

Laws and Regulations

Volume 153

Summary

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Legal deposit – 1st Quarter 1968
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Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
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PROVINCE OF QUÉBEC

1ST SESSION

42ND LEGISLATURE

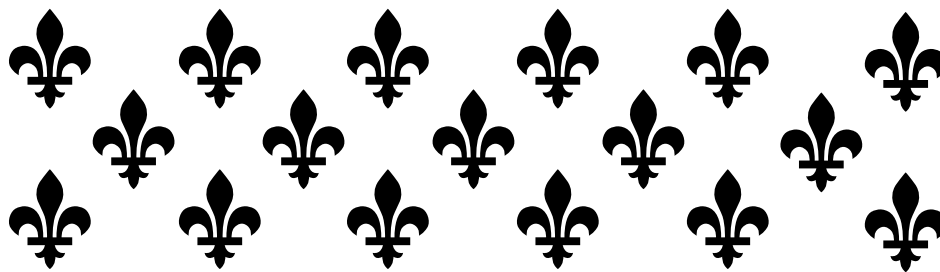
QUÉBEC, 12 NOVEMBER 2020

OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 12 November 2020*

This day, at five past noon, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

- 210 An Act respecting the subdivision of a lot located in the Maison Roussil protection area in Terrebonne and partly in the Maison Bélisle protection area in Terrebonne

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



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 210
(Private)

**An Act respecting the subdivision of a
lot located in the Maison Roussil
protection area in Terrebonne and
partly in the Maison Bélisle protection
area in Terrebonne**

**Introduced 4 December 2019
Passed in principle 12 November 2020
Passed 12 November 2020
Assented to 12 November 2020**

**Québec Official Publisher
2020**

Bill 210

(Private)

AN ACT RESPECTING THE SUBDIVISION OF A LOT LOCATED IN THE MAISON ROUSSIL PROTECTION AREA IN TERREBONNE AND PARTLY IN THE MAISON BÉLISLE PROTECTION AREA IN TERREBONNE

AS, on 6 June 1972, by resolution of the Commission des monuments historiques du Québec and with the owner's consent, the following immovable was classified as a historic monument and site:

“A stone house dating from around 1823, the “Maison ROUSSIL”, corresponding to numbers 870-872 Rue Saint-Louis in Terrebonne and located on a part of original lot number two hundred seventy (Pt. 270) of the official cadastre of Ville de Terrebonne, registration division of Terrebonne”;

AS section 61 of the Cultural Property Act (1972, chapter 19) states that classified property and historic localities declared as such under the Historic Monuments Act (Revised Statutes, 1964, chapter 62) are deemed classified cultural property and declared historic districts under the Cultural Property Act;

AS the classification was approved under Order in Council 1832-72 dated 28 June 1972, a copy of which was registered at the registry office of Terrebonne on 8 August 1972 under number 406 220;

AS shown by a notation, in French, in the register of cultural property, the “Maison Roussil” has had a protection area since 23 July 1975 (the notation stating that the protection area, formerly called “protected area” in the Cultural Property Act, is defined in that Act as an area whose perimeter is five hundred feet (500') from a classified historic monument or archaeological site);

“Que cette aire de protection est définie à la Loi sur les biens culturels comme une aire dont le périmètre est à cinq cents pieds (500 ') d'un monument historique ou d'un site archéologique classé;”;

AS, on 25 August 1973, by decision of the Minister of Cultural Affairs of Québec, on the advice of the Commission des biens culturels and by virtue of the powers vested by the Cultural Property Act, the following immovable was classified as a historic monument and site:

“A stone house, owned by Wilfrid Bélisle, the “Maison Bélisle”, corresponding to number 844 Rue Saint-François in Terrebonne and located on lot two hundred ninety-three (293) and part of lot two hundred ninety-four (Pt. 294) of the official cadastre of Ville de Terrebonne, registration division of Terrebonne”;

AS paragraph *j* of section 1 of the Cultural Property Act defines the protected area as being an area whose perimeter is five hundred feet (500') from a classified historic monument or archaeological site;

AS the entry in the register of cultural property was made on 30 October 1973 under file number 111-010, a copy of which was registered at the registry office of Terrebonne on 2 November 1973 under number 429 883;

AS the notices of classification for “Maison Roussil” and “Maison Bélisle” were registered against original lot 269 of the official cadastre of Ville de Terrebonne, registration division of Terrebonne, under numbers 467 123 and 544 545, respectively, since original lot 269 of the official cadastre of Ville de Terrebonne is totally and partially located in the protection area of the said historic monuments and sites;

AS, on 15 November 2012, the Syndicat de la copropriété Les berges de l'étang acquired lot 5 001 932 of the cadastre of Québec, registration division of Terrebonne, from Conrad Therrien to install a community garden there for the benefit of the co-owners of Les berges de l'étang co-ownership, thus establishing a real and perpetual non-construction servitude on the said lot to maintain the current state of the premises;

AS, after the acquisition of lot 5 001 932 of the cadastre of Québec, registration division of Terrebonne, the declaration of Les berges de l'étang co-ownership was amended to include, for each of the 18 private portions, a right of use of the community garden;

AS the sale, the servitude of non-construction and the amendment to the declaration of co-ownership were registered at the registry office of the registration division of Terrebonne under numbers 19 566 873 and 19 651 425, respectively;

AS lot 5 001 932 of the cadastre of Québec, registration division of Terrebonne, is located in the “Maison Roussil” protection area and partly in the “Maison Bélisle” protection area;

AS, on 3 October 2012, prior to the acquisition of lot 5 001 932 by the Syndicat de la copropriété Les berges de l'étang, a cadastral operation that subdivided lot 2 438 361 of the cadastre of Québec, registration division of Terrebonne (formerly original lot 269), to create lots 5 001 931 and 5 001 932, both of the cadastre of Québec, registration division of Terrebonne, was carried out;

AS, prior to the subdivision of lot 2 438 361 of the cadastre of Québec, registration division of Terrebonne, the Minister's authorization required under section 48 of the Cultural Property Act (chapter B-4) was not obtained;

AS section 48 of the Cultural Property Act states that no person may, in any historic or natural district or on any classified historic site divide or subdivide, redivide or parcel out any lot without authorization of the Minister of Culture and Communications;

AS section 50 of the Cultural Property Act states that the first paragraph of section 48 of that Act applies also in relation to all immovables or parts of immovables situated in a protected area upon each owner's being sent a notice from the Minister informing him that the whole or part of his immovable is situated in the protected area of a classified historic monument and that the notice has been registered in the land register;

AS section 57.1 of the Cultural Property Act prescribes that no division or subdivision plan or any other form of parcelling out of land situated in historic or natural districts, classified historic sites or protected areas may be registered in the land register if the conditions of an authorization given under that Act have not been met or if such an authorization has not been given;

AS it is important to the owners that the failure to obtain the required authorization prior to the cadastral operation that created the lots henceforth known and designated as lots 5 001 931 and 5 001 932, both of the cadastre of Québec, registration division of Terrebonne, as well as the registration of the subdivision plans in the land register be remedied;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The subdivision of lot 2 438 361 of the cadastre of Québec, registration division of Terrebonne, and, consequently, the creation of lots 5 001 931 and 5 001 932, both of the cadastre of Québec, registration division of Terrebonne, as well as the registration of the plans in the land register cannot be annulled on the ground that the authorization required under sections 48 and 50 of the Cultural Property Act (chapter B-4) was not obtained, despite section 57.1 of that Act.

2. This Act must be registered at the registry office of the registration division of Terrebonne and the appropriate entries registered against lots 5 001 931 and 5 001 932, both of the cadastre of Québec, registration division of Terrebonne.

3. This Act comes into force on 12 November 2020.

Regulations and other Acts

Gouvernement du Québec

O.C. 17-2021, 13 January 2021

Supplemental Pension Plans Act
(chapter R-15.1)

Exemption of certain pension plans from the application of provisions of the Act —Amendment

CONCERNING the Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act

WHEREAS, under the second paragraph of section 2 of the Supplemental Pension Plans Act (chapter R-15.1), the Government may, by regulation and on the conditions it determines, exempt any pension plan or category of pension plan it designates from the application of all or part of the Act, particularly by reason of the special characteristics of the category or by reason of the complexity of the Act in relation to the number of members in the plan and it may also prescribe special rules applicable to the plan or category;

WHEREAS, under the third paragraph of section 2 of the Act, a regulation made under the second paragraph may, if it so provides, have retroactive effect from a date that is prior to the date of its coming into force but not prior to 31 December of the penultimate year preceding the year in which it was published in the *Gazette officielle du Québec* under section 8 of the Regulations Act (chapter R-18.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act, a draft Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act was published in Part 2 of the *Gazette officielle du Québec* dated 23 September 2020 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendments;

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

THAT the Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act

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

1. The Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act (chapter R-15.1, r. 8) is amended by inserting the following after section 14.29:

“DIVISION III.5 PROVISIONS CONCERNING THE MERGER OF CERTAIN MULTI-JURISDICTIONAL PENSION PLANS IN THE PRESS SECTOR WITH A JOINTLY PENSION PLAN

14.30. This Division applies in respect of the merger, on 1 July 2019, of the following pension plans:

(1) the Pension Plan of Canadian Press Enterprises Inc., registered under number 0237537 with the Financial Services Regulatory Authority of Ontario;

(2) the Canadian Press Enterprises Inc. Pension Plan for Employees Represented by the Canadian Media Guild, registered under number 1031848 with the Financial Services Regulatory Authority of Ontario;

(3) the Postmedia Network Inc. Retirement Plan, registered under number 1077049 with the Financial Services Regulatory Authority of Ontario;

(4) the Colleges of Applied Arts and Technology Pension Plan, registered under number 0589895 with the Financial Services Regulatory Authority of Ontario.

14.31. A pension plan referred to in paragraphs 1 to 3 of section 14.30, is exempted from the first, second and third paragraphs of section 196 of the Act, if all the members and beneficiaries who are covered by the merger are informed by means of a written notice and at least two-thirds of the active members agreed to it and not more than one-third of the non-active members and beneficiaries as a group were opposed to it. A union can consent in the name of the members it represents.

14.32. The pension plan referred to in paragraph 4 of section 14.30 is exempted from the following provisions of the Act on the conditions indicated below:

(1) the last paragraph of section 143 and in sections 145 to 146, if the value of the benefits of a member or a beneficiary is paid in full, up to 100%. The balance of the value of the benefits which, according to the transfer ratio applicable to a jointly pension plan cannot be paid, must be paid within 5 years after the date of the initial payment;

(2) the provisions of Chapter XIII of the Act that apply to the withdrawal of an employer from a multi-employer pension plan;

(3) the first paragraph of section 228 regarding the benefits accrued as of 1 July 2019 and the amendments made as of that date to enhance the benefits of members or beneficiaries under the plans referred to in paragraphs 1 to 3 of section 14.30 for which the transfer of assets and liabilities takes effect on 1 July 2019.

(4) section 230.2, provided that the surplus assets upon plan termination are allocated to members and beneficiaries and distributed between them in proportion to the value of their benefits.

14.33. For the purpose of paying the debt of the employer pursuant to subdivision 4 of Division II of Chapter XIII of the Act, the assets upon termination must be distributed, according to sections 220 to 227 of the Act that apply with the necessary modifications, between the value of the benefits referred to in paragraph 3 of section 14.32 and the value of the benefits that come from the pension plans referred to in paragraphs 1 to 3 of section 14.30.”

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*. Despite the foregoing, it has effect from 1 July 2019.

Draft Regulations

Draft Regulation

Code of Civil Procedure
(chapter C-25.01)

Mediation of small claims — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the mediation of small claims, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The objective of the draft Regulation is to foster recourse to mediation of small claims. It transfers the assignment of mandates to mediators from the clerk to the mediation service in order, in particular, to improve access to justice. It also amends the tariff of fees payable to a mediator in order to increase fees and improve practices. Lastly, it specifies that certain provisions of the draft Regulation will cease to have effect on 30 November 2022.

Study of the matter has shown no impact on the public or on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Christine Lavoie, Direction du soutien juridique aux services de justice, Ministère de la Justice, 1200, route de l'Église, 7^e étage, Québec (Québec) G1V 4M1; email: christine.lavoie@justice.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, Québec (Québec) G1V 4M1.

SIMON JOLIN-BARRETTE,
Minister of Justice

Regulation to amend the Regulation respecting the mediation of small claims

Code of Civil Procedure
(chapter C-25.01, arts. 556 and 570)

1. The Regulation respecting the mediation of small claims (chapter C-25.01, r. 0.6) is amended in section 3

(1) by inserting “or judicial districts” after “judicial district” in paragraph 3;

(2) by adding the following paragraph:

“(8) the mediator’s interest in distance mediation using a technological means.”.

2. Section 4 is amended

(1) by replacing “to a mediator” in the first paragraph by “to only one mediator per dispute”;

(2) in the French text by replacing “En” in the second paragraph by “Toutefois, en”;

(3) by replacing “clerk” in the second paragraph by “mediation service”.

3. Section 5 is amended

(1) by inserting “or mediation sessions” after “mediation session” in the first paragraph;

(2) by replacing “30” in the first paragraph by “45”;

(3) by replacing “clerk” in the first paragraph by “mediation service”;

(4) in the French text by replacing “communiquer” in the second paragraph by “doit communiquer”;

(5) by inserting “within 15 days after the date on which the mandate was received” after “session” in the second paragraph;

(6) by adding “or at a distance using a technological means” at the end of the third paragraph.

4. Section 6 is amended by replacing “clerk” by “mediation service”.

5. Section 7 is amended by replacing “wait a minimum of 30 minutes after the scheduled time for the mediation session to begin before cancelling” in the first paragraph by “cancel”.

6. Section 9 is amended

(1) by replacing “clerk” in the first paragraph by “office of the Court of Québec”;

(2) by replacing “session was held” in the first paragraph by “session or sessions were held”;

(3) by inserting “and the bill indicating the fees under section 13,” before “and inform the parties” in the first paragraph;

(4) by adding “and the bill indicating the fees under section 13” at the end of the second paragraph;

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

“The documents referred to in the first and second paragraphs must be filed within 30 days after the mediation.”.

7. Section 10 is amended by replacing “and designate” in the second paragraph by “and the mediation service must designate”.

8. Section 13 is replaced by the following:

“**13.** The fees payable to a mediator for the carrying out of a mediation mandate are \$110 per hour for a maximum of 3 hours, including any work performed outside the sessions in connection with the mediation.”.

9. The following is inserted after section 13:

“**13.1.** The mediator may work additional hours to carry out a mediation mandate, including any work performed outside the sessions in connection with the mediation, at the parties’ expense. In such a case, the fees payable to a mediator are \$110 per hour.”.

10. Section 14 is revoked.

11. Paragraph 1 of section 2, paragraph 1 of section 3, section 5, paragraph 2 of section 6 and sections 8 to 10 of this Regulation cease to have effect on 30 November 2022, except with respect to situations where a mediation mandate has already been given to a mediator on that date.

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

104842

Draft Regulation

Cullers Act
(chapter M-12.1)

Culler’s licences — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting culler’s licences, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends certain terms of the Regulation respecting culler’s licences (chapter M-12.1, r. 1) so that they are more representative of those currently used in the field. It also allows a greater number of individuals, in particular holders of a licence or other form of occupational certification issued in Canada to cullers or scalers, to obtain a culler’s licence in Québec, while ensuring that they have the necessary qualifications, thus meeting the requirements concerning labour mobility provided for in the Canadian Free Trade Agreement, that came into force on 1 July 2017. It also provides that the duties payable for the issue of the first identity card are included in the duties payable for the issue of the licence, subjects maintenance of the licence to a new condition and amends certain terms and conditions concerning the issue of a new identity card and the term of such a card.

The draft Regulation has no financial impact on enterprises, including small and medium-sized businesses, or on persons wishing to obtain a culler’s licence or a renewal of the identity card.

Further information on the draft Regulation may be obtained by contacting Yves Lafontaine, Direction de la planification et de la gestion forestière, Ministère des Forêts, de la Faune et des Parcs, 5700, 4^e Avenue Ouest, bureau B-406, Québec (Québec) G1H 6R1; telephone: 418 627-8656, extension 4579; fax: 418 646-9267; email: yves.lafontaine@mffp.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Lucie Ste-Croix, Associate Deputy Minister for Regional Operations, Ministère des Forêts, de la Faune et des Parcs, 5700, 4^e Avenue Ouest, bureau A-429, Québec (Québec) G1H 6R1.

PIERRE DUFOUR,
Minister of Forests, Wildlife and Parks

Regulation to amend the Regulation respecting culler's licences

Cullers Act
(chapter M-12.1, s. 30)

1. The Regulation respecting culler's licences (chapter M-12.1, r. 1) is amended in section 2

(1) in the first paragraph,

(a) by replacing “diplomas, certificates or attestations of studies” in the portion before subparagraph 1 by “titles or forms of occupational certification”;

(b) by adding “or lumber grading” at the end of subparagraph 1;

(c) by replacing “in forest management, forest operations or the processing of forest products” in subparagraph 2 by “in the field of forest technologies”;

(d) by adding the following after subparagraph 4:

“(5) a licence or other form of occupational certification issued in Canada to cullers or scalers.”;

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

“A person who holds a vocational training diploma in lumber grading referred to in subparagraph 1 of the first paragraph and a person who holds a diploma, certificate or attestation of studies referred to in subparagraph 4 of the first paragraph must also complete his training by taking a course on the scaling methods for timber harvested in forests in the domain of the State given in an educational institution located in Québec.

A person who holds a licence or other form of occupational certification referred to in subparagraph 5 of the first paragraph must show the Minister that he has sufficient knowledge of the scaling methods used in Québec.”.

2. Section 4 is amended in the first paragraph:

(1) by inserting the following after subparagraph 4:

“(4.1) where the applicant holds a licence or other form of occupational certification issued in Canada to cullers or scalers, a copy of that licence or certification.”;

(2) by striking out “and signed on the back by the applicant” in subparagraph 5.

3. Section 5 is amended by adding “and include the duties for the issue of the identity card” at the end.

4. The following is inserted after section 5:

“**5.1.** In the case of non-payment of the duties provided for in the second paragraph of section 7, the culler's licence ceases to have effect on the expiry date indicated on the holder's identity card.”.

5. Section 7 is amended:

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

“A licence holder must obtain a new identity card before the expiry date on his identity card in force. To that end, the licence holder must submit a written application to the Minister using the form made available by the Minister. The application must enclose duties in the amount of \$23.10 and a photograph of the licence holder taken no more than 1 year prior to the application, measuring approximately 25 mm by 25 mm.”;

(2) by replacing the third paragraph by the following: “The term of the identity card may not exceed 5 years.”.

6. Section 9.1 is revoked.

7. Schedule II is amended by replacing “ensure that an application for a new identity card has been submitted to the Minister before the expiry date on this card” in point 3 of “WARNING” by “obtain a new identity card before the expiry date on this card”

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

104840

Draft Regulation

An Act respecting health services and social services
(chapter S-4.2)

Applicable amounts for the purposes of the authorization required from the agency for certain work relating to the immovables of a public institution or a private institution under agreement — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the applicable amounts for the purposes of the authorization required from the agency for certain work relating to the immovables of a public institution or a private institution under agreement, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation increases the amount of the estimated total cost of a project for construction, enlargement, development, conversion, demolition, reconstruction or major repair work below which only the authorization of the Minister of Health and Social Services is required to allow a public health and social services institution or a private health and social services institution under agreement to carry out work relating to its immovables. That amount is now the amount from and above which the carrying out of such project requires, in addition to the prior authorization of the Minister, that of the Conseil du trésor.

There is no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Carole Arbour, person in charge of the property transactional framework, Direction de la conservation des infrastructures, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 10^e étage, Québec (Québec) G1S 2M1; telephone: 514 873-2088; email: carole.arbour@msss.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Health and Social Services, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

CHRISTIAN DUBÉ,
Minister of Health and Social Services

Regulation to amend the Regulation respecting the applicable amounts for the purposes of the authorization required from the agency for certain work relating to the immovables of a public institution or a private institution under agreement

An Act respecting health services and social services
(chapter S-4.2, s. 505, 1st. par., subpar. 3)

1. The Regulation respecting the applicable amounts for the purposes of the authorization required from the agency for certain work relating to the immovables of a public institution or a private institution under agreement (chapter S-4.2, r. 17) is amended in section 1 by replacing “\$5,000,000” in the first paragraph by “\$20,000,000”.

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

104841