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Part

2

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Laws and Regulations

Volume 152

Summary

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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

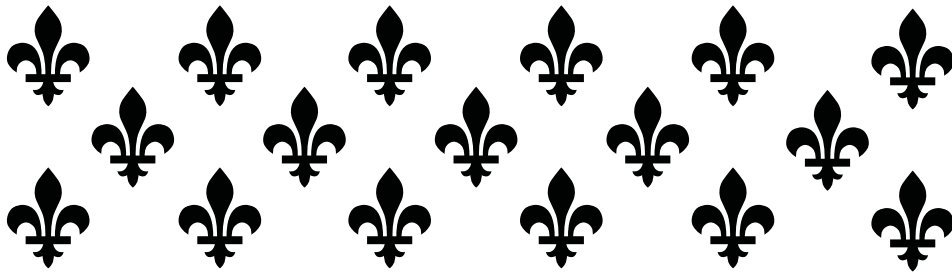
QUÉBEC, 3 JUNE 2020

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 3 June 2020*

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

- 18 An Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons

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



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 18
(2020, chapter 11)

**An Act to amend the Civil Code,
the Code of Civil Procedure, the Public
Curator Act and various provisions as
regards the protection of persons**

Introduced 10 April 2019
Passed in principle 26 September 2019
Passed 2 June 2020
Assented to 3 June 2020

Québec Official Publisher
2020

EXPLANATORY NOTES

The main thrust of this Act is to propose a revision of the legislative provisions relating to the protection of incapable persons.

Two forms of protective supervision for persons of full age, namely curatorships and adviserships, are abolished.

Under the proposed changes to tutorship to a person of full age, the court must, in all cases, determine whether the rules concerning the capacity of a person of full age under tutorship need to be amended or clarified in light of the person's faculties. The court is authorized to reduce the number of persons to be called to a meeting of relatives, persons connected by marriage or a civil union, or friends, and to appoint two tutors to the person when these are the father and mother of the person of full age, and the rules governing the replacement of tutors are relaxed. The time limits for the medical and psychosocial reassessment of a person of full age must be determined taking into account the nature of his or her incapacity, the extent of his or her needs and the other circumstances of his or her condition. No longer needing representation is added to the reasons for which release from tutorship to a person of full age may be granted.

A person of full age who, by reason of a difficulty, wishes to receive assistance in caring for himself or herself, administering his or her patrimony and, in general, exercising his or her civil rights, may apply to have a person recognized by the Public Curator as his or her assistant. The assistant to the person of full age, whose recognition is registered in a public register, may act as an intermediary between that person and third persons.

Temporary representation of an incapable person of full age is established. It allows the court to authorize a person to perform a specific act in the name of a person of full age if it is shown that the latter's incapacity is such that he or she needs to be temporarily represented for the performance of that act. In such a case, the resulting incapacity is temporary and pertains only to the act the representative has been authorized to perform by the court. The court sets the terms and conditions of exercise of the powers conferred on the temporary representative.

The Act amends the rules relating to protection mandates. It clarifies certain effects of such a mandate, lists certain elements it may contain and imposes new obligations on the mandatary. It also specifies criteria to be considered when homologating or performing a mandate, the elements that are to guide the mandatary in ensuring the mandator's moral and material well-being, and the remedies available if the mandate is not being faithfully performed by the mandatary.

The Act includes amendments relating to tutorship to minors. It provides that the Public Curator must be given at least 15 days' notice before the transmission of property or the payment of an indemnity to a minor. It allows the Public Curator to determine the kind of security required and its object if these have not been determined within the prescribed time. It furthermore clarifies the rules applicable to the remuneration of a dative tutor, and establishes that a tutor to property is entitled to be party to judicial proceedings.

The quorum requirement for the meeting to be called to establish a tutorship council is replaced by an obligation to call a minimum number of relatives, persons connected by marriage or a civil union, or friends to the meeting.

In addition, the threshold specified in certain articles of the Civil Code and the Code of Civil Procedure in connection with tutorship to minors and tutorship to persons of full age is increased from \$25,000 to \$40,000.

Finally, a number of consequential amendments and transitional measures are included.

LEGISLATION AMENDED BY THIS ACT:

- Civil Code of Québec;
- Workers' Compensation Act (chapter A-3);
- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Act respecting legal aid and the provision of certain other legal services (chapter A-14);
- Land Surveyors Act (chapter A-23);

- Automobile Insurance Act (chapter A-25);
- Insurers Act (chapter A-32.1);
- Act respecting the Barreau du Québec (chapter B-1);
- Building Act (chapter B-1.1);
- Unclaimed Property Act (chapter B-5.1);
- Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);
- Code of Civil Procedure (chapter C-25.01);
- Professional Code (chapter C-26);
- Companies Act (chapter C-38);
- Act respecting financial services cooperatives (chapter C-67.3);
- Real Estate Brokerage Act (chapter C-73.2);
- Public Curator Act (chapter C-81);
- Act respecting deposits with the Bureau général de dépôts pour le Québec (chapter D-5.1);
- Act respecting the distribution of financial products and services (chapter D-9.2);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3);
- Election Act (chapter E-3.3);
- Money-Services Businesses Act (chapter E-12.000001);
- Act respecting fabriques (chapter F-1);
- Taxation Act (chapter I-3);
- Deposit Institutions and Deposit Protection Act (chapter I-13.2.2);

- Derivatives Act (chapter I-14.01);
- Act respecting the Montréal Museum of Fine Arts (chapter M-42);
- Notaries Act (chapter N-3);
- Act respecting the sharing of certain health information (chapter P-9.0001);
- Pharmacy Act (chapter P-10);
- Act respecting the protection of persons whose mental state presents a danger to themselves or to others (chapter P-38.001);
- Act respecting the collection of certain debts (chapter R-2.2);
- Act respecting the Régie du logement (chapter R-8.1);
- Act respecting health services and social services (chapter S-4.2);
- Act respecting health services and social services for Cree Native persons (chapter S-5);
- Trust Companies and Savings Companies Act (chapter S-29.02);
- Business Corporations Act (chapter S-31.1);
- Professional Syndicates Act (chapter S-40);
- Act respecting the Québec sales tax (chapter T-0.1);
- Securities Act (chapter V-1.1);
- Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions (2018, chapter 23).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting the register of personal and movable real rights (chapter CCQ, r. 8);
- Regulation respecting savings products (chapter A-6.001, r. 9);
- Regulation respecting legal aid (chapter A-14, r. 2);

- Regulation respecting the reimbursement of certain expenses (chapter A-25, r. 14);
- Regulation respecting the terms and conditions for the issuance of health insurance cards and the transmittal of statements of fees and claims (chapter A-29, r. 7.2);
- Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers (chapter B-1, r. 13);
- Regulation respecting the conditions for the certification of notaries as regards the institution or review of protective supervision and protection mandates (chapter C-25.01, r. 0.2);
- Regulation respecting the issue of broker's and agency licences (chapter C-73.2, r. 3);
- Regulation respecting the application of the Public Curator Act (chapter C-81, r. 1);
- Code of ethics of the Chambre de la sécurité financière (chapter D-9.2, r. 3);
- Regulation respecting the registration of firms, representatives and independent partnerships (chapter D-9.2, r. 15);
- Regulation respecting the preservation, use or destruction of the records, books and registers of a pharmacist who ceases to practise (chapter P-10, r. 13);
- Règlement sur l'exercice de la pharmacie en société (chapter P-10, r. 16, French only);
- Organization and Management of Institutions Regulation (chapter S-5, r. 5);
- Regulation under the Act respecting the Québec correctional system (chapter S-40.1, r. 1).

Bill 18

AN ACT TO AMEND THE CIVIL CODE, THE CODE OF CIVIL PROCEDURE, THE PUBLIC CURATOR ACT AND VARIOUS PROVISIONS AS REGARDS THE PROTECTION OF PERSONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CIVIL CODE OF QUÉBEC

- 1.** Article 4 of the Civil Code of Québec is amended by striking out “or assistance” in the second paragraph.
- 2.** Article 29 of the Code is amended by replacing “protective supervision of the person of full age” in the first paragraph by “tutorship to a person of full age, or obtaining homologation of a protection mandate, for him”.
- 3.** Article 81 of the Code is amended
 - (1) by striking out “; the domicile of a person under curatorship is that of the curator”;
 - (2) by adding the following paragraph at the end:

“Where the father and mother exercise the tutorship but have no common domicile, the domicile of the person of full age is that of the parent the court designates.”
- 4.** Article 87 of the Code is amended by replacing “, adapted as required, apply” in the second paragraph by “, except those set out in article 217, apply, adapted as required,”.
- 5.** Article 154 of the Code is amended by replacing “protective supervision” by “tutorship to a person of full age, homologating a protection mandate or authorizing temporary representation of an incapable person of full age”.
- 6.** Article 184 of the Code is amended by adding the following paragraph at the end:

“Such remuneration and, where applicable, the terms and conditions for its renewal by the tutorship council may be fixed by the court when instituting the tutorship or subsequently.”

7. Article 188 of the Code is amended by striking out “, but the tutor to the person represents the minor in judicial proceedings regarding that property” in the first paragraph.

8. Article 209 of the Code is amended by replacing “\$25,000” by “\$40,000”.

9. Article 213 of the Code is amended

(1) by replacing “\$25,000” in the first paragraph by “\$40,000”;

(2) by replacing “or to maintain the property in good order or safeguard its value” in the second paragraph by “, to maintain the property in good order or to safeguard the value of his patrimony”.

10. Article 214 of the Code is amended by replacing “\$25,000” in the first paragraph by “\$40,000”.

11. Article 217 of the Code is replaced by the following article:

“217. Where the property is worth more than \$40,000, the liquidator of a succession which devolves or is bequeathed to a minor and the donor of property if the donee is a minor and, in any case, any person who pays an indemnity for the benefit of a minor, shall notify the Public Curator and state the value of the property or the amount of the indemnity, as the case may be, at least 15 days before its transmission or payment.

The 15-day notice period prescribed in the first paragraph does not apply to the payment of an indemnity the object of which is to make good on the obligation of support that lies on parents with respect to their child.”

12. Article 221 of the Code is amended by replacing “\$25,000” in the second paragraph by “\$40,000”.

13. Article 226 of the Code is amended

(1) by replacing “, persons connected by marriage or a civil union and friends of the minor” in the second paragraph by “of the minor and persons connected to him by marriage or a civil union, and his friends”;

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

“At least five persons representing, so far as possible, the maternal and paternal lines shall be called to the meeting. The meeting shall be held regardless of the number of persons participating in it. It may be held by a technological means.”

14. Article 227 of the Code is amended by replacing “attend” by “participate in”.

15. The Code is amended by inserting the following article after article 233:

“233.1. Where two or more tutors are appointed for a minor and a disagreement arises between them, the tutorship council facilitates its settlement. Failing agreement between the tutors, the court decides, on the application of any interested person, including the Public Curator.”

16. Article 242 of the Code is amended, in the first paragraph,

(1) by replacing “\$25,000” by “\$40,000”;

(2) by adding the following sentence at the end: “If they have not been determined within six months after the institution of tutorship, they may be determined by the Public Curator.”

17. The heading of Chapter III before article 256 of the Code is amended by replacing “PROTECTIVE SUPERVISION OF” by “TUTORSHIP TO”.

18. Article 256 of the Code is amended

(1) by replacing “Protective supervision of a person of full age is established” in the first paragraph by “Tutorship to a person of full age is established” and by replacing “ils sont destinés” in that paragraph in the French text by “elle est destinée”;

(2) by replacing “protective supervision” and “protection” in the second paragraph by “the tutorship” and “tutorship”, respectively.

19. Article 257 of the Code is amended, in the first paragraph,

(1) by replacing “protective supervision” and “protected person of full age” by “tutorship to a person of full age” and “person of full age under tutorship”, respectively;

(2) by inserting “, taking into account his wishes and preferences” after “autonomy”.

20. Article 258 of the Code is amended

(1) by striking out “or curator” and “, or an adviser to assist,” in the first paragraph;

(2) by striking out “or an adviser” in the second paragraph.

21. Article 259 of the Code is repealed.

22. Article 260 of the Code is amended

(1) in the first paragraph,

(a) by replacing “curator or the tutor to a protected person of full age” by “tutor to a person of full age”;

(b) by inserting “, unless the court decides otherwise” after “maintenance”;

(c) by replacing “protected person” by “person of full age”;

(2) in the second paragraph,

(a) by replacing “protected person of full age” by “person of full age”;

(b) by replacing “protected person, obtain his advice where necessary, and keep him informed of the decisions made in his regard” by “person of full age, involve him in the decisions made in his regard and keep him informed of those decisions”.

23. Article 261 of the Code is amended by striking out “curatorship or”, “protected” and “curator or”.

24. Article 262 of the Code is repealed.

25. Article 263 of the Code is amended

(1) in the first paragraph,

(a) by striking out “protected” and “or curator”;

(b) by inserting “ensuring the” after “responsible for”;

(2) by striking out “or curator” in the second paragraph.

26. Article 264 of the Code is amended, in the first paragraph,

(1) by striking out “or curator”, “protected” and “or curatorship”;

(2) by inserting “of full age” after “to the person”.

27. Article 265 of the Code is amended by striking out “protected”.

28. Article 266 of the Code is amended, in the first paragraph,

(1) by inserting “, except those set out in article 217,” after “minors”;

(2) by striking out “and curatorship”.

29. Article 267 of the Code is replaced by the following article:

“267. Where the person who applies for the institution or review of tutorship to a person of full age, including the Public Curator, shows that it is impossible to call five persons to the meeting of relatives, persons connected by marriage or a civil union, or friends, the court may reduce the number of persons to be called.

The court may also exempt the person from calling a meeting of relatives, persons connected by marriage or a civil union, or friends if it is shown that sufficient effort has been made to call the meeting, but that such effort has been in vain.”

30. The heading of Division II before article 268 of the Code is amended by replacing “OF PROTECTIVE SUPERVISION” by “OF TUTORSHIP TO PERSONS OF FULL AGE”.

31. Article 268 of the Code is replaced by the following article:

“268. The court institutes tutorship if it is established that the person of full age is incapable of caring for himself or of administering his property, and needs to be represented in the exercise of his civil rights.

The court then appoints a tutor to the person and to property, or a tutor either to the person or to property. It may also appoint a replacement tutor.

The court is not bound by the application. It may establish a tutorship the nature, terms and conditions of which are different from those applied for or authorize temporary representation of the incapable person of full age.”

32. The Code is amended by inserting the following article after article 268:

“268.1. The court may appoint two tutors to the person when these are the father and mother of the person of full age.

Either parent may give the other the mandate to represent him in the performance of acts pertaining to the exercise of tutorship.

Such a mandate is presumed with regard to third persons in good faith.”

33. Article 269 of the Code is amended by replacing “protective supervision” by “tutorship”.

34. Article 270 of the Code is amended

(1) by striking out “assisted or” and “assistance or” in the first paragraph;

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

“Such a report includes the medical and psychosocial assessments resulting from an examination of the person of full age; it deals with the nature of his incapacity, his faculties, his environment, the extent of his needs and the other circumstances of his condition, the advisability of instituting tutorship for him as well as the time limits for medical and psychosocial reassessments. It also sets out the names, if known, of the persons qualified to apply for the institution of tutorship.”

35. Article 271 of the Code is amended by replacing “protective supervision of” in the first paragraph by “tutorship to”.

36. Article 272 of the Code is amended, in the second paragraph,

(1) by replacing “protective supervision” by “tutorship to a person of full age”, and by replacing “au majeur” in the French text by “à celui-ci”;

(2) by inserting “the personal” after “ensure”.

37. Article 273 of the Code is amended by replacing “protective supervision may” and “protective supervision is” in the second paragraph by “tutorship to a person of full age may” and “such tutorship is”, respectively.

38. Article 274 of the Code is amended by replacing “protective supervision” by “tutorship to a person of full age”.

39. Article 275 of the Code is amended

(1) by striking out “if the form of protective supervision is a tutorship,” in the first paragraph;

(2) by striking out all occurrences of “protected”.

40. Article 276 of the Code is amended

(1) in the first paragraph,

(a) by replacing “to institute protective supervision”, “in a protection mandate but” and “institution of protective supervision” by “for the institution of tutorship to a person of full age”, “, including those expressed in a protection mandate” and “institution of tutorship”, respectively;

(b) by inserting “and preferences” after “wishes”;

(2) in the second paragraph,

(a) by replacing “form of protective supervision and as to” by “nature, terms and conditions of the tutorship as well as on”;

(b) by striking out “or assist”.

41. Article 277 of the Code is amended by replacing “protective supervision” by “tutorship to a person of full age”.

42. Article 278 of the Code is replaced by the following article:

“278. When instituting the tutorship, the court determines the time limits for periodic reassessment of the person of full age.

The time limits for reassessment may not exceed five years. A longer time limit may however be set for the medical reassessment, without exceeding 10 years, when it is clear that the situation of the person of full age will remain unchanged. Those time limits are determined taking into account the recommendations made in the medical and psychosocial assessment reports concerning the person of full age, the nature of his incapacity, the extent of his needs and the other circumstances of his condition.

The tutor is bound to see to it that the person of full age undergoes the assessments within the fixed time limits. The person of full age may, at any time, apply to be reassessed.”

43. The Code is amended by inserting the following article after article 278:

“278.1. Where the medical or psychosocial assessor becomes aware that the situation of the person of full age has changed sufficiently to justify modifying or terminating the tutorship, the assessor attests to that fact in a report, indicating any modifications he considers appropriate. The assessor transmits the report to the person of full age, to the tutor and to the executive director of a health or social services institution providing care or services to the person of full age or, failing that, the executive director of a health or social services institution that has jurisdiction in the territory in which the person of full age resides. The director then obtains the report of the other assessor, transmits a copy of it to the person of full age and to the tutor, and files a copy of both reports in the office of the court.

Where the medical or psychosocial assessor considers that the time limit for the reassessment of the person of full age should be modified, the assessor attests to that fact in a report, indicating the time limit he considers appropriate. He transmits the report to the person of full age and the tutor. The tutor shall then file a copy of the report concerned in the office of the court.”

44. Article 279 of the Code is amended by replacing “that justified protective supervision” and “assessment” by “or need for representation that justified tutorship to a person of full age” and “assessments”, respectively.

45. Article 280 of the Code is replaced by the following article:

“280. On the filing of the report or reports on the review of a tutorship to a person of full age, the clerk notifies the person of full age, the tutor and the persons qualified to intervene in the application for the institution of tutorship. If no objection is made within 30 days after the date of the notice, release from or the modification of the tutorship takes effect by operation of law. An attestation is drawn up by the clerk and transmitted without delay to the person of full age, to his tutor, to the tutorship council and to the Public Curator.

Those rules also apply to the review of a time limit for the medical or psychosocial reassessment of a person of full age, on the filing of the relevant report.”

46. Division III of Chapter III of Title Four of Book One of the Code, comprising articles 281 to 284, is repealed.

47. The Code is amended by striking out the following before article 285:

“DIVISION IV

“TUTORSHIP TO PERSONS OF FULL AGE”.

48. Article 285 of the Code is repealed.

49. The Code is amended by inserting the following before article 286:

“DIVISION IV

“CERTAIN MODALITIES OF TUTORSHIP TO PERSONS OF FULL AGE”.

50. Article 288 of the Code is replaced by the following article:

“288. When instituting the tutorship or subsequently, the court determines whether the rules concerning the capacity of the person of full age under tutorship need to be modified or clarified in light of his faculties. To do so, it takes into consideration the medical and psychosocial assessment reports and, as the case may be, the advice of the tutorship council or of the persons who may be called upon to form the tutorship council. It also takes into account, so far as possible, the opinion of the person of full age.

The court then indicates, where applicable, the acts the person under tutorship may perform himself, alone or with the assistance of the tutor, or those he may not perform without being represented.”

51. The Code is amended by inserting the following article after article 289:

“289.1. The tutor, before contracting a significant loan in relation to the patrimony of the person of full age, offering property as security, alienating important family property, an immovable or an enterprise, or demanding the definitive partition of immovables held by the person of full age in undivided co-ownership, shall obtain the authorization of the tutorship council or, if the property or security is worth more than \$40,000, of the court, which seeks the advice of the tutorship council.

The tutorship council or the court does not allow the loan to be contracted, or property to be alienated by onerous title or offered as security, except where that is necessary to ensure the education and maintenance of the person of full age, to pay his debts, to maintain the property in good order or to safeguard the value of his patrimony, or where that is the wish of the person of full age and he is not at risk of suffering serious injury therefrom. The authorization then indicates the amount and conditions of the loan and the property that may be alienated or offered as security, and sets forth the conditions under which it may be done.”

52. Division V of Chapter III of Title Four of Book One of the Code, comprising articles 291 to 294, is repealed.

53. The heading of Division VI before article 295 of the Code is replaced by the following heading:

“REPLACEMENT OF TUTOR AND END OF TUTORSHIP TO A PERSON OF FULL AGE”.

54. Article 295 of the Code is amended

(1) in the first paragraph,

(a) by replacing “Protective supervision” by “Tutorship to a person of full age”;

(b) by striking out “protected”;

(2) in the second paragraph,

(a) by replacing “Protective supervision” by “It”;

(b) by inserting “or of the need for representation” at the end.

55. Article 296 of the Code is amended

(1) by striking out “protected” and “or curator”;

(2) by replacing “the release of protective supervision” by “being released from tutorship”.

56. The Code is amended by inserting the following articles after article 296:

“296.1. A tutor may renounce his office only if a replacement tutor accepts the office.

If no replacement tutor accepts the office, the tutor may, for a serious reason, apply to the court to be relieved of his duties, provided his application is not made at an inopportune moment and notice of it has been given to the tutorship council.

“296.2. The replacement tutor who accepts the office shall file the acceptance in the office of the court. The clerk notifies the person of full age, the original tutor and the persons qualified to intervene in the application for the institution of tutorship of the filing of the acceptance. If no objection is made within 30 days after the date of the notice, the replacement of the tutor takes effect by operation of law. An attestation is drawn up by the clerk and transmitted without delay to the person of full age, to his new tutor, to the tutor the latter is replacing, to the tutorship council and to the Public Curator.”

57. Article 297 of the Code is replaced by the following article:

“297. A vacancy in the office of tutor does not terminate tutorship to a person of full age.

The replacement tutor may accept the office. Failing that, the tutorship council shall initiate the appointment of a new tutor; any interested person, including the Public Curator, may also initiate such an appointment.”

58. The Code is amended by inserting the following chapters after article 297:

“CHAPTER IV

“TEMPORARY REPRESENTATION OF INCAPABLE PERSONS OF FULL AGE

“297.1. The court may authorize a person to perform a specific act in the name of a person of full age if it is established that the incapacity of the person of full age is such that he needs to be temporarily represented for the performance of that act.

The incapacity resulting from representation is temporary and pertains only to the performance of that act. It is established solely in favour of the person of full age.

“297.2. The spouse of a person of full age, his close relatives and persons closely connected to him by marriage or a civil union, any person who shows a special interest in him, or any other interested person, including the mandatary designated by him or the Public Curator, may apply for temporary representation of the person of full age or be designated as representatives. The person of full age himself may also apply to be so represented.

“297.3. Where the court examines an application for temporary representation, it takes into consideration the medical and psychosocial assessments resulting from the examination of the person of full age.

The court shall give to the person of full age an opportunity to be heard, personally or through a representative where required by his state of health, on the merits of the application and as to the person who will represent him.

“297.4. The court fixes the terms and conditions of exercise of the powers conferred on the temporary representative.

The court may, in particular, order the temporary representative to render an account to the spouse or a close relative of the person of full age or to a person who shows a special interest in him or, if there are no such persons, to the Public Curator.

“297.5. The court may authorize the temporary representative to contract a loan, to alienate property by onerous title or to offer property as security only where that is necessary to ensure the education and maintenance of the person of full age, to pay his debts, to maintain the property in good order or to safeguard the value of his patrimony, or where that is the wish of the person of full age and he is not at risk of suffering serious injury therefrom.

The authorization then indicates the amount and conditions of the loan and the property that may be alienated or offered as security, and sets forth the conditions under which it may be done.

“297.6. Every decision relating to the designation of a temporary representative and the performance of the specific act shall be made in the interest of the person of full age, respect his rights and safeguard his autonomy, taking into account his wishes and preferences.

The person of full age shall, so far as possible, participate in the decisions made in his regard and be informed without delay of those decisions.

“297.7. An act performed alone by a person of full age for which he was required to be represented may not be annulled or the resulting obligations reduced, unless he suffers injury therefrom.

“297.8. The rules relating to the office of tutor and to the replacement of a tutor to a minor apply, adapted as required, to a temporary representative.

“297.9. Temporary representation ends when the specific act has been performed. The temporary representative then notifies the person of full age and the Public Curator in writing.

It also ends, by operation of law, as soon as a tutorship is instituted or a protection mandate homologated for the person of full age.

“CHAPTER V

“ASSISTANTS TO PERSONS OF FULL AGE

“DIVISION I

“GENERAL PROVISIONS

“297.10. A person of full age who, by reason of a difficulty, wishes to be assisted in caring for himself, administering his patrimony and, in general, exercising his civil rights, may apply to the Public Curator to have a person who accepts to assist him, in particular in his decision-making, recognized by the Public Curator.

The recognition of the assistant is entered in a public register.

“297.11. An assistant is authorized to act as an intermediary between the assisted person of full age and any third person, including a person bound by law to professional secrecy. The assistant is presumed to act with the consent of the person of full age.

The assistant may communicate and receive information in the name of, and communicate the decisions made by, the person of full age.

A third person may not refuse that the assistant act as such.

“297.12. An assistant shall act with prudence and diligence. He undertakes, by acceptance of his office, to advocate for the wishes and preferences of the person of full age in dealing with third persons.

In addition, he undertakes to respect the privacy of the person of full age. Thus, he may gather, use or communicate information concerning the person of full age only with the person’s consent and only to the extent necessary to perform the duties of his office.

“297.13. An assisted person of full age retains his full capacity to exercise his civil rights.

The assistant may not sign in the name of the person of full age and does not intervene in the acts for which he assists the person of full age.

“297.14. Every natural person capable of fully exercising his civil rights and able to assume the office may be recognized as an assistant.

“297.15. An assistant may not act in a situation where his personal interest is in conflict with that of the assisted person of full age.

“297.16. A person of full age may apply for the recognition of one or two assistants. If there are two assistants, they are not bound to act jointly, unless the person of full age decides otherwise.

“297.17. An assistant is not entitled to any remuneration.

However, the assisted person of full age reimburses the assistant for any reasonable expenses the latter has incurred in exercising the duties of his office.

“297.18. An assistant shall inform the Public Curator of his activities, on the Public Curator’s request.

“DIVISION II

“RECOGNITION OF ASSISTANTS TO PERSONS OF FULL AGE

“297.19. An application for the recognition of an assistant to a person of full age is filed with the Public Curator by the person of full age himself, jointly with any proposed assistant.

It may also be filed with the Public Curator through an advocate or notary certified to do so by his professional order.

“297.20. The application shall be accompanied by a summary description of the patrimony of the person of full age.

“297.21. The Public Curator, advocate or notary ensures, out of the presence of any proposed assistant, that the person of full age understands the scope of his application and is able to express his wishes and preferences. He also meets the person of full age in the presence of any proposed assistant.

Such meetings may be held by a technological means.

“297.22. The Public Curator verifies the judicial record of the proposed assistant.

“297.23. The Public Curator, advocate or notary notifies the application to at least two persons, either from the family of the person of full age or from among persons who show a special interest in him, excluding any proposed assistant. He notifies them, at the same time, of their right to object within 30 days after the date of the notice.

He is exempt from that obligation if sufficient effort has been made to notify the application but such effort has been in vain.

“297.24. On completing his operations, the advocate or notary draws up minutes and conclusions.

The minutes must identify the person of full age and any proposed assistant, and provide a detailed account of the operations carried out and the documents submitted. The minutes must also provide an account of any testimony taken and any representations or objections received from an interested person.

The advocate or notary promptly sends the application and the minutes and conclusions to the Public Curator, together with the documents supporting the conclusions. The Public Curator is not bound by the conclusions of the advocate or notary.

“297.25. The Public Curator recognizes the proposed assistant, except in the following cases:

(1) he has serious doubt that the person of full age understands the scope of the application;

(2) he has serious doubt that the person of full age is able to express his wishes and preferences;

(3) an element gives serious reason to fear that the person of full age will suffer injury owing to the proposed assistant’s recognition; or

(4) an interested person objects to the proposed assistant’s recognition for any of those reasons.

The Public Curator may refuse to recognize the proposed assistant if the latter has failed to fulfil his obligations as an assistant in the past.

The Public Curator notifies the person of full age and the proposed assistant of his decision. In the case of a refusal, the person of full age may apply to the court within 30 days of the notice to have the decision reviewed.

“DIVISION III

“END OF RECOGNITION OF ASSISTANTS TO PERSONS OF FULL AGE

“297.26. The recognition of an assistant ends on the expiry of three years, or before if the person of full age so requests.

It also ends when the Public Curator is informed that the assistant has ceased to act. The same applies when the Public Curator is informed

(1) that a tutorship has been instituted or a protection mandate homologated for the assisted person of full age or the assistant; or

(2) that a temporary representative has been designated for the assistant.

The assistant, tutor, mandatary or temporary representative shall so inform the Public Curator, who then deletes the entry from the register and so informs the person of full age and the assistant.

“297.27. The Public Curator may terminate the recognition of an assistant where an element gives serious reason to fear that the person of full age will suffer injury owing to such recognition.

The Public Curator notifies the person of full age and the assistant of his decision. The person of full age may apply to the court within 30 days of the notice to have the decision reviewed.”

59. Article 304 of the Code is amended

(1) by replacing “exercise tutorship or curatorship” in the first paragraph by “act as tutors, mandataries or temporary representatives”;

(2) by replacing “or curator to property,” in the second paragraph by “, mandatary or temporary representative to property,”.

60. Article 327 of the Code is amended

(1) by replacing “under tutorship or curatorship” in the first paragraph by “under tutorship or under a protection mandate”;

(2) by replacing “under tutorship” in the second paragraph by “under tutorship or under a protection mandate”.

61. Article 436 of the Code is amended

(1) in the first paragraph,

(a) by replacing “under tutorship or provided with an adviser” and “or adviser; the tutor” by “under tutorship or under a protection mandate” and “or mandatary; the tutor or mandatary”, respectively;

(b) by inserting “, if applicable,” after “by the court”;

(2) by replacing “adviser” in the second paragraph by “mandatary”.

62. Article 445 of the Code is amended by replacing “the other spouse’s being provided with a tutor or curator” in the second paragraph by “tutorship being instituted or a protection mandate homologated for the other spouse”.

63. Article 583.3 of the Code is amended

(1) by replacing “, tutor or curator” by “or tutor”;

(2) by replacing “has shown” by “shows”.

64. Article 638 of the Code is amended

(1) in the first paragraph,

(a) by replacing “protected person of full age” in the introductory clause by “person of full age under tutorship or under a protection mandate” ;

(b) by striking out “or curatorship” in subparagraph 1;

(c) by striking out “or person of full age who requires assistance” and “or his adviser” in subparagraph 2;

(d) by inserting the following subparagraph after subparagraph 2:

“(3) in the case of a person of full age under a protection mandate, by the mandatary.”;

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

“In no case is the minor, the person of full age under tutorship or under a protection mandate or the absentee liable for the payment of debts of the succession in excess of the value of the property he takes.”

65. Article 709 of the Code is amended by inserting “or after a protection mandate has been homologated for him” after “tutorship”.

66. Article 710 of the Code is repealed.

67. Article 711 of the Code is amended

(1) by replacing “, curator or adviser” by “or mandatary”;

(2) by striking out “or assists”.

68. The Code is amended by inserting the following article after article 785:

“785.1. If the sole heir is a minor or a person of full age under tutorship or under a protection mandate, unless otherwise provided by a testamentary provision, his representative designates a liquidator other than himself and may provide the mode of the liquidator’s replacement.

The same rule applies if such an heir and his representative are the two sole heirs.”

69. Article 1318 of the Code is amended by replacing “protected person of full age” by “person of full age under tutorship or under a protection mandate”.

70. Article 1355 of the Code is amended

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

“The duties of an administrator terminate upon his death, resignation or replacement, his becoming bankrupt, or tutorship to a person of full age being instituted or a protection mandate homologated for him.”;

(2) by replacing “is placed under protective supervision” in the second paragraph by “tutorship to a person of full age is instituted or a protection mandate homologated for him”.

71. Article 1361 of the Code is amended

(1) in the first paragraph,

(a) by replacing “his being placed under protective supervision” and “the death or of the institution of protective supervision” by “tutorship to a person of full age being instituted or a protection mandate homologated for him” and “the event”, respectively;

(b) by replacing “curator” by “mandatary”;

(2) by replacing “curator” in the second paragraph by “mandatary”.

72. Article 1392 of the Code is amended by replacing “protective supervision with respect to either of them” in the second paragraph by “tutorship to a person of full age or the homologation of a protection mandate for either of them”.

73. Article 1405 of the Code is amended by replacing “protected persons of full age” by “persons of full age under tutorship or under a protection mandate”.

74. Article 1406 of the Code is amended by replacing “protected person of full age” in the second paragraph by “person of full age under tutorship or under a protection mandate”.

75. Article 1461 of the Code is amended by replacing “curator” by “mandatary”.

76. Article 1484 of the Code is amended by replacing “or curator” in the first paragraph by “, mandatary or temporary representative”.

77. Article 1706 of the Code is replaced by the following article:

1706. Minors and persons of full age under tutorship or under a protection mandate are bound to make restitution of prestations only to the extent of the enrichment they retain from them; proof of such enrichment is borne by the person claiming restitution.

They may, however, be bound to make full restitution where restitution has become impossible through their intentional or gross fault.”

78. Article 1813 of the Code is amended

(1) by replacing “protected person of full age” and “curator” by “person of full age under tutorship or under a protection mandate” and “mandatary”, respectively;

(2) by inserting “the stipulations in the protection mandate and” after “subject to”.

79. Article 1814 of the Code is amended, in the second paragraph,

(1) by replacing “curator” and “protected person of full age” by “mandatary” and “person of full age under tutorship or under a protection mandate”, respectively;

(2) by inserting “or mandatary” after “a tutor”.

80. Article 1815 of the Code is repealed.

81. Article 2159 of the Code is amended by replacing “protective supervision” in the second paragraph by “tutorship to a person of full age or under a protection mandate”.

82. Article 2166 of the Code is amended

(1) by adding the following sentence at the end of the first paragraph: “It may not be made jointly by two or more persons.”;

(2) by inserting “, ascertained by medical and psychosocial assessment reports,” after “incapacity” in the second paragraph.

83. The Code is amended by inserting the following article after article 2166:

“2166.1. A mandate may, in particular, state the wishes of the mandator with respect to his care or to his living environment. However, the wishes expressed with respect to medical care in advance medical directives prevail over any conflicting wishes stated in the mandate.

The mandate may also state the mandator’s wish to be periodically subject to medical and psychosocial assessments, and set the time limits within which the mandator will be reassessed.

The mandate must indicate the person to whom the mandatary shall render an account and the intervals at which the mandatary shall do so, which may not exceed three years. If the person to whom the mandatary shall render an account has not been designated or where the person designated to receive the account is unable to act, the court may designate another person to receive it. The Public Curator may be designated to receive the account both by the mandator and by the court.”

84. The Code is amended by inserting the following articles after article 2167.1:

“2167.2. Every decision relating to the homologation or performance of a protection mandate shall be made in the interest of the mandator, respect his rights and safeguard his autonomy, taking into account his wishes and preferences.

The mandator shall, so far as possible and without delay, be informed of the decision.

“2167.3. To ensure the moral and material well-being of the mandator, the mandatary takes into account his condition, his needs and his faculties as well as the other circumstances of his situation.

So far as possible, the mandatary shall maintain a personal relationship with the mandator, involve him in the decisions made in his regard and keep him informed of those decisions.

“2167.4. The mandatary shall, within 60 days after the mandate is homologated, make an inventory of the property to be administered and transmit a copy of it to the person designated to receive the account.

The rules for administration of the property of others set out in articles 1326 to 1329 apply to the inventory, subject to any stipulations regarding it in the mandate.

“2167.5. A mandatary who continues the administration of another mandatary after the rendering of account is exempt from making an inventory, subject to the stipulations in the mandate.”

85. Article 2169 of the Code is amended

(1) in the first paragraph,

(a) by replacing “protective supervision may be instituted” by “tutorship to a person of full age may be instituted” and by replacing “leur” in the French text by “lui”;

(b) by striking out both occurrences of “or curator”;

(2) by striking out both occurrences of “or curator” in the second paragraph.

86. Article 2170 of the Code is amended by adding the following paragraph at the end:

“Acts performed alone by the mandator after the homologation of the mandate that are incompatible with its stipulations may not be annulled or the resulting obligations reduced, unless he suffers injury therefrom.”

87. Article 2173 of the Code is amended

(1) by replacing “assessment” in the first paragraph by “assessments”;

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

“The mandator or the mandatary may also request medical and psychosocial assessments to assess the capacity of the mandator. If the assessors conclude that the mandator has again become capable, they shall send a copy of their assessment reports to the mandator and the mandatary and file a copy in the office of the court.”;

(3) in the last paragraph,

(a) by replacing “protective supervision” by “tutorship to a person of full age”;

(b) by inserting “after the date of the notice” after “30 days”.

88. Article 2174 of the Code is amended by replacing “protective supervision” by “tutorship to a person of full age”.

89. The Code is amended by inserting the following articles after article 2174:

“2174.1. The replacement mandatary is bound to give notice of his taking office to the Public Curator.

“2174.2. The replacement mandatary may, if the mandate is not being faithfully performed or for any other serious reason, apply to the court to have it replace the initial mandatary and order the rendering of an account by the latter.”

90. Article 2175 of the Code is amended by replacing “protective supervision” in the second paragraph by “tutorship to a person of full age or the homologation of a protection mandate”.

91. Article 2177 of the Code is amended by replacing “protective supervision” by “tutorship to a person of full age”.

92. The Code is amended by inserting the following article after article 2182:

“2182.1. In the case of a protection mandate, the mandatary is bound to give notice of the mandator’s death to the Public Curator.”

93. Article 2183 of the Code is amended, in the first paragraph,

(1) by replacing “his being placed under protective supervision” and “, tutor or curator” by “tutorship to a person of full age being instituted for him” and “or tutor”, respectively;

(2) by adding the following sentence at the end: “The same rule applies upon the homologation of a protection mandate for the mandatary.”

94. Article 2226 of the Code is amended by replacing “being placed under protective supervision” by “tutorship to a person of full age being instituted or a protection mandate homologated for him”.

95. Article 2258 of the Code is amended by replacing “his being placed under protective supervision” in the second paragraph by “tutorship to a person of full age being instituted or a protection mandate homologated for him”.

96. Article 2282 of the Code is amended by replacing “protective supervision” by “tutorship to a person of full age or under a protection mandate”.

97. Article 2630 of the Code is amended by replacing “protective supervision” in the second paragraph by “tutorship or under a protection mandate”.

98. Article 2905 of the Code is amended by replacing “under curatorship or tutorship”, both occurrences of “they” and both occurrences of “their” in the second paragraph by “under tutorship or under a protection mandate”, “he” and “his”, respectively.

99. Article 2935 of the Code is amended by replacing “protected person” by “person under tutorship to a person of full age or under a protection mandate”.

100. Article 2964 of the Code is amended by replacing “protected person” by “person under tutorship to a person of full age or under a protection mandate”.

101. Article 3085 of the Code is amended

(1) by replacing “Protective supervision of persons of full age” in the first paragraph by “The legal regime intended to ensure the protection of incapable persons of full age”;

- (2) in the second paragraph,
- (a) by replacing both occurrences of “a protected” by “an incapable”;
- (b) by striking out both occurrences of “or a curator”.

CODE OF CIVIL PROCEDURE

102. Article 44 of the Code of Civil Procedure (chapter C-25.01) is amended by replacing “under protective supervision” in the third paragraph by “under tutorship or under a protection mandate”.

103. Article 303 of the Code is amended, in the first paragraph,

- (1) by replacing subparagraph 4 by the following subparagraph:

“(4) tutorship to an absentee, to a minor or to a person of full age, the emancipation of a minor, a protection mandate or temporary representation of an incapable person of full age;”;

- (2) by replacing “the protective supervision of a person of full age,” in subparagraph 5 by “tutorship to a person of full age, a protection mandate, temporary representation of an incapable person of full age;”.

104. Article 305 of the Code is amended by inserting “, taking into account the person’s wishes and preferences” at the end.

105. Article 312 of the Code is amended by replacing “and, to the protective supervision of a person of full age” and “a tutor or curator,” in the first paragraph by “and to tutorship to a person of full age,” and “a tutor, as well as applications relating”, respectively.

106. Article 313 of the Code is amended by replacing “for a minor or of protective supervision for a person of full age” in the second paragraph by “to a minor or to a person of full age”.

107. Article 315 of the Code is amended by replacing “protective supervision” and “the assessments required” in the first paragraph by “tutorship to a person of full age” and “the assessment reports required”, respectively.

108. Article 320 of the Code is amended

- (1) in the first paragraph,

- (a) by replacing “or the protective supervision of or a protection mandate for a person of full age” by “, tutorship to a person of full age or a protection mandate”;

- (b) by striking out “or curator”;

(2) by adding the following sentence at the end of the second paragraph: “An attestation is drawn up by the clerk and sent without delay to the tutor, to the minor, to the members of the tutorship council, and to the Public Curator.”

109. Article 336 of the Code is amended by replacing “or to a minor, protective supervision or a protection mandate” and “\$25,000” in the second paragraph by “, to a minor or to a person of full age, concerning a protection mandate or assistance to a person of full age or authorizing temporary representation of an incapable person of full age” and “\$40,000”, respectively.

110. Article 394 of the Code is amended

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

“An application pertaining to any of the following must be notified to the Public Curator together with the exhibits in support of it:

- (1) tutorship to a person of full age;
- (2) tutorship to an absentee;
- (3) temporary representation of an incapable person of full age;
- (4) assistance to a person of full age;
- (5) a protection mandate, except an application for a judicial authorization;
- (6) tutorship to a minor, except an application relating to suppletive tutorship where the value of the minor’s property does not exceed \$40,000; or
- (7) the emancipation of a minor.”;

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

“In any such case, the proceeding is stayed until proof of notification is received by the court office.”

111. Article 395 of the Code is amended

- (1) by inserting “to” after “a minor or”;
- (2) by striking out “or the curator”.

112. Article 404 of the Code is amended

(1) by replacing “protective supervision for a person of full age” in the first paragraph by “tutorship to a person of full age or temporary representation of an incapable person of full age”;

(2) by replacing “substitute” in the second paragraph by “replacement”.

113. Article 406 of the Code is amended

(1) by replacing “of protective supervision” and “such supervision” by “of tutorship to a person of full age” and “such tutorship”, respectively;

(2) by striking out “assist or”.

114. Article 536 of the Code is amended by replacing “curator” in the first paragraph by “temporary representative”.

115. Article 660 of the Code is amended by replacing “curator” in subparagraph 3 of the first paragraph by “temporary representative”.

PUBLIC CURATOR ACT

116. Section 1 of the Public Curator Act (chapter C-81) is amended

(1) by adding the following sentence at the end: “It shall also appoint an Assistant Public Curator, where required and after consulting with the Public Curator.”;

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

“The Public Curator’s mission is mainly to see that incapable persons are protected. The Public Curator shall exercise his functions in their interest and in such a manner as to respect their rights and safeguard their autonomy, taking into account their wishes and preferences. He is also responsible for recognizing assistants to persons of full age and for seeing to the protection of the patrimony of minors.

The Public Curator shall inform persons who are assisted or represented, persons designated to represent incapable persons of full age, tutors to minors and assistants to persons of full age of the rules concerning them. He shall raise public awareness of the issues relating to incapacity and shall inform the public about means for protecting incapable persons.”

117. Section 2 of the Act is replaced by the following section:

“**2.** The Public Curator is appointed for a five-year term. The Assistant Public Curator is appointed for a term of not over five years. At the expiry of their term, they shall remain in office until they are reappointed or replaced.”

118. Section 3 of the Act is amended

(1) by replacing “Public Curator may” in the first paragraph by “Public Curator and the Assistant Public Curator may” and “ses” in that paragraph in the French text by “leurs”;

(2) by replacing “The Public Curator cannot be dismissed” in the second paragraph by “They cannot be dismissed”.

119. Section 4 of the Act is amended by inserting “and of the Assistant Public Curator” at the end.

120. Section 5 of the Act is replaced by the following section:

“**5.** The Public Curator and the Assistant Public Curator shall attend exclusively to their duties of office and shall hold no other function, office or employment without the authorization of the Government.”

121. Section 6 of the Act is amended

(1) in the first paragraph,

(a) by replacing the introductory clause by the following introductory clause:

“**6.** The Public Curator and the Assistant Public Curator shall, before taking office, make an oath as follows:”;

(b) by replacing “Public Curator” in the oath by “Public Curator (or the Assistant Public Curator)”;

(2) by replacing “Public Curator shall carry out” in the second paragraph by “Public Curator and the Assistant Public Curator shall carry out”.

122. Section 7 of the Act is amended by replacing the first paragraph by the following paragraphs:

“The Public Curator shall define the functions of the Assistant Public Curator. If the Public Curator is absent or unable to act or if the office of Public Curator is vacant, the Assistant Public Curator shall replace him.

If the Assistant Public Curator is absent or unable to act, the Public Curator shall designate, in writing, one or more persons from his personnel to replace the Assistant Public Curator.

The designation shall be published in the *Gazette officielle du Québec* but shall take effect upon the signing by the Public Curator of the instrument evidencing it.”

123. Section 7.1 of the Act is amended by inserting “or by the Assistant Public Curator” after “signed by the Public Curator”.

124. Section 8 of the Act is amended, in the first paragraph,

(1) by replacing “the office of the Public Curator is vacant or the Public Curator is unable to act” by “the offices of Public Curator and Assistant Public Curator are vacant or the Public Curator and the Assistant Public Curator are unable to act”;

(2) by replacing “to carry on the duties of Public Curator for the time being” by “to temporarily exercise the function of Public Curator”.

125. Section 12 of the Act is amended, in the second paragraph,

(1) by striking out “and curatorships” in subparagraph 1;

(2) by replacing “, curatorships” in subparagraph 2 by “, temporary representation of incapable persons of full age”;

(3) by striking out “or curatorship”, “under protective supervision” and “or a curator” in subparagraph 3;

(4) by adding the following subparagraphs at the end:

“(4) recognition of assistants to persons of full age;

“(5) examination of the accounts rendered by certain mandataries under article 2166.1 of the Civil Code.”

126. The Act is amended by inserting the following section after section 12:

“12.1. The Public Curator, the Assistant Public Curator, members of the Public Curator’s personnel and persons referred to in section 11 may not be prosecuted for anything done in good faith in the exercise of the functions assigned to them with respect to the recognition of assistants to persons of full age.”

127. The heading of Division II before section 13 of the Act is amended by striking out “PERTAINING TO PROTECTIVE SUPERVISION”.

128. Section 13 of the Act is replaced by the following section:

“13. The Public Curator may intervene in any proceedings pertaining to

(1) tutorship to a person of full age;

(2) tutorship to an absentee;

(3) temporary representation of an incapable person of full age;

(4) assistance to a person of full age;

- (5) a protection mandate;
- (6) the integrity of a person of full age who is incapable of giving consent and who is not provided with a tutor or mandatary;
- (7) tutorship to a minor;
- (8) the emancipation of a minor.”

129. Section 14 of the Act is amended

(1) by replacing “, within a reasonable time, any appropriate measure including the calling of a meeting of relatives, persons connected by marriage or a civil union and friends of the person of full age” by “any appropriate measure within a reasonable time, including calling a meeting of relatives, persons connected by marriage or a civil union, or friends”;

(2) by replacing both occurrences of “protective supervision” by “tutorship to a person of full age”;

(3) by striking out “assist or”.

130. The Act is amended by inserting the following sections after section 14:

“14.1. When acting under section 14, the Public Curator may, to take into account the wishes expressed by the person of full age in a protection mandate, obtain a copy of it from any notary or lawyer who is its depositary.

This section applies notwithstanding section 64 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1).

“14.2. The Public Curator shall report to the Commission des droits de la personne et des droits de la jeunesse any situation that may be a case of exploitation within the meaning of section 48 of the Charter of human rights and freedoms (chapter C-12) necessitating the intervention of that Commission.”

131. Section 15 of the Act is amended

- (1) by striking out “or curatorship” and “or a curator” in the first paragraph;
- (2) in the second paragraph,
 - (a) by striking out “or curator”;
 - (b) by replacing “and friends” and “disabled” by “, or friends” and “incapable”, respectively.

132. The Act is amended by inserting the following section after section 15:

“16. In exercising tutorship to a person of full age, the Public Curator shall establish a representation plan, which he is to review periodically.

The Public Curator shall communicate the representation plan to the person of full age.”

133. Section 17 of the Act is amended

(1) by striking out “or curatorship”;

(2) by replacing “, obtain his opinion, where applicable, and keep him informed of the decisions taken in his regard” by “, involve him in the decisions made in his regard and keep him informed of those decisions”.

134. Section 17.1 of the Act is amended by replacing “on the protection and representation of incapable or protected persons” by “on matters under the Public Curator’s jurisdiction”.

135. Section 17.2 of the Act is amended by striking out “on protection and representation of incapable or protected persons” in the first paragraph.

136. Section 18 of the Act is amended by replacing “curator, tutor or adviser” by “tutor”.

137. Section 19 of the Act is amended

(1) by striking out “or curator” in the first paragraph;

(2) by inserting “or that the person does not need to be so represented in accordance with those laws. However, the court may grant the application if sufficient effort has been made to provide such proof, but such effort has been in vain” at the end of the second paragraph.

138. Section 20 of the Act is amended

(1) in the first paragraph,

(a) by striking out “and curatorships” and “or curator who so requires”;

(b) by replacing “any tutor” and “of fulfilling his obligations” by “tutors” and “in which they are to fulfil their obligations”, respectively;

(2) in the second paragraph,

(a) by replacing “two months” by “60 days”;

(b) by striking out “and curators” and “or curatorship”;

(c) by replacing “entrusted to their administration” by “entrusted to their management”;

(d) by replacing “annual report of their administration” by “annual account of their management”;

(e) by replacing “disability” and “it” by “the incapacity” and “such an assessment”, respectively;

(f) by replacing “rendering of accounts” by “final account”.

139. The Act is amended by inserting the following section after section 20:

“20.1. Notwithstanding the provisions of the Civil Code and this Act, the Public Curator may, where circumstances warrant it and on the conditions he determines,

(1) authorize the tutor to mingle his property with that of his spouse to whom he is tutor;

(2) authorize the tutor to render an account otherwise than by sending an annual account of his management;

(3) exempt the tutor to a minor from establishing a tutorship council.”

140. Section 21 of the Act is amended

(1) by replacing “serious ground to believe” and “damage” by “serious reason to fear” and “injury”, respectively;

(2) by striking out both occurrences of “or curator”.

141. Section 22 of the Act is amended

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

“The Public Curator may apply for the replacement of a tutor on the grounds set out in the Civil Code or where the annual management account of the tutor or an inquiry held by the Public Curator gives serious reason to fear that the person represented may suffer injury by reason of the tutor failing to perform his duties, or performing them improperly.”;

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

“Where a protection mandate is not being faithfully performed or for any other serious reason, the Public Curator may also apply for the revocation of the mandate or communicate to the replacement mandatary the necessary information so that the latter may apply to replace the initial mandatary. In the latter case, the replacement mandatary must first attest under oath that he intends to file such an application.”;

- (3) in the last paragraph,
- (a) by striking out “or curatorship”;
- (b) by replacing “disabled” by “incapable”.

142. Section 27 of the Act is amended, in the first paragraph,

(1) by replacing “protective supervision” by “tutorship, temporary representation or assistance”;

(2) by replacing “person who is unable whose care or the administration of whose property have been entrusted” by “incapable person whose care or the administration of whose property has been entrusted”.

143. Section 28 of the Act is amended, in the first paragraph,

(1) by replacing “the record of the case of a person who is unable” by “the relevant record for an incapable person”;

(2) by replacing “protected person” by “person under tutorship or under a protection mandate”.

144. Section 29 of the Act is amended by replacing the second paragraph by the following paragraph:

“The inventory shall be made by a private writing. If circumstances permit, it shall be made in the presence of witnesses.”

145. Section 34 of the Act is amended

(1) by replacing the second sentence of the first paragraph by the following sentence: “However, where such a person fails or is unable to act, the authorization of the court is required to alienate property whose value exceeds \$40,000 by onerous title or to charge property with a hypothec exceeding that value.”;

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

“In addition to the grounds set out in article 1305 of the Civil Code, authorization to alienate property by onerous title or to charge property with a hypothec may also be given where the act is necessary to ensure the education and maintenance of the person represented or to preserve the value of his patrimony. Such authorization may also be given where that is the wish of the person of full age and there is no risk that the person of full age will suffer serious injury as a result.”;

(3) by striking out “or curatorship” in the last paragraph.

146. Section 36 of the Act is amended by replacing “\$5,000” by “the greater of \$15,000 and the amount corresponding to 15% of the value of the property that is being partitioned or of the value in dispute that is being transacted”.

147. Section 42 of the Act is amended by striking out “, by registered mail,” in the first paragraph.

148. Section 52 of the Act is amended

(1) by striking out “or their successors or heirs” in subparagraph 2 of the first paragraph;

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

“Nevertheless, at the request of an interested person, the Public Curator may certify that a person is a minor, under tutorship, under a protection mandate or under temporary representation and indicate the name of the tutor, mandatary or representative. The Public Curator may also certify that a person is recognized as an assistant to a specified person of full age.”

149. Section 53 of the Act is amended by replacing “damage” by “harm”.

150. The Act is amended by inserting the following section after section 53:

“53.1 The liquidator of the succession, the beneficiary of life insurance or of a death benefit or the heir or successor of the person who was represented by the Public Curator or whose property was administered by the Public Curator has the right to obtain information contained in the file of the deceased person to the extent that the information affects his interests or rights as liquidator, beneficiary, heir or successor.”

151. Section 54 of the Act is amended by replacing the first paragraph by the following paragraph:

“The Public Curator shall keep a register of tutorships to minors, a register of tutorships to persons of full age, a register of assistants to persons of full age, a register of homologated protection mandates and a register of authorizations for temporary representation of incapable persons of full age.”

152. Section 67 of the Act is amended by replacing “30 June” in the first paragraph by “31 October”.

153. Section 68 of the Act is amended

(1) by striking out “and curators” in paragraph 3;

(2) by inserting the following paragraphs after paragraph 3:

“(3.1) determine the form and content of the medical and psychosocial assessment reports necessary for tutorship to a person of full age;

“(3.2) determine the form and content of the medical and psychosocial assessment reports necessary for the temporary representation of an incapable person of full age;

“(3.3) determine the form and content of the documents necessary for the recognition of an assistant to a person of full age and the manner in which they are to be transmitted;

“(3.4) determine the conditions an advocate or notary must meet to be certified to perform the operations preliminary to the recognition of an assistant to a person of full age;”;

(3) by inserting “and the rules for consulting the registers” after “the registers” in paragraph 6;

(4) by striking out “, curatorships” in paragraph 7.

154. The Act is amended by inserting the following section after section 204:

“**205.** The amount specified in section 34, in articles 209, 213, 214, 217, 221, 242 and 289.1 of the Civil Code and in articles 336 and 394 of the Code of Civil Procedure is indexed on 1 April (*insert the year that is ten years after the date of coming into force of section 8 of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons*), and every ten years after that, according to the variation in the average Consumer Price Index for the five preceding years, based on the index established for the whole of Québec by Statistics Canada. The amount computed based on that index is rounded off to the nearest multiple of \$5,000. The Public Curator shall publish the results of the indexing in the *Gazette officielle du Québec*.”

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

155. Section 47 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by replacing the introductory clause by the following introductory clause:

“**47.** Every person who is of full age and a Canadian citizen, who is neither disqualified from voting under section 53 nor disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code and who meets one of the following two conditions is an elector of a municipality:”.

156. Section 137 of the Act is amended by replacing “under curatorship” in subparagraph 2 of the third paragraph by “disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

157. Section 137.2 of the Act is amended by replacing “under curatorship” by “disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

158. Section 518 of the Act is amended by replacing “under curatorship” in the second paragraph by “disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

159. Section 528 of the Act is amended by replacing “under curatorship nor disqualified from voting under section 524” in the second paragraph by “disqualified from voting under section 524 nor disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

ACT RESPECTING SCHOOL ELECTIONS TO ELECT CERTAIN MEMBERS OF THE BOARDS OF DIRECTORS OF ENGLISH-LANGUAGE SCHOOL SERVICE CENTRES

160. Section 12 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3) is amended by replacing “under curatorship” in paragraph 4 by “disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

161. Section 58.8 of the Act is amended by replacing “that the person in respect of whom the application for striking off is made is under curatorship or is deceased” in subparagraph 2 of the third paragraph by “that the person in respect of whom the application for striking off is made is disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code or is deceased”.

162. Section 58.10 of the Act is amended by replacing “under curatorship” by “disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

ELECTION ACT

163. Section 1 of the Election Act (chapter E-3.3) is amended by replacing “under curatorship” in subparagraph 4 of the first paragraph by “disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

164. Section 40.7.1 of the Act is amended by replacing “in whose favour curatorship is instituted” by “who is disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code”.

165. Section 40.10.1 of the Act is amended

- (1) by replacing “death or of institution of curatorship and” by “death,”;
- (2) by inserting “and the name of any person who is disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code” after “Referendum Act (chapter C-64.1)”.

166. Section 40.12.15 of the Act is amended by replacing “that the person is under curatorship or is dead” by “that the person concerned is disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code or is deceased”.

167. Section 210 of the Act is amended by replacing “that the person whose removal is requested is under curatorship or is dead” in the first paragraph by “that the person whose removal is requested is disqualified from voting as a result of a judgment rendered under article 288 of the Civil Code or is deceased”.

PROVISIONS AMENDING VARIOUS ACTS

WORKERS’ COMPENSATION ACT

168. Section 35 of the Workers’ Compensation Act (chapter A-3) is amended

- (1) in subsection 4,
 - (a) by replacing “to their curator and, failing those persons” by “mandatary or, if they do not have one”;
 - (b) by striking out “or a curator, as the case may be”;
- (2) in subsection 5,
 - (a) by replacing “, as the case may be, to their tutor or curator and, failing a tutor or a curator” by “to their tutor or mandatary if they have one or, if they do not”;
 - (b) by striking out “or a curator, as the case may be”.

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

169. Section 141 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended

- (1) in the first paragraph,
 - (a) by replacing “curator” by “mandatary”;

(b) by striking out “or a curator, as the case may be”;

(2) by inserting “, except a payment to a mandatary” at the end of the second paragraph.

ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

170. Section 4.7 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is amended by replacing “, protective supervision of a person of full age or a protection mandate” in paragraph 3 by “or to a person of full age, a protection mandate or temporary representation of an incapable person of full age”.

LAND SURVEYORS ACT

171. Section 58 of the Land Surveyors Act (chapter A-23) is amended, in subsection 1,

(1) by replacing “tutorship or curatorship” by “a tutorship or the homologation of a protection mandate for him”;

(2) by replacing “curator” by “mandatary”.

AUTOMOBILE INSURANCE ACT

172. Section 83.27 of the Automobile Insurance Act (chapter A-25) is amended

(1) in the first paragraph,

(a) by replacing “or curator” by “or mandatary”;

(b) by striking out “or of a curator, as the case may be”;

(2) by inserting “, except a payment to a mandatary” at the end of the second paragraph.

INSURERS ACT

173. Section 118 of the Insurers Act (chapter A-32.1) is amended by replacing “the institution of protective supervision” by “tutorship to a person of full age being instituted or a protection mandate homologated”.

ACT RESPECTING THE BARREAU DU QUÉBEC

174. Section 69.1 of the Act respecting the Barreau du Québec (chapter B-1) is amended

(1) by replacing “by the court of tutorship or curatorship” in the first paragraph by “of tutorship or the homologation of a protection mandate”;

(2) by replacing “the protective supervision” in the third paragraph by “the tutorship or the protection mandate”.

175. Section 122 of the Act is amended by replacing paragraph *c* of subsection 1 by the following paragraph:

“(c) he is under tutorship or under a protection mandate;”.

176. Section 128 of the Act is amended by adding the following paragraph at the end of subsection 2:

“(f) to perform the operations preliminary to the Public Curator’s recognition of an assistant to a person of full age.”

BUILDING ACT

177. Section 69 of the Building Act (chapter B-1.1) is amended by replacing “the tutor or adviser to a person of full age” in the second paragraph by “the tutor to or mandatary of an incapable person of full age”.

UNCLAIMED PROPERTY ACT

178. Section 2 of the Unclaimed Property Act (chapter B-5.1) is amended by replacing “under tutorship or curatorship” in subparagraph 8 of the first paragraph by “under tutorship or under a protection mandate;”.

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

179. Section 145 of Schedule C to the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended by replacing “under protective supervision” in the first paragraph by “under tutorship or under a protection mandate”.

PROFESSIONAL CODE

180. Section 37.1 of the Professional Code (chapter C-26) is amended by replacing “with regard to the protective supervision of a person of full age or with regard to” in subparagraph *f* of paragraph 1.1.1 by “for the purposes of tutorship to a person of full age or”.

COMPANIES ACT

181. Section 140 of the Companies Act (chapter C-38) is amended by replacing “curator” and “under tutorship or curatorship” by “mandatary” and “under tutorship or under a protection mandate”, respectively.

182. Section 141 of the Act is amended by replacing “curator,” by “mandatary,”.

183. Section 179 of the Act is amended by replacing “, curator” in paragraph 2 by “, mandatary”.

ACT RESPECTING FINANCIAL SERVICES COOPERATIVES

184. Section 8 of the Act respecting financial services cooperatives (chapter C-67.3) is amended by replacing “under protective supervision or a person totally or partially deprived of the exercise of civil rights” in paragraph 2 by “under tutorship or under a protection mandate”.

REAL ESTATE BROKERAGE ACT

185. Section 37 of the Real Estate Brokerage Act (chapter C-73.2) is amended by replacing paragraph 4 by the following paragraph:

“(4) if the applicant is under tutorship or under a protection mandate.”

186. Section 38 of the Act is amended by replacing paragraph 4 by the following paragraph:

“(4) is under tutorship or under a protection mandate.”

ACT RESPECTING DEPOSITS WITH THE BUREAU GÉNÉRAL DE DÉPÔTS POUR LE QUÉBEC

187. Section 2 of the Act respecting deposits with the Bureau général de dépôts pour le Québec (chapter D-5.1) is amended by replacing “a curator” in the second paragraph by “a mandatary of an incapable person of full age”.

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

188. Section 218 of the Act respecting the distribution of financial products and services (chapter D-9.2) is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) the certificate holder is under tutorship or under a protection mandate;”.

189. Section 219 of the Act is amended by replacing paragraph 3 by the following paragraph:

“(3) where the applicant is under tutorship or under a protection mandate;”.

MONEY-SERVICES BUSINESSES ACT

190. Section 5 of the Money-Services Businesses Act (chapter E-12.000001) is amended by replacing subparagraph 2 of the second paragraph by the following subparagraph:

“(2) not be under tutorship or under a protection mandate;”.

191. Section 14 of the Act is amended by replacing paragraph 2 by the following paragraph:

“(2) is under tutorship or under a protection mandate;”.

ACT RESPECTING FABRIQUES

192. Section 39 of the Act respecting fabriques (chapter F-1) is amended by replacing paragraph *b* by the following paragraph:

“(b) if tutorship is instituted or a protection mandate homologated for him;”.

TAXATION ACT

193. Section 1049.12 of the Taxation Act (chapter I-3) is amended by replacing “or under tutorship or curatorship,” by “, under tutorship or under a protection mandate”.

194. Section 1049.12.1 of the Act is amended by replacing “or under tutorship or curatorship,” by “, under tutorship or under a protection mandate”.

DEPOSIT INSTITUTIONS AND DEPOSIT PROTECTION ACT

195. Section 28.62 of the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2) is amended by replacing “the institution of protective supervision” by “tutorship to a person of full age being instituted or a protection mandate homologated”.

DERIVATIVES ACT

196. Section 80.1 of the Derivatives Act (chapter I-14.01) is amended by replacing paragraph 3 by the following paragraph:

“(3) the representative, chief compliance officer or ultimate designated person is under tutorship or under a protection mandate; or”.

ACT RESPECTING THE MONTRÉAL MUSEUM OF FINE ARTS

197. Section 6.2 of the Act respecting the Montréal Museum of Fine Arts (chapter M-42) is amended by replacing “under tutorship or curatorship” in paragraph 2 by “under tutorship or under a protection mandate”.

NOTARIES ACT

198. Section 15 of the Notaries Act (chapter N-3) is amended by adding the following paragraph at the end:

“(8) perform the operations preliminary to the Public Curator’s recognition of an assistant to a person of full age.”

199. Section 28 of the Act is amended by replacing “under protective supervision” in the first paragraph by “under tutorship”.

200. Section 77 of the Act is amended by replacing “protective supervision” in subparagraph 3 of the first paragraph by “tutorship to a person of full age”.

ACT RESPECTING THE SHARING OF CERTAIN HEALTH INFORMATION

201. Section 79 of the Act respecting the sharing of certain health information (chapter P-9.0001) is amended, in paragraph 8,

(1) by striking out “or the fact that he or she is under public curatorship”;

(2) by replacing “the dates of the institution and termination of curatorship” by “the dates on which representation by the latter begins and ends”.

PHARMACY ACT

202. Section 29 of the Pharmacy Act (chapter P-10) is amended by replacing “is placed under tutorship or curatorship” and “curator” by “is placed under tutorship or under a protection mandate” and “mandatary”, respectively.

ACT RESPECTING THE PROTECTION OF PERSONS WHOSE MENTAL STATE PRESENTS A DANGER TO THEMSELVES OR TO OTHERS

203. The schedule to the Act respecting the protection of persons whose mental state presents a danger to themselves or to others (chapter P-38.001) is amended by striking out “, curator” in subparagraph *a* of the second subparagraph of paragraph 5.

ACT RESPECTING THE COLLECTION OF CERTAIN DEBTS

204. Section 6 of the Act respecting the collection of certain debts (chapter R-2.2), amended by section 789 of chapter 23 of the statutes of 2018, is again amended by replacing “curator” in paragraph 1 by “mandatory or temporary representative of an incapable person of full age”.

ACT RESPECTING THE RÉGIE DU LOGEMENT

205. Section 64 of the Act respecting the Régie du logement (chapter R-8.1) is amended

(1) by striking out “tutor, curator or adviser,” in paragraph 8;

(2) by inserting the following paragraph after paragraph 8:

“(8.1) if the commissioner is the tutor, mandatory or temporary representative of an incapable person of full age who is one of the parties;”.

206. Section 73 of the Act is amended by replacing “or curator” by “, a mandatory of an incapable person of full age or a temporary representative of a person of full age”.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

207. Section 22 of the Act respecting health services and social services (chapter S-4.2) is amended

(1) by replacing “curator, mandatory” in the first paragraph by “the mandatory”;

(2) in the second paragraph,

(a) by replacing “for the institution or review of protective supervision for a user or the homologation of a protection mandate” and “assessment of” by “, with regard to a user, for the institution or review of a tutorship, for the homologation of a protection mandate or for temporary representation of an incapable person of full age” and “assessment reports concerning”, respectively;

(b) by inserting “or perform a specified act” after “administer his property”.

208. Section 150 of the Act is amended by replacing “curatorship” in paragraph 3 by “under a protection mandate”.

209. Section 204 of the Act is amended by replacing “the protective supervision of incapable persons” in paragraph 5.1 by “tutorship to a person of full age”.

210. Section 210 of the Act is repealed.

ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES FOR CREE NATIVE PERSONS

211. Section 77 of the Act respecting health services and social services for Cree Native persons (chapter S-5) is amended, in the third paragraph,

(1) by striking out “, his curator”;

(2) by replacing “unable to express” and “inability” by “incapable of expressing” and “incapacity”, respectively.

212. Section 86 of the Act is amended by replacing “under tutorship or curatorship” in subparagraph *a* of the first paragraph by “under tutorship or under a protection mandate”.

213. Section 105 of the Act is amended by replacing “protective supervision of incapable persons” in subparagraph *i* of the second paragraph by “tutorship to persons of full age”.

TRUST COMPANIES AND SAVINGS COMPANIES ACT

214. Section 2 of the Trust Companies and Savings Companies Act (chapter S-29.02) is amended by striking out “, an adviser to a person of full age” and “or curator”.

215. Section 18 of the Act is amended by striking out “, or curator to the property of a person of full age or adviser to a person of full age,” in paragraph 2.

216. Section 99 of the Act is amended by replacing “the institution of protective supervision” by “tutorship to a person of full age being instituted or a protection mandate homologated”.

BUSINESS CORPORATIONS ACT

217. Section 234 of the Business Corporations Act (chapter S-31.1) is amended by replacing “or the auditor’s becoming bankrupt or being placed under protective supervision” by “, the auditor’s becoming bankrupt or tutorship being instituted or a protection mandate homologated for the auditor”.

PROFESSIONAL SYNDICATES ACT

218. Section 27 of the Professional Syndicates Act (chapter S-40) is amended by replacing “fees fixed by the tariff for curatorship cases” in the third paragraph by “the fees prescribed in section 4 of Schedule I to the Regulation respecting the application of the Unclaimed Property Act (chapter B-5.1, r. 1)”.

ACT RESPECTING THE QUÉBEC SALES TAX

219. Section 310 of the Act respecting the Québec sales tax (chapter T-0.1) is amended by replacing “or curator” in paragraph 3 of the definition of “receiver” in the second paragraph by “, mandatary of an incapable person of full age or temporary representative of an incapable person of full age”.

SECURITIES ACT

220. Section 3 of the Securities Act (chapter V-1.1), amended by section 803 of chapter 23 of the statutes of 2018, is again amended, in paragraph 11,

(1) by replacing “curators to property” by “mandataries to property of incapable persons of full age”;

(2) by striking out “, advisers to persons of full age”.

221. Section 151.0.1 of the Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) the representative, chief compliance officer or ultimate designated person is under tutorship or under a protection mandate; or”.

ACT MAINLY TO IMPROVE THE REGULATION OF THE FINANCIAL SECTOR, THE PROTECTION OF DEPOSITS OF MONEY AND THE OPERATION OF FINANCIAL INSTITUTIONS

222. Section 486 of the Act mainly to improve the regulation of the financial sector, the protection of deposits of money and the operation of financial institutions (2018, chapter 23) is amended by striking out “, curators” in subparagraph 1 of the first paragraph proposed by subparagraph *c* of paragraph 1.

PROVISIONS AMENDING VARIOUS REGULATIONS

REGULATION RESPECTING THE REGISTER OF PERSONAL AND MOVABLE REAL RIGHTS

223. Section 25 of the Regulation respecting the register of personal and movable real rights (chapter CCQ, r. 8) is amended, in subparagraph 1 of the first paragraph,

(1) by striking out “a curator,”;

(2) by inserting “a temporary representative by reason of the person’s incapacity,” after “party,”.

REGULATION RESPECTING SAVINGS PRODUCTS

224. Section 50 of the Regulation respecting savings products (chapter A-6.001, r. 9) is amended by replacing “is under protective supervision” in the first paragraph by “is under tutorship, is under a protection mandate”.

REGULATION RESPECTING LEGAL AID

225. Section 30 of the Regulation respecting legal aid (chapter A-14, r. 2) is amended

(1) in the first paragraph,

(a) by striking out “his curator,”;

(b) by inserting “a temporary representative of an incapable person of full age performing the specific act he has been authorized to perform,” after “protection mandate,”;

(2) by replacing “the institution or review of protective supervision for a third party” in the second paragraph by “, for a third party, the institution or review of tutorship to a person of full age, the designation of a temporary representative for an incapable person of full age”.

REGULATION RESPECTING THE REIMBURSEMENT OF CERTAIN EXPENSES

226. Section 51 of the Regulation respecting the reimbursement of certain expenses (chapter A-25, r. 14) is amended

(1) by replacing “under protective supervision” by “under tutorship or for whom a protection mandate has not been homologated”;

(2) by striking out “, curator or adviser,”.

REGULATION RESPECTING THE TERMS AND CONDITIONS FOR THE ISSUANCE OF HEALTH INSURANCE CARDS AND THE TRANSMITTAL OF STATEMENTS OF FEES AND CLAIMS

227. Section 8.0.1 of the Regulation respecting the terms and conditions for the issuance of health insurance cards and the transmittal of statements of fees and claims (chapter A-29, r. 7.2) is amended, in paragraph 3,

(1) by striking out “or curatorship”;

(2) by replacing “represented by the Public Curator Act” by “represented by the Public Curator”.

REGULATION RESPECTING THE TRAINING, SKILL AND
KNOWLEDGE EVALUATION, ACCREDITATION AND DISCIPLINE OF
STENOGRAPHERS

228. Section 39 of the Regulation respecting the training, skill and knowledge evaluation, accreditation and discipline of stenographers (chapter B-1, r. 13) is amended by replacing “protective supervision” in the second paragraph by “tutorship to a person of full age”.

REGULATION RESPECTING THE CONDITIONS FOR THE
CERTIFICATION OF NOTARIES AS REGARDS THE INSTITUTION OR
REVIEW OF PROTECTIVE SUPERVISION AND PROTECTION
MANDATES

229. The title of the Regulation respecting the conditions for the certification of notaries as regards the institution or review of protective supervision and protection mandates (chapter C-25.01, r. 0.2) is replaced by the following title:

“REGULATION RESPECTING THE CONDITIONS FOR THE
CERTIFICATION OF NOTARIES AS REGARDS THE INSTITUTION OR
REVIEW OF TUTORSHIPS TO PERSONS OF FULL AGE AND
PROTECTION MANDATES”.

230. Section 1 of the Regulation is amended by replacing “protective supervision” in the introductory clause by “tutorships to persons of full age”.

REGULATION RESPECTING THE ISSUE OF BROKER’S AND
AGENCY LICENCES

231. Section 5 of the Regulation respecting the issue of broker’s and agency licences (chapter C-73.2, r. 3) is amended by striking out “, curator or adviser” in paragraph 12.

232. Section 7 of the Regulation is amended by striking out “, curator or adviser” in paragraph 10.

REGULATION RESPECTING THE APPLICATION OF THE PUBLIC
CURATOR ACT

233. Section 1 of the Regulation respecting the application of the Public Curator Act (chapter C-81, r. 1) is amended

- (1) by replacing “protective supervision for” in paragraph 5 by “tutorship to”;
- (2) by replacing “protective supervision” in paragraph 6 by “tutorship”.

234. Section 7 of the Regulation is amended, in paragraph 2,

(1) by replacing “tutorship and curatorships” in the introductory clause by “tutorships”;

(2) by striking out “or the curator or curators” in subparagraphs *b* and *d*;

(3) by striking out subparagraph *c*;

(4) by replacing “protective supervision” in subparagraph *f* by “tutorship”.

235. Schedule II to the Regulation is amended

(1) by replacing the introductory clause of section 1 by the following introductory clause:

“(1) The fees that the Public Curator may, as applicant, charge for activities relating to the institution of tutorship to a person of full age are established as follows and payable at the latest at the end of the tutorship, if public tutorship is instituted, or on the rendering of the judgment, if private tutorship is instituted.”;

(2) by replacing “public protective supervision” in the second paragraph of section 2 by “public tutorship”.

CODE OF ETHICS OF THE CHAMBRE DE LA SÉCURITÉ FINANCIÈRE

236. Section 19 of the Code of ethics of the Chambre de la sécurité financière (chapter D-9.2, r. 3) is amended by striking out “, curator or adviser within the meaning of the Civil Code” in paragraph 3.

REGULATION RESPECTING THE REGISTRATION OF FIRMS, REPRESENTATIVES AND INDEPENDENT PARTNERSHIPS

237. Section 2 of the Regulation respecting the registration of firms, representatives and independent partnerships (chapter D-9.2, r. 15) is amended by striking out “, curator or adviser” in subparagraph *f* of paragraph 16.

238. Section 6 of the Regulation is amended by striking out “, curator or adviser” in subparagraph *f* of paragraph 10.

REGULATION RESPECTING THE PRESERVATION, USE OR DESTRUCTION OF THE RECORDS, BOOKS AND REGISTERS OF A PHARMACIST WHO CEASES TO PRACTISE

239. Section 4.01 of the Regulation respecting the preservation, use or destruction of the records, books and registers of a pharmacist who ceases to practise (chapter P-10, r. 13) is amended by replacing “is placed under protective supervision” by “is placed under tutorship or under a protection mandate”.

RÈGLEMENT SUR L'EXERCICE DE LA PHARMACIE EN SOCIÉTÉ

240. Section 2 of the Règlement sur l'exercice de la pharmacie en société (chapter P-10, r. 16, French only) is amended by replacing “d'un régime de protection” in subparagraph *b* of paragraph 2 by “d'une tutelle au majeur ou d'un mandat de protection homologué”.

241. Section 4 of the Regulation is amended by replacing “d'un régime de protection” in subparagraph *b* of subparagraph 9 of the first paragraph by “d'une tutelle au majeur ou d'un mandat de protection homologué”.

242. Section 5 of the Regulation is amended by replacing “de l'ouverture d'un régime de protection, le tuteur ou le curateur” in paragraph 2 by “d'une tutelle au majeur ou d'un mandat de protection homologué, le tuteur ou le mandataire”.

ORGANIZATION AND MANAGEMENT OF INSTITUTIONS REGULATION

243. Section 43 of the Organization and Management of Institutions Regulation (chapter S-5, r. 5) is amended by replacing “the curator of the beneficiary” in the second paragraph by “the tutor or mandatary of the beneficiary”.

REGULATION UNDER THE ACT RESPECTING THE QUÉBEC CORRECTIONAL SYSTEM

244. Section 56 of the Regulation under the Act respecting the Québec correctional system (chapter S-40.1, r. 1) is amended by replacing subparagraph 8 of the first paragraph by the following subparagraph:

“(8) tutor or mandatary as designated by the judgment instituting the tutorship or homologating the protection mandate.”

TRANSITIONAL AND FINAL PROVISIONS

245. A person of full age under curatorship on the date of coming into force of section 46 is deemed to be under tutorship. The curator of the person of full age is deemed to be his or her tutor.

However, until the tutorship ceases or is modified, where applicable, the person of full age must be represented for the same acts as when under curatorship. A curator who has become a tutor may only perform acts of simple administration.

246. A person of full age provided with an adviser on the date of coming into force of section 52 remains under advisership as long as there is no release from or modification of the protective supervision.

During that period, the provisions concerning advisers to persons of full age and persons of full age provided with an adviser that are repealed or amended by this Act continue to have effect with regard to such advisers and persons of full age.

247. An application for the institution of protective supervision that is pending on the date of coming into force of section 46 is deemed to be an application for the institution of tutorship to a person of full age. However, the medical and psychosocial assessment reports must be replaced by such reports that comply with section 68 of the Public Curator Act (chapter C-81), as amended by section 153.

248. A tutor to the person who is party to proceedings pertaining to the property of a minor or a person of full age that are pending on the date of coming into force of section 7 continues the proceedings.

249. An insurer who, before the date of coming into force of section 11, has received the required proof of loss for a payment is not subject to the 15-day notice period prescribed in article 217 of the Civil Code, as replaced by section 11, if complying with that notice period prevents the insurer from complying with the time limit prescribed in article 2436 of the Code. In such a case, the insurer must fulfil the obligation imposed on it by that article 217 as soon as possible.

250. A protection mandate made before the date of coming into force of section 82 may not be invalidated for the sole reason that it was made jointly by two or more persons.

The first paragraph ceases to apply to such a mandate if changes are made to the mandate after the date specified in that paragraph.

The third paragraph of article 2166.1 of the Civil Code, enacted by section 83, applies only with respect to a protection mandate made on or after the date of coming into force of section 83.

Article 2167.4 of the Code, enacted by section 84, applies only with respect to a protection mandate homologated on or after the date of coming into force of section 84.

251. For the purposes of the reassessment of a person of full age who is under protective supervision on the date of coming into force of section 42, the following time limits continue to apply, taking into account the time that has already passed since the last assessment:

- (1) the five-year time limit, if the person was under curatorship;
- (2) the three-year time limit, if the person is under tutorship or provided with an adviser;

(3) the shorter time limit set by the court, if applicable.

252. A will made by a person of full age under curatorship who died after the date preceding the date of coming into force of section 46 may be confirmed by the court if the nature of its provisions and the circumstances in which it was drawn up allow it.

253. The Public Curator must send the Chief Electoral Officer the name, address, date of birth and sex of all persons of full age under curatorship on the date of coming into force of section 46.

The name of every such person of full age must be entered on the permanent list of electors by the Chief Electoral Officer. The Chief Electoral Officer must provide written confirmation to such electors that their names have been entered on the permanent list of electors and invite them to correct or complete the information which concerns them, if necessary.

If the confirmation notice is returned to the Chief Electoral Officer without having reached the addressee or if the Chief Electoral Officer is informed by the person that he or she cannot be or does not wish to be entered on the permanent list of electors, his or her name is struck off the list.

254. Unless the context indicates otherwise, in any other provision of an Act or of a regulation, the following terms and expressions are struck out, with the necessary adaptations:

(1) “curator”, when used elsewhere than in “Public Curator”, and “curators”, except in the following provisions:

(a) articles 1239 and 1289 of the Civil Code;

(b) sections 810 and 905.0.3 of the Taxation Act (chapter I-3);

(c) section 30 of the Pharmacy Act (chapter P-10);

(d) section 13 of the Règlement sur l’exercice de la pharmacie en société (chapter P-10, r. 16, French only);

(e) section 308 of the Supplemental Pension Plans Act (chapter R-15.1);

(f) section 94 of the General Regulation respecting supplemental pension plans (chapter R-15.1, r. 6.2);

(2) “curatorship” and “curatorships”;

(3) “adviser to a person of full age” and “advisers to persons of full age”.

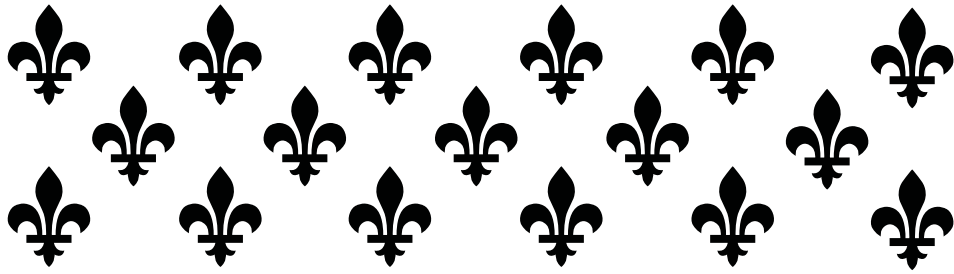
255. The Government may, by order, authorize the Public Curator to implement a pilot project on any matter within the scope of this Act or the regulations with a view to studying, improving or defining standards applicable to those matters.

All pilot projects must be in line with the objectives pursued by this Act.

A pilot project is established for a period of up to three years which the Government may extend by up to one year. The Government may modify or terminate a pilot project at any time.

256. The Public Curator must, on the expiry of five years after the coming into force of this Act, report to the Minister of Families on the carrying out of the amendments made by this Act with respect to tutorship to a person of full age, including the right to vote, with respect to temporary representation and with respect to assistance to a person of full age, and on the advisability of amending the relevant legislative provisions. The Minister tables the report in the National Assembly within 30 days of its receipt or, if the Assembly is not sitting, within 30 days of resumption. The report is examined by the competent committee of the National Assembly in the year following the date of its tabling.

257. The provisions of this Act come into force on the date or dates to be set by the Government.



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 32
(2020, chapter 12)

**An Act mainly to promote the
efficiency of penal justice and to
establish the terms governing the
intervention of the Court of Québec
with respect to applications
for appeal**

**Introduced 13 June 2019
Passed in principle 6 November 2019
Passed 3 June 2020
Assented to 5 June 2020**

**Québec Official Publisher
2020**

EXPLANATORY NOTES

This Act proposes a number of measures to increase the efficiency of penal justice.

To that end, it amends the Code of Penal Procedure mainly to

(1) clarify the Attorney General's and the Director of Criminal and Penal Prosecutions' intervention powers;

(2) allow a defendant, with the prosecutor's consent, to waive acquired prescription with regard to proceedings;

(3) allow, subject to certain conditions, an arrested person who is required to appear with a view to being released from custody to do so using a technological means;

(4) introduce a warrant of entry enabling a person entrusted with executing a warrant for witness, warrant to bring a defendant, warrant of committal or warrant of arrest to enter a dwelling house to carry out an arrest;

(5) extend the use of telewarrants;

(6) set out rules for the use of information systems on the premises of a search;

(7) allow a judge to make new orders prohibiting or limiting access to, or prohibiting the communication of, certain information or documents;

(8) allow copies of documents seized to be made before the documents are returned;

(9) introduce a general warrant allowing a peace officer or a person entrusted with the enforcement of any Act to use any investigative device, technique or procedure or do anything that would, if not so authorized, constitute an unreasonable search or seizure;

(10) introduce a communication order addressed to third parties, including with respect to banking information;

(11) include measures allowing the social situation of certain defendants to be taken into account so as to, among other things, promote their rehabilitation, by introducing such options as their participation in an adaptation program that offers an alternative to penal proceedings or allows them to replace compensatory work by alternative measures;

(12) allow an expert's report filed by the prosecutor to stand in lieu of the expert's testimony in trials by default;

(13) allow a defendant to plead not guilty for a penal offence he or she has been charged with and to plead guilty for another penal offence relating to the same case;

(14) update the rules applicable to the period of detention of things seized, and those applicable to a stay of execution of a judgment that may be ordered if a defendant applies for a revocation of the judgment;

(15) modernize the rules governing service of a written proceeding; and

(16) make the rules in the Code of Civil Procedure concerning the summoning of witnesses who reside in another province or in a territory of Canada applicable in penal matters.

The Courts of Justice Act is amended to establish the terms governing the intervention of the Court of Québec with respect to applications for appeal and contestations heard by that court. The Act makes a distinction between applications for appeal and contestations heard by the Court of Québec under various Acts.

The Courts of Justice Act is further amended to increase the number of Court of Québec judges from 306 to 308 and to allow an advocate who is not a member of the public service to hold the position of secretary of the Conseil de la magistrature. In addition, the rules in the Code of Civil Procedure concerning the summoning of witnesses who reside in another province or in a territory of Canada are amended.

The Act respecting the Ministère de la Justice is amended to allow the Minister of Justice to take the measures necessary for the proper administration of justice in exceptional situations.

The Act respecting labour standards is amended to allow the Commission des normes, de l'équité, de la santé et de la sécurité du travail to assist an employee on whom a sanction has been imposed by his or her employer on the grounds that the employee has been summoned as a prospective juror, has acted as a juror, has been called to attend at court or has acted as a witness.

Lastly, the Act proposes other measures to enhance the legal aid system and increase the efficiency of the Commission des services juridiques.

LEGISLATION AMENDED BY THIS ACT:

- Tax Administration Act (chapter A-6.002);
- Act respecting legal aid and the provision of certain other legal services (chapter A-14);
- Cannabis Regulation Act (chapter C-5.3);
- Code of Civil Procedure (chapter C-25.01);
- Code of Penal Procedure (chapter C-25.1);
- Act respecting municipal courts (chapter C-72.01);
- Real Estate Brokerage Act (chapter C-73.2);
- Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3);
- Election Act (chapter E-3.3);
- Act respecting municipal taxation (chapter F-2.1);
- Petroleum Resources Act (chapter H-4.2);
- Mining Tax Act (chapter I-0.4);

- Taxation Act (chapter I-3);
- The Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14);
- Jurors Act (chapter J-2);
- Act respecting lotteries, publicity contests and amusement machines (chapter L-6);
- Mining Act (chapter M-13.1);
- Act respecting the Ministère de la Justice (chapter M-19);
- Act respecting labour standards (chapter N-1.1);
- Cultural Heritage Act (chapter P-9.002);
- Police Act (chapter P-13.1);
- Youth Protection Act (chapter P-34.1);
- Act respecting the Régie de l'assurance maladie du Québec (chapter R-5);
- Act respecting the Québec Pension Plan (chapter R-9);
- Act respecting property tax refund (chapter R-20.1);
- Fire Safety Act (chapter S-3.4);
- Act respecting the Québec sales tax (chapter T-0.1);
- Lobbying Transparency and Ethics Act (chapter T-11.011);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1);
- Courts of Justice Act (chapter T-16).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting legal aid (chapter A-14, r. 2);
- Regulation respecting the form of statements of offence (chapter C-25.1, r. 1);

- Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age (chapter C-25.1, r. 3);
- Tariff of court costs in penal matters (chapter C-25.1, r. 6);
- Tariff of fees of court bailiffs (chapter H-4.1, r. 13.1).

Bill 32

AN ACT MAINLY TO PROMOTE THE EFFICIENCY OF PENAL JUSTICE AND TO ESTABLISH THE TERMS GOVERNING THE INTERVENTION OF THE COURT OF QUÉBEC WITH RESPECT TO APPLICATIONS FOR APPEAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

MEASURES TO INCREASE THE EFFICIENCY OF PENAL JUSTICE AND ALLOW THE SOCIAL SITUATION OF CERTAIN DEFENDANTS TO BE TAKEN INTO ACCOUNT

CODE OF PENAL PROCEDURE

1. The Code of Penal Procedure (chapter C-25.1) is amended by inserting the following article after article 2.1:

“**2.2.** In applying this Code, appropriate technological means that are available to both the parties and the court should be used whenever possible, taking into account the technological environment in place to support the business of the courts.

Subject to article 61, a judge may, even on his own initiative, use such means or order that such means be used by the parties, including for case management purposes.”

2. Article 11 of the Code is replaced by the following articles:

“**11.** The Attorney General or the Director of Criminal and Penal Prosecutions may, if of the opinion that the public interest so requires,

(1) intervene as a party in first instance to take or not take the place of the party who instituted proceedings;

(2) intervene as a party in appeal to take or not take the place of the party who was prosecutor in first instance;

(3) order proceedings stayed before judgment is rendered in first instance, whether or not the proceedings were instituted by the Attorney General or the Director of Criminal and Penal Prosecutions or by any other prosecutor; and

(4) allow proceedings to be continued within six months of being stayed, whether or not the proceedings were instituted by the Attorney General or the Director of Criminal and Penal Prosecutions or by any other prosecutor.

The intervention, stay or continuation commences, without notice or formality and without having to prove an interest, when the representative of the Attorney General or of the Director of Criminal and Penal Prosecutions informs the clerk. The clerk shall inform the parties without delay.

Where the Attorney General or the Director of Criminal and Penal Prosecutions intervenes as a party to a proceeding, he becomes a party to any subsequent proceeding.

The intervention of either as a party in first instance to take the place of the party who instituted proceedings modifies the designation of the prosecutor in the statement of offence.

“11.1. In a proceeding involving a public interest issue, the judge, even on his own initiative, may order the prosecutor to invite the Attorney General or the Director of Criminal and Penal Prosecutions to intervene.”

3. Article 14 of the Code is amended by adding the following paragraph at the end:

“A defendant may, with the consent of the prosecutor, waive acquired prescription with regard to the proceedings.”

4. Articles 19 and 20 of the Code are replaced by the following articles:

“19. Service of a written proceeding prescribed by this Code or the court regulations may be made by any appropriate method that provides the person serving the proceeding with proof that the proceeding was delivered, sent or published.

Such methods include service by registered mail, courier or another carrier, by technological means, by a peace officer or bailiff or by public notice.

Whatever the method of service used, the proceeding is deemed to have been served on an addressee if he acknowledges receipt of it or admits having received it.

“19.1. A proceeding, other than a statement of offence, an application for revocation of a judgment, a notice of appeal or an application for leave to appeal, may be served only on the defendant’s attorney if the defendant is so represented.

“20. Service by registered mail or by courier or another carrier is made by sending the proceeding to the addressee’s residence or business establishment or, in the case of a legal person, to its head office, one of its establishments or the establishment of one of its agents. A proceeding is considered to be mailed by registered mail if attestation is made of its delivery or receipt.

The proceeding may also be sent to a person designated by the addressee or to the addressee’s elected domicile recorded in the register of enterprises. If the addressee has no residence, head office, establishment, or agent having an establishment in Québec, the proceeding, including those mentioned in article 19.1, may be sent to the attorney representing the person.

Where attestation is made of receipt of the proceeding, service is deemed to have been made on the date on which the notice of receipt was signed by the addressee or any other person to whom the proceeding may be delivered under article 21. Where attestation is made of delivery of the proceeding, service is deemed to have been made on the date of the notice of delivery, unless imprisonment of the addressee is requested.”

5. Article 20.1 of the Code is amended

(1) by striking out “or, where the witness may be so reached, by fax machine or by electronic means”;

(2) by inserting “or a person entrusted with the enforcement of an Act” after “is a peace officer”;

(3) by inserting “or the person” after “whom the peace officer”.

6. The Code is amended by inserting the following article after article 20.1:

“20.2. Service by a technological means is made by sending the proceeding to the address indicated by the addressee as the address where the addressee accepts to receive the proceeding, or to the address that is publicly known as the address where the addressee accepts to receive documents, provided the address is active at the time of sending.

However, service by a technological means on a party not represented is permitted only with the party’s consent or if authorized by a judge.

Service is presumed to have been made on the day the proceeding was sent. If the proceeding was sent after 5 p.m. on a Saturday or on a holiday, service is presumed to have been made on the following working day.”

7. Article 21 of the Code is replaced by the following article:

“21. Service by a peace officer or bailiff is made by delivery of the proceeding to the addressee. It may also be made at the addressee’s residence by delivery of the proceeding to a person who appears to be capable of receiving it.

Service on a legal person may be made at its head office, one of its establishments or the establishment of one of its agents by delivery of the proceeding to one of its directors, officers or agents or to a person in charge of the premises. Service may also be made by delivering the proceeding to one of its directors, officers or agents, regardless of location.

Service may also be made by delivery of the proceeding to a person designated by the addressee or to a person in charge of the addressee's elected domicile recorded in the register of enterprises. If the addressee has no residence, head office, establishment, or agent having an establishment in Québec, service may be made by delivering the proceeding, including those mentioned in article 19.1, to the attorney representing the addressee.

If the proceeding cannot be delivered, the person serving the proceeding shall record that fact, along with the place, date and time of the unsuccessful delivery, and shall leave the proceeding at an appropriate place in a sealed envelope or in any other form that protects its confidentiality. Service is deemed to have been made on that date, unless imprisonment of the addressee is requested."

8. The Code is amended by inserting the following article after article 22:

"22.1. Service by public notice is made with the authorization of a judge. It may also be made by the bailiff who tried unsuccessfully to serve the proceeding on the addressee and who recorded that fact, unless imprisonment of the addressee is requested.

Service by public notice is made by publishing a notice directing the addressee to retrieve the proceeding at the place specified in the notice within 30 days of the publication of the notice. The notice must mention the judge's authorization or the bailiff's attempt to serve the proceeding.

The notice must be published by any means likely to reach the addressee, such as by publishing it in a newspaper circulated in the municipality of the addressee's last known address, by posting it on the website of such a newspaper, on a website recognized by an order of the Minister of Justice or at the office of the court. The notice must be published only once in a printed newspaper or for 30 days on a website or at the office of the court; if the circumstances so require, the notice may be published more than once.

Service is deemed to have taken place on the expiry of the time specified in the notice for retrieving the proceeding."

9. Article 24 of the Code is amended by replacing "The" in the second paragraph by "Where a judge's authorization is required under this division, the".

10. Article 27 of the Code is amended

(1) by inserting "or by courier or another carrier" after "registered mail" in the first paragraph;

(2) by adding the following sentence at the end of the first paragraph: “Failing that, the sender’s declaration that the document was sent, with a reference to the delivery or receipt status, serves as an attestation of service.”;

(3) by striking out the second paragraph.

11. The Code is amended by inserting the following articles after article 27:

“**27.1.** Where service is made by a technological means, the sender must keep the information that establishes the date, hour and minute of sending, as well as its source and destination.

That information serves as an attestation of service.

“**27.2.** Where service is made by public notice, a copy of the notice, showing the date and the method or place of publication, serves as an attestation of service.”

12. The Code is amended by inserting the following article after article 35:

“**35.1.** Where the witness is resident in another province or in a territory of Canada, the rules applicable to the calling of witnesses and immunity set out in article 497 of the Code of Civil Procedure (chapter C-25.01) apply, with the necessary modifications.

Where a person resident in Québec is summoned under a summons of another province or of a territory of Canada to testify in a penal case, the summons is homologated in accordance with the rules set out in article 498 of that Code, with the necessary modifications.

For the purposes of those rules, the powers conferred on the court are exercised by a judge.”

13. Article 42 of the Code is amended

(1) by striking out “or priority” in paragraph 1;

(2) by replacing “warrant of arrest” in paragraph 2 by “warrant for witness”.

14. Articles 43, 44 and 45 of the Code are amended by replacing all occurrences of “warrant of arrest” by “warrant for witness”.

15. Article 46 of the Code is amended

(1) by replacing “warrant of arrest” in the introductory clause of the first paragraph by “warrant for witness”;

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

“(4) if the arrest is carried out in a dwelling house under a warrant or telewarrant of entry, allow the witness and, where applicable, the person in charge of the premises to examine the warrant or telewarrant or, if it is not in his possession, promptly allow them to examine it.”

16. Article 47 of the Code is amended by replacing “To execute a warrant of arrest, a person” in the first paragraph by “Subject to article 94.1, a person executing a warrant for witness”.

17. Article 49 of the Code is amended by replacing “warrant of arrest” by “warrant for witness”.

18. Article 51 of the Code is amended by replacing “warrant of arrest” in the second paragraph by “warrant for witness”.

19. Article 83 of the Code is amended by inserting “and in Chapter II.1” at the end.

20. Article 84 of the Code is amended by inserting “and state his name and quality” at the end of the second paragraph.

21. Article 85 of the Code is amended, in the second paragraph,

(1) by inserting “and state his name and quality” after “in the place”;

(2) by replacing “qu’un tel avis” in the French text by “que cela”.

22. Article 87 of the Code is amended by inserting “and Chapter II.1” in the first paragraph after “this chapter”.

23. The Code is amended by inserting the following article after article 89:

“89.1. An arrested person who is required to appear with a view to being released from custody may do so in person or consent to doing so using a technological means considered appropriate and authorized by the judge.

However, in the latter case, the consent of the prosecutor and the arrested person is required where witnesses must testify at the appearance and where the arrested person is unable to appear using a technological means that allows him and the judge to view one another and to communicate at the same time.

The appearance using a technological means must allow the defendant, if represented by a lawyer, to communicate privately with his lawyer.”

24. Article 92 of the Code is amended by inserting the following paragraph after the first paragraph:

“If the judge orders that the detention of the arrested person be continued, he may, on the application of the person or of the prosecutor, adjourn the trial, complying with the time limit prescribed in article 94, and order, by remand warrant, that the arrested person be remanded to custody in a detention centre.”

25. The Code is amended by inserting the following chapter after article 94:

“CHAPTER II.1

“WARRANT OF ENTRY

“**94.1.** An arrest in a dwelling house under a warrant for witness, warrant to bring a defendant, warrant of committal or warrant of arrest must be authorized by a warrant or telewarrant of entry issued by a judge.

Such authorization is not required

- (1) if a person is taking refuge in a dwelling house in order to flee from arrest;
- (2) if the person in charge of the premises agrees to allow the person responsible for executing the warrant for witness, warrant to bring a defendant, warrant of committal or warrant of arrest to enter the dwelling house; or
- (3) if the conditions for issuing the warrant set out in article 94.3 are met and urgent circumstances make it difficult to obtain it.

Circumstances are urgent if the person responsible for executing the warrant has reasonable grounds to suspect that it is necessary to enter the dwelling house to prevent imminent bodily harm to or the death of a person.

“**94.2.** An application for a warrant or telewarrant of entry may be made by the person who is applying or who applied for the warrant for witness, warrant to bring a defendant, warrant of committal or warrant of arrest or by the person responsible for executing it.

A warrant or telewarrant of entry may be issued at any time in a judicial district by the judge who issues or issued the warrant for witness, warrant to bring a defendant, warrant of committal or warrant of arrest or by any other judge having jurisdiction in that judicial district or in the judicial district in which the dwelling house is located. It shall be signed by the judge who issues it.

“**94.3.** No warrant or telewarrant of entry may be issued unless the judge is satisfied that the person making the application has reasonable grounds to believe that the person to be arrested is or will be in that dwelling house at the time of the arrest.

“94.4. The judge shall set out in the warrant or telewarrant of entry any terms and conditions the judge considers appropriate to ensure that entry into the dwelling house is reasonable in the circumstances, including with respect to the hour and period of execution.

“94.5. Before entering a dwelling house, the person executing the warrant shall give a notice of his presence and of the purpose thereof to a person in the place and state his name and quality.

The judge may authorize the person making the arrest to enter a dwelling house without notice if the judge is satisfied that there are reasonable grounds to believe that such notice would expose him or another person to imminent bodily harm or death.

Despite such authorization, the person executing the warrant may not enter the dwelling house without notice unless he has reasonable grounds at the time to suspect that such notice would expose him or another person to imminent bodily harm or death.

“94.6. A person authorized under a warrant or telewarrant of entry to arrest a person in a dwelling house may not enter under the warrant unless he has reasonable grounds at the time to believe that the person to be arrested is there.

“94.7. The person executing the warrant or telewarrant of entry must allow the arrested person and, as the case may be, the person in charge of the premises to examine the warrant. If it is not in his possession, he must promptly allow them to examine it.

“94.8. The warrant or telewarrant of entry must state the name of the person to be arrested, the dwelling house where the person may be arrested and, by name or in general terms, who may enter it to arrest the person. It must be numbered and mention the warrant for witness, warrant to bring a defendant, warrant of committal or warrant of arrest to be executed.

“94.9. Articles 99 to 101.1 apply, with the necessary modifications, to the issue of a warrant or telewarrant of entry.”

26. The heading of Chapter III of the Code is replaced by the following heading:

“SEARCH AND SEIZURE”.

27. The heading of Division I of Chapter III of the Code is replaced by the following heading:

“GENERAL PROVISIONS REGARDING SEARCHES”.

28. Article 96 of the Code is amended

- (1) in the first paragraph,
 - (a) by inserting “or telewarrant” after “authorized by a warrant”;
 - (b) by striking out the second sentence;
 - (c) by replacing “exigent” by “urgent”;
- (2) in the second paragraph,
 - (a) by replacing “exigent” by “urgent”;
 - (b) by striking out “even”;
 - (c) by inserting “life or” after “human”;
 - (d) by inserting “house” after “dwelling”;
 - (e) by inserting “life,” after “grounds to believe that the”.

29. Article 103 of the Code is amended by striking out the last sentence.

30. The Code is amended by inserting the following article after article 109:

“109.1. A person authorized, in accordance with this division, to search the data contained in an information technology medium or data accessed by that medium may use or cause to be used any computer, equipment or other thing that is on the premises to access such data and to search for, examine, copy or print out such data. The person may seize and remove such a copy or printout.

Division IV of Chapter III applies to such a copy or printout.

The person in charge of the premises being searched must see to it that the authorized person is able to proceed with the required operations provided for in the first paragraph.”

31. Article 114 of the Code is amended by replacing “exigent” in the second paragraph by “urgent”.

32. Articles 124 to 128 of the Code are replaced by the following division:

“DIVISION III.1

“ORDER PROHIBITING OR RESTRICTING ACCESS TO CERTAIN INFORMATION OR DOCUMENTS OR PROHIBITING THEIR COMMUNICATION

“124. On the application of the prosecutor or of a person who proposes to execute or has executed a warrant, a telewarrant, an order provided for in article 141.5 or 141.6 or any other judicial authorization, the judge may make an order, to the extent that it is necessary to do so, to prohibit access to or the communication of information or documents relating to the warrant, telewarrant, order or other judicial authorization or those relating to an application made under this paragraph. Such an order is made where the judge considers that such access or communication would be prejudicial to the ends of justice or where the information or documents could be used for unlawful ends and where the risk outweighs the importance of access to the information, in particular in the following cases:

- (1) the confidentiality of the identity of an informant would be compromised;
- (2) the information or document could interfere with an investigation in progress relating to the commission of an offence;
- (3) the information or document could endanger persons who use secret intelligence-gathering techniques and would compromise subsequent investigations in which such techniques would be used; or
- (4) the information or document could cause prejudice to an innocent third party.

The judge shall make the order to prohibit access to or the communication of information or documents under the first paragraph, subject to any terms and conditions the judge considers appropriate in the circumstances, in particular with respect to the duration of the prohibition, the partial communication of information or a document, deletion of certain information or the occurrence of a condition. The prohibition regarding access to or communication of information or a document referred to in subparagraph 2 of the first paragraph expires not later than the time the information or document is submitted as evidence in proceedings.

Where an order to prohibit access or communication is made, all the information or documents covered by the order, including the information or documents relating to the application made under the first paragraph, are sealed, subject to any terms and conditions set out in the order. The sealed documents shall be kept in the custody of the court in a place the public cannot access or any other place the judge authorizes. They shall not be disposed of except in accordance with the terms and conditions specified by the judge in the order or as varied under the fourth paragraph.

An application to terminate an order or vary any of its terms or conditions may be made to the judge who made it or to a judge of the court that may be seized of the proceedings resulting from the investigation in the course of which the warrant, the telewarrant, the order provided for in article 141.5 or 141.6 or the other judicial authorization was issued.

“125. Where a document relating to a warrant, a telewarrant, an order provided for in article 141.5 or 141.6 or any other judicial authorization contains information the disclosure of which may result in danger to human life or safety, the judge may, on an application, make an order to fix conditions before allowing examination of such information or to temporarily or permanently prohibit examination of the information.

Where the application is made by a person other than the prosecutor or the person who executed the warrant, telewarrant, order or other judicial authorization, prior notice of not less than one clear day must be served on that person and, where applicable, on the prosecutor.

“126. On the application of a person who has an interest in a document relating to a warrant, a telewarrant, an order provided for in article 141.5 or 141.6 or any other judicial authorization, the judge may, having regard in particular to the interests of justice and the right to privacy, make an order to fix conditions before allowing examination of such a document or part of it or to temporarily prohibit access to it until not later than the time the document is submitted as evidence in proceedings.

The order may not, however, affect the right of the person who made the search, the prosecutor, the person on whose premises the search was made, the person from whom a thing was seized or the defendant to have access to and examine the document.

Prior notice of not less than one clear day of the application must be served on the person who made the search and, where applicable, on the prosecutor.

“127. Applications referred to in this division shall be made to the judge who issued the warrant, the telewarrant, the order provided for in article 141.5 or 141.6 or the other judicial authorization or to a judge of the court that may be seized of the proceedings resulting from the investigation in the course of which the warrant, telewarrant, order or other judicial authorization was issued. Where the application concerns only the minutes of seizure, it may also be made to a judge having jurisdiction to issue a search warrant in the judicial district where the duplicate was filed.

“128. Where a search was made without a warrant or telewarrant, articles 124 to 127 apply, with the necessary modifications, to the documents referred to in paragraphs 3 and 5 of article 123. The applications referred to in those articles may also be made to a judge of the judicial district where the affidavit relating to the search without a warrant or telewarrant was filed.

“128.1. Any decision respecting access to information or a document rendered under articles 124 to 126 and 128 may be reviewed by a judge of the Superior Court in the judicial district where it was rendered.

Prior notice of not less than one clear day of an application for review must be served on the parties in first instance.”

33. Article 133 of the Code is amended by replacing “of not more than 90 days” in the first paragraph by “the judge determines, but that may not exceed one year following the date of seizure”.

34. The Code is amended by inserting the following divisions after article 141:

“DIVISION V

“GENERAL WARRANT

“141.1. A judge may, on an application following an affidavit by a peace officer or a person entrusted with the enforcement of an Act, issue a general warrant or telewarrant authorizing the person to use any investigative device, technique or procedure or do anything described by the judge that would, if not so authorized, constitute an unreasonable search or seizure in respect of a person or a person’s property.

The judge may not, however, authorize the interception of a private communication, as defined in section 183 of the Criminal Code (Revised Statutes of Canada, 1985, chapter C-46). Nor may the judge authorize the observation by means of a television camera or other similar electronic device of any person who is engaged in an activity in circumstances in which the person has a reasonable expectation of privacy.

The application for a mandate shall be made in writing and must be supported by an affidavit. An application for a telewarrant may also be made by telephone or by another means of telecommunication.

The judge may issue the general warrant or telewarrant if the judge is satisfied

(1) that there are reasonable grounds to believe that an offence against an Act has been or will be committed and that information concerning the offence will be obtained through the use of the investigative device, technique or procedure or the doing of the thing;

(2) that it is in the best interests of the administration of justice to issue the authorization; and

(3) that there is no provision in this Code or in another Act that would provide for a warrant, authorization or order permitting the device, technique or procedure to be used or the thing to be done.

Nothing in this article operates to permit interference with the physical integrity of any person.

“141.2. The general warrant or telewarrant shall set out such terms and conditions as the judge considers appropriate, in the circumstances, in particular concerning the execution of the authorization, to ensure that the search or seizure is reasonable and to protect lawyers’ and notaries’ professional secrecy.

“141.3. A judge who issues a general warrant or telewarrant authorizing a person to enter and search a place covertly must require that notice of the entry and search be given after its execution within the time the judge considers appropriate in the circumstances.

Where that judge or another judge having jurisdiction to issue such a warrant is satisfied, on a written application made on the basis of an affidavit, that the interests of justice warrant the issue of such a warrant, the judge may grant an extension of the period referred to in the first paragraph, up to a maximum of three years. The extension may be granted any time before expiry of the three-year period.

“141.4. Articles 99 to 101.1 apply, with the necessary modifications, to the issue of the general warrant or telewarrant.

Divisions III and IV apply to a general warrant or telewarrant that authorizes a search.

“DIVISION VI

“COMMUNICATION ORDERS ISSUED TO A THIRD PARTY

“141.5. A judge may, on an application made on the basis of an affidavit by a peace officer or a person entrusted with the enforcement of an Act, order a person, other than the person under investigation,

(1) to communicate information in his possession or control when he receives the order, or a copy, certified by affidavit, of a document in his possession or control at that time; or

(2) to prepare a document based on information or documents in his possession or control when he receives the order and communicate it.

The order shall specify the place, form and time limit for communicating the documents or information as well as the name of the peace officer or the person entrusted with the enforcement of an Act to whom they must be communicated.

Before making an order, the judge must be satisfied that there are reasonable grounds to believe that

- (1) an offence against an Act has been or will be committed;
- (2) the information or documents will afford evidence respecting the commission of the offence; and
- (3) the person concerned has possession or control of the information or documents.

The order may contain any terms and conditions the judge considers appropriate, in particular terms and conditions to protect lawyers' and notaries' professional secrecy.

Where the judge who makes the order or any other judge having jurisdiction to make such an order is satisfied, on an application made on the basis of an affidavit submitted by a peace officer or a person entrusted with the enforcement of an Act in support of the application, that the interests of justice warrant the granting of the application, the judge may vary or revoke the order or set a new time limit.

Any copy of a document communicated under this article, provided it is certified by affidavit, is admissible in evidence in any proceeding and has the same probative force as the original document would have had if it had been filed as evidence in the usual manner.

“141.6. A judge may, on an application made on the basis of an affidavit by a peace officer or a person entrusted with the enforcement of an Act, order a financial institution within the meaning of section 2 of the Bank Act (Statutes of Canada, 1991, chapter 46) or a person or entity referred to in section 5 of the Proceeds of Crime (Money Laundering) and Terrorist Financing Act (Statutes of Canada, 2000, chapter 17), unless that financial institution, person or entity is under investigation, to prepare and communicate a document setting out the following information that is in their possession or control when they receive the order:

- (1) the account number of the person named in the order or the name of the person whose account number is specified in the order;
- (2) the type of account;
- (3) the status of the account; and
- (4) the date on which it was opened or closed.

For the purpose of confirming the identity of the person who is named or whose account number is specified in the order, the order may also require the financial institution, person or entity to prepare and communicate a document setting out the following information that is in their possession or control when they receive the order:

- (1) the date of birth of the person who is named or whose account number is specified in the order;
- (2) that person's address at the time the order is made; and
- (3) all previous addresses of that person.

The order shall specify the place, form and time limit for communicating the documents or information as well as the name of the peace officer or the person entrusted with the enforcement of an Act to whom they must be communicated.

Before making an order, the judge must be satisfied that there are reasonable grounds to suspect

- (1) that an offence against an Act has been or will be committed;
- (2) that the information requested will be useful for the investigation relating to the offence; and
- (3) that the person who is the subject of the order has possession or control of the information.

The order may contain any terms and conditions the judge considers appropriate, in particular terms and conditions to protect lawyers' and notaries' professional secrecy.

Where the judge who makes the order or any other judge having jurisdiction to make such an order is satisfied, on an application made on the basis of an affidavit submitted by a peace officer or a person entrusted with the enforcement of an Act in support of the application, that the interests of justice warrant the granting of the application, the judge may vary or revoke the order or set a new time limit.

Any copy of a document communicated under this section, provided it is certified by affidavit, is admissible in evidence in any proceeding and has the same probative force as the original document would have had if it had been filed in evidence in the usual manner.

“141.7. A document prepared for communication purposes under article 141.5 or 141.6 is deemed to be an original for the purposes of the Canada Evidence Act (Revised Statutes of Canada, 1985, chapter C-5).

“141.8. No person is excused from complying with an order made under article 141.5 or 141.6 on the ground that information or documents the person is required to communicate or prepare may tend to incriminate the person or subject the person to a proceeding or penalty. However, no information or document that a natural person is required to communicate or prepare may be used or received in evidence against him in a proceeding that is subsequently instituted against him, except in a prosecution for perjury, the giving of contradictory testimony or the fabrication of evidence.

“141.9. A judge may, on an application made on the basis of an affidavit by a peace officer or a person entrusted with the enforcement of an Act, make an order prohibiting any person from disclosing the existence or part or all of the content of an order made under article 141.5 or 141.6, for the period specified in the order.

Before making the order, the judge must be satisfied that there are reasonable grounds to believe that disclosure of the information in the specified period could interfere with the investigation relating to the offence that is the subject of the order made under article 141.5 or 141.6.

The peace officer, the person entrusted with the enforcement of an Act, or the person, financial institution or entity mentioned in the order made under the first paragraph may apply in writing to the judge who made the order, or to a judge having jurisdiction to make such an order, to vary or revoke the order.

“141.10. Before being required to communicate information or a certified copy or to prepare and communicate a document under an order made under article 141.5 or 141.6, the person, financial institution or entity mentioned in the order may apply in writing to the judge who made the order, or to a judge having jurisdiction to make such an order, to vary or revoke the order.

The application may be made within 30 days after the day on which the order is made, provided prior notice of not less than three clear days of the intention to do so is given to a peace officer or a person entrusted with the enforcement of an Act named in the order. The person, financial institution or entity concerned is not required to communicate the information or the certified copy or prepare and communicate the document under the order until the judge has ruled on the application.

A judge to whom an application is made under this section may vary or revoke the order if satisfied

(1) that it is unreasonable in the circumstances to require the person, financial institution or entity to communicate the information or the certified copy or to prepare and communicate the document under the order; or

(2) that such communication would disclose information that is privileged or otherwise protected from disclosure by law.

“141.11. Applications made to a judge under article 141.5, 141.6 or 141.9 are made in the sole presence of the applicant.

“141.12. Article 122 and Division IV of Chapter III do not apply to information or documents communicated under an order provided for in article 141.5 or 141.6.”

35. The Code is amended by inserting the following division after article 159:

“DIVISION III.1

“PROCEEDING RULES ADAPTATION PROGRAM

“159.1. The purpose of a program to adapt the rules governing proceedings is to offer defendants, within the framework of an education, public awareness, prevention, intervention, reparation or rehabilitation process, an alternative to going to trial or to a continuation of proceedings. Participation in such a program results in, among other things, the withdrawal of one or more counts, in accordance with article 12.

The processes undertaken by a defendant before the defendant’s participation in such a program must also be taken into consideration by the prosecutor.

“159.2. Before a judgment is rendered, the prosecutor may offer the defendant the possibility of participating in an adaptation program, to the extent that such a program is available.

To make such an offer, the prosecutor must ensure that

- (1) there is sufficient evidence to go to trial or to continue proceedings;
- (2) participation in such a program corresponds to the defendant’s needs;
- (3) the defendant acknowledges the facts resulting in the offence or does not contest them and wishes to participate in the program;
- (4) no rule of law prevents the beginning or continuation of proceedings;
- (5) the defendant has been informed of his right to obtain the assistance of a lawyer;
- (6) the defendant renounces, in writing, invoking the time spent participating in the program for the calculation of the time spent waiting to be tried; and
- (7) the offer is in the interests of justice.

For the purposes of subparagraph 2 of the second paragraph, the defendant’s needs shall be determined in cooperation with the defendant.

“159.3. If the defendant agrees in writing to participate in an adaptation program during proceedings, the judge shall adjourn them.

“159.4. The defendant’s participation in an adaptation program ends when he withdraws his consent. The same applies if the prosecutor finds that the defendant is no longer complying with the conditions of the program, in particular if he ceases to cooperate.

In such a case, the judicial proceedings provided for in this Code resume and the information gathered during the defendant’s participation in the program may not be admitted as evidence against him in those proceedings or any other proceeding.

“159.5. Where the defendant completes the adaptation program in compliance with the conditions determined in the program, the prosecutor withdraws the counts against the defendant, in accordance with article 12, for offences or classes of offences covered by the program.

The same applies where the defendant partially completes the adaptation program, to the prosecutor’s satisfaction, taking into account the circumstances.”

36. Article 162 of the Code is amended by adding the following paragraph at the end:

“The same applies if, after entering a plea of not guilty, the defendant transmits the whole amount before proceedings begin.”

37. Article 184 of the Code is amended

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

“(9) the defendant has completed the adaptation program, in compliance with the conditions determined in the program, for that count;

“(10) the defendant has partially completed the adaptation program, in compliance with the conditions determined in the program, for that count, and maintaining the proceedings would be unjust in the circumstances.”;

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

“Before rendering a decision under subparagraph 10 of the first paragraph, the judge may take into account the defendant’s behaviour while participating in the program.”

38. Article 188 of the Code is amended by adding the following sentence at the end of the first paragraph: “In such a case, a witness may, should the prosecutor so choose, make his deposition at a distance using any technological means that allows the witness to be identified, heard and seen live.”

39. The Code is amended by inserting the following article after article 188:

“188.1. In the context of proceedings under article 188, the prosecutor may file an expert’s report, along with a document detailing the expert’s qualifications, without notice or other formality. The expert’s report stands in lieu of his testimony.”

40. Article 192 of the Code is replaced by the following articles:

“192. The prosecutor and the defendant may act personally or through an attorney. A legal person may act through an attorney or through its directors or officers.

For the purposes of this article, the president, chief executive officer, chief operating officer, chief financial officer and secretary of a legal person, and any other person holding a similar position within the legal person, are officers.

“192.1. Once an attorney begins to act on behalf of a defendant, one of them shall notify the prosecutor in writing of that fact. The notice shall include the attorney’s contact information and may be sent to the prosecutor by any means of communication.

However, such a notice is not required if the attorney informs the court, in the presence of a representative of the prosecutor, that he is acting on behalf of the defendant.”

41. The Code is amended by inserting the following article after article 193:

“193.1. Despite any provision of this Code, a defendant may plead not guilty regarding an offence he has been charged with and plead guilty regarding another offence relating to the same case, whether or not it is an included offence.

The judge may, with the consent of the prosecutor, admit the defendant’s plea of guilty for that other offence. If the plea is admitted, the judge shall acquit the defendant of the offence he has been charged with and declare the defendant guilty of the other offence.”

42. Article 255 of the Code is amended by adding the following paragraph at the end:

“The stay of execution, if ordered, ends on the date set for the presentation of an application for revocation of judgment, unless the judge orders the stay to be extended

(1) until the date to which he adjourns the presentation of the application for revocation of judgment; or

(2) until he renders a decision on the application for revocation of judgment made to him.”

43. Article 257 of the Code is amended by inserting the following paragraph after the first paragraph:

“The prosecutor may also make an application for revocation of a judgment to such a judge where the defendant has fully or partially, to the prosecutor’s satisfaction, completed a judgment execution rules adaptation program referred to in the second paragraph of article 333 for the offences or classes of offences covered by the program. The processes undertaken by the defendant before the defendant’s participation in such a program must also be taken into consideration by the prosecutor.”

44. Article 259 of the Code is amended by adding the following paragraphs at the end:

“In the case referred to in the second paragraph of article 257, the judge shall grant the application for revocation if he is satisfied that

(1) the judgment execution rules adaptation program in which the defendant participated corresponds to the defendant’s needs;

(2) the defendant fully or partially completed the program in compliance with the conditions determined in the program; and

(3) the revocation is in the interests of justice.

The prosecutor shall provide the judge with confirmation that the conditions set out in subparagraphs 1 to 3 of the third paragraph have been met.”

45. Article 318 of the Code is amended by adding the following paragraph at the end:

“The intervention of the Attorney General or the Director of Criminal and Penal Prosecutions as a party to take the place of the party who instituted proceedings does not operate to change the specific rules set out in another Act specifying the payee of the fines.”

46. Article 324 of the Code is amended

(1) by replacing “warrant ordering that the defendant be arrested and brought” in the first paragraph by “warrant to bring a defendant”;

(2) by striking out “of arrest” in the second paragraph.

47. Article 325 of the Code is amended by replacing “warrant of arrest” in the first paragraph by “warrant to bring a defendant”.

48. Article 326 of the Code is amended

(1) by replacing “warrant of arrest” in the first paragraph by “warrant to bring a defendant”;

(2) by replacing “A warrant of arrest” in the second paragraph by “Such a warrant”.

49. Article 333 of the Code is amended by adding the following paragraphs at the end:

“All or part of the compensatory work may be replaced by alternative measures to the extent that a judgment execution rules adaptation program, within the framework of an education, public awareness, prevention, intervention, reparation or rehabilitation process, is available.

In this Code, unless the context indicates otherwise, “compensatory work” also refers to the alternative measures provided for in such a program.”

50. Article 336 of the Code is amended by adding the following paragraph at the end:

“Where the defendant opts for alternative measures, the duration of the compensatory work may be modified.”

51. Article 337 of the Code is amended by inserting the following paragraphs after the first paragraph:

“Where the defendant opts for alternative measures in place of compensatory work, the number of hours provided for in the first paragraph does not apply.

Among other things, a commitment by the defendant to undertake a training program or to keep a dwelling constitutes an alternative measure.”

52. Article 338 of the Code is amended by adding the following paragraph at the end:

“Where the defendant opts for alternative measures, the time limits prescribed in the first paragraph do not apply.”

53. Article 347 of the Code is amended by adding the following sentence at the end of the first paragraph: “However, the judge may order imprisonment and issue the warrant only if he is satisfied that the defendant has, without a reasonable excuse, refused or neglected to pay those sums or settle them pursuant to this chapter.”

54. Article 354 of the Code is amended by inserting the following subparagraph after subparagraph 3 of the first paragraph:

“(3.1) if the arrest was made in a dwelling house under a warrant or telewarrant of entry, allow the defendant and, where applicable, the person in charge of the premises, to examine the warrant or telewarrant or, if it is not in his possession, promptly allow them to examine it;”.

55. The Code is amended by inserting the following article after article 367:

“**367.1.** The Minister of Justice may, by regulation, determine the offences or classes of offences for which a proceeding rules adaptation program within the meaning of article 159.1 and a judgment execution rules adaptation program within the meaning of the second paragraph of article 333 may be implemented. The Minister may also determine the offences and classes of offences for which an application may be made for a revocation of judgment under the second paragraph of article 257.”

56. Article 368 of the Code is amended by striking out “are subject to approval by the Government and” in the third paragraph.

57. The Code is amended by inserting the following articles after article 368:

“**368.1.** After considering the effects of a pilot project on the rights of individuals and obtaining the agreement of the Chief Justice of Québec or the Chief Justice of the Superior Court or the Chief Judge of the Court of Québec, according to their jurisdiction, and after consulting the Barreau du Québec and, if applicable, the Chambre des huissiers de justice du Québec, the Minister of Justice may, by regulation, modify a rule of procedure or introduce a new one for the period determined by the Minister, which period may not exceed three years, for the purposes of such a project conducted in the judicial districts specified by the Minister.

“**368.2.** In a state of emergency declared by the Government or in a situation where it is impossible in fact to comply with the rules of this Code or to use a means of communication, the Chief Justice of Québec and the Minister of Justice may jointly suspend or extend a prescription or procedural period for a specified time, or authorize the use of another means of communication in the manner they specify.

Their decision takes effect immediately, and must be published without delay in the *Gazette officielle du Québec*.”

TAX ADMINISTRATION ACT

58. Section 40.1.1 of the Tax Administration Act (chapter A-6.002) is amended

(1) by inserting “device,” after “investigative” in the first paragraph;

(2) by inserting “other than a general warrant provided for in that Code,” after “a warrant” in subparagraph *c* of the fourth paragraph.

CODE OF CIVIL PROCEDURE

59. Article 72 of the Code of Civil Procedure (chapter C-25.01) is amended by inserting “except in the cases described in article 497,” after “witness,” in the first paragraph.

60. Article 274 of the Code is amended by replacing “an arrest warrant” in the second paragraph by “a warrant for witness”.

61. Article 497 of the Code is amended

(1) by striking out the last sentence of the first paragraph;

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

“The court issues a certificate in keeping with the model established by the Minister of Justice and with the requirements of the law of the witness’s place of residence if it is established that the witness’s attendance at court is necessary to resolve the matter regarding which the witness is called to attend. The subpoena, together with the advance on the witness indemnity and the certificate, must be homologated and notified in accordance with the law of the witness’s place of residence.

During the period in which the witness is present to attend at the court, the witness is deemed not to be subject to the jurisdiction of Québec courts otherwise than as a witness in the matter regarding which the witness was called to attend at court. Furthermore, the witness enjoys immunity that prohibits notifying pleadings to, undertaking execution measures against and compelling or imprisoning the witness under Québec law, unless it results from a fact that occurred during that period.”

62. Article 498 of the Code is replaced by the following article:

“**498.** The court homologates a subpoena issued by an authority in another province or in a territory of Canada if it is accompanied by the advance on the witness indemnity and a certificate stating that the authority is convinced that the witness’s attendance at court is necessary to resolve the matter regarding which the witness is called to attend.

If the witness’s attendance in person is required, the court homologates the subpoena only if the law of the witness’s place of residence provides for immunity similar to that provided for in article 497.

Once homologated, the subpoena must be notified to the witness at least 10 days before the time at which the witness is scheduled to attend at court.”

CANNABIS REGULATION ACT

63. Sections 78 and 79 of the Cannabis Regulation Act (chapter C-5.3) are repealed.

64. Section 82 of the Act is replaced by the following section:

“82. The rules established in Division IV of Chapter III of the Code of Penal Procedure (chapter C-25.1) and the third and fourth paragraphs of section 73 of this Act apply, with the necessary modifications, to things seized under section 80.”

ACT RESPECTING MUNICIPAL COURTS

65. Section 56.2 of the Act respecting municipal courts (chapter C-72.01) is amended by inserting “, except regulations respecting criminal and penal matters” at the end of the first sentence of the fourth paragraph.

JURORS ACT

66. Section 4 of the Jurors Act (chapter J-2) is amended by replacing “convicted of a criminal act” in paragraph *j* by “found guilty of an indictable offence”.

ACT RESPECTING THE MINISTÈRE DE LA JUSTICE

67. The Act respecting the Ministère de la Justice (chapter M-19) is amended by inserting the following section after section 5:

“5.1. In a state of emergency declared by the Government or in a situation where it is impossible in fact to comply with the rules of the Code of Civil Procedure (chapter C-25.01) or of the Code of penal procedure (chapter C-25.1), the Minister of Justice may, if necessary for the proper administration of justice, amend any rule of procedure, introduce a new one or provide for any other measure.

Such measures shall be published in the *Gazette officielle du Québec* and may take effect on the date on which the state of emergency is declared or the situation occurs or on any later date specified in the measures. They are applicable for the period determined by the Minister, which may not exceed one year after the end of the state of emergency or of the situation. If necessary for the proper administration of justice, the Minister may, each year for five years, extend the period before it expires.

Before adopting or extending the measures, the Minister must take into consideration their effects on the rights of individuals and obtain the agreement of the Chief Justice of Québec and the Chief Justice of the Superior Court or the Chief Judge of the Court of Québec, according to their jurisdiction. The Minister must also take into consideration the opinion of the Barreau du Québec and, if applicable, the Chambre des notaires du Québec or the Chambre des huissiers de justice du Québec.”

FIRE SAFETY ACT

68. Section 114 of the Fire Safety Act (chapter S-3.4) is amended by replacing “warrant for the person’s arrest” by “warrant for witness”.

69. Section 115 of the Act is amended by replacing “warrant of arrest” by “warrant for witness”.

70. Section 124 of the Act is amended by replacing “warrants of arrest” in subparagraph *b* of subparagraph 2 of the first paragraph by “warrants for witness”.

COURTS OF JUSTICE ACT

71. Section 32 of the Courts of Justice Act (chapter T-16) is amended, in the first paragraph,

(1) by replacing “30” in subparagraph 2 by “29”;

(2) by striking out “the districts of Gaspé and Bonaventure, another of” in subparagraph 2;

(3) by inserting the following subparagraph after subparagraph 2:

“(2.1) for the districts of Gaspé and Bonaventure, with residence at Percé or New-Carlisle or the immediate vicinity thereof, one judge;”;

(4) by inserting “, at Val d’Or” after “Amos” in subparagraph 5.

72. Section 147 of the Act is amended by striking out “shall be submitted to the Government for approval and” in the first paragraph.

73. Schedule I to the Act is amended by inserting “of Ville de Gracefield and” after “Over the territory” in the column describing the territory over which concurrent jurisdiction is exercised for the districts of Gatineau and Labelle.

74. Schedule IV to the Act is amended

(1) by inserting the following item, after the sixth item in the Class 2 lists of paragraphs 1 and 2:

“— authorizing appearances from a distance using a technological means (article 89.1 of the Code of Penal Procedure);”;

(2) by replacing all occurrences of “authorizing a special method of service (article 24 of the Code of Penal Procedure” by “authorizing a method of service (articles 20.2, 22.1 and 24 of the Code of Penal Procedure”.

75. Schedule V to the Act is amended, in paragraph 1,

(1) by inserting “and article 92 of the Code of Penal Procedure” after “516 of the Criminal Code” in the fourth item;

(2) by inserting the following item after the fourth item:

“— authorizing appearances from a distance using a technological means (article 89.1 of the Code of Penal Procedure);”;

(3) by inserting “, telewarrants, orders” after “warrants” in the sixth item;

(4) by replacing “warrant for the arrest of a witness” in the thirteenth item by “warrant for witness”;

(5) by adding the following item at the end:

“—issuing certificates and homologating summonses to appear in accordance with article 35.1 of the Code of Penal Procedure.”

REGULATION RESPECTING THE FORM OF STATEMENTS OF OFFENCE

76. Schedule I to the Regulation respecting the form of statements of offence (chapter C-25.1, r. 1) is amended by inserting the following sentence after the sixth sentence of the portion entitled “PLEA OF GUILTY AND PAYMENT”:

“A defendant who transmits the total amount of the fine and costs requested after having entered a plea of not guilty and before the trial is deemed to have transmitted a plea of guilty.”

77. Schedule II to the Regulation is amended by inserting the following sentence after the fifth sentence of the portion entitled “PLEA OF GUILTY AND PAYMENT”:

“A defendant who transmits the total amount of the fine and costs requested after having entered a plea of not guilty and before the trial is deemed to have transmitted a plea of guilty.”

78. Schedule III to the Regulation is amended by adding the following sentence at the end of the portion entitled “PLEA OF GUILTY AND PAYMENT”:

“A defendant who transmits the total amount of the fine and costs requested after having entered a plea of not guilty and before the trial is deemed to have transmitted a plea of guilty.”

79. Schedule IV to the Regulation is amended by adding the following sentence at the end of the portion entitled “PLEA OF GUILTY AND PAYMENT”:

“A defendant who transmits the total amount of the fine and costs requested after having entered a plea of not guilty and before the trial is deemed to have transmitted a plea of guilty.”

80. Schedule V to the Regulation is amended by adding the following sentence at the end of the portion entitled “PLEA OF GUILTY AND PAYMENT”:

“A defendant who transmits the total amount of the fine and costs requested after having entered a plea of not guilty and before the trial is deemed to have transmitted a plea of guilty.”

REGULATION RESPECTING CERTAIN COURT COSTS IN PENAL MATTERS APPLICABLE TO PERSONS UNDER 18 YEARS OF AGE

81. Section 2 of the Regulation respecting certain court costs in penal matters applicable to persons under 18 years of age (chapter C-25.1, r. 3) is amended by replacing paragraph 7 by the following paragraph:

“(7) for the amount of supplementary costs payable by a defendant who entered a plea of not guilty and changed it before the trial to enter a plea of guilty but has not paid the total amount of the fine and costs requested in the statement of offence: \$13.”

TARIFF OF COURT COSTS IN PENAL MATTERS

82. Section 1 of the Tariff of court costs in penal matters (chapter C-25.1, r. 6) is amended by replacing subparagraph 8 of the first paragraph by the following paragraph:

“(8) for the amount of supplementary costs payable by a defendant who entered a plea of not guilty and changed it before the trial to enter a plea of guilty but has not paid the total amount of the fine and costs requested: \$28.”

TARIFF OF FEES OF COURT BAILIFFS

83. Section 44 of the Tariff of fees of court bailiffs (chapter H-4.1, r. 13.1) is amended by inserting “or telewarrant” after “of a warrant” in the first paragraph.

CHAPTER II

MEASURES CONCERNING COURTS OF JUSTICE

DIVISION I

APPEAL AND CONTESTATION BEFORE THE COURT OF QUÉBEC

§1.—*Appeal before the Court of Québec*

COURTS OF JUSTICE ACT

84. The Courts of Justice Act (chapter T-16) is amended by inserting the following section after section 83:

“83.1. In cases where the law confers jurisdiction on the Court over an appeal of a decision made in the exercise of an adjudicative function, or over a contestation of a decision made in the exercise of an administrative function, the Court shall render its decision without being required to defer to the conclusions on issues of law ruled on by the decision under appeal or on any issues regarding the decision being contested.

Such jurisdiction shall be exercised exclusively by the judges of the Court designated by the chief judge on the basis of their notable experience, expertise, sensitivity and interest regarding the matter that is the subject of the appeal or the contestation.

Unless otherwise provided and with the necessary modifications, the appeal is governed by articles 351 to 390 of the Code of Civil Procedure (chapter C-25.01) and the proceeding to contest is governed by the rules of that Code that are applicable to a court of original jurisdiction.”

§2.—*Contestation before the Court of Québec*

SPECIAL AMENDING PROVISIONS

TAX ADMINISTRATION ACT

85. Section 10.1 of the Tax Administration Act (chapter A-6.002) is amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) if the person files a contestation in accordance with Chapter III.2 or Chapter IV or brings an appeal.”

86. Section 12.0.3 of the Act is amended, in the introductory clause of the first paragraph,

(1) by replacing “an appeal or a summary appeal” and “appeal or summary appeal” by “a contestation under Chapter III.2 or Chapter IV or an appeal”;

(2) by replacing “bringing an appeal or summary appeal” by “filing such a contestation or bringing such an appeal”.

87. Section 21.0.1 of the Act is amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) if the person files a contestation in accordance with Chapter III.2 or Chapter IV or brings an appeal.”

88. Section 27.0.1 of the Act is amended by replacing “an appeal or a summary appeal” by “a contestation filed in accordance with Chapter III.2 or Chapter IV or an appeal”.

89. Section 35.4 of the Act is amended

(1) in the introductory clause,

(a) by inserting “, who has filed a contestation in accordance with Chapter III.2 or Chapter IV” after “an assessment”;

(b) by replacing “to appeal has expired” by “to contest has expired”;

(c) by replacing “the appeal is disposed of” by “the contestation is disposed of”;

(2) by replacing “the objection or appeal” in paragraph *a* by “the objection, contestation or appeal”.

90. Section 65 of the Act is amended

(1) in the first paragraph,

(a) by replacing “any appeal brought” by “any contestation filed”;

(b) by replacing “the appeal” by “the contestation”;

(2) in the second paragraph,

(a) by replacing “to the appellant” by “to the contesting party”;

(b) by replacing “such appeal” by “the contestation”;

(3) by replacing “to a summary appeal brought” in the third paragraph by “to a contestation filed”.

91. Section 83 of the Act is amended by replacing “or appeal” by “, a contestation or an appeal”.

92. Section 93.1.8 of the Act is amended, in the third paragraph,

(1) by replacing “is issued, an objection or appeal was made to an earlier assessment or determination” by “was issued, an earlier assessment or determination was the subject of an objection, contestation or appeal, respectively”;

(2) by replacing “or for filing” by “or a contestation or bringing”.

93. The heading of Chapter III.2 of the Act is replaced by the following heading:

“CONTESTATION BEFORE THE COURT OF QUÉBEC AND APPEAL
TO THE COURT OF APPEAL”.

94. Section 93.1.10 of the Act is amended by replacing “may appeal to” in the introductory clause of the first paragraph by “may file a contestation with” and by replacing “appeal” in the second paragraph by “file a contestation”.

95. Section 93.1.10.1 of the Act is amended

(1) by replacing “appeal to” in the introductory clause of the first paragraph by “file a contestation with”;

(2) in the second paragraph,

(a) by replacing “The appeal provided for” by “The contestation provided for”;

(b) by replacing “be instituted” by “be filed”.

96. Section 93.1.12 of the Act is amended by replacing “appeal from” in the first and second paragraphs and “for the appeal” in the second paragraph by “contest” and “for the contestation”, respectively.

97. Section 93.1.13 of the Act is amended by replacing “No appeal” and “be instituted” in the first paragraph and “limited by the first paragraph for appealing” in the second paragraph by “No contestation”, “be filed” and “specified in the first paragraph”, respectively.

98. Section 93.1.15 of the Act is amended

(1) by replacing “An appeal may be brought before the Court of Québec from” in the first paragraph by “A contestation may be filed under this chapter regarding”;

(2) by replacing “The appeal must be brought” in the second paragraph by “The contestation must be filed”.

99. Section 93.1.15.1 of the Act is amended by replacing “no appeal may be brought from” and “from a decision revoking” by “no contestation may be filed regarding or appeal brought from” and “a decision revoking”, respectively.

100. Section 93.1.15.2 of the Act is amended

(1) by replacing “An appeal may be brought before the Court of Québec from” in the first paragraph by “A contestation may be filed under this chapter regarding”;

(2) by replacing “The appeal must be brought” in the second paragraph by “The contestation must be filed”.

101. Section 93.1.15.3 of the Act is amended

(1) by replacing “An appeal may be brought before the Court of Québec from” in the first paragraph by “A contestation may be filed under this chapter regarding”;

(2) by replacing “The appeal must be brought” in the second paragraph by “The contestation must be filed”.

102. Section 93.1.17 of the Act is amended

(1) by replacing “An appeal before the Court of Québec is brought by an application” and “contentious proceedings governing” in the first paragraph by “A contestation before the Court of Québec is filed” and “procedure for contentious proceedings that governs”, respectively;

(2) in the second paragraph,

(a) by replacing “a single appeal” by “a single contestation”;

(b) by replacing “appealing assessments may not join in the same appeal” by “contesting assessments may not join in the same contestation”.

103. Section 93.1.21 of the Act is amended

(1) by inserting “contestation or” before “appeal” in the first paragraph;

(2) in the second paragraph,

(a) by inserting “a contestation filed or” after “Court decides”;

(b) by inserting “contestation or” after “without trial of the”;

(c) by inserting “that the contestation or” after “Court considers”;

(d) by inserting “the contestation was filed or continued or” after “reasons for which”.

104. Section 93.1.21.1 of the Act is amended by replacing “an appeal brought” by “a contestation filed”.

105. Section 93.1.24 of the Act is amended by replacing “An appeal or a summary appeal” and “of the appeal” by “A contestation filed in accordance with this chapter or Chapter IV or an appeal” and “of the contestation or appeal”, respectively.

106. The heading of Chapter IV of the Act is replaced by the following heading:

“CONTESTATION BEFORE THE SMALL CLAIMS DIVISION OF THE COURT OF QUÉBEC”.

107. Section 93.2 of the Act is amended by replacing “bring a summary appeal before” and “the summary appeal” in the introductory clause by “file a contestation with” and “the contestation”, respectively.

108. Section 93.4 of the Act is amended

(1) by replacing “of a summary appeal” by “of a contestation”;

(2) by replacing “of the appeal” by “of the contestation”.

109. Section 93.7 of the Act is amended

(1) by replacing “Where a summary appeal” by “Where a contestation filed in accordance with this chapter”;

(2) by replacing “the summary appeal lapses” by “the contestation filed in accordance with this chapter lapses”.

110. Section 93.9 of the Act is amended

(1) in the first paragraph,

(a) by replacing “a summary appeal may be entered” by “a contestation filed in accordance with this chapter may be entered”;

(b) by replacing “pour être continué” in the French text by “pour être continuée”;

(2) in the third paragraph,

(a) by replacing “the summary appeal could be brought” by “the contestation could be filed”;

(b) by replacing “s’il porte” in the French text by “si elle porte”.

III. Section 93.11 of the Act is amended

(1) in the first paragraph,

(a) by replacing “bring a summary appeal” by “file a contestation in accordance with this chapter”;

(b) by replacing “prescribed by the said law for appeal before the Court of Québec” by “prescribed by that law for filing a contestation in accordance with Chapter III.2”;

(2) by replacing “bring a summary appeal” in the second paragraph by “file a contestation in accordance with this chapter”.

II2. Section 93.12 of the Act is amended by replacing “Where the time to bring a summary appeal has expired and not more than one year has elapsed after the first day on which such an appeal could have been brought” in the first paragraph by “Where the time to file a contestation in accordance with this chapter has expired and not more than one year has elapsed since the first day on which such a contestation could have been filed”.

II3. Section 93.13 of the Act is amended

(1) by replacing “A summary appeal is exercised by means of” in the first paragraph by “A contestation is filed using”;

(2) in the third paragraph,

(a) by replacing “a single appeal” by “a single contestation”;

(b) by replacing “cet appel” in the French text by “cette contestation”;

(c) by replacing “same summary appeal” by “same contestation”.

II4. Section 93.29 of the Act is amended

(1) by replacing “the summary appeal” in the first paragraph by “the contestation”;

(2) in the third paragraph,

(a) by replacing “a summary appeal brought” by “a contestation filed”;

(b) by replacing “the summary appeal” by “the contestation”;

(c) by replacing “the appeal was not reasonably founded” by “that the contestation was not reasonably founded”;

(d) by replacing “the appeal was brought or continued” by “the contestation was filed or continued”.

115. Section 93.33 of the Act is amended by replacing “any other summary appeal or in any appeal” in the second paragraph by “any other contestation filed in accordance with this chapter or in any contestation filed”.

116. Section 94.1 of the Act is amended by replacing “is not subject to opposition or appeal” in the third paragraph by “may not be the subject of an objection, contestation or appeal”.

REAL ESTATE BROKERAGE ACT

117. Section 43 of the Real Estate Brokerage Act (chapter C-73.2) is amended

(1) in the first paragraph,

(a) by replacing “Any appeal from” by “Any contestation of”;

(b) by replacing “or from” by “or of”;

(c) by replacing “is brought before” by “is filed with”;

(2) by replacing “An appeal” in the second paragraph by “A contestation”.

ACT RESPECTING HUNTING AND FISHING RIGHTS IN THE JAMES BAY AND NEW QUÉBEC TERRITORIES

118. Section 51.11 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) is amended

(1) by replacing “appeal from the decision to” in the first paragraph by “contest the decision before”;

(2) by replacing “An appeal shall suspend” in the second paragraph by “A contestation suspends”.

119. Section 51.12 of the Act is amended by replacing “The appeal is brought” in the first paragraph by “The contestation is made”.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

120. Section 512.20 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended

(1) by replacing “appeal” in the first paragraph by “contest”;

(2) in the third paragraph,

(a) by replacing “The appeal shall be heard and decided” by “The contestation shall be heard and decided”;

(b) by replacing “The appeal does not suspend” by “The contestation does not suspend”.

ACT RESPECTING SCHOOL ELECTIONS TO ELECT CERTAIN MEMBERS OF THE BOARDS OF DIRECTORS OF ENGLISH-LANGUAGE SCHOOL SERVICE CENTRES

121. Section 209.26 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3) is amended

(1) by replacing “appeal” in the first paragraph by “contest”;

(2) by replacing “The notice of appeal” in the second paragraph by “The contestation”;

(3) in the third paragraph,

(a) by replacing “The appeal shall be heard and decided” by “The contestation shall be heard and decided”;

(b) by replacing “The appeal does not suspend” by “The contestation does not suspend”.

ELECTION ACT

122. Section 457.21 of the Election Act (chapter E-3.3) is amended

(1) by replacing “appeal” in the first paragraph by “contest”;

(2) in the third paragraph,

(a) by replacing “The appeal shall be heard and decided” by “The contestation shall be heard and decided”;

(b) by replacing “The appeal does not suspend” by “The contestation does not suspend”.

PETROLEUM RESOURCES ACT

123. Section 169 of the Petroleum Resources Act (chapter H-4.2) is amended by replacing “The appeal is brought” by “The contestation is made”.

TAXATION ACT

124. Section 766.2.1 of the Taxation Act (chapter I-3) is amended by replacing “is not subject to opposition or appeal” in the third paragraph by “may not be the subject of an objection, contestation or appeal”.

125. Section 899 of the Act is amended by replacing “an appeal” in the first paragraph by “a contestation”.

126. Section 1044.4 of the Act is amended by replacing subparagraph iv of paragraph c by the following subparagraph:

“iv. if the corporation has filed a contestation with or brought an appeal before a court of competent jurisdiction regarding an assessment referred to in subparagraph i or ii, or has applied for leave to file a contestation or bring an appeal regarding such an assessment before such a court, the day on which the court dismisses the application, the day on which the corporation discontinues its application, contestation or appeal or the day on which final judgment is rendered on the contestation or the appeal.”

127. Section 1050 of the Act is amended by inserting “contestation or” after “in any”.

128. Section 1065 of the Act is amended by replacing “for appealing if the decision has not been appealed” in subsection 2 by “for contesting if the decision has not been contested”.

THE EDUCATION ACT FOR CREE, INUIT AND NASKAPI NATIVE PERSONS

129. Section 466 of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14) is amended by replacing “the appeal” and “appellant” in the second paragraph by “the contestation” and “contesting party”, respectively.

130. Section 470 of the Act is amended

(1) in subsection 1,

(a) by replacing “the decision of the commissioners appealed from” by “the decision of the commissioners being contested”;

(b) by replacing “the appeal” by “the contestation”;

(2) by replacing “the appeal” in subsection 2 by “the contestation”.

ACT RESPECTING LOTTERIES, PUBLICITY CONTESTS AND AMUSEMENT MACHINES

131. Section 99 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6) is amended by replacing “No appeal under section 98 may be instituted” by “No contestation under section 98 may be filed”.

132. Section 102 of the Act is amended by replacing “his appeal” in the first paragraph by “his application”.

MINING ACT

133. Section 297 of the Mining Act (chapter M-13.1) is amended by replacing “The appeal is brought” by “The contestation is made”.

CULTURAL HERITAGE ACT

134. Section 108 of the Cultural Heritage Act (chapter P-9.002) is amended by replacing “No appeal may be instituted” in the first paragraph by “No contestation may be made”.

135. Section 115 of the Act is amended by striking out “resulting from the appeal”.

POLICE ACT

136. Section 89 of the Police Act (chapter P-13.1) is amended

(1) by replacing “appealed” in the first paragraph by “contested”;

(2) by replacing “The appeal is” and “appellant” in the second paragraph by “The contestation must be” and “contesting party”, respectively;

(3) by replacing “an appeal brought” and “the appeal” in the third paragraph by “a contestation filed” and “the contestation”, respectively;

(4) in the fourth paragraph,

(a) by replacing “If the appeal” by “If the contestation”;

(b) by replacing all occurrences of “the appellant” by “the contesting party”;

(c) by replacing “de l’appellant” in the French text by “du demandeur”.

YOUTH PROTECTION ACT

137. Section 71.26 of the Youth Protection Act (chapter P-34.1) is amended

(1) in the first paragraph,

(a) by replacing “appeal to the court by application” by “contest the decision by filing an application with the court”;

(b) by replacing “the decision to be appealed” by “the decision being contested”;

(2) by replacing “The appeal” in the third paragraph by “The contestation”.

ACT RESPECTING PROPERTY TAX REFUND

138. Section 28 of the Act respecting property tax refund (chapter R-20.1) is amended by replacing “to appeal” and “of a summary appeal referred to in section 93.13” in the second paragraph by “to contest” and “of a contestation filed under Chapter IV”, respectively.

139. Section 39 of the Act is amended

(1) by inserting “, contests” after “objects to”;

(2) by replacing “or appeal from” by “, contest or appeal from”.

140. Section 40 of the Act is amended

(1) by replacing “or appeal from that decision” by “or contest or appeal from that decision”;

(2) by inserting “, file a contestation regarding” after “does not object to”.

ACT RESPECTING THE QUÉBEC SALES TAX

141. Section 42.0.22 of the Act respecting the Québec sales tax (chapter T-0.1) is amended by inserting “a contestation filed or” after “purposes of” in the introductory clause.

142. Section 42.0.24 of the Act is amended by replacing “appeals the assessment” in the introductory clause by “contests or appeals the assessment”.

LOBBYING TRANSPARENCY AND ETHICS ACT

143. Section 57 of the Lobbying Transparency and Ethics Act (chapter T-11.011) is amended

(1) by replacing “be appealed” in the first paragraph by “be contested”;

(2) in the second paragraph,

(a) by replacing both occurrences of “The appeal” by “The contestation”;

(b) by replacing “L’appel est entendu et jugé” in the French text by “La contestation est entendue et jugée”.

GENERAL AMENDING PROVISIONS

144. The following provisions are amended in the following manner, with the necessary modifications:

(1) by replacing “appeal” in sections 93.1.19, 93.1.20 and 93.1.22 of the Tax Administration Act (chapter A-6.002) by “contestation”;

(2) by replacing “appeal” in section 51.14 and, unless the context indicates otherwise, section 51.15 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories (chapter D-13.1) by “contestation”;

(3) by replacing “appeal” in sections 168 and 172 of the Petroleum Resources Act (chapter H-4.2) by “contestation”;

(4) by replacing “appeal” in paragraphs *a* and *c* of section 710.3 and paragraphs *a* and *c* of section 752.0.10.4.1 of the Taxation Act (chapter I-3) by “contestation”;

(5) by replacing “appeal” in the headings of Part VI and of Division III of that Part and in sections 463 and 467 of the Education Act for Cree, Inuit and Naskapi Native Persons (chapter I-14), “An appeal lies to” and “An appeal shall also lie to” in section 461 of that Act and “The appeal or recourse may be taken” in section 462 of that Act by “contestation”, “A contestation may be filed with”, “A contestation may also be filed with” and “The contestation may be filed or the recourse taken”, respectively;

(6) by replacing “on appeal” in section 100 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6), “appeal” in section 101 and sections 103 to 105 of that Act and “proceedings in appeal” in section 117 of that Act by “on a contestation”, “contestation” and “contestation proceedings”, respectively;

(7) by replacing “appeal” in sections 38, 142.1, 296 and 300 of the Mining Act (chapter M-13.1) and “appeal from” in section 288 of that Act by “contestation” and “contestation of”, respectively;

(8) by replacing “Appeals to” in the heading of subdivision 3 of Division X of Chapter III of the Cultural Heritage Act (chapter P-9.002), “An appeal is brought” in section 109 of that Act and “appeal” in sections 110, 113 and 114 of that Act by “Contestations filed with”, “A contestation is made” and “contestation”, respectively;

(9) by replacing “appeal” and “time for appeal” in subparagraph 2 of the second paragraph of section 88 of the Police Act (chapter P-13.1) by “contestation” and “time for filing a contestation”, respectively.

145. The following provisions are amended in the following manner, with the necessary modifications:

(1) by replacing “contested or appealed” in section 10 of the Tax Administration Act, “proceedings in appeal” in section 91 of that Act, and “on appeal” in section 93.1.14 of that Act by “the subject of an objection, contestation or appeal”, “contestation or appeal proceedings” and “on a contestation or an appeal”, respectively;

(2) by replacing “opposition or appeal in respect of such reimbursement is in process” in section 220.9 of the Act respecting municipal taxation (chapter F-2.1) by “objection, contestation or appeal in respect of that reimbursement is pending”;

(3) by replacing “or an appeal” in paragraph 9 of section 8.0.1 of the Mining Tax Act (chapter I-0.4) by “, contestation or appeal”;

(4) by replacing “an appeal” in paragraph *f* of section 312 of the Taxation Act and “or appeal” in paragraph *e* of section 336 of that Act by “a contestation or appeal” and “, contestation or appeal”, respectively;

(5) by replacing “objection to or appeal from” in section 84 of the Act respecting lotteries, publicity contests and amusement machines, “or appeal” in section 88 of that Act, “An appeal brought” in section 107 of that Act and “or appeal” in section 113 of that Act by “objection, contestation or appeal regarding”, “, contestation or appeal”, “A contestation filed or appeal brought” and “, a contestation or an appeal”, respectively;

(6) by replacing “is not subject to opposition or appeal” in the fifth paragraph of section 34.1.6 of the Act respecting the Régie de l’assurance maladie du Québec (chapter R-5) by “may not be the subject of an objection, contestation or appeal”;

(7) by replacing “opposition or appeal” in section 78 of the Act respecting the Québec Pension Plan (chapter R-9) by “objection, contestation or appeal”;

(8) by replacing “or an appeal in respect of that property tax refund is in progress” in section 22 of the Act respecting property tax refund (chapter R-20.1) by “, contestation or appeal in respect of that property tax refund is pending”.

146. The following provisions are amended in the following manner, with the necessary modifications:

(1) by replacing “AND APPEAL” in the heading of Chapter XIV of the Petroleum Resources Act by “, CONTESTATION AND APPEAL”;

(2) by replacing “and appeal” in sections 1006, 1006.1 and, unless the context indicates otherwise, section 1007.4 of the Taxation Act by “, contestation and appeal”;

(3) by replacing “*Appeals*” in the heading of subdivision 5 of Division III of Chapter V of the Act respecting lotteries, publicity contests and amusement machines by “*Contestations and appeals*”;

(4) by replacing “AND APPEAL” in the heading of Chapter IX of the Mining Act by “, CONTESTATION AND APPEAL”;

(5) by replacing “AND APPEALS” in the heading of Division V of the Act respecting property tax refund, “*Appeals*” in the heading of subdivision 2 of Division V of that Act and “*or appeal*” in the heading of subdivision 3 of Division V of that Act by “, CONTESTATIONS AND APPEALS”, “*Contestations and appeals*” and “, *contestation or appeal*”, respectively.

147. The following provisions are amended in the following manner, with the necessary modifications:

(1) by replacing “appellant” in section 170 of the Petroleum Resources Act by “contesting party”;

(2) by replacing “appellant” in section 298 of the Mining Act by “contesting party”;

(3) by replacing “appellant” in sections 111 and 112 of the Cultural Heritage Act and “appellant’s” and “evaluation appealed from” in section 111 of that Act by “contesting party”, “contesting party’s” and “contested evaluation”, respectively.

148. The second paragraph of section 1010.0.1, the first paragraph of section 1014 and the second paragraph of section 1079.13.2 of the Taxation Act are amended by replacing “an appeal or a summary appeal” and “appeal or summary appeal” by “contestation or appeal”.

149. Section 93.2.1 of the Tax Administration Act is amended by replacing “A summary appeal is brought” and “bring a summary appeal” by “A contestation is filed” and “file a contestation”, respectively, sections 93.8, 93.14, 93.17 and 93.18 of that Act are amended by replacing “summary appeal” by “contestation” and section 93.6 of that Act is amended by replacing “summary appeal” by “a contestation”.

150. The following provisions are amended in the following manner, with the necessary modifications:

(1) by replacing “appeal from it to” in section 167 of the Petroleum Resources Act by “contest it before”;

(2) by replacing “appeal to” in section 98 of the Act respecting lotteries, publicity contests and amusement machines by “file a contestation with”;

(3) by replacing “appeal therefrom to” in section 295 of the Mining Act by “contest it before”;

(4) by replacing “appeal to” in section 107 of the Cultural Heritage Act by “file a contestation with”.

151. The following provisions are amended in the following manner, with the necessary modifications:

(1) by replacing “decision being appealed from” in section 51.13 of the Act respecting hunting and fishing rights in the James Bay and New Québec territories by “contested decision”;

(2) by replacing “decision appealed from” in section 171 of the Petroleum Resources Act by “contested decision”;

(3) by replacing “resolution appealed from” in section 468 of the Education Act for Cree, Inuit and Naskapi Native Persons” by “contested resolution”;

(4) by replacing “decision appealed from” in section 299 of the Mining Act by “contested decision”.

DIVISION II

APPOINTMENT OF CERTAIN JUDGES TO THE COURT OF QUÉBEC AND OF THE SECRETARY OF THE CONSEIL DE LA MAGISTRATURE

COURTS OF JUSTICE ACT

152. Section 85 of the Courts of Justice Act (chapter T-16) is amended by replacing “306” by “308”.

153. Section 255 of the Act is amended

(1) by striking out “who are members of the public service” in the first paragraph;

(2) by inserting “, where applicable,” after “the secretary shall cease” in the second paragraph.

DIVISION III**PROTECTION OF JURORS AND WITNESSES IN CASES OF
EMPLOYER-IMPOSED PENALTIES****JURORS ACT**

154. Section 47 of the Jurors Act (chapter J-2) is amended by striking out the second paragraph.

ACT RESPECTING LABOUR STANDARDS

155. Section 3.1 of the Act respecting labour standards (chapter N-1.1) is amended by replacing “17” in the second paragraph by “19”.

156. Section 122 of the Act is amended by adding the following subparagraphs after subparagraph 17 of the first paragraph:

“(18) on the ground that the employee has been summoned as a prospective juror under the Jurors Act (chapter J-2) or that the employee has acted as a juror; or

“(19) on the ground that the employee has been called to attend at court or that the employee has acted as a witness before a court of justice.”

157. Section 140 of the Act is amended by replacing “17” in paragraph 6 by “19”.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

158. Schedule I to the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by striking out paragraphs 15 and 27.

COURTS OF JUSTICE ACT

159. Section 5.2 of the Courts of Justice Act (chapter T-16) is amended by replacing the second paragraph by the following paragraph:

“Any contravention of the first paragraph is an offence.”

CHAPTER III

MEASURES AIMED AT ENHANCING THE LEGAL AID SYSTEM AND INCREASING THE EFFECTIVENESS OF THE COMMISSION DES SERVICES JURIDIQUES

ACT RESPECTING LEGAL AID AND THE PROVISION OF CERTAIN OTHER LEGAL SERVICES

160. Section 4 of the Act respecting legal aid and the provision of certain other legal services (chapter A-14) is amended by striking out “, in the second paragraph of section 32.1” in the first paragraph.

161. Section 4.4 of the Act is replaced by the following sections:

“**4.3.1.** Legal aid shall be granted for legal advice, except with regard to services expressly excluded.

“**4.4.** Legal aid shall be granted, to the extent determined by the provisions of this subdivision and the regulations, for services rendered before an action is brought, in particular during participation in private dispute prevention and resolution processes aimed at avoiding referral of disputes to the courts and for matters brought or to be brought before a court. It may be granted at any stage of the process or proceedings, in first instance or in appeal. It may be granted, to the same extent, in respect of proceedings in execution.

Legal aid may also be granted for legal services described in section 4.10 and, by way of exception, for legal services described in section 4.13.”

162. Section 4.5 of the Act is amended by replacing “une demande d’emprisonnement” in paragraph 4 in the French text by “une demande d’imposition d’une peine d’emprisonnement”.

163. Section 4.10 of the Act is amended by striking out “harmful” in paragraph 3.

164. Section 32.1 of the Act is amended by striking out the second paragraph.

165. Section 74 of the Act is amended

(1) by replacing “The application shall be decided by three members, including at least one advocate. The application releases the advocate of the person applying for the review” in the first paragraph by “The application shall be decided by a committee of three members, including at least one advocate, except in the case of an application regarding a decision made under subparagraph *a* of the first paragraph of section 70, which shall be decided by a single member, who must be an advocate. An application for review releases the applicant’s advocate”;

(2) by replacing “Where the review committee decides that the person having applied for the review” in the third paragraph by “Where it is decided that the applicant”.

166. Section 76 of the Act is replaced by the following section:

“**76.** Subject to section 75, the application for review or contestation shall be made in writing and summarily set out the reasons invoked. If need be, a copy of the application must be sent to the advocate or notary who is entrusted with rendering professional services to the applicant.”

167. Section 77 of the Act is amended by replacing “The review committee shall, before making its decision” by “The three-member committee or the single member must, before making a decision”.

168. Section 78 of the Act is replaced by the following section:

“**78.** The decision must include reasons and be sent without delay to the persons concerned and to the centre.”

REGULATION RESPECTING LEGAL AID

169. Section 43.1 of the Regulation respecting legal aid (chapter A-14, r. 2) is amended by inserting “if an advocate assists a person participating in a program for the non-judicial treatment of certain criminal offences. It shall also be granted” after “that aid shall be granted” in the introductory clause of the first paragraph.

170. The Regulation is amended by inserting the following section after section 43.1:

“**43.2.** Legal aid shall be granted within the scope of the services mentioned in section 4.7 of the Act, except those in family cases, for participation in a collaborative law process or a mediation process. In the latter case, only services rendered by an advocate or notary assisting the recipient are covered.”

171. Section 45.1 of the Regulation is repealed.

CHAPTER IV

FINAL PROVISIONS

172. The Minister must, not later than 5 June 2025, report to the Government on the deployment of the adaptation programs within the meaning of article 159.1 of the Code of Penal Procedure (chapter C-25.1), enacted by section 35, and the second paragraph of article 333 of that Code, enacted by section 49.

The report must be tabled in the National Assembly within 30 days or, if the Assembly is not sitting, within 30 days of resumption.

173. The provisions of this Act come into force on 5 June 2020, except

(1) paragraph 2 of section 15, sections 16, 19 to 29, 31 to 34, 54, 58, 63, 64 and 74, paragraphs 1 to 4 of section 75 and section 83, which come into force on 13 July 2020; and

(2) sections 2 to 12, 36, 40 to 42, 59, 61, 62 and 71, paragraph 2 of section 74, paragraph 5 of section 75, sections 76 to 82, 85 to 116, 124 to 128 and 138 to 142, paragraphs 1 to 4 of section 144, paragraphs 1 to 4 and 6 to 8 of section 145, paragraphs 2 and 5 of section 146, and sections 148, 149 and 154 to 159, which come into force on the date or dates to be set by the Government, which dates, except for section 71, may not be later than 1 January 2021, or on that latter date for the provisions not yet in force on that date.

Regulations and other Acts

M.O., 2020

**Order number 2020-12 of the Minister of Transport
dated 28 July 2020**

An Act respecting the Autorité régionale
de transport métropolitain
(chapter A-33.3)

By-law to amend the By-law respecting transportation
dues regarding the Réseau express métropolitain

THE MINISTER OF TRANSPORT,

CONSIDERING the first paragraph of section 97.2 of the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3), which provides that the Autorité régionale de transport métropolitain may, by by-law, make subject to the payment of transportation dues any work exceeding \$782,308 in value and carried out to erect a building, modify a building, including redeveloping or rebuilding it, or increasing its floor area, or change the use of a building;

CONSIDERING the first paragraph of section 97.3 of the Act, which provides that a by-law made under the first paragraph of section 97.2 of the Act must determine the zones within which work is subject to dues, which zones must correspond to those identified in accordance with section 97.1 of the Act, set the rate of the dues, which may vary according to the distance between the work or buildings subject to the dues and a shared transportation service, the classes of work and buildings prescribed by the by-law, the different zones and locations inside zones, in particular to promote densification and revitalization, prescribe the method for delimiting the floor area covered by the work, list the elements considered in determining the value of the work, prescribe the terms and conditions governing the collection and reimbursement of dues, and prescribe the terms and conditions governing the management of dues by the collecting municipalities;

CONSIDERING the second paragraph of section 97.3 of the Act, which provides that some of the work may be made subject to the payment of transportation dues even if it is carried out on an immovable only partly situated in a zone determined under subparagraph 1 of the first paragraph of that section;

CONSIDERING the third paragraph of section 97.3 of the Act, which provides that the rate of the dues and the method for delimiting the floor area covered by the work

may vary according to criteria promoting sustainable land development and such a rate may also be adjusted by operation of law according to the method prescribed by the by-law, if applicable;

CONSIDERING the first paragraph of section 97.4 of the Act, which provides that, before making a by-law under the first paragraph of section 97.2 of the Act, the Authority must consult the Communauté métropolitaine de Montréal and Municipalité régionale de comté de la Rivière-du-Nord;

CONSIDERING the first paragraph of section 97.5 of the Act, which provides that a by-law made under the first paragraph of section 97.2 of the Act may not be posted or published in accordance with section 97.4 of the Act or come into force unless it has been approved, with or without amendment, by the Minister of Transport;

CONSIDERING that, by resolution 20-CA(ARTM)-39 dated 22 May 2020, the Authority has identified the zones in its area of jurisdiction that lend themselves to the coordination of urbanization and the shared transportation services it finances, even in part, through the imposition of transportation dues;

CONSIDERING that the Authority has consulted the Communauté métropolitaine de Montréal and Municipalité régionale de comté de la Rivière-du-Nord before making the By-law to amend the By-law respecting transportation dues regarding the Réseau express métropolitain;

CONSIDERING that, by resolution 20-CA(ARTM)-40 dated 22 May 2020, the Authority made the By-law to amend the By-law respecting transportation dues regarding the Réseau express métropolitain;

CONSIDERING that it is expedient to approve the By-law with amendments;

ORDERS AS FOLLOWS:

THAT the By-law to amend the By-law respecting transportation dues regarding the Réseau express métropolitain, attached to this Order, be approved.

Québec, 28 July 2020

FRANÇOIS BONNARDEL,
Minister of Transport

By-law to amend the By-law respecting transportation dues regarding the Réseau express métropolitain

An Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3, s. 97.2 and 97.3)

1. Section 4 of the By-law respecting transportation dues regarding the Réseau express métropolitain (chapter A-33.3, r. 2) is modified:

(1) by replacing subparagraph 2 thereof by the following:

“(2) Rebuild a building except for floor area reconstruction following a fire, flood or other natural disaster that occurred in the preceding 24 months;”

(2) by replacing subparagraph 4 thereof by the following:

“(4) Redevelop a building in connection with a change in use, even partial, consisting in a change from one of the following 5 classes, described in Schedule D to this regulation:

- (a) housing;
- (b) commerce and services/office/tourism accommodations or meeting venues;
- (c) collective or institutional installations;
- (d) industry;
- (e) parking.”

(3) by adding the following paragraphs after the first paragraph:

“For the application of this regulation, and subject to the provisions of the third paragraph, any use of a building or portion of a building is to be categorized in either one of the classes listed in subparagraph 4 of the first paragraph.

If a building or a portion of a building is vacant or unused, its use is deemed to correspond to the class, among those listed in subparagraph 4 of the first paragraph, of the most recent use carried out in the relevant building or portion of building. Where a building has never been used, its initial fit up is not subject to subparagraph 4 of the first paragraph”.

2. Subparagraph 1 of section 5 of the said regulation is replaced by the following:

“fees for supplying and installing all material and equipment integrated into the building, including the material and equipment relating to architecture, structure, mechanics and electricity, but not including fees for supplying and installing devices used in connection with an industrial process or industrial production nor fees for supplying and installing equipment aimed at making the building free from obstacles or barriers for persons with a mobility impairment;”

3. The first paragraph of section 11 of the said regulation is modified by the replacement of “in Minister’s Order 2018-03 dated March 22, 2018” with “in Resolution 20-CA(ARTM)-39 of the Autorité régionale de transport métropolitain dated May 22, 2020”.

4. This regulation is modified to include, after the section 16, the following:

“**16.1.** Any refund application must be transmitted by the municipality that collected the transportation dues to the Autorité régionale de transport métropolitain by using the form set out in Schedule F to this regulation and attaching all information requested.”

5. The said regulation is modified by inserting, after section 19, the following chapter:

“CHAPTER VI.1 TRANSITORY PROVISIONS

DIVISION 1 MODIFICATION OF ZONES LENDING THEMSELVES TO COORDINATION OF URBANIZATION AND SHARED TRANSPORTATION SERVICES MADE ON (*insert the date at which the regulation will come into force*)

19.1. Any person who, between May 1st, 2018 and (*insert the date at which the regulation will come into force*), has paid an amount in payment of the transportation dues in respect of work carried out to a building which, as at (*insert the date at which the regulation will come into force*), is no longer situated within a zone described in chapter III of this regulation, may, subject to the provisions of this division, receive a refund of the amount paid as transportation dues. This right to a refund is prescribed by three (3) years following the (*insert the date at which the regulation will come into force*).

19.2. Any person who is entitled to a refund in accordance with the provisions of section 19.1 must submit a complete refund application, using the form set out in Schedule F to this regulation and attaching all information requested, to the municipality having collected the transportation dues at the latest on the *(insert the day that precedes the third anniversary of the regulation's entry into force)*.

Once the municipality determines that the location of the building referred to in the application is no longer situated within a zone described in chapter III of this regulation as at *(insert the date at which the regulation will come into force)*, the municipality authorizes the refund application and informs the Autorité régionale de transport métropolitain, who refunds the transportation dues.”

6. Schedule A, B, C, D and E of the said regulation are replaced by schedule A, B, C, D, E and F attached hereof.

7. The present regulation comes into force on *(insert the date of the 15th day following the publication of the regulation in a newspaper distributed on the territory of the Autorité régionale de transport métropolitain)*.

SCHEDULE B – ZONES



Legend

- Zone
- Lot boundary
- Lot number
- Hydrography
- Highway
- Road
- Street name
- Airport Pierre-Elie/Turbeau

The zone corresponds to a circle having a radius of 100 metres, centered on the location of the Deux-Montagnes Station, whose location has been transmitted to the Authority by the Caisses de crédit on March 19, 2020.

Location of Deux-Montagnes station
 X : 272584.536
 Y : 467462.822
 (NAD 83 GCS; MTM8)

Year	Document	Version
2020.03.12	Document B	0002

**TRANSPORTATION DUES
REGARDING THE RESEAU EXPRESS
METROPOLITAIN REGULATION**

**Schedule B
ZONE 1 : Deux-Montagnes**

Scale: 1:10000
 Date: 2020.03.12
 Author: MTR (MTR) (2020.03.12)

Scale: 1:10000
 Date: 2020.03.12
 Author: MTR (MTR) (2020.03.12)

Scale: 1:10000
 Date: 2020.03.12
 Author: MTR (MTR) (2020.03.12)

Scale: 1:10000
 Date: 2020.03.12
 Author: MTR (MTR) (2020.03.12)

Scale: 1:10000
 Date: 2020.03.12
 Author: MTR (MTR) (2020.03.12)

Scale: 1:10000
 Date: 2020.03.12
 Author: MTR (MTR) (2020.03.12)



Legend

- Zone
- Ld boundary
- Ld number
- Hydrography
- Highway
- Rue Street name
- Airport Paris-Ermit-Trudeau

The zone corresponds to a circle having a radius of 1000 m centered on the location of the Grand-Moulin Station, whose location has been transmitted to the Authority by the Casee on April 19 2020. The zone definition is adjusted to exclude any portion which access to the REM station in any season is not possible on foot or by car, owing to the presence of a watercourse.

Location of Grand-Moulin station
 V. 544203 702
 (MAD 83 CSRS; M1M8)

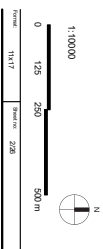
ZONE	STATION	DATE

TRANSPORTATION DUES REGARDING THE RESEAU EXPRESS METROPOLITAIN REGULATION

Schedule B

ZONE 2 - Grand-Moulin

Document : Québec's Government of Québec, 2016-04-01
 RESEAU EXPRESS DE CHOCHEUR A, 2020-05-19
 Project No. M1M8 (33 CSRS)





- Legend**
- Zone
 - Lot boundary
 - Lot number
 - Hydrography
 - Highway
 - Road
 - Street name
 - Aéroport Pierre-Élliott-Trudeau

The zone corresponds to a circle having as radius of 1000 m and as center the location of the REM Sainte-Dorothée Station, whose location has been transmitted to the Authority by the Caisses de dépôt on March 19, 2020.

The zone definition is adjusted to exclude any lot from which access to the REM station in any season is not possible, on foot or by car, owing to the presence of a watercourse.

Location of Sainte-Dorothée station
 (NAD 83 CSRS, MTMB)
 X: 5042679.6307
 Y: 5042679.6307

20200811	20200811	20200811	20200811
10000	10000	10000	10000
10000	10000	10000	10000
10000	10000	10000	10000

**TRANSPORTATION DUES
 REGARDING THE RESEAU EXPRESS
 METROPOLITAIN REGULATION**

Schedule B
 ZONE 3 : Sainte-Dorothée

Document: Cahiers, © Gouvernement du Québec, 2020.02.01
 REM Station: © CSJ/PQ/ARJM, 2020.03.19

Projet: MTMB (NAD 83 CSRS)

Date:





- Legend**
- Zone
 - Lot boundary
 - Lot number
 - Hydrography
 - Highway
 - Road
 - Street name
 - Airport Pierre-Éliott Trudeau

The zone corresponds to a circle having a radius of 500 metres centred on the location of the Pierrefonds-Roxboro Station, whose location has been transmitted to the Authority by the Caïse de dépôt on March 19, 2020. The zone delimitation is adjusted to exclude any lot from which access to the REM station in any season is not possible, on foot or by car, owing to the presence of a watercourse.

Location of Pierrefonds-Roxboro station
 UTM Zone 18N
 X : 5041340.43
 Y : 5041340.43
 (NAD 83 CSRS, MTM8)

Zone	Station	Effective date
1	Pierrefonds-Roxboro	2020.03.19

**TRANSPORTATION DUES
REGARDING THE RESEAU EXPRESS
METROPOLITAIN REGULATION**

Schedule B

ZONE 5 : Pierrefonds-Roxboro

Scale: 1:10000
 Date: 2020.03.19
 Author: MTRM (MAD 83 CSRS)

Scale: 1:10000
 Date: 2020.03.19
 Author: MTRM (MAD 83 CSRS)



Scale: 1:10000



Scale: 1:10000
 Date: 2020.03.19
 Author: MTRM (MAD 83 CSRS)





Legend

- Zone
- Lot boundary
- Lot number
- Hydrography
- Highway
- File
- Street name
- Airport Parc-Éliak Trudeau

The zone corresponds to a circle having a radius of 100 metres around the Sunnyside Station, whose location has been transmitted to the Authority by the Caseix de April on March 19 2020. The zone delimitation is adjusted to exclude any lot from which access to the REM station in any season is not possible, on foot or by car, owing to the presence of a watercourse.

Location of Sunnyside station
 V. 5040/71392
 V. 5040/71392
 (MAD 83 CSRS; MTM8)

Lot number	Street name	File
2000001	ST-JACQUES	1000001
2000002	ST-JACQUES	1000002
2000003	ST-JACQUES	1000003
2000004	ST-JACQUES	1000004
2000005	ST-JACQUES	1000005
2000006	ST-JACQUES	1000006
2000007	ST-JACQUES	1000007
2000008	ST-JACQUES	1000008
2000009	ST-JACQUES	1000009
2000010	ST-JACQUES	1000010
2000011	ST-JACQUES	1000011
2000012	ST-JACQUES	1000012
2000013	ST-JACQUES	1000013
2000014	ST-JACQUES	1000014
2000015	ST-JACQUES	1000015
2000016	ST-JACQUES	1000016
2000017	ST-JACQUES	1000017
2000018	ST-JACQUES	1000018
2000019	ST-JACQUES	1000019
2000020	ST-JACQUES	1000020
2000021	ST-JACQUES	1000021
2000022	ST-JACQUES	1000022
2000023	ST-JACQUES	1000023
2000024	ST-JACQUES	1000024
2000025	ST-JACQUES	1000025
2000026	ST-JACQUES	1000026
2000027	ST-JACQUES	1000027
2000028	ST-JACQUES	1000028
2000029	ST-JACQUES	1000029
2000030	ST-JACQUES	1000030
2000031	ST-JACQUES	1000031
2000032	ST-JACQUES	1000032
2000033	ST-JACQUES	1000033
2000034	ST-JACQUES	1000034
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2000036	ST-JACQUES	1000036
2000037	ST-JACQUES	1000037
2000038	ST-JACQUES	1000038
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2000041	ST-JACQUES	1000041
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2000096	ST-JACQUES	1000096
2000097	ST-JACQUES	1000097
2000098	ST-JACQUES	1000098
2000099	ST-JACQUES	1000099
2000100	ST-JACQUES	1000100

TRANSPORTATION DUES REGARDING THE RESEAU EXPRESS METROPOLITAIN REGULATION

Schedule B

Zone B : Sunnyside

Outreau - Québec - Gouvernement du Québec - 2020-04-01
 Règlement de l'Assemblée nationale - 2020-05-19
 Provisoire - MNT (MAD 83 CSRS)

1:10000
 0 125 250 500 m
 N
 1417



Legend

- Zone
- Lot boundary
- Lrd number
- Hydrography
- Highway
- Rue
- Street name
- Airport Parc-Eloft-Trafaret

The zone corresponds to a parcel having a title of Station, whose location has been transmitted to the Authority by the Case on appeal on Mar 19 2020.

Location of Du Rousseau station
 X: 28984.773
 Y: 24824.729
 (NAD 83 CSRS, MTM8)

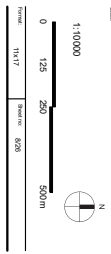
Lot number	Area (m ²)	Owner
28984.773	10000	ARTEM
24824.729	10000	ARTEM

TRANSPORTATION DUES REGARDING THE RESEAU EXPRESS METROPOLITAIN REGULATION

Zone B : Du Rousseau

Schedule B

On a été...
 Règlement de la Commission du Régime de la Propriété
 (M.R.P.) en date du 19 Mars 2020





- Legend**
- Zone
 - Lot boundary
 - Lot number
 - Hydrography
 - Highway
 - Street name
 - Aéroport Pierre-Élliott-Trudeau

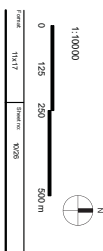
The zone corresponds to a circle having a radius of 1 000 metres, extending outward from Col-de-Lesse Station, whose location has been transmitted to the Authority by the Comité de dépôt on March 19, 2020.
 Location of Col-de-Lesse station
 V. 5022446336
 (MAD 83 CSRS, MTM8)

PROJET	DATE	ÉLÉMENTS	REMARQUES

TRANSPORTATION DUES REGARDING THE RESEAU EXPRESS METROPOLITAIN REGULATION

Schedule B
ZONE 10 - Col-de-Lesse

Document: Ordre de Gouvernement du Québec, 2020/06/01
 MTR, Métro, 15, 2575, 2576, 2578, 2579, 2580, 2581
 Préparé: MTR (MAD 83 CSRS)





Legend

- Zone
- Lot boundary
- Lot number
- Hydrography
- Highway
- Rail
- Street name
- Airport Pierre-Élieht-Tudreau

The zone corresponds to a circle having a radius of 100 metres centered on the Ville-de-Mont-Royal Station, whose location has been transmitted to the Authority by the Caisse de dépôt on March 19 2020.
 Location of Ville-de-Mont-Royal station
 X : 255546.909
 Y : 4810000.000
 (NAD 83 CSRS; MTM8)

Year	Number	Document
2020-01-12	110000	Zone 11

**TRANSPORTATION DUES
REGARDING THE RESEAU EXPRESS
METROPOLITAIN REGULATION**

Schedule B
 Zone 11 : Ville-de-Mont-Royal

Scale: 1:10000
 Date: 2020-02-01
 Author: MTR 8 (MAD 83 CSRS)

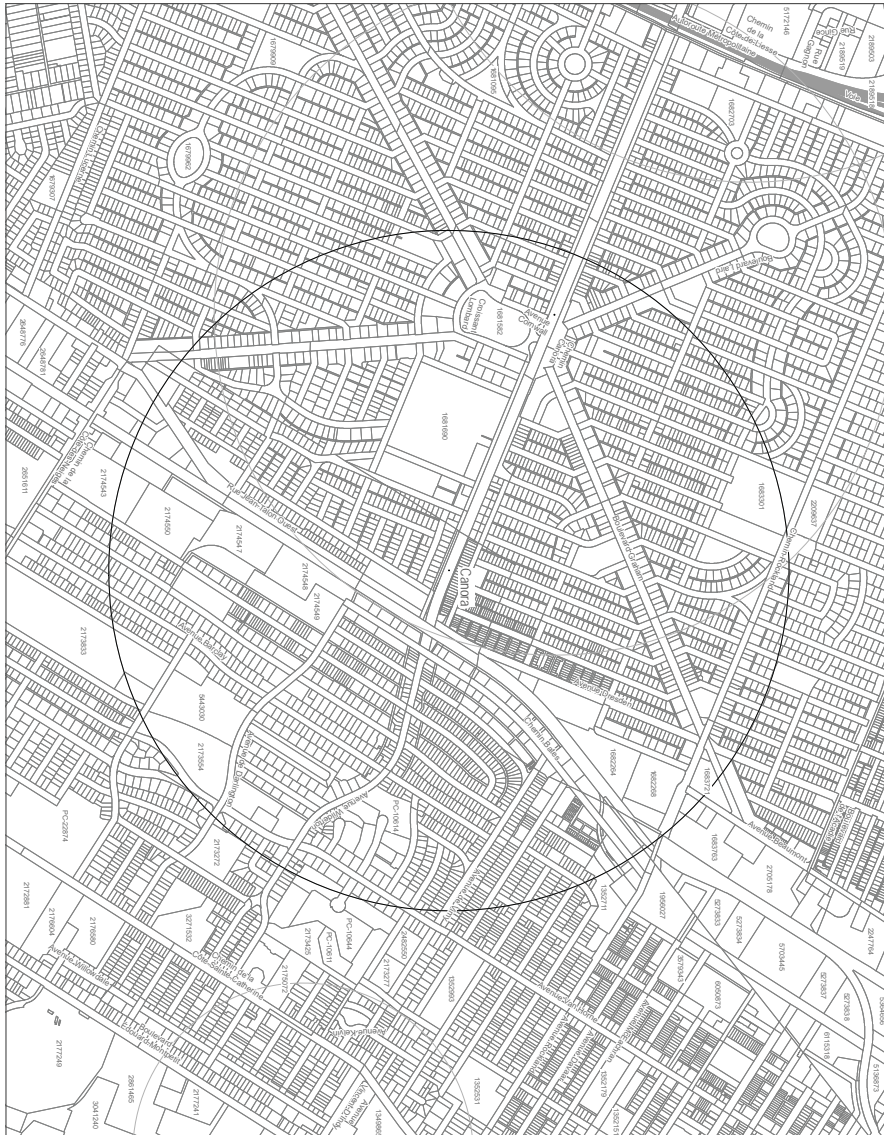


1:10000



North: 11007
 Height: 11026





Legend

- Zone
- Lot boundary
- Lot number
- Hydrography
- Highway
- Rue Street name
- Airport Parc-Eliott-Trudeau

The zone corresponds to a circle having a radius of 1250 m centered on the location of the station, whose location has been transmitted to the Authority by the Case de dépôt on March 19 2020.

Location of Citron station
 X: 284297.463
 Y: 5241922.684
 (NAD 83 CSRS (N 1718))

PROJET	DATE	ÉLÉMENTS
2020/03/19	2020/03/19	PROJET
2020/03/19	2020/03/19	PROJET
2020/03/19	2020/03/19	PROJET

TRANSPORTATION DUES REGARDING THE RESEAU EXPRESS METROPOLITAIN REGULATION

Schedule B
 ZONE 12 : Citron

Document: Québec et Gouvernement du Québec, 2020/03/01
 FEM 84496 - © CIPAC SA, 2020/03/19

Projet: XMT 8 - Parc-Eliott-Trudeau





Legend

- Zone
- Lot boundary
- Lot number
- Hydrography
- Highway
- Rue
- Street name
- Airport Pierre-Éliekt-Tubreau

The zone corresponds to a circle having a radius of 100 metres centered on the location of the Edouard-Montpetit Station, whose location has been transmitted to the Authority by the Caissé de cédroi on March 19, 2020.
 Location of Edouard-Montpetit station
 X : 216009.393
 Y : 100000.000
 (NAD 83 CSRS, MTM8)

Year	Number	Author	Version
2020.01.12	13426	MTM8 B	002
2019.01.12	13426	MTM8 B	001

**TRANSPORTATION DUES
REGARDING THE RESEAU EXPRESS
METROPOLITAIN REGULATION**

Schedule B

ZONE 13: Edouard-Montpetit

Scale: 1:10000
 Date: 2020.01.12
 Author: MTM8 B (CSRS)

Scale: 1:10000
 Date: 2020.01.12
 Author: MTM8 B (CSRS)





- Legend**
- Zone
 - Lot boundary
 - Lot number
 - Hydrography
 - Highway
 - Rue
 - Street name
 - Airport Pierre-Éliott Trudeau

The zone corresponds to a circle having a radius of 150 metres centered on the Gare Centrale Station, whose location has been transmitted to the Authority by the Caissé de dépôt on March 19, 2020.

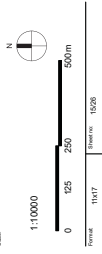
Location of Gare Centrale station
 X: 295598.973
 Y: 487746.812
 (NAD 83 GRS85, MTM8)

Year	Number	Division
2020.01.15	1502	00000000

**TRANSPORTATION DUES
REGARDING THE RESEAU EXPRESS
METROPOLITAIN REGULATION**

Schedule B
 ZONE 15 : Gare Centrale

Scale: 1:10000
 Date: 2020.02.01
 Project: MTR (Rég. Ex. CSRS)





Legend

- Zone
- Lot boundary
- Lot number
- Hydrography
- Highway
- Rue Street name
- Airport Pierre-Élliott-Trudeau

The zone corresponds to a circle having a radius of 1000 feet (304.8 m) centered on the Griffon-Bernard-Lamy station, whose location has been transmitted by the Authority by the Caisse de dépôt on March 19 2020.

The zone delineation is adjusted to exclude any lot from which access to the RESEAU EXPRESS in any season is not possible by car, owing to the presence of a watercourse.

Location of Griffon-Bernard-Lamy station
 X: 300205 838
 Y: 5039994 053

PROJET	DATE	ÉLÉMENTS	REVISÉ
2020/03/19	2020/03/19	PROJET	NON
2020/03/19	2020/03/19	PROJET	NON

TRANSPORTATION DUES REGARDING THE RESEAU EXPRESS METROPOLITAIN REGULATION


ZONE 16 : Griffon-Bernard-Lamy
 Schedule B

Document : Cahiers de Gouvernement du Québec, 2020-03-01

Projet : MTA 6 (NOM 832881)



1:10000
 0 25 250 500m
 Projet : MTA 6 (NOM 832881) Version : 1026



Legend

- Zone
- Lot boundary
- Lot number
- Hydrography
- Highway
- Rue
- Street name
- Airport Pierre-Éliott Trudeau

The zone corresponds to a circle having a radius of 150 metres centered on the location of the L'Anse-à-L'Orme Station, whose location has been transmitted to the Authority by the Caissé de dépôt on March 19, 2020.

Location of L'Anse-à-L'Orme station
 X : 272 231,691
 Y : 52 222,325
 (NAD 83 CSRS; MTM8)

Year	Division	Division No.
2020-01-15	1500000	1500000
2015-01-15	1500000	1500000
2010-01-15	1500000	1500000
2005-01-15	1500000	1500000
2000-01-15	1500000	1500000


TRANSPORTATION DUES REGARDING THE RESEAU EXPRESS METROPOLITAIN REGULATION


Schedule B

ZONE 21 : L'Anse-à-L'Orme

Document: MTR (Part B) (CSRS)
 Date: 2020-02-01
 Révisé: 2020-02-19

1:10000









Legend

- Zone
- Lot boundary
- Lot number
- Hydrography
- Highway
- Rue Street name
- Airport Parc-Éclair-Tribreau

The zone corresponds to a sector having a station of the Réseau Express Métropolitain (REM) whose location has been transferred to the Authority by the Cabinet on March 19, 2020.

Location of Kikland station
 X: 2,748,492.565
 Y: 503,822,133
 (NAD 83 CSRS, MTM89)

NOUVEAU	EXISTANT	DATE

TRANSPORTATION DUES REGARDING THE RÉSEAU EXPRESS MÉTROPOLITAIN REGULATION

Zone 22 : Kikland
 Schedule B

Date valid: Décret en Conseil du Gouvernement du Québec, 2020-04-01
 (Réglementé en vertu de la Loi sur l'accès à l'information, 2000-03-19)
 Préparé par: MATHIEU MARTEL (MARS) (CSRS)

Scale: 1:10,000

0 125 250 500m

North arrow pointing up.



- Legend**
- Zone
 - Lot boundary
 - Lot number
 - Hydrography
 - Highway
 - Street name
 - Airport Pierre-Élieux-Trudeau

The zone corresponds to a sector having a radius of 1000 m centered on the Des Sources station, whose location has been transmitted to the Authority by the Caisse de dépôt on March 19/2020.

Location of Des Sources station
 X: 28 2024 733
 Y: 50 9370 728 (MTR)
 (MUR 88 5385 (MTR))

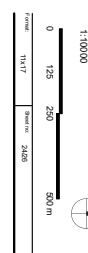
Lot number	Zone	Surface	Area
2020001	Zone B	1000 m ²	1000 m ²
2020002	Zone B	1000 m ²	1000 m ²
2020003	Zone B	1000 m ²	1000 m ²
2020004	Zone B	1000 m ²	1000 m ²
2020005	Zone B	1000 m ²	1000 m ²
2020006	Zone B	1000 m ²	1000 m ²
2020007	Zone B	1000 m ²	1000 m ²
2020008	Zone B	1000 m ²	1000 m ²
2020009	Zone B	1000 m ²	1000 m ²
2020010	Zone B	1000 m ²	1000 m ²

TRANSPORTATION DUES REGARDING THE RESEAU EXPRESS METROPOLITAIN REGULATION

Zone 24 : Des Sources

Schedule B

Outillage : Québec (Gouvernement du Québec, 2020-05-01)
 Règlement : Règlement (C.C.M.Q.) n. 4, 2020-05-19
 Prévisions : MTR & MTR (C. 2881)



SCHEDULE C**RATE OF TRANSPORTATION DUES PER SQUARE METER OF AREA OF WORK
SUBJECT TO PAYMENT OF DUES**

(s. 3)

Zone	Rate
Station Deux-Montagnes	111,00 \$
Station Grand-Moulin	111,00 \$
Station Sainte-Dorothée	111,00 \$
Station Île-Bigras	111,00 \$
Station Pierrefonds-Roxboro	111,00 \$
Station Sunnybrooke	111,00 \$
Station Bois-Franc	111,00 \$
Station Du Ruisseau	111,00 \$
Station Montpellier	111,00 \$
Station Côte-de-Liesse	111,00 \$
Station Ville-de-Mont-Royal	111,00 \$
Station Canora	111,00 \$
Station Edouard-Montpetit	111,00 \$
Station McGill	111,00 \$
Station Gare Centrale	111,00 \$
Station Griffintown-Bernard-Landry	111,00 \$
Station Île-des-Sœurs	111,00 \$
Station Panama	111,00 \$
Station Du Quartier	111,00 \$
Station Brossard	111,00 \$
Station L'Anse-à-l'Orme	111,00 \$
Station Kirkland	111,00 \$
Station Fairview-Pointe-Claire	111,00 \$
Station Des Sources	111,00 \$
Station Marie-Curie	111,00 \$
Station YUL-Aéroport-Montréal-Trudeau	111,00 \$

SCHEDULE D**REDEVELOPMENT OF A BUILDING IN CONNECTION WITH A CHANGE IN USE**

(s. 4, 1st par., subpars. 4)

Classes of uses:

1. Housing

Uses of the “housing” family include notably residential buildings, detached or attached, having one or more residence or dwelling and collective housing facilities, supervised or not, having individual rooms, including notably, but without limitation:

- Single family, bi-family, tri-family housing or multi-family housing
- Multi-unit dwelling housing
- Collective housing, senior’s or student residence

2. Commerce and services / Office / Tourism accommodations or meeting venues

Uses of the “commerce and services” family include establishments offering goods for sale, lease or exchange or offering services, including notably food services, alcoholic beverage services, entertainment services (which may notably include shows, dance, musical, visual or artistic performances), including notably, but without limitation:

- Convenience store, grocery or hardware store
- Shop or shopping mall
- Restaurant, bar, discotheque, performance hall, theater
- Movie theater, bowling alley, pool hall
- Sports hall, gym
- Daycare services, language school
- Personal care services, beauty parlor, hairdressing

Uses of the “office” family include office establishments, including notably, but without limitation:

- Architectural, city planning, engineering or legal services
- Medical or other health professionals services
- Real estate or financial services
- Administrative offices for financial or insurance affairs
- Administrative offices for a public or community organization

- Shared offices of a “coworking” type
- Specialized services in communications or telecommunication, mathematics and electronics, software programs or packages or in research

Uses of the “accommodations” family include tourism accommodation establishments or short term accommodation establishments or meeting venues offering, for remuneration or compensation, accommodations to persons or offering for lease meeting rooms, conference or congress centres, including notably, but without limitation:

- Hotels, motels, inns and tourist hostels or lodges
- Tourism residences
- Other accommodation services
- Meeting venues, conference or congress centres

3. Collective or institutional installations

Uses of the “institutional” family include collective or institutional establishments or installations offering public, collective or institutional services, including notably, but without limitation:

- Public and private education establishments subject to the *Education Act* (chapter I-13.3), the General and Vocational Colleges Act (chapter C-29), the Act respecting educational institutions at the university level (chapter E-14.1) and those accredited under the Act respecting private education (chapter E-9.1), including notably primary and secondary schools, colleges and universities
- Childcare centres
- Public health and social services establishments, such as a hospital, a residential and long-term care centre or a re-adaptation centre
- Child and youth protection centres
- Public sports establishments, such as an arena, sports centre, pool or stadium
- Places of worship and establishments having a religious character, such as a residence for a religious institution, a cemetery or mausoleum
- Community centres
- Police or fire service stations
- City halls
- Prisons

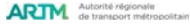
4. Industry

Uses of the “industry” family include establishments where is carried out the production or supply of industrial or para-industrial goods or services (which may also include the conception or tune-up of goods, products or processes), the operation of an industrial process, the processing of raw materials, the storage and distribution of data, offering of bulk goods or services for sale, lease or exchange, including notably, but without limitation:

- Establishments where is carried out :
 - industrial or manufacturing production
 - transformation activities, including bodyworks and repair shops, welding shops, machining plants
 - cinematographic production studios
 - industrial laundry or linen services
 - bulk sale or distribution of goods and products, including food products, clothing, professional equipment or parts
 - bulk or large scale storage
- Logistics or distribution centres
- Auto-mechanics shops, car maintenance service or service station
- Installations for electronic equipment used to store, distribute or process data
- Research and development centres for specialized or emerging technology, including pharmaceutical research, physics and chemical science, health sciences, mathematics or electronics

5. Parking

Uses of the “parking” family include establishments offering parking services located within a building, whether fee-charging or not, for short or long term.



SCHEDULE E - Form relating to the By-law respecting transportation dues regarding the Réseau express métropolitain (s. 14)

Version : 04

This spreadsheet can be used to compute the amount of transportation dues which applies to work covered by this permit application. In the event of discrepancies between the contents and results obtained from this spreadsheet and the provisions of the By-law respecting transportation dues regarding the Réseau express métropolitain, the provisions of the By-law prevail.

A signed copy of this form must be submitted to the relevant City, Municipality or Borough together with your permit application. The information in this form must be validated by the designated municipal employee or representative in order to confirm the amount of applicable transportation dues. Cells shaded in grey are computed automatically and do not need to be filled in.

A Location of Building(s) Undergoing Work (See Section 4 of the Application Guide)

Civic number and street name of building(s) undergoing work. If there are several civic numbers, please separate them with commas.

1		
Unit of assessment	2	0000-00-0000-0-000-0000
Borough (if applicable) and City or Municipality	3	
Cadastral description. Please separate multiple lot numbers using commas.		
4		
Transportation dues zone in which the building undergoing work is located, wholly or partly. (Select a single applicable zone.)	5	

B Type of Work (Section 5 of the Application Guide)

Indicate the total floor area (including the floor area of basement and mezzanine floors) in square metres (m²) for each type of work:

1. Erection of a building;	6	-	m ²
2. Reconstruction of a building except for floor area being rebuilt following a fire, flood or other natural disaster that occurred in the preceding 24 months;	7	-	m ²
3. Increase in floor area of a building;	8	-	m ²
4. Redevelopment of a building in connection with a change in use, even partial, consisting of a change from one to another of the following five classes (which are described in Schedule D):			
1) Housing;			
2) Commerce and services / Office / Tourism accommodations or meeting venues;			
3) Collective or institutional installations;			
4) Industry;			
5) Parking;			
Total area of work subjected to Transportation Dues:	9	-	m ²
	10	-	m ²
	10	-	m ²

This section is only considered complete upon receipt and analysis of the detailed plans that are required to be attached to this form.

C Identification of Owner/Applicant and Exemptions (Section 9 of the Application Guide)

Applicant's first and last names (if an individual) or name (if a corporation or entity)	11	
Correspondence address, if different from the address of the building(s) undergoing work		
Civic Number	12	
Street	13	
City or Municipality	14	
Province, Country	15	16
Postal Code	17	
If Applicant is not the Owner, Owner(s)'s first and last names (if an individual) or name(s) (if a corporation or entity)	18	
Owner(s)'s address, if different from the address of the building(s) undergoing work		
Civic Number	19	
Street	20	
Borough (if applicable) and City or Municipality	21	
Province, Country	22	23
Postal Code	24	

Application : 0000-00-0000-0-000-20200708-1354

**SCHEDULE E - Form relating to the By-law respecting transportation dues
regarding the Réseau express métropolitain
(s. 14)**

Version : 04

Type of owner

1. person holding the right of ownership in the immovable;	25	
2. person possessing the immovable as the emphyteuta;	26	
3. person possessing the immovable as the usufructuary;	27	
4. person holding a right of superficies in the immovable;	28	
5. person occupying a building belonging to one of the people mentioned in Article 97.12 of the Act Respecting the Autorité de transport régional métropolitain or belonging to any other person not subject to paying transportation dues, excluding occupation by any of those persons;	29	
6. syndicate of co-owners.	30	

Indicate in **square metres (m²)** the floor area of work carried out by one or more entity exempted from transportation dues listed below, if applicable.

<u>1) A public body within the meaning of the first paragraph of Section 3 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);</u>	31	- m ²	
<u>2) a daycare as defined by the Educational Childcare Act (chapter S-4.1.1);</u>	+	32	- m ²
<u>3) A non-profit body or a solidarity cooperative that carries out work relating to an immovable that is or will be acquired, built or renovated under a program implemented under the Act respecting the Société d'habitation du Québec (chapter S-8) and for which an operating agreement is or will be in force, for the purposes specified in the agreement.</u>	+	33	- m ²
4) a mandatary of the State not referred to in Items 1) or 2);	+	34	- m ²
<u>5 a) A community action body that receives financial assistance from a government ministry or organization and is registered on the Liste du ministère de l'Emploi et de la Solidarité sociale;</u>	+	35	- m ²
5 b) a community action body that receives financial assistance from a government ministry or organization and holds a certificate from the <i>Ministère de l'Emploi et de la Solidarité sociale</i> issued in the 12 months preceding its work permit request;	+	36	- m ²
6) any other person designated by the Government.	+	37	- m ²
Total floor area of work carried out by an exempt entity.	=	38	- m ²

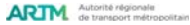
D Value of Work (Section 5 of the Application Guide)

The value of the work is established using the following costs (excluding taxes):

- 1) fees for supplying and installing all material and equipment integrated into the building, including the material and equipment relating to architecture, structure, mechanics and electricity, but not including fees for supplying and installing devices used in connection with an industrial process or industrial production nor fees for supplying and installing equipment aimed at making the building free from obstacles or barriers for persons with a mobility impairment;
- 2) excavation and backfilling fees.

Indicate the value of work declared in Section B:	39	- \$	
Indicate the value of work corresponding to the exempted floor area declared at Line 39:	-	40	- \$
Indicate the value of fees for supplying and installing devices used in connection with an industrial process or industrial production	-	41	- \$
Indicate the value of fees for supplying and installing equipment aimed at making the building free from obstacles or barriers for persons with a mobility impairment	-	42	
Value of subject work set out in this application:	=	43	- \$

Application : 0000-00-0000-0-000-20200708-1354



SCHEDULE E - Form relating to the By-law respecting transportation dues regarding the Réseau express métropolitain (s. 14)

Version : 04

E Minimum Thresholds for Applicability (Section 5 of the Application Guide)

Declaration of prior work

Value of subject work previously authorized since May 1, 2018, in respect of which no transportation dues have been paid:	44	- \$
Floor area in square metres (m ²) of subject work authorized in the previous 48 months, not including work prior to May 1, 2018, for which no transportation dues have been paid:	45	- m ²

Minimum threshold related to the value of the work

Value of subject work set out in this application:	43	- \$	
Value of prior subject work for which no transportation dues have been paid.	44	- \$	
Aggregate value of current and prior subject work:	= 46	- \$	▶ 46 - \$
Minimum threshold for value of the work:	- 47	782 308,00 \$	
Value of subject work exceeding the minimum threshold. If the result is nil or negative, the work is not subject to transportation dues.	= 48	(782 308,00) \$	

Minimum threshold related to floor area

Floor area to which the work set out in this application relates (Line 39 subtracted from Line 11):	49	0,00 m ²	
Floor area in square metres (m ²) of subject work authorized in the previous 48 months, not including work prior to May 1, 2018, for which no transportation dues have been paid:	+ 45	- m ²	
Floor area of current and previous subject work.	= 50	- m ²	▶ 50 - m ²
Minimum threshold for floor area of the work:	- 51	186,00 m²	
Floor area of the subject work that exceeding the minimum threshold. If the result is negative, the work is not subject to transportation	= 52	(186,00) m ²	

F Determination of Applicability of Transportation Dues (Section 5 of the Application Guide)

The work is subject to transportation dues:	53	No
<i>Work that does not exceed the minimum thresholds may be taken into consideration in connection with a subsequent application, in conformity with the provisions of the By-law (Lines 45 and 49).</i>		

G Determination of the Amount of Transportation Dues (Section 8 of the Application Guide)

Floor area of subject work.	50	- m ²
Rate of transportation dues:	54	111,00 \$/m²
Progressive application of the rate of transportation dues (if applicable):	x 55	80 %
Applicable (billable) rate of transportation dues:	= 56	88,80 \$/m²
Amount of transportation dues to be paid	= 57	- \$

Application : 0000-00-0000-0-000-20200708-1354

**SCHEDULE E - Form relating to the By-law respecting transportation dues
regarding the Réseau express métropolitain
(s. 14)**

Version : 04

H Other information

Start date of the work:	58	YYYY-MM-DD
End date of the work:	59	YYYY-MM-DD
Anticipated date of commencement of occupancy:	60	YYYY-MM-DD

Name of general contractor:	61	
Value of the contract with the general contractor:	62	- \$
Value of items in the general contractor's contract which exceed the value declared on Line 42:	63	- \$ ▶ 63

Description of work carried out directly by the Owner, if any:

64	
----	--

Descriptions of work carried out by sub-contractors and professionals, if any:

65	
----	--

FOR USE BY THE MUNICIPAL EMPLOYEE / REPRESENTATIVE ONLY: Documents to be provided with the application:	
a) Layout plan by a land-surveyor showing lot lines, adjacent streets, location and projection of existing buildings and buildings covered by the work:	66
b) Plans, cross-sections, sketches and specifications showing all floor areas covered by the work including mezzanines, basements and garages, as applicable:	67
c) Contract with the general contractor and professionals, as applicable:	68
d) Contracts with sub-contractors and professionals, as applicable:	69
Application Number	70 0000-00-0000-0-000-20200708-1354

I _____, the undersigned, hereby declare that, to my knowledge, the information set out in this application is complete and accurate.

In _____, this _____
City Date

Applicant's Signature

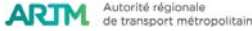
Authorization and signature of the Owner, when request is submitted by a mandatary or occupant

In _____, this _____
City Date

Owner's Signature

Reminder

A signed copy of this form must be sent to the City, Municipality or Borough along with your permit application. The information set out in this form must be verified by the designated municipal employee or representative to confirm the amount of the transportation dues, if applicable.



SCHEDULE F - REFUND APPLICATION
relating to the By-law respecting transportation dues
regarding the Réseau express métropolitain
(s. 16.1)

Version: 01

This application must be filled out by the municipality having delivered the permit which is the subject of this refund application, except for Section C which must be filled out and signed by the applicant. The electronic version of this application so filled out as well as the copy signed by the applicant must be sent by email, together with justifying documents required, at the following address: redevancestransport@artm.quebec

Within 15 business days following receipt, ARTM will notify the municipality that :

- a) the application is complete and compliant and that the refund procedure is underway ;
or
b) information or justifying documents are missing to complete the application.

The refund will be issued by ARTM to the applicant whose name and banking coordinates are set out in the application. It is the responsibility of the municipality of the applicant to ensure that the applicant under this application is the debtor of the transportation dues, or the holder of a power of attorney issued in the applicant's name by the debtor of the transportation dues.

A Reason for refund application

Check the reason for the refund application .

Reason 1 - Permit was cancelled
Reason 2 - Reduction of the floor area of the building
Reason 3 - Administrative error
Reason 4 - Other:

If other, please specify:

[Empty text box for specifying other reasons]

B Information regarding the permit

Municipality having issued the permit
Date of issuance of permit
Permit number
Civic number
Street
Direction
Appartment/Suite
Amount of the transportation dues collected

[Empty grid for permit information]

Is the applicant under this refund application the debtor of the transportation dues?

[Empty checkbox]

If not: Please attach to this application a copy of the power of attorney issued in the name of the applicant by the debtor of the transportation dues

C Banking coordinates of the applicant (to be completed by the applicant)

The following coordinates will be used by ARTM to complete the wire transfer

First Name (not required if the applicant is a legal person)
Last Name
Address of the applicant
Name of the financial institution
Address of the financial institution
Transit Number
Institution Number
Account Number
SWIFT Code

[Empty grid for banking coordinates]

By its signature, the applicant attests that the banking coordinates are true and correct.

Signature of applicant

Date of signature

Reason 1 - Permit cancellation

Please attach the following documents:

Form relating to the By-law regarding transportation dues respecting the Réseau express métropolitain or Schedule E filled out and verified by the municipality.

Copy of the document evidencing the cancellation of the permit.

Power of attorney authorizing a third party to act on behalf of the applicant, if applicable.

Amount of refund requested:

ATTESTATION

The municipality attests that: 1) the amount of the refund corresponds to the amount of transportation dues paid for the issuance of the permit; 2) the permit has been cancelled; and 3) the identity of the applicant has been confirmed.

First and last name of the authorized public servant Office or function held by the authorized public servant

Signature of authorized public servant

Date of signature

Reason 2 - Reduction in floor area of the building

Please attach the following documents:

Form relating to the By-law regarding transportation dues respecting the Réseau express métropolitain or Schedule E filled out and verified by the municipality.

Copy of the modified permit. The plans must show that the floor area subject to transportation dues is smaller than that used for the computation of the transportation dues amount.

Power of attorney authorizing a third party to act on behalf of the applicant, if applicable.

Amount of refund requested:

ATTESTATION

The municipality attests that the floor area subject to this refund application: 1) has previously been subject to the payment of transportation dues; 2) has been confirmed by it; and 3) the identity of the applicant has been confirmed.

First and last name of the authorized public servant Office or function held by the authorized public servant

Signature of authorized public servant

Date of signature

Reasons 3 and 4 - Administrative error and other reasons

Please attach the following documents:

Form relating to the By-law regarding transportation dues respecting the Réseau express métropolitain or Schedule E filled out and verified by the municipality.

Power of attorney authorizing a third party to act on behalf of the applicant, if applicable.

Please describe the reason for the refund, specifying the cause of the error giving rise to the refund application.

Amount of refund requested:

ATTESTATION

The municipality attests: 1) having made necessary verifications to ensure the correctness of the refund amount request; and 2) having confirmed the identity of the applicant.

First and last name of the authorized public servant Office or function held by the authorized public servant

Signature of authorized public servant

Date of signature

D Coordinates of the debtor of the transportation dues

The following information are required to identify the debtor of the transportation dues

First Name (not required if the applicant is a legal person)	
Name	
Address of the debtor of the transportation dues	

E Check list

Before filing your application electronically, please ensure to enclose the following:

- a) Filled out electronic form;
- b) Scanned copy of the form signed by the authorized public servant and the applicant, or the third party authorized to act on its behalf;
- c) Copy of the Form relating to the By-law regarding transportation dues respecting the Réseau express métropolitain or Schedule E filled out and verified by the municipality;
- d) Copy of the power of attorney authorizing a third party to act on behalf of the debtor of the transportation dues, if applicable.

Please also enclose the following justifying documents, depending on the reason for the refund application:

- e) Copy of the document attesting the cancellation of the permit (reason 1);
- f) Copy of the modified permit (reason 2).

Draft Regulations

Draft Regulation

An Act respecting remunerated passenger transportation by automobile (chapter T-11.2)

Contract to agree upon a fare with a customer

Notice is hereby given, in accordance with section 10 of the Regulations Act (chapter R-18.1) and section 303 of the Act respecting remunerated passenger transportation by automobile (chapter T-11.2), that the Regulation respecting the contract to agree upon a fare with a customer, appearing below, may be made by the Commission des transports du Québec on the expiry of 20 days following this publication.

The draft Regulation applies to the contract referred to in section 97 of the Act respecting remunerated passenger transportation by automobile (chapter T-11.2), which is entered into between a qualified driver, the owner of a qualified automobile or a dispatcher, as the case may be, and a customer, in order to agree upon a fare that may be different from the rates of the Commission.

The draft Regulation essentially reflects the applicable regime provided for in section 58 of the Taxi Transportation Regulation (chapter S-6.01, r. 3) concerning that type of contract.

The draft Regulation also includes a provision to specify that the contract may be on any medium that makes reproduction in paper form possible, in accordance with the principle of technological neutrality set out in section 2 of the Act to establish a legal framework for information technology (chapter C-1.1).

Further information on the draft Regulation may be obtained by contacting Hélène Chouinard, Secretary, Commission des transports du Québec, 200, chemin Sainte-Foy, 7^e étage, Québec (Québec) G1R 5V5; telephone: 418 266-0350; email: projet.reglement@ctq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 20-day period to Hélène Chouinard, Secretary, Commission des

transports du Québec, 200, chemin Sainte-Foy, 7^e étage, Québec (Québec) G1R 5V5; email: projet.reglement@ctq.gouv.qc.ca.

FRANCE BOUCHER,
*President of the Commission des transports
du Québec*

Regulation respecting the contract to agree upon a fare with a customer

An Act respecting remunerated passenger transportation by automobile (chapter T-11.2, s. 97)

1. This Regulation applies to the contract referred to in section 97 of the Act respecting remunerated passenger transportation by automobile (chapter T-11.2), which is entered into between a qualified driver, the owner of a qualified automobile or a dispatcher, as the case may be, and a customer, in order to agree upon a fare.

2. The contract must

(1) be legibly written and, if it is handwritten, drawn up or completed in ink;

(2) indicate the name and the contact information of the parties and bear their signature;

(3) identify the persons or the group of persons that must be transported;

(4) mention the date and term of the contract;

(5) mention the price fixed or the method to determine the price;

(6) include an indication on the pick-up point and destination of the trip;

(7) indicate, at the customer's request, the name of the qualified driver who will carry out the transportation; and

(8) indicate, at the customer's request, the identification of the qualified automobile or the desired features of that automobile, as well as the name of the dispatcher, as the case may be.

The contract may be on any medium that makes reproduction in paper form possible.

- 3.** Any stipulation in the contract is prohibited if it
- (1) allows to be paid before the services provided are rendered or the disbursements are incurred;
 - (2) renews the contract automatically; and
 - (3) allows the qualified driver, the owner of a qualified automobile or the dispatcher to modify the contract before the expiry of its term.
- 4.** The qualified driver, the owner of a qualified automobile or the dispatcher must, before having the contract signed, allow the customer to examine it, answer his or her questions and provide any required explanation.
- 5.** The qualified driver, the owner of a qualified automobile or the dispatcher must give the customer a copy of the signed contract.
- 6.** This Regulation comes into force on 10 October 2020.

104560

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

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