respecting the Régie de l'énergie (chapter R-6.01), the Régie may adopt rules of procedure applicable to the examination of applications, mediation, public information and consultation sessions or public hearings;

WHEREAS, pursuant to section 115 of the said Act, the rules of procedure and regulations made by the Régie must be submitted to the Government, which may approve them with or without amendments;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Rules of procedure governing mediation of the Régie de l'énergie was published in Part 2 of the *Gazette officielle du Québec* of 7 March 2018, with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS comments have been received and it is expedient to approve the Rules with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Energy and Natural Resources:

THAT the Rules of procedure governing mediation of the Régie de l'énergie, attached hereto, be approved.

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

### Rules of procedure governing mediation of the Régie de l'énergie

An Act respecting the Régie de l'énergie  
(chapter R-6.01, ss. 113 and 115)

#### CHAPTER I GENERAL PRINCIPLES

**1.** Mediation provides a means for reaching a negotiated settlement with respect to a complaint by a consumer against the electric power carrier or a distributor of electric power or natural gas, with a view to finding a mutually satisfactory solution.

**2.** The mediation process shall be governed by the rules provided herein and is intended to be flexible and non-formalistic.

#### CHAPTER II MEDIATION

**3.** The conference to which the Régie de l'énergie calls the parties pursuant to section 100.0.1 of the Act respecting the Régie de l'énergie (chapter R-6.01), as enacted by section 11 of the Act to implement the 2030 Energy Policy and to amend various legislative provisions (2016, chapter 35), may be held by using any appropriate technological means, with the parties' consent.

During this conference, the parties may confirm in writing their willingness to enter into mediation.

**4.** The reasons given by the electric power carrier or the distributor to justify its unwillingness to enter into mediation are transcribed in the decision on the complaint.

**5.** Within 15 days after receiving the parties' written confirmation of their willingness to enter into mediation, examination of the complaint is suspended and the mediator designated by the Régie calls the parties to a mediation session.

However, if the parties confirm in writing their willingness to enter into mediation during the conference referred to in section 3, examination of the complaint is suspended and a mediation session may, with the parties' consent, commence immediately before the mediator designated by the Régie.

**6.** The mediation sessions may be held by using any appropriate technological means, with the parties' consent.

#### **DIVISION I** ROLE OF THE MEDIATOR AND OBLIGATIONS OF THE PARTIES

**7.** The mediator must be capable of acting impartially and diligently and in accordance with the requirements of good faith.

The mediator has a duty to treat the parties fairly and must see that each party has an opportunity to argue its case. The mediator may also propose solutions, with the parties' consent.

**8.** The mediator may suspend a mediation session at any time in the interests of the parties or one of the parties. The mediator may also end the mediation session if warranted by the circumstances.

**9.** If the parties agree to enter into mediation to resolve the complaint, they shall sign a mediation agreement. The agreement shall specify, in particular, that mediation is undertaken freely and voluntarily, the role of the mediator, the obligations of the parties and the confidentiality of the mediation process.

**10.** The parties are required to participate in the mediation process in good faith, to be transparent with each other, including as regards the information in their possession, and to cooperate actively in searching for a solution.

The parties may, at any time in the mediation process, exchange offers, proposals or solutions in order to resolve the complaint.

#### **DIVISION II** CONFIDENTIALITY OF MEDIATION

**11.** The mediator and the parties to the mediation must preserve the confidentiality of anything said, written or done during mediation, subject to their agreement on the matter or to any special provisions of the law.

**12.** Consent to allow inadmissible evidence consisting of information and documents exchanged during mediation must be given in writing and be signed by the parties.

#### **DIVISION III** RESULTS OF MEDIATION

**13.** When mediation leads to an agreement, a written statement to that effect must be signed by the mediator and the parties.

The mediator must send this statement to the Régie, which ceases examining the complaint.

**14.** When mediation does not lead to an agreement, but the parties agree, in order that mediation be continued, to an extension of the period during which the examination of the complaint is suspended in accordance with section 100.1 of the Act respecting the Régie de l'énergie (chapter R-6.01), as amended by section 12 of the Act to implement the 2030 Energy Policy and to amend various legislative provisions (2016, chapter 35), the mediator sends written notice to that effect to the Régie prior to the end of this period. Failing such notice, the Régie resumes examining the complaint.

#### **CHAPTER III** FINAL PROVISIONS

**15.** Division I of Chapter III of the Rules of Procedure of the Régie de l'énergie (chapter R-6.01, r. 4.1) is repealed.

**16.** These Rules come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec*.

103600

Gouvernement du Québec

**O.C. 963-2018, 3 July 2018**

Québec Immigration Act  
(2016, chapter 3)

Québec Immigration Regulation

WHEREAS the Québec Immigration Act (2016, chapter 3) was assented to on 6 April 2016;

WHEREAS the provisions of the Act come into force on 2 August 2018 under Order in Council 962-2018 dated 3 July 2018, except paragraph 2 of section 72;

WHEREAS, under sections 8 and 9 of the Québec Immigration Act, the Government may make regulations on the matters set forth therein with respect to classes of foreign nationals;

WHEREAS, under the first paragraph of section 10 and section 12 of the Act, the Government may, by regulation, determine exemptions related to the matters set forth therein;



WHEREAS, under sections 14 and 15 and the second paragraph of section 17 of the Act, the Government may, by regulation, determine the cases, conditions, manner and criteria applicable to the matters set forth therein;

WHEREAS, under sections 18 and 21 of the Act, the Government may make regulations on the matters set forth therein with respect to the Minister's selection decision;

WHEREAS, under the second paragraph of section 22 and sections 23 and 24 of the Act, the Government may make regulations on the matters set forth therein with respect to sponsorship undertakings;

WHEREAS, under sections 26, 29 and 30 of the Act, the Government may make regulations on the matters set forth therein with respect to the selection of a foreign national who belongs to the economic class;

WHEREAS, under sections 34 and 35 of the Act, the Government may make regulations on the matters set forth therein with respect to the selection of a foreign national in a special hardship situation;

WHEREAS, under the first paragraph of sections 37 and 38 and section 40 of the Act, the Government may make regulations on the matters set forth therein with respect to the Minister's override power;

WHEREAS, under the first paragraph of section 42, the second paragraph of section 43 and section 48 of the Act, the Government may make regulations on the matters set forth therein with respect to the expression of interest and the Minister's invitation to a foreign national to file an application;

WHEREAS, under the second paragraph of section 58 and the first paragraph of section 59 of the Act, the Government may make regulations on the matters set forth therein with respect to the lapse or cancellation of a decision of the Minister;

WHEREAS, under sections 81 and 82 of the Act, the Government may make regulations on the matters set forth therein with respect to fees payable;

WHEREAS, under the second paragraph of section 94 of the Act, the Government may, by regulation, within the specified minimum and maximum limits, set the minimum and maximum amounts of a fine according to the nature of the violation and its seriousness;

WHEREAS, under section 101 of the Act, the Government may, by regulation, prescribe administrative penalties, including monetary penalties, for contraventions of the Act or the regulations and the conditions applicable to such penalties;

WHEREAS, under section 103 of the Act, the regulatory provisions whose violation constitutes a penal offence are determined by government regulation;

WHEREAS, under section 105 of the Act, a regulation made under the Act may provide for exemptions and vary for different immigration cases, classes or programs or components of an immigration program, and according to the different classes of immigration consultants and different application examination stages;

WHEREAS, under section 106 of the Act, a regulation made under the Act may apply to an application according to the date on which it was filed or to the application examination stage and may apply to an expression of interest according to the date on which it was submitted;

WHEREAS, under section 126 of the Act, the Government may, by a regulation made within 12 months after the date of coming into force of the Act, enact any transitional measure applicable to applications filed with the Minister before that date;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Québec Immigration Regulation was published in Part 2 of the *Gazette officielle du Québec* of 28 March 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Québec Immigration Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Immigration, Diversity and Inclusiveness:

THAT the Québec Immigration Regulation, attached to this Order in Council, be made.

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

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## Québec Immigration Regulation

### Québec Immigration Act

(2016, chapter 3, ss. 8 to 10, 12, 14, 15, 17, 18, 21 to 24, 26, 29, 30, 34, 35, 37, 38, 40, 42, 43, 48, 58, 59, 81, 82, 94, 101, 103, 105, 106 and 126)

### CHAPTER I DEFINITIONS

#### I. In this Regulation,

“accompanying family member” means, with respect to a foreign national, a family member who is selected by the Minister to accompany the foreign national to Québec where the foreign national is selected; (*membre de la famille qui l’accompagne*)

“Act” means the Act respecting immigration to Québec (2016, chapter 3); (*Loi*)

“basic needs” means food, clothing, personal necessities and any other expenses pertaining to living in a house or a dwelling. Such needs also include any special benefits awarded by the Gouvernement du Québec under the Individual and Family Assistance Act (chapter A-13.1.1) and referred to in section 83 and Schedules I to III to the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1); (*besoins essentiels*)

“child” means, with respect to any person, the child of whom that person is the biological father or mother and was not adopted by a person other than the spouse or de facto spouse of one of the parents, or the adopted child of whom that person is either of the adoptive parents; (*enfant*)

“conjugal partner” means, with respect to a person, a person at least 16 years of age residing outside Canada who has been in a conjugal relationship with the person for at least 1 year; (*partenaire conjugal*)

“de facto spouse” means a person at least 16 years of age who is in one of the following situations:

(1) the person has been living for at least 1 year with a person of the opposite sex or the same sex who is at least 16 years of age; or

(2) the person has had a conjugal relationship for at least 1 year with such a person but, since the person is being persecuted or the subject of any form of penal control, cannot live with that person; (*conjoint de fait*)

“dependent child” means a child who

(1) is less than 22 years of age and is not a spouse or de facto spouse; or

(2) is 22 years of age or older and has depended substantially on the financial support of one of the parents since before the age of 22 and is unable to be financially self-supporting due to a physical or mental condition; (*enfant à charge*)

“educational institution” means

(1) an educational institution within the meaning of section 36 of the Education Act (chapter I-13.3);

(2) a college established in accordance with section 2 of the General and Vocational Colleges Act (chapter C-29);

(3) a private educational institution for which a permit has been issued under section 10 of the Act respecting private education (chapter E-9.1);

(4) an educational institution operated under an Act of Québec by a government department or a body that is a mandatary of the State or an arts training institution recognized by the Ministère de la Culture et des Communications;

(5) the Conservatoire de musique et d’art dramatique du Québec established pursuant to the Act respecting the Conservatoire de musique et d’art dramatique du Québec (chapter C-62.1);

(6) an educational institution at the university level referred to in section 1 of the Act respecting educational institutions at the university level (chapter E-14.1); (*établissement d’enseignement*)

“employer” means a person, enterprise or organization established in Québec and that exercises daily control on work carried out by an employee and that is responsible for hiring, firing, disciplining, training, assessing work, affecting positions, remuneration and integration of the employee in the enterprise or organization; (*employeur*)

“employment” or “work” means any activity for which a person receives valuable consideration; (*emploi ou travail*)

“enterprise accelerator” means an organization having an establishment in Québec that offers support services, in particular, in the search for financing, to persons whose business projects involve the growth of innovative enterprises; (*accélérateur d’entreprises*)

“enterprise incubator” means an organization having an establishment in Québec and that offers coaching services, in particular, hosting, to persons whose business projects involve the creation of innovative enterprises; (*incubateur d’entreprises*)

“family member” means, with respect to a person, a person who is

- (1) the spouse or de facto spouse; and
- (2) the dependent child of that person or of the spouse or de facto spouse and, where applicable, the dependent child of that child; (*membre de la famille*)

“financial institution” means a bank having an establishment in Québec and that is a member of the Canada Deposit Insurance Corporation and that is governed by the Bank Act (S.C. 1991, c. 46) or a financial services cooperative within the meaning of the Act respecting financial services cooperatives (chapter C-67.3); (*institution financière*)

“investment dealer” means a person registered as such within the meaning of section 1.1 of Regulation 31-103 respecting Registration Requirements, Exemptions and Ongoing Registrant Obligations (chapter V-1.1, r. 10); (*courtier en placement*)

“management experience” means the assuming of duties related to the planning, management and control of financial resources and of human or material resources under the person’s authority; the experience does not include the experience acquired in the context of an apprenticeship, training or specialization process attested to by a diploma; (*expérience en gestion*)

“National Occupational Classification” means the document by that name published by the Government of Canada; (*Classification nationale des professions*)

“nephew” or “niece” means, with respect to a person, the child of the sister or brother of that person; (*neveu ou nièce*)

“parent” means, with respect to a person, ascendant in the first degree; (*parent*)

“Québec diploma” means one of the following diplomas, attesting to at least 1 year of full-time studies:

- (1) a diploma issued by the Minister of Education, Recreation and Sports or the Minister responsible for Higher Education or by a Québec university;

- (2) a diploma issued by a college-level educational institution for training acquired in Québec.

The following is deemed to be a Québec diploma:

- (1) a diploma issued by the minister responsible for education of a Canadian province or territory or by a university therein;

- (2) a diploma or training acquired outside Québec and recognized as equivalent by a Québec professional or trade regulatory body, except a diploma leading to the practice of the profession of physician according to code 3111 or 3112 of the National Occupational Classification;

- (3) a diploma or training acquired outside Québec and related to a profession or trade regulated in Québec, where the holder holds an authorization to practise the profession or trade issued by a Québec regulatory body;

- (4) evidence certifying successful completion of formal training acquired outside Québec, related to a profession governed by a professional order in Québec and referred to in an arrangement for mutual recognition applicable under an agreement on mutual recognition of professional qualifications entered into with another government, where the holder has the legal authorization to practise required by that arrangement;

- (5) evidence certifying successful completion of formal training acquired outside Québec, related to a trade regulated in Québec and referred to in an arrangement for mutual recognition applicable under an agreement on mutual recognition of professional qualifications entered into with another government, where the Québec regulatory body certifies that the holder meets the conditions regarding training and, where applicable, professional experience required by that arrangement; (*diplôme du Québec*)

“Québec resident” means any Canadian citizen or permanent resident within the meaning of the Immigration and Refugee Protection Act (S.C. 2001, c. 27) who is domiciled in Québec; (*résident du Québec*)

“relative” means, with respect to a person, the person who is connected to the other by blood relationship or by adoption; (*membre de la parenté*)

“sponsor” means a person who gives an undertaking on behalf of a foreign national; (*garant*)

“spouse” means a married person who is at least 16 years of age

(1) who was not, at the time of the marriage, another person's spouse; and

(2) who is not the de facto spouse of another person while living separately from the spouse for at least 1 year; (époux)

“trust company” means a trust company within the meaning of the Act respecting trust companies and savings companies (chapter S-29.01) or the Trust and Loan Companies Act (S.C. 1991, c. 45); (*société de fiducie*)

“university entrepreneurship centre” means an organization managed by an institution at the university level referred to in section 1 of the Act respecting educational institutions at the university level (chapter E-14.1) or an organization affiliated to such an institution and that offers coaching services to entrepreneurs. (*centre d'entrepreneuriat universitaire*)

## CHAPTER II

### TEMPORARY IMMIGRATION

#### DIVISION I

##### GENERAL

**2.** A foreign national who wishes to stay temporarily in Québec to work, study or obtain medical treatment must, in accordance with section 12 of the Act, unless the foreign national is a person referred to in section 20 of this Regulation, be selected by the Minister by obtaining the Minister's consent under

- (1) the temporary foreign worker program;
- (2) the international student program;
- (3) the program for temporary stay for medical treatment; or
- (4) the temporary immigration pilot program referred to in section 16 of the Act.

**3.** The Minister's consent to a foreign national's stay is certified by the issue of a Québec certificate of acceptance.

#### DIVISION II

##### TEMPORARY FOREIGN WORKER PROGRAM

**4.** A foreign national belongs to the temporary foreign worker class if the foreign national comes to Québec to hold temporary employment.

**5.** The Minister consents to a foreign national's stay under the temporary foreign worker program if

(1) a written employment contract has been signed with an employer whose employment offer has been the subject of a positive assessment as to its impact on Québec's labour market; and

(2) the conditions for access to the profession listed in the National Occupational Classification to hold the employment and, where applicable, the special conditions specified in the employment offer, are met.

A foreign national who stays in Québec to offer home care must, in addition to the conditions provided for in the first paragraph, meet the following conditions:

(1) have a secondary school diploma attesting to at least 11 years of full-time elementary and secondary school studies;

(2) understand and speak French or English.

**6.** The written employment contract must contain

(1) the duration of the contract, the place where the foreign national will be employed, a description of the duties, hourly wage, work schedule, vacation and holidays;

(2) where applicable, the deadlines to be met with respect to a notice of termination or resignation, the social benefits offered, such as a health and hospital insurance plan or a retirement savings plan, the conditions relating to lodging offered by the employer and the terms of payment, by the employer, of round-trip transportation expenses between the country of origin and the work place of the foreign national;

(3) a provision under which the standards established in the Act respecting labour standards (chapter N-1.1) relating to the terms of payment of the wage, the computing of overtime, meal periods, statutory general holidays, absences and leave for family or parental matters, absences owing to sickness, an accident or a criminal offence, indemnities and recourses under that Act apply to the foreign national to the extent provided for in that Act;

(4) an undertaking on the part of the employer to pay the contributions necessary for the employee to benefit from the protection under the Act respecting industrial accidents and occupational diseases (chapter A-3.001) to the extent provided by that Act.

**7.** Consent for the foreign national's stay is given for the employment and the employer indicated in the application.

**8.** A temporary foreign worker must hold the employment for the employer or, if the foreign national comes to work in the agriculture sector, employments for employers, for which the Minister's consent has been given.

**9.** The Minister consents to the stay of a temporary foreign worker who wishes to extend the stay if the conditions provided for in sections 5 and 6 are met and the worker complies with the requirement provided for in section 8.

### DIVISION III INTERNATIONAL STUDENT PROGRAM

**10.** A foreign national belongs to the international student class if the foreign national comes to Québec to study in an educational institution.

**11.** The Minister consents to a foreign national's stay under the international student program where the foreign national

(1) has been admitted to an educational institution;

(2) has and will continue to have, for the foreign national and the family members accompanying the foreign national and for the duration of the stay in Québec, sufficient financial resources to

(a) pay round-trip transportation expenses between the place of residence abroad and the destination in Québec, tuition and other study-related fees;

(b) pay the amount for a health and hospital insurance for the duration of the stay to study or for purchasing such insurance on the foreign national's arrival in Québec, except if the foreign national is covered by the Québec Health Insurance Plan or a reciprocal social security agreement including a health component; and

(c) provide for basic needs without having to hold employment in Québec; and

(3) where the foreign national is under 17 years of age and the holder of parental authority is not in Québec, the holder has delegated to a Québec resident of full age rights and powers of custody, supervision and education in the interest of the child and respect the child's rights.

The Minister also consents to the stay of the foreign national under the program where the foreign national is a minor child who

(1) is required to attend elementary or secondary school and who is accompanying the holder of parental authority staying in Québec as a temporary foreign worker, international student or to receive medical treatment;

(2) is the responsibility of a director of youth protection designated under the Youth Protection Act (chapter P-34.1) or a local community service centre established under the Act respecting health services and social services (chapter S-4.2).

**12.** The foreign national's financial resources to provide for basic needs must be at least equal to the scale provided for in Schedule C. To calculate basic needs for the first year, the amount must be increased by \$500 to cover settling-in-expenses. In the case of a foreign national who is 17 years of age and whose holder of parental authority is not in Québec, the basic needs are calculated as if the foreign national were 18 years of age.

Where a Québec resident wishes to provide for the foreign national's basic needs and, where applicable, those of the accompanying family members, the resident's financial resources must be at least equal to the scales provided for in Schedules B and D. In addition, an undertaking previously subscribed to by the resident must be taken into account in calculating the resident's financial capacity to provide for the foreign national's basic needs.

**13.** An international student must receive the education for the level of studies for which the Minister's consent was given.

The term "level of studies" means elementary and secondary school instructional services or educational services in vocational training within the meaning of the Education Act (chapter I-13.3), general and vocational instruction at the college level within the meaning of the General and Vocational Colleges Act (chapter C-29) or education at the university level within the meaning of the Act respecting educational institutions at the university level (chapter E-14.1) and, in the latter case, the cycle of studies.

**14.** The international student must make studies the student's principal activity unless

(1) the principal purpose of the stay is work;

(2) the student is accompanying the holder of parental authority staying in Québec as a temporary foreign worker, international student or to receive a medical treatment; or

(3) the student has filed an application to obtain protection under paragraph *b* or *c* of subdivision 1 of section 95 of the Immigration and Refugee Protection Act (S.C. 2001, c. 27).

**15.** An international student who is not covered by the Québec Health Insurance Plan must hold, for the duration of the stay in Québec, a health and hospital insurance for the student and for accompanying family members.

**16.** The Minister consents to the stay of a temporary international student who wishes to extend the stay if the conditions provided for in sections 11 and 12 are met and the student complies with the obligations provided for in sections 13 to 15.

**DIVISION IV**  
PROGRAM FOR TEMPORARY STAY FOR  
MEDICAL TREATMENT

**17.** A foreign national belongs to the temporary stay for medical treatment class if the foreign national comes to Québec to receive medical treatment in a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2).

**18.** The Minister consents to a foreign national's stay under the program for temporary stay for medical treatment if

(1) the Minister of Health and Social Services certifies that the medical treatment required may be given; and

(2) the foreign national has sufficient financial resources to pay the expenses related to the medical treatment and basic needs and, where applicable, those of accompanying family members.

**19.** The Minister consents to the person's temporary stay for medical treatment who wishes to extend the stay if the conditions provided for in section 18 are met.

**DIVISION V**  
EXEMPTIONS

**20.** The following persons are exempted from the requirement to obtain the Minister's consent to stay in Québec:

(1) a foreign national who comes to hold employment for a continuous period of not more than 30 days;

(2) a foreign national who comes to hold employment that does not require an assessment of an employment offer's impact on Québec's labour market;

(3) a foreign national who comes to study under a federal assistance program for developing countries;

(4) a foreign national who comes for training for a period of not more than 6 months;

(5) for a period of not more than 6 weeks as of his or her arrival in Canada, the foreign national referred to in section 214 of the Immigration and Refugee Protection Regulations (SOR/2002-227) who stays in Québec to study;

(6) a minor child who has filed an application to obtain protection under paragraph *b* or *c* of subdivision 1 of section 95 of the Immigration and Refugee Protection Act (S.C. 2001, c. 27) or the minor child of a foreign national in Québec who has filed such an application;

(7) a minor child already in Québec who is required to attend elementary or secondary school and who accompanies the holder of parental authority staying in Québec as temporary foreign worker, international student or to receive medical treatment;

(8) a child of preschool age accompanying the holder of parental authority staying in Québec as temporary foreign worker, international student or to receive medical treatment;

(9) a family member of a foreign national staying in Québec as a diplomat, consular officer, representative or official, properly accredited, of a foreign country or of the United Nations or any of its agencies or of any inter-governmental organization in which Québec or Canada participates, or as a member of the staff accompanying the foreign national coming to or in Québec to carry out official duties;

(10) a person protected in Canada within the meaning of section 95 of the Immigration and Refugee Protection Act;

(11) a foreign national who stays in Québec and whose spouse or de facto spouse is a Canadian citizen or permanent resident who has filed an undertaking on behalf of the foreign national;

(12) a foreign national who holds a temporary resident permit referred to in section 24 of the Immigration and Refugee Protection Act issued with a view to the granting of permanent residence;

(13) a person registered as an Indian under the Indian Act (Revised Statutes of Canada (1985), chapter I-5).

**CHAPTER III**  
PERMANENT IMMIGRATION

**DIVISION I**  
GENERAL

**21.** A foreign national who wishes to settle permanently in Québec must, in accordance with section 18 of the Act, be selected by the Minister, unless the foreign national belongs to the family class, is recognized as a refugee when already in Québec or is a family member of the family class or the refugee.

**22.** The Minister's selection decision for permanent immigration is certified by the issue of a Québec certificate of selection.

## DIVISION II ECONOMIC CLASS

**23.** A foreign national belongs to the economic class if the foreign national is

- (1) a skilled worker;
- (2) an investor;
- (3) an entrepreneur; or
- (4) a self-employed worker.

**24.** A foreign national who belongs to the economic class must, to settle in Québec, be selected by the Minister under

- (1) the regular skilled worker program;
- (2) the Québec experience program;
- (3) the investor program;
- (4) the entrepreneur program;
- (5) the self-employed worker program; or
- (6) the permanent immigration pilot program referred to in section 32 of the Act.

### §1. *Expression of interest*

**25.** A foreign national of the economic class must, to file an application for selection under the regular skilled worker program, have filed with the Minister an expression of interest to settle in Québec and have been invited by the Minister to file the application.

**26.** The Minister invites a foreign national who has filed an expression of interest to file an application for selection, without the invitation criteria being applied, where the foreign national is staying in Québec as a diplomat, consular officer, representative or official, duly accredited, of a foreign country or of the United Nations or any of its agencies or of any intergovernmental organization of which Québec or Canada is a member and who carries out official duties in Québec, or is a member of the staff of any such diplomat, consular officer, representative or official.

**27.** An expression of interest is valid for a period of 12 months as of the date of its filing by the Minister in the expressions-of-interest bank.

**28.** The expression of interest of a foreign national who files an application for selection after having been invited by the Minister, and those of the foreign national's spouse and dependent child of full age included in the application become invalid.

**29.** The expression of interest of a foreign national who fails to file an application for selection, not later than 90 days after having been invited by the Minister, becomes invalid.

**30.** The Minister withdraws from the bank the expression of interest that is invalid.

### §2. *Skilled workers*

#### I - General

**31.** A skilled worker is a foreign national at least 18 years of age who settles in Québec to hold employment the foreign national is likely able to hold.

#### II - Regular skilled worker program

**32.** The Minister selects, under the regular skilled worker program, a foreign national where the foreign national obtains the number of points required as the cutoff score, where applicable, and as the passing score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2, r. 2) in the awarding of the points in respect of the factors and criteria provided for in the Selection grid for the economic class in Schedule A.

#### III - Québec experience program

**33.** The Minister selects, under the Québec experience program, a foreign national who has stayed in Québec for the main purpose of studying if the foreign national

(1) obtained from a Québec educational institution, during the 3 years preceding the date of filing of the application, a university diploma attesting to a bachelor's degree, a master's degree or a doctorate, a diploma of college studies in a technical program or a secondary vocational diploma which, alone or with an attestation of vocational specialization obtained consecutively, attests to 1,800 hours or more of continuing training and leads to a trade;

(2) has not begun a new program of studies in Québec since the issue of the diploma referred to in paragraph 1;

(3) shows an intermediate oral knowledge of French, level 7 or level 8 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent and, as the case may be,

(a) has completed his or her program of studies in Québec in French;

(b) has filed the result of a standardized test showing the oral knowledge of French;

(c) has filed a document certifying that the foreign national has met the requirements relating to the practice of a profession governed by a professional order in accordance with section 35 of the Charter of the French language (chapter C-11); or

(d) has successfully completed at least 3 years of full-time studies in French at the secondary or post-secondary level or an intermediate French course, level 7 or level 8 according to that scale or its equivalent, offered by a Québec educational institution in Québec;

(4) stayed in Québec for at least half the duration of his or her program of studies and complied with the conditions of the stay;

(5) does not have a scholarship including a condition of return to the foreign national's country at the end of the program of studies or has complied with that condition; and

(6) complies with Factor 9, that deals with financial self-sufficiency, of the Selection grid for the economic class in Schedule A.

**34.** The Minister selects, under the Québec experience program, a foreign national staying in Québec with the main purpose of working or taking part in a youth exchange program under an international agreement entered into by Québec or Canada, if the foreign national

(1) has complied with the conditions of the stay;

(2) does hold full-time employment in Québec and held such employment during a period of at least 12 months in the 24 months preceding the date of filing of the application;

(3) shows an intermediate oral knowledge of French, level 7 or level 8 according to the *Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes* or its equivalent and, as the case may be,

(a) has completed the program of studies in Québec entirely in French

(b) has filed the result of a standardized test showing the oral knowledge of French;

(c) has submitted a document certifying that the foreign national has met the requirements relating to the practice of a profession governed by a professional order in accordance with section 35 of the Charter of the French language (chapter C-11); or

(d) has successfully completed at least 3 years of full-time studies in French at the secondary or post-secondary level or an intermediate French course, level 7 or level 8 according to that scale or its equivalent, offered by a Québec educational institution in Québec; and

(4) complies with Factor 9, that deals with financial self-sufficiency, of the Selection grid for the economic class in Schedule A.

**35.** The holder of a work permit issued under section 205 of the Immigration and Refugee Protection Regulations (SOR/2002-227) as accompanying spouse may apply and be selected by the Minister if the holder meets the conditions provided for in paragraphs 1 to 4 of section 34.

### §3. Investor program

**36.** An investor is a foreign national at least 18 years of age who settles in Québec to invest in Québec.

**37.** The Minister selects a foreign national under the investor program if the foreign national

(1) has experience in management for a period of at least 2 years during the 5 years preceding the selection application;

(2) has, alone or with the accompanying spouse or de facto spouse, net assets of at least \$2,000,000 whose lawful origin must be demonstrated;

(3) makes a 5-year term investment of \$1,200,000 with a subsidiary of Investissement Québec for which the foreign national has entered into an investment agreement with a financial intermediary bound by an agreement with the Minister and the subsidiary and that will be the foreign national's mandatary in Québec;

(4) obtained the number of points required as the cutoff score, where applicable, and as the passing score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals in the awarding of the points in respect of the factors and criteria provided for in the Selection grid for the economic class in Schedule A.



**38.** The foreign national's net assets do not include the amounts received by donation in the 6 months preceding the date of filing of the application for selection.

**39.** The Minister may enter into an agreement with a financial intermediary who is an investment dealer or a trust company to allow the foreign national to take part in the investor program. The financial intermediary must

(1) be registered with the Autorité des marchés financiers and not be the subject of a suspension of rights;

(2) have its head office in Québec and its executive office, including the upper management and the administration responsible for the monitoring of the annual plans and operating budgets; and

(3) have been acting as an investment dealer or a trust company for at least 3 years.

The subsidiary of Investissement Québec referred to in paragraph 3 of section 37 is also part of the agreement referred to in the first paragraph.

**40.** The implementation of the agreement may not be entrusted, in whole or in part, to a third person without prior notification of the Minister.

**41.** The investment agreement must provide for

(1) the establishment of the identity of the foreign national by the foreign national's name, sex, date of birth, domicile address, citizenship, personal telephone number, email address, the type of document proving the foreign national's identity, the number of that document and the place of issue;

(2) the requirement that the foreign national notify in writing the financial intermediary of any change in the information provided for in subparagraph 1 within 30 days following the change; and

(3) the undertaking of the financial intermediary to open a separate client account in the name of the foreign national not later than 110 days following the date of the Minister's notice of intent to render a selection decision.

**42.** The foreign national must, within 120 days following the date of the Minister's notice of intent to render a selection decision, make the investment provided for in paragraph 3 of section 37.

**43.** The term of the investment is 5 years as of the date on which the amount is invested with a subsidiary of Investissement Québec. The date must be subsequent to the date of the Minister's notice of intent to render a selection decision.

**44.** The investment is irrevocable before the end of its term unless its reimbursement is justified by any of the following situations:

(1) the selection application is denied or rejected;

(2) the selection decision concerning the foreign national is cancelled before obtaining the status of permanent resident;

(3) the foreign national's application for a visa or permanent residence is denied;

(4) the foreign national dies before obtaining the status of permanent resident.

**45.** The financial intermediary must reimburse the investor the amount invested with a subsidiary of Investissement Québec within 30 days following the date of expiry of the investment or of its revocation.

Investissement Québec sends to the Minister a written attestation of the reimbursement within 30 days following the reimbursement.

**46.** As of the date of filing of the application for selection, the foreign national may not change financial intermediary unless the change is justified by a reason such as the status, bankruptcy or cessation of activities of the financial intermediary, or the purchase or merger of the financial intermediary's enterprise.

#### *§4. Self-employed worker program*

**47.** A self-employed worker is a foreign national at least 18 years of age who settles in Québec to work there and who practises a profession or commercial activities alone or with others, with or without paid help provided the worker

(1) is free to choose the means of work performance;

(2) organizes the work;

(3) provides the required tools and equipment;

(4) carries out most of the specialized duties; and

(5) collects the profits and supports the loss risks resulting from the work.

**48.** The Minister selects a foreign national under the self-employed worker program if the foreign national

(1) deposits with a financial institution situated in the region where the foreign national intends to practise his or her trade or profession for start-up an amount complying with Factor 11 of Schedule A, based on the Regulation respecting the weighting applicable to the selection of foreign nationals; and

(2) obtains the number of points required as the cutoff score, where applicable, and as the passing score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals in the awarding of the points in respect of the factors and criteria provided for in the Selection grid for the economic class in Schedule A.

### **§5. Entrepreneur program**

**49.** An entrepreneur is a foreign national at least 18 years of age who settles in Québec to carry out a business project consisting in, according to the component of the program,

(1) the operation in Québec of an enterprise that the foreign national creates, alone or with other persons, including a maximum of 3 foreign nationals who file an application for selection as entrepreneur, when the entrepreneur has received, for that purpose, an offer of service from an enterprise accelerator, an enterprise incubator or a university entrepreneurship centre; or

(2) the operation in Québec of an enterprise the foreign national creates or acquires.

#### I - Component 1 of the entrepreneur program

**50.** The Minister selects a foreign national referred to in paragraph 1 of section 49, as part of component 1 of the entrepreneur program, if the foreign national obtains the number of points required as the cutoff score, where applicable, and as the passing score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals in the awarding of the points in respect of the factors and criteria provided for in the Selection grid for the economic class in Schedule A.

#### II - Component 2 of the entrepreneur program

**51.** The Minister selects a foreign national referred to in paragraph 2 of section 49, as part of component 2 of the entrepreneur program, if, according to the business project presented, the foreign national

(1) holds and controls, alone or with the accompanying spouse or de facto spouse, at least 25% of the equity of the enterprise the foreign national creates or at least 51% of the equity of the enterprise the foreign national acquires, the value of that participation must be equal to or greater than the amount that must serve to start up the business project;

(2) manages the enterprise himself or herself or participates actively as an associate in the management and daily operations of the enterprise;

(3) the enterprise does not carry out an economic activity referred to in Part 1 of Schedule E;

(4) deposits, with a financial institution with which the foreign national has entered into a deposit contract including the elements provided for in section 53, for start-up an amount complying with Factor 11 of Schedule A based on the Regulation respecting the weighting applicable to the selection of foreign nationals; and

(5) obtains the number of points required as the cutoff score, where applicable, and as the passing score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals in the awarding of the points in respect of the factors and criteria provided for in the Selection grid for the economic class in Schedule A.

**52.** Where the foreign national acquires an enterprise, the enterprise must have been in operation for the 5 years preceding the date of filing of the application for selection and must not have been acquired by another foreign national who has been selected as entrepreneur in the 5 years preceding that date.

**53.** The deposit contract must include

(1) the establishment of the identity of the foreign national by the foreign national's name, sex, date of birth, domicile address, citizenship, personal telephone number, email address, the type of document proving the foreign national's identity, the number of that document and the place of issue;

(2) the requirement that the foreign national notify in writing the financial institution and the Minister of any change in the information provided for in paragraph 1 within 30 days following the change;

(3) the requirement that the foreign national provide to the Minister, on request, the information relating to the status of the deposit and the documents held by the parties to the contract concerning the deposit;

(4) the withholding of an amount provided for in Factor 11 of Schedule A determined based on the Regulation respecting the weighting applicable to the selection of foreign nationals as performance guarantee of the business project up to the date of the Minister's decision referred to in section 54 or 56.

**54.** The Minister determines that the entrepreneur has carried out the business project where, in 12 consecutive months following the date of the selection decision, during a period not exceeding 36 months following the date of the foreign national's arrival in Québec as permanent resident,

(1) the sum deposited as the start-up deposit of the business project, in accordance with paragraph 4 of section 53, has been used for the creation or acquisition of the enterprise;

(2) the enterprise that has been created or acquired complies with the business project presented with the Québec application for selection and is in operation;

(3) the entrepreneur holds and controls, alone or with the accompanying spouse or de facto spouse, at least 25% of the equity of the enterprise the foreign national created or at least 51% of the equity of the enterprise the foreign national acquired, the value of that participation must be equal to or greater than the amount used to start up the business project; and

(4) the entrepreneur manages the enterprise himself or herself or participates actively as an associate in the management and daily operations of the enterprise.

**55.** The financial institution gives to the entrepreneur access to the amount withheld under paragraph 4 of section 53 as performance guarantee of the business project within 30 days following the written notice of the Minister's decision made under section 54. The institution confirms in writing to the Minister the date as of which the entrepreneur has access to that amount.

The financial institution gives the entrepreneur access to the amount withheld in any of the following situations:

(1) the foreign national's selection application is rejected or denied;

(2) the selection decision concerning the foreign national is cancelled before obtaining the status of permanent resident;

(3) the foreign national's application for a visa or permanent residence is denied;

(4) the foreign national dies before obtaining the status of permanent resident.

**56.** The Minister may confiscate the amount deposited as performance guarantee of the business project of the entrepreneur where the Minister determines that the business project has not been carried out in accordance with section 54.

**57.** At least 30 days before the date of confiscation of the amount withheld under paragraph 4 of section 53, the Minister informs the entrepreneur of the Minister's intention to confiscate the amount and the reasons on which it is based.

The Minister gives the entrepreneur the opportunity to make observations and, where applicable, to send to the Minister any document deemed appropriate.

#### *§6. Override power*

**58.** The Minister may select a foreign national in the economic class, except under the Québec experience program, who does not meet a condition or selection criterion if the Minister is of the opinion that the foreign national can successfully settle in Québec.

Despite the first paragraph, the Minister may not make a selection decision for a foreign national that does not obtain a cutoff score provided for in the Regulation respecting the weighting applicable to the selection of foreign nationals in the awarding of the points in respect of the factors and criteria provided for in the Selection grid for the economic class in Schedule A, except if the foreign national has an exceptional profile or an expertise unique for Québec.

### **DIVISION III** **FAMILY CLASS**

**59.** A foreign national belongs to the family class if the foreign national is, in respect of the sponsor who undertakes on behalf of the foreign national,

(1) the spouse, de facto spouse or conjugal partner;

(2) the dependent child;

(3) the father, mother, grandfather or grandmother;

(4) the brother, sister, nephew, niece, grandson or granddaughter, an orphan having lost both parents and under 18 years of age who is unmarried or not a de facto spouse;

(5) an unmarried minor whom the Québec resident intends to adopt and may adopt under Québec law; or

(6) a person related to the foreign national, regardless of age or degree of relationship with the sponsor, where the sponsor does not have a spouse or de facto spouse, child, father, mother, grandfather, grandmother, brother, sister, uncle, aunt, nephew or niece

(a) who is a Canadian citizen, an Indian or a permanent resident within the meaning of the Immigration and Refugee Protection Act (S.C. 2001, c. 27); and

(b) whom he or she could sponsor.

**60.** The following foreign national does not belong to the family class:

(1) the spouse, de facto spouse or conjugal partner of the Québec resident who has previously subscribed to a sponsorship undertaking on behalf of another spouse, de facto spouse or conjugal partner that has not ended;

(2) the spouse who, on the date of the union with the Québec resident, was also the spouse of another person;

(3) the spouse of the Québec resident when they lived separately for 1 year or more and one of them is the de facto spouse or conjugal partner of another person.

#### DIVISION IV HUMANITARIAN CLASS

**61.** A foreign national in a special hardship situation who belongs to the humanitarian class must, to settle in Québec, be selected by the Minister under the program for refugees abroad or the program for persons selected on the basis of humanitarian considerations.

**62.** The Minister may select a foreign national in a special hardship situation under any of the programs referred to in section 61 where the Minister is of the opinion, in particular, that the foreign national is able to participate in community life in Québec or the integration process of the foreign national is the subject of a positive opinion regarding the participation of the foreign national in community life in Québec.

**63.** For the purposes of section 62, the Minister takes into account the level of hardship of the foreign national, in particular with respect to risks to his or her physical integrity.

In addition, the Minister takes into account the personal qualities and language proficiency of the foreign national and accompanying family members, the relationship with a Québec resident who is the spouse or de facto spouse or a relative in the first or second degree, the work experience of the foreign national or accompanying family members, an undertaking application of a sponsor referred to in subdivision 3 or 4 of Division V filed on his or her behalf or financial assistance paid by the State.

#### §1. Program for refugees abroad

**64.** A foreign national who is in a special hardship situation may be selected under the program for refugees abroad by the Minister if the foreign national is

(1) a refugee within the meaning of the Convention relating to the Status of Refugees outside Canada; or

(2) a humanitarian-protected person outside Canada who belongs to the country of asylum class referred to in sections 146 and 147 of the Immigration and Refugee Protection Regulations (SOR/2002-227).

#### §2. Program for persons selected on the basis of humanitarian considerations

**65.** A foreign national who is in a special hardship situation may be selected under the program for persons selected on the basis of humanitarian considerations by the Minister if the foreign national is

(1) in a hardship situation such that the foreign national deserves humanitarian consideration because, as the case may be,

(a) his or her physical or psychological well-being and that of his or her family lawfully in Québec would be seriously affected if the foreign national could not live in or come to Québec;

(b) the foreign national is outside Canada with a relative who has been selected by the Minister and his or her physical or psychological well-being and that of the relative would be seriously affected if the foreign national could not accompany the relative to Québec;

(c) although not a resident of Québec, the foreign national is successfully established in Québec and has no significant ties with his or her country of origin;

(d) his or her physical security would be threatened particularly due to risks of imprisonment, torture or death if the foreign national could not come to Québec; or

(e) his or her application for permanent residence is processed in Canada under section 25, 25.1 or 25.2 of the Immigration and Refugee Protection Act (S.C. 2001, c. 27) or section 65.1 of the Immigration and Refugee Protection Regulations, his or her physical or psychological well-being would be seriously affected if the foreign national could not come to or settle in Québec and his or her return to the country of origin would cause serious harm; or

(2) concerned by the lifting of the suspension of a removal order to a country of which he or she is a national and whose application for permanent residence is examined in Canada under section 25, 25.1 or 25.2 of the Immigration and Refugee Protection Act or section 65.1 of the Immigration and Refugee Protection Regulations.

## DIVISION V SPONSORSHIP UNDERTAKING

### §1. *General*

**66.** A natural person who files with the Minister a sponsorship undertaking application on behalf of a foreign national and accompanying family members must

- (1) be 18 years of age or older;
- (2) be a Québec resident and ordinarily reside in Québec, except in the case of a person referred to in section 75;
- (3) have complied with the monetary requirements of the sponsorship undertaking or, failing that, has reimbursed the amounts received under the Individual and Family Assistance Act (chapter A-13.1.1) or the Immigration and Refugee Protection Act (S.C. 2001, c. 27);
- (4) is not the subject of a removal order made under the Immigration and Refugee Protection Act;
- (5) is not detained in a penitentiary or prison;
- (6) has not been convicted in Canada of murder or any of the offences listed in Schedule I or II to the Corrections and Conditional Release Act (S.C. 1992, c. 20) punishable by summary conviction or by way of indictment; that condition is removed if the person has been acquitted in the last instance or pardoned under the Criminal Records Act (S.C. 1985, c. C-47) or served the sentence imposed at least 5 years before the date of filing of the undertaking application;
- (7) has not been convicted outside Canada of an offence that, if committed in Canada, would constitute an offence referred to in paragraph 6, unless a 5-year period following the expiry of the sentence imposed under the foreign law has elapsed before the date of filing of the undertaking application;
- (8) has not, in the 5 years preceding the date of filing of the undertaking application, been the subject of forced execution of a court judgment ordering support payment, or of a remedy for the execution of support referred to in Chapter VI of the Act to facilitate the payment of support (chapter P-2.2) or, failing that, has paid all arrears owed;

(9) is not a recipient of last resort financial assistance under a Québec Act, except owing to age or disability creating a severely and permanently or indefinitely limited capacity for employment; and

(10) is not the subject of a cancellation procedure under the Citizenship Act (R.S.C. 1985, c. C-29).

**67.** The undertaking entered into by the Minister with the sponsor binds the sponsor as of the signing.

Despite the foregoing, the obligations of the sponsor provided for in the undertaking take effect from the date the foreign national obtains the status of permanent resident under the Immigration and Refugee Protection Act or, in the case of a national admitted under a temporary resident permit issued under section 24 of that Act, on the date of issue of the permit, if the application is filed in Québec, or on the date of the foreign national's arrival in Québec, if the application is filed abroad.

**68.** A sponsor who subscribed to an undertaking on behalf of a foreign national and, where applicable, family members accompanying the foreign national to Québec must, in their regard,

- (1) provide for basic needs in accordance with the scales prescribed by Schedule C or D as the case may be;
- (2) provide the necessary support in integration activities such as search for employment and school enrolment as well as support for access to public services and participation in community life;
- (3) reimburse to the Gouvernement du Québec any amount paid as last resort assistance benefits under the Individual and Family Assistance Act; and
- (4) reimburse to the government of a province any amount paid as last resort assistance benefits or any other similar benefit under an Act of that province.

If more than one sponsor subscribed to an undertaking, each is jointly and solidarily liable for the obligations contracted.

### §2. *Undertaking under the family class*

**69.** A sponsorship undertaking application is filed by a resident who complies with the conditions referred to in section 66 of this Regulation on behalf of a foreign national who belongs to the family class and, where applicable, accompanying family members.

**70.** The spouse or de facto spouse of the person filing a sponsorship undertaking application may join into the application and subscribe to the undertaking if that person meets the conditions provided for in section 66 of this Regulation.

**71.** The person filing a sponsorship undertaking application on behalf of his or her minor child must show that the person holds and exercises parental authority in respect of the child.

Where parental authority is held or exercised solely by the other parent or jointly, the sponsor must obtain from that parent authorization in writing for the settling of the child in Québec.

**72.** A person who files a sponsorship undertaking application on behalf of his or her dependent child for whom a decision granting adoption recognized by the sole operation of law under the Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (chapter M-35.1.3) is made while the person is residing in Québec, or on behalf of a minor child the person intends to adopt and may adopt under Québec law, must include in the application a statement issued by the Minister of Health and Social Services certifying that the Minister has taken cognizance of the steps taken by the person to receive the child and that there are no reasons to oppose the adoption.

Where an officer authorized under the Immigration and Refugee Protection Regulations (SOR/2002-227) provides the minister with new evidence under subsection 8 of section 117 of those Regulations, the Minister must notify the sponsor thereof and the Minister of Health and Social Services so that the Minister may confirm or amend the statement.

**73.** A person who files a sponsorship undertaking application on behalf of a minor child covered by paragraph 4 of section 59 of this Regulation must include a document issued by an agency having the authority to inquire into the conditions of taking in charge and placing a child, certifying that it has taken cognizance of the steps taken by the sponsor to receive the child and that such steps are in the interest of the child and respect the child's rights.

The person must also subscribe to an undertaking in writing to apply to the Superior Court within 90 days of the child's arrival to have a tutor appointed to the child. The person must in like manner agree to exercise the rights and obligations of parental authority until such appointment.

**74.** Where a sponsor subscribes to an undertaking on behalf of a child referred to in paragraph 2 of section 59 of this Regulation, who was adopted and of full age, the adoption, if made while the sponsor resided in Québec, must comply with Québec law.

**75.** A Canadian citizen residing abroad who subscribes to an undertaking on behalf of his or her spouse, de facto spouse, conjugal partner or dependent child who has no dependent children, must undertake to reside in Québec when that person will have obtained the status of permanent resident.

**76.** A person who files a sponsorship undertaking application must demonstrate that he or she is able to comply with an undertaking subscribed to on behalf of the foreign national and family members accompanying the foreign national to Québec and is also able to subscribe to an undertaking on behalf of family members who do not accompany the foreign national. The demonstration must be based on income from a Canadian source or property held in Canada.

The first paragraph does not apply where a sponsor subscribes to an undertaking on behalf of his or her spouse, de facto spouse or conjugal partner who does not have dependent children or on behalf of his or her dependent child who does not have dependent children or, in the case of an undertaking on behalf of a person referred to in paragraph 5 of section 59 of this Regulation.

**77.** A person who files a sponsorship undertaking application is presumed to be able to fulfil his or her undertaking in accordance with section 76 if the person demonstrates that he or she has had, for the 12 months preceding the examination of the application and will continue to have, for the duration of the undertaking, a gross annual income from a Canadian source equal to the minimum income required from the sponsor to provide for his or her basic needs and those of the family members, as determined in Schedule B, to which is added the minimum amount required to provide for the sponsored person's basic needs, as determined in Schedule D.

Where the sponsor owns a sole proprietorship or a partnership, only the net enterprise income from a Canadian source is taken into consideration for the purposes of the presumption provided for in the first paragraph.

**78.** For the purposes of the calculation provided for in section 77, the sum of the income of the spouses or de facto spouses filing jointly a sponsorship undertaking application in accordance with section 70 of this Regulation is taken into account.

**79.** An undertaking subscribed to previously by a person filing a sponsorship undertaking application must be taken into account in the calculation of the person's financial capacity to fulfil the new undertaking.

**80.** Where the conditions of subdivision 1 and this subdivision are met, the undertaking is entered into. The duration of the undertaking is

(1) 3 years, in the case of a person described in paragraph 1 of section 59 of this Regulation;

(2) 10 years or, where applicable, until of full age, according to the longer of those periods, in the case of a person described in paragraph 2, 4 or 5 of section 59 or a dependent child accompanying the person referred to in section 59, if the family member is under 16 years of age on the date on which the sponsor's obligations take effect;

(3) 3 years or up to 25 years of age, according to the longer of those periods, in the case of a person described in paragraph 2, 4 or 5 of section 59 or a dependent child accompanying the person referred to in section 59, if the family member is 16 years of age or older on the date on which the sponsor's obligations take effect; or

(4) 10 years, in the case of a person described in paragraph 3 or 6 of section 59, or in the case of a spouse or de facto spouse of that person.

**§3.** *Undertaking under the program for refugees abroad (Collective sponsorship)*

**81.** An undertaking application for the sponsorship of a foreign national referred to in section 64 of this Regulation may be filed with the Minister by

(1) a class E legal person (experienced);

(2) a class R legal person (regular); or

(3) a group of 2 to 5 natural persons.

**82.** The legal person referred to in section 81 must

(1) be constituted under Part III of the Companies Act (chapter C-38), the Religious Corporations Act (chapter C-71), the Roman Catholic Bishops Act (chapter E-17), the Act respecting fabriques (chapter F-1) or the Professional Syndicates Act (chapter S-40), or is incorporated as a non-profit corporation within the meaning of the laws of Canada or any province thereof, if it carries on activities in Québec and is registered in accordance with the Act respecting the legal publicity of enterprises (chapter P-44.1);

(2) have been carrying out its activities for at least 2 years;

(3) not be a political party or a party authority within the meaning of Chapter I of Title III of the Election Act (chapter E-3.3); and

(4) have complied with the monetary requirements given under a sponsorship undertaking or, failing that, have reimbursed the amounts paid under the Individual and Family Assistance Act (chapter A-13.1.1) or the Immigration and Refugee Protection Act (S.C. 2001, c. 27).

**83.** A class E legal person is a person who

(1) has 10 years or more of experience in sponsorship in Québec acquired over a period of 15 years preceding the date of coming into force of the Minister's decision made under section 50 of the Act ;

(2) has filed, in the 12 months preceding the date of coming into force of the Minister's decision made under section 50 of the Act, the minimum number of sponsorship undertaking applications set in the decision; and

(3) has subscribed to, in the 36 months preceding the date of coming into force of the Minister's decision made under section 50 of the Act, undertakings on behalf of foreign nationals of at least 3 different nationalities.

A class E legal person is part of subclass ES (specific) if the person files only sponsorship undertaking applications of foreign nationals who will settle outside the territory of the Communauté métropolitaine de Montréal, as certified by the reception and integration plan referred to in section 92.

**84.** A class R legal person is a person who does not meet the criteria provided for in section 83.

A class R legal person is part of subclass RS (specific) if the person files only sponsorship undertaking applications of foreign nationals who will settle outside the territory of the Communauté métropolitaine de Montréal, as certified by the reception and integration plan referred to in section 92.

**85.** An organization related to a class E or R organization is excluded from any of those classes.

The administrators, representatives and members of the board of directors of a class E or R organization may not form a group of 2 to 5 persons referred to in paragraph 3 of section 81.

**86.** Each person forming a group of persons referred to in paragraph 3 of section 81 must meet the conditions provided for in section 66.

**87.** A legal person or a group of persons referred to in paragraph 3 of section 81 may not file a sponsorship undertaking application if the number of applications filed for a same period is equal to or greater than the number determined by a decision of the Minister made under section 50 of the Act.

**88.** The legal person or group of persons referred to in paragraph 3 of section 81 filing an undertaking application must demonstrate that it would be able to fulfil the undertaking subscribed to on behalf of the foreign national and the family members accompanying the foreign national to Québec and that it would also be able to subscribe to an undertaking on behalf of the family members not accompanying the foreign national. The demonstration must be based on income from a Canadian source or property held in Canada.

**89.** Each person who is part of a group of persons referred to in paragraph 3 of section 81 is presumed to be able to fulfil the undertaking in accordance with section 88 if the person demonstrates that he or she has had, for the 12 months preceding the examination of the application and will continue to have, for the duration of the undertaking, a gross annual income from a Canadian source equal to the minimum income required from the sponsor to provide for his or her basic needs and those of the family members, as determined in Schedule B, to which is added a minimum share of at least 20% of the minimum amount required to provide for the sponsored person's basic needs, as determined in Schedule D.

Where the person owns a sole proprietorship or a partnership, only the net enterprise income from a Canadian source is taken into consideration for the purposes of the presumption provided for in the first paragraph.

The sum of the shares of each member of the group must be equal to the total of the minimum amount required to provide for the sponsored person's basic needs, as determined in Schedule D.

**90.** A legal person is presumed to be able to fulfil the undertaking for which it files an application if it demonstrates that it has had and will continue to have, for the duration of the undertaking, an annual amount at least equal to the amount required for the sponsored person's basic needs, as determined in Schedule C.

**91.** An undertaking subscribed to by a member of the group of persons referred to in paragraph 3 of section 81 or by the group of persons must be taken into account by the Minister in the calculation of the group's financial capacity to fulfil the new undertaking for which it is filing an application.

**92.** The legal person or group of persons referred to in paragraph 3 of section 81 filing a sponsorship undertaking application with the Minister must include a plan for the reception and integration of the person covered by the undertaking and accompanying family members.

The plan must, in particular, contain the means that will be used to ensure compliance with the obligations provided for in section 68 and the reception in the region of settlement. It must also indicate the name, contact information and role of every person taking part in the reception and integration of the foreign nationals covered by the undertaking application.

**93.** A settlement report for the persons covered by the undertaking must be filed with the Minister not later than 3 months following the date of their settlement in Québec and not later than 3 months following the date of expiry of the undertaking.

**94.** The Minister may refuse to examine the sponsorship undertaking application of the legal person or group of persons referred to in paragraph 3 of section 81 if, in the 2 years preceding the examination of the application, the legal person or group of persons has not complied with the obligations incumbent upon the person or group of persons under section 68 or 93 or has contravened section 95.

**95.** No person may profit, in any way, from an undertaking subscribed to on behalf of a foreign national and accompanying family members, in particular by receiving interest on an investment, the levy of charges or the acceptance of a donation.

The legal persons referred to in paragraphs 1 and 2 of section 81 may, however, receive administration fees that may not exceed 1% of the amount required to provide for the basic needs of the foreign national and accompanying family members on behalf of whom the undertaking has been subscribed to, as provided for in Schedule C.

**96.** The duration of the undertaking subscribed to on behalf of a foreign national referred to in section 64 of this Regulation is 1 year.



**§4.** *Discretionary undertaking in an economic class program or under the program for persons selected for humanitarian considerations*

**97.** Where the Minister selects a foreign national under an economic class program or under the program for persons selected for humanitarian considerations, the Minister may require that an undertaking be subscribed to, for a period of 3 years, on behalf of that foreign national,

(1) by a Québec resident who meets the conditions referred to in sections 66 to 68 and, in that case, sections 70 and 76 to 79 apply with the necessary modifications; or

(2) by a legal person referred to in section 81 of this Regulation and, in that case, sections 82, 90 and 95 apply with the necessary modifications.

## CHAPTER IV EMPLOYER

### DIVISION I CONDITIONS RELATING TO THE EMPLOYER

**98.** An employer wishing to hire a foreign national under the temporary foreign worker program must obtain from the Minister, in accordance with section 15 of the Act, a positive assessment as to the employment offer's impact on Québec's labour market.

An employer wishing to hire a foreign national who files an application for selection for permanent immigration under the regular skilled worker program may file an application for the validation of the employment offer.

**99.** The Minister refuses the employer's application for the assessment of the employment offer's impact on the labour market or the application for validation of the employment offer of the employer if the employer

(1) is on the list provided for in section 209.997 of the Immigration and Refugee Protection Regulations (SOR/2002-227);

(2) has been condemned, during the 2 years preceding the date of the application, by a final decision of the Human Rights Tribunal relating to discrimination or reprisals relating to employment;

(3) has been convicted of an offence against

(a) section 458 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) for a contravention of the first paragraph of section 32 of that Act, section 461 of that Act for a contravention of section 290, section 463 or section 464 of that Act;

(b) paragraph 1 or 5 of section 134 of the Charter of human rights and freedoms (chapter C-12) relating to employment;

(c) section 143 of the Labour Code (chapter C-27) for a contravention of section 14 of that Act;

(d) section 30 of the Act respecting collective agreement decrees (chapter D-2);

(e) subparagraph 3 of the first paragraph of section 115 of the Pay Equity Act (chapter E-12.001);

(f) section 139, 140 or 141 of the Act respecting labour standards (chapter N-1.1);

(g) section 119 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) for a contravention of section 101 of that Act; or

(h) section 235 of the Act respecting occupational health and safety (chapter S-2.1) or section 236 of that Act for a contravention of section 30 or section 185 of that Act;

(4) failed, during the 2 years preceding the application, to comply with the conditions relating to a previous temporary or permanent employment offer; or

(5) operates an enterprise whose activities consist in offering personnel placement or leasing services and the employment offered is for providing a worker required to meet the temporary workforce needs of a client, another person or a public body under a contract entered into with the latter.

### DIVISION II EMPLOYMENT OFFER

**100.** The Minister gives a positive assessment as to the employment offer's impact on Québec's labour market or validates the permanent employment offer where the employment

(1) does not and is not likely to adversely affect the settlement of any labour dispute at the workplace where the foreign national would carry on the employment, or the employment of any person involved in the dispute, or to contravene the application of the Labour Code (chapter C-27);

(2) corresponds to the employer's legitimate labour needs;

(3) will likely result in a positive or neutral effect on the labour market;

(4) is not employment on behalf of the foreign national or an enterprise owned, in full or in part, by the foreign national;

(5) is not in a field referred to in Part 2 of Schedule E.

In addition, in the case of the validation of a permanent employment offer, the employer must have been operating an enterprise in Québec for more than 12 months and the employment must be full-time.

**101.** To determine if the employment will likely result in a positive or neutral impact on Québec's labour market or for the validation of the permanent employment offer, the Minister takes into account, in the Minister's assessment,

(1) direct employment creation or employment retention;

(2) the development or transfer of skills;

(3) the filling of a labour shortage in the profession or trade concerned by the employment offer;

(4) the reasonable efforts made by the employer to hire or train Québec residents;

(5) the work conditions and salary offered that are regarded as incentives for Québec residents to hold or continue to hold the employment; and

(6) the employer's ability to meet the conditions offered, financially or materially.

**102.** An employer whose permanent employment offer is validated by the Minister must reserve that employment for the foreign national so that the foreign national may hold it as soon as the foreign national arrives in Québec as permanent resident.

#### CHAPTER V REQUIRED FEES

**103.** The following persons are exempted from paying the fees provided for in section 73 of the Act:

(1) a foreign national who has applied for protection conferred under paragraph *b* or *c* of subsection 1 of section 95 of the Immigration and Refugee Protection Act (S.C. 2001, c. 27);

(2) a minor child whose situation is the responsibility of a youth protection director designated under the Youth Protection Act or a local community services centre established under the Act respecting health services and social services;

(3) a minor child that may be exempted from the payment of the financial contribution determined under section 473 of the Education Act (chapter I-13.3).

**104.** Where a selection application involves, in relation to the previous application, the addition of a member of the foreign national's family belonging to the economic class, the foreign national and family members are exempted from paying the required fees if they are already subject to a selection decision that is still valid.

#### CHAPTER VI DURATION AND LAPSE OF THE DECISION OF THE MINISTER

**105.** The Minister's consent for a foreign national's stay given under section 5 of this Regulation is valid for the duration provided for in the positive assessment of the impact on Québec's labour market but for not more than 36 months.

The start of the period provided for in the first paragraph takes effect on the date of the issue of a work permit under the Immigration and Refugee Protection Act (S.C. 2001, c. 27).

**106.** The Minister's consent for a foreign national's stay given under section 11 of this Regulation is valid for the duration of the program or level of studies indicated in the foreign national's application but for not more than 49 months.

In the case of a child under 17 years of age accompanying the holder of parental authority who stays in Québec as temporary foreign worker, international student or to receive medical treatment, the Minister's consent is of the same duration as the Minister's consent for the stay of the holder of parental authority.

If the child under 17 years of age is not accompanied by the holder of parental authority, the Minister's consent for the stay is for a period of 14 months.

**107.** The consent for a foreign national's stay given under section 18 of this Regulation is valid for the expected period for the medical treatment.

**108.** The selection decision for permanent immigration is valid for a period of 24 months or until a decision respecting the application for permanent residence is rendered under the Immigration and Refugee Protection Act (S.C. 2001, c. 27).

**109.** The selection decision for temporary immigration lapses where the foreign national

(1) is subject to a removal order for which there is no stay or is inadmissible and is not authorized to enter and remain in Canada, within the meaning of the Immigration and Refugee Protection Act; or

(2) obtains a new decision for the same reason as the temporary stay.

**110.** The sponsorship undertaking lapses if the foreign national on behalf of whom it is taken

(1) does not meet the requirements of this Regulation;

(2) is not admitted as permanent resident under the undertaking; or

(3) is not the subject of a selection decision as permanent resident within 24 months following the date on which the undertaking is signed.

**111.** The selection decision for permanent immigration lapses where

(1) the foreign national is subject to a removal order for which there is no stay or is inadmissible and is not authorized to enter and remain in Canada, within the meaning of the Immigration and Refugee Protection Act; or

(2) the foreign national obtains a new selection decision.

## CHAPTER VII INDEXING

**112.** The amounts in Schedules B, C and D are adjusted on 1 January of each year by a rate corresponding to the annual change in the overall average Québec consumer price index without alcoholic beverages and tobacco products for the 12-month period ending on 30 September of the year preceding the year for which the fee is to be adjusted. The Minister publishes the rate without delay on the Minister's website and in the *Gazette officielle du Québec*.

## CHAPTER VIII OFFENCES

**113.** Every person who

(1) acts as financial intermediary without having entered into, in accordance with section 39, an agreement with the Minister, allowing the intermediary to participate in the investor program,

(2) contravenes section 40, 95 or 102,

is guilty of an offence and is liable to the penalties provided for in section 94 of the Act.

## CHAPTER IX TRANSITIONAL AND FINAL

**114.** Applications for selection certificates filed before 2 August 2018, except those filed under the Québec experience program, are continued and decided under the Regulation respecting the selection of foreign nationals and the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2, r. 2) as they read on 1 August 2018.

**115.** Despite section 18 of the Québec Immigration Act (2016, chapter 3) and section 21 of this Regulation, a foreign national who belongs to the family class within the meaning of sections 59 and 60 or is domiciled in Québec and belongs to the class of foreign nationals who are in a special distressful situation within the meaning of paragraph a of section 18 and paragraph 1 of section 27 of the Regulation respecting the selection of foreign nationals, as they read on 1 August 2018, or a family member of the foreign national must, until 2 August 2020, be selected by the Minister to settle permanently in Québec.

The Minister selects as permanent resident, during the period provided for in the first paragraph, a foreign national who

(1) belongs to the family class and is covered by an undertaking made by a sponsor in accordance with Division V of Chapter III of this Regulation; and

(2) is recognized as a refugee when the foreign national is already in the territory of Québec.

**116.** Every selection certificate issued by the Minister under section 115 or 3.1 of the Act respecting immigration to Québec (chapter I-0.2), as it read on 1 August 2018, to a foreign national who belongs to the family class or is recognized as refugee while already in the territory of Québec remains valid until its term or until a decision regarding an application for permanent residence has been rendered under the Immigration and Refugee Protection Act (S.C. 2001, c. 27).

**117.** Every agreement entered into with a financial intermediary who is an investment dealer or a trust company before 2 August 2018 is deemed to be entered into under section 39 of this Regulation.

Despite the foregoing, an investment dealer or trust company who does not have a head office in Québec and who participates in the investor program may, despite subparagraph 2 of the first paragraph of section 39, continue to participate in the program for a period of 4 years as of the date of coming into force of this Regulation, if, in the year following that date, the dealer or company creates or acquires an entity that is a dealer or trust company registered with the Autorité des marchés financiers and whose rights are not suspended by the latter.

**118.** The Minister consents, under the temporary worker program, to the stay of a foreign national who was staying, as of 1 August 2018 in Québec as a live-in caregiver and who wishes to extend the stay, if the foreign national meets the conditions provided for in section 9 and

- (1) undertakes to reside with his employer; and
- (2) if the foreign national does not understand or speak French, the employer undertakes, in the work contract, to facilitate access to French classes outside working hours.

The Minister may select a foreign national referred to in the first paragraph who wishes to settle in Québec under the regular skilled worker program, although the foreign national does not meet a selection condition or criterion where the Minister is of the opinion that the foreign national can successfully settle in Québec.

**119.** This Regulation replaces the Regulation respecting the selection of foreign nationals.

**120.** This Regulation comes into force on 2 August 2018 except

- (1) paragraph 2 of section 83, which comes into force on 2 August 2019;
- (2) paragraph 3 of section 83, which comes into force on 2 August 2021.

## SCHEDULE A

(ss. 32, 33, 34, 37, 48, 50, 51, 53, 58)

### SELECTION GRID FOR THE ECONOMIC CLASS

<i>Factors</i>	<i>Criteria</i>
<b>1. Training</b>	<b>1.1 Education level</b>
	(a) secondary school general diploma
	(b) secondary school vocational diploma
	(c) postsecondary school general diploma attesting to 2 years of full-time studies

- (d) postsecondary school technical diploma attesting to 1 year of full-time studies
- (e) postsecondary school technical diploma attesting to 2 years of full-time studies
- (f) secondary school vocational diploma, or post-secondary school technical diploma attesting to 1 or 2 years of full-time studies, in training referred to in section A or B of Part I or II of criterion 1.2
- (g) postsecondary school technical diploma attesting to 3 years of full-time studies
- (h) postsecondary school technical diploma attesting to 3 years of full-time studies in training referred to in section A or B of Part I or II of criterion 1.2
- (i) undergraduate university degree attesting to 1 year of full-time studies
- (j) undergraduate university degree attesting to 2 years of full-time studies
- (k) undergraduate university degree attesting to 3 years or more of full-time studies
- (l) master's degree attesting to 1 year or more of full-time studies
- (m) doctorate

The diploma attesting to training must have been obtained before the date of filing of the application for a selection certificate.

### 1.2 Areas of training

Québec diploma or diploma issued abroad listed in one of the following sections in the List of areas of training:

Section A of Part I  
 Section B of Part I  
 Section C of Part I  
 Section D of Part I  
 Section E of Part I  
 Section F of Part I  
 Section G of Part I  
 Section A of Part II

Section B of Part II  
 Section C of Part II  
 Section D of Part II  
 Section E of Part II  
 Section F of Part II  
 Section G of Part II

The diploma attesting to training must have been obtained before the date of filing of the application for a selection certificate.

If there is more than 1 diploma, the most advantageous diploma for the foreign national is retained.

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## 2. Experience

### 2.1 Professional experience of a skilled worker

less than 6 months  
 6 to 11 months  
 12 to 23 months  
 24 to 35 months  
 36 to 47 months  
 48 months or more

The experience must have been acquired in the 5 years preceding the date of filing of the application for a selection certificate and be based on the period of employment in a profession in a skill level higher than D, within the meaning of the National Occupational Classification, including training periods, remunerated or not, during an apprenticeship, training or specialization process attested to by a diploma.

### 2.2 Professional experience of a self-employed worker

6 months  
 1 year  
 1 ½ years  
 2 years  
 2 1/2 years  
 3 years  
 3 1/2 years  
 4 years  
 4 1/2 years  
 5 years or more

The experience of a self-employed person is based on the period of practice on the person's behalf of the profession the person intends to practise in Québec.

### 2.3 Experience in management of the investor

6 months  
 1 year  
 1 ½ years  
 2 years  
 2 1/2 years  
 3 years  
 3 1/2 years  
 4 years  
 4 1/2 years  
 5 years  
 5 1/2 years  
 6 years  
 6 1/2 years  
 7 years  
 7 1/2 years or more

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## 3. Age

18 years of age  
 19 years of age  
 20 years of age  
 21 years of age  
 22 years of age  
 23 years of age  
 24 years of age  
 25 years of age  
 26 years of age  
 27 years of age  
 28 years of age  
 29 years of age  
 30 years of age  
 31 years of age  
 32 years of age  
 33 years of age  
 34 years of age  
 35 years of age  
 36 years of age  
 37 years of age  
 38 years of age  
 39 years of age  
 40 years of age

41 years of age  
 42 years of age  
 43 years of age  
 44 years of age  
 45 years of age  
 46 years of age  
 47 years of age  
 48 years of age  
 49 years of age  
 50 years of age

– written expression:  
 beginner  
 levels 1 and 2  
 levels 3 and 4  
 intermediate  
 levels 5 and 6  
 levels 7 and 8  
 advanced  
 levels 9 and 10  
 levels 11 and 12

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#### 4. Language proficiency

##### 4.1 French

According to the Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes or its equivalent:

(a) oral

- oral comprehension:  
 beginner  
   levels 1 and 2  
   levels 3 and 4  
 intermediate  
   levels 5 and 6  
   levels 7 and 8  
 advanced  
   levels 9 and 10  
   levels 11 and 12
- oral expression:  
 beginner  
   levels 1 and 2  
   levels 3 and 4  
 intermediate  
   levels 5 and 6  
   levels 7 and 8  
 advanced  
   levels 9 and 10  
   levels 11 and 12

(b) written

- written comprehension:  
 beginner  
   levels 1 and 2  
   levels 3 and 4  
 intermediate  
   levels 5 and 6  
   levels 7 and 8  
 advanced  
   levels 9 and 10  
   levels 11 and 12

##### 4.2 English

According to the Canadian Language Benchmarks or its equivalent:

(a) oral

- oral comprehension:  
 beginner  
   levels 1 to 4  
 intermediate  
   levels 5 to 8  
 advanced  
   levels 9 to 12
- oral expression:  
 beginner  
   levels 1 to 4  
 intermediate  
   levels 5 to 8  
 advanced  
   levels 9 to 12

(b) written

- written comprehension:  
 beginner  
   levels 1 to 4  
 intermediate  
   levels 5 to 8  
 advanced  
   levels 9 to 12
- written expression:  
 beginner  
   levels 1 to 4  
 intermediate  
   levels 5 to 8  
 advanced  
   levels 9 to 12

---

#### 5. Stay and family in Québec

##### 5.1 Stay in Québec

- (a) to study for 1 regular full-time semester if study is the main activity
- (b) to study for at least 2 regular full-time semesters if study is the main activity

- (c) for studies leading to a vocational training diploma (DEP) or an attestation of college studies (AEC) attesting to a total of 900 to less than 1,800 hours, combined with full-time work experience in Québec, related to the field of training, for a period of at least 6 months following the program of studies
- (d) for studies leading to a vocational training diploma (DEP) or an attestation of college studies (AEC) attesting to 1,800 hours or more, a diploma of college studies (DEC) preuniversity or technical or an undergraduate, graduate or master's diploma
- (e) to work, with a work permit of at least 1 year and full-time work experience of 6 months
- (f) to work for at least 3 months if work is the main activity
- (g) to work for at least 6 months if work is the main activity
- (h) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada, if work is the main activity for at least 3 months
- (i) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada, if work is the main activity for at least 6 months
- (j) for business for at least 1 week
- (k) other stay for at least 2 weeks
- (l) other stay for at least 3 months

The stay, other than the stay referred to in paragraph *j*, must have been completed by the foreign national or the foreign national's accompanying spouse or de facto spouse in the 10 years preceding the date of filing of the selection application.

The stay referred to in paragraph *j* must have been completed by the foreign national in the 2 years preceding the date of filing of the selection application.

## 5.2 Family in Québec

Relationship with a Québec resident who is, in relation to the foreign national or the foreign national's accompanying spouse or de facto spouse,

- (a) spouse or de facto spouse
- (b) son or daughter, father or mother, brother or sister
- (c) grandfather or grandmother
- (d) uncle or aunt, nepehw or niece

## 6. Characteristics of the accompanying spouse or de facto spouse

### 6.1 Education level

- (a) secondary school general diploma
- (b) secondary school vocational diploma
- (c) postsecondary school general diploma attesting to 2 years of full-time studies
- (d) postsecondary technical diploma attesting to 1 year of full-time studies
- (e) postsecondary technical diploma attesting to 2 years of full-time studies
- (f) postsecondary technical diploma attesting to 3 years of full-time studies
- (g) undergraduate university degree attesting to 1 year of full-time studies
- (h) undergraduate university degree attesting to 2 years of full-time studies
- (i) undergraduate university degree attesting to 3 years of full-time studies
- (j) master's degree attesting to 1 year or more of full-time studies
- (k) doctorate

The diploma attesting to training must have been obtained before the date of filing of the selection application.

### 6.2 Areas of training

Québec diploma or diploma issued abroad listed in the following sections in the List of areas of training:

Section A of Part I  
 Section B of Part I  
 Section C of Part I  
 Section D of Part I  
 Section E of Part I  
 Section F of Part I  
 Section G of Part I  
 Section A of Part II  
 Section B of Part II  
 Section C of Part II  
 Section D of Part II  
 Section E of Part II  
 Section F of Part II  
 Section G of Part II

The diploma attesting to training must have been obtained before the date of filing of the selection application.

If there is more than 1 diploma, the most advantageous diploma for the foreign national is retained.

### 6.3 Professional experience

6 to 11 months  
 12 months or more

The professional experience must have been acquired in the 5 years preceding the date of filing of the selection application and be based on the period of employment in a profession in a skill level higher than D, within the meaning of the National Occupational Classification, including training periods, remunerated or not, during an apprenticeship, training or specialization process attested to by a diploma.

### 6.4 Age

18 years of age  
 19 years of age  
 20 years of age  
 21 years of age  
 22 years of age  
 23 years of age  
 24 years of age  
 25 years of age  
 26 years of age  
 27 years of age

28 years of age  
 29 years of age  
 30 years of age  
 31 years of age  
 32 years of age  
 33 years of age  
 34 years of age  
 35 years of age  
 36 years of age  
 37 years of age  
 38 years of age  
 39 years of age  
 40 years of age  
 41 years of age  
 42 years of age  
 43 years of age  
 44 years of age  
 45 years of age  
 46 years of age  
 47 years of age  
 48 years of age  
 49 years of age  
 50 years of age

### 6.5 Language proficiency

According to the Échelle québécoise des niveaux de compétence en français des personnes immigrantes adultes or its equivalent:

#### (a) oral French

- oral comprehension:
  - beginner
    - levels 1 and 2
    - levels 3 and 4
  - intermediate
    - levels 5 and 6
    - levels 7 and 8
  - advanced
    - levels 9 and 10
    - levels 11 and 12
- oral expression:
  - beginner
    - levels 1 and 2
    - levels 3 and 4
  - intermediate
    - levels 5 and 6
    - levels 7 and 8
  - advanced
    - levels 9 and 10
    - levels 11 and 12



- (b) written French
- written comprehension:
    - beginner
      - levels 1 and 2
      - levels 3 and 4
    - intermediate
      - levels 5 and 6
      - levels 7 and 8
    - advanced
      - levels 9 and 10
      - levels 11 and 12
  - written expression:
    - beginner
      - levels 1 and 2
      - levels 3 and 4
    - intermediate
      - levels 5 and 6
      - levels 7 and 8
    - advanced
      - levels 9 and 10
      - levels 11 and 12

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## 7. Validated employment offer

### 7.1 Validated employment offer in the metropolitan area of Montréal

### 7.2 Validated employment offer outside the metropolitan area of Montréal in one of the following administrative regions:

- (a) Abitibi-Témiscamingue
- (b) Bas-Saint-Laurent
- (c) Capitale-Nationale
- (d) Centre-du-Québec
- (e) Chaudière-Appalaches
- (f) Côte-Nord
- (g) Estrie
- (h) Gaspésie-Îles-de-la-Madeleine
- (i) Lanaudière
- (j) Laurentides
- (k) Mauricie
- (l) Montérégie
- (m) Nord-du-Québec
- (n) Outaouais
- (o) Saguenay-Lac-Saint-Jean

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## 8. Children

### 8.1 12 years of age or younger

### 8.2 13 to 21 years of age

A child means a dependent child of the foreign national or the foreign national's accompanying spouse or de facto spouse and an accompanying dependent child who is a Canadian citizen.

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## 9. Financial self-sufficiency

Making of a contract in which the foreign national undertakes to provide for basic needs, those of the accompanying family members and those of a dependent child who is a Canadian citizen for a period of 3 months.

The foreign national must also declare in the contract that the foreign national will have, for that period, financial resources at least equal to those in the scales in Schedule C to provide basic needs; in the case of a foreign national whose application for permanent residence is processed in Canada, the foreign national must prove that his or her gross income will allow the foreign national to provide basic needs.

That requirement begins on the date of the foreign national's arrival in Canada or, in the case of a foreign national whose application for permanent residence is processed in Canada, as of the date of the selection decision.

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## 10. Business project

### 10.1 Service offer assessment (component 1)

The service offer of the enterprise accelerator, enterprise incubator or university entrepreneurship centre is assessed according, in particular, to the

- nature of the business project, the field of activity concerned and needs related to its implementation
- region of operation of the enterprise
- proposed support plan
- operating plan
- expertise of the enterprise accelerator, enterprise incubator or university entrepreneurship centre

### 10.2 Business project assessment (components 1 and 2)

The business project assessment is carried out, with the necessary modifications, from

- the description of the project and of the enterprise
- the market analysis

- the marketing plan
- the operating plan
- the financing plan
- the business profile
- the project management approach and risk analysis
- the economic and social benefits of the business project
- the enterprise and support from the environment
- the implementation stages of the business project

### 11. Amount of deposit

#### 11.1 Deposit for start-up

11.1.1 Practice of a trade or profession in the metropolitan area of Montréal or an enterprise situated outside the metropolitan area of Montréal

- (a) \$15,000
- (b) \$20,000
- (c) \$25,000
- (d) \$40,000
- (e) \$50,000
- (f) \$100,000
- (g) \$200,000
- (h) \$300,000
- (i) \$400,000 or more

11.1.2 Practice of a trade or profession outside the metropolitan area of Montréal or enterprise situated outside the metropolitan area of Montréal

- (a) \$15,000
- (b) \$20,000
- (c) \$25,000
- (d) \$40,000
- (e) \$50,000
- (f) \$100,000
- (g) \$200,000
- (h) \$300,000
- (i) \$400,000 or more

#### 11.2 Security deposit

- (a) \$100,000
- (b) \$200,000
- (c) \$300,000
- (d) \$400,000
- (e) \$500,000 or more

### 12. Investment agreement

Compliant with the Regulation.

### 13. Financial Resources

Net asset obtained with, if applicable, the spouse or de facto spouse accompanying the foreign national and whose legal origin is demonstrated, of at least

	\$50,000
	\$75,000
	\$100,000
	\$125,000
	\$150,000
	\$175,000
	\$200,000
	\$250,000
	\$300,000
	\$350,000
	\$400,000
	\$450,000
	\$500,000
	\$600,000
	\$700,000
	\$800,000
	\$900,000
	\$1,000,000

### SCHEDULE B

(ss.12, 77, 89, 112)

#### MINIMUM INCOME REQUIRED TO PROVIDE FOR A PERSON'S BASIC NEEDS AND THOSE OF THE FAMILY MEMBERS

The gross annual income scale is established as follows:

Number of family members	Gross annual income
0	\$23,483
1	\$31,699
2	\$39,137
3	\$45,012
4	\$50,096

The gross annual income is increased by \$5,084 for each additional family member.

**SCHEDULE C**

(ss. 12, 68, 90, 95, 112)

## FOREIGN NATIONAL'S BASIC NEEDS

The scale of basic needs for 1 year is established as follows:

Number of persons 18 years of age or older	Number of persons under 18 years of age	Amount for basic needs for 1 year
0	1	\$6,270
	2	\$9,405

Basic needs are increased by \$3,135 for each additional person under 18 years of age.

Number of persons 18 years of age or older	Number of persons under 18 years of age	Amount for basic needs for 1 year
1	0	\$12,538
	1	\$16,849
	2	\$19,019

Basic needs are increased by \$2,170 for each additional person under 18 years of age.

Number of persons 18 years of age or older	Number of persons under 18 years of age	Amount for basic needs for 1 year
2	0	\$18,388
	1	\$20,598
	2	\$22,231

Basic needs are increased by \$1,634 for each additional person under 18 years of age and by \$5,846 for each additional person 18 years of age or older.

**SCHEDULE D**

(ss. 12, 68, 77, 89, 112)

## MINIMUM AMOUNT REQUIRED TO PROVIDE FOR A FOREIGN NATIONAL'S BASIC NEEDS

The scale of the minimum amount required to provide for a foreign national's basic needs is established as follows:

Number of persons 18 years of age or older	Number of persons under 18 years of age	Gross annual amount required from sponsor
0	1	\$8,128
	2	\$12,883

The gross annual amount required is increased by \$4,296 for each additional person under 18 years of age.

Number of persons 18 years of age or older	Number of persons under 18 years of age	Gross annual amount required from sponsor
1	0	\$17,176
	1	\$23,077
	2	\$26,058

The gross annual amount required is increased by \$2,979 for each additional person under 18 years of age.

Number of persons 18 years of age or older	Number of persons under 18 years of age	Gross annual amount required from sponsor
2	0	\$25,188
	1	\$28,216
	2	\$30,461

The gross annual amount required is increased by \$2,236 for each additional person under 18 years of age and by \$8,008 for each additional person 18 years of age or older.

**SCHEDULE E**

(ss. 51, 100)

## List of INADMISSIBLE ECONOMIC ACTIVITIES AND EMPLOYMENT FIELDS

PART 1 – Inadmissible economic activities for the enterprises referred to in component 2 of the entrepreneur program

- Loans on salaries, cheque cashing or pawn broking;
- Estate development, real estate development or estate or insurance brokering;
- Production, distribution or sale of pornographic or sexually explicit products or services related to the sex industry such as nude or erotic dancing, escort services or erotic massages.

PART 2 – Inadmissible employment fields under the temporary foreign worker program and the regular skilled worker program

- Loans on salaries, cheque cashing or pawn broking;
- Production, distribution or sale of pornographic or sexually explicit products or services related to the sex industry such as nude or erotic dancing, escort services or erotic massages.

103602

Gouvernement du Québec

**O.C. 986-2018, 3 July 2018**

Travel Agents Act  
(chapter A-10)

**Travel agents  
— Amendment**

Regulation to amend the Regulation respecting travel agents

WHEREAS, under subparagraphs *a*, *b.1*, *c*, *g*, *i*, *l*, *m*, *n* and *p* of the first paragraph of section 36 of the Travel Agents Act (chapter A-10), the Government may make regulations to

- establish classes of travel agents licences;
- prescribe the terms and conditions of issue, renewal, suspension or cancellation of a travel counsellor certificate, and the qualifications required of a person applying for a certificate, as well as the conditions to be met and the duties to be paid by that person;
- require individual security of a travel agent, prescribe the amount and the form and determine the cases and the terms and conditions of collection, payment, administration and use of that security;
- prescribe the conditions respecting the deposit and withdrawal of the funds a travel agent must transfer in trust and deposit in a trust account;
- prescribe standards respecting the protection of the customers of a travel agent;
- prescribe the obligations applicable to travel agents;
- in particular determine the functions of an advisory committee;
- exempt from or subject to the application of all or part of the Act, in the cases and on the conditions determined by the Government, persons, operations or tourist services, or modify the list of exceptions provided for in section 3 of the Act;
- determine among the regulatory provisions those the contravention of which constitutes an offence;

WHEREAS the Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs (2017, chapter 24) was assented to on 15 November 2017;

WHEREAS section 71 of that Act amends the first paragraph of section 36 of the Travel Agents Act in particular by replacing subparagraphs *b* and *c.1*, by introducing subparagraph *b.2* and by amending subparagraph *c.2*;

WHEREAS, under those subparagraphs, the Government may make regulations to

- prescribe in particular the terms and conditions of issue, maintenance, suspension, transfer or cancellation of a licence, the qualifications required of a person applying for a licence, the conditions to be met and the duties to be paid by that person;
- prescribe the rules for establishing the amount of the contribution to be paid into the Fonds d'indemnisation des clients des agents de voyages and determine the cases and the terms and conditions of collection, payment, administration and use of the fund, in particular to set a maximum amount, per client or event, that may be paid out of the fund;
- prescribe the terms and conditions of issue, maintenance, suspension or cancellation of a travel agency manager certificate, the qualifications required of a person applying for a certificate, and the conditions to be met and the duties to be paid by that person;
- prescribe, with respect to the indemnity fund, that the investment income on the sums accrued in the fund may be used by the Office de la protection du consommateur, on the terms and conditions the Government determines, to inform and educate clients with respect to their rights and obligations under the Acts whose application is under the supervision of the Office;

WHEREAS the Government made the Regulation respecting travel agents (chapter A-10, r. 1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting travel agents was published in Part 2 of the *Gazette officielle du Québec* of 18 April 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and for Housing:

THAT the Regulation to amend the Regulation respecting travel agents, attached to this Order in Council, be made.

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting travel agents

Travel Agents Act  
(chapter A-10, ss. 3 and 36; 2017, chapter 24, s. 71)

**1.** The Regulation respecting travel agents (chapter A-10, r. 1) is amended in section 1.1 by adding the following at the end:

“(h) a person offering tourist guide or local sightseeing tour services of a maximum period of 1 day;

(i) an educational institution or a teacher mandated by the institution if the following conditions are met:

i. the educational institution or teacher organizes a trip lasting no longer than 72 hours and exclusively in Québec for students or organizes a trip for them through a travel agent;

ii. the educational institution or teacher receives no form of remuneration for organizing the trip, except the teacher’s participation in the trip.

For the purposes of subparagraph *i* of the first paragraph, an educational institution means any institution listed in paragraphs *a* to *g.1* of section 188 of the Consumer Protection Act (chapter P-40.1).”

**2.** Section 1.2 is amended by adding “They also do not apply to an employee of the holder of a restricted outfitter’s licence acting for a travel agent holding a general licence with whom the outfitter entered into an agreement for the sale of packages.” at the end.

**3.** Section 3 is amended by striking out “establishments of the rugged furnished lodging, hospitality village,” in subparagraph *a* of the first paragraph.

**4.** Section 4.1 is amended

(1) by replacing “On 1 May 1995 and on 1 May of each subsequent year,” at the beginning of the first paragraph by “On 1 July 2019 and on 1 July of each subsequent year.”;

(2) by inserting “and the indemnity relating to living and accommodation expenses referred to in paragraphs *b* of section 43.8 and paragraph *c* of section 43.10” after “and section 31.9” in the first paragraph;

(3) by adding “and indemnity” after “The new duties” in the first paragraph;

(4) by replacing “The duties thus indexed” in the second paragraph by “The duties and indemnity thus indexed”;

(5) by adding “and indemnity” after “the new duties” in the third paragraph.

**5.** Section 5 is amended by replacing “once a year on the anniversary date of the licence.” in the second paragraph by “, once a year, not later than 2 months before the anniversary date of the licence.”.

**6.** Section 6 is amended

(1) by striking out subparagraph *c* of the first paragraph;

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

“(g) subject to section 11.13, a declaration stating that the person holds, at the time of applying for the issue of the licence, a travel agency manager certificate issued by the president after having passed, within less than 5 years, an examination on the knowledge of the laws and regulations applying to the travel sector and the management of a travel agency.”;

(3) by striking out subparagraph *f* of the second paragraph;

(4) by striking out subparagraph *g* of the second paragraph.

**7.** Section 8.1 is amended by replacing “Subparagraphs *c* and *g*” in the first paragraph by “Subparagraph *g*”.

**8.** Section 11.2 is amended

(1) by inserting the following after subparagraph *e* of the first paragraph:

“(f) has sent the information required under section 11.4.”;

(2) by replacing the second paragraph by the following: “The certificate is issued or renewed for a period of 1 year.”;

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

“The president renews the certificate if the conditions set out in subparagraphs *b* to *f* of the first paragraph are met.”

**9.** Section 11.4 is replaced by the following:

“**11.4.** The travel counsellor must, when applying for the issue or renewal of the certificate, send to the president, on the form provided by the president, the following information:

(a) the counsellor’s name, domicile address, date of birth, personal and professional telephone numbers and, where applicable, personal and professional technological address and fax number;

(b) the name, address and licence number of the travel agent to whom the counsellor is bound by an exclusive employment or service contract;

(c) a declaration according to which the counsellor has not committed, in the 5 years preceding the application, an offence against the Act or this Regulation;

(d) a declaration according to which the counsellor has not been found guilty, in the 5 years preceding the application, of fraud, forgery or fraudulent operations in contractual or commercial matters;

(e) a declaration according to which the counsellor has not made a false or misleading declaration or failed to mention an important fact for obtaining the certificate.”

**10.** Section 11.5 is amended by replacing “la reconduction annuelle” in the French text by “le renouvellement annuel”.

**11.** Section 11.7 is amended

(1) by replacing “or cancel” in the portion preceding paragraph *a* by “, cancel or refuse to issue or to renew”;

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

“The president may also suspend, cancel or refuse to issue or to renew a certificate if the president has reasonable grounds to believe that the suspension, cancellation or refusal is necessary to ensure, in the public interest, that the operations proper to a travel agent will be performed with honesty and competence.”

**12.** Section 11.8 is amended by replacing “reconduire” in the French text by “renouveler”.

**13.** Section 11.9 is replaced by the following:

“**11.9.** Where the travel counsellor no longer has an employment relationship or an exclusive service contract with the travel agent, the counsellor’s certificate is suspended until a new employment relationship is established or a new exclusive service contract is entered into with a travel agent.

After a maximum period of 2 years following the suspension and in the absence of a new employment relationship or a new exclusive service contract with a travel agent, the certificate ceases to have effect.

During the suspension period, the counsellor must deal with the formalities related to the renewal of the counsellor’s certificate.”

**14.** The following is inserted after section 11.10:

**“DIVISION IV.3  
TRAVEL AGENCY MANAGER**

**11.11.** Sections 11.2 to 11.8 apply, with the necessary modifications, to the applicant for and the holder of a travel agency manager certificate.

**11.12.** On payment of the duties required under section 11.5, the holder of a travel agency manager certificate also holds a travel counsellor certificate.

**11.13.** Where the employment relationship with the travel agent for whom the holder works as manager is broken, the person’s manager certificate is suspended. The person may again hold a manager certificate without having again passed the examination provided that the person is again appointed manager within 2 years following the suspension of the certificate.

After that period and in the absence of a new employment relationship with a travel agent as manager, the certificate ceases to have effect.

During the suspension period, the holder must deal with the formalities related to the renewal of the manager’s certificate.

The first 3 paragraphs also apply, with the necessary modifications, to the holder of a travel agent licence.”

**15.** The following is inserted after section 12:

“**12.1.** A travel agent must submit interim financial statements at the request of the president within the period set by the president. The financial statements must include a trust account statement. At the request of the president, the statements must also be accompanied by a review engagement report or any other information or document related to the travel agent operations.”

**16.** Section 13.1 is amended

(1) by inserting “The list must contain the names of the travel counsellors, their certificate number and the date of expiry of the certificate.” after the first sentence;

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

“Where the employment relationship with any of the travel counsellors is broken or the exclusive service contract that binds the counsellor to the agent is resiliated or terminated, the travel agent must so inform the president within 5 days of the event.”

**17.** The following is inserted after section 13.1:

“**13.1.1.** A travel agent may not employ a travel counsellor who does not hold a valid travel counsellor certificate. Nor may the travel agent sign an exclusive service contract with a travel counsellor who does not hold such a certificate.”

**18.** Section 18 is amended

(1) by inserting “, except if they are collected by an outfitter holding a restricted licence exempt from the obligation imposed in section 33 of the Act under section 29.1” at the end of subparagraph *e* of paragraph 2;

(2) by replacing subparagraph *g* of paragraph 2 by the following:

“(g) the amount and percentage of the contribution to the Fonds d’indemnisation des clients des agents de voyages and a mention and the amount of the credit granted by the fund in accordance with section 39.01, where applicable. If necessary, the number of the exemption certificate issued under section 39.1;”

(3) by inserting the following after subparagraph *h* of paragraph 2:

“(i) the following mention near the information provided for in subparagraph *c*: “Tourist services paid but not received, may be reimbursed by the Fonds d’indemnisation des clients des agents de voyages. It is administered by the Office de la protection du consommateur. It is a financial protection for travelers. For more information: [www.ficav.gouv.qc.ca](http://www.ficav.gouv.qc.ca).”

**19.** Section 22 is amended by inserting “Subject to section 29.1,” at the beginning of the first paragraph.

**20.** Section 22.01 is amended by inserting “and subject to section 29.1” after “Despite the first paragraph of section 22”.

**21.** Section 27.1 is revoked.

**22.** Section 28 is amended

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

“(a) to compensate in capital, interest and costs, but excluding punitive damages, any customer in possession of a final judgment rendered other than on acquiescence in the judgment, against the travel agent, his employee or a travel counsellor with whom the travel agent has entered into an exclusive employment or service contract related to the performance of the mandate given to them;”

(2) by striking out “provided for in Division XII” at the end of the last paragraph.

**23.** The following is inserted after section 29:

“**29.1.** An outfitter holding a restricted licence who deposits an additional security to the president the amount of which is based on the amount of sales subject to the contribution to the fund appearing in the certificate required under the second paragraph of section 8.1 is exempt from the obligation referred to in section 33 of the Act to transfer funds collected on account of a third person in trust; the amount is set as follows:

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**AMOUNT OF INDIVIDUAL SECURITY  
OF EXEMPTED OUTFITTER**

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AMOUNT OF SALES	SECURITY
Up to \$0.5M	\$40,000
Up to \$2M	\$80,000
Up to \$5M	\$120,000
Over \$5M	\$160,000

”

**24.** Section 30 is amended

(1) by inserting “or, if the president is in a position to accept it, by a transfer of funds to an account held by the president in a financial institution” at the end of paragraph *b*;

(2) by inserting “or 29.1” at the end of paragraph *c*.

**25.** Section 31.2 is amended by inserting “or 29.1” at the end of the first paragraph.

**26.** Section 31.6 is amended by replacing “its anniversary date” at the end of the third paragraph by “the date on which the licence ceases to have effect”.

**27.** Section 31.8 is amended by inserting “or 29.1” at the end of paragraph 4.

**28.** Section 33 is amended by replacing “which follow the formation of the mandate” in paragraph 4 by “of the date on which the cause of action arose”.

**29.** Section 35 is amended by adding “or 29.1” at the end.

**30.** Section 37 is revoked.

**31.** Section 38 is revoked.

**32.** Section 39 is replaced by the following:

“**39.** Subject to section 39.1, the amount of the contribution of customers of travel agents is calculated by multiplying the total cost of the purchased tourist services by a percentage varying according to the surplus accumulated in the Fonds d’indemnisation des clients des agents de voyages as of the preceding 31 March; the percentage is set as follows:

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**CONTRIBUTION TO THE FUND**


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Surplus accumulated in the fund	Percentage of tourist services
Up to \$75M	0.35%
Up to \$100M	0.20%
Over \$100M	0.10%

Where applicable, the change to the percentage applicable to the calculation of the contribution takes effect on 1 January of the year following the submission of the financial statements indicating the surplus accumulated in the fund as of 31 March.

The contribution must be collected by the travel agent dealing directly with the customer.”

**33.** The following is inserted after section 39:

“**39.01.** Despite section 39, where the financial statements of the Fonds d’indemnisation des clients des agents de voyages indicate that the surplus accumulated in the fund as of 31 March is equal to or greater than \$125M, the customers of travel agents are credited the amount of the contribution to the fund.

In that case, the travel agent must, on the receipt remitted in accordance with section 18, indicate

(*a*) the amount corresponding to the contribution calculated by multiplying the total cost of the purchased tourist services by 0.10%; and

(*b*) on the subsequent line, after the mention “Credit applicable”, the amount corresponding to a credit of a value equivalent to the amount calculated in accordance with subparagraph *a*.

The terms and conditions take effect on 1 January of the year following the submission of the financial statements of the fund.

The terms and conditions are maintained until the financial statements of the fund indicate a surplus accumulated in the fund as of 31 March of \$75M or less. The obligation to contribute to the fund, in accordance with section 39, resumes on 1 January of the year following the submission of the financial statements of the fund.”

**34.** Section 39.1 is amended

(1) by replacing “is entitled to the reimbursement of the contribution referred to in section 39” in the portion before subparagraph *a* of the first paragraph by “is exempt from paying the contribution to the fund referred to in section 39 provided that the customer obtains an exemption certificate and provides a copy of the certificate to a travel agent before entering into a tourist service contract”;

(2) by replacing the second paragraph by the following:

“The exemption certificate is issued by the president on written request submitted by the Ministère des Relations internationales for the benefit of the customer.

The customer who prevailed himself of the exemption may not receive an indemnity or reimbursement under sections 43.7 to 43.14.”



**35.** Section 40 is amended

(1) by replacing the words “within 30 days of” wherever they appear by “not later than the last day of the month following”;

(2) by replacing the third paragraph by the following:

“A licence holder or other officer must, within the period prescribed by the first paragraph, sign and send a report to the president indicating

- (a) the amount of the sales subject to the contribution;
- (b) the total of the contributions collected; and
- (c) the amount remitted.”;

(3) by inserting “the report or” after “who does not remit” in the fourth paragraph;

(4) by adding the following paragraph after the fourth paragraph:

“Where section 39.01 applies, a travel agent is exempt from collecting the contributions and sending the report. Despite the foregoing, the travel agent must send to the president the contributions collected before the date referred to in the third paragraph of section 39.01 and the report not later than 28 February following that date.”

**36.** Section 43 is amended

(1) by striking out the first and second paragraphs;

(2) by replacing “The sums” in the third paragraph by “The sums making up the Fonds d’indemnisation des clients des agents de voyages”.

**37.** Section 43.2 is amended

(1) by striking out subparagraphs *a*, *b*, *c*, *d* and *g* of the first paragraph;

(2) by replacing “provisional administrator’s fees” at the end of subparagraph *e* of the first paragraph by “the fees of a provisional administrator or a claims manager”;

(3) by striking out the second paragraph.

**38.** Section 43.3 is amended

(1) by replacing “20% of the surplus accumulated in the fund” by “60% of the surplus accumulated in the fund”;

(2) by replacing “\$5M” by “\$30M”;

(3) by striking out the second sentence.

**39.** Section 43.4 is revoked.**40.** Section 43.5 is revoked.**41.** Section 43.6 is amended

(1) by replacing “the lesser of the following sums” by “the higher of the following sums”;

(2) by replacing “under the Act” by “under the Acts under the supervision of the Office de la protection du consommateur”.

**42.** The following sections are inserted after section 43.6:

“**43.7.** In the case provided for in paragraph *a* of section 30.4 of the Act, the president reimburses to the customer

(a) the sums paid by the customer to the travel agent for the service that was not performed by the supplier in default; and

(b) where applicable, the sums paid by the customer to the travel agent for a tourist service, other than the service referred to in paragraph *a*, of which the customer could not benefit owing to the default of the supplier. If the customer has partially benefited from a tourist service, the reimbursement of the service is proportionate to the unused service.

**43.8.** In the case provided for in paragraph *b* of section 30.4 of the Act, the president may reimburse to the customer

(a) the reasonable costs paid to replace the tourist benefit not performed owing to the default of the supplier;

(b) the other reasonable costs paid owing to the default of the supplier, such as

i. living and accommodation expenses up to a maximum amount of \$200 per day per person;

ii. where applicable, the costs paid to ensure a departure or repatriation required under the circumstances.

**43.9.** Cases in which a customer may not prevail himself of tourist services the customer has paid due to the following reasons constitute a reason outside the customer’s control for the purposes of section 30.5 of the Act:

(a) a non-compliant performance of a tourist service that deprives the customer from benefiting from the performance of another tourist service paid to the travel agent;

(b) the dissemination, after the purchase of a tourist service, of an official warning from a Canadian public authority to avoid all travel or avoid non-essential travel to the destination;

(c) the occurrence of an event for which a default of the supplier is foreseeable.

**43.10.** In the cases provided for in section 30.5 of the Act, the president may reimburse to the customer:

(a) the sums paid by the customer to the travel agent for the service the customer did not benefit from. If the customer has partially benefitted from a tourist service, the reimbursement of the service must be proportionate to the unused service;

(b) the reasonable costs paid to replace the tourist benefit the customer did not benefit from;

(c) the other reasonable costs paid owing to the event that prevents the customer from availing himself of other tourist services such as

i. living and accommodation expenses up to a maximum amount of \$200 per day per person;

ii. where applicable, the costs paid to ensure a departure or repatriation required under the circumstances.

**43.11.** In the cases provided for in paragraphs *a* and *b* of section 30.4 and section 30.5 of the Act, on presentation of proof required to show the eligibility and value of the claim, the president may reimburse to the travel agent the reasonable sums the agent reimbursed to the agent's customer or paid for the benefit of the customer in accordance with sections 43.7, 43.8 and 43.10.

No travel agent may be reimbursed by the fund if otherwise paid or reimbursed.

**43.12** In the cases provided for in paragraph *b* of section 30.4 and section 30.5 of the Act, the president, on presentation of proof required to show the value of the tourist benefit and on other conditions determined by the president, may mandate a travel agent or supplier and pay them directly the reasonable costs to ensure the departure or repatriation of a customer required under the circumstances.

**43.13.** In case of insufficient security, the president pays to the customer the sums required

(a) to compensate in capital, interest and costs of a final judgment, but excluding punitive damages, and any sum greater than \$500 granted to compensate moral damage, in the cases referred to in subparagraph *a* of the first paragraph of section 28;

(b) to reimburse a sum paid to the travel agent for the provision of a service not yet provided in the cases referred to in subparagraph *b* of the first paragraph of section 28.

The president may, instead of reimbursing to the client the sum referred to in subparagraph *b* of the first paragraph, pay the sums required to ensure the departure or repatriation of the customer.

**43.14** Where the president receives a claim under section 43.8, 43.10, 43.11 or 43.12, the president assesses the reasonableness of the costs claimed taking into consideration that the claimant or the customer may not benefit from unjustified enrichment and that he must minimize damages.”

**43.** Section 47 is replaced by the following:

“**47.** Every person who contravenes any of sections 11.6, 12, 12.1, 13, 13.1, 13.1.1, 13.2, 14, 14.1, 15, 16, 17, 18, 19, 20, 22.1, 34, 35, 39, 39.01 or 40 commits an offence and is liable to the fine under section 40 of the Act.”

**44.** Section 57 is replaced by the following:

“**57.** The committee sends to the Minister, not later than 30 June of each year, a report on its activities for the preceding financial year.”

#### TRANSITIONAL AND FINAL

**45.** Sections 43.7 to 43.14, introduced by section 42 of this Regulation, apply where the facts giving rise to indemnification or reimbursement occur after the coming into force of this Regulation. Despite the foregoing, section 43.13 also applies where the facts giving rise to indemnification or reimbursement occurred before the coming into force of this Regulation.

**46.** Subparagraphs *b*, *c* and *d* of the first paragraph of section 43.2, struck out by section 37 of this Regulation, continue to apply to the facts giving rise to indemnification and reimbursement that occurred before the coming into force of this Regulation.

**47.** This Regulation comes into force on 1 August 2018, except paragraph 3 of section 18 of this Regulation, which comes into force on 1 January 2019.

103603

Gouvernement du Québec

## O.C. 988-2018, 3 July 2018

An Act respecting the collection of certain debts  
(chapter R-2.2)

### Regulation — Amendment

Regulation to amend the Regulation respecting the application of the Act respecting the collection of certain debts

WHEREAS, under paragraphs 2, 6 and 8 of section 51 of the Act respecting the collection of certain debts (chapter R-2.2), the Government may make regulations in particular determining the duties a person applying for a permit or the renewal of a permit must pay, establishing rules governing the keeping of registers by a permit holder and determining the information that the permit holder must furnish to the president;

WHEREAS the Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs (2017, chapter 24) was assented to on 15 November 2017;

WHEREAS section 80 of that Act introduces paragraph 2.1 of section 51 of the Act respecting the collection of certain debts;

WHEREAS, under paragraph 2.1 of section 51 of the Act, the Government may make regulations determining terms and conditions for the issue, renewal, suspension or cancellation of a collection agent representative certificate, cases where a certificate ceases to have effect, the qualifications required of a person applying for a certificate, the documents to be sent, the conditions to be met and the duties to be paid;

WHEREAS the Government made the Regulation respecting the application of the Act respecting the collection of certain debts (chapter R-2.2, r. 1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the application of the Act respecting the collection of certain debts was published in

Part 2 of the *Gazette officielle du Québec* of 18 April 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and for Housing:

THAT the Regulation to amend the Regulation respecting the application of the Act respecting the collection of certain debts, attached to this Order in Council, be made.

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the application of the Act respecting the collection of certain debts

An Act respecting the collection of certain debts  
(chapter R-2.2, s. 51; 2017, chapter 24, s. 80)

**1.** The Regulation respecting the application of the Act respecting the collection of certain debts (chapter R-2.2, r. 1) is amended in section 1 by replacing paragraphs *a* and *b* by the following:

“(a) “certificate” means a certificate required by section 44.1 of the Act;

(a.1) “application” means an application for a permit or certificate or renewal of a permit or certificate made by an applicant;

(b) “applicant” means a natural person, a partnership or a legal person that applies for a permit or the renewal of a permit or a natural person who applies for a certificate or the renewal of a certificate;”

**2.** Section 4 is amended in the French text by inserting “d’un” after “loyer” in the portion before paragraph *a*.

**3.** Section 11 is amended by inserting “collection agent’s” after “applicant for a”.

**4.** Section 12 is amended by inserting “for a collection agent’s permit” after “applicant” in the portion before paragraph *a*.

**5.** Section 13 is amended by inserting “for a collection agent’s permit” after “applicant”.

**6.** Section 14 is amended

(1) by inserting “for a collection agent’s permit” after “applicant” in the first paragraph;

(2) by striking out the second, third and fourth paragraphs.

**7.** The first paragraph of section 14.1 is replaced by the following:

“**14.1.** Where an application for the issue or renewal of a permit is refused by the president or is withdrawn or abandoned, the president reimburses 50% of the duties indicated in section 14.”

**8.** The following is inserted after section 33:

**“DIVISION III.1  
COLLECTION AGENT REPRESENTATIVES**

**33.1.** The president issues a collection agent representative certificate if the applicant

- (a) acts for a collection agent;
- (b) has passed an examination approved by the president on knowledge of the laws and regulations applying to debt collection in the 2 years preceding receipt of the application for the issue of a certificate;
- (c) has not committed, during the 3 preceding years, an offence against the Act or this Regulation, unless the applicant has obtained a pardon with regard to the offence;
- (d) has not been found guilty, during the 3 preceding years, of a criminal offence having a connection with the activity of a collection agent, unless the applicant has obtained a pardon with regard to the offence;
- (e) has not made a false or misleading statement or concealed an important fact to obtain the certificate;
- (f) has paid the duties prescribed by this Regulation; and
- (g) has sent the information prescribed by section 33.6.

The president may refuse to issue a certificate if the president has reasonable grounds to believe that such refusal is necessary to ensure, in the public interest, the honest and competent practice of the activity of collection agent.

**33.2.** A certificate is valid for a 2-year period.

**33.3.** In order for a certificate to be valid, not more than 2 years may have elapsed since the last employment or service contract binding the holder of a collection agent representative certificate to a holder of a collection agent’s permit declared in accordance with section 33.6 or 33.9. Otherwise, the certificate ceases to have effect.

A collection agent representative certificate that has ceased to have effect under the first paragraph may not be renewed. A new certificate may however be issued if the conditions provided for in section 33.1 are met.

**33.4.** The president renews a collection agent representative certificate if the following conditions are met:

- (a) not more than 2 years have elapsed since the last employment or service contract binding the applicant to a collection agent declared in accordance with section 33.6 or 33.9;
- (b) the applicant has not committed, during the 3 preceding years, an offence against the Act or this Regulation, unless the applicant has obtained a pardon with regard to the offence;
- (c) the applicant has not been found guilty, during the 3 preceding years, of a criminal offence having a connection with the activity of a collection agent, unless the applicant has obtained a pardon with regard to the offence;
- (d) the applicant has not made a false or misleading statement or concealed an important fact to obtain the certificate;
- (e) the applicant has paid the duties prescribed by this Regulation;
- (f) the applicant has sent the information prescribed by section 33.6.

The president may refuse to renew a certificate if the president has reasonable grounds to believe that such refusal is necessary to ensure, in the public interest, the honest and competent practice of the activity of collection agent.

**33.5.** A collection agent representative must send, on the form provided by the president, an application for the issue or renewal of a certificate accompanied by the duties payable.

**33.6.** A collection agent representative must, upon applying for the issue or renewal of a certificate, send the following to the president, on the form provided by the latter:

(a) the representative's name, domicile address and professional address, date of birth, personal and professional telephone numbers and, if applicable, the representative's personal and professional electronic addresses and fax number;

(b) the name, address and permit number of each collection agent to whom the representative is bound by an employment contract or a service contract; and

(c) a statement whereby the applicant, at the time of the application, certifies that

i. he has not committed, during the 3 preceding years, an offence against the Act or this Regulation;

ii. he has not been found guilty, during the 3 preceding years, of an offence against a statute or regulation under the administration of the Office de la protection du consommateur, or of a criminal offence, unless a pardon has been granted; and

iii. the information provided in the application is true.

**33.7.** The duties for the issue and renewal of the certificate are set at \$180 and \$160, respectively.

**33.8.** A collection agent representative must inform the president of any change in any of the information referred to in section 33.6 within 15 days of the event.

**33.9.** The president may suspend or cancel a collection agent representative certificate where its holder

(a) has committed, during the 3 preceding years, an offence against the Act or this Regulation, unless the holder has obtained a pardon with regard to the offence;

(b) has been found guilty, during the 3 preceding years, of a criminal offence having a connection with the activity of a collection agent, unless the holder has obtained a pardon with regard to the offence;

(c) has made a false or misleading statement or concealed an important fact to obtain or renew the certificate;

(d) has failed to comply with any of the conditions or obligations prescribed by the Act and this Regulation; or

(e) is unable to ensure, in the public interest, the honest and competent practice of debt collection activities.

**33.10.** The president must, before refusing to issue or renew a certificate or before suspending or cancelling it, give the advance notice provided for in section 5 of the Act respecting administrative justice (chapter J-3) in writing to the certificate applicant or holder and grant that person at least 10 days to present observations. The president must also notify that person of the substantiated decision in writing.”

**9.** The following is inserted after section 50:

“**50.1.** A permit holder must keep up to date a register of the representatives employed by the permit holder or with whom the permit holder is bound by a service contract. Upon request, the permit holder must send a copy of the register to the president.

When the employment relationship with one of the representatives is broken or if the service contract binding them has ended, the permit holder must inform the president thereof within 15 days of the event.”

**10.** Section 54 is revoked.

**11.** Section 55 is revoked.

**12.** Section 56 is revoked.

**13.** Section 57 is revoked.

**14.** Section 58 is amended by replacing “attach to the financial statements” in the portion before paragraph *a* by “provide the president with”.

**15.** Section 59 is replaced by the following:

“**59.** The information required under section 58 must be provided within 6 months of the end of the permit holder's fiscal year and be accompanied by a review engagement report.”

**16.** The following is inserted after section 59:

#### “DIVISION VII.1 INDEXATION OF DUTIES AND FEES

**59.1.** The duties and fees payable under this Regulation are indexed on 1 July of each year in accordance with the rate of variation in the general Consumer Price Index in the preceding year for Canada, as established by Statistics Canada; the duties and fees thus indexed take effect on that date.

The duties and fees indexed in the prescribed manner are reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they are increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

Each year, the president publishes the result of the annual indexation in Part 1 of the *Gazette officielle du Québec*.”

#### TRANSITIONAL AND FINAL

**17.** Any person acting as the representative of a collection agent before 1 January 2020 must obtain a temporary certificate on the conditions provided for in subparagraphs *a, c, d, e* and *g* of the first paragraph of section 33.1, introduced by section 8 of this Regulation. The certificate ceases to have effect on the earlier of

(a) 31 December 2020; or

(b) the date on which a certificate is issued to the holder of a temporary certificate, in accordance with section 33.1.

**18.** This Regulation comes into force on 1 August 2019, except sections 6 and 16, which come into force on 1 August 2018.

103605

Gouvernement du Québec

### O.C. 990-2018, 3 July 2018

Building Act  
(chapter B-1.1)

#### Construction Code — Amendment

Regulation to amend the Construction Code

WHEREAS, under section 173 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec adopts, by regulation, a building code containing building standards in particular for buildings, facilities intended for use by the public and installations independent of a building or their vicinity;

WHEREAS, under section 176 of the Act, the code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards and provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under paragraph 0.1 of section 185 of the Code, the Board may, by regulation, exempt from the application of the Act or certain of its provisions in particular categories of persons, contractors or owner-builders, and categories of buildings, facilities, installations or construction work;

WHEREAS, under paragraph 38 of section 185 of the Act, the Board may, by regulation, adopt any other related or supplementary provision it considered necessary to give effect to the provisions of that section and of the Act;

WHEREAS, under the first paragraph of section 192 of the Act, the contents of the Code may vary in particular according to the classes of persons, contractors or owner-builders and classes of buildings, facilities or installations to which the code applies;

WHEREAS the Board adopted the Regulation to amend the Construction Code on 7 June 2018;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Construction Code was published in Part 2 of the *Gazette officielle du Québec* of 21 February 2018 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, under section 189 of the Building Act, every code or regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and for Housing:

THAT the Regulation to amend the Construction Code, attached to this Order in Council, be approved.

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Construction Code

### Building Act

(chapter B-1.1, ss. 173, 176, 176.1, 178, 185, pars. 0.1 and 38, and s. 192)

1. The Construction Code (chapter B-1.1, r. 2) is amended in the table in section 1.09

(1) by replacing the line of Article 3.1.5.6. by the following:

<b>3.1.5.6.</b>	<p>Replace the title in the French text by the following:</p> <p><b>"Bandes et fonds de clouage";</b></p> <p>Add the following Sentences:</p> <p><b>"(2)</b> Wood nailing elements for covering a roof or a bead-type copper wall are permitted in a <i>building</i> required to be of <i>noncombustible construction</i>, provided they are installed directly on Type X gypsum board that is at least 15.9 mm thick.</p> <p><b>(3)</b> Continuous wood nailing elements in the walls of a washroom or a bathroom for the installation of grab bars or accessories around a bathtub, a shower, a lavatory or a water closet are permitted in a <i>building</i> required to be of <i>noncombustible construction</i>."</p>
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(2) by replacing the line of Article 3.8.1.3. by the following:

<b>3.8.1.3.</b>	<p>Replace Sentence (1) by the following:</p> <p><b>"(1)</b> Except as required elsewhere in this Part or by Subsection 3.8.4 or 3.8.5 or as permitted by Article 3.8.3.3. pertaining to doorways, every <i>barrier-free</i> path of travel shall</p> <p>(a) have an unobstructed width of not less than 920 mm, and</p> <p>(b) have a manoeuvring area not less than 1,500 mm in diameter on each side of any door opening onto a <i>suite</i> referred to in Article 3.8.2.4."</p>
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(3) by replacing the line of Article 3.8.2.1. by the following:

<b>3.8.2.1.</b>	<p>Replace "platform-equipped passenger-elevating device" in Sentence (1) by "lift or ramp for persons with physical disabilities that must conform to Clause 3.4.6.7.(1)(a)";</p> <p>Replace Clauses (g), (j), (k) and (l) of Sentence (2) by the following:</p> <p>"(g) to floor levels not served by a passenger elevator, a lift for persons with physical disabilities, an escalator, an inclined moving walk or a ramp that must conform to Clause 3.4.6.7.(1)(a),</p> <p>(j) to floor levels of a <i>suite of residential occupancy</i> that are not at the same level as the entry level to the <i>suite</i>, except in a <i>dwelling unit of residential occupancy</i>, where one of the spaces referred to in Subsection 3.8.4. or 3.8.5. of the <i>dwelling unit</i> is located at a level other than the entry level to the <i>dwelling unit</i> (see Appendix A);</p> <p>(k) within a <i>dwelling unit of a care occupancy</i>;</p> <p>(l) within those parts of a <i>floor area</i> that are not at the same level as the entry level, provided amenities and uses provided on any raised or sunken level are accessible on the entry level by means of a <i>barrier-free</i> path of travel;"</p> <p>Add the following Clauses in Sentence (2):</p> <p>"(m) within a hotel or motel <i>suite of residential occupancy</i> not referred to in Article 3.8.2.4.;</p> <p>(n) within a bedroom, that is not part of a <i>dwelling unit</i>, of a <i>residential occupancy</i> other than a bedroom referred to in Article 3.8.2.4.;</p> <p>(o) to spaces not referred to in Subsection 3.8.4. of a minimally accessible <i>dwelling unit of residential occupancy</i>; and</p> <p>(p) to spaces not referred to in Subsection 3.8.5. of an adaptable <i>dwelling unit of residential occupancy</i>."</p>
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(4) by inserting the following after the line of Article 3.8.2.4.:

	<p>Add the following article:</p> <p><b>3.8.2.5. Dwelling Unit of Residential Occupancy</b></p> <p><b>(1)</b> A <i>dwelling unit of residential occupancy</i> shall be minimally accessible or adaptable (see Appendix A):</p> <p>(a) the minimally accessible <i>dwelling unit</i> shall conform to the requirements of Subsection 3.8.4., and</p> <p>(b) the adaptable <i>dwelling unit</i> shall conform to the requirements of Subsection 3.8.5."</p>
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(5) by replacing the line of Article 3.8.3.3. by the following:

<b>3.8.3.3.</b>	<p>Replace Sentence (4) by the following:</p> <p><b>"(4)</b> A threshold for a doorway referred to in Sentences (1) and (2) shall,</p> <p>(a) except as provided in Clause (b), be not more than 13 mm higher than the finished floor surface and be bevelled;</p> <p>(b) in the case of a threshold for a doorway giving access to a balcony, be not more than 75 mm higher than the finished flooring.";</p> <p>Replace Sentence (5) by the following:</p> <p><b>"(5)</b> Except as permitted in Sentences (6) and (12), every door that provides a <i>barrier-free</i> path of travel through an entrance referred to in Article 3.8.1.2., including the interior doors or every door of a vestibule leading from a <i>barrier-free</i> interior parking area to an elevator, where provided, shall be equipped with a power door operator that allows persons to activate the opening of the door from either side if the entrance serves</p> <p>(a) a hotel;</p> <p>(b) a <i>building</i> of Group B, Division 2 or 3 <i>major occupancy</i>, or</p> <p>(c) a <i>building</i> of Group A, D or E <i>major occupancy</i> more than 600 m<sup>2</sup> in <i>building area</i>.";</p> <p>Insert the following in Sentence (13), after "Except as provided in Clause 3.8.3.4.(1)(c): "and Subsections 3.8.4. and 3.8.5."</p>
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(6) by inserting the following after the line of Article 3.8.3.17.:

	<p>Add the following Subsections:</p> <p><b>"3.8.4. Minimally Accessible Dwelling Unit of Residential Occupancy</b></p>
	<p><b>3.8.4.1. Application</b></p> <p>(1) This Subsection shall apply to minimally accessible <i>dwelling units</i> of <i>residential occupancy</i>.</p> <p>(2) In addition, in the minimally accessible <i>dwelling unit</i> of <i>residential occupancy</i>, shall conform to the requirements of Articles 3.8.1.3., 3.8.3.3., 3.8.3.4. and 3.8.3.5., except as provided in the requirements of this Subsection.</p>
	<p><b>3.8.4.2. Barrier-Free Path of Travel</b></p> <p>(1) In the <i>dwelling unit</i>, the <i>barrier-free</i> path of travel shall extend from the door at the entrance to the <i>dwelling unit</i> to the inside of each of the following spaces:</p> <p>(a) a washroom (see Appendix A),</p> <p>(b) a living room, and</p> <p>(c) a dining room.</p> <p>(2) Where the <i>barrier-free</i> path of travel giving access to the spaces has a corridor, provide a level floor surface for changes of direction in the corridor</p> <p>(a) not less than 1,500 mm in diameter, or</p> <p>(b) not less than 1,500 mm X 1,050 mm.</p>
	<p><b>3.8.4.3. Doorways and Doors</b></p> <p>(See Appendix A.)</p> <p>(1) A sliding door shall have a clear space on the latch side extending the height of the doorway and not less than</p> <p>(a) 50 mm beyond the edge of the door opening if the approach is perpendicular, or</p> <p>(b) 540 mm beyond the edge of the door opening if the approach is lateral.</p> <p>(2) Except for a door at the entrance to the <i>dwelling unit</i>, notwithstanding the requirements of Sentence 3.8.3.3.(13), the floor surface, on each side of the door, shall be level within a rectangular area</p>

	<p>(a) as wide as the door plus the clearance required on the latch side by Sentence 3.8.3.3.(10) or Sentence (1), and</p> <p>(b) whose dimension perpendicular to the closed door</p> <p>(i) is not less than 1,050 mm where the door swings away from the approach side,</p> <p>(ii) is not less than 1,050 mm for a sliding door where the approach is lateral, or</p> <p>(iii) is not less than 1,200 mm in other cases.</p>
	<p><b>3.8.4.4. Controls</b></p> <p>(1) Controls for the operation of <i>building</i> services or safety devices, including electrical switches, thermostats, door hardware, electrical outlets and intercom switches, that are intended to be operated by the occupant and that are located in or adjacent to a <i>barrier-free</i> path of travel, shall</p> <p>(a) be installed 400 to 1,200 mm above the floor, and</p> <p>(b) be located at a distance not less than 300 mm from the inside corner of a wall.</p>
	<p><b>3.8.4.5. Washroom</b></p> <p>(1) The washroom shall be provided with a water closet</p> <p>(a) having a rear wall clearance over a length not less than 1,000 mm, that is, 500 mm on each side of the centre of the water closet or the floor flange, or</p> <p>(b) having a rear wall clearance over a length not less than 850 mm, measured from the side wall if</p> <p>(i) the water closet is installed at a distance not less than 460 mm and not more than 480 mm from a side wall, measured from the centre of the device or the centre of the floor flange, and</p> <p>(ii) the side wall has a length not less than 1,250 mm.</p> <p>(2) The washroom shall be provided with a lavatory</p> <p>(a) placed so that there is not less than 460 mm between its axis and a side wall, and</p> <p>(b) the edge of which is not more than 865 mm from the floor.</p>

	<p><b>(3)</b> The washroom shall be provided with a clear space that is</p> <p>(a) round and 1,500 mm in diameter to access the lavatory and the water closet, or</p> <p>(b) rectangular to access</p> <p>(i) the lavatory, of 750 mm wide by 1,200 mm long centered on the lavatory and located in front of the lavatory, and</p> <p>(ii) the water closet, of 1,400 mm long from the rear wall of the water closet by 1,200 mm wide, regardless of the lavatory.</p> <p><b>(4)</b> A continuous wood nailing element shall be installed for the water closet</p> <p>(a) where the water closet is installed in accordance with Clause 3.8.4.5.(1)(a), in the wall behind the water closet, over a surface not less than 1,000 mm wide centered in the centre of the water closet and over a height not less than 1,100 mm, measured from the floor, or</p> <p>(b) where the water closet is installed in accordance with Clause 3.8.4.5.(1)(b):</p> <p>(i) in the side wall, over a length of not less than 1,250 mm, measured from the rear wall of the water closet and over a height of not less than 1,500 mm, measured from the floor, and</p> <p>(ii) in the wall behind the water closet over a surface not less than 800 mm wide centered on the centre of the water closet and over a height of not less than 900 mm.</p> <p>(See Appendix A.)</p> <p><b>(5)</b> A continuous wood nailing element shall be installed, if applicable, in the walls surrounding the bathtub and the shower, over a height of not less than 1,800 mm, measured from the floor.</p>
	<p><b>3.8.5. Adaptable Dwelling Unit of Residential Occupancy</b></p>
	<p><b>3.8.5.1. Application</b></p> <p><b>(1)</b> This Subsection shall apply to adaptable <i>dwelling units of residential occupancy</i>.</p> <p><b>(2)</b> In addition, in the adaptable <i>dwelling unit of residential occupancy</i>, shall conform to the requirements of Articles 3.8.1.3., 3.8.3.3., 3.8.3.4. and 3.8.3.5., except as provided in the requirements of this Subsection.</p>

	<p><b>3.8.5.2. Barrier-Free Path of Travel</b></p> <p>(1) In the <i>dwelling unit</i>, the <i>barrier-free</i> path of travel shall extend from the door at the entrance to the <i>dwelling unit</i> to the inside of each of the following spaces:</p> <ul style="list-style-type: none"><li>(a) a bathroom (see Appendix A),</li><li>(b) a living room,</li><li>(c) a dining room,</li><li>(d) a kitchen,</li><li>(e) at least one bedroom, and</li><li>(f) a balcony, where provided.</li></ul> <p>(2) Where the <i>barrier-free</i> path of travel giving access to the spaces has a corridor, provide a level floor surface for changes of direction in the corridor of</p> <ul style="list-style-type: none"><li>(a) not less than 1,500 mm in diameter; or</li><li>(b) not less than 1,500 mm X 1,050 mm.</li></ul>
	<p><b>3.8.5.3. Doorways and Doors</b></p> <p>(1) A sliding door shall have a clear space on the latch side extending the height of the doorway and not less than</p> <ul style="list-style-type: none"><li>(a) 50 mm beyond the edge of the door opening if the approach is perpendicular, or</li><li>(b) 540 mm beyond the edge of the door opening if the approach is lateral.</li></ul> <p>(2) Notwithstanding the provisions of Sentence 3.8.3.3.(13), the floor surface, on each side of a door, shall be level within</p> <ul style="list-style-type: none"><li>(a) a round area and have a diameter not less than 1,500 mm, or</li><li>(b) a rectangular area<ul style="list-style-type: none"><li>(i) as wide as the door plus the clearance required on the latch side by Sentence 3.8.3.3.(10) or Sentence (1), and</li><li>(ii) whose dimension perpendicular to the closed door is not less than 1,050 mm where the door swings away from the approach side or for a sliding door where the approach is lateral, or is not less than 1,200 mm in other cases.</li></ul></li></ul>

	<p><b>3.8.5.4. Controls</b></p> <p>(1) Controls of the operation of <i>building</i> services or safety devices, including electrical switches, thermostats, door hardware, electrical outlets and intercom switches, that are intended to be operated by the occupant and that are located in or adjacent to a <i>barrier-free</i> path of travel shall</p> <p>(a) be installed 400 to 1,200 mm above the floor, and</p> <p>(b) be located at a distance not less than 300 mm from the inside corner of a wall.</p>
	<p><b>3.8.5.5. Bathroom</b></p> <p>(1) The bathroom shall be provided with a water closet</p> <p>(a) whose centre of the floor flange is placed not less than 1,400 mm from the centre of the lavatory trap, or</p> <p>(b) that is located not less than 1,100 mm from an adjacent wall or from equipment, measured from the centre of the floor flange.</p> <p>(See Appendix A.)</p> <p>(2) The bathroom shall be provided with a lavatory</p> <p>(a) whose trap is placed so that there is not less than 460 mm between its axis and a side wall;</p> <p>(b) whose trap bottom is located not less than 230 mm and not more than 300 mm from the floor, and</p> <p>(c) whose trap entrance is located not more than 330 mm from the wall behind the lavatory.</p> <p>(See Appendix A.)</p> <p>(3) The bathroom shall have not less than one bathtub or one shower and, if the bathroom has only one shower, the shower shall have a floor surface of not less than 900 mm by 900 mm.</p> <p>(4) The bathroom shall have a clear space to access</p> <p>(a) the lavatory and the water closet, that is round and 1,500 mm in diameter,</p> <p>(b) the shower, where provided, that is rectangular, not less than 750 mm by 1,200 mm in front of the shower, and</p> <p>(c) the bathtub, where provided, that is rectangular, not less than 1,200 mm measured from the faucets by 750 mm measured perpendicularly to the bathtub.</p>

	<p><b>(5)</b> A continuous wood nailing element shall be installed</p> <p>(a) in the walls around the bathtub or the shower, over a height of not less than 1,800 mm, measured from the floor, and</p> <p>(b) in the wall behind the water closet, over an area not less than 1,000 mm wide centred in the middle of the floor flange and over a height of not less than 1,100 mm, measured from the floor.</p>
	<p><b>3.8.5.6. Bedroom</b></p> <p><b>(1)</b> The adaptable bedroom shall have an area not less than 11 m<sup>2</sup> having a length and a width not less than 3 m.</p> <p><b>(2)</b> Except where the bedroom is located in the <i>basement</i>, the window sill, if applicable, shall be installed at a maximum height of 1,000 mm from the floor.</p>
	<p><b>3.8.5.7. Kitchen</b></p> <p><b>(1)</b> A round clear space not less than 1,500 mm in diameter shall be provided in the kitchen for access to the sink and range, regardless of the counters (see Appendix A).</p> <p><b>(2)</b> The bottom of the sink trap shall be located 230 mm from the floor (see Appendix A).</p> <p><b>(3)</b> The entrance of the sink trap shall be located not more than 330 mm from the wall behind the sink or not less than 280 mm from the front of the sink (see Appendix A).</p>
	<p><b>3.8.5.8. Living Room and Dining Room</b></p> <p><b>(1)</b> Except where the spaces are located in the <i>basement</i>, the window sill of the living room and the dining room, where provided, shall be installed at a maximum height of 1,000 mm from the floor.</p>
	<p><b>3.8.5.9. Balcony</b></p> <p><b>(1)</b> Notwithstanding the requirements of Sentence 3.8.3.3.(13), a balcony, where provided, shall have a round clear area not less than 1,500 mm in diameter."</p>

(7) by inserting the following after the line of Article 10.3.8.4.:

	<p><b>10.3.8.5. Dwelling Unit of Residential Occupancy</b></p> <p>Article 3.8.2.5. and Subsections 3.8.4. and 3.8.5. concerning <i>dwelling units of residential occupancy</i> shall not apply to a minor or major <i>alteration</i> or to a change of <i>occupancy</i>.</p>
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(8) by inserting the following after the line of Article A-3.8.2.1.:

Add the following note:

**"A-3.8.2.1.(2)(j) Barrier-Free Path of Travel.** Where all the spaces referred to in Subsection 3.8.4. or 3.8.5. are located at the entry level of the dwelling unit, the barrier-free path of travel need not extend to other levels of the dwelling unit.

It is possible to provide the spaces referred to in Subsection 3.8.4. or 3.8.5. at a level other than the entry level of the dwelling unit. The barrier-free path of travel must then extend to that other level. The installation of a ramp or a lift for persons with physical disabilities is then required.

There are several types of lifts for persons with physical disabilities and the lifting device chosen must conform to all the requirements of the Code, including the requirements of CSA B355, "Lifts for Persons with Physical Disabilities".

Where the lifting device chosen is a stair chair lift or a stair platform lift, the lifting device shall be installed when the building is constructed.

The stair must have a clear width of 860 mm in addition to the width required for the device deployed.

The width necessary for the installation and use of the device varies on the basis of the device chosen:

- for a stair chair lift, not less than 650 mm in addition to the 860 mm, that is, a stair width of not less than 1,510 mm, is to be provided;
- for a stair platform lift, not less than 1,000 mm in addition to the 860 mm, that is, a stair width of not less than 1,860 mm, is to be provided.

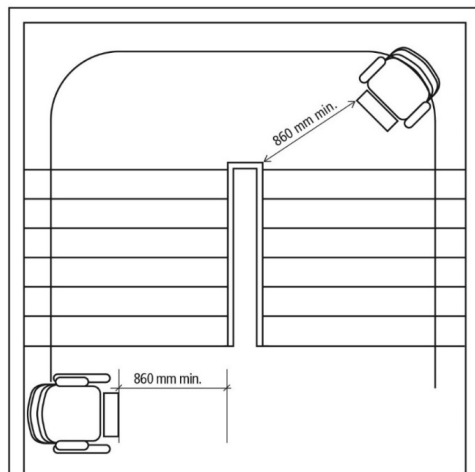


Figure A-3.8.2.1.(2)(j)  
Stair in a dwelling unit of a residential occupancy  
Clear width".



(9) by inserting the following after the line of Article A-3.8.2.3.:

<p>Add the following note:</p> <p><b>"A-3.8.2.5.(1) Dwelling Unit of Residential Occupancy.</b> A minimally accessible dwelling unit is a dwelling unit whose design integrates amenities in certain parts of the dwelling unit that make it possible to meet the needs of a person with one or more disabilities (visitability).</p> <p>An adaptable dwelling unit is a dwelling unit whose design is such that it may be easily adapted to the specific needs of a person with one or more disabilities."</p>
---

(10) by inserting the following after the line of Article A-3.8.3.3.(5):

<p>Add the following notes:</p> <p><b>"A-3.8.4.2.(1)(a) Minimally Accessible Dwelling Unit.</b> In a minimally accessible dwelling unit, if the washroom is inside another space (washroom inside a bedroom) and no other washroom is accessible in the dwelling unit, the barrier-free path of travel required must extend inside the bedroom or another space to reach the washroom even if no accessibility requirement is applicable to that room.</p> <p><b>A-3.8.4.3. Doorways and Doors.</b> Clear floor surfaces on each side of the door are necessary to allow persons in wheelchairs to approach the door on the latch side, open the door and enter the room while minimizing the number of manoeuvres. The width of the clear floor surfaces on each side of the door is different depending on which side the door opens. Where the door swings toward the approach side, a dimension perpendicular to the closed door not less than 1,200 mm is required. The requirements of Article 3.8.3.3. apply to the door at the entrance to the dwelling unit. However, the requirements of Sentence 3.8.4.3.(2) do not apply.</p>
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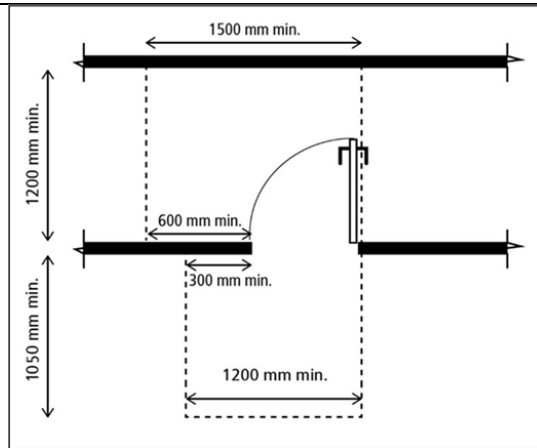


Figure A-3.8.4.3.-A  
Clear floor surfaces  
Door rotating on a vertical axis

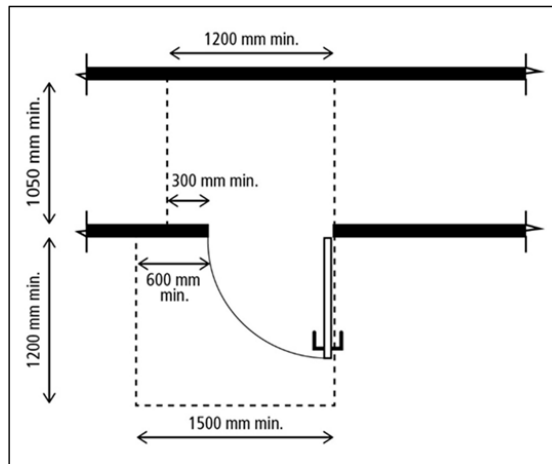


Figure A-3.8.4.3.-B  
Clear floor surfaces  
Door rotating on a vertical axis

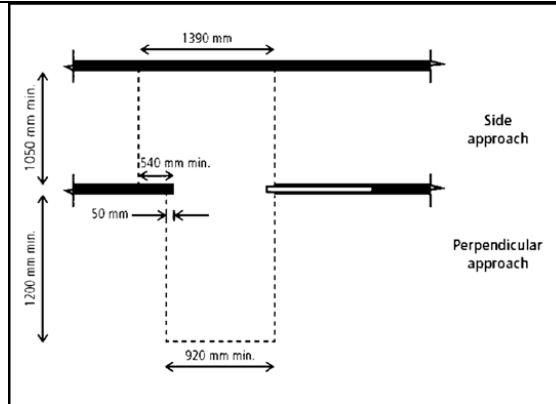


Figure A-3.8.4.3.-C

Clear floor surfaces

Sliding door

**A-3.8.4.5.(4) Washroom.** The installation of a continuous wood nailing element of 1,000 mm in width centred on the water closet is permissible where there is no wall adjacent to the water closet at a distance not more than 480 mm from the centre of the wall, allowing the installation of lateral continuous wood nailing element over a length not less than 1,250 mm. A continuous wood nailing element not less than 1,000 mm wide allows the installation of retractable grab bars on both sides of the water closet.

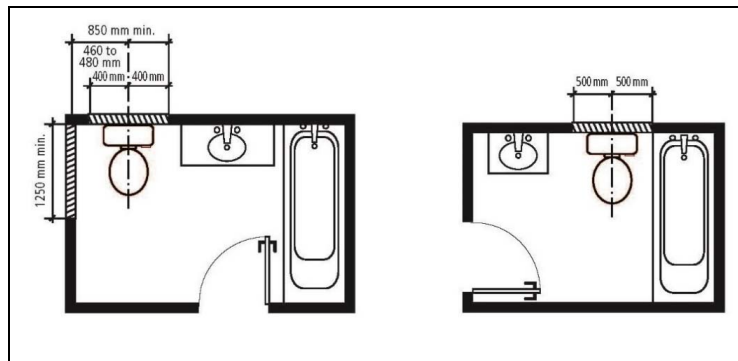


Figure A-3.8.4.5.(4)

Continuous wood nailing element for the installation of grab bars adjacent to the water closet

**A-3.8.5.2.(1)(a) Adaptable Dwelling Unit.** In an adaptable dwelling unit, the requirements concerning the extension of the barrier-free path of travel to the washroom as stated in Sentence A-3.8.4.2.(1)(a) apply to the bathroom.

**A-3.8.5.5.(1) Bathrooms.** The lateral transfer of a person in a wheelchair to the seat of the water closet requires a clear width not less than 900 mm adjacent to the water closet and a length not less than 1,500 mm from the rear wall of the water closet. The requirement related to that surface for an adaptable bathroom allows the encroachment of a vanity or furniture for dismantling work, to meet the potential need of a person with one or more disabilities occupying the dwelling unit. However, encroachment of that space by bathroom equipment such as the shower or the bathtub is not permissible.

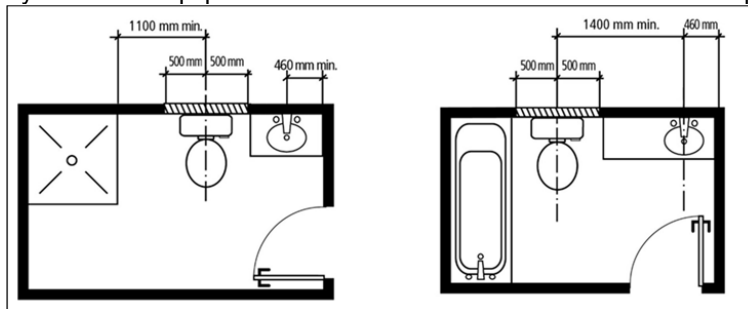


Figure A-3.8.5.5.(1)

Lateral transfer surface adjacent to the water closet

**A-3.8.5.5.(2) Bathroom.** To allow persons in wheelchairs front access to the lavatory, the clear height under the trap must be not less than 230 mm. In addition, to allow those persons to use the lavatory, the lavatory will have to be lowered to a height not more than 865 mm. For that purpose, the distance measured from the floor to the bottom of the trap must be not more than 300 mm.

In an adaptable dwelling unit, the edge of the lavatory need not be installed at a height not more than 865 mm in relation to the floor or to allow front access to the lavatory of the bathroom. However, an appropriate installation of the plumbing is required to allow future adaptation.

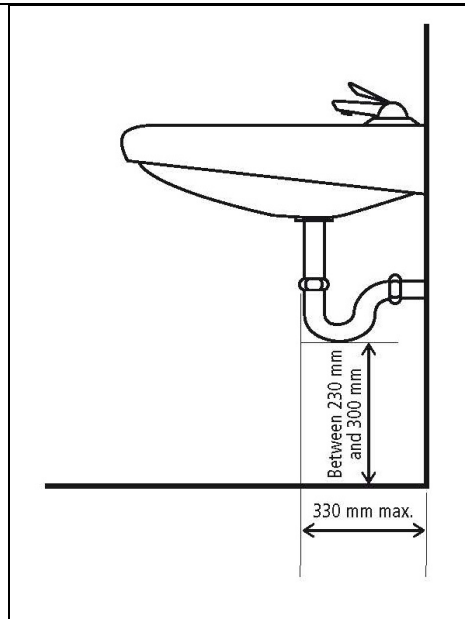


Figure A-3.8.5.5.(2)

Indications for the lavatory plumbing

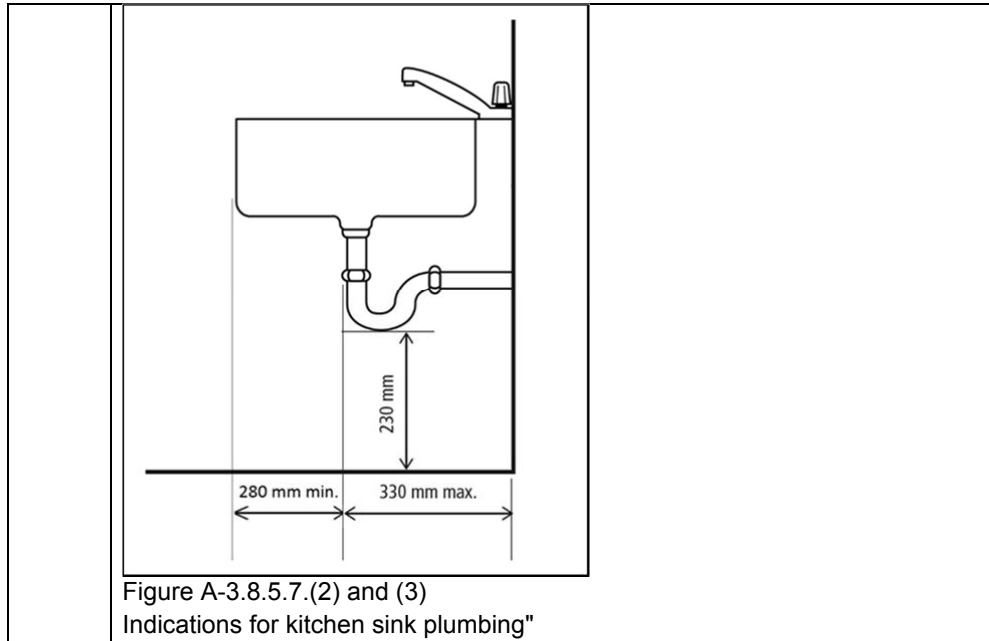
**A-3.8.5.7(1) Manoeuvring Area in the Kitchen.** A manoeuvring area not less than 1,500 mm in diameter is required in the kitchen in front of the sink and the range, which does not require plumbing or electrical work for the purpose of moving the sink or the range to allow access to persons in wheelchairs. The travel of the appliance doors may encroach on the manoeuvring area.

A cooktop and a built-in oven may replace the range provided the 1,500-mm manoeuvring area allows access to both.

**A-3.8.5.7.(2) and (3) Kitchen Sink Plumbing.** To allow front access to the sink by a person in a wheelchair and a sink height not more than 865 mm, the height measured from the floor to the bottom of the sink trap must be 230 mm.

In the case of a sink installed in a kitchen island, the longitudinal dimension to give persons in wheelchairs front access to the kitchen sink may be measured from the front edge of the counter of the island containing the sink and must be not less than 280 mm.

In an adaptable dwelling unit, counters need not be installed at 865 mm and kitchen furniture is allowed under the sink. However, an appropriate installation of the plumbing is required to allow future adaptation.



2. Despite section 1, the provisions of Chapter I of the Construction Code as amended by Order in Council 347-2015 dated 15 April 2015 may be applied to the construction of a building or its alteration, as defined in that Chapter, provided that the work started before 1 September 2020.
3. This Regulation comes into force on 1 September 2018.

103606

Gouvernement du Québec

**O.C. 991-2018**, 3 July 2018Building Act  
(chapter B-1.1)**Construction Code  
Regulation  
—Amendment**

Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act

WHEREAS, under section 173 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec adopts by regulation a building code containing building standards in particular for buildings, facilities intended for use by the public or installations independent of a building or their vicinity;

WHEREAS, under section 176 of the Act, the code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards, and may also provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under paragraph 0.1 of section 185 of the Act, the Board may, by regulation, exempt from the application of the Act or certain of its provisions in particular categories of persons, contractors or owner-builders, and categories of buildings, facilities, installations or construction work;

WHEREAS, under paragraph 3 of section 185 of the Act, the Board may, by regulation, determine the cases in which construction work must be reported to the Board, the time, form and manner according to which the report must be forwarded by the persons referred to in sections 22 and 37.2 of the Act and the conditions that they must fulfill;

WHEREAS, under paragraph 6.1 of section 185 of the Act, the Board may, by regulation, adopt standards relating to vehicle-mounted installations intended for the storage or distribution of gas;

WHEREAS, under paragraph 6.2 of section 185 of the Act, the Board may, by regulation, prohibit the sale, lease or exhibiting of materials or accessories which are not certified or approved for purposes of use in particular in construction work on buildings, facilities intended for use by the public or installations independent of a building by a recognized person or body the Board designates;

WHEREAS, under paragraph 6.3 of section 185 of the Act, the Board may, by regulation, prohibit the sale, lease or exhibition of apparatus in particular intended to use gas, where the apparatus is not certified or approved by a recognized person or body the Board designates;

WHEREAS, under paragraph 20 of section 185 of the Act, the Board may, by regulation, determine the cases in which it shall collect fees for approval, authorization, revision, inspection, training, consultation, issuance of certificates of conformity, accreditation of recognized persons or bodies, and verifications, and fix such fees;

WHEREAS, under paragraph 37 of section 185 of the Act, the Board may, by regulation, determine the provisions of a regulation adopted under this section of which the infringement constitutes an offence under paragraph 7 of section 194, with the exception of provisions adopted under subparagraphs 5.2, 18, 18.1, 20 and 36.1 and under subparagraphs 16 and 17 with respect to fees payable;

WHEREAS, under paragraph 38 of section 185 of the Act, the Board may, by regulation, adopt any other related or supplementary provision it considered necessary to give effect to the provisions of that section and of the Act;

WHEREAS, under the first paragraph of section 192 of the Act, the contents of the Code may vary in particular according to the classes of persons, contractors and owner-builders and classes of buildings, facilities or installations to which the Code applies;

WHEREAS the Board made the Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act on 7 June 2018;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act was published in Part 2 of the *Gazette officielle du Québec* of 21 February 2018 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, under section 189 of the Building Act, every code or regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and for Housing:

THAT the Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act, attached to this Order in Council, be approved.

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

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## **Regulation to amend the Construction Code and the Regulation respecting the application of the Building Act**

Building Act  
(chapter B-1.1, ss. 173, 176, 176.1, 178, 185, pars. 0.1, 3, 6.1, 6.2, 6.3, 20, 37 and 38, and s. 192)

**1.** The Construction Code (chapter B-1.1, r. 2) is amended by replacing Chapter II by the following:

## “CHAPTER II GAS

### DIVISION I DEFINITIONS

**2.01.** In this Chapter, unless the context indicates otherwise,

“gas” means natural gas, biomethane, manufactured gas, and mixtures of propane gas and air, propane, propylene, butanes (normal butane and isobutane) and butylenes, and a mixture or a type of those gases; (*gaz*)

“gas installation” means a fixed or mobile installation, including its immediate piping, intended to use, store or distribute gas; (*installation de gaz*)

“natural gas” means natural gas, biomethane, mixtures of propane gas and air and a type or a mixture of those gases; (*gaz naturel*)

“propane” means a liquefied petroleum gas consisting mainly of propane, propylene, butane, butylene, a type or a mixture of those gases. (*propane*)

### DIVISION II SCOPE

**2.02.** This Chapter applies to construction work for a gas installation, including its surroundings.

It does not apply to an installation intended to use gas other than an installation used to produce energy, heat or light from a gas.

In addition, it does not apply to installations intended to

- (1) store or distribute gas by tank vehicle as long as the tank is not used as a storage tank at the point of use;
- (2) use gas to ensure the motive power of a vehicle;
- (3) use gas in a refinery, whatever its origin, as raw material for the petroleum refining process or a petrochemical plant;
- (4) store, in a refinery, gas resulting from the refining of petroleum;
- (5) store or use gas on boats;
- (6) use gas as a refrigerant;
- (7) store gas in underground natural formations or hollows in the ground; and

(8) use or store on the premises gas collected from a landfill or gas from an anaerobic digester.

### DIVISION III STANDARDS INCORPORATED BY REFERENCE

**2.03.** The following standards, published by CSA Group, are incorporated by reference into this Chapter subject to the amendments provided for in Division VII:

- (1) CSA B108, Compressed natural gas fuelling stations installation code;
- (2) CSA B149.1, Natural gas and propane installation code;
- (3) CSA B149.2, Propane storage and handling code;
- (4) CSA B149.3, Code for the field approval of fuel-related components on appliances and equipment;
- (5) CSA-Z276, Liquefied natural gas (LNG) - Production, storage and handling;
- (6) CAN/CSA-Z662, Oil and gas pipeline systems.

**2.04.** In this Chapter, a reference to a standard refers to the most recent edition and includes any subsequent amendments made to that edition.

However, the amendments and editions published after 15 November 2018 apply to gas installations only from the last day of the sixth month following the date of publication of the French and English versions of the texts. Where those versions are not published at the same time, the time limit runs from the date of publication of the last version.

### DIVISION IV REFERENCES

**2.05.** Unless otherwise provided for, a reference in this Chapter to a standard or code is a reference to that standard or code as adopted by the chapter of the Construction Code (chapter B-1.1, r. 2) or the Safety Code (chapter B-1.1, r. 3) that refers to it.

### DIVISION V APPROVAL OF APPLIANCES AND EQUIPMENT

**2.06.** Any appliance or equipment used in a gas installation must be approved for the use for which it is intended.

It is prohibited to sell or lease an appliance or equipment that has not been approved. It is also prohibited, except for approval purposes, to use an appliance or equipment that has not been approved in an installation intended to use gas.



However, an appliance or equipment may, during an exhibition, a presentation or a demonstration, be used without prior approval, provided that it is accompanied by a notice with the following warning in characters measuring at least 15 mm: “WARNING: this material has not been approved for sale or lease as required under Chapter II of the Construction Code (chapter B-1.1, r. 2).”.

This section does not apply to the following appliances or equipment:

- (1) a manual appliance whose heat input does not exceed 20,000 Btu/h (5.86 kW) intended for industrial applications;
- (2) a Bunsen burner;
- (3) an internal combustion engine.

**2.07.** Any appliance or equipment certified by a certification agency accredited by the Standards Council of Canada in the field of gas and whose affixation of a seal or label of approval or of certification of that agency attests compliance with Canadian standards, is deemed to be approved.

An appliance on which a label is affixed certifying that, without being certified by one of the agencies referred to in the first paragraph, that appliance is recognized by one of the agencies as complying with the construction and testing requirements of CSA Standard B149.3, is also deemed to be approved. However, approval is not required for each component of an appliance where the appliance has received overall approval.

For the purposes of this Chapter, “certification” or “certified” means recognition by a certification agency accredited by the Standards Council of Canada in the field of gas, by means of a label affixed on each certified appliance or equipment certifying that the appliance or equipment complies with the construction and testing requirements of the standards published by the standards development organizations accredited by the Standards Council of Canada to develop gas standards.

## **DIVISION VI DECLARATION OF WORK**

**2.08.** A contractor or an owner-builder in gas must declare to the Board the construction work the contractor or owner-builder has carried out and to which this Chapter applies, except construction work for an installation intended to distribute natural gas by pipeline and maintenance or repair work to a gas installation.

An owner-builder who keeps a register containing the information required by the declaration of work is exempt from that declaration.

**2.09.** The declaration of work must contain

- (1) the address of the work site;
- (2) the name, address and telephone number of the person for whom the work is carried out;
- (3) the name, address, telephone number and licence number of the contractor or owner-builder in gas who carried out the work;
- (4) the dates scheduled for the beginning and end of the construction work;
- (5) the occupancy of the building and the number of stories and dwelling units;
- (6) the nature and type of work, in particular work for a new installation or alterations;
- (7) the number, heat input and nature of the appliances installed;
- (8) the type of gas and its state (gaseous or liquid);
- (9) the gas supply pressure of the gas installation; and
- (10) the date of the declaration.

**2.10.** The work must be declared on the form provided for that purpose by the Board and be sent to the Board not later than the twentieth day of the month that follows the date of the beginning of the work.

## **DIVISION VII AMENDMENTS TO STANDARDS**

**2.11.** CSA Standard B108 is amended

- (1) by replacing the first paragraph in Clause 2 by the following:

“The documents incorporated by reference into this Code are those indicated below and include any subsequent amendments and editions that may be published.

Despite the first paragraph, where a document indicated below is adopted by reference by a chapter of the Construction Code (chapter B-1.1, r. 2) or the Safety Code (chapter B-1.1, r. 3), or by another regulation of the Board, the document incorporated by reference into this Code is then the document as adopted by that chapter or regulation.”;

(2) in Clause 3

(a) by replacing the first sentence of the Clause by the following:

“Unless the context indicates otherwise, the following definitions shall apply in this Code.”;

(b) by replacing the definition “**Approved**” by the following:

“**Approved**: approved or authorized by the Régie du bâtiment du Québec under sections 2.06 and 2.07 of the Construction Code (chapter B-1.1, r. 2) or section 127 or 128 of the Building Act (chapter B-1.1).”;

(c) by replacing the definition “**Authority having jurisdiction**” by the following:

“**Authority having jurisdiction**: Régie du bâtiment du Québec.”;

(d) by striking out the definition “**Certified**”;

(3) by adding the following after Clause 6.21:

“6.22 Every tank used to store and transport compressed natural gas shall be designed, manufactured, tested and marked in accordance with the most recent edition of CSA Standard B51, including any subsequent amendments to the Act respecting pressure vessels (chapter A-20.01) and its regulations that may be published.”

**2.12.** CSA Standard B149.1 is amended

(1) by replacing Clause 1.1 by the following:

“1.1 This Code applies to

(a) gas installations where gas is to be used for fuel purposes, subject to paragraph b;

(b) piping and tubing systems extending from the termination of the gas undertaking’s installations for natural gas or from the distributor’s liquefied petroleum gas tanks; the termination of the gas undertaking’s installations is the point where its piping ends;

(c) natural gas vehicle refuelling appliances and their equipment, excluding storage installations;

(d) gas engines and turbines.”;

(2) by revoking Clause 1.2;

(3) by replacing Clause 1.3 by the following:

“1.3 Where the term “gas” is used, the requirements of this Code apply equally to and include any of the following gases, type or mixture of them: natural gas, bi-methane, manufactured gas and mixtures of propane gas and air, propane, propylene, butanes (normal butane or isobutane) and butylenes.

Where the term “natural gas” is used, the requirements of this Code apply equally to and include the following gases, type or mixtures of them: natural gas, biomethane and mixtures of propane gas and air.

Where the term “propane” is used, the requirements of this Code apply equally to and include the following gases, type or mixture of them: propane, propylene, butanes (normal butane or isobutane) and butylenes.”;

(4) by replacing the first paragraph of Clause 2 by the following:

“The documents incorporated by reference into this Code are those indicated below and include any subsequent amendments and editions that may be published.

Despite the first paragraph, where a document indicated below is adopted by reference by a chapter of the Construction Code (chapter B-1.1, r. 2) or the Safety Code (chapter B-1.1, r. 3), or by another regulation of the Board, the document incorporated by reference into this Code is then the document as adopted by that chapter or regulation.”;

(5) in Clause 3

(a) by replacing “The following definitions shall apply in this Code.” after the note by “Unless the context indicates otherwise, the following definitions shall apply in this Code.”;

(b) by replacing the definition “**Approved**” by the following:

“**Approved**: approved or authorized by the Régie du bâtiment du Québec under sections 2.06 and 2.07 of the Construction Code (chapter B-1.1, r. 2) or section 127 or 128 of the Building Act (chapter B-1.1).”;

(c) by replacing the definition “**Authority having jurisdiction**” by the following:

«**Authority having jurisdiction**: Régie du bâtiment du Québec.»;

(d) by striking out the definition “**Certified**”;

(e) by inserting the following after “**Gas hose**”:

“**Gas undertaking (natural gas)**: undertaking for the distribution of natural gas.”;

(f) by inserting the following after the definition “**Dirt pocket (dust pocket)**”:

“**Distributor**: undertaking for the distribution of liquefied petroleum gas.”;

(g) by replacing the definition “**Installer**” by the following:

“**Installer**: contractor or owner-builder holding the appropriate licence issued under the Building Act (chapter B-1.1).”;

(6) by revoking Clause 4.2;

(7) by replacing Clause 6.7.2(b) by the following:

“(b) in a chimney, flue, laundry chute, garbage chute or, in the case of an elevator, dumbwaiter or small dumbwaiter, in a sleeve, machine location, machine room, control site or control room.”;

(8) by replacing Clause 6.9.3 by the following:

“6.9.3 Welding of gas piping shall be performed in compliance with a welding method established and complying with Clauses 7.6, 7.7 and 7.11 of CAN/CSA Standard Z662 by a welder holding the appropriate qualification certificate issued under the Act respecting workforce vocational training and qualification (chapter F-5).”;

(9) by inserting the following after Clause 7.1.3:

“7.1.4 Boilers converted to gas shall be in compliance with Clauses 9.4.1 and 9.4.2 of CSA Standard B149.3.”;

(10) by replacing Clause 8.2.1 by the following:

“8.2.1 Subject to the exceptions referred to in the second paragraph and in Clause 8.2.3, an outdoor air supply sized in accordance with Clause 8.2.2 shall be provided to either an enclosure or a structure in which appliances are installed.

Except for boilers, water heaters and pool heaters that include a finned-tube heat exchanger, an outdoor air supply shall not be required in structures built before 1986 where the doors and windows of that structure have not been replaced after 1985 and the volume of the enclosure or the structure in which the appliances are installed is greater than 50 ft<sup>3</sup> per 1,000 Btu/h (4.84 m<sup>3</sup> per kW) of the total heat input of all the appliances in the enclosure or the structure.”;

(11) by striking out “and the Structure Complies with Clause 8.2.1 (a) or (b)” and “and Tables 8.3 and 8.4” in the heading of Table 8.1;

(12) by striking out “and the Structure Complies with Clause 8.2.1 (a) or (b)” in the heading of Table 8.2;

(13) by replacing Clause 8.2.3 by the following:

“8.2.3 An outdoor air supply shall not be required for a mechanically vented water heater with a heat input of 50,000 Btu/h (14.64 kW) or less where there are no other appliances that require an air supply installed in the enclosure or the structure, it is not used to heat the structure, and the volume of the enclosure or the structure is greater than 50 ft<sup>3</sup> per 1,000 Btu/h (4.84 m<sup>3</sup> per kW) of its heat input.”;

(14) by revoking Clauses 8.2.4 and 8.2.5 and Tables 8.3 and 8.4;

(15) by striking out in Clause 8.2.6 “, provided that the structure is not constructed as described in Clause 8.2.1(a) and does not comply with Clause 8.2.1(b). Otherwise, the volume of the enclosure shall be used.”;

(16) by striking out the reference to Clause 8.2.4 in Clauses 8.3.1, 8.3.3 and 8.3.4;

(17) by inserting the following after Clause 8.13.3:

“8.13.4 The tables in Annex C shall be used in accordance with the General Venting Requirements (GVR) specified in that Annex.”;

(18) by adding the following paragraph at the end of Clause 8.14.8:

“Notwithstanding paragraph (g), a vent shall not terminate less than 6 feet (1.8 m) under an awning window.”;

(19) by inserting the following after Clause 8.18.23:

“8.18.24 The total length of a vent connector shall comply with that provided for in Table C.9 of Annex C or be sized in accordance with a calculation prepared by an engineer.”;

(20) by replacing “in accordance with Clause 8.2.1” in Clause C.2.2 General Venting Requirements (GVR) of Annex C by “after 1985 or where the doors and windows were replaced after 1985”.

**2.13** CSA Standard B149.2 is amended

(1) by replacing Clauses 1.1 and 1.2 by the following:

“1.1 This Code applies to

(a) installations intended to store, handle or transfer liquefied petroleum gas; and

(b) installations intended to use liquefied petroleum gas.”;

(2) in Clause 2

(a) by replacing the first paragraph by the following:

“The documents incorporated by reference into this Code are those indicated below and include any subsequent amendments and editions that may be published.

Despite the first paragraph, where a document indicated below is adopted by reference by a chapter of the Construction Code (chapter B-1.1, r. 2) or the Safety Code (chapter B-1.1, r. 3), or by another regulation of the Board, the document incorporated by reference into this Code is then the document as adopted by that chapter or regulation.”;

(b) by inserting the following after the reference “NFPA 30B-2011 Code for the Manufacture and Storage of Aerosol Products”:

“NFPA 68, Standard on Explosion Protection by Deflagration Venting, 2013 Edition.”;

(3) in Clause 3

(a) by replacing “The following definitions shall apply in this Code:” after the note by “Unless the context indicates otherwise, the following definitions shall apply in this Code:”;

(b) by replacing the definition “**Approved**” by the following:

“**Approved**: approved or authorized by the Régie du bâtiment du Québec under sections 2.06 and 2.07 of the Construction Code (chapter B-1.1, r. 2) or section 127 or 128 of the Building Act (chapter B-1.1).”;

(c) by replacing the definition “**Authority having jurisdiction**” by the following:

«**Authority having jurisdiction**: Régie du bâtiment du Québec.»;

(d) by striking out the definition “**Certified**”;

(e) by inserting the following after the definition “**Kiosk**”:

“**Liquefied petroleum gas**: propane, propylene, butanes (normal butane or isobutane), butylene or a mixture of those gases.”;

(f) by replacing the definition “**Installer**” by the following:

“**Installer**: contractor or owner-builder holding an appropriate licence issued under the Building Act (chapter B-1.1).”;

(4) by revoking Clause 4.2;

(5) by revoking Clause 5.2.11;

(6) by replacing Clause 6.5.10.2(c) by the following:

“(c) an explosion relief panel in compliance with standard NFPA 68; or”;

(7) by replacing Clause 7.17.3(e)(iii) by the following:

“(iii) an explosion relief panel in compliance with standard NFPA 68; or”.

**2.14.** CSA Standard B149.3 is amended

(1) by replacing “**D** (informative)” in “**Annexes**” in the Table of Contents by “**D** (mandatory)”;

(2) by revoking Clause 1.2;

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

“The documents incorporated by reference into this Code are those indicated below and include any subsequent amendments and editions that may be published.

Despite the first paragraph, where a document indicated below is adopted by reference by a chapter of the Construction Code (chapter B-1.1, r. 2) or the Safety Code (chapter B-1.1, r. 3), or by another regulation of the Board, the document incorporated by reference into this Code is then the document as adopted by that chapter or regulation.”;

(4) in Clause 3

(a) by replacing “The following definitions shall apply in this Code:” after the note by “Unless the context indicates otherwise, the following definitions shall apply in this Code:”;

(b) by replacing the definition “**Approved**” by the following:

“**Approved:** approved or authorized by the Régie du bâtiment du Québec under sections 2.06 and 2.07 of the Construction Code (chapter B-1.1, r. 2) or section 127 or 128 of the Building Act (chapter B-1.1).”;

(c) by replacing the definition of “**Authority having jurisdiction**” by the following:

“**Authority having jurisdiction:** Régie du bâtiment du Québec.”;

(5) by replacing Clause 5.4.3 by the following:

“5.4.3 When an electronic-type fuel-air ratio control (FARC) system is used, it shall be in compliance with standard ISO 23552-1 or the provisions of Annex D.”;

(6) by replacing “(informative)” in the title of Annex D by “(mandatory)”;

(7) by replacing the note in Annex D by the following:

“**Note:** This Annex is a mandatory part of this Code.”;

(8) by replacing the first two paragraphs of Clause D.2 in Annex D by the following:

“These Guidelines provide a listing of the features that shall be incorporated with electronic-type fuel-air ratio control (FARC) systems.

The provisions shall be satisfied.”.

## 2.15. CSA Standard Z276 is amended

(1) by replacing “D (informative)” in “Annexes” in the Table of Contents by “D (mandatory)”;

(2) by replacing Clause 1.1 by the following:

“1.1 This Standard applies to fixed and mobile facilities intended for the liquefaction, storage, vaporization, transfer or handling of liquefied natural gas regardless of their locations and for the distribution of the liquefied natural gas.”;

(3) by replacing Clause 1.2.2 by the following:

“1.2.2 This Standard includes non-mandatory guidelines for small LNG facilities (see the definition of “small facility” in Chapter 3 and Annex B) and mandatory guidelines for LNG vehicle fuelling stations employed for fleet or public LNG vehicle fuel dispensing operations (see the definition of “fuelling station” in Clause D.2 and Annex D). If Annex D cannot be complied with, the facility shall be approved by the Régie du bâtiment du Québec according to the conditions it sets under sections 127 and 128 of the Building Act (chapter B-1.1).”;

(4) by revoking Clause 1.2.3;

(5) by revoking Clause 1.3;

(6) by replacing the first paragraph of Clause 2 by the following:

“The documents incorporated by reference into this Standard are those indicated below and include any subsequent amendments and editions that may be published.

Despite the first paragraph, where a document indicated below is adopted by reference by a chapter of the Construction Code (chapter B-1.1, r. 2) or the Safety Code (chapter B-1.1, r. 3), or by another regulation of the Board, the document incorporated by reference into this Standard is then the document as adopted by that chapter or regulation.”;

(7) in Clause 3

(a) by replacing the first sentence of the Clause by the following:

“Unless the context indicates otherwise, the following definitions shall apply in this Code.”;

(b) by inserting the following definition before “**Authority having jurisdiction**”:

“**Approved:** approved or authorized by the Régie du bâtiment du Québec under sections 2.06 and 2.07 of the Construction Code (chapter B-1.1, r. 2) or section 127 or 128 of the Building Act (chapter B-1.1).”;

(c) by replacing the definition “**Authority having jurisdiction**” by the following:

«**Authority having jurisdiction:** Régie du bâtiment du Québec.»;

(8) by replacing “(informative)” in the title of Annex D by “(mandatory)”;

(9) by replacing the notes in Annex D by the following:

“**Note:** This Annex constitutes a mandatory part of this Standard.”.

## 2.16. CAN/CSA Standard Z662 is amended

(1) by replacing Clause 1.1 by the following:

“1.1 This Standard covers intraprovincial gas pipeline systems to the extremity of the operator’s installations, that is, the point where the operator’s piping ends.”;

(2) by replacing the first paragraph of Clause 2.1 by the following:

“The documents incorporated by reference into this Standard are indicated below and include any subsequent amendments and editions that may be published.

Despite the first paragraph, where a document indicated below is adopted by reference by a chapter of the Construction Code (chapter B-1.1, r. 2) or the Safety Code (chapter B-1.1, r. 3), or by another regulation of the Board, the document incorporated by reference into this Standard is then the document as adopted by that chapter or regulation.”;

(3) in Clause 2.2

(a) by replacing the first sentence of the Clause by the following:

“Unless the context indicates otherwise, the following definitions shall apply in this Code.”;

(b) by striking out the definition “**Construction**”;

(c) by replacing the definition of “**Contractor**” by the following:

“**Contractor**: a contractor or an owner-builder within the meaning of section 7 of the Building Act (chapter B-1.1), who carries out or has carried out construction work covered by this Standard.”;

(d) by adding the following after the definition “**Ductile cast iron**”:

“**Easily accessible**: within reach for the operation, replacement, maintenance or inspection without having to climb, remove an obstacle or use a mobile ladder.”;

(4) by inserting the following after Clause 10.6.4.4:

“10.6.5 Right of way encroachment where high pressure gas pipeline is installed (operated at more than 30% of their SMYS)

10.6.5.1 Except for agricultural work carried out at a maximum depth of 30 cm, no soil disturbance may be carried out in a right of way unless prior written authorization has been obtained from the operator.

For the purposes of this Clause, “soil disturbance” means all work, operations or activities, above ground or underground, causing a movement or a shift of soil or

ground cover, including in particular the following activities: excavation, trench, vertical drilling, dethatching, soil levelling, tree planting, soil aeration, mechanical stone collection, rutting and installation of fence posts, bars, rods, stakes or anchors.

10.6.5.2 No building (including a shed) or other object permanently fixed may be erected in a right of way.

10.6.5.3 No flammable material, solid or liquid residue, refuse, waste or effluent may be deposited or stored in a right of way.

10.6.5.4 Except for vehicles travelling on a public road crossing the right of way, only vehicles belonging to an operator or authorized by an operator may travel on that right of way for inspection, maintenance or leak detection purposes.”;

(5) by inserting the following after Clause 12.2:

“12.2.1 The service line of a building shall come out of the ground before entering the building and it shall be equipped with a service shut-off valve outside the building.

However, if the location where the service line comes out of the ground presents a danger and the service line cannot be protected, it shall enter the building below ground level and be equipped with an underground service shut-off valve located outside the building and with another service shut-off valve inside, as near as possible to the foundation wall.

Where buildings are connected by a common area, service lines may serve their respective building through the common area provided they are equipped with a service shut-off valve identified and connected to a common service line equipped with a main service shut-off valve above ground.

However, an identification indicating the presence of natural gas and the location of the service shut-off valves shall be present outside near the main entrance to each of the buildings served.

12.2.2 The service shut-off valves above ground shall be easily accessible for their operation.

12.2.3 Before supplying gas to an installation, an operator shall affix to the building, above or within a radius of not more than one metre from any service entrance, a distinctive mark visible at all times.”.

## DIVISION VIII INSPECTION FEES

**2.17.** A contractor or an owner-builder in gas must pay to the Board, for the inspection of construction work for a gas installation carried out further to the issue of a remedial notice provided for in section 122 of the Building Act (chapter B-1.1), inspection fees of \$156.13 for the first hour or fraction thereof, half of the hourly rate for each half-hour or fraction thereof in addition to the first hour and fees of \$73.46 for each trip.

## DIVISION IX OFFENCE

**2.18.** Any contravention of one of the provisions of this Chapter, except the provisions of Division VIII, constitutes an offence.”

**2.** The Regulation respecting the application of the Building Act (chapter B-1.1, r. 1) is amended by revoking sections 3.3.3 and 3.3.4.

**3.** This Regulation comes into force on 15 November 2018

103607

Gouvernement du Québec

## O.C. 992-2018, 3 July 2018

Building Act  
(chapter B-1.1)

### Safety Code Regulation — Amendment

Regulation to amend the Safety Code and the Regulation respecting the application of the Building Act

WHEREAS, under section 175 of the Building Act (chapter B-1.1), the Régie du bâtiment du Québec adopts by regulation a safety code containing safety standards for buildings, facilities intended for use by the public, installations independent of a building and their vicinity, and standards for their maintenance, use, state of repair, operation and hygiene;

WHEREAS, under section 176 of the Act, the code may require manufacturers to provide instructions regarding the assembly, erection, maintenance and inspection of materials, facilities and installations;

WHEREAS, under section 176.1 of the Act, the code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185 of the Act;

WHEREAS, under section 178 of the Act, the code may require observance of a technical standard drawn up by another government or by an agency empowered to draw up such standards, and may also provide that any reference it makes to other standards include subsequent amendments;

WHEREAS, under paragraph 0.1 of section 185 of the Act, the Board may, by regulation, exempt from the application of the Act or certain of its provisions categories of persons, owners of buildings, facilities intended for use by the public or installations independent of a building, and categories of buildings, facilities or installations;

WHEREAS, under paragraph 5.1 of section 185 of the Act, the Board may, by regulation, establish in particular the conditions and the manner according to which a permit referred to in sections 35.2 and 37.1 of the Act is issued, amended or renewed and its period of validity;

WHEREAS, under paragraph 5.2 of section 185 of the Act, the Board may, by regulation, fix the fees payable for the issue, amendment or renewal of a permit by a person referred to in sections 35.2 and 37.1 of the Act;

WHEREAS, under paragraph 6.1 of section 185 of the Act, the Board may, by regulation, adopt standards relating to vehicle-mounted installations intended for the storage or distribution of gas;

WHEREAS, under paragraph 22 of section 185 of the Act, the Board may, by regulation, set, in particular for the determining of the levy payable by each operator of a gas distribution undertaking, a fixed amount or an amount in relation to the volume of gas sold or both together, and determine the period for which the levy is payable by each operator, define what constitutes the volume of gas sold and determine the maximum thereof;

WHEREAS, under paragraph 33 of section 185 of the Act, the Board may, by regulation, prescribe the form, content and manner of forwarding of, in particular, the register of buildings, facilities intended for use by the public or installations independent of a building that each owner must place at its disposal;

WHEREAS, under paragraph 36 of section 185 of the Act, the Board may, by regulation, set the time limit and the manner of payment of the levy payable in particular by each owner or operator of a gas distribution undertaking;

WHEREAS, under paragraph 37 of section 185 of the Act, the Board may, by regulation, determine the provisions of a regulation adopted under that section of which the infringement constitutes an offence under paragraph 7 of section 194 of the Act, with the exception of provisions adopted under paragraphs 5.2, 18, 18.1, 20 and 36.1 and under paragraphs 16 and 17 with respect to fees payable;

WHEREAS, under paragraph 38 of section 185 of the Act, the Board may, by regulation, adopt any other related or supplementary provision it considered necessary to give effect to the provisions of that section and of the Act;

WHEREAS, under the first paragraph of section 192 of the Act, the contents of the Code may vary according to the classes of persons, owners of buildings, facilities intended for use by the public or installations independent of a building, owners or operators of gas distribution undertakings and classes of buildings, facilities or installations to which the Code applies;

WHEREAS the Board made the Regulation to amend the Safety Code and the Regulation respecting the application of the Building Act on 7 June 2018;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Safety Code and the Regulation respecting the application of the Building Act was published in Part 2 of the *Gazette officielle du Québec* of 21 February 2018 with a notice that it could be approved by the Government, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, under section 189 of the Building Act, every code or regulation of the Board is subject to approval by the Government which may approve it with or without amendment;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and for Housing:

THAT the Regulation to amend the Safety Code and the Regulation respecting the application of the Building Act, attached to this Order in Council, be approved.

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Safety Code and the Regulation respecting the application of the Building Act

Building Act  
(chapter B-1.1, ss. 175, 176, 176.1, 178, 185, pars 0.1, 5.1, 5.2, 6.1, 22, 33, 36, 37 and 38, and s. 192)

**1.** The Safety Code (chapter B-1.1, r. 3) is amended by replacing Chapter III by the following:

### “CHAPTER III GAS

#### DIVISION I DEFINITIONS

**27.** In this Chapter,

“container” means a cylinder, a tank or any other container used to store gas; (*réceptif*)

“gas” means natural gas, biomethane, manufactured gas and mixtures of propane gas and air, propane, propylene, butanes (normal butane or isobutane) and butylenes, and a mixture or a type of those gases; (*gaz*)

“gas installation” means a fixed or mobile installation, including its immediate piping, intended to use, store or distribute gas; (*installation de gaz*)

“natural gas” means natural gas, biomethane, mixtures of propane gas and air and a type or a mixture of those gases; (*gaz naturel*)

“propane” means a liquefied petroleum gas consisting mainly of propane, propylene, butane, butylene, a type or a mixture of those gases; (*propane*)

“trailer” means a vehicle with a chassis supporting a container and that is trailed by another vehicle. (*remorque*)

**27.1.** In Divisions IV to VI of this Chapter, the terms “appliance”, “air supply”, “cylinder”, “container refill centre”, “combustible”, “enclosure”, “safety limit control”, “point of transfer”, “combustion products”, “tank”, “safety shut-off valve”, “relief valve”, “filling plant”, “structure”, “venting system”, “hose connector” and “hose” have the meaning given to them in CAN/CSA-B149.1: Natural Gas and Propane Installation Code and CAN/CSA-B149.2: Propane Storage and Handling Code, as adopted by Chapter II of the Construction Code (chapter B-1.1, r. 2).



## DIVISION II

### SCOPE

**28.** Subject to the exemptions provided for in section 29 of the Building Act (chapter B-1.1) and the second and third paragraphs of this section, this Chapter applies to every gas installation, including its surroundings.

However, it does not apply to a gas installation intended to use gas other than an installation used to produce energy, heat or light from a gas.

The following installations are also exempt from the application of this Chapter:

- (1) installations intended to store or distribute gas by tank vehicle as long as the tank is not used as a storage tank at the point of use;
- (2) installations intended to use gas to ensure the motive power of a vehicle;
- (3) installations intended to use gas in a refinery, regardless of its origin, as raw material for the petroleum refining process or for the process of a petrochemical plant;
- (4) installations intended to store, in a refinery, gas resulting from the refining of petroleum;
- (5) installations intended to store or use gas on boats;
- (6) installations intended to use gas as a refrigerant;
- (7) installations intended to store gas in underground natural tanks or tanks shaped in the ground; and
- (8) installations intended to use or store on the premises gas collected from a disposal site or gas from an anaerobic digester.

## DIVISION III

### REFERENCES

**29.** In this Chapter, a reference to the standards CSA B108, Compressed Natural Gas Fuelling Stations Installation Code, CSA B149.1, Natural Gas and Propane Installation Code, CSA B149.2, Propane Storage and Handling Code, CSA B149.3, Code for the field approval of fuel-related components on appliances and equipment, CSA-Z276, Liquefied Natural Gas (LNG) - Production, Storage and Handling or CAN/CSA Z662, Oil and Gas Pipeline Systems is a reference to the standard referred to in Chapter II of the Construction Code (chapter B-1.1, r. 2) made under the Building Act (chapter B-1.1).

## DIVISION IV

### GENERAL

**30.** A gas installation must be used for the purposes for which it was designed and kept in safe and proper working order.

**31.** A gas installation must be used and serviced so as not to constitute fire, explosion or intoxication hazards.

**32.** The vicinity of a gas installation must not be modified in such manner that the gas installation does not comply with Chapter II of the Construction Code (chapter B-1.1, r. 2).

**33.** The necessary corrections must be made to a gas installation if, following intensive use, wear, aging or modifications, the operating conditions have become dangerous.

**34.** A gas leak may not be detected by means of a match, candle, flame or any other source of ignition.

**35.** A light, including a flashlight, used to detect a gas leak must be certified as electrical equipment for use in a hazardous location of Class 1, Group II A type, in accordance with Subrule 18-050(2) of the Canadian Electrical Code, as adopted by Chapter V of the Construction Code (chapter B-1.1, r. 2).

**36.** An electric switch located either in the room or adjacent to an area of gas leakage must not be operated unless it is certified as equipment for use in a hazardous location of Class 1, Group II A type, in accordance with Subrule 18050(2) of the Canadian Electrical Code, as adopted by Chapter V of the Construction Code (chapter B-1.1, r. 2).

**37.** A safety shut-off valve, a safety limit control or a relief valve must not be isolated or be made inoperative.

**38.** Where there are signs of wear or deterioration or where other damage shows in the reinforcement material of a hose or hose connector, the hose must be replaced immediately.

**38.1.** A dedicated parking area must be provided for each vehicle equipped with a gas container and intended for the road transportation of gas, including transportation in transit, on the site of a propane filling plant or of an installation independent of a building and intended to store or distribute natural gas.

The parking area must be located in a location different from the location where gas is transferred and be as far as possible from fixed tanks whose water capacity is the largest, without obstructing traffic routes.

### §1. Register

**38.2.** The owner of a fixed or mobile installation independent of a building and intended to store or distribute gas with transfers of gas must keep in a register or attach to it, as the case may be, the following related documents:

- (1) the annual verification reports provided for in section 38.3;
- (2) where required under section 74.2, the risk assessment report.

The owner of an installation independent of a building and intended to store or distribute gas with gas transfer must also, except for a propane container refill centre, record and keep in the register provided for in the first paragraph or attach to it, as the case may be, the following information and documents:

- (1) the identification of any safety device having interrupted the operation of the installation and the measures taken to remedy the event;
- (2) the breakdowns and accidents that occurred while operating the installation;
- (3) the history and description of the maintenance, repairs, replacements, including technical bulletins issued by the manufacturer, and alterations made on the site or installation;
- (4) any notice or order issued by the Board under the Building Act (chapter B-1.1);
- (5) any other relevant information or document in connection with the operation or maintenance of the installation.

The register must be kept on the premises where the installation is operated for consultation by the Board, as long as the installation is not dismantled.

### §2. Annual verification

**38.3.** The owner of a fixed or mobile installation independent of a building and intended to store or distribute gas with gas transfer must have it verified each year by the holder of an appropriate certificate of qualification issued under the Act respecting workforce vocational training and qualification (chapter F-5), by an engineer or by a contractor holding an appropriate licence in the field of gas issued by the Board.

**38.4.** Where the holder of a certificate of qualification, the engineer or the contractor in charge of the verification notices the presence of hazardous conditions, the certificate holder or contractor must so inform the Board.

**38.5.** The verification report establishing the safety of the installation must contain the following information and documents:

- (1) the address of the place where the installation is located;
- (2) the name, signature and contact information of the person having carried out the inspection and a copy of his or her certificate of qualification or licence;
- (3) the scope of the annual verification and testing made on the safety devices or components by the person who has carried out the verification and tests;
- (4) a description of the corrective work required to ensure that the installation is safe, and the schedule recommended for its implementation;
- (5) a summary of the report confirming that the installation is not in a dangerous condition and, where applicable, that recommendations have been submitted to the owner concerning ways to correct the defects observed that may contribute to the development of a dangerous condition;
- (6) appendices containing photographs, drawings and any other relevant information obtained during the verification, to complete the report.

## DIVISION V GAS INSTALLATIONS

**39.** An appliance must be serviced in accordance with the manufacturer's instructions.

**40.** An appliance may not be used if damaged by fire, water or an explosion unless it has been verified by a person holding the appropriate certificate of qualification issued under the Act respecting workforce vocational training and qualification (chapter F-5).

**41.** No appliance may be used in a room where there are corrosive vapours.

**42.** Appliance clearance must allow the appliance to be serviced without moving it or modifying the building that shelters it or modifying neighbouring equipment.

43. An appliance may be used only if it complies with the provisions of Division V of Chapter II of the Construction Code (chapter B-1.1, r. 2).

44. Where a part of an appliance must be replaced, the replacement part must have the same operational characteristics as the original part.

45. In an enclosure or a structure housing an appliance, the air supply must be sufficient to ensure complete combustion and total venting of combustion products.

46. The air supply of an appliance must be free of any encumbrance.

47. An appliance and its venting system must show sufficient clearance so that the surface temperature of neighbouring combustible materials does not exceed 90 °C.

48. The venting system of an appliance must ensure total venting of combustion products to the outdoors.

49. The piping or tubing system must have a diameter sufficient to convey the required volume of gas at the required pressure.

50. Where no appliance is connected to a piping outlet, the outlet must be tightly plugged or capped.

51. Vehicles equipped with a propane appliance must not be parked or stored inside a building, except if

(1) the propane cylinders are removed; or

(2) the propane tanks have contents in propane of no more than 50% of the maximum filling capacity allowed and all shut-off valves are closed.

## **DIVISION VI**

### **USE, STORAGE AND DISTRIBUTION OF PROPANE IN CONTAINERS**

52. Propane in containers must be used, stored and distributed in accordance with the provisions of CSA Standard B149.2.

53. For the purposes of Clause 6.5 of CSA Standard B149.2, all stored cylinders, whether filled or empty, shall be considered as filled at the maximum filling capacity allowed.

54. Propane that is used, stored or distributed must emit a characteristic odour in accordance with Canadian General Standards Board Standard CAN/CGSB-3.14, Propane for Fuel Purposes.

55. Propane may not be transferred from a vehicle equipped with a gas container to a cylinder in a location other than the location where the cylinder is used.

56. Propane from a vehicle equipped with a gas container may not be transferred into the container of a road vehicle.

57. The tank of the propane supply system of a road vehicle may be filled only if it bears the appropriate sticker mandatory under the Regulation respecting safety standards for road vehicles (chapter C-24.2, r. 32).

58. Propane may not be transferred from a vehicle equipped with a gas container to a cylinder the total capacity of which is 20 kg of propane on a campground unless, during the transfer, the vehicle

(1) is at a location that has safety installations complying with the provisions of Clause 7.19.4 of CSA Standard B149.2 for tanks; and

(2) is parked in accordance with the distances provided for in Clause 7.16 of CSA Standard B149.2 for tanks.

59. A propane container must be painted.

60. Except in filling plants, propane cylinders must not be stored one stacked over the other.

61. Vehicles used for the transportation of propane and parked at a location other than a location governed by a regulation respecting the transportation of dangerous substances made under the Highway Safety Code (chapter C-24.2) must be parked in accordance with the provisions of Clauses 8.6 to 8.10 of CSA Standard B149.2.

62. Signs bearing the indication or the international symbol “NO SMOKING” must be installed at a conspicuous place in filling plants at every entrance and point of transfer of propane. The letters must be red on a white background or black on a yellow background and be at least 100 mm high. The symbols must have a minimum diameter of 300 mm.

63. Signs must be installed in a conspicuous place on the tank or nearby and at the point of transfer, where propane is transferred more than 3 m from the tank of a propane container refill centre, in a way that they can be seen from that point. The signs must bear the following indications:

(1) “NO SMOKING, TURN OFF ALL SOURCES OF IGNITION” in letters at least 50 mm high;

(2) “TRANSPORT CYLINDERS SECURED IN AN UPRIGHT POSITION IN A VENTILATED SPACE” in letters at least 25 mm high;

(3) “IT IS AN OFFENCE TO FILL PROPANE CYLINDERS AND MOTOR FUEL CONTAINERS IN EXCESS OF 80% CAPACITY BY VOLUME” in letters at least 25 mm high; and

(4) “NO SMOKING WITHIN 3 METRES, TURN IGNITION OFF BEFORE REFUELLING” in letters at least 25 mm high for a propane distribution location for vehicles.

The international symbols for “NO SMOKING” and “TURN OFF IGNITION”, measuring at least 100 mm in diameter, may be used instead of those expressions. The symbols must be red and black on a white background.

The letters on the signs must be red on a white background or black on a yellow background.

**63.1.** An installation intended to store or distribute propane must be operated and serviced in accordance with the provisions of Clause 7.22 of CSA Standard B149.2.

#### **DIVISION VII** TRANSPORTATION OR DISTRIBUTION OF GAS BY PIPELINE

**64.** Gas distributed by pipeline must emit a characteristic odour in accordance with the provisions of Clause 4.21 of CAN/CSA Standard Z662.

**65.** A piped gas undertaking must notify all users affected by an Interruption in service and ensure the safe restoration of service.

**66.** An installation intended to transport or distribute gas by pipeline must be operated and serviced in accordance with the provisions of Chapter 10 and the provisions of Clauses 12.10 and 15.9 of CAN/CSA Standard Z662.

**67.** Every piped gas transportation or distribution undertaking must keep up to date the plans of its gas transportation and distribution systems, of its storage facilities, as well as of the location of its valves, regulators and other accessories.

**68.** Every piped gas transportation or distribution undertaking must send to the Board, within 90 days following the beginning of each fiscal year,

(1) its gas leak detection program for the current year; and

(2) its annual program for the maintenance of its transportation systems, gas distribution networks and storage facilities.

**69.** Every piped gas transportation or distribution undertaking must send to the Board, within 90 days following the end of each fiscal year,

(1) a report on the state of its transportation or distribution system containing the information referred to in Schedule I in the prescribed form; and

(2) a report of findings on leaks and measures taken to correct them.

#### **DIVISION VIII** USE, STORAGE AND DISTRIBUTION OF NATURAL GAS IN CONTAINERS

**70.** The tank of the natural gas supply system of a road vehicle may be filled only if it bears the appropriate sticker mandatory under the Regulation respecting safety standards for road vehicles (chapter C-24.2, r. 32).

**70.1.** Natural gas distributed, except liquefied natural gas distributed, must emit a characteristic odour in accordance with the provisions of Clause 4.21 of CAN/CSA Standard Z662.

**71.** In a container refill centre for vehicles, natural gas must not be distributed at a pressure in excess of that provided for in Clause 4.4 of Clause 4 of CSA Standard B108.

**72.** A fixed or mobile installation intended to store or distribute liquefied natural gas must be operated and serviced in accordance with the provisions of Clause 13 of CSA Standard Z276.

**72.1.** A fixed or mobile installation intended to distribute liquefied natural gas for vehicles must be operated and serviced in accordance with the provisions of Clauses D.15 and D.16.5 of CSA Standard Z276.

**73.** Where natural gas cylinders are filled, stored and used elsewhere than in a refill centre for vehicles, it must be done in accordance with the provisions of Clauses 9.2 to 9.5 of Clause 9 of CSA Standard B149.1.

#### **DIVISION IX** OPERATION PERMIT

**74.** The owner of an installation independent of a building and intended to store or distribute gas must obtain a permit for each place of operation of the installation or for each vehicle intended to distribute gas if the owner has no establishment in Québec.

The owner of an installation independent of a building and intended to store or distribute gas is exempt from the requirement to obtain an operation permit

(1) where butane is stored in cylinders of an individual maximum capacity of 5,3 oz (150 g);

(2) where gas is stored therein in no-refill cylinders the maximum internal volume of which is 75 in<sup>3</sup> (1,229 ml); and

(3) where natural gas is distributed through pipelines.

**74.1.** For the purposes of this Division, the “total capacity” in water, calculated in American gallons (US gal) or in litres, or in mass, calculated in metric tons, for the location of the installation includes, where applicable,

(1) the fixed capacity, namely, the total number of fixed storage tanks and their individual capacity;

(2) the transit capacity, namely, the total number of containers in transit that are kept on the site longer than necessary for the transfer, including tank trucks, trailers, self-supporting tanks and tank cars, and their individual capacity; and

(3) the portable or unconnected capacity, namely, the total maximum number of containers and their individual capacity.

**74.2.** The owner of an installation independent of a building and intended to store or distribute either propane of more than 5,000 US gal (18,927 litres) in fixed water capacity, or natural gas of 4.5 metric tons or more in total capacity, must obtain a risk assessment report based on CAN/CSA-ISO Standard 31000, Risk management - Principles and guidelines, published by the CSA Group and confirming that the installation is safe in order to obtain an operation permit for that installation.

The report must be drawn up by an engineer within the meaning of the Professional Code (chapter C-26) qualified to do so, who affixes his or her seal, signature and business particulars and must contain the following information and relevant documents:

(1) the context of the installation and its surroundings;

(2) risk assessment, that is, the full process of risk identification, risk analysis and risk evaluation;

(3) risk treatment and, where applicable, the reduction of risk by the recommendation of additional safety measures and a reevaluation of the residual risk;

(4) the total limit capacity set by the engineer that cannot be exceeded by the owner.

**75.** The owner who applies for the issue, renewal or modification of an operation permit must provide the Board, on the form provided for that purpose,

(1) the name, domicile address of the owner and, where applicable, the Québec business number assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1);

(2) in the case of a partnership or a legal person, its name, the address of its head office and the business number referred to in subparagraph 1;

(3) the address of the place of operation of the installation or, if the owner has no installation in Québec, the registration number of the vehicle intended to distribute gas; and

(4) for the place of operation or for each vehicle intended to distribute gas if the owner has no installation in Québec,

(a) the quantity of gas sold in Québec during the preceding fiscal year;

(b) the quantity of gas bought during the preceding fiscal year

(i) in Québec from a refinery;

(ii) from a source of supply outside Québec;

(iii) in Québec elsewhere than from a refinery;

(c) the date on which the place began operating;

(d) the use of the place;

(e) the names of the persons who operate the installation and who hold certificates of qualification issued under the Act respecting workforce vocational training and qualification (chapter F-5);

(f) the fixed, in transit, portable or unconnected capacity and the total capacity of the place;

(g) where a risk assessment report is required, a declaration that the owner obtained such a report;

(h) where a risk assessment report is required, the total limit capacity indicated therein;

(5) in the case of an installation with gas transfer built after the 15 November 2018 or where an installation with gas transfer has been altered, a certified true copy of the building permit or the authorization certificate issued by the local authority allowing the construction work at the address of the installation covered by the application.

Every application for an operation permit must be accompanied by an attestation that the information and documents provided under the first paragraph are accurate and must be signed by the person filing the application.

**76.** An application for the issue, renewal or modification of a permit is deemed to be received only if it contains all the required information and documents and includes the fees payable under section 77, if applicable.

**76.1.** The holder of an operation permit must notify the Board of any change in the information or documents provided under section 75 by filing a permit modification application within 30 days following the change.

The Board must, however, be notified immediately in the case of a change affecting the level of risk determined in the risk assessment report or making it necessary to obtain such a report. A permit modification application must be filed within 30 days following the change.

**76.2.** In the case of an application for the modification or renewal of a permit, only the changes to the information or documents already filed with the Board must be provided to the Board.

**76.3.** The Board issues or renews a permit on the following conditions:

(1) the owner provided, as the case may be, the information and documents required under section 75;

(2) the issue or renewal application has been received and the fees payable have been paid to the Board;

(3) the owner complied with all the provisions of this Chapter and those of Chapter II of the Construction Code (chapter B-1.1, r. 2) that apply to the gas installation covered by the permit application;

(4) where applicable, the owner complied after having received a notice or order under the Building Act (chapter B-1.1) or after having been convicted of an offence under any of the provisions of this Chapter or to a supplementary measure required under section 122 of the Building Act (chapter B-1.1).

**77.** The fee payable for the issue or renewal of an operation permit is \$175.65. Despite the foregoing, the fee is \$51.67 for an installation independent of a building and intended to store or distribute gas in cylinders only and if gas is not transferred there.

**78.** The operation permit issued by the Board contains

(1) the name of the owner of the installation or vehicle;

(2) the address of the place of operation of the installation or the registration number of the vehicle for which the permit is issued;

(3) the date of issue of the permit;

(4) the Québec business number referred to in subparagraph 1 or 2 of section 75, as the case may be;

(5) the total capacity of the installation;

(6) where a risk assessment report is required, the total limit capacity of the installation.

**79.** The holder of an operation permit must cease the operation of an installation independent of a building and intended to store or distribute gas in the following cases:

(1) the holder of the permit increases the total capacity indicated on the permit and exceeds a fixed water capacity of 5,000 US gal (18,927 litres) or a total capacity of 4.5 metric tons or more;

(2) where a risk assessment report is required, the holder of the permit exceeds the total limit capacity indicated in the report.

**80.** For an installation to be supplied by the gas undertaking, the holder of an operation permit must post the permit in public view at the place of operation or in the vehicle intended to distribute gas if the permit holder has no establishment in Québec.

**81.** The term of an operation permit is one year.

**82.** The application for renewal of an operation permit must be filed with the Board at least 30 days before the expiry date of the permit.

**83.** An operation permit is non-transferable.

**84.** An owner who applies for the issue or renewal of an operation permit must obtain and maintain in force, during the entire term of the permit, liability insurance without an expiry date of a minimum amount of \$2,000,000 for an installation independent of a building and intended to store or distribute propane of 5,000 US gal (18,927 litres) in fixed water capacity or less, or natural gas of less than 4.5 metric tons of total capacity and \$10,000,000 for an installation independent of a building and intended to store or distribute propane of more than 5,000 US gal (18,927 litres) in fixed water capacity, or natural gas of 4.5 metric tons or more of total capacity to cover damage caused to another person as a result of fault or negligence in the operation of the installation. The insurance must provide for a commitment by the insurer to inform the Board of the insurer's intention to terminate the contract or modify the status of the policy.

An attestation of the insurer to the effect that the insurance meets the requirements of the first paragraph must be sent to the Board with the application for the issue, modification or renewal of the operation permit

**85.** The holder of an operation permit must notify the Board in writing of the cancellation of the holder's insurance or of any change made to it.

#### **DIVISION X** CONTRIBUTIONS

**86.** The owner or operator of an undertaking that distributes gas, except the owner or operator referred to in section 87, must pay the Board, each month, an amount \$0.462 per 1,000 m<sup>3</sup> of gas sold in Québec.

The volume of gas is based on a higher heating value of 37.89 MJ/m<sup>3</sup> adjusted to the absolute pressure of 101.325 kilopascals and a temperature of 15 °C.

An undertaking does not have to pay the monthly fees on the volume of gas bought from an undertaking having paid the fees on the same volume of gas.

**87.** The wholesale owner or operator of an undertaking for the bulk distribution of liquefied petroleum gas sold in Québec must pay the Board, each month, an amount of \$0.896 per 1,000 litres or fraction of 1,000 litres of liquefied petroleum gas sold in Québec

The volume of liquefied petroleum gas is adjusted at a temperature of 15 °C.

For the purposes of this section,

“liquefied petroleum gas sold in Québec” means, in the case of a wholesale owner or operator of an undertaking for the bulk distribution of liquefied petroleum gas, the volume of liquefied petroleum gas sold in Québec excluding the volume bought from a wholesale owner or operator of an undertaking for the bulk distribution of liquefied petroleum gas;

“wholesale owner or operator of an undertaking for the bulk distribution of liquefied petroleum gas” means any person or partnership operating an undertaking for the storage, sale or distribution of liquefied petroleum gas in Québec and buying liquefied petroleum gas from a producer in Québec or from a source outside Québec for resale in Québec.

**88.** Every gas distribution undertaking must keep an up-to-date list of the names and addresses of its customers.

#### **DIVISION XI** OFFENCES

**89.** Any violation of any of the provisions of this Chapter, except sections 77, 86 and 87, constitutes an offence.”

**2.** Schedule I is amended by replacing the part concerning section 69 by the following:





E NOMBRE DE BRANCHEMENTS PAR MATÉRIAUX							
	Diamètre (millimètres)						TOTAL
	21,3 ou moins	Plus de 21,3 à 33,4	Plus de 33,4 à 60,3	Plus de 60,3 à 114,3	Plus de 114,3 à 168,3	Plus de 168,3	
Acier non enrobé							
Acier enrobé							
Cuivre							
Polyéthylène (insertion)							
Polyéthylène							
Autres (spécifiez)							
TOTAL							

F							
Pression d'opération (kilopascals)	0 et 300	301 et 700	701 et 2000	2001 et 4000	4001 et 6000	6001 et plus	TOTAL
Portion du réseau en exploitation entre: (kilomètres)							
Postes de détente dont la pression de sortie est comprise entre: (nombre)							
Robinets de ligne dont la pression de charge est comprise entre: (nombre)							

G		
Gaz perdu en % du volume total de gaz entré pour chacune des 5 dernières années financières en excluant la présente année	IL Y A AN(S)	%
	1	
	2	
	3	
	4	
	5	

H	
Gaz perdu pendant la période de 12 mois se terminant avec la présente année financière	%

I		
Nombre de fuites connues dans le réseau à la fin de l'année que vous prévoyez réparer	Conduites principales	
		Branchements

J NOMBRE DE FUTTES RÉPARÉES SUR LES INSTALLATIONS SOUTERRAINES DURANT L'ANNÉE							
	Matériaux	Corrosion	Bris de conduites	Causes externes	Défauts de construction	Autres	Total
CONDUITES PRINCIPALES	Acier non enrobé						
	Acier enrobé						
	Aluminium						
	Polyéthylène (insertion)						
	Polyéthylène						
	Autres (spécifiez)						
	Sous-total						
BRANCHEMENTS	Acier non enrobé						
	Acier enrobé						
	Cuivre						
	Plastique (insertion)						
	Plastique						
	Autres (spécifiez)						
	Sous-total						
	TOTAL						

K NOMBRE DE FUTTES RÉPARÉES SUR LES CONDUITES PRINCIPALES HORS-TERRE DURANT L'ANNÉE		
Canalisations		
Robinets		
Raccords*		
Régulateurs		
Autres		
TOTAL		

L NOMBRE DE FUTTES RÉPARÉES SUR LES BRANCHEMENTS HORS-TERRE DURANT L'ANNÉE		
Canalisations		
Robinets		
Raccords*		
Régulateurs		
Autres		
TOTAL		

\* = incluant les tés de branchement, les raccords latéraux et les raccords à chaud.

M				N RECHERCHE DE FUTES		
Fréquence d'inspection de la partie du réseau sous protection cathodique	Fréquence d'inspection par catégorie*			Conduites principales	Pression d'opération	Fréquence*
	Potentiel sol-conduite	Redresseur	Lecture à distance		P opération < 4800kPa - général	
					P opération < 4800kPa - centre-ville	
				Branchements d'immeuble	Tous	

\* = CODE DES FRÉQUENCES D'INSPECTION: 1 (hebdomadaire), 2 (bimensuelle), 3 (mensuelle), 4 (trimestrielle), 5 (semi-annuelle), 6 (annuelle), 7 (autres - précisez), 0 (pas d'inspection)

O RENSEIGNEMENTS GÉNÉRAUX					
Nombre de branchements:	Domestiques:	Commerciaux:	Industriels:	Total:	
Nombre de clients:	Domestiques:	Commerciaux:	Industriels:	Total:	
Vente de gaz (10 <sup>6</sup> m <sup>3</sup> ):	Domestique:	Commerciale:	Industrielle:	Total:	
Achat total de gaz (10 <sup>6</sup> m <sup>3</sup> ):	Total: Usage personnel (10 <sup>6</sup> m <sup>3</sup> ):				
Demande contractuelle quotidienne (10 <sup>6</sup> m <sup>3</sup> ):	Depuis le:				
Consommation horaire maximale de l'année (10 <sup>6</sup> m <sup>3</sup> ):	Date:				
Consommation horaire minimale de l'année (10 <sup>6</sup> m <sup>3</sup> ):	Date:				
Consommation quotidienne maximale de l'année (10 <sup>6</sup> m <sup>3</sup> ):	Date:				
Consommation quotidienne minimale de l'année (10 <sup>6</sup> m <sup>3</sup> ):	Date:				
Consommation mensuelle maximale de l'année (10 <sup>6</sup> m <sup>3</sup> ):	Date:				
Consommation mensuelle minimale de l'année (10 <sup>6</sup> m <sup>3</sup> ):	Date:				
Nombre de branchements inutilisés depuis:	A: 1an	B: 2 ans	C: 3 ans	D: 4 ans	Total
Nombre de branchements sans sortie extérieure:					
Marque d'odorisant utilisée:	Taux d'injection (kg / 10 <sup>6</sup> m <sup>3</sup> ):				
Quantité annuelle d'odorisant utilisée (litres):	Nombre de clients par kilomètre:				
Nombre de fuites par kilomètre*:	Nombre de municipalités desservies:				
Nombre d'employés:	Direction:	Cadres:	Employés de bureau:	Manuels:	

\* = nombre de fuites sur les conduites principales (à l'exception des fuites "causes externes") divisé par la longueur totale de conduites principales en kilomètres

P COMMENTAIRES / REMARQUES

Je certifie que les renseignements contenus dans le présent rapport sont exacts

Signature

Date

Formulaire officiel de la Régie du bâtiment du Québec

**3.** The Regulation respecting the application of the Building Act (chapter B-1.1, r. 1) is amended by revoking out section 3.3.5.

**4.** This Regulation comes into force on 15 November 2018, except section 74.2, made by section 1 of this Regulation, which comes into force on 15 November 2019.

For the purposes of section 74.2, where an owner has more than 1 existing installation concerned, the risk assessment reports do not all have to be obtained by 15 November 2019. However, at least 1 installation per year must have been the subject of such a report and all the owner's installations must have been the subject of a report not later than 15 November 2023.

103608

Gouvernement du Québec

### **O.C. 993-2018, 3 July 2018**

Master Pipe-Mechanics Act  
(chapter M-4)

#### **Corporation of Master Pipe-Mechanics of Québec — Admission and discipline of members — Amendment**

Regulation to amend the Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics of Québec

WHEREAS, under subparagraph 3 of the second paragraph of section 10.2 of the Master Pipe-Mechanics Act (chapter M-4), the provincial council of administration of the Corporation of Master Pipe-Mechanics of Québec may, by regulation, determine, subject to the provisions of a regulation made by the Government under paragraph 6.1 of section 182 of the Building Act (chapter B-1.1), the fees and dues payable for admission to a competency evaluation examination, the training provided by the training body and the fees and dues payable for the issue, amendment, maintenance or reinstatement of a licence within the framework of the vocational training program;

WHEREAS, under subparagraphs *c*, *e* and *h* of paragraph 1 of section 11 of the Act, the council of the Corporation may make, amend and repeal regulations respecting the administration of the Corporation and the management of its affairs in all respects, the attainment of its objects and purposes, the exercise of the rights and powers granted by the Act to the Corporation, as well as regulations respecting the admission and discipline of the

members of the Corporation, except with regard to their suspension or expulsion, the annual assessment and the entrance dues, and the establishment, composition and duties of committees which have all the rights and powers delegated to them by the council;

WHEREAS, under the first paragraph of section 10.3 of the Act, any regulation made in particular under section 10.2 is to be submitted to the Government for approval with or without amendment;

WHEREAS, under paragraph 5 of section 11 and the second paragraph of section 10 of the Act, the by-laws contemplated in particular in subparagraphs *c* and *e* of paragraph 1 of section 11 are submitted to the Government for approval;

WHEREAS the council of the Corporation made the Regulation to amend the Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics of Québec on 31 May 2017;

WHEREAS, in accordance with paragraph 5 of section 11 and the second paragraph of section 10 of the Act, the Regulation to amend the Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics of Québec was approved at a general assembly of the members of the Corporation held on the same day;

WHEREAS, in accordance with sections 10 and 11 of the Act and sections 10, 11 and 26 of the Regulations Act (chapter R-18.1), the Regulation to amend the Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics of Québec was published in Part 2 of the *Gazette officielle du Québec* of 4 April 2018 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 amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and for Housing:

THAT the Regulation to amend the Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics, attached to this Order in Council, be approved.

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

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## Regulation to amend the Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics of Québec

Master Pipe-Mechanics Act  
(chapter M-4, s. 10.2, 2nd par., subpar. 3, and s. 11, par. 1, subpars. *c*, *e* and *h*)

**1.** The Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics of Québec (chapter M-4, r. 1) is amended in section 3 by replacing “any information technology-based contact information” in paragraph 1 by “, a valid professional email address and any other information technology-based contact information”.

**2.** Section 4 is amended by adding “and the representative’s valid professional email address” at the end of paragraph 7.

**3.** Section 6 is revoked.

**4.** Section 25 is amended by adding “, except if the member has already taken the oath provided for in Schedule II of the Règlement sur le conseil provincial d’administration de la Corporation des maîtres mécaniciens en tuyauterie du Québec (chapter M-4, r. 2) or the oath provided for in Schedule I of the Regulation respecting the internal management of the Corporation of Master Pipe-Mechanics of Québec (No. CPA-04-04-32 dated 29 April 2004)” at the end of the first paragraph.

**5.** Section 29 is amended by inserting the following after the first paragraph:

“The members of a committee designate one of them as chair and another member that could act as chair if the chair is absent or unable to act.”

**6.** Section 72 is amended in the first paragraph

(1) by striking out “l’imposition d’” in subparagraph 2 of the French text;

(2) by replacing subparagraph 4 by the following:

“(4) a letter, along with the committee’s decision, requesting that any body authorized to issue building contractor’s licences, including the Corporation, make verifications regarding compliance with the conditions of the professional qualification;”

**7.** Schedule I is amended

(1) by replacing the heading by the following:

“OATH AND UNDERTAKING”;

(2) by replacing “functions and duties as member of \_\_\_\_\_ of” in the first paragraph by “office and functions within”;

(3) by replacing “et ni” in the second paragraph of the French text by “ni ne”;

(4) by replacing “my functions” in the second paragraph by “my office and functions”;

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

“I, \_\_\_\_\_, declare under oath that I have read the Code d’éthique des membres du conseil provincial d’administration et des membres de comités et groupes de travail de la Corporation des maîtres mécaniciens en tuyauterie du Québec and I undertake to comply with it.”

### TRANSITIONAL AND FINAL

**8.** A natural person who, at the time of the coming into force of this Regulation, is a member of the Corporation must provide a valid professional email address in accordance with paragraph 1 of section 3, as amended by section 1 of this Regulation, only on the date on which the annual assessment is due.

A legal person, partnership or association that, at the time of the coming into force of this Regulation, is a member of the Corporation must provide a valid professional email address of the delegated representative in accordance with paragraph 7 of section 4, as amended by section 2 of this Regulation, only on the date on which the annual assessment is due.

The person, partnership or association that does not provide a valid professional email address within the periods set in the first and second paragraphs is presumed to fail to comply with section 12 of the Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics of Québec (chapter M-4, r. 1). A measure may be taken against the person, partnership or association in default only if the Corporation has given the person, partnership or association, by written notice, the opportunity to remedy the failure within the period it indicates.

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

Gouvernement du Québec

## O.C. 994-2018, 3 July 2018

Consumer Protection Act  
(chapter P-40.1)

### Regulation — Amendment

Regulation to amend the Regulation respecting the application of the Consumer Protection Act

WHEREAS, under paragraphs *a*, *b*, *l*, *n* and *r* of section 350 of the Consumer Protection Act (chapter P-40.1), the Government may make regulations

—determining the content and physical presentation and the terms and conditions of distribution or remittance of all contracts, statements of account or other documents contemplated by the laws and regulations the application of which is under the supervision of the Office de la protection du consommateur;

—establishing models for contracts or other documents contemplated by the laws and regulations the application of which is under the supervision of the Office;

—determining in particular the cases where security may be required, the form, terms and conditions and amount of the security;

—determining in particular the qualifications required of any person applying for a permit or the renewal of a permit, the conditions he must fulfil, the information and documents he must furnish and the duties he must pay;

—exempting, in whole or in part, from the application of the Act, any class of persons, goods, services or contracts that it determines and fixing conditions for that exemption;

WHEREAS the Act mainly to modernize rules relating to consumer credit and to regulate debt settlement service contracts, high-cost credit contracts and loyalty programs (2017, chapter 24) was assented to on 15 November 2017;

WHEREAS that Act amends the Consumer Protection Act in particular by introducing sections 103.2, 103.4, 150.3.1, 187.8, 187.9 and 214.25, by introducing, in section 350, paragraphs *g.1* to *g.7*, and by amending paragraph *l.2* of section 350 of the Act;

WHEREAS, under paragraphs *g.1* to *g.7* of section 350 of the Consumer Protection Act, as introduced, the Government may make regulations

—determining the threshold beyond which a credit contract is presumed to constitute an excessive, harsh or unconscionable obligation within the meaning of section 8 of the Act;

—determining the information a merchant must take into account to benefit from the presumption provided for in the second paragraph of sections 103.2 and 150.3.1 of the Act, as introduced;

—determining, for the purposes of section 103.4 of the Act, as introduced, the method for calculating the debt ratio;

—determining, for the purposes of section 103.4 of the Act, as introduced, the characteristics a credit contract must have to be considered a high-cost credit contract;

—determining, for the purposes of section 187.8 of the Act, as introduced, the cases or circumstances in which a stipulation may prescribe that the exchange units may expire at a set date or by the lapse of time;

—identifying, for the purposes of section 187.9 of the Act, as introduced, the elements of a contract relating to a loyalty program that a merchant may not amend unilaterally, and the time limit for sending a consumer a notice of unilateral amendment of an essential element of the contract;

—setting, for the purposes of section 214.25 of the Act, as introduced, conditions and limits for the charges and fees a debt settlement service merchant may claim from a consumer;

WHEREAS, under paragraph *l.2* of section 350 of the Act, as amended, the Government may make regulations establishing the form, the conditions and the manner in or on which a merchants association may act as surety for its members;

WHEREAS the Government made the Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the application of the Consumer Protection Act was published in Part 2 of the *Gazette officielle du Québec* of 18 April 2018 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister responsible for Consumer Protection and for Housing:

THAT the Regulation to amend the Regulation respecting the application of the Consumer Protection Act, attached to this Order in Council, be made.

ANDRÉ FORTIER,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the application of the Consumer Protection Act

Consumer Protection Act  
(chapter P-40.1, s. 350; 2017, chapter 24, s. 66)

**1.** The Regulation respecting the application of the Consumer Protection Act (chapter P-40.1, r. 3) is amended by replacing section 2 by the following:

“**2.** Contracts concerning a loan granted as part of a program administered by La Financière agricole du Québec under the Act respecting La Financière agricole du Québec (chapter L-0.1) are exempt from the application of the Act.”

**2.** Section 3.4 is revoked.

**3.** The following is inserted after section 3.4:

“**3.5.** Holders of a brokerage or agency permit issued under the Real Estate Brokerage Act (chapter C-73.2) are exempt from the application of the Act where they carry out activities covered by the Act.”

**4.** Section 6.4. is amended by striking out “, contracts for the sale or long-term lease of a used car or motorcycle”.

**5.** The following is inserted after section 6.4:

“**6.4.1.** Contracts entered into by debt settlement service merchants for a service provided at a distance are exempt from the application of sections 27 to 32 and 54.8 to 54.16 of the Act and section 26 of this Regulation.

**6.4.2.** A long-term contract of lease entered into on the making of or in relation to a contract involving sequential performance for a service provided at a distance provided the goods leased are necessary to the use of the service is exempt from the application of sections 150.3.1 and 245.2 of the Act.”

**6.** Section 7 is amended by inserting “of a building” after “exterior wall covering”.

**7.** The following is inserted after section 12.1:

“**12.2.** Merchants who have entered into a contract for the loan of money secured by a movable hypothec with delivery or a contract deemed to constitute a contract for the loan of money under the first paragraph of section 115.1 of the Act, where the amount of the net capital of the contract and any other contract for the loan of money of the same type entered into during a period of 30 days preceding the entering into of the contract does not exceed \$500 are exempt from the application of the second paragraph of section 73, sections 94, 103.2, 103.3, 103.4, except the third paragraph, sections 105 and 245.2 of the Act, paragraph *b* of section 31.1 and the first two paragraphs of the fourth paragraph of section 33.

Section 103.5 of the Act does not apply to a contract that meets the conditions prescribed in the first paragraph.”

**8.** Section 14 is revoked.

**9.** Section 18 is amended

(1) by adding “or a high-cost credit contract” at the end of the portion before paragraph *a*;

(2) by revoking paragraph *d*;

(3) by inserting the following after paragraph *f*:

“(g) a person, partnership or association governed by the Insurance Act (chapter A-32).”

**10.** Section 21 is replaced by the following:

“**21.** A contract in which credit extended to a consumer is or must be secured by an immovable hypothec ranking first is exempt from the application of sections 12, 14 and 15, Chapter II of Title I, Divisions I.1, II and III of Chapter III of Title I, except sections 103.2 to 103.5 and 115.2, and Title II of the Act, except section 245.2, on the following conditions:

(a) the credit contract is the contract for which the consumer has agreed to grant a hypothec;

(b) the act constituting the hypothec identifies the contract secured by the hypothec;

(c) if the hypothec secures a credit contract other than the contract referred to in subparagraph *a*, the act constituting the hypothec provides that the consumer must agree, in that other contract, that it be secured by the hypothec.

The exemption also applies to a credit contract to amend, renew or replace the credit contract referred to in subparagraph *a* of the first paragraph.

The exemption does not apply to an open credit contract entered into for the use of a credit card.”

**11.** Section 22 is replaced by the following:

“**22.** A contract in which credit extended to a consumer is or must be secured by an immovable hypothec other than an immovable hypothec ranking first is exempt from the application of sections 12, 14 and 15, Chapter II of Title I, Divisions I.1, II and III of Chapter III of Title I, except sections 81, 86, 98, 99, 100.1, 101 to 103, 103.2 to 103.5 and 115.2, and Title II of the Act, except section 245.2, on the following conditions:

(a) at least 2 days before the act constituting a hypothec is entered into, the merchant must indicate to the consumer in writing, in dollars and cents, the credit charges determined in accordance with the Act;

(b) a copy of the writing must be attached to the act constituting a hypothec;

(c) the contract must stipulate that if, on the expiry of the contract, an amount exceeding the amount of one periodic payment is outstanding, the merchant may not demand payment thereof before 30 days after the merchant has given a notice in writing of the merchant’s intention to the consumer, except in the case of default by the consumer.

The conditions set out in subparagraphs *a*, *b* and *c* of the first paragraph of section 21 and the second and third paragraphs of that section apply, with the necessary modifications, to the contract for which credit extended to the consumer is or must be secured by an immovable hypothec other than an immovable hypothec ranking first.”

**12.** Section 23 is revoked.

**13.** Section 24 is amended by replacing “annexée” in the second paragraph of the French text by “jointe”.

**14.** Section 26 is amended

(1) by replacing “or 214.2” in the first paragraph by “, 214.2 or 214.16”;

(2) by replacing the second paragraph by the following:

“The contract must be evidenced on good quality white paper.”

**15.** Section 28.1 is revoked.

**16.** Section 29 is amended by replacing “and 45.2” in the first paragraph by “, 45.2 and 50.0.1”.

**17.** The following is inserted after the heading of Division II of Chapter IV:

“**§0.1. High-cost credit contract**

**31.1.** The compulsory clauses provided for in sections 33 and 39 must, where the contracts referred to in those sections are high-cost contracts, include the following modifications:

(a) by adding “High-cost” before “Contract for the loan of money” or “Contract involving credit” in the portion in parentheses;

(b) by replacing the words “2 days” wherever they appear in the compulsory clause by “10 days”.

**31.2.** The compulsory clauses provided for in sections 35 and 36 must, where the contracts referred to in those sections are high-cost contracts, include the following modifications:

(a) by adding “High-cost” before “Open credit contract for the use of a credit card” or “Open credit contract other than that entered into for the use of a credit card” in the portion in parentheses;

(b) the clause must include, in addition to what is provided for section 35 or 36, as the case may be, immediately before paragraph 1, the following paragraph:

“(0.1) A consumer may resolve, free of cost, this contract within 10 days after the date on which each party takes possession of a duplicate of the contract.

To resolve the contract, the consumer must

(a) remit the part of the granted credit that the consumer used to the merchant or the merchant’s representative if the credit has been granted at the time each party took possession of a duplicate of the contract;

(b) send a written notice to that effect or remit the part of the granted credit that the consumer used to the merchant or the merchant’s representative if the credit has not been granted at the time each party takes possession of a duplicate of the contract.

The contract is resolved, without other formality, as soon as the consumer remits the part of the credit that the consumer used or sends the notice.”;

(c) by adding “73, 74, 76,” after “It is in the consumer’s interest to refer to sections” in the last paragraph.

**18.** Section 32 is replaced by the following:

“**32.** If subscription to or participation in an insurance is a condition for entering into a credit contract or a long-term contract of lease of goods, the contract must contain the following compulsory clause:

“Clause required under the Consumer Protection Act.

(Insurance)

Before entering into this contract, the merchant requires the consumer to hold an insurance (indicate the type of insurance required).

A consumer may meet that requirement

(a) either by subscribing to or participating in the insurance that may be recommended by the merchant;

(b) by subscribing to or participating in an insurance with an insurer and the insurance representative chosen by the consumer; or

(c) with an insurance the consumer already holds.

The merchant may not refuse the insurance chosen or held by the consumer without reasonable grounds.

It is in the consumer’s interest to refer to sections 111 and 112 of the Consumer Protection Act (chapter P-40.1) and, if further information is necessary, to contact the Office de la protection du consommateur.”.

**19.** Section 33 is replaced by the following:

“**33.** In addition to the clauses prescribed by sections 61.0.7 and 61.0.8, a contract for the loan of money must also contain the following compulsory clause:

“Clause required under the Consumer Protection Act.

(Contract for the loan of money)

(1) The consumer may cancel this contract without charge within 2 days following that on which each party takes possession of a duplicate of the contract.

To cancel the contract, the consumer must

(a) return the money to the merchant or the merchant’s representative, if the consumer received the money at the time each party took possession of a duplicate of the contract;

(b) send a notice in writing to that effect, or return the money to the merchant or the merchant’s representative if the money was not returned to the merchant or the merchant’s representative at the time each party took possession of a duplicate of the contract.

The contract is cancelled, without further formality, as soon as the consumer returns the money or forwards the notice.

(2) If the consumer uses all or part of the net capital to make full or partial payment for the purchase or the lease of goods or for a service, the consumer may, if the contract for the loan of money was entered into on the making of and in relation to the sale, lease or service contract, and if the merchant and the lender collaborated with a view to granting loans, plead against the lender any ground of defence urgeable against the merchant who is the vendor, lessor, contractor or service provider.

The consumer may also, in the circumstances described above, exercise against the lender, or against the lender’s assignee, any right exercisable against the merchant who is the vendor, lessor, contractor or service provider if that merchant is no longer active or has no assets in Québec, is insolvent or is declared bankrupt. The lender or the lender’s assignee is then responsible for the performance of the obligations of the merchant who is the vendor, lessor, contractor or service provider up to the amount of, as the case may be, the debt owed to the lender at the time the contract is entered into, the debt owed to the assignee at the time it was assigned to him or the payment the lender received if he assigned the debt.

(3) The consumer may pay, in whole or in part, the amount of the obligation before maturity.

The balance due is equal at all times to the sum of the balance of net capital and credit charges calculated in accordance with the Act and the Regulation respecting the application of the Consumer Protection Act.

(4) The consumer may, once a month and without charge, request a statement of account from the merchant; the latter must furnish the consumer with the statement of account or forward it to the consumer as soon as possible but at the latest within 10 days of the receipt of the request.

In addition to the statement of account prescribed above, the consumer who wishes to pay the balance of his obligation before maturity may, at all times and without



charge, request a statement of account from the merchant; the latter must furnish the consumer with the statement of account or forward it to the consumer as soon as possible but at the latest within 10 days of the receipt of the request.

It is in the consumer's interest to refer to sections 73, 74, 76, 91, 93 and 103.1 of the Consumer Protection Act (chapter P-40.1) and, if further information is necessary, to contact the Office de la protection du consommateur.””.

**20.** Section 35 is replaced by the following:

“**35.** Open credit contracts entered into for the use of a credit card must contain, in addition to the clauses referred to in sections 61.0.10 and 61.0.12 of this Regulation, the following compulsory clause:

“Clause required under the Consumer Protection Act.

(Open credit contract for the use of a credit card)

(1) If the consumer uses all or part of the credit extended to make full or partial payment for the purchase or the lease of goods or for a service, the consumer may, if the open credit contract was entered into on the making of and in relation to the sale, lease or service contract, and if the merchant and the open credit merchant collaborated with a view to granting credit, plead against the lender any ground of defence urgeable against the merchant who is the vendor, lessor, contractor or service provider.

The consumer may also, in the circumstances described in the first paragraph, exercise against the open credit merchant, or against the merchant's assignee, any right exercisable against the merchant who is the vendor, lessor, contractor or service provider if that merchant is no longer active or has no assets in Québec, is insolvent or is declared bankrupt. The open credit merchant or the merchant's assignee is then responsible for the performance of the obligations of the merchant who is the vendor, lessor, contractor or service provider up to the amount of, as the case may be, the debt owed to the open credit merchant at the time the contract is entered into, the debt owed to the assignee at the time it was assigned to him or the payment the open credit merchant received if he assigned the debt.

(2) A consumer who is solidarily liable with another consumer for the obligations arising from an open credit contract is released from the obligations resulting from any use of the open credit account after notifying the merchant in writing that he will no longer use the credit extended and no longer intends to be solidarily liable for the other consumer's future use of the credit extended in advance, and after providing proof to the merchant, on that occasion, that he informed the other consumer by sending him a written notice to that effect at his last known address or technological address.

Any subsequent payment made by the consumer must be applied to the debts contracted before the notice was sent to the merchant.

(3) A consumer who has entered into a preauthorized payment agreement with a merchant under which payments are made out of credit obtained under a credit card contract may end the agreement at any time by sending a notice to the merchant.

On receipt of the notice, the merchant must cease to collect the preauthorized payments.

On receipt of a copy of the notice, the card issuer must cease debiting the consumer's account to make payments to the merchant.

(4) The consumer is not liable for debts resulting from the use of a credit card by a third person after the card issuer has been notified, by any means, of the loss, theft or fraudulent use of the card or of any other use of the card not authorized by the consumer. Even if no notice was given, consumer liability for the unauthorized use of a credit card is limited to \$50. The consumer is held liable for the losses incurred by the card issuer if the latter proves that the consumer committed a gross fault as regards the protection of the related personal identification number.

(5) Without delay at the end of each period, the merchant must send the consumer a statement of account. The merchant is not required to send a statement of account to the consumer at the end of any period if there have been no advances or payments during the period and the outstanding balance at the end of the period is zero.

(6) If the consumer makes a payment at least equal to the outstanding balance at the end of the preceding period within 21 days after the date of the end of the period, no credit charges may be required from the consumer on that outstanding balance, except as regards money advances. In the case of a money advance, charges may accrue as of the date of the advance until the date of payment.

(7) The consumer may demand that the merchant send, without charge, a copy of the vouchers for each of the transactions charged to the account during the period covered by the statement. The merchant must send the copy of the vouchers requested within 60 days after the date the consumer's request was sent.

(8) Until the consumer receives a statement of account at his address or technological address if expressly authorized by the consumer, the merchant must not claim credit charges on the unpaid balance, except as regards money advances.

It is in the consumer's interest to refer to sections 103.1, 122.1, 123, 123.1, 124, 126, 126.2, 126.3, 127 and 127.1 of the Consumer Protection Act (chapter P-40.1) and, if further information is necessary, to contact the Office de la protection du consommateur."".

**21.** Section 36 is replaced by the following:

“**36.** An open credit contract other than that entered into for the use of a credit card must contain, in addition to the clauses prescribed by sections 61.0.10 and 61.0.11, the following compulsory clause:

“Clause required under the Consumer Protection Act.

(Open credit contract other than that entered into for the use of a credit card)

(1) If the consumer uses all or part of the credit extended to make full or partial payment for the purchase or the lease of goods or for a service, the consumer may, if the open credit contract was entered into on the making of and in relation to the sale, lease or service contract, and if the merchant and the open credit merchant collaborated with a view to granting credit, plead against the lender any ground of defence urgeable against the merchant who is the vendor, lessor, contractor or service provider.

The consumer may also, in the circumstances described in the first paragraph, exercise against the open credit merchant, or against the merchant's assignee, any right exercisable against the merchant who is the vendor, lessor, contractor or service provider if that merchant is no longer active or has no assets in Québec, is insolvent or is declared bankrupt. The open credit merchant or the merchant's assignee is then responsible for the performance of the obligations of the merchant who is the vendor, lessor, contractor or service provider up to the amount of, as the case may be, the debt owed to the open credit merchant at the time the contract is entered into, the debt owed to the assignee at the time it was assigned to him or the payment the open credit merchant received if he assigned the debt.

(2) A consumer who is solidarily liable with another consumer for the obligations arising from an open credit contract is released from the obligations resulting from any use of the open credit account after notifying the merchant in writing that he will no longer use the credit extended and no longer intends to be solidarily liable for the other consumer's future use of the credit extended in advance, and after providing proof to the merchant, on that occasion, that he informed the other consumer by sending him a written notice to that effect at his last known address or technological address.

Any subsequent payment made by the consumer must be applied to the debts contracted before the notice was sent to the merchant.

(3) Without delay at the end of each period, the merchant must send the consumer a statement of account. The merchant is not required to send a statement of account to the consumer at the end of any period if there have been no advances or payments during the period and the outstanding balance at the end of the period is zero.

(4) If the consumer makes a payment at least equal to the outstanding balance at the end of the preceding period within 21 days after the date of the end of the period, no credit charges may be required from the consumer on that outstanding balance, except as regards money advances. In the case of a money advance, charges may accrue as of the date of the advance until the date of payment.

(5) The consumer may demand that the merchant send, without charge, a copy of the vouchers for each of the transactions charged to the account during the period covered by the statement. The merchant must send the copy of the vouchers requested within 60 days after the date the consumer's request was sent.

(6) Until the consumer receives a statement of account at his address or technological address if expressly authorized by the consumer, the merchant must not claim credit charges on the unpaid balance, except as regards money advances.

It is in the consumer's interest to refer to sections 103.1, 122.1, 126, 126.2, 126.3, 127 and 127.1 of the Consumer Protection Act (chapter P-40.1) and, if further information is necessary, to contact the Office de la protection du consommateur."".

**22.** Section 38 is amended

(1) by replacing “prescribed in Schedules 5 or 7 of the Act” by “prescribed by sections 61.0.13 or 61.0.15 and 61.0.14 or 61.0.16”;

(2) by replacing “116” in the last paragraph of the required clause by “103”.

**23.** Section 39 is amended

(1) by replacing “prescribed in Schedules 5 or 7 of the Act” by “prescribed by sections 61.0.13 or 61.0.15 and 61.0.14 or 61.0.16”;

(2) by replacing “a new automobile” in subparagraph 1 of the first paragraph of the required clause by “a new road vehicle”.

**24.** Section 40 is amended by replacing “Schedule 5 of the Act” by “sections 61.0.13 and 61.0.14”.

**25.** Section 41 is amended by replacing “prescribed in Schedule 5 of the Act” by “prescribed by sections 61.0.13 and 61.0.14”.

**26.** Section 42 is amended by replacing “prescribed in Schedule 7 of the Act” by “prescribed by sections 61.0.15 and 61.0.16”.

**27.** Section 44 is amended by replacing “prescribed in Schedule 5” by “prescribed by section 61.0.13”.

**28.** Section 45 is amended by replacing “prescribed in Schedule 5” by “prescribed by section 61.0.13”.

**29.** Section 45.1 is amended by replacing “116” in the last paragraph of the required clause by “103”.

**30.** Section 45.2 is amended by replacing “prescribed in Schedule 7.3 of the Act” by “prescribed by section 69.4.1”.

**31.** Section 45.3 is amended by replacing “prescribed in Schedule 7.3 of the Act” by “prescribed by section 69.4.1”.

**32.** Section 45.4 is amended

(1) by replacing “prescribed in Schedule 7.3 of the Act” by “prescribed by section 69.4.1”;

(2) by replacing “a new automobile” in the second paragraph of the required clause by “a new road vehicle”.

**33.** The following is inserted after section 50:

**“DIVISION V****CONTRACT ENTERED INTO BY A DEBT SETTLEMENT SERVICE MERCHANT**

**50.0.1.** A debt settlement service contract that provides for services referred to in paragraph *a* or *b* of section 214.12 of the Act, must contain, at the very beginning, in addition to the clauses provided for in section 79.13, the following compulsory box:

“Clause required under the Consumer Protection Act.

(Contract entered into by a debt settlement service merchant)

Your creditors could refuse to reduce your debts.
Your creditors could make a judicial demand if you stop your payments. Ceasing payments could affect your credit rating.
The merchant is not allowed to advise against communicating with your creditors.
You do not have to pay the merchant before payments are made to your creditors. The merchant may not require charges and fees of more than 15% of the savings made. The charges and fees must be spread over the term of the contract.

”

The text of the compulsory box must be in bold type of at least 14 points.

**50.0.2.** A contract entered into by a debt settlement service merchant must contain at the very beginning of the contract, but immediately after the compulsory box provided for in section 50.0.1 where applicable, the following statement of consumer cancellation rights:

**“STATEMENT OF CONSUMER CANCELLATION RIGHTS**

You may cancel this contract for any reason within 10 days after the date on which each party has possession of a copy of the contract.

If the merchant does not provide a service stated in the contract within 30 days following the agreed date, you have 1 year to cancel the contract. You lose that right if you accept the service after that 30-day period. There are other grounds for an extension of the cancellation period to 1 year, for example if the merchant does not hold a permit or has not provided the required security at the time the contract is entered into or the services never performed, or if the contract is incorrectly made or worded. For more information, you may seek legal advice or contact the Office de la protection du consommateur.

If you cancel the contract, the debt settlement service merchant must refund all amounts you have paid, and return to you the goods received in payment, as a trade-in or on account; if the merchant is unable to return the goods, you are entitled to receive the highest of an amount of money corresponding to the value indicated in the contract or the cash value of the goods, within 15 days of cancellation. You also have 15 days to return to the debt settlement service merchant any goods you received from the merchant.”

To cancel, you must send the merchant the cancellation form attached to the contract or send the merchant another written notice to that effect. The form or notice must be sent to the debt settlement service merchant at the address indicated on the form, or at any other address for the debt settlement service merchant indicated in the contract. You may give notice of cancellation in person. You may also use any other method. It is recommended to use a method that will allow you to prove that you gave notice, including registered mail, email, fax and courier.

It is in the consumer’s interest to refer to sections 214.17 to 214.22 and 214.26 of the Consumer Protection Act (chapter P-40.1) and, if further information is necessary, contact the Office de la protection du consommateur.”

The statement must show

- (a) the heading, in bold type of at least 12 points;
- (b) the statement of the 10-day cancellation contained in the first paragraph, in typeface of at least 12 points;
- (c) all numbers in bold type; and
- (d) the remainder of the text in typeface of at least 10 points.”

**34.** The following is inserted after section 50.1:

**“CHAPTER IV.2**

**CONTRACT ENTERED INTO BY AN ITINERANT MERCHANT**

**50.2.** The Statement of consumer cancellation rights and the cancellation form that the merchant must attach to the contract under the second paragraph of section 58 of the Act constitutes a document on which appear only the compulsory notice immediately followed by the following compulsory form:

*(CONSUMER PROTECTION ACT, SECTION 58)*

**STATEMENT OF CONSUMER CANCELLATION RIGHTS**

You may cancel this contract for any reason within 10 days after you receive a copy of the contract along with the other required documents.

If you do not receive the goods or services within 30 days of the date stated in the contract, you may cancel the contract within one year. You lose that right if you accept delivery after the 30-day period. There are other grounds for an extension of the cancellation period to one year, for example if the itinerant merchant does not hold a permit or has not provided the required security at the time the contract is entered into or if the contract is incorrectly made or worded. For more information, you may seek legal advice or contact the Office de la protection du consommateur.

If you cancel the contract, the itinerant merchant must refund all amounts you have paid, and return to you the goods received in payment, as a trade-in or on account; if the merchant is unable to return the goods, you are entitled to receive an amount of money corresponding to the value indicated in the contract or the cash value of the goods, within 15 days of cancellation. You also have 15 days to return to the merchant any goods you received from the merchant.

To cancel, you must return the items received from the merchant to the merchant or the merchant’s representative, send the merchant the cancellation form printed below, or send the merchant another written notice of cancellation. The form or written notice must be sent to the merchant or the merchant’s representative at the address indicated on the form, or at any other address indicated in the contract. You may give notice of cancellation in person. You may also use any other method. It is recommended to use a method that will allow you to prove that you gave notice, including registered mail, email, fax and courier.

-----

## CANCELLATION FORM

*(detachable from schedule)*

## TO BE COMPLETED BY THE MERCHANT

TO: .....  
 (name of itinerant merchant or representative)

.....  
 .....  
 (address of itinerant merchant or representative)

Telephone number of itinerant merchant  
 or representative: (.....) .....  
 Fax number of itinerant merchant  
 or representative: (.....) .....  
 Where applicable, technological address of itinerant merchant  
 or representative: .....

## TO BE COMPLETED BY THE CONSUMER

DATE: ..... (date on which form is sent)  
 Under section 59 of the Consumer Protection Act, I hereby cancel  
 the contract No. ....  
 (contract number, if any) entered into on .....  
 ..... (date on which contract was entered into)  
 at:.....  
 (address where consumer entered into contract)

..... (name of consumer)  
 Telephone number of consumer: (.....) .....  
 Fax number of consumer: (.....) .....  
 Electronic address of consumer: .....

.....  
 (address of consumer)

.....  
 (signature of consumer)"

The statement must show

- (a) the heading, in bold type of at least 12 points;
- (b) the statement of the 10-day cancellation contained in the first paragraph, in typeface of at least 12 points;
- (c) all numbers in bold type.

The remainder of the text of the statement and cancellation form must be in typeface of at least 10 points."".

**35.** Section 54.1 is replaced by the following:

“**54.1.** Where life, health, accident or employment insurance in respect of the consumer is established for the benefit of the merchant under a credit contract, and where the insurance premium constitutes credit charges within the meaning of sections 69 and 70 of the Act, and credit charges arising from payment of the premium by the merchant are imposed to the consumer, the merchant

must disclose in the contract, as components of the credit charges, both the amount of the premium and the cost of the credit charges related thereto, and must include both components in the total credit charges, as well as for the purpose of calculating and disclosing the credit rate in accordance with the Act.”

**36.** Section 61 is amended by replacing “mailing by the merchant of the statement of account required under section 126 of the Act” by “date of the end of the period”.

**37.** The following is inserted after section 61:

“**DIVISION II.1**

**ASSESSMENT OF CONSUMER’S CAPACITY TO REPAY CREDIT OR PERFORM OBLIGATIONS**

**61.0.1.** For the purposes of sections 103.2 and 150.3.1 of the Act, the merchant who takes into account the following information is deemed to have assessed the consumer’s capacity:

- (a) the general level of the consumer’s gross income;
- (b) the total of the monthly recurring disbursements related to housing, or the monthly cost if they are made on a basis other than monthly;
- (c) the total of the monthly disbursements required under a credit contract or to pay the lease of a long-term contract of lease of goods, or their monthly cost if they are made on a basis other than monthly;
- (d) the information contained in a contemporaneous credit report made on a consumer by a personal information officer within the meaning of the Act respecting the protection of personal information in the private sector (chapter P-39.1);
- (e) where applicable, the credit history with that merchant.

**61.0.2.** For the purposes of paragraph *a* of section 61.0.1, the information collected by the merchant on the consumer’s main income must allow the identification of the consumer’s gross income and the source of income and, where applicable, occupation, employment situation, employer and the duration of the employment relationship.

**61.0.3.** The credit contract under which the credit rate, calculated in accordance with the Act at the time the contract was entered into, exceeds the rate obtained by increasing by 22 percentage points the Bank Rate of the Bank of Canada is a high-cost credit contract.

For the purposes of the first paragraph, the Bank Rate is the rate in force on the expiry of a 2-day period following its announcement by the Bank of Canada.

In the case of an open credit contract, to determine if the contract is high cost, the credit rate applicable under the contract in case of default of the consumer is not taken into account.



**61.0.4.** For the purposes of section 103.4 of the Act, the consumer's debt ratio corresponds to the expression in percentage of the fraction that constitutes the sum of the following monthly disbursements in relation to the consumer's monthly income:

- (a) the disbursements referred to in paragraphs *b* and *c* of section 61.0.1;
- (b) the disbursements payable under the contract proposed to the consumer by the merchant or their monthly cost if they are established on a basis other than monthly.

For the purposes of subparagraph *a* of the first paragraph, disbursements required under a contract are not taken into account if the contract must be replaced by the contract referred to in subparagraph *b* of the first paragraph.

For the purposes of subparagraph *b* of the first paragraph, if the contract proposed is an open credit contract, the minimum periodic payment that would be payable if the credit limit were reached is used.

**61.0.5.** For the purposes of section 103.4 of the Act, the merchant must give to the consumer a document on which only appears the following information:

- (a) the information taken into account to assess the consumer's capacity to repay the credit;
- (b) the methods for calculating the debt ratio provided for in section 61.0.4;
- (c) the elements used in the calculation of the consumer's debt ratio;
- (d) the consumer's debt ratio, calculated in accordance with section 61.0.4;
- (e) if the debt ratio exceeds the ratio identified in section 61.0.6, the following compulsory clause:

“WARNING

You are about to enter into a high-cost credit contract. The contract includes an obligation on your part that is presumed excessive, abusive or exorbitant within the meaning of the Consumer Protection Act.

It is in the consumer's interest to refer to sections 8 and 9 of the Consumer Protection Act (chapter P-40.1) and, if necessary, consult the Office de la protection du consommateur.”

The compulsory clause must show the text in typeface of at least 12 points and the heading in bold type.

**61.0.6.** For the purposes of section 103.5 of the Act, the debt ratio, calculated in accordance with section 61.0.4 is 45%.

**DIVISION II.2**

**CONTRACT FOR THE LOAN OF MONEY**

**61.0.7.** The contract for the loan of money must comply with the following standard contract and provide as many lines as necessary to meet all the requirements:

CONTRACT FOR THE LOAN OF MONEY (*where applicable, add HIGH-COST at the beginning*)

(*CONSUMER PROTECTION ACT, S. 115*)

Date: .....  
(*date on which contract is entered into*)

Place: .....  
(*place where contract is entered into*)

.....  
(*name of merchant*)

.....  
.....  
(*address of merchant*)

.....  
(*Where applicable, technological address of merchant*)

.....  
(*Where applicable, merchant's permit number*)

.....  
(*name of consumer*)

.....

.....

(address of consumer)

- 1. Net capital \$.....
- 2. Interest \$.....
- 3. Other components of credit charges \$.....
- 4. Total of credit charges for the term of the loan \$.....
- 5. Total obligation of consumer \$.....
- 6. Credit rate =====%

(Where the capital is paid in a number of advance payments, the amount and date of any advance payment made or to be made to the consumer or how that amount and the date are determined:

.....)

The term of this contract is .....

Date on which credit charges begin to accrue (or how that date is determined):

.....

The total obligation of the consumer is payable at ..... (address) in ..... (number) deferred payments of \$..... on ..... (number) day of each consecutive month as of ..... (due date of the first payment) and a final payment of \$..... on .....(due date of the last payment)

(Where applicable, mention the nature of any optional contracts, the charge for such contracts or how it is determined and that the consumer has a right of resiliation with respect to such contracts.)

(Where applicable, mention the existence and the subject matter of any security given by the consumer to guarantee the performance of the consumer's obligations.)

The merchant performs the merchant's principal obligation when entering into this contract.

Yes

No

if "no",

on .....

*(date of the performance of the merchant's principal obligation)*

**61.0.8.** The contract for the loan of money must include, at the very beginning, any of the boxes providing the following information, as the case may be:

#### INFORMATION BOX — CONTRACT FOR THE LOAN OF MONEY

Net capital paid in one instalment

(Consumer Protection Act, section 115)

Net capital	<i>Indicate the net capital of the loan.</i>
Credit rate	<i>Indicate the credit rate calculated in accordance with the Consumer Protection Act.</i>
Term of contract	<i>Indicate the term of the contract.</i>

Date on which credit charges begin to accrue or how that date is determined	<i>Indicate the date on which credit charges begin to accrue or how that date is determined.</i>
Payments	<i>Indicate the amount, frequency and date of the payments (or the day on which they are payable).</i>

INFORMATION BOX — CONTRACT FOR THE LOAN OF MONEY AT A VARIABLE RATE

Net capital paid in one instalment

(Consumer Protection Act, section 115)

Net capital	<i>Indicate the net capital of the loan.</i>
Initial credit rate	<i>Indicate the credit rate calculated in accordance with the Consumer Protection Act applicable on the date of the contract and the fact that it is variable during the contract.</i>
Term of the contract determined according to the initial credit rate	<i>Indicate the term of the contract according to the initial credit rate.</i>
Date on which credit charges begin to accrue or how that date is determined	<i>Indicate the date on which credit charges begin to accrue or how that date is determined.</i>
Payments determined according to the initial credit rate	<i>Indicate, according to the initial credit rate, the amount and the frequency of the payments, and the date of the payments (or the day on which they are payable).</i>

## INFORMATION BOX — CONTRACT FOR THE LOAN OF MONEY

Net capital paid in a number of advance payments

(Consumer Protection Act, section 115)

Net capital	<i>Indicate the net capital of the loan.</i>
Credit rate	<i>Indicate the credit rate calculated in accordance with the Consumer Protection Act.</i>
Term of contract	<i>Indicate the term of the contract.</i>
Amount and date advance payments on net capital or how they are determined	<i>Indicate the amount and date of the advance payments on the net capital of the loan or how they are determined.</i>
Date on which credit charges begin to accrue or how that date is determined	<i>Indicate the date on which credit charges begin to accrue or how that date is determined.</i>
Payments	<i>Indicate the amount, frequency and date of the payments (or the day on which they are payable).</i>

INFORMATION BOX — CONTRACT FOR THE LOAN OF MONEY AT A VARIABLE RATE

Net capital paid in a number of advance payments

(Consumer Protection Act, section 115)

Net capital	<i>Indicate the net capital of the loan.</i>
Initial credit rate	<i>Indicate the credit rate calculated in accordance with the Consumer Protection Act applicable on the date of the contract, and the fact that it is variable during the contract.</i>
Term of the contract established according to the initial credit rate	<i>Indicate the term of the contract according to the initial credit rate.</i>
Amount and date of advance payments on the net capital or how the amount and date are determined	<i>Indicate the amount and date of the advance payments on the net capital of the loan or how the amount and date are determined.</i>
Date on which credit charges begin to accrue or how that date is determined	<i>Indicate the date on which credit charges begin to accrue or how that date is determined.</i>
Payments established according to the initial credit rate	<i>Indicate, according to the initial credit rate, the amount and frequency of the payments, and the date of the payments (or the day on which they are payable).</i>

The box provided for in the first paragraph may be given to the consumer in a separate document provided no later than with the contract. The merchant is then exempt from the obligation of providing it at the very beginning of the contract.

**DIVISION II.3****CREDIT CARD APPLICATION FORM**

**61.0.9.** The credit card application form must include, at the very beginning, any of the boxes providing the following information, as the case may be:

**INFORMATION BOX — CREDIT CARD APPLICATION FORM**

(Consumer Protection Act, section 119.1)

Credit rate	<i>Indicate the credit rate calculated in accordance with the Consumer Protection Act.</i>
Grace period	<i>Indicate the period given to pay outstanding amounts without having to pay credit charges, except as regards money advances.</i>
Other charges	<i>Indicate the other charges likely to be required, in accordance with section 72 of the Consumer Protection Act or as charges other than credit charges.</i>



INFORMATION BOX — APPLICATION FORM FOR A CREDIT CARD AT A  
VARIABLE RATE

(Consumer Protection Act, section 119.1)

Initial credit rate	<i>Indicate the credit rate calculated in accordance with the Consumer Protection Act applicable on the date of the contract and the fact that the rate is variable during the contract.</i>
Grace period	<i>Indicate the period given to pay outstanding amounts without having to pay credit charges, except as regards money advances.</i>
Other charges	<i>Indicate the other charges likely to be required in accordance with section 72 of the Consumer Protection Act or as charges other than credit charges.</i>

The box provided for in the first paragraph may be given to the consumer in a separate document provided no later than with the credit card application form. The merchant is then exempt from the obligation of providing it at the very beginning of the form.

**DIVISION II.4**  
**OPEN CREDIT CONTRACT**

**61.0.10.** The open credit contract must comply with the following standard contract and provide as many lines as necessary to meet all the requirements:

OPEN CREDIT CONTRACT (*where applicable, add HIGH-COST at the beginning*)

(*CONSUMER PROTECTION ACT, S. 125*)

Date: .....

(*date on which contract is entered into*)

Place: .....

(*place where contract is entered into*)

.....

(*name of merchant*)

.....

.....

(*address of merchant*)

.....

(*where applicable, technological address of merchant*)

.....

(*Where applicable, the merchant's permit number*)

.....

(name of consumer)

.....

.....

(address of consumer)

- 1. Amount up to which the credit is granted      \$.....
- 2. Membership or renewal fees or fees for the replacement of a lost or stolen credit card      \$.....
- 3. The length of each period for which a statement of account is provided.....
- 4. Minimum periodic payment or method of calculating that payment  
.....
- 5. Period during which the consumer may discharge the obligation without being compelled to pay credit charges  
.....
- 6. Credit rate      =====%

(Where applicable, mention the nature of any optional contracts, the charge for such contracts, or how it is determined and that the consumer has a right of resciliation with respect to such contracts.)

(Where applicable, mention the existence and the subject matter of any security given by the consumer to guarantee the performance of the consumer's obligations.)

Telephone number that the consumer can use, at no charge, to obtain information about the contract in the language of the contract (if not, clearly state that collect calls are accepted) .....

.....

Table of examples of credit charges

--	--

**61.0.11.** An open credit contract other than the contract entered into for using a credit card must include, at the very beginning, any of the boxes providing the following information, as the case may be:

INFORMATION BOX — OPEN CREDIT CONTRACT OTHER THAN FOR THE USE OF A CREDIT CARD

(Consumer Protection Act, section 125)

Credit limit granted	<i>Indicate the amount of the credit limit granted.</i>
Credit rate	<i>Indicate the credit rate calculated in accordance with the Consumer Protection Act.</i>
Minimum periodic payment	<i>Indicate the amount of the minimum periodic payment or the method of calculating that payment for each period.</i>
Other charges	<i>Indicate the other charges likely to be required in accordance with section 72 of the Consumer Protection Act or as charges other than credit charges.</i>

INFORMATION BOX — VARIABLE RATE OPEN CREDIT CONTRACT,  
OTHER THAN FOR USING A CREDIT CARD

(Consumer Protection Act, section 125)

Credit limit granted	<i>Indicate the amount of the credit limit granted.</i>
Initial credit rate	<i>Indicate the credit rate calculated in accordance with the Consumer Protection Act applicable on the date of the contract, and the fact that it is variable during the contract.</i>
Minimum periodic payment	<i>Indicate the amount of the minimum periodic payment or the method of calculating that payment for each period.</i>
Other charges	<i>Indicate the other charges likely to be required in accordance with section 72 of the Consumer Protection Act or as charges other than credit charges.</i>

The box provided for in the first paragraph may be given to the consumer in a separate document provided no later than with the contract. The merchant is then exempt from the obligation of providing it at the very beginning of the contract.

**61.0.12.** An open credit contract entered into for the use of a credit card must include, at the very beginning, any of the boxes providing the following information, as the case may be:

INFORMATION BOX — OPEN CREDIT CONTRACT FOR USING A CREDIT CARD

(Consumer Protection Act, section 125)

Credit limit granted	<i>Indicate the amount of the credit limit granted.</i>
Credit rate	<i>Indicate the credit rate calculated in accordance with the Consumer Protection Act.</i>
Grace period	<i>Indicate the period given to pay outstanding amounts without having to pay credit charges, except as regards money advances.</i>
Minimum periodic payment	<i>Indicate the amount of the minimum periodic payment or the method of calculating that payment for each period.</i>
Other charges	<i>Indicate the other charges likely to be required in accordance with section 72 of the Consumer Protection Act or as charges other than credit charges.</i>

INFORMATION BOX — OPEN CREDIT CONTRACT FOR USING A CREDIT CARD WITH A VARIABLE RATE

(Consumer Protection Act, section 125)

Credit limit granted	<i>Indicate the amount of the credit limit granted.</i>
<i>Initial credit rate</i>	<i>Indicate the credit rate calculated in accordance with the Consumer Protection Act applicable on the date of the contract, and the fact that it is variable during the contract.</i>
Grace period	<i>Indicate the period given to pay outstanding amounts without having to pay credit charges, except as regards money advances.</i>
Minimum periodic payment	<i>Indicate the amount of the minimum periodic payment or the method of calculating that payment for each period.</i>
Other charges	<i>Indicate the other charges likely to be required in accordance with section 72 of the Consumer Protection Act or as charges other than credit charges.</i>

The box provided for in the first paragraph may be given to the consumer in a separate document provided no later than with the contract. The merchant is then exempt from the obligation of providing it at the very beginning of the contract.

**DIVISION II.5**  
INSTALMENT SALE CONTRACT

**61.0.13.** An instalment sale contract must comply with the following standard contract and provided as many lines as necessary to meet all the requirements:

INSTALMENT SALE CONTRACT *(where applicable, add HIGH-COST at the beginning)*

*(CONSUMER PROTECTION ACT, S. 134)*

Date: .....

*(date on which contract is entered into)*

Place: .....

*(place where contract is entered into)*

.....

*(name of merchant)*

.....

.....

*(address of merchant)*

.....

*(where applicable, technological address of merchant)*

.....

*(Where applicable, the merchant's permit number)*

.....

*(name of consumer)*



.....

.....

(address of consumer)

Description of the goods that are the subject matter of the contract

.....

- |    |  |         |
|----|--|---------|
| 1. | (a) Cash sale price of the goods                         | \$..... |
|    | (b) Installation, delivery and other costs               | \$..... |
| 2. | (a) Total cash price                                     | \$===== |
|    | (b) Cash payment   | \$..... |
|    | (c) Value of any goods given in exchange                 | \$..... |
| 3. | (a) Balance — Net capital                                | \$===== |
|    | (b) Interest   | \$..... |
|    | (c) Other components of the credit charges               | \$..... |
| 4. | Total of the credit charges for the term of the contract | \$===== |
| 5. | Consumer's total obligation                              | \$===== |
|    | Credit rate  | .....%  |

The term of this contract is .....

Date on which credit charges begin to accrue (or how that date is determined):

.....

The consumer's total obligation is payable at ..... (address) in .....  
deferred payments of \$..... on ..... day (number) of each consecutive  
month as of..... (due date of the first payment) and a final payment of \$.....  
on .....(due date of the last payment).

(Where applicable, mention the nature of any optional contracts, the charge for such  
contracts, or how it is determined and that the consumer has a right of resiliation  
with respect to such contracts.)

(Where applicable, mention the existence and the subject matter of any security  
given by the consumer to guarantee the performance of the consumer's obligations.)

The merchant delivers the good(s) subject to this contract when entering into this  
contract.

- Yes  
 No

if "no",

on .....

(date of delivery of goods)

The merchant remains the owner of the goods sold and the transfer of the right of  
ownership does not take place when the contract is entered into, but will take place  
only (describe the time and terms of the transfer of ownership).

**61.0.14.** An instalment sale contract must include, at the very beginning, any  
of the boxes providing the following information, as the case may be:

**INFORMATION BOX — INSTALMENT SALE CONTRACT**

(Consumer Protection Act, section 134)

Net capital	<i>Indicate the net capital of the instalment sale contract.</i>
Credit rate	<i>Indicate the credit rate calculated in accordance with the Consumer Protection Act.</i>

Term of contract	<i>Indicate the term of the contract, and the fact that the consumer may, without charges or penalties, prepay all or part of the outstanding balance.</i>
Date of delivery of the goods	<i>Indicate the date on which the goods must be delivered to the consumer.</i>
Date on which credit charges begin to accrue or how that date is determined	<i>Indicate the date on which credit charges begin to accrue or how that date is determined. Indicate that if the goods are delivered more than 7 days after the contract is entered into, credit charges may not accrue before the delivery date.</i>
Payments	<i>Indicate the amount, frequency and date of the payments (or the day on which they are payable).</i>
Cancellation period	<i>Indicate the consumer's cancellation period, of 2 or 10 days, as the case may be, except where the contract concerns a new road vehicle that the consumer has received.</i>

INFORMATION BOX — VARIABLE RATE INSTALMENT SALE  
CONTRACT

(Consumer Protection Act, section 134)

Net capital	<i>Indicate the net capital of the instalment sale contract.</i>
Initial credit rate	<i>Indicate the credit rate calculated in accordance with the Consumer Protection Act applicable on the date of the contract, and the fact that it is variable during the contract.</i>
Term of the contract established according to the initial credit rate	<i>Indicate the term of the contract, according to the initial credit rate, and the fact that the consumer may, without charges or penalties, prepay all or part of the outstanding balance.</i>
Date of delivery of the goods	<i>Indicate the date on which the goods must be delivered to the consumer.</i>
Date on which credit charges begin to accrue or how that date is determined	<i>Indicate the date on which credit charges begin to accrue or how that date is determined. Indicate that if the goods are delivered more than 7 days after the contract is entered into, credit charges may not accrue before the date of delivery.</i>
Payments determined according to the initial credit rate	<i>Indicate, according to the initial credit rate, the amount and frequency of payments and date of the payments (or the day on which they are payable).</i>
Cancellation period	<i>Indicate the consumer's cancellation period, of 2 or 10 days, as the case may be, except where the contract concerns a new road vehicle that the consumer has received.</i>

The box provided for in the first paragraph may be given to the consumer in a separate document provided no later than with the contract. The merchant is then exempt from the obligation of providing it at the very beginning of the contract.

## DIVISION II.6

### CONTRACT INVOLVING CREDIT OTHER THAN AN INSTALMENT SALE CONTRACT

**61.0.15.** A contract involving credit other than an instalment sale contract must comply with the following standard contract and provide as many lines as necessary to meet all the requirements:

CONTRACT INVOLVING CREDIT OTHER THAN AN INSTALMENT CONTRACT *(where applicable, add HIGH-COST at the beginning)*

*(CONSUMER PROTECTION ACT, S. 150)*

Date: .....

*(date on which contract is entered into)*

Place: .....

*(place where contract is entered into)*

.....

*(name of merchant)*

.....

.....

*(address of merchant)*

.....

*(where applicable, technological address of merchant)*

.....

*(Where applicable, the merchant's permit number)*

.....

*(name of consumer)*

.....

.....

*(address of consumer)*

Description of the object of the contract .....

1.	(a) Cash sale price of the goods or service	\$.....
	(b) Installation, delivery and other costs	\$.....
2.	(a) Total cash price	\$=====
	(b) Cash payment	\$.....
3.	(a) Balance — Net capital	\$=====
	(b) Interest	\$.....
	(c) Other components of the credit charges	\$.....
4.	Total of credit charges for the term of the contract	\$=====
5.	Consumer's total obligation	\$=====
	Credit rate	.....%

The term of this contract is .....

Date on which the credit charges begin to accrue (or how that date is determined):

.....

The consumer's total obligation is payable at ..... (*address*) in .....  
deferred payments of \$..... on ..... day (*number*) of each consecutive  
month as of ..... (*due date of the first payment*) and a final payment of  
\$..... on .....(*due date of the last payment*).

(Where applicable, mention the nature of any optional contracts, the charge for such contracts, or how it is determined and that the consumer has a right of resiliation with respect to such contracts.)

(Where applicable, mention the existence and the subject matter of any security given by the consumer to guarantee the performance of the consumer's obligations.)

The merchant performs the merchant's principal obligation when entering into this contract.

- Yes  
 No

if "no",

on .....

(date of the performance of the merchant's principal obligation)

**61.0.16.** A contract involving credit other than an instalment sale contract must include, at the very beginning, any of the boxes providing the following information, as the case may be:

**INFORMATION BOX — CONTRACT INVOLVING CREDIT OTHER THAN AN INSTALMENT SALE CONTRACT**

(Consumer Protection Act, section 150)

Net capital	<i>Indicate the net capital of a contract involving credit.</i>
Credit rate	<i>Indicate the credit rate calculated in accordance with the Consumer Protection Act.</i>

Term of contract	<i>Indicate the term of the contract, and the fact that the consumer may, without charges or penalties, prepay all or part of the outstanding balance.</i>
Date of delivery of the goods or performance of the service	<i>Indicate the date on which the goods must be delivered to the consumer or the date on which the service must be performed.</i>
Date on which credit charges begin to accrue or how that date is determined	<i>Indicate the date on which credit charges begin to accrue or how that date is determined. Indicate that if the goods are delivered more than 7 days after the contract is entered into, credit charges may not accrue before the date of delivery.</i>
Payments	<i>Indicate the amount, frequency and date of the payments (or the day on which they are payable).</i>
Cancellation period	<i>Indicate the consumer's cancellation period, of 2 or 10 days, as the case may be, except where the contract concerns a new road vehicle that the consumer has received.</i>

INFORMATION BOX — VARIABLE RATE CONTRACT INVOLVING CREDIT OTHER THAN AN INSTALMENT SALE CONTRACT

(Consumer Protection Act, section 150)

Net capital	<i>Indicate the net capital of the contract involving credit.</i>



Initial credit rate	<i>Indicate the credit rate calculated in accordance with the Consumer Protection Act applicable on the date of the contract, and the fact that it is variable during the contract.</i>
Term of the contract established according to the initial credit rate	<i>Indicate the term of the contract, according to the initial credit rate, and the fact that the consumer may, without charges or penalties, prepay all or part of the outstanding balance.</i>
Date of delivery of the goods or performance of the service	<i>Indicate the date on which the goods must be delivered to the consumer or the date on which the service must be performed.</i>
Date on which credit charges begin to accrue or how that date is determined	<i>Indicate the date on which credit charges begin to accrue or how that date is determined. Indicate that if the merchant's principal obligation is performed more than 7 days after the contract is entered into, credit charges may not accrue before the delivery date.</i>
Payments determined according to the initial credit rate	<i>Indicate, according to the initial credit rate, the amount and frequency of payments and date of the payments (or the day on which they are payable).</i>
Cancellation period	<i>Indicate the consumer's cancellation period, of 2 or 10 days, as the case may be, except where the contract concerns a new road vehicle that the consumer has received.</i>

The box provided for in the first paragraph may be given to the consumer in a separate document provided no later than with the contract. The merchant is then exempt from the obligation of providing it at the very beginning of the contract.”

**38.** Section 61.1 is amended

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

“**61.1.** In accordance with section 100.1 of the Act, credit contracts that provide for a variable credit rate are exempt from the application of the Act mentioned in that section, provided that they

(a) include, depending on the nature of the contract, the information prescribed by section 115, 125, 134 or 150 of the Act;

(b) stipulate, except in the case of an open credit contract, equal deferred payments, except the final payment which may be less, by reserving the possibility that the amount of the payments and the number of payments be adjusted based on the variations of the credit rate.”;

(2) by replacing “For the application of section 52” in the second paragraph by “For the application of section 52 or 59, as the case may be,”.

**39.** Section 68 is amended by replacing “a to f of the second” in paragraph b by “a to d, f and h of the first”.

**40.** Section 69 is amended by replacing “mailed” and “mailing” in the first paragraph of the compulsory clause by “sent” and “sending”, respectively.

**41.** The following is inserted after section 69:

**“69.0.1.** For the purposes of the third paragraph of section 127 of the Act, the statement of account must be actually available for a period of 2 years from the date on which the consumer receives at the consumer’s technological address a notice according to which the statement of account is available on the merchant’s website.

**DIVISION V**

**FORFEITURE OF BENEFIT OF THE TERM AND REPOSSESSION**

**69.0.2.** Where the merchant wishes to avail himself of a clause of forfeiture of benefit of the term, the notice to the consumer must comply with the following standard notice and provide as many lines as necessary to meet all the requirements:

*(CONSUMER PROTECTION ACT, S. 105)*

**NOTICE OF FORFEITURE OF BENEFIT OF THE TERM**

Date: .....

*(date on which notice is sent or given)*

.....

*(name of merchant)*

.....

*(telephone number of merchant)*

.....

*(address of merchant)*

hereinafter called the merchant gives notice to:

.....

*(name of consumer)*

.....

.....

*(address of consumer)*

hereinafter called the consumer,

that the consumer has failed to fulfil the obligation in accordance with the contract

(No. ....)

*(contract number, if any)*

entered into by them .....

*(place where contract was entered into)*

on .....

*(date on which contract was entered into)*

and that the following payment or payments are due:

\$.....,

*(amount of payment)*

on .....

*(due date of payment)*

\$.....,

*(amount of payment)*

on .....

*(due date of payment)*

for a total of \$..... *(amount due)* at this date.

(or

description of another type of default, such as failure to insure goods as provided for in the contract, to the extent that that requirement is allowed under the Act)

Consequently, if the consumer does not remedy the default by paying the amount due (or other remedy, if applicable) within 30 days of receiving this notice, the balance of the obligation, in the amount of \$....., shall become payable at that time.

The consumer may, however, apply to the court to change the terms and conditions of payment or, in the case of a contract involving credit, to be authorized to return the goods sold to the merchant.

Such application must be served and filed in the office of the court within 30 days after the consumer receives this notice.

It is in the consumer's interest to examine the contract and, if further information is necessary, to contact the Office de la protection du consommateur.

**69.0.3.** Where the merchant wishes to avail himself of the right of repossession, the notice to the consumer must comply with the following standard notice and provide as many lines as necessary to meet all the requirements:

*(CONSUMER PROTECTION ACT, S. 139)*

NOTICE OF REPOSSESSION

Date: .....

*(date on which notice is sent or given)*

.....

*(name of merchant)*

.....

*(telephone number of merchant)*

.....

*(address of merchant)*

hereinafter called the merchant gives notice to:

.....

*(name of consumer)*

.....

.....

*(address of consumer)*

hereinafter called the consumer,

that the consumer has failed to fulfil the obligation in accordance with the contract

(No. ....) *(contract number, if any)* entered into by them at ..... *(place where contract was entered into)*

on ..... *(date on which contract was entered into)* and the following payment or payments are due:

\$....., *(amount of payment)*

on .....

*(due date of payment)*

\$....., *(amount of payment)*

on .....

*(due date of payment)*

for a total of \$..... *(amount due)* at this date.

(or description of another type of default, such as failure to insure goods as provided for in the contract, to the extent that that requirement is allowed under the Act)

The consumer may, within 30 days after receiving this notice,

(a) remedy the default by paying the amount due at this date (or other remedy, if applicable);

(b) return the goods to the merchant.

If the consumer has not remedied the default or has not returned the goods to the merchant at .....

(address)

within 30 days after receiving this notice, the merchant will exercise the right of repossession by having the goods seized, at the consumer's expense.

If the consumer has already paid one-half of the amount of the total obligation and of the down-payment, the merchant will not be entitled to exercise the right of repossession unless the merchant obtains the permission of the court.

In the case of voluntary return or forced repossession of the goods following this notice, the contractual obligation of the consumer is extinguished and the merchant is not bound to return the amount of the payments already received.

It is in the consumer's interest to examine the contract and, if further information is necessary, to contact the Office de la protection du consommateur.”

**42.** The following is inserted after section 69.4:

“**69.4.1.** A contract of lease with guaranteed residual value must comply with the following standard contract and provide as many lines as necessary to meet all the requirements:

(CONSUMER PROTECTION ACT, S. 150.22)

CONTRACT OF LEASE WITH RESIDUAL VALUE GUARANTEED BY THE CONSUMER

Date: .....

(date on which contract is entered into)

Place: .....

(place where contract is entered into)

.....

(name of merchant)

.....

.....

*(address of merchant)*

.....

*(where applicable, technological address of merchant)*

*(name of consumer)*

.....

.....

*(address of consumer)*

Description of the object of the contract: .....

.....

*(make, model, serial number, year)*

1. Total value of goods

(a) Retail price	\$.....
(b) Preparation, delivery and installation charges	\$.....
(c) Other .....	\$.....
<i>(specify)</i>	
Total	\$.....

2. Payment on account  
(except applicable taxes)

(a) Trade-in	\$.....
(b) First instalment	\$.....
(c) Instalment or instalments paid in advance, other than (b)	\$.....
.....	
<i>(specify which)</i>	

(d) Other amount received before the start of the leasing period, including the value of a payment instrument payable on demand	\$.....
Total	\$.....
3. Amount of net obligation (1 - 2)	\$=====
4. Instalments	
(a) (i) ..... X ..... = (instalment) (number)	\$.....
(ii) Last instalment (if less than i)	\$.....
(iii) Total of instalments (i + ii)	\$=====
(b) (i) ..... + ..... = (instalment) (taxes)	\$..... (periodic payment)
(ii) ..... X ..... = (instalment) (number)	\$.....
(iii) ..... + ..... = (last instalment) (taxes)	\$.....
(iv) Total of instalments (ii + iii)	\$=====
5. Amount of instalment obligation	
(a) Total of instalments minus those included in the payment on account (4 (a) iii - 2 (b) and 2 (c))	\$.....
(b) Residual value of goods (wholesale value at the end of the leasing period)	\$.....
Total	\$=====
6. Implied credit charges and rate	
(a) Implied credit charges (5 - 3)	\$.....



(b) Leasing period ..... months

(c) Implied annual credit rate =====%

## 7. MAXIMUM OBLIGATION OF THE CONSUMER

*(not including applicable taxes and charges relating to the degree of use of the goods*

(2 + 5) \$=====

The obligation of the consumer is payable

at .....

*(address)*

The amounts to be paid during the leasing period payable in

..... instalments (number) of ..... *(amount)* on the

..... day of each consecutive ..... *(period)* from .....*(date of delivery of goods)*

..... and a final instalment of \$..... *(amount)*

on .....

*(date)*.

The consumer shall defray the residual value if the consumer acquires the goods during the leasing period. If the consumer elects not to exercise this option, the consumer guarantees that the merchant will obtain from alienation of the goods by onerous title within a reasonable time of their return a value equal to or greater than the residual value and that, if the merchant fails to obtain at least such value, the consumer will assume the difference up to 20% of the residual value.

The consumer shall give to the merchant as acknowledgement of or security for the consumer's obligation the following object or document:

.....

*(description)*

The merchant shall deliver the goods being the subject of this contract on the making of the contract (either box must be checked)

Yes

No

If "no", on .....

*(date of delivery of goods)*".

**43.** The following is inserted after section 69.5:

**“69.5.1.** Where the merchant must offer the goods to the consumer under section 150.30 of the Act, the notice to the consumer must comply with the following standard notice:

*(CONSUMER PROTECTION ACT, ART. 150.30)*

NOTICE OF RIGHT OF PREEMPTION

Date: .....

*(date on which notice is sent or given)*

.....

*(name of merchant)*

.....

*(telephone number of merchant)*

.....

*(address of merchant)*

hereinafter called the merchant, gives notice to

.....

*(name of consumer)*

.....

.....

*(address of consumer)*

hereinafter called the consumer,

1 – that the merchant has received from .....

*(name and address)*

(hereinafter called the prospective acquirer) an offer to purchase the goods which are the object of the contract of lease with guaranteed residual value

(No. ....) *(contract number, if any)* entered into by the merchant and

the consumer at .....

*(place where contract was entered into)*

on ..... (*date on which contract was entered into*)

and that this offer to acquire is in the amount of \$..... (*amount*),

and that this amount is less than the residual value indicated in the contract, namely \$.....;

(*amount*)

2 – that the consumer may, within 5 days after receipt of this notice,

(a) acquire the goods by paying in cash a price equal to that offered by the prospective acquirer;

(b) present a third person who agrees to pay in cash for the goods a price equal to or greater than that offered by the prospective acquirer.

In the latter case, if the merchant does not agree to sell the goods to the third person presented by the consumer, the consumer is released from his obligation to guarantee the residual value.

If the consumer fails to acquire the goods or to present a third person within 5 days after receipt of this notice, the merchant will sell the goods to the prospective acquirer at the price offered by the acquirer and indicated in paragraph 1.

It is in the consumer's interest to examine the contract and, if further information is necessary, to contact the Office de la protection du consommateur.”.

**44.** The following is inserted after section 69.6:

“**69.6.1.** Where the merchant wishes to prevail himself of a clause of forfeiture of benefit of the term, the notice to the consumer must comply with the following standard notice and provide as many lines as necessary to meet the requirements:

(*CONSUMER PROTECTION ACT, S. 150.13*)

NOTICE OF FORFEITURE OF BENEFIT OF THE TERM CONCERNING  
LONG-TERM LEASE

Date: .....

(*date on which notice is sent or given*)

.....

(*name of merchant*)

.....

(*telephone number of merchant*)

.....

*(address of merchant)*

hereinafter called the merchant, gives notice to:

.....

*(name of consumer)*

.....

.....

*(address of consumer)*

hereinafter called the consumer,

that the consumer is in default to perform the obligation in accordance with the contract

(No. ....) *(contract number, if any)* entered into by them .....

*(place where contract was entered into)*

on ..... *(date on which contract was entered into)* and that the following payment or payments are due

\$....., *(amount of payment)*

on .....*(due date of payment)*

\$....., *(amount of payment)*

on .....*(due date of payment)*

for a total of \$..... *(amount due)* at this date.

(or description of another type of default, such as failure to insure goods as provided for in the contract, to the extent that that requirement is allowed under the Act)

Consequently, if the consumer does not remedy the default by paying the amount due (or other remedy, if applicable) within 30 days of receiving this notice, the total amount of payments due and future instalments, in the amount of \$....., shall become payable at that time.

The consumer may, however, apply to the court to change the terms and conditions of payment or to be authorized to return the goods leased to the merchant. In that case, return of the goods authorized by the court entails the extinguishment of the obligation and the merchant is not required to return the amount of instalments the consumer has received.

Such application must be served and filed in the office of the court within 30 days after the consumer receives this notice.

Furthermore, the consumer may also, without the authorization of the court, return the goods to the merchant and thus rescind his contract. In such case, the merchant is not bound to return the amount of the payments due the merchant has already received, and cannot claim any damages other than those actually resulting, directly and immediately, from the resiliation of the contract.

It is in the consumer's interest to examine the contract and, if further information is necessary, to contact the Office de la protection du consommateur.”.

**45.** The following is inserted after section 69.7:

“**69.8.** Where the merchant wishes to prevail himself of the right to repossession, the notice to the consumer must comply with the following standard notice and provide as many lines as necessary to meet all the requirements:

*(CONSUMER PROTECTION ACT, S. 150.14)*

**NOTICE OF REPOSSESSION CONCERNING LONG-TERM LEASE**

Date: .....

*(DATE ON WHICH NOTICE IS SENT OR GIVEN)*

.....

*(NAME OF MERCHANT)*

.....

*(TELEPHONE NUMBER OF MERCHANT)*

.....

*(ADDRESS OF MERCHANT)*

hereinafter called the merchant, gives notice to

.....

*(NAME OF CONSUMER)*

.....

.....

*(ADDRESS OF CONSUMER)*

hereinafter called the consumer,

that the consumer is in default to perform the obligation in accordance with the contract

(No. ....) *(contract number, if any)* entered into by them at .....

*(place where contract was entered into)*

on ..... *(date on which contract was entered into)* and that the

following payment or payments are due:

\$....., (*amount of payment*)

on .....(*due date of payment*)

\$....., (*amount of payment*)

on .....(*due date of payment*)

for a total of \$..... (*amount due*) at this date.

(or description of another type of default, such as failure to insure goods as provided for in the contract, to the extent that that requirement is allowed under the Act)

The consumer may, within 30 days after receipt of this notice, either

(a) remedy the default by paying the amount due at this date (or other remedy, if applicable); or

(b) return the goods to the merchant.

If the consumer has not remedied the default or returned the goods to the merchant at .....

(*ADDRESS*)

within 30 days after receipt of this notice, the merchant will exercise the right of repossession by having the goods seized, at the consumer's expense.

However, if the consumer who is a party to a contract of lease with guaranteed residual value has already paid at least one-half of the maximum obligation, the merchant will not be entitled to exercise the right of repossession unless the merchant obtains the authorization of the court (section 150.32).

In the case of voluntary return or forced repossession of the goods following this notice, the contract is rescinded and the merchant is not bound to return the amount of the payments already received, and cannot claim any damages other than those actually resulting, directly and immediately, from the rescission of the contract (section 150.15).

It is in the consumer's interest to examine the contract and, if further information is necessary, to contact the Office de la protection du consommateur.”.

**46.** Section 70 is amended by replacing “a new automobile” by “a new road vehicle”.

**47.** The following is inserted after section 79.6:

**“CHAPTER VI.1.1**

**CONTRACT RELATING TO A LOYALTY PROGRAM**

**79.6.1.** Section 11.2 and Division V.2 of Chapter III of Title I of the Act do not apply to a contract relating to a loyalty program for a single good or service or a set of goods or services determined at the time of entering into a contract relating to a loyalty program.

**79.6.2.** Section 11.2 and Division V.2 of Chapter III of Title I of the Act do not apply to a contract relating to a loyalty program where the retail value of each good or service that the consumer may obtain does not exceed \$50.

**79.6.3.** Section 187.8 of the Act does not apply to the stipulation of a contract relating to a loyalty program that provides for the expiry of exchange units where all of the following conditions are met:

(a) the stipulation provides the expiry in case of inactivity of the consumer, that is, that no exchange unit has been received or exchanged over a given period;

(b) the stipulation provides the expiry in case of inactivity for a period that is not less than 1 year;

(c) the loyalty program merchant sends a notice of inactivity to the consumer exclusively on the fact that the inactivity will result in the expiry of the consumer's exchange units and specifying the date of expiry, where applicable;

(d) the notice of inactivity is sent to the consumer at least 30 days, but not more than 60 days before the date of expiry of the exchange units.

**79.6.4.** The information that the loyalty program merchant must give to the consumer in accordance with section 187.7 of the Act is

(a) the conditions that allow receiving exchange units;

(b) the terms applicable to the exchange of exchange units;

(c) the terms applicable to the expiry of exchange units, where applicable; and

(d) the conversion factor used to convert exchange units into another form of exchange unit, where applicable.

**79.6.5.** A stipulation that has the effect of allowing the expiry of exchange units following a conversion into another form of exchange unit is prohibited.

**79.6.6.** A stipulation that allows the loyalty program merchant to unilaterally modify to the detriment of the consumer the following elements of an indeterminate-term contract relating to a loyalty program is prohibited:

(a) the number of exchange units received by the consumer;

(b) the conversion factor identified in section 79.6.4 applicable to the exchange units received by the consumer.

**79.6.7.** A stipulation that allows the loyalty program merchant to unilaterally increase the exchange units required to obtain goods or a service in a disproportionate manner with respect to the increase of the retail value of the goods or service is prohibited.

**79.6.8.** The notice provided for in paragraph *b* of section 187.9 of the Act must be sent to the consumer between the 90th and the 60th day preceding the coming into force of the amendment.

**79.6.9.** Sections 11.2 and 187.9 of the Act do not apply to a stipulation allowing the merchant to unilaterally amend for a temporary period an essential element of a contract related to a loyalty program to the consumer's advantage.

**CHAPTER VI.1.2**

**CONTRACT OF SERVICE INVOLVING SEQUENTIAL PERFORMANCE  
RELATED TO INSTRUCTION, TRAINING OR ASSISTANCE**

**79.6.10.** The form that the merchant must attach to the duplicate of the contract in accordance with the second paragraph of section 190 of the Act must comply with the following standard form:

*(CONSUMER PROTECTION ACT, S. 190)*

**RESILIATION FORM**

TO: .....

*(name of merchant)*

.....

.....

*(address of merchant)*

Date: .....

*(date on which form is sent)*

Under section 193 of the Consumer Protection Act, I cancel the contract

(No. ....)

*(contract number, if any)*

entered into on ..... at .....

*(date when contract was entered into) (place where contract was entered into)*

.....

*(name of consumer)*

.....

*(signature of consumer)*

.....

.....

*(address of consumer)*



**79.6.11.** The form that the merchant must attach to the duplicate of the contract in accordance with the second paragraph of section 199 of the Act must comply with the following standard form:

*(CONSUMER PROTECTION ACT, S. 199)*

RESILIATION FORM

TO: .....

*(name of merchant)*

.....

.....

*(address of merchant)*

Date: .....

*(date on which form is sent)*

Under section 204 of the Consumer Protection Act, I cancel the contract

(No. ....)

*(contract number, if any)*

entered into on ..... at .....

*(date on which contract was entered into) (place where contract was entered into)*

.....

*(name of consumer)*

.....

*(signature of consumer)*

.....

.....

*(address of consumer)*

**79.6.12.** The form that the merchant must attach to the duplicate of the contract in accordance with the second paragraph of section 208 of the Act must comply with the following standard form:

*(CONSUMER PROTECTION ACT, S. 208)*

CANCELLATION FORM

TO: .....

*(name of merchant)*

.....

.....

*(address of merchant)*

Date: .....

*(date on which form is sent)*

Under section 209 of the Consumer Protection Act, I cancel the contract

(No. ....)

*(contract number, if any)*

entered into on .....

at .....

*(date on which contract was entered into) (place where contract was entered into)*

.....

*(name of consumer)*

.....

*(signature of consumer)*

.....

.....

*(address of consumer)".*

**48.** The following is inserted after section 79.12:

**“CHAPTER VI.3  
CONTRACT MADE BY A DEBT SETTLEMENT SERVICE MERCHANT**

**79.13.** A debt settlement service contract which provides the services provided for in paragraph *a* or *b* of section 214.12 of the Act must comply with the following standard contract and provide as many lines as necessary to meet all the requirements:

CONTRACT ENTERED INTO BY A DEBT SETTLEMENT SERVICE MERCHANT

*(CONSUMER PROTECTION ACT, S. 214.16)*

Date: .....

*(date on which contract is entered into)*

Place: .....

*(place where contract is entered into)*

.....

*(name of merchant)*

.....

.....

*(address of merchant)*

.....

*(telephone number of merchant)*

.....

*(where applicable, technological address of merchant)*

.....  
(merchant's permit number)

.....  
(name of consumer)

.....  
(address of consumer)

1. Detailed description of each of the goods and services to be provided under the contract

.....  
.....  
.....

2. Scheduled dates for the performance of the merchant's obligations.....

.....

3. Charges and fees that the consumer may be required to pay IF ALL the propositions are ACCEPTED by the creditors \$.....

4. List of creditors disclosed by the consumer and the amount and description, including the credit rate, of each of their claims

.....  
.....  
.....

5. Total amount owed to creditors by the consumer \$.....

6. Proposal the merchant undertakes to make to each of the consumer's creditors, including the terms and conditions of payment proposed for each debt

.....  
.....  
.....  
.....  
.....  
.....

7. The amount of any payment to be made to the merchant by the consumer for remittance to the creditors, and the frequency and dates of the payments

.....  
.....  
.....

8. The merchant will receive or attempt to receive amounts from a creditor as consideration for entering into the contract (one of the boxes below must be checked)

Yes

No

9. If applicable, a description of the goods received in payment, as a trade-in or no account, their quantity, and the priced agreed on for each of them

.....  
.....

10. The term and expiry date of the contract

11. The consumer may resolve the contract at the consumer's sole discretion within 10 days after that on which each of the parties is in possession of a copy of the contract.

**79.14.** The contract entered into by a debt settlement service merchant must include, as a schedule to the copy of the contract the merchant sends to the consumer and on a separate document, a cancellation form complying with the following standard form:

CANCELLATION FORM

TO BE COMPLETED BY THE MERCHANT

TO:.....

*(name of debt settlement service merchant)*

.....

.....

*(address of debt settlement service merchant)*

*Telephone number of debt settlement service merchant, where applicable:*

*(.....) .....*

*Where applicable, technological address of debt settlement service merchant:*

.....

---

TO BE COMPLETED BY THE CONSUMER

DATE: ..... (date on which form is sent)

Under section 214.17 of the Consumer Protection Act, I hereby cancel the contract No. .... (contract number, if any) entered into on ..... (date on which contract is entered into) at:

.....

.....

(place where contract is entered into) .

.....

(name of consumer)

.....

(signature of consumer)

**79.15.** For the purposes of the fifth paragraph of section 214.26 of the Act, the maximum charges and fees that the merchant providing the services referred to in paragraph *a* or *b* of section 214.12 of the Act may collect from a consumer are set by multiplying by a rate each payment made by the merchant to a consumer's creditor and covered by an agreement in principle accepted by the consumer.

The rate is calculated by multiplying by 15% the amount equal to the reduction of the debt negotiated by the merchant and accepted by the consumer and on which is applied the payment referred to in the first paragraph, and by dividing the product thus obtained by the new debt of the consumer with regard to the creditor, as negotiated by the merchant and accepted by the consumer.

**79.16.** Sections 6.3, 46, 46.1 and 50 do not apply to a contract entered into by a debt settlement service merchant.”

**49.** Section 91.8 is amended by replacing “second” in the first paragraph by “third”.

**50.** Section 92 is amended by striking out “of road vehicle dealers or an association of road vehicle recyclers” in paragraph *d*.

**51.** Section 93 is amended

(1) by replacing “6” in the portion before paragraph *a* by “8”;

(2) by inserting the following after paragraph *f*:

“(g) the permit of a merchant who enters into a high-cost credit contract referred to in paragraph *g* of section 321 of the Act:

(h) the permit of a debt settlement service merchant referred to in paragraph *h* of section 321 of the Act.”

**52.** Section 94.03 is amended by replacing subparagraph *c* of the first paragraph by the following:

“(c) an attestation of the municipality according to which each of the new establishments comply with the by-laws relating to uses in force in that municipality;”

**53.** The following is inserted after section 94.04:

“**94.05.** In addition to the information and documents referred to in section 94, a person applying for the issue or renewal of a merchant’s permit who enters into a high-cost credit contract must notify the president of the type of credit contract entered into, according to the classes determined in section 66 of the Act.”

**54.** Section 94.5 is amended by striking out “subparagraphs *f*, *h* and *j* of the first paragraph of section 94.”

**55.** The following is inserted after section 108.1.3:

“**108.1.3.1.** The applicant for a merchant’s permit who enters into a high-cost credit contract must pay the same duties as those set in section 107.

**108.1.3.2.** For the simultaneous issue of a money lender’s permit and a merchant’s permit who entered into a high-cost credit contract, the duties that the applicant must pay are 150% of the duties indicated in section 107.

**108.1.3.3.** The security that the applicant for a debt settlement service merchant permit must furnish is \$50,000.

The duties that the applicant must pay are set as follows:

#### Periods

Up to 30 April 2019

From 1 June 2019 to 30 April 2021

From 1 June 2021 to 30 April 2023

From 1 June 2023 to 30 April 2025

From 1 June 2025

#### Duties

\$356

\$737

\$1,000

\$1,250

\$1,500”.

**56.** Section 108.1.4 is amended by inserting “, 108.1.3.1 to 108.1.3.3” after “108.1.3”.

**57.** Section 108.2 is amended by replacing “d’émettre” in the first paragraph of the French text by “de délivrer” and by replacing “108.1.3” in the first paragraph by “108.1.3.3”.

**58.** Section 112.1 is amended in the first paragraph

(1) by striking out “of road vehicle dealers or an association of road vehicle recyclers” in the portion before subparagraph *a*;

(2) by replacing the words “second paragraph of section 323.1” wherever they appear by the words “third paragraph of section 323”;

(3) by replacing “section 122.1” in subparagraph *d* by “section 121 or 122.1”.

**59.** Section 113 is amended in the first paragraph

(1) by replacing “108.1.3” at the end of subparagraph *b* by “108.1.3.3”;

(2) by replacing “or 120.2” in subparagraphs *c* and *d* by “,120.2 or 120.3”.

**60.** Section 118 is amended by replacing “108.1.3” at the end of subparagraph *d* of the first paragraph by “108.1.3.3”.

**61.** Section 120 is amended by replacing “and 120.2” in the portion before paragraph *a* by “to 120.3”.

**62.** The following is inserted after section 120.2:

“**120.3.** The security provided for in section 108.1.3.3 is required to guarantee, for the duration of the security, compliance with the Act and fulfilment, by the merchant who furnished a security or by the merchant’s representative, of the obligations arising from contracts entered into within the scope of the operations requiring the security

(a) firstly, to pay administrative expenses and fees of the provisional administrator appointed in accordance with section 214.29 of the Act;



(b) then to indemnify in capital, interest and costs any consumer holding a liquidated debt resulting from non-compliance with the Act or from a contract covered by the security and certified either by a judgment rendered against the merchant, the merchant's representative or the surety, or by an agreement or transaction entered into between the consumer, on the one hand, and the merchant, the merchant's representative, the trustee, the provisional administrator appointed in accordance with section 214.29 of the Act or the surety, on the other hand;

(c) lastly, to recover the fine and costs imposed on the merchant or the merchant's representative under Chapter III of Title IV of the Act.”

**63.** Section 121 is amended by replacing “or 120.1” by “, 120.1 or 120.3”.

**64.** Section 121.1 is amended by replacing “or 120.1” by “, 120.1 or 120.3”.

**65.** Section 123, as amended by the Regulation to amend the Regulation respecting the application of the Consumer Protection Act, made by Order in Council 1244-2017 dated 13 December 2017, is again amended by replacing “108.1.3” by “108.1.3.3”.

**66.** Section 127 is amended by replacing “108.1.3” by “108.1.3.3”.

**67.** The heading of Division VI of Chapter VIII is replaced by “EXEMPTION FROM THE RULES RELATING TO CERTAIN AMOUNTS TRANSFERRED TO A TRUST”.

**68.** Section 146 is amended by replacing “from the trust accounts prescribed in” in the first paragraph by “from the application of”.

**69.** Section 147 is amended by replacing “other than an itinerant merchant, who wishes to be exempt from the trust account required by section 254 of the Act” by “referred to in section 254 of the Act, but other than an itinerant merchant”.

**70.** Section 150 is amended by replacing “from the trust account required by” by “from the application of”.

**71.** Section 152 is amended by replacing “from the trust account required by” by “from the application of”.

**72.** Section 155 is amended

(1) by replacing “from the trust account required by” in paragraphs *a* and *b* by “from the application of”;

(2) by replacing “from the trust accounts required by” in paragraph *c* by “from the application of”.

**73.** Section 165.1 is replaced by the following:

“**165.1.** The duties and charges exigible under this Regulation are indexed on 1 July of each year on the basis of the rate of variation in the general Consumer Price Index for Canada for the preceding calendar year, as determined by Statistics Canada; the duties and charges thus indexed take effect on that date.

The duties and charges indexed in the prescribed manner are reduced to the nearest dollar where they comprise a fraction of a dollar less than \$0.50; they are increased to the nearest dollar where they comprise a fraction of a dollar equal to or greater than \$0.50.

Each year, the president publishes the result of the annual indexation in Part 1 of the *Gazette officielle du Québec*.”

**74.** The following is inserted after section 168.1:

“**168.2.** The undertaking made by the trust company in accordance with section 260.9 of the Act must comply with the following standard undertaking:

“(CONSUMER PROTECTION ACT, S. 260.9)

#### UNDERTAKING BY A TRUST COMPANY

WE, THE UNDERSIGNED, ..... undertake to assume the duties, obligations and responsibilities imposed on a trust company by the Consumer Protection Act with respect to the sums deposited in a reserve account pursuant to the Act by....., merchant.

Undertaking signed at .....

on .....

by .....

(*duly authorized person*).”.

**75.** The Regulation is amended by replacing the words “contract extending variable credit”, “contracts extending variable credit” and “variable credit” wherever they appear by “open credit contract”, “open credit contracts” and “open credit”, respectively.

#### FINAL

**76.** This Regulation comes into force on 1 August 2019, except

(a) sections 1 to 3, 6, 7, paragraph 2 of section 14, sections 79.6.1 to 79.6.3, introduced by section 47 of this Regulation, sections 49, 50, 58 and 67 to 73, which come into force on 1 August 2018;

(b) section 52, which comes into force on 1 January 2019;

(c) sections 5, 16, 33, 48 and 51, section 108.1.3.3, introduced by section 55 of this Regulation, sections 56, 57 and 59 to 66, which come into force of 1 February 2019.

103610

## M.O., 2018

### Order number 2018-01 of the Chair of the Conseil du trésor dated 3 July 2018

An Act respecting contracting by public bodies (chapter C-65.1, a. 24.3 et 24.5)

Pilot project to facilitate payment to enterprises that are parties to public construction work contracts and related public subcontracts

THE CHAIR OF THE CONSEIL DU TRÉSOR,

CONSIDERING the first paragraph of section 24.3 of the Act respecting contracting by public bodies (chapter C-65.1) which provides that the Chair of the Conseil du trésor may, by order, authorize the implementation of pilot projects aimed at testing various measures to facilitate the payment of enterprises party to the public contracts that the Conseil du trésor determines and to the public subcontracts related to those contracts and defining standards applicable to such payment;

CONSIDERING the second paragraph of that section which provides that the Chair of the Conseil du trésor may, in particular, despite any inconsistent provision of any general or special Act, prescribe the use of various payment calendars, the use of a dispute settlement mechanism and accountability reporting measures according to terms and conditions the Chair determines, which may differ from those provided for in the Act respecting contracting by public bodies and the regulations;

CONSIDERING the third paragraph of that section which provides in particular that the Chair of the Conseil du trésor may determine the terms and conditions of a pilot project whose violation constitutes an offence and set the minimum and maximum amounts for which the offender is liable. Those amounts may not be less than \$2,500 or greater than \$40,000;

CONSIDERING the fourth paragraph of that section which provides in particular that the terms and conditions of a pilot project may vary according to the public bodies and the public contracts and subcontracts concerned;

CONSIDERING section 24.5 of the Act respecting contracting by public bodies which provides that the public bodies and the enterprises that are party to the public contracts and public subcontracts included in a pilot project under section 24.3 of that Act must, as part of the prescribed dispute settlement mechanism and if necessary, call on the services of the non-profit legal person established for a private interest that has entered into an agreement with the Chair of the Conseil du trésor to implement that mechanism;

CONSIDERING section 280 of the Act respecting the Autorité des marchés publics (chapter A-33.2.1) which provides that the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to the terms and conditions determined by the Chair of the Conseil du trésor for the first pilot project authorized under section 24.3 of the Act respecting contracting by public bodies;

CONSIDERING that numerous actors working within the construction industry have on several occasions raised the issue of payment delays that are considered too long and consequently cause significant problems for numerous enterprises;

CONSIDERING that the issue of payment delays was addressed by the Commission of Inquiry on the Awarding and Management of Public Contracts in the Construction Industry in a recommendation requesting the Government to enact legislation or make regulations to propose, in connection with a main contract and subcontracts, a standard setting timelines for producing progress invoices and making payments;

CONSIDERING that the Chair of the Conseil du trésor and the Institut de médiation et d'arbitrage du Québec have entered into an agreement allowing the Institute to implement the dispute settlement mechanism prescribed by a pilot project;

CONSIDERING it is expedient to authorize the implementation of a first pilot project aimed at testing various measures to facilitate payment to enterprises that are parties to the public contracts that the Conseil du trésor determines and to the public subcontracts related to those contracts;

ORDERS AS FOLLOWS:

## **DIVISION I GENERAL**

**1.** The implementation of a first pilot project aimed at testing various measures to facilitate payment to enterprises that are parties to the public construction contracts that the Conseil du trésor determines pursuant to the fifth paragraph of section 24.3 of the Act respecting contracting by public bodies (chapter C-65.1) and to the public subcontracts directly or indirectly related to those contracts, and defining standards applicable to such payment is hereby authorized.

**2.** A public body whose contract is subject to this pilot project must state in the call for tenders published on the electronic tendering system that the contract and all related subcontracts are subject to the terms and conditions established by this Order. It must also include a copy of those terms and conditions with the tender documents.

**3.** Every enterprise contracting out all or any portion of construction work under a public contract subject to this pilot project must send, or otherwise make available, the terms and conditions established by this Order to the enterprises that are to perform the subcontract work.

**4.** Section 47 of the Regulation respecting construction contracts of public bodies (chapter C-65.1, r. 5) does not apply to public contracts subject to this pilot project.

Likewise, sections 50 to 54 of that Regulation do not apply to public contracts subject to the pilot project if the dispute between the public body and general contractor is a dispute to which section 20 of this Order applies.

In addition, any claim service that a public body referred to in section 2 may offer does not apply to public contracts subject to the pilot project.

**5.** A dispute to which section 20 applies may not be referred to an arbitrator or to a court of general jurisdiction by any party to the contract without first having been the subject of an adjudicator's decision rendered pursuant to Division III.

**6.** A party to a public contract subject to this pilot project or to a related public subcontract must initiate the adjudication mechanism before publishing a notice of a legal hypothec on the immovable covered by the contract or subcontract.

**7.** In the case of inconsistency between a provision of this Order and a provision of a public contract subject to this pilot project or of a public subcontract related to such a contract, the provision of the Order prevails.

**8.** For the purposes of this Order, if a date falls on a holiday or a deadline expires on a holiday, the date or deadline is deferred to the next working day. Saturdays are considered to be holidays, as are 2 January and 26 December.

## **DIVISION II PAYMENT CALENDAR**

### *§1. Payment applications*

**9.** A subcontractor that is a party to a public subcontract directly related to a public contract must have submitted a payment application to the general contractor on or before the 25th day of the month for the work performed in that month and the work scheduled up to the end of that month, failing which the payment application is carried over to the following month.

The payment application must cover the work performed in that month and the work scheduled up to the end of that month by the subcontractors performing public subcontracts indirectly related to the public contract insofar as the subcontractors have submitted their payment application to the subcontractor with which they have contracted by a date that allows the payment application to be dealt with as provided in the first paragraph.

A general contractor receiving a payment application must, before submitting its own payment application to the public body, inform the subcontractor of any refusal of all or any portion of the payment application, and give reasons for the refusal.

**10.** A general contractor must have submitted its payment application to the public body for approval on the first day of the month for the work performed in the preceding month, failing which the payment application is carried over to the following month.

A payment application must be complete and cover the work performed by the subcontractors in respect of public subcontracts directly or indirectly related to the public contract insofar as the subcontractors have submitted their payment application in accordance with the first or second paragraph of section 9.

A general contractor's payment application is complete if it contains the following:

(a) the contractor's name and address;

(b) the contract number;

(c) the period or periods in which the work was performed and the date of the payment application;

(d) a description of the work performed including the materials and services supplied, and the work progress percentage;

(e) the amount to be paid;

(f) the signature of the contractor's representative;

(g) the name of the contractor's representative and telephone number where the representative can be reached if need be; and

(h) any document mentioned in the contract that the general contractor must provide to the public body in relation to payment.

## *§2. Approval by the public body of a payment application*

**11.** A complete payment application within the meaning of the third paragraph of section 10 submitted by a general contractor to the public body on the day specified in the first paragraph of that section is presumed to be approved on the 21st day of the month in which it is received, unless, before the end of the 20th day of that month, the public body gives notice to the general contractor that all or a portion of the payment application is refused.

**12.** The notice of refusal must be written and contain the following:

(a) the portion of the payment application that is refused, expressed as a percentage;

(b) a description of the work covered by the notice of refusal;

(c) the proportional withholding made or penalty imposed pursuant to the contract provisions;

(d) all the reasons supporting the refusal; and

(e) any contractual or legal provisions on which the refusal is based.

**13.** The general contractor must without delay send to its subcontractor, if any, a copy of the notice of refusal received from the public body based on a reason the general contractor may raise against a payment application submitted by the subcontractor for work performed by the subcontractor or any of its subcontractors.

## *§3. Payment*

**14.** The public body must pay the amount owing to the general contractor on or before the last day of the month in which it received a payment application.

**15.** The general contractor must pay the amount owing to its subcontractor on or before the 5th day of the month following the month for which the general contractor submitted or should have submitted a payment application to the public body.

**16.** Any subsequent payment owing by a subcontractor to another subcontractor must be made on or before the 10th day of the month, the 15th day of the month and so on to the end of the subcontracting chain.

**17.** Subject to any other applicable contractual withholding, if all or any portion of a payment application is refused, an enterprise cannot withhold from the amount owing to an enterprise that performed the work covered by the refusal, an amount greater than the refused amount specified in the notice of refusal.

Despite the foregoing, a general contractor that, for its payment, benefits from a tax compensation by the public body must, subject to this Division, pay the amount claimed by the subcontractor in its payment application.

**18.** An enterprise that fails to submit a payment application by the date or within the time specified in subdivision 1 of this Division must, if it has subcontracted all or a portion of the work, pay each subcontractor within the time set out in this subdivision if the payment application from the subcontractors was received in accordance with the first or second paragraph of section 9.

## *§4. Discharges*

**19.** The public body may not withhold an amount from payment owing to a general contractor for the sole purpose of protecting the claim of subcontractors that have disclosed their subcontract to the public body. Accordingly, the public body cannot require a discharge from the general contractor.

## **DIVISION III DISPUTE SETTLEMENT BY AN ADJUDICATOR**

### *§1. Disputes covered*

**20.** Any dispute unable to be settled amicably may be referred to an adjudicator if the dispute arises from the performance of a public contract subject to this pilot project or from the performance of a public subcontract directly or indirectly related to that contract, to the extent that the dispute is likely to affect payment of all or a portion of the contract or subcontract.

For the purposes of this Order, a dispute is deemed to affect payment if it concerns

- (a) a payment application submitted in accordance with the provisions of the contract or this Order;
- (b) the value of a contract modification;
- (c) a withholding or its release; or
- (d) the evaluation of the cost of the work, including valuation of materials and services supplied.

**21.** A party to a contract, hereafter the “applicant”, wishing to submit a dispute to an adjudicator must give to the other party to the contract a notice of adjudication that contains

- (a) the names and addresses of the parties to the contract;
- (b) the contract number;
- (c) the nature and a description of the dispute;
- (d) the relevant contractual provisions, as applicable;
- (e) the reasons raised in support of the notice of adjudication, the conclusions sought and support documents; and
- (f) the name of three adjudicators listed in the registry maintained by the Institut de médiation et d’arbitrage du Québec; the applicant must first have made certain the adjudicators are available.

**22.** Every party involved in a dispute must, at the same time, inform its subcontractors of the dispute, stating the nature and providing a description of the dispute. Likewise, every person so informed must also inform its subcontractors, and so on.

**23.** A notice of adjudication concerning a dispute described in section 20 may be given by the applicant to the other party to the contract up to the date of the end of the contract.

For the purposes of this Order, the end of the contract is, in the case of a public contract for construction work, the date on which the public body accepts the works without reservation.

### *§2. Selection of an adjudicator*

**24.** The Institut de médiation et d’arbitrage du Québec is to post on its website a registry of qualified adjudicators.

For each adjudicator, the registry must indicate the adjudicator’s profession and area of expertise, the hourly rate charged and his or her contact information and experience in the construction field.

**25.** On receipt of the notice of adjudication, the other party to the contract has 5 days to choose an adjudicator from among those proposed by the applicant or, if none of the three is to be retained by the other party, to request that the Institut de médiation et d’arbitrage du Québec appoint a different adjudicator.

If the other party fails to choose an adjudicator or to make a request to the Institut de médiation et d’arbitrage du Québec, the applicant must, on the expiry of the 5 days, request the Institut de médiation et d’arbitrage du Québec to appoint an adjudicator.

In each case, the Institut de médiation et d’arbitrage du Québec has 5 days after receipt of the request to appoint an adjudicator.

**26.** In the event that an adjudicator is unable to continue the adjudication, the applicant and the other party to the contract may, by mutual agreement, appoint another adjudicator within 2 days following the day on which they were so informed. If they cannot agree on the choice of a new adjudicator, either party may request that the Institut de médiation et d’arbitrage du Québec make the appointment within 5 days following the request.

**27.** The applicant, the other party to the contract and the adjudicator are bound by the terms and conditions of adjudication set out in Schedule 1 to this Order.

### *§3. Conduct of an adjudication*

**28.** Once an adjudicator has been retained and not later than 10 days after the notice of adjudication has been given, the applicant and the other party to the contract must provide the adjudicator with all the documents and information in support of their claims as well as a copy of the notice of adjudication referred to in section 21. The applicant and the other party to the contract, throughout the adjudication, are to ensure that every copy of documents provided to the adjudicator is also given to the other party.

Once the documents and information have been received, the adjudicator has 30 days to render a decision. That time may be extended before its expiry for a maximum of 15 days, at the discretion of the adjudicator.

**29.** The adjudication is conducted in the manner determined by the adjudicator; it may be conducted in writing, by conference call, in person or by any combination of those manners. In every case, the adjudicator is to opt for the manner that is most practical and of a nature conducive to keeping expenses at a minimum.

**30.** At any time before rendering a decision, the adjudicator may request complementary information and additional documents from the parties.

If the adjudicator considers it useful to do so, he or she may also request supplementary information from the public body that entered into the public contract or from any other enterprise that is a party to a public subcontract related to the public contract; they must provide the information to the adjudicator within the time specified.

**31.** If the adjudication or a procedural stage of it is conducted in person, each session must be held in the presence of the parties to the contract, the adjudicator and any other person whose presence is considered relevant by the adjudicator.

**32.** Each of the parties to the contract may be advised by an outside lawyer whose role is to provide assistance; the lawyer cannot make representations to the adjudicator on behalf of the client.

**33.** Performance of the contract that is the subject of the adjudication continues without interruption while the adjudication is being conducted.

**34.** The fact that the applicant totally withdraws from the adjudication terminates the adjudication as soon as the withdrawal is notified to the other party to the contract and to the adjudicator.

**35.** The same dispute cannot be referred a second time to another adjudicator.

#### *§4. Adjudicator's decision*

**36.** The adjudicator's decision must be written, give reasons and be signed. It must be sent without delay to the parties to the contract, and remain within the applicable legal and contractual framework.

Communication of the decision to the parties terminates the adjudication.

**37.** The decision is enforceable as soon as it is received by the parties to the contract even though one of the parties plans to subsequently refer the same dispute to an arbitrator or to a court of general jurisdiction.

If the decision sets an amount to be paid, payment must be made within 10 days after receipt of the decision. The second paragraph of section 17 of the Act respecting contracting by public bodies does not apply in respect of the payment.

**38.** Payment by one of the parties to the contract pursuant to the adjudicator's decision is made under protest, namely without prejudice and subject to the payor's right to reimbursement of all or a portion of the amount of money as a consequence of a subsequent award by an arbitrator or a decision by a court of general jurisdiction.

**39.** The applicant must inform the same recipients as those referred to in section 22 of the fact that the adjudicator has rendered a decision and, if applicable, of the amount to be paid.

#### *§5. Confidentiality*

**40.** Unless the parties to the contract and the adjudicator have agreed otherwise in writing, each of them must ensure that during the adjudication process, all discussions and all documents and information communicated remain confidential.

Despite the foregoing, disclosure is permitted if it is necessary to enforce an agreement or is required by law.

**41.** An adjudicator does not commit a breach of the confidentiality required by section 40 when giving conclusions and reasons in the decision rendered at the end of the adjudication.

#### *§6. Subsequent proceeding*

**42.** A proceeding pertaining to the same elements as those involved in adjudication under this Division may, subsequent to the adjudicator's decision, be brought by one of the parties to the contract before an arbitrator or a court of general jurisdiction.

The adjudicator's decision may be filed in connection with such a proceeding and the filing in those circumstances is deemed not to contravene the confidentiality requirements of section 40.

#### *§7. Fees and expenses*

**43.** An adjudicator is to determine a provision for expenses, as he or she considers appropriate, and inform the parties thereof in writing at the outset of the adjudication.

**44.** The fees and expenses related to the adjudicator's services are apportioned equally between the applicant and the other party to the contract.

The adjudicator may, however, derogate from equal apportionment of the fees and expenses, as he or she considers appropriate, and in such a case must so inform the parties in writing.

45. Where the Institut de médiation et d'arbitrage du Québec intervenes in the choice of an adjudicator under section 25 or 26, the applicant and the other party to the contract must each pay an amount of \$250.00 plus taxes to the Institute within 10 days after the adjudicator has been appointed.

46. Each party to the contract assumes the entire amount of the expenses it incurs pursuant to this Division.

#### **DIVISION IV** ACCOUNTABILITY REPORTING

47. At the end of each adjudication proceeding pursuant to this Order, the adjudicator and each party to the contract participating in the proceedings must report on the adjudication by answering the questions in the form in Schedule 2.

The adjudicator and the parties to the contract are to send the duly completed form to the secretariat of the Conseil du trésor. The secretariat is to send a copy of the form completed by the adjudicator to the Institut de médiation et d'arbitrage du Québec and a copy of the form completed by each enterprise to the Coalition Against Payment Delays in the Construction Industry.

48. At the end of each public contract subject to this pilot project and each related public subcontract, each party must report on the pilot project by answering the questions in the form in Schedule 3.

The enterprises and public bodies must send the duly completed form to the secretariat of the Conseil du trésor which is to send a copy to the Coalition Against Payment Delays in the Construction Industry if it is completed by an enterprise.

49. At the end of this pilot project, the Coalition Against Payment Delays in the Construction Industry and the Institut de médiation et d'arbitrage du Québec are each to submit to the secretariat of the Conseil du trésor a report on the pilot project dealing in particular with the issues, the problems encountered and any proposals for improvement.

#### **DIVISION V** OFFENCE

50. Every party to a contract that contravenes the second paragraph of section 37 is guilty of an offence and is liable to a fine of \$10,000 to \$40,000.

#### **DIVISION VI** FINAL

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

Québec, this 3 July 2018

PIERRE ARCAND,  
*Chair of the Conseil du trésor*

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#### **SCHEDULE 1** (Section 27)

#### TERMS AND CONDITIONS OF ADJUDICATION

##### 1. PURPOSE

The applicant and the other party to the contract, hereafter “the Parties”, retain the professional services of the Adjudicator who is to render a decision on the referred dispute.

##### 2. APPLICABLE TERMS AND CONDITIONS

Any terms and conditions determined by Order of the Chair of the Conseil du trésor form an integral part of these terms and conditions.

##### 3. ADJUDICATOR

The Adjudicator is to personally perform the mandate entrusted by the Parties and to act at all times in a neutral and impartial manner.

##### 4. CONFLICT OF INTEREST

The Adjudicator must undertake to avoid any situation of conflict of interest likely to affect the performance of the mandate. If such a situation arises, the Adjudicator must so inform the Parties and the Parties may indicate to the Adjudicator how to remedy the conflict of interest or they may provide the Adjudicator with a signed notice terminating the adjudication.

##### 5. WITHDRAWAL BY THE ADJUDICATOR

An Adjudicator who is unable to continue the adjudication must so inform the Parties without delay so that they may choose another Adjudicator. Once that person has been chosen by the parties or, failing that, has been appointed by the Institut de médiation et d'arbitrage du Québec, the withdrawing Adjudicator is to send the entire file as soon as possible to the succeeding Adjudicator in the manner they agree upon.

## 6. FEES AND EXPENSES

### 6.1 Fees

The Adjudicator is remunerated at the hourly rate published in the Registry of Adjudicators maintained by the Institut de médiation et d'arbitrage du Québec.

The Adjudicator is entitled to fees for the actual time devoted to the adjudication, namely examination of the file and preparation of the decision and, if applicable, for the holding of sessions in the presence of the Parties, including session preparation.

The Adjudicator's travelling time is remunerated at half the hourly rate referred to in the first paragraph if the distance travelled exceeds a 90-kilometre radius from the Adjudicator's home base.

### 6.2 Expenses

The Adjudicator is entitled to be reimbursed for expenses that include, among others, travel, accommodation and meal expenses, at the rate and on the terms set out in the *Directive concernant les frais de déplacement des personnes engagées à honoraires par des organismes publics* (C.T. 212379 dated 26 March 2013, as amended), posted in French on the following website:

[https://www.tresor.gouv.qc.ca/fileadmin/PDF/faire\\_affaire\\_avec\\_etat/cadre\\_normatif/frais\\_deplacement.pdf](https://www.tresor.gouv.qc.ca/fileadmin/PDF/faire_affaire_avec_etat/cadre_normatif/frais_deplacement.pdf)

The actual expense of other disbursements necessary to conduct the adjudication are reimbursed on presentation of adequate vouchers.

## 7. TERMS OF PAYMENT

An invoice for fees and expenses must be sent to the Parties by the Adjudicator. It must be sufficiently detailed to allow the Parties to verify, for each day, the validity of the fees or expenses claimed. Vouchers for any expenses claimed must be sent with the invoice.

Payment is made to the Adjudicator personally or to the order of the firm within which he or she works, in keeping with the written instructions given to the Parties by the Adjudicator. The Adjudicator must also, as applicable, provide his or her Social Insurance Number or the business number entered in the enterprise register as well as the appropriate tax information.

## 8. COMPENSATION

The Adjudicator is not entitled to compensation if one of the Parties totally withdraws from the adjudication and in so doing, terminates the adjudication.

## 9. ADJUDICATOR'S LIABILITY

Unless there is an intentional or gross fault on the part of the Adjudicator, he or she will incur no liability for material damage sustained by any of the Parties as a consequence of the Adjudicator's decision.

IF ONE OF THE PARTIES IS A PUBLIC BODY:

## 10. AUDIT

The invoices for fees produced in the course of performing this mandate may be audited by the Comptroller of Finance who, for the purpose, has all the powers provided for in the Act respecting public inquiry commissions (chapter C-37) and, more specifically, the power to take cognizance and examine all registers and documents the Comptroller considers relevant to the audit.

## 11. REVENU QUÉBEC CERTIFICATE

In accordance with sections 50.1 and 50.3 of the Regulation respecting certain service contracts of public bodies (chapter C-65.1, r. 4), the Adjudicator, if in business, or the firm with which the Adjudicator is related, must hold a certificate from Revenu Québec. A copy of the certificate must be sent without delay to the public body.

## 12. COMING INTO FORCE

These terms and conditions come into force on the date on which an Adjudicator is chosen by the Parties or is appointed by the Institut de médiation et d'arbitrage du Québec.



**SCHEDULE 2  
(Section 47)**

**ACCOUNTABILITY REPORTING  
AT THE END OF EACH ADJUDICATION**

Send the duly completed form to the secretariat of the Conseil du trésor at:

[projet\\_pilote\\_paiements@sct.gouv.qc.ca](mailto:projet_pilote_paiements@sct.gouv.qc.ca)

Additional information or documents may in certain circumstances be requested by the secretariat of the Conseil du trésor.

For questions relating to the reporting form, please write to

[projet\\_pilote\\_paiements@sct.gouv.qc.ca](mailto:projet_pilote_paiements@sct.gouv.qc.ca)

**IDENTIFICATION AND SUMMARY DESCRIPTION**

Subject of contract: \_\_\_\_\_

Subject of dispute: \_\_\_\_\_

Parties involved:

Applicant: \_\_\_\_\_

Other party: \_\_\_\_\_

Adjudicator: \_\_\_\_\_

Date of notice of adjudication: \_\_\_\_\_

Date of appointment of adjudicator: \_\_\_\_\_

Did the Institut de médiation et d'arbitrage du Québec appoint the adjudicator? If yes, for what reason(s)?

\_\_\_\_\_

Date of decision by adjudicator: \_\_\_\_\_

Date of payment, if applicable: \_\_\_\_\_

*The adjudicator must answer questions 1 to 5; the parties to the public contract or subcontract must answer all the questions.*

1. Generally speaking, are you satisfied with the conduct of the adjudication by the adjudicator? Explain.

2. Are the timelines set out in the terms and conditions of the Minister's Order too short, sufficient or too long? Explain.

Timeline	Too short	Sufficient	Too long	Explain
Payment application by subcontractor to general contractor: 25th day of the month (s. 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Payment application by general contractor to public body: 1st day of the month (s. 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
End of public body's presumption period: 20th day of the month (s. 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Payment by public body to general contractor: last day of the month (s. 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Payment by general contractor to subcontractor: 5th day of the month (s. 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Payment by one subcontractor to another subcontractor: 10th day of the month, 15th day of the month and so on to the end of the subcontracting chain (s. 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Choosing an adjudicator from among those proposed by the applicant or requesting the IMAQ to appoint one: 5 days (s. 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Providing the adjudicator with documents and information in support of the claims: 10 days (s. 28)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Duration of adjudication (including adjudicator's decision): 30 days (s. 28)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Duration of extension at the discretion of adjudicator: maximum 15 days (s. 28)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If the decision sets an amount to pay, payment to other party: 10 days (s. 37)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

3. Are there any irritants or omissions in the adjudication procedure? If so, what are they?

4. What benefits did you derive from the adjudication procedure?
5. What changes would you like to see made to the adjudication procedure?
6. Are you satisfied with the role played by the adjudicator? Explain.
7. From the time the dispute was evident (event), how long did it take for the applicant to serve the notice of adjudication on the other party to the contract?
  - Fewer than 20 days after the event
  - Between 20 and 30 days after the event
  - Between 41 and 40 days after the event
  - More than 41 days after the event.

Specify the exact number of days: \_\_\_\_\_

8. Other comments:

**SCHEDULE 3  
(Section 48)**

**ACCOUNTABILITY REPORTING  
AT THE END OF EACH PUBLIC CONTACT AND SUBCONTRACT  
COVERED BY THE PILOT PROJECT**

Send the duly completed form to the secretariat of the Conseil du trésor at:

[projet\\_pilote\\_paiements@sct.gouv.qc.ca](mailto:projet_pilote_paiements@sct.gouv.qc.ca)

Additional information or documents may in certain circumstances be requested by the secretariat of the Conseil du trésor.

For questions relating to the reporting form, please write to

[projet\\_pilote\\_paiements@sct.gouv.qc.ca](mailto:projet_pilote_paiements@sct.gouv.qc.ca)

Subject of contract: \_\_\_\_\_  
Parties involved: \_\_\_\_\_

1. Are the timelines set out in the terms and conditions of the Minister's Order too short, sufficient or too long? Explain.

Timeline	Too short	Sufficient	Too long	Explain
Payment application by subcontractor to general contractor: 25th day of the month (s. 9)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Payment application by general contractor to public body: 1st day of the month (s. 10)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
End of public body's presumption period: 20th day of the month (s. 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Payment by public body to general contractor: last day of the month (s. 14)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Payment by general contractor to subcontractor: 5th day of the month (s. 15)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Payment by one subcontractor to another subcontractor: 10th day of the month, 15th day of the month and so on to the end of the subcontracting chain (s. 16)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

2. Are there any irritants or omissions in the terms and conditions in the Minister's Order? If so, what are they?
3. What changes would you like to see made to the terms and conditions?
4. Did you use the services of an adjudicator? If not, explain why: absence of dispute, disputes settled amicably, other, etc.
5. Other comments:

103598

**M.O., 2018****Order number 2018-14 of the Minister of Transport, Sustainable Mobility and Transport Electrification and the Minister of Public Security dated 4 July 2018**

Highway Safety Code  
(chapter C-24.2)

Regulation to amend the Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems

THE MINISTER OF TRANSPORT, SUSTAINABLE  
MOBILITY AND TRANSPORT ELECTRIFICATION,

THE MINISTER OF PUBLIC SECURITY,

CONSIDERING that, under the first and second paragraphs of section 634.4 of the Highway Safety Code (chapter C-24.2), enacted by section 170 of the Act to amend the Highway Safety Code and other provisions (2018, chapter 7), the Minister of Transport, Sustainable Mobility and Transport Electrification and the Minister of Public Security determine, by regulation, conditions and procedures for the use of photo radar devices and red light camera systems, the information that must be contained in a register kept by the Sûreté du Québec or by any other person that they designate by regulation to be responsible for keeping one and the persons authorized to make entries in the register;

CONSIDERING the Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems (chapter C-24.2, r. 9);

CONSIDERING, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that a draft Regulation to amend the Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems was published in the *Gazette officielle du Québec* of 14 February 2018 with a notice that it could be made by the Minister of Transport, Sustainable Mobility and Transport Electrification and the Minister of Public Security on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with the amendment to the reference to the legislative authority;

ORDER AS FOLLOWS:

The Regulation to amend the Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems, attached to this Order, is hereby made.

ANDRÉ FORTIN,  
*Minister of Transport,  
Sustainable Mobility and  
Transport Electrification*

MARTIN COITEUX,  
*Minister of Public Security*

## Regulation to amend the Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems

Highway Safety Code  
(chapter C-24.2, s. 634.4)

**1.** The Regulation respecting the conditions and procedures for the use of photo radar devices and red light camera systems (chapter C-24.2, r. 9) is amended in section 1

(1) by replacing subparagraph *a* of paragraph 1 by the following:

“(a) in the 6 months preceding the date of its use;”;

(2) by striking out paragraph 2;

(3) by replacing paragraph 3 by the following:

“(3) testing

(a) in the 36 hours preceding its use and in the 36 hours following its use;

(b) the result of which, read by a peace officer who has received appropriate training, shows that it is in good working order at the place where it is used.”

**2.** Section 2 is amended

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

(2) by replacing “who performed the test” in subparagraph 5 of the first paragraph by “who read the result”;

(3) by replacing subparagraph 6 of the first paragraph by the following:

“(6) the date and result of the inspections made to ensure the good working order of the device or system, as well as the date and a description of any repairs made;”;

(4) by replacing “inspection, testing” in the second paragraph by “testing, inspections”.

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

103618

## M.O., 2018

Order number AM 2018-006 of the Minister of Immigration, Diversity and Inclusiveness dated 6 July 2018

Québec Immigration Act  
(2016, chapter 3)

Immigration Procedure Regulation

THE MINISTER OF IMMIGRATION, DIVERSITY AND INCLUSIVENESS,

CONSIDERING the Québec Immigration Act (2016, chapter 3) was assented to on 6 April 2016;

CONSIDERING the coming into force of the provisions of the Act on 2 August 2018 pursuant to Order in Council 962-2018 dated 3 July 2018, except paragraph 2 of section 72;

CONSIDERING section 41 of the Act which provides that the Minister determines, by regulation, the conditions relating to the filing of any application made under the Act;

CONSIDERING section 43 of the Act which provides that the Minister determines, by regulation, the conditions for entering an expression of interest in the expressions-of-interest bank;

CONSIDERING section 104 of the Act which provides that a regulation made under section 41 or 43 is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) and, despite section 17 of that Act, may come into force on the date of its publication in the *Gazette officielle du Québec* or any later date set in the regulation;

CONSIDERING that it is expedient to determine the conditions for filing an application and those for entering an expression of interest;

ORDERS AS FOLLOWS:

The Immigration Procedure Regulation, attached to this Order, is hereby made.

Montréal, 6 July 2018

DAVID HEURTEL,  
*Minister of Immigration,  
Diversity and Inclusiveness*

## Immigration Procedure Regulation

Québec Immigration Act  
(2016, chapter 3, ss. 41 and 43)

### DIVISION I

#### FILING OF AN APPLICATION

**1.** Every person filing an application with the Minister under the Québec Immigration Act (2016, chapter 3) must use the form supplied by the Minister and, except for an application referred to in the second paragraph, file the application at the Québec immigration office in Montréal.

An application for selection filed pursuant to the Regular Skilled Worker Program must be filed using the online form.

**2.** Every application must be filed with payment of the applicable fees required by the Québec Immigration Act.

**3.** An application for selection under the Program for refugees abroad is deemed to be filed in accordance with section 1 as soon as the minister responsible for the Immigration and Refugee Protection Act (S.C. 2001, c. 27) sends to the Minister the information relating to the foreign national filing the application.

**4.** For a foreign national to file an application for selection with the Minister pursuant to the Program for persons selected on the basis of humanitarian considerations while ordinarily resident in Québec, the foreign national must be authorized by the Minister responsible for the Immigration and Refugee Protection Act to apply for permanent resident status for humanitarian and compassionate considerations under section 25, 25.1 or 25.2 of that Act.

**5.** A foreign national who is staying in Québec must have complied with the conditions of the stay in order to file with the Minister an application for selection for temporary or permanent immigration.

### DIVISION II

#### INTERVIEW

**6.** For the purposes of sections 54 and 55 of the Québec Immigration Act, the Minister may call any foreign national to an interview to have the foreign national demonstrate the truthfulness of the facts set out in his or her statements, to provide the Minister with any information or document the Minister considers relevant or to establish the authenticity, integrity or validity of the documents contained in the foreign national's application.

For the purposes of the override power provided for in section 58 of the Québec Immigration Regulation made by Order in Council 963-2018 dated 3 July 2018, the Minister may call a foreign national to an interview to determine whether the foreign national may successfully settle in Québec or has an exceptional profile or unique expertise for Québec.

The Minister calls a foreign national to an interview by means of a notice which states the date and place of the interview and the documents to be provided to the Minister.

### DIVISION III

#### ENTRY IN THE EXPRESSIONS-OF-INTEREST BANK

**7.** The Minister is to enter in the expressions-of-interest bank an expression of interest submitted by a foreign national 18 years of age or older.

### DIVISION IV

#### FINAL

**8.** This Regulation comes into force on 2 August 2018.

103619

## M.O., 2018

### Order number AM 2018-007 of the Minister of Immigration, Diversity and Inclusiveness dated 6 July 2018

Québec Immigration Act  
(2016, chapter 3)

Regulation respecting quotas of brokers and trust companies

THE MINISTER OF IMMIGRATION, DIVERSITY AND INCLUSIVENESS,

CONSIDERING the Québec Immigration Act (2016, chapter 3) was assented to on 6 April 2016;

CONSIDERING the coming into force of the provisions of the Act on 2 August 2018 pursuant to Order in Council 962-2018 dated 3 July 2018, except paragraph 2 of section 72;

CONSIDERING the first paragraph of section 31 of the Act which authorizes the Minister, if the number of applications for selection the Minister intends to receive

is determined by a decision made under section 50 of the Act, to require a person or partnership who or that participates in the management of an investment of a foreign national to hold a quota;

CONSIDERING subparagraphs 1 and 2 of the first paragraph of section 31 of the Act which set forth that the Minister may set the minimum quota of the person or partnership and determine the terms and conditions for assigning a quota to the person or partnership, in particular by establishing a quota calculation formula and determining the value of the parameters;

CONSIDERING subparagraphs 3 and 4 of the first paragraph of section 31 of the Act which set forth that the Minister may prescribe the monetary administrative penalties applicable to a person who or a partnership that does not comply with the quota assigned and determine conditions relating to the transfer of a quota;

CONSIDERING section 104 of the Act which provides that a regulation made under section 31 is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) and, despite section 17 of that Act, may come into force on the date of its publication in the *Gazette officielle du Québec* or any later date set in the regulation;

CONSIDERING the decision concerning the receipt and processing of applications for selection submitted by foreign nationals in the economic class and undertaking applications filed under the collective sponsorship component of the program for refugees abroad, made by the Minister by Ministerial Order 2018-009;

CONSIDERING that it is expedient to require a person or partnership who or that participates in the management of an investment of a foreign national in the “investor” subclass to hold a quota for that period for receiving applications;

CONSIDERING that it is expedient to encourage applications for selection from investors with a view to promoting full participation of immigrants, in French, in community life and to seeing them remain in Québec;

ORDERS AS FOLLOWS:

the Regulation respecting quotas of brokers and trust companies, attached to this Order, is hereby made.

Montréal, 6 July 2018

DAVID HEURTEL,  
*Minister of Immigration,  
Diversity and Inclusiveness*

## Regulation respecting quotas of brokers and trust companies

Québec Immigration Act  
(2016, chapter 3, ss. 31 and 104)

**1.** A broker or trust company must hold a quota assigned by the Minister to enter into an investment agreement with a foreign national who files a application for selection if the number of applications to be received by the Minister within a period is determined by a decision made under section 50 of the Québec Immigration Act (2016, chapter 3).

“Investment agreement” means an agreement signed in accordance with paragraph 3 of section 37 of the Québec Immigration Regulation made by Order in Council 963-2018 dated 3 July 2018.

**2.** A broker or trust company wishing to hold a quota must send to the Minister a notice of participation not later than 5 weeks before the date scheduled as the beginning of the period for receiving applications.

**3.** The quota assigned to the broker or trust company corresponds to the minimum quota set in section 5, to which is added a variable number of investment agreements determined on the basis of the historical relative performance of the broker or trust company (i) relative to all the brokers or trust companies.

The quota is determined using the following formula:

$$\text{Quota}_i = \text{Nb min} + (\text{Nb max} - \text{Nb min} \times N) = P_i$$

Where,

Nb min: minimum quota set in section 5;

N: number of brokers or trust companies holding a quota;

Nb max: maximum number of applications to be received determined by a decision of the Minister made under section 50 of the Québec Immigration Act;

$P_i$ : historical relative performance of the broker or trust company (i).

**4.** The historical relative performance of a broker or trust company ( $P_i$ ) is determined on the basis of the number of investment agreements entered into and for which a selection certificate was issued, taking into account the importance attached to French-speaking applicants and the total number of investment agreements entered into in accordance with that same section. It is determined using the following formula:



$$P_i = \sum_{a=1}^k [(IH_a * ICSQ * PCSQ_{ai}) + (IH_a * IC * PC_{ai}) + (IH_a * ICSF * PCSF_{ai})]$$

Where,

*K*: number of historical years provided for in paragraph 1 of section 6;

*IH<sub>a</sub>*: historical importance of the year (a) according to the following formula:

$$IH_a = \frac{(k+1)-a}{k+(k-1)+\dots+1} \text{ (where } a = 1 \text{ represents the most recent year)}$$

*ICSQ*: relative importance assigned to the investment agreements entered into and for which a selection certificate was issued;

*PCSQ<sub>a,i</sub>*: share of the investment agreements entered into and for which a selection certificate was issued in the year (a) for the broker or trust company (i);

*IC*: relative importance assigned to all the investment agreements entered into;

*PC<sub>a,i</sub>*: share of the investment agreements entered into in the year (a) for the broker or trust company (i);

*ICSF*: relative importance assigned to the investment agreements entered into for which a selection certificate was issued and the main applicant demonstrated a French language proficiency level at least equal to the advanced intermediate level for oral comprehension and oral expression;

*PCSF<sub>a,i</sub>*: share of the investment agreements entered into for which a selection certificate was issued and the main applicant demonstrated a French language proficiency level at least equal to the advanced intermediate level for oral comprehension and oral expression in the year (a) for the broker or trust company (i).

$$ICSQ+IC+ICSF = 1$$

$$\sum_{i=1}^n (PCSQ_{a,i}) = 1$$

$$\sum_{i=1}^n (PC_{a,i}) = 1$$

$$\sum_{i=1}^n (PCSF_{a,i}) = 1$$

$$\sum_{i=1}^n (P_i) = 1$$

**5.** The minimum quota assigned by the Minister to a broker or trust company is calculated as follows:

$$\text{Nb min} = (\text{Nb max} \times 20\%) / N$$

Where,

N: number of brokers or trust companies holding a quota;

Nb max: maximum number of applications to be received determined by a decision of the Minister made under section 50 of the Québec Immigration Act.

**6.** For the purpose of calculating the historical relative performance of a broker or trust company, the value of the following parameters is determined:

- (1)  $k = 5$ ;
- (2)  $\text{ICSQ} = 80\%$ ;
- (3)  $\text{IC} = 15\%$ ;
- (4)  $\text{ICSF} = 5\%$ .

**7.** The holder of a quota may not transfer the minimum quota assigned by the Minister under section 5.

The holder may, however, transfer a maximum of 10% of the variable number of investment agreements determined on the basis of the historical relative performance of the broker or trust company relative to all the brokers or trust companies, calculated as provided in sections 3 and 4.

Despite the second paragraph, a transfer occurring less than 30 days before the date of the end of the period for receiving applications determined by a decision made under section 50 of the Québec Immigration Act is invalid.

**8.** An agreement in writing signed by the transferor and the transferee must be sent to the Minister not later than 30 days before the date of the end of the period for receiving applications determined by a decision made under section 50 of the Québec Immigration Act.

**9.** The number of investment agreements entered into between a quota holder and foreign nationals originating from a source area referred to in a decision made under section 50 of the Québec Immigration Act may not exceed the percentage of applications that may be received from that source area for a particular period.

**10.** A broker or trust company that fails to reach the assigned quota is subject to an administrative monetary penalty in the amount of \$15,000 for each application for selection that is not submitted to the Minister in the period for receiving applications determined by a decision made under section 50 of the Québec Immigration Act.

The amounts collected under the first paragraph are deemed to be applicable fees required by section 74 of the Québec Immigration Act.

**11.** For the purposes of section 117 of the Québec Immigration Regulation and despite section 7 of this Regulation, a broker or trust company already participating in the Investor Program on 2 August 2018 may, at the time the entity it created or acquired begins participation in the program, transfer to it the entire quota held by the broker or trust company. For the assignment of the subsequent quota, the historical relative performance of the broker or trust company that created or acquired the entity is transferred to the entity, as long as the broker or trust company no longer participates in the Investor Program.

**12.** This Regulation replaces the Regulation respecting quotas of brokers and trust companies (chapter I-0.2, r. 0.3).

**13.** This Regulation comes into force on 2 August 2018.

103620

## M.O., 2018

### Order number AM 2018-008 of the Minister of Immigration, Diversity and Inclusiveness dated 6 July 2018

Québec Immigration Act  
(2016, chapter 3)

Regulation respecting the weighting applicable to the selection of foreign nationals

THE MINISTER OF IMMIGRATION, DIVERSITY AND INCLUSIVENESS,

CONSIDERING the Québec Immigration Act (2016, chapter 3) assented to on 6 April 2016;

CONSIDERING the coming into force of the provisions of the Act on 2 August 2018 under Order in Council 962-2018 dated 3 July 2018, except paragraph 2 of section 72;

CONSIDERING the coming into force of the Québec Immigration Regulation on 2 August 2018 under Order in Council 963-2018 dated 3 July 2018, which replaces the Regulation respecting the selection of foreign nationals (chapter I-0.2, r. 4);

CONSIDERING section 27 of the Act, which authorizes the Minister to set the weighting of the selection criteria referred to in section 26 of the Act, the passing score and, as applicable, the cut-off score for a selection criterion;

CONSIDERING section 104 of the Act, which provides that a regulation made under section 27 is not subject to the publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) and, despite section 17 of that Act, it may come into force on the date of its publication in the *Gazette officielle du Québec* or any later date set in the regulation;

CONSIDERING that it is expedient to set the weighting of the selection criteria referred to in section 26 of the Québec Immigration Act, the passing score and, as applicable, the cut-off score for a selection criterion;

ORDERS AS FOLLOWS: The Regulation respecting the weighting applicable to the selection of foreign nationals, attached to this Order, is hereby made.

Montréal, 6 July 2018

DAVID HEURTEL,  
*Minister of Immigration,  
Diversity and Inclusiveness*

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## **Regulation respecting the weighting applicable to the selection of foreign nationals**

Québec Immigration Act  
(2016, chapter 3, ss. 27 and 104)

**1.** The weighting of the factors and criteria in the Selection Grid for the Economic Class in Schedule A to the Québec Immigration Regulation made by Order in Council 963-2018 dated 3 July 2018, the cutoff scores for certain factors or criteria and the passing scores for all factors that apply to a foreign national, with or without an accompanying spouse or de facto spouse, who applies for a selection certificate are, per class of immigrants, those provided for in Schedules A to E.

**2.** This Regulation replaces the Regulation respecting the weighting applicable to the selection of foreign nationals (chapter I-0.2, r. 2).

**3.** This Regulation comes into force on 2 August 2018.

**SCHEDULE A**

(s. 1)

**REGULAR SKILLED WORKER PROGRAM**

<b>Factor 1. Training</b>	<b>Criteria</b>	<b>Maximum = 26 Points</b>
1.1 Education level		
	(a) secondary school general diploma	2
	(b) secondary school vocational diploma	6
<i>Maximum = 14 Cut-off score = 2</i>	(c) postsecondary school general diploma attesting 2 years of full-time studies	4
	(d) postsecondary school technical diploma attesting to 1 year of full-time studies	6
	(e) postsecondary school technical diploma attesting to 2 years of full-time studies	6
	(f) secondary school vocational diploma or postsecondary school technical diploma attesting to 1 or 2 years of full-time studies in training contemplated in section A or B of area I or II of criterion 1.2	0
	(g) postsecondary school technical diploma attesting to 3 years of full-time studies	8
	(h) postsecondary school technical diploma attesting to 3 years of full-time studies in training contemplated in section A or B of area I or II of criterion 1.2	0
	(i) undergraduate university degree attesting to 1 year of full-time studies	4
	(j) undergraduate university degree attesting to 2 years of full-time studies	6
	(k) undergraduate diploma attesting to 3 or more years of full-time studies	10

	(l) master's degree attesting to 1 or more years of full-time studies	12
	(m) doctorate	14
1. Areas of training		
	Section A of area I	12
	Section B of area I	9
	Section C of area I	6
<i>Maximum = 12</i>	Section D of area I	2
	Section E of area I	0
	Section F of area I	0
	Section G of area I	0
	Section A of area II	12
	Section B of area II	9
	Section C of area II	6
	Section D of area II	2
	Section E of area II	0
	Section F of area II	0
	Section G of area II	0
<b>Factor 2. Experience</b>		<b>Maximum = 8</b>
	<b>Criteria</b>	<b>Points</b>
2.1 Professional experience of skilled worker	Less than 6 months	0
	6 to 11 months	4
	12 to 23 months	4
	24 to 35 months	6
	36 to 47 months	6
	48 months or over	8
<b>Factor 3. Age</b>		<b>Maximum = 16</b>
	<b>Criteria</b>	<b>Points</b>
	18 to 35 years of age	16
	36 years of age	14
	37 years of age	12
	38 years of age	10
	39 years of age	8
	40 years of age	6
	41 years of age	4
	42 years of age	2
	43 years of age or older	0

**Factor 4. Language proficiency****Maximum = 22**

	<b>Criteria</b>	<b>Points</b>
4.1 French	(a) oral	
<i>Maximum = 16</i>	- oral comprehension:	
	levels 1 and 2	0
	levels 3 and 4	0
	levels 5 and 6	0
	levels 7 and 8	5
	levels 9 and 10	6
	levels 11 and 12	7
	- oral expression:	
	levels 1 and 2	0
	levels 3 and 4	0
	levels 5 and 6	0
	levels 7 and 8	5
	levels 9 and 10	6
	levels 11 and 12	7
	(b) written	
	- written comprehension:	
	levels 1 and 2	0
	levels 3 and 4	0
	levels 5 and 6	0
	levels 7 and 8	1
	levels 9 and 10	1
	levels 11 and 12	1
	- written expression:	
	levels 1 and 2	0
	levels 3 and 4	0
	levels 5 and 6	0
	levels 7 and 8	1
	levels 9 and 10	1
	levels 11 and 12	1

4.2 English	(a) oral	
<i>Maximum = 6</i>	- oral comprehension:	
	levels 1 to 4	0
	levels 5 to 8	1
	levels 9 to 12	2
	- oral expression:	
	levels 1 to 4	0
	levels 5 to 8	1
	levels 9 to 12	2
	(b) written	
	- written comprehension:	
	levels 1 to 4	0
	levels 5 to 8	1
	levels 9 to 12	1
	- written expression:	
	levels 1 to 4	0
	levels 5 to 8	1
	levels 9 to 12	1
<b>Factor 5. Stay and family in Québec</b>		<b>Maximum = 8</b>
	<b>Criteria</b>	<b>Points</b>
5.1 Stay in Québec	(a) to study for 1 regular full-time semester if study is the main activity	0
<i>Maximum = 5</i>	(b) to study for at least 2 regular full-time semesters if study is the main activity	0

- |     |   |   |
|-----|---|---|
| (c) | for studies leading to a vocational training diploma (DEP) or an attestation of college studies (AEC) attesting to a total of 900 to less than 1,800 hours, combined with full-time work experience in Québec, related to the field of training, for a period of at least 6 months following the program of studies | 5 |
| (d) | for studies leading to a vocational training diploma (DEP) or an attestation of college studies (AEC) attesting to 1,800 hours or more, a diploma of college studies (DEC) preuniversity or technical or an undergraduate, graduate or master's diploma   | 5 |
| (e) | to work, with a work permit of at least 1 year and full-time work experience of 6 months  | 5 |
| (f) | to work for at least 3 months if work is the main activity  | 0 |
| (g) | to work for at least 6 months if work is the main activity  | 0 |
| (h) | in the context of a youth exchange program to which an international agreement entered into by Québec or Canada, if work is the main activity for at least 3 months   | 0 |
| (i) | in the context of a youth exchange program to which an international agreement entered into by Québec or Canada, if work is the main activity for at least 6 months   | 0 |
| (j) | for business for at least 1 week  | 0 |
| (k) | other stay for a duration equivalent to at least 2 weeks  | 1 |
| (l) | other stay for a duration equivalent to at least 3 months   | 2 |



5.2 Family in Québec	(a) spouse or de facto spouse	3
	(b) son or daughter, father or mother, brother or sister	3
<i>Maximum = 3</i>	(c) grandfather or grandmother	3
	(d) uncle or aunt, nephew or niece	0

**Factor 6. Characteristics of the accompanying spouse or de facto spouse**  
**Maximum = 17**

	<b>Criteria</b>	<b>Points</b>
6.1 Education level	(a) secondary school general diploma	1
	(b) secondary school vocational diploma	2
<i>Maximum = 4</i>	(c) postsecondary school general diploma attesting to 2 years of full-time studies	1
	(d) postsecondary school technical diploma attesting to 1 year of full-time studies	2
	(e) postsecondary school technical diploma attesting to 2 years of full-time studies	2
	(f) postsecondary school technical diploma attesting to 3 years of full-time studies	3
	(g) undergraduate university degree attesting to 1 year of full-time studies	1
	(h) undergraduate university degree attesting to 2 years of full-time studies	2
	(i) undergraduate university degree attesting to 3 years of full-time studies	3
	(j) master's degree attesting to 1 year or more of full-time studies	4
	(k) doctorate	4

6.2 Areas of training	Section A of area I	4	
	Section B of area I	3	
	Section C of area I	2	
	Section D of area I	1	
	<i>Maximum = 4</i>	Section E of area I	0
		Section F of area I	0
		Section G of area I	0
		Section A of area II	4
		Section B of area II	3
		Section C of area II	2
		Section D of area II	1
		Section E of area II	0
		Section F of area II	0
		Section G of area II	0
6.3 Professional experience	6 to 11 months	0	
	12 months or more	0	
6.4 Age	18 to 35 years of age	3	
	36 years of age	2	
	<i>Maximum = 3</i>	37 years of age	2
		38 years of age	2
	39 years of age	2	
	40 years of age	1	
	41 years of age	1	
	42 years of age	1	
	43 years of age or older	0	
6.5 Language proficiency	(a) oral French		
	<i>Maximum = 6</i>	- oral comprehension:	
		levels 1 and 2	0
		levels 3 and 4	0
		levels 5 and 6	0
		levels 7 and 8	2
		levels 9 and 10	3
	levels 11 and 12	3	

- oral expression:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	2
levels 9 and 10	3
levels 11 and 12	3

(b) written French

- written comprehension:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	0
levels 9 and 10	0
levels 11 and 12	0

- written expression:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	0
levels 9 and 10	0
levels 11 and 12	0

**Factor 7. Validated employment offer**

**Maximum = 14**

Criteria	Points
7.1 Validated employment offer in the metropolitan area of Montréal	8
7.2 Validated employment offer outside the metropolitan area of Montréal in one of the following administrative regions:	
(a) Abitibi-Témiscamingue	13
(b) Bas-Saint-Laurent	12
(c) Capitale-Nationale	14
(d) Centre-du-Québec	13
(e) Chaudière-Appalaches	14
(f) Côte-Nord	12

(g) Estrie	13
(h) Gaspésie	10
(i) Lanaudière	13
(j) Laurentides	12
(k) Mauricie	12
(l) Montérégie	14
(m) Nord-du-Québec	12
(n) Outaouais	13
(o) Saguenay–Lac-Saint-Jean	12

**Factor 8. children****Maximum = 8**

Criteria	Points
8.1 for each child 12 years of age or younger	4
8.2 for each child 13 to 21 years of age	2

**Factor 9. Financial self-sufficiency****Maximum = 1**

Criteria	Points
<i>Cut-off score = 1</i> Making of a contract	1

EMPLOYABILITY	APPLICABLE FACTORS	CUT-OFF SCORE	MAXIMUM
Applicant without spouse or de facto spouse	Total of factors 1 to 7, except 6	43 points	94 points
Applicant with spouse or de facto spouse	Total of factors 1 to 7	52 points	111 points
SELECTION	APPLICABLE FACTORS	PASSING SCORE	MAXIMUM
Applicant without spouse or de facto spouse	All, except 6	50 points	103 points
Applicant with spouse or de facto spouse	All	59 points	120 points

**SCHEDULE B**  
(s. 1)  
**INVESTOR PROGRAM**

<b>Factor 1. Training</b>	<b>Criteria</b>	<b>Maximum = 14 Points</b>
1.1 Education level		
<i>Maximum = 14</i>	(a) secondary school general diploma	2
	(b) secondary school vocational diploma	6
	(c) postsecondary school general diploma attesting to 2 years of full-time studies	4
	(d) postsecondary school technical diploma attesting to 1 year of full-time studies	6
	(e) postsecondary school technical diploma attesting to 2 years of full-time studies	6
	(f) secondary school vocational diploma, or postsecondary school technical diploma attesting to 1 or 2 years of full-time studies, in training referred to in section A or B of area I or II of criterion 1.2	0
	(g) postsecondary school technical diploma attesting to 3 years of full-time studies	8
	(h) postsecondary school technical diploma attesting to 3 years of full-time studies in training referred to in section A or B of area I or II of criterion 1.2	0
	(i) undergraduate university degree attesting to 1 year of full-time studies	4
	(j) undergraduate university degree attesting to 2 years of full-time studies	6
	(k) undergraduate university degree attesting to 3 years or more of full-time studies	10

(l) master's degree attesting to 3 years or more of full-time studies	12
(m) doctorate	14

**Factor 2. Experience****Maximum = 10**

	<b>Criteria</b>	<b>Points</b>
2.3 Experience in management of the investor	Less than 2 years	0
	2 years or more	10

*Cut-off score = 10***Factor 3. Age****Maximum = 10**

	<b>Criteria</b>	<b>Points</b>
	18 to 45 years of age	10
	46 years of age	8
	47 years of age	6
	48 years of age	4
	49 years of age	2
	50 years of age or older	0

**Factor 4. Language proficiency****Maximum = 22**

	<b>Criteria</b>	<b>Points</b>
4.1 French	(a) oral	
	- oral comprehension:	
<i>Maximum = 16</i>	levels 1 and 2	0
	levels 3 and 4	0
	levels 5 and 6	0
	levels 7 and 8	5
	levels 9 and 10	6
	levels 11 and 12	7

- oral expression:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	5
levels 9 and 10	6
levels 11 and 12	7

(b) written

- written comprehension:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	1
levels 9 and 10	1
levels 11 and 12	1

- written expression:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	1
levels 9 and 10	1
levels 11 and 12	1

4.2 English

(a) oral

*Maximum = 6*

- oral comprehension:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	2

- oral expression:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	2

## (b) written

## - written comprehension:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	1

## - written expression:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	1

**Factor 5. Stay and family in Québec****Maximum = 8**

	<b>Criteria</b>	<b>Points</b>
5.1 Stay in Québec	(a) to study for 1 regular full-time semester if study is the main activity	5
<i>Maximum = 5</i>	(b) to study for at least 2 regular full-time semesters if study is the main activity	5
	(c) for studies leading to a vocational training diploma (DEP) or an attestation of college studies (AEC) attesting to a total of 900 to less than 1,800 hours, combined with full-time work experience in Québec, related to the field of training, for a period of at least 6 months following the program of studies	0
	(d) for studies leading to a vocational training diploma (DEP) or an attestation of college studies (AEC) attesting to 1,800 hours or more, a diploma of college studies (DEC) preuniversity or technical or an undergraduate, graduate or master's degree	0



	(e) to work, with a work permit of at least 1 year and full-time work experience of 6 months	5
	(f) to work for at least 3 months if work is the main activity	5
	(g) to work for at least 6 months if work is the main activity	5
	(h) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada, if work is the main activity for at least 3 months	0
	(i) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada, if work is the main activity for at least 6 months	5
	(j) for business for at least 1 week	2
	(k) other stay for a duration equivalent to at least 2 weeks	1
	(l) other stay for a duration equivalent to at least 3 months	2
5.2 Family in Québec	(a) spouse or de facto spouse	3
	(b) son or daughter, father or mother, brother or sister	3
<i>Maximum = 3</i>	(c) grandfather or grandmother	3
	(d) uncle or aunt, nephew or niece	0

**Factor 12. Investment agreement**

**Maximum = 25**

	<b>Criteria</b>	<b>Points</b>
<i>Cut-off score = 25</i>	Compliant with the Regulation	25
<b>SELECTION</b>	<b>APPLICABLE FACTORS</b>	<b>PASSING SCORE</b>
Applicant with or without spouse or de facto spouse	All	40 points
		<b>MAXIMUM</b>
		94 points

**SCHEDULE C**

(s. 1)

**ENTREPRENEUR PROGRAM – COMPONENT 1**

<b>Factor 1. Training</b>	<b>Criteria</b>	<b>Maximum = 14 Points</b>
1.1 Education level	(a) secondary school general diploma	2
	(b) secondary school vocational diploma	6
<i>Cut-off score = 2</i>	(c) postsecondary school general diploma attesting to 2 years of full-time studies	4
	(d) postsecondary school technical diploma attesting to 1 year of full-time studies	6
	(e) postsecondary school technical diploma attesting to 2 years of full-time studies	6
	(f) secondary school vocational diploma, or postsecondary school technical diploma attesting to 1 or 2 years of full-time studies, in training referred to in section A or B of area I or II of criterion 1.2	0
	(g) postsecondary school technical diploma attesting to 3 years of full-time studies	8
	(h) postsecondary school technical diploma attesting to 3 years of full-time studies in training referred to in section A or B of area I or II of criterion 1.2	0
	(i) undergraduate university degree attesting to 1 year of full-time studies	4
	(j) undergraduate university degree attesting to 2 years of full-time studies	6
	(k) undergraduate university degree attesting to 3 years or more of full-time studies	10

	(l) master's degree attesting to 1 year or more of full-time studies	12
	(m) doctorate	14
1.2 Areas of training	Sections A to G of area I ou II	0

**Factor 3. Age****Maximum = 10**

Criteria	Points
18 to 45 years of age	10
46 years of age	8
47 years of age	6
48 years of age	4
49 years of age	2
50 years of age or older	0

**Factor 4. Language proficiency****Maximum = 22**

	Criteria	Points
4.1 French	(a) oral	
<i>Maximum = 16</i>	- oral comprehension:	
	levels 1 and 2	0
	levels 3 and 4	0
	levels 5 and 6	0
	levels 7 and 8	5
	levels 9 and 10	6
	levels 11 and 12	7
	- oral expression:	
	levels 1 and 2	0
	levels 3 and 4	0
	levels 5 and 6	0
	levels 7 and 8	5
	levels 9 and 10	6
	levels 11 and 12	7

## (b) written

## - written comprehension:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	1
levels 9 and 10	1
levels 11 and 12	1

## - written expression:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	1
levels 9 and 10	1
levels 11 and 12	1

## 4.2 English

## (a) oral

*Maximum = 6*

## - oral comprehension:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	2

## - oral expression:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	2

## (b) written

## - written comprehension:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	1

- written expression:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	1

**Factor 5. Stay and family in Québec**

**Maximum = 8**

	<b>Criteria</b>	<b>Points</b>
5.1 Stay in Québec	(a) to study for 1 regular full-time semester if study is the main activity	5
<i>Maximum = 5</i>	(b) to study for at least 2 regular full-time semesters if study is the main activity	5
	(c) for studies leading to a vocational training diploma (DEP) or an attestation of college studies (AEC) attesting to a total of 900 to less than 1,800 hours, combined with full-time work experience in Québec, related to the field of training, for a period of at least 6 months following the program of studies	0
	(d) for studies leading to a vocational training diploma (DEP) or an attestation of college studies (AEC) attesting to 1,800 hours or more, a diploma of college studies (DEC) preuniversity or technical or an undergraduate, graduate or master's diploma	0
	(e) to work, with a work permit of at least 1 year and full-time work experience of 6 months	5
	(f) to work for at least 3 months if work is the main activity	5
	(g) to work for at least 6 months if work is the main activity	5

	(h) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada, if work is the main activity for at least 3 months	5
	(i) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada, if work is the main activity for at least 6 months	5
	(j) for business for at least 1 week	4
	(k) other stay for a duration equivalent to at least 2 weeks	1
	(l) other stay for a duration equivalent to at least 3 months	2
5.2 Family in Québec	(a) spouse or de facto spouse	3
	(b) son or daughter, father or mother, brother or sister	3
<i>Maximum = 3</i>	(c) grandfather or grandmother	3
	(d) uncle or aunt, nephew or niece	0

**Factor 9. Financial self-sufficiency**

**Maximum = 1**

	<b>Criteria</b>	<b>Points</b>
<i>Cut-off score = 1</i>	Making of a contract	1

**Factor 10. Business project**

**Maximum = 30**

	<b>Criteria</b>	<b>Points</b>
<i>Cut-off score = 30</i>	10.1 Service offer assessment	15
	10.2 Business project assessment	15

<b>INNOVATION - ENTREPREURSHIP</b>	<b>APPLICABLE FACTORS</b>	<b>CUT-OFF SCORE</b>	<b>MAXIMUM</b>
Applicant with or without spouse or de facto spouse	All, except 10	11 points	55 points
<b>SELECTION</b>	<b>APPLICABLE FACTORS</b>	<b>PASSING SCORE</b>	<b>MAXIMUM</b>
Applicant with or without spouse or de facto spouse	All	41 points	85 points

**SCHEDULE D**

(s. 1)

**ENTREPRENEUR PROGRAM – COMPONENT 2**

<b>Factor 1. Training</b>	<b>Criteria</b>	<b>Maximum = 14 Points</b>
1.1 Education level	(a) secondary school general diploma	2
	(b) secondary school vocational diploma	6
<i>Cut-off score = 2</i>	(c) postsecondary school general diploma attesting to 2 years of full-time studies	4
	(d) postsecondary school technical diploma attesting to 1 year of full-time studies	6
	(e) postsecondary school technical diploma attesting to 2 years of full-time studies	6
	(f) secondary school vocational diploma, or postsecondary school technical diploma attesting to 1 or 2 years of full-time studies, in training referred to in section A or B of area I or II of criterion 1.2	0
	(g) postsecondary school technical diploma attesting to 3 years of full-time studies	8
	(h) postsecondary school technical diploma attesting to 3 years of full-time studies in training referred to in section A or B of area I or II of criterion 1.2	0
	(i) undergraduate university degree attesting to 1 year of full-time studies	4
	(j) undergraduate university degree attesting to 2 years of full-time studies	6
	(k) undergraduate university degree attesting to 3 years or more of full-time studies	10



	(l) master's degree attesting to 1 year or more of full-time studies	12
	(m) doctorate	14
1.2 Areas of training	Sections A to G of area I or II	0

**Factor 3. Age****Maximum = 10**

Criteria	Points
18 to 45 years of age	10
46 years of age	8
47 years of age	6
48 years of age	4
49 years of age	2
50 years of age or older	0

**Factor 4. Language proficiency****Maximum = 22**

	Criteria	Points
4.1 French	(a) oral	
<i>Maximum = 16</i>	- oral comprehension:	
	levels 1 and 2	0
	levels 3 and 4	0
	levels 5 and 6	0
	levels 7 and 8	5
	levels 9 and 10	6
	levels 11 and 12	7
	- oral expression:	
	levels 1 and 2	0
	levels 3 and 4	0
	levels 5 and 6	0
	levels 7 and 8	5
	levels 9 and 10	6
	levels 11 and 12	7

*(b)* written

## - written comprehension:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	1
levels 9 and 10	1
levels 11 and 12	1

## - written expression:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	1
levels 9 and 10	1
levels 11 and 12	1

## 4.2 English

*(a)* oral*Maximum = 6*

## - oral comprehension:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	2

## - oral expression:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	2

*(b)* written

## - written comprehension:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	1

- written expression:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	1

**Factor 5. Stay and family in Québec**

**Maximum = 8**

	<b>Criteria</b>	<b>Points</b>
5.1 Stay in Québec	(a) to study for 1 regular full-time semester if study is the main activity	5
<i>Maximum = 5</i>	(b) to study for at least 2 regular full-time semesters if study is the main activity	5
	(c) for studies leading to a vocational training diploma (DEP) or an attestation of college studies (AEC) attesting to a total of 900 to less than 1,800 hours, combined with full-time work experience in Québec, related to the field of training, for a period of at least 6 months following the program of studies	0
	(d) for studies leading to a vocational training diploma (DEP) or an attestation of college studies (AEC) attesting to 1,800 hours or more, a diploma of college studies (DEC) preuniversity or technical or an undergraduate, graduate or master's diploma	0
	(e) to work, with a work permit of at least 1 year and full-time work experience of 6 months	5
	(f) to work for at least 3 months if work is the main activity	5
	(g) to work for at least 6 months if work is the main activity	5

	(h) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada, if work is the main activity for at least 3 months	5
	(i) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada, if work is the main activity for at least 6 months	5
	(j) for business for at least 1 week	4
	(k) other stay for a duration equivalent to at least 2 weeks	1
	(l) other stay for a duration equivalent to at least 3 months	2
5.2 Family in Québec	(a) spouse or de facto spouse	3
	(b) son or daughter, father or mother, brother or sister	3
<i>Maximum = 3</i>	(c) grandfather or grandmother	3
	(d) uncle or aunt, nephew or niece	0

**Factor 9. Financial self-sufficiency**

**Maximum = 1**

	<b>Criteria</b>	<b>Points</b>
<i>Cut-off score = 1</i>	Making of a contract	1

**Factor 10. Business project**

**Maximum = 30**

	<b>Criteria</b>	<b>Points</b>
<i>Cut-off score = 30</i>	10.2 Business project assessment	30

**Factor 11. Amount of deposit****Maximum = 30**

	<b>Criteria</b>	<b>Points</b>
<i>11.1 Deposit for start-up</i>	11.1.1 Practice of a trade or profession in the metropolitan area of Montréal or an enterprise situated outside the metropolitan area of Montréal	
<i>Cut-off score = 30</i>	(a) less than \$300,000	0
	(b) \$300,000 or more	15
	11.1.2 Practice of a trade or profession outside the metropolitan area of Montréal or enterprise situated outside the metropolitan area of Montréal	
	(a) less than \$200,000	0
	(b) \$200,000 or more	15
<i>11.2 Security deposit</i>	(a) less than \$200,000	0
	(b) \$200,000 or more	15

**Factor 13. Financial resources****Maximum = 10**

	<b>Criteria</b>	<b>Points</b>
<i>Cut-off score = 10</i>	(a) less than \$900,000	0
	(b) \$900,000 \$ or more	10

<b>INNOVATION - ENTREPREURSHIP</b>	<b>APPLICABLE FACTORS</b>	<b>CUT-OFF SCORE</b>	<b>MAXIMUM</b>
Applicant with or without spouse or de facto spouse	All, except 10	51 points	95 points
<b>SELECTION</b>	<b>APPLICABLE FACTORS</b>	<b>PASSING SCORE</b>	<b>MAXIMUM</b>
Applicant with or without spouse or de facto spouse	All	81 points	125 points

**SCHEDULE E**

(s. 1)

**SELF-EMPLOYED WORKERS PROGRAM**

<b>Factor 1. Training</b>	<b>Criteria</b>	<b>Maximum = 14 Points</b>
1.1 Education level	(a) secondary school general diploma	2
	(b) secondary school vocational diploma	6
<i>Cut-off score = 2</i>	(c) postsecondary school general diploma attesting to 2 years of full-time studies	4
	(d) postsecondary school technical diploma attesting to 1 year of full-time studies	6
	(e) postsecondary school technical diploma attesting to 2 years of full-time studies	6
	(f) secondary school vocational diploma, or post-secondary school technical diploma attesting to 1 or 2 years of full-time studies, in training referred to in section A or B of area I or II of criterion 1.2	0
	(g) postsecondary school technical diploma attesting to 3 years of full-time studies	8
	(h) postsecondary school technical diploma attesting to 3 years of full-time studies in training referred to in section A or B of area I or II of criterion 1.2	0
	(i) undergraduate university degree attesting to 1 year of full-time studies	4
	(j) undergraduate university degree attesting to 2 years of full-time studies	6
	(k) undergraduate university degree attesting to 3 years or more of full-time studies	10

	(l) master's degree attesting to 1 year or more of full-time studies	12
	(m) doctorate	14
1.2 Areas of training	Sections A to G of area I or II	0

**Factor 2. Experience****Maximum = 16**

	Criteria	Points
2.2 Professional experience of a self-employed worker	Less than 2 years	0
	2 years	7
	2 1/2 years	7
	3 years	10
	3 1/2 years	10
	4 years	14
	4 1/2 years	14
<i>Cut-off score = 7</i>	5 years or more	16

**Factor 3. Age****Maximum = 10**

	Criteria	Points
	18 to 38 years of age	10
	39 years of age	8
	40 years of age	6
	41 years of age	4
	42 years of age	2
	43 years of age or older	0

**Factor 4. Language proficiency****Maximum = 22**

	Criteria	Points
4.1 French	(a) oral	
<i>Maximum = 16</i>	- oral comprehension:	
	levels 1 and 2	0
	levels 3 and 4	0
	levels 5 and 6	0
	levels 7 and 8	5
	levels 9 and 10	6
	levels 11 and 12	7



- oral expression:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	5
levels 9 and 10	6
levels 11 and 12	7

(b) written

- written comprehension:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	1
levels 9 and 10	1
levels 11 and 12	1

- written expression:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	1
levels 9 and 10	1
levels 11 and 12	1

4.2 English

(a) oral

*Maximum = 6*

- oral comprehension:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	2

- oral expression:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	2

**(b) written**

- written comprehension:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	1

- written expression:

levels 1 to 4	0
levels 5 to 8	1
levels 9 to 12	1

**Factor 5. Stay and family in Québec****Maximum = 8**

	<b>Criteria</b>	<b>Points</b>
5.1 Stay in Québec	(a) to study for 1 regular full-time semester if study is the main activity	5
<i>Maximum = 5</i>	(b) to study for at least 2 regular full-time semesters if study is the main activity	5
	(c) for studies leading to a vocational training diploma (DEP) or an attestation of college studies (AEC) attesting to a total of 900 to less than 1,800 hours, combined with full-time work experience in Québec, related to the field of training, for a period of at least 6 months following the program of studies	0
	(d) for studies leading to a vocational training diploma (DEP) or an attestation of college studies (AEC) attesting to 1,800 hours or more, a diploma of college studies (DEC) preuniversity or technical or an undergraduate, graduate or master's diploma	0

	(e) to work, with a work permit of at least 1 year and full-time work experience of 6 months	5
	(f) to work for at least 3 months if work is the main activity	5
	(g) to work for at least 6 months if work is the main activity	5
	(h) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada, if work is the main activity for at least 3 months	5
	(i) in the context of a youth exchange program to which an international agreement entered into by Québec or Canada, if work is the main activity for at least 6 months	5
	(j) for business for at least 1 week	2
	(k) other stay for a duration equivalent to at least 2 weeks	1
	(l) other stay for a duration equivalent to at least 3 months	2
5.2 Family in Québec	(a) spouse or de facto spouse	3
	(b) son or daughter, father or mother, brother or sister	3
<i>Maximum = 3</i>	(c) grandfather or grandmother	3
	(d) uncle or aunt, nephew or niece	0

**Factor 6. Characteristics of the accompanying spouse or de facto spouse**

**Maximum = 13**

	<b>Criteria</b>	<b>Points</b>
6.1 Education level	(a) secondary school general diploma	1
	(b) secondary school vocational diploma	2
<i>Maximum = 4</i>	(c) postsecondary school general diploma attesting to 2 years of full-time studies	1

	(d) postsecondary school technical diploma attesting to 1 year of full-time studies	2
	(e) postsecondary school technical diploma attesting to 2 years of full-time studies	2
	(f) postsecondary school technical diploma attesting to 3 years of full-time studies	3
	(g) undergraduate university degree attesting to 1 year of full-time studies	1
	(h) undergraduate university degree attesting to 2 years of full-time studies	2
	(i) undergraduate university degree attesting to 3 years of full-time studies	4
	(j) master's degree attesting to 1 year or more of full-time studies	4
	(k) doctorate	4
6.2 Areas of training	Sections A to G of area I or II	0
6.3 Professional experience	6 months or more	0
6.4 Age	18 to 35 years of age	3
	36 to 39 years of age	2
	40 to 42 years of age	1
<i>Maximum = 3</i>	43 years of age or older	0
6.5 Language proficiency	(a) oral French	
<i>Maximum = 6</i>	- oral comprehension:	
	levels 1 and 2	0
	levels 3 and 4	0
	levels 5 and 6	0

levels 7 and 8	2
levels 9 and 10	3
levels 11 and 12	3

- oral expression:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	2
levels 9 and 10	3
levels 11 and 12	3

(b) written French

- written comprehension:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	0
levels 9 and 10	0
levels 11 and 12	0

- written expression:

levels 1 and 2	0
levels 3 and 4	0
levels 5 and 6	0
levels 7 and 8	0
levels 9 and 10	0
levels 11 and 12	0

**Factor 9. Financial self-sufficiency**

**Maximum = 1**

	<b>Criteria</b>	<b>Points</b>
<i>Cut-off score = 1</i>	Making of a contract	1

**Factor 11. Amount  
of deposit****Maximum = 30***11.1 Deposit for start-up*

11.1.1 Practice of a trade or profession in the metropolitan area of Montréal or an enterprise situated outside the metropolitan area of Montréal

*Cut-off score = 30*

(a) less than \$50,000	0
(b) \$50,000 or more	30

11.1.2 Practice of a trade or profession outside the metropolitan area of Montréal or enterprise situated outside the metropolitan area of Montréal

(a) less than \$25,000	0
(b) \$25,000 or more	30

**Factor 13. Financial  
Resources****Maximum = 6**

	<b>Criteria</b>	<b>Points</b>
<i>Cut-off score = 4</i>	Less than \$100,000	0
	\$100,000	4
	\$125,000	5
	\$150,000	5
	\$200,000 or more	6

SELECTION	APPLICABLE FACTORS	PASSING SCORE	MAXIMUM
Applicant without spouse or de facto spouse	All, except 6	63 points	99 points
Applicant with spouse or de facto spouse	All	70 points	112 points

103621

**M.O., 2018****Order of the Minister of Sustainable Development, the Environment and the Fight Against Climate Change, dated 5 July 2018**

Natural Heritage Conservation Act  
(chapter C-61.01)

Extension of the setting aside of the territory of the Réserve de biodiversité projetée de la Côte-de-Charlevoix

THE MINISTER OF SUSTAINABLE DEVELOPMENT,  
THE ENVIRONMENT AND THE FIGHT AGAINST CLIMATE  
CHANGE,

CONSIDERING the first paragraph of section 28 of the Natural Heritage Conservation Act (chapter C-61.01), which provides that the setting aside of land may be renewed or extended;

CONSIDERING the second paragraph of section 28 of the Act, which provides that the renewals or extensions of that period may not, unless so authorized by the Government, be such that the term of the setting aside exceeds six years;

CONSIDERING the Minister's Order dated 9 July 2014 (2014, G.O. 2, 1491) whereby the territory of the Réserve de biodiversité projetée de la Côte-de-Charlevoix was set aside for a 4-year period beginning on 7 August 2014;

CONSIDERING the important ecological value of the territory and the necessity to extend its setting aside for an 8-year period in order to complete the various steps required to give it permanent protection status;

CONSIDERING Order in Council 476-2018 dated 11 April 2018, whereby the Government authorized the Minister of Sustainable Development, the Environment and the Fight Against Climate Change to extend the setting aside of that territory for an 8-year period beginning on 7 August 2018;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 2 May 2018, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), of a notice concerning the proposed extension of the setting aside of the territory of the Réserve de biodiversité projetée de la Côte-de-Charlevoix, and that an order may be made by the Minister for that purpose on the expiry of 45 days following that publication;

CONSIDERING that the 45-day period has expired and no comments have been received;

ORDERS AS FOLLOWS:

The setting aside of the territory of the Réserve de biodiversité projetée de la Côte-de-Charlevoix is extended for an 8-year period beginning on 7 August 2018.

Québec, 5 July 2018

ISABELLE MELANÇON,  
*Minister of Sustainable Development,  
the Environment and the  
Fight Against Climate Change*

103617





## Draft Regulations

### Draft Regulation

Court Bailiffs Act  
(chapter H-4.1)

#### Tariff of fees of court bailiffs — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Tariff of fees of court bailiffs, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation reviews certain fees for service and introduce fees not provided for in the Tariff.

Further information on the draft Regulation may be obtained by contacting Christine Lavoie, Direction générale des services de justice, Ministère de la Justice, 1200, route de l'Église, 7<sup>e</sup> étage, Québec (Québec) G1V 4M1; telephone: 418 644-7700, extension 20154; fax: 418 644-9968; email: christine.lavoie@justice.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Québec (Québec) G1V 4M1.

STÉPHANIE VALLÉE,  
*Minister of Justice*

### Regulation to amend the Tariff of fees of court bailiffs

Court Bailiffs Act  
(chapter H-4.1, s. 13)

- 1.** The Tariff of fees of court bailiffs (chapter H-4.1, r. 13.1) is amended by revoking Division I.
- 2.** Section 2 is amended by replacing “68” in the first paragraph by “75”.
- 3.** Section 7 is amended by replacing the first paragraph by the following:

“A bailiff is entitled to the fees for service provided for in this Regulation, which include the fees for drawing up the certificate of service and the fees for delivering a notice of visit. Travelling fees are added to those fees.”.

- 4.** Section 8 is replaced by the following:

“**8.** For the service of a proceeding or of any document not specifically provided for in this Regulation, a bailiff is entitled to a fee of \$23.”.

- 5.** The following is inserted after section 9:

“**9.1.** To designate a person to act in the bailiff’s name and under the bailiff’s authority in accordance with article 117 of the Code of Civil Procedure (chapter C-25.01), a bailiff is entitled only to a fee of \$25.”.

The fees for service and the travelling fees that the designated person may charge may not exceed the fees to which a bailiff would have been entitled under this Regulation.”.

- 6.** Section 11 is revoked.

- 7.** The following is inserted after section 11:

“**11.1.** For the notification by public notice of a proceeding when service is required by law, a bailiff is entitled to a fee of \$25.”.

- 8.** Section 12 is amended by

- (1) replacing “6” in the first paragraph by “15”;
- (2) inserting “, which includes the fee for delivering a notice of visit” at the end of the first paragraph.

- 9.** Section 13 is amended by

- (1) replacing “12” by “15”;
- (2) inserting “, which includes the fee for giving a notice of visit” at the end.

**10.** Section 33 is amended by inserting the following after paragraph *e*:

“(e.1) \$12 for the publication of the certificate provided for in article 3069 of the Civil Code;”.

**11.** Section 34 is amended by inserting the following after paragraph *d*:

“(d.1) \$12 for the publication of the certificate provided for in article 3069 of the Civil Code;”.

**12.** Section 35 is amended by adding the following sentence at the end of the second paragraph: “The bailiff is entitled to travelling fees to travel to the location of the execution where the location is different from the location of service.”.

**13.** Section 42 is amended in the first paragraph

(1) by replacing “to the following fees:” by “to a fee of \$75.”;

(2) by striking out “Class 1: \$46”;

(3) by striking out “Class 2: \$72”.

**14.** Section 46 is amended by replacing “10” by “15”.

**15.** Section 47 is amended

(1) by replacing “to the following fees:” by “to a fee of \$33.”;

(2) by striking out “Class 1: \$33”;

(3) by striking out “Class 2: \$60”.

**16.** Section 48 is amended by adding the following sentence at the end of the second paragraph: “The bailiff is entitled to travelling fees to travel to the location of the sale.”.

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

103613

## Draft Regulation

Cities and Towns Act  
(chapter C-19)

Municipal Code of Québec  
(chapter C-27.1)

An Act respecting the Communauté métropolitaine de Montréal  
(chapter C-37.01)

An Act respecting the Communauté métropolitaine de Québec  
(chapter C-37.02)

An Act respecting public transport authorities  
(chapter S-30.01)

### **Expenditure threshold for a contract that may be awarded only after a public call for tenders, minimum time for the receipt of tenders and expenditure ceiling allowing the territory from which tenders originate to be limited**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation ordering the expenditure threshold for a contract that may be awarded only after a public call for tenders, the minimum time for the receipt of tenders and the expenditure ceiling allowing the territory from which tenders originate to be limited, appearing below, may be made by the Minister on the expiry of 45 days following this publication.

The draft Regulation is the first regulation made by the Minister ordering the expenditure threshold for a contract that may be awarded only after a public call for tenders, the minimum time for the receipt of tenders and the expenditure ceiling allowing the territory from which tenders originate to be limited. The threshold, time and ceiling that currently apply have been in force since 19 April 2018, the date of assent to the Act to amend various legislative provisions concerning municipal affairs (2018, c. 8), owing to a provision in that Act to that effect.

The purpose of this draft Regulation is therefore to include the current standards in the Minister’s regulation.

Is well, an amendment is made to the current standards to order that the territory from which tenders may originate with a view to a possible construction contract involving an expenditure of less than \$252,700 is that of the provinces of Québec, Ontario and New Brunswick.

Further information on the draft Regulation may be obtained by contacting Chantal Dinel, 10, rue Pierre-Olivier-Chauveau, Aile Chauveau, 3<sup>e</sup> étage, Québec (Québec) G1R 4J3; telephone: 418 691-2015, extension 3287; email: hantal.dinel@mamot.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Chantal Dinel using the above-referenced contact information.

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

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**Regulation ordering the expenditure threshold for a contract that may be awarded only after a public call for tenders, the minimum time for the receipt of tenders and the expenditure ceiling allowing the territory from which tenders originate to be limited**

Cities and Towns Act  
(chapter C-19, s. 573.3.3.1.1)

Municipal Code of Québec  
(chapter C-27.1, art. 938.3.1.1)

An Act respecting the Communauté métropolitaine de Montréal  
(chapter C-37.01, s. 118.1.0.1)

An Act respecting the Communauté métropolitaine de Québec  
(chapter C-37.02, s. 111.1.0.1)

An Act respecting public transport authorities  
(chapter S-30.01, s. 108.1.0.1)

**1.** The expenditure threshold for a contract that may be awarded only after a public call for tenders under subsection 1 of section 573 of the Cities and Towns Act, subarticle 1 of article 935 of the Municipal Code of Québec, the first paragraph of sections 106 and 108 of the Act respecting the Communauté métropolitaine de Montréal, the first paragraph of sections 99 and 101 of the Act respecting the Communauté métropolitaine de Québec and the first paragraph of sections 93 and 95 of the Act respecting public transit authorities is \$101,100.

**2.** The minimum time for the receipt of tenders after a public call for tenders under subsection 1 of section 573 of the Cities and Towns Act, subarticle 1 of article 935 of the Municipal Code of Québec, the fourth paragraph of section 108 of the Act respecting the Communauté métropolitaine de Montréal, the fourth paragraph of section 101 of the Act respecting the Communauté métropolitaine de Québec and the fourth paragraph of section 95 de la Act respecting public transit authorities is

(1) 8 days in the case of an insurance contract or a contract for the performance of work, other than a construction contract;

(2) 15 days in the case of a supply contract or a contract for the supply of services involving an expenditure of less than \$365,700;

(3) 15 days in the case of a contract involving an expenditure equal to or greater than \$365,700 that is a contract for the supply of services other than

(a) courier or mail services, including email;

(b) fax services;

(c) real estate services;

(d) computer services, including consultation services for the purchase or installation of computer software or hardware, and data processing services;

(e) maintenance or repair services for office equipment;

(f) management consulting services, except arbitration, mediation and conciliation services with regard to human resources management;

(g) architectural or engineering services, except those related to transportation infrastructure construction;

(h) architectural landscaping services;

(i) land use and planning services;

(j) test, analysis or inspection services for quality control;

(k) exterior and interior building cleaning services; and

(l) machinery or equipment repair services;

(4) 30 days in the case of a supply contract or a contract for the supply of services listed in paragraph 3 involving an expenditure equal to or greater than \$365,700;

(5) 15 days in the case of a construction contract involving an expenditure of less than \$9,100,000; and

(6) 30 days in the case of a construction contract involving an expenditure equal to or greater than \$9,100,000.

**3.** The expenditure ceiling allowing the territory from which tenders originate to be limited under subsection 2.1 of section 573 of the Cities and Towns Act, subarticle 2.1 of article 935 of the Municipal Code of Québec, the seventh paragraph of section 108 of the Act respecting the Communauté métropolitaine de Montréal, the seventh paragraph of section 101 of the Act respecting the Communauté métropolitaine de Québec and the seventh paragraph of section 95 of the Act respecting public transit authorities is \$365,700 in the case of a supply contract or a contract for the supply of services.

**4.** For the purposes of the provisions mentioned in section 3, in the case of a construction contract

(1) involving an expenditure of less than \$252,700, the public call for tenders may provide that only tenders submitted by contractors or suppliers that have an establishment in Québec, New Brunswick or Ontario will be considered;

(2) involving an expenditure equal to or greater than \$252,700 but less than \$9,100,000, the public call for tenders may provide that only tenders submitted by contractors or suppliers that have an establishment in Canada will be considered; and

(3) involving an expenditure equal to or greater than \$9,100,000, the public call for tenders may provide that only tenders submitted by contractors or suppliers that have an establishment in Canada or in any of the territories covered by the Comprehensive Economic and Trade Agreement between Canada and the European Union and its Member States and are mentioned in the electronic tendering system approved by the Government will be considered.

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

103615

## Draft Regulation

Code of Civil Procedure  
(chapter C-25.01)

Court Bailiffs Act  
(chapter H-4.1)

### Fees of court bailiffs — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Tariff of fees of court bailiffs, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Tariff of fees of court bailiffs (chapter H-4.1, r. 13.1) to provide therein the fees payable to a bailiff as part of certain recovery procedures of modest debts, where those procedures prove to be unsuccessful given the *nulla bona*. The draft Regulation also provides that for an 18-month period, those fees will be paid by the Minister of Justice.

Further information on the draft Regulation may be obtained by contacting Christine Lavoie, Direction des services de justice, Ministère de la Justice, 1200, route de l'Église, 7<sup>e</sup> étage, Québec (Québec) G1V 4M1; telephone: 418 644-7700, extension 20154; fax: 418 644-9968; email: christine.lavoie@justice.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9<sup>e</sup> étage, Québec (Québec) G1V 4M1.

STÉPHANIE VALLÉE,  
*Minister of Justice*

## Regulation to amend the Tariff of fees of court bailiffs

Code of Civil Procedure  
(chapter C-25.01, art. 570, par. 1)

Court Bailiffs Act  
(chapter H-4.1, s. 13)

**1.** The Tariff of fees of court bailiffs (chapter H-4.1, r. 13.1) is amended by adding the following after section 45:

**“§16. Execution of a judgment relating to a modest debt**

**45.1.** Despite what is provided for in this Regulation, the bailiff who, for the purpose of executing a judgment rendered by the Small Claims Division of the Court of Québec and ordering payment of \$2,000 or less for the benefit of a natural person who does not operate an enterprise or a partnership, seizes movable property or sums of money in the hands of a third person, other than income, is entitled to only \$200 as professional fees and expenses when there is no property to seize.

Those fees and expenses are payable only once per case; the Minister assumes the payment thereof.

**45.2.** The bailiff who claims the fees and expenses provided for in section 45.1 may not require other professional fees or expenses, except, where applicable, those provided for in sections 18 and 27 of this Regulation.”.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and ceases to have effect on (insert the date occurring 18 months after the date of coming into force).

103614

## Draft Regulation

Professional Code  
(chapter C-26)

### Engineers

#### — Training committee

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the committee on training of engineers, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation fixes the terms and conditions of cooperation between the Ordre des ingénieurs du Québec and the authorities of educational institutions of Québec referred to in a regulation under the second paragraph of section 184 of the Professional Code, in particular in the development and review of the programs of study leading to a diploma giving access to a permit or specialist’s certificate, the standards that the Order is required to establish by regulation under paragraph *c* of section 93 of the Code and, where applicable, the other terms and conditions that the Order may determine by regulation under subparagraph *i* of the first paragraph of section 94 of the Code, and the standards of equivalence of such terms and conditions that the Order may determine under the regulation.

To that end, the draft Regulation establishes a training committee within the Order, specifies its mandate, composition and functions, sets the term of office of the members, establishes the terms and conditions of the running of meetings and provides for the sending of the committee’s report and opinions to certain entities.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

The draft Regulation will be submitted for consultation to the Office des professions du Québec, which will send to the Minister of Justice the results of the consultation with educational institutions and other bodies mentioned in the Professional Code.

Further information may be obtained by contacting Julie Adam, Direction des affaires juridiques, Office des professions du Québec, 800, place D’Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; email: julie.adam@opq.gouv.qc.ca.

Any person wishing to comment is requested to submit written comments within the 45-day period to Diane Legault, Chair of the Office des professions du Québec, 800, place D’Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Ordre des ingénieurs du Québec and to interested persons, departments and bodies.

STÉPHANIE VALLÉE,  
*Minister of Justice*

## Regulation respecting the committee on training of engineers

Professional Code  
(chapter C-26, s. 184, 2nd par.)

**1.** A committee on training is established within the Ordre des ingénieurs du Québec

**2.** The committee is an advisory committee whose mandate is to examine matters relating to the quality of the training of engineers, in keeping with the respective and complementary jurisdictions of the Order, the educational institutions at the university level and the Minister responsible for Higher Education.

Quality of training means the adequacy of training in relation to the professional skills to be acquired to practise as an engineer.

In that respect, the committee is to consider

(1) the objectives of the training programs that lead to a diploma giving access to a permit or a specialist's certificate issued by the Order;

(2) the objectives of the other terms and conditions for the issue of permits or specialist's certificates that may be imposed by a regulation of the board of directors; and

(3) the diploma or training equivalence standards giving access to a permit or a specialist's certificate issued by the Order.

**3.** The committee is composed of 5 members chosen for their knowledge and the responsibilities they exercise in relation to the matters referred to in section 2.

The Bureau de coopération interuniversitaire appoints 2 members.

The Minister responsible for Higher Education or the Minister's representative appoints 1 member and, if necessary, 1 alternate.

The board of directors appoints 2 members, and the committee selects 1 of those 2 members as its chair.

The committee may authorize persons or representatives of bodies concerned to take part in its meetings.

**4.** The members of the committee are appointed for a 3-year term. They remain in office until they are reappointed or replaced.

**5.** The functions of the committee are

(1) to review each year the quality of training, in light of developments in knowledge and practice, particularly as regards protection of the public and, where appropriate, to report its observations to the board of directors; and

(2) to give an opinion to the board of directors regarding the quality of training,

(a) in respect of projects involving the review or development of the objectives or standards referred to in the third paragraph of section 2; and

(b) on the means that could promote the quality of training, in particular by proposing solutions to the problems observed.

The committee is to include in its report and in its opinion the point of view of each of its members.

**6.** The members of the committee must endeavour to collect information relevant to the committee's functions from the bodies that appointed them or from any other person or body concerned.

**7.** The chair sets the date, time and place of the committee's meetings.

Despite the foregoing, the chair is to call a meeting if at least 3 of its members so request.

**8.** The committee is to hold at least 2 meetings per year.

**9.** The quorum of the committee is 3 members, including 1 member appointed by the board of directors, 1 by the Bureau de coopération interuniversitaire and 1 by the Minister responsible for Higher Education.

**10.** The secretarial services required by the committee are provided by the Order.

The secretary designated by the Order sees to the drawing up and conservation of the committee's minutes, reports and opinions.

**11.** The board of directors must send a copy of the committee's report and opinion to the Bureau de coopération interuniversitaire, the Minister responsible for Higher Education and the Office des professions du Québec.

**12.** Despite section 4, the term of office of one of the first members appointed by the board of directors is 2 years. This also holds for the term of office of one of the first members appointed by the Bureau.

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

103612

## Draft Regulation

Professional Code  
(chapter C-26)

### Physiotherapy — Professional activities — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting certain professional activities in physiotherapy, made by the board of directors of the Ordre professionnel de la physiothérapie du Québec and appearing below, may be submitted to the Government for approval, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation amends the terms and conditions under which a student or other person covered by the Regulation may engage in professional activities reserved to members of the Order, in particular by broadening the pool of persons authorized to act as supervisors.

The draft Regulation has no impact on the public and on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Claude Laurent, director general and secretary, Ordre professionnel de la physiothérapie du Québec, 7151, rue Jean-Talon Est, bureau 700, Anjou (Québec) H1M 3N8; telephone: 514 351-2770 or 1 800 361-2001; email: claud-laurent@oppq.qc.ca.

Any person wishing to comment is requested to submit written comments within the 45-day period to Diane Legault, Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. The comments will be forwarded by the Office to the Minister of Justice and may also be sent to the professional order that made the Regulation and to interested persons, departments and bodies.

DIANE LEGAULT,  
*Chair of the Office des  
professions du Québec*

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## Regulation to amend the Regulation respecting certain professional activities in physiotherapy

Professional Code  
(chapter C-26, s. 94, 1st par., subpar. h)

**1.** The Regulation respecting certain professional activities in physiotherapy (chapter C-26, r. 193) is amended in section 3

(1) by inserting “in the 5 years preceding the date on which he or she begins supervising” in paragraph 2 after “Tribunal”;

(2) by replacing paragraph 3 by the following:

“(3) not have been the subject of a decision made pursuant to the first paragraph of section 55 of the Professional Code (chapter C-26) in the 5 years preceding the date on which he or she begins supervising;

(4) not have been the subject of a decision imposing a restriction on or suspension of the right to practise, the striking off the roll, a permanent restriction on the right to practise or the revocation of his or her permit.”

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

103616





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

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Court Bailiffs Act — Tariff of fees of court bailiffs . . . . . (chapter H-4.1)	3396	Draft
Court Bailiffs Act — Tariff of fees of court bailiffs . . . . . (chapter H-4.1)	3393	Draft
Engineers — Committee on training of engineers . . . . . (Professional Code, chapter C-26)	3397	Draft
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Expenditure threshold for a contract that may be awarded only after a public call for tenders, minimum time for the receipt of tenders and expenditure ceiling allowing the territory from which tenders originate to be limited . . . . . (An Act respecting the Communauté métropolitaine de Montréal, chapter C-37.01)	3394	Draft
Expenditure threshold for a contract that may be awarded only after a public call for tenders, minimum time for the receipt of tenders and expenditure ceiling allowing the territory from which tenders originate to be limited . . . . . (An Act respecting the Communauté métropolitaine de Québec, chapter C-37.02)	3394	Draft
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Expenditure threshold for a contract that may be awarded only after a public call for tenders, minimum time for the receipt of tenders and expenditure ceiling allowing the territory from which tenders originate to be limited . . . . . (Municipal Code of Québec, chapter C-27.1)	3394	Draft
Extension of the setting aside of the territory of the Réserve de biodiversité projetée de la Côte-de-Charlevoix . . . . . (Natural Heritage Conservation Act, chapter C-61.01)	3391	N
Highway Safety Code — Conditions and procedures for the use of photo radar devices and red light camera systems . . . . . (chapter C-24.2)	3349	M
Immigration Procedure . . . . . (Québec Immigration Act, 2016, chapter 3)	3350	N
Master Pipe-Mechanics Act — Corporation of Master Pipe-Mechanics of Québec — Admission and discipline of members . . . . . (chapter M-4)	3275	M

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Natural Heritage Conservation Act — Extension of the setting aside of the territory of the Réserve de biodiversité projetée de la Côte-de-Charlevoix . . . . . (chapter C-61.01)	3391	N
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Professional Code — Physiotherapy — Certain professional activities in physiotherapy . . . . . (chapter C-26)	3399	Draft
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Québec Immigration Act — Québec Immigration . . . . . (2016, chapter 3)	3200	N
Québec Immigration Act — Quotas of brokers and trust companies . . . . . (2016, chapter 3)	3351	N
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Québec Immigration . . . . . (Québec Immigration Act, 2016, chapter 3)	3200	N
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Safety Code . . . . . (Building Act, chapter B-1.1)	3263	M
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Tariff of fees of court bailiffs . . . . . (Code of Civil Procedure, chapter C-25.01)	3396	Draft
Tariff of fees of court bailiffs . . . . . (Court Bailiffs Act, chapter H-4.1)	3396	Draft
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Travel agents . . . . . (Travel Agents Act, chapter A-10)	3228	M
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