

**Laws and Regulations**

Volume 153

**Summary**

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**PROVINCE OF QUÉBEC**

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 10 NOVEMBER 2020

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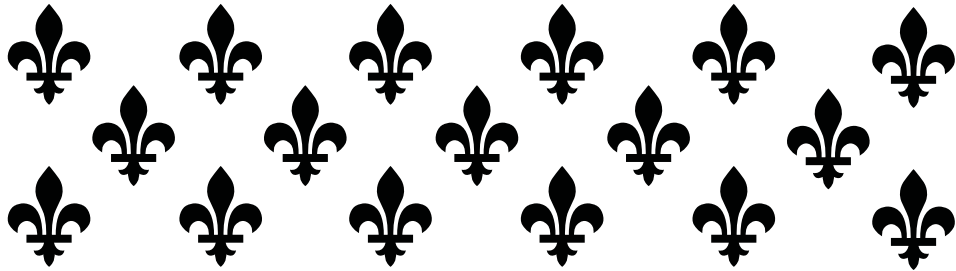
**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 10 November 2020*

This day, at half past eleven o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

- 52      An Act to strengthen the complaint examination process of the health and social services network, in particular for users receiving services from private institutions

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





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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 52  
(2020, chapter 24)

**An Act to strengthen the complaint  
examination process of the health  
and social services network, in  
particular for users receiving services  
from private institutions**

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Introduced 3 December 2019  
Passed in principle 17 September 2020  
Passed 5 November 2020  
Assented to 10 November 2020

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Québec Official Publisher  
2020

## EXPLANATORY NOTES

*The purpose of this Act is to strengthen the complaint examination process of the health and social services network, in particular for users receiving services from private institutions.*

*The Act provides that only public institutions are required to establish a complaint examination procedure. It stipulates that the complaint examination procedure of integrated health and social services centres applies both to complaints from users of integrated centres and to those from users of private institutions.*

*Under the Act, the local service quality and complaints commissioners and the medical examiners of integrated centres are responsible for examining the complaints from users of private institutions. The Act specifies that the local commissioners of integrated centres are also responsible for the handling of reports of maltreatment made within the scope of the policy to combat maltreatment of persons in vulnerable situations adopted by private institutions.*

*The Act provides that the Minister of Health and Social Services is to provide public institutions with the information asset that they must use to establish a register of their activities related to the application of the complaint examination process and the handling of reports of maltreatment. It also provides that the Minister is to designate a person within the Ministère de la Santé et des Services sociaux to act as advisory commissioner.*

*The Act requires that any person appointed as a local service quality and complaints commissioner or as an assistant local service quality and complaints commissioner qualify as an independent person.*

*Lastly, the Act contains consequential amendments and transitional and final provisions.*

## LEGISLATION AMENDED BY THIS ACT:

– Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (chapter L-6.3);

- Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2);
- Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2);
- Act respecting health services and social services (chapter S-4.2).



## Bill 52

### **AN ACT TO STRENGTHEN THE COMPLAINT EXAMINATION PROCESS OF THE HEALTH AND SOCIAL SERVICES NETWORK, IN PARTICULAR FOR USERS RECEIVING SERVICES FROM PRIVATE INSTITUTIONS**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT TO MODIFY THE ORGANIZATION AND GOVERNANCE OF THE  
HEALTH AND SOCIAL SERVICES NETWORK, IN PARTICULAR BY  
ABOLISHING THE REGIONAL AGENCIES

**1.** The Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2) is amended by inserting the following sections before section 51:

**“50.1.** For the purposes of section 29 of the Act respecting health services and social services (chapter S-4.2), only a public institution is required to establish a procedure to examine the complaints referred to in Divisions I and II of Chapter III of Title II of Part I of the Act. In the case of an integrated health and social services centre, the procedure applies to complaints from users of the integrated centre and to those from users of private institutions governed by the Act, with respect to the private institution facilities located in the integrated centre’s territory.

The local service quality and complaints commissioner appointed by the board of directors of an integrated centre or, as the case may be, any medical examiner designated by the board is responsible for examining the complaints from users of private institutions to which the procedure applies. The local commissioner of an integrated centre is also responsible for the handling of reports of maltreatment made within the scope of the anti-maltreatment policy adopted by private institutions under the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (chapter L-6.3), with respect to the private institution facilities located in the integrated centre’s territory.

A private institution must inform every user that he or she is entitled to file a complaint under the complaint examination procedure of the integrated centre concerned. In all of its facilities, the private institution must also post in public view a document explaining who is entitled to file a complaint under the procedure, including the heirs and legal representatives of a deceased user, and describing the terms governing the exercise of such right. The contact information of the competent local commissioner must be mentioned in the document.

**“50.2.** Divisions I and II of Chapter III of Title II of Part I of the Act apply to the exercise of the functions of the local service quality and complaints commissioner and of any medical examiner, with respect to private institutions.

For the purposes of the third paragraph of section 30.1, subparagraphs 1, 2 and 5 to 8 of the second paragraph of section 33, sections 34, 36, 37, 39, 46, 48 and 50, subparagraph 3 of the second paragraph of section 52 and sections 56 to 59 of the Act, a reference to an institution, its board of directors or its council of physicians, dentists and pharmacists is also a reference to a private institution, its board of directors or its council of physicians, dentists and pharmacists.

In addition, for the purposes of subparagraph 9 of the second paragraph of section 33 and sections 50 and 57 of the Act, the information required to be included in the local commissioner’s summary of activities, the medical examiner’s report and the review committee’s report must be presented in such a manner that the information concerning the integrated health and social services centre may be distinguished from that concerning the private institution facilities located in the integrated centre’s territory.

**“50.3.** For the purposes of section 30.1 of the Act, a reference to an assistant executive director is also a reference to an assistant president and executive director.”

**2.** Section 51 of the Act is amended by replacing “the Act respecting health services and social services (chapter S-4.2)” in the first paragraph by “the Act”.

**3.** Section 53 of the Act is replaced by the following section:

**“53.** The board of directors of a public institution is required to send the reports referred to in sections 76.10 and 76.13 of the Act to the Minister.

The information required to be included in the report referred to in section 76.10 of the Act must be presented in such a manner that the information concerning the integrated health and social services centre may be distinguished from that concerning the private institution facilities located in the integrated centre’s territory. When sending the report to the Minister, the integrated centre also sends it to any private institution concerned.

The Minister tables in the National Assembly the report submitted by any public institution under section 76.10 of the Act within 30 days of receiving it or, if the Assembly is not sitting, within 30 days of the opening of the next session or resumption.”

**4.** The Act is amended by inserting the following sections after section 53:

**“53.1.** Sections 181.0.3 and 182 of the Act apply taking into account sections 50.1 and 50.2 of this Act.



**“53.2.** The local service quality and complaints commissioner referred to in the second paragraph of section 182.0.1 of the Act is the local commissioner of the integrated health and social services centre of the territory in which the private institution’s head office is located.

In addition, despite the second paragraph of that section, the president and executive director of such an integrated centre chooses a member of its personnel to be part of the private institution’s watchdog committee.”

**5.** The Act is amended by inserting the following section after section 151:

**“151.1.** The Minister provides public institutions with the information asset that they must use to establish a register of their activities related to the application of the complaint examination process and the handling of reports of maltreatment.

The local service quality and complaints commissioner, the medical examiner and the review committee established under section 51 of the Act respecting health services and social services (chapter S-4.2) must enter in the asset the information prescribed by regulation of the Minister.

The Minister assumes the operations management of the asset and puts in place the measures necessary to ensure the confidentiality and security of the information contained in it.

The Minister may, in particular to assess and evaluate the effectiveness and quality of the institutions’ application of the complaint examination process and handling of reports of maltreatment, retrieve from the asset information other than information that concerns a person and allows that person to be identified.”

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

**6.** Section 3 of the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (chapter L-6.3) is amended by adding the following paragraph at the end:

“If the institution is a private institution, a complaint or a report concerning a case of maltreatment must be filed with the competent local service quality and complaints commissioner of the integrated health and social services centre, in accordance with section 50.1 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2). In such a case, the measures referred to in subparagraph 6 and the follow-up requirements referred to in subparagraph 8 of the fourth paragraph of this section are those stated in the integrated centre’s policy.”

**7.** Section 14 of the Act is amended

(1) by replacing “in the activities summary the commissioner submits to the institution” by “in the summary of the commissioner’s activities”;

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

“In the case of a local commissioner of an integrated health and social services centre, the information included in the summary of the commissioner’s activities must be presented in such a manner that the information concerning the integrated centre may be distinguished from that concerning the private institution facilities located in the integrated centre’s territory.”

**8.** Section 21 of the Act is amended by replacing “local service quality and complaints commissioner of the institution where the person receives services, if applicable,” in the second paragraph by “competent local service quality and complaints commissioner if the person receives services from an institution”.

ACT RESPECTING THE MINISTÈRE DE LA SANTÉ ET DES  
SERVICES SOCIAUX

**9.** The Act respecting the Ministère de la Santé et des Services sociaux (chapter M-19.2) is amended by inserting the following section after section 5.4:

**“5.5.** The Minister shall designate, within the department, a person acting as advisory commissioner who is responsible for seeing to the adequate and optimal application of the provisions relating to the complaint examination process that are provided for in the Act respecting health services and social services (chapter S-4.2) and the handling of reports of maltreatment made within the scope of the anti-maltreatment policy adopted under the Act to combat maltreatment of seniors and other persons of full age in vulnerable situations (chapter L-6.3).

For that purpose, the designated person shall foster concerted action between local service quality and complaints commissioners and medical examiners governed by the Act respecting health services and social services as well as the sharing of good practices applicable in the exercise of their functions. The designated person shall also see to it that local commissioners and medical examiners receive training relevant to the exercise of their functions.

In addition, the designated person shall provide support to any local commissioner or medical examiner who requires it, with due regard to their respective functions and the confidentiality of the records. The designated person may thus give them an opinion on the means to be favoured and the solutions to be considered in dealing with a problem related to the exercise of their functions.

The designated person may recommend to the Minister any measure that may improve the application of the provisions referred to in the first paragraph and enhance the exercise of the local commissioners' and medical examiners' functions."

## ACT RESPECTING HEALTH SERVICES AND SOCIAL SERVICES

**10.** The Act respecting health services and social services (chapter S-4.2) is amended by inserting the following section after section 30:

**"30.1.** Only a person who qualifies as an independent person in the opinion of the board of directors may be appointed as a local service quality and complaints commissioner or as an assistant local service quality and complaints commissioner.

A person qualifies as independent if the person has no direct or indirect relation or interest, in particular of a financial, commercial, professional or philanthropic nature, likely to interfere with the exercise of the person's functions as regards the interests of users.

A person is deemed not to be independent if that person

(1) has an immediate family member who is the executive director or an assistant executive director of an institution and would, as a local commissioner or as an assistant local commissioner, be responsible for examining the complaints from users of the institution; or

(2) provides goods or services for valuable consideration to an institution and would, as a local commissioner or as an assistant local commissioner, be responsible for examining the complaints from users of the institution.

Local commissioners and assistant local commissioners must remain independent throughout their mandate.

For the purposes of this section, "immediate family member" means a person's spouse or child, the spouse's child, the person's mother or father, the spouse of the person's mother or father, or the spouse of the person's child or of the person's spouse's child."

**11.** Section 33 of the Act is amended by inserting "as well as to the Minister if the local commissioner considers it necessary," after "concerned," in subparagraph 7 of the second paragraph.

**12.** Section 66 of the Act is amended by inserting "as well as to the Minister if the regional commissioner considers it necessary," after "concerned," in subparagraph 7 of the second paragraph.

**13.** Section 182.0.1 of the Act is amended by replacing "of at least four members" in the second paragraph by "of at least five members".

## TRANSITIONAL AND FINAL PROVISIONS

**14.** Complaints or reports of maltreatment received by the local service quality and complaints commissioner of a private institution, the examination or handling of which is not completed by the date of coming into force of section 1, continue to be examined or handled by the competent local commissioner of the integrated health and social services centre, in accordance with section 50.1 of the Act to modify the organization and governance of the health and social services network, in particular by abolishing the regional agencies (chapter O-7.2), enacted by section 1.

In addition, complaints referred to a medical examiner of a private institution, the examination of which is not completed by that date, continue to be examined by a competent medical examiner of the integrated centre.

For the purposes of this section, the 45-day period provided for in subparagraph 6 of the second paragraph of section 33 and the fourth paragraph of section 47 of the Act respecting health services and social services (chapter S-4.2) begins to run again from the date on which the integrated centre's competent local commissioner or competent medical examiner receives a record referred to him or her in accordance with section 15.

**15.** The records and other documents held by the local service quality and complaints commissioner and any medical examiner of a private institution on the date of coming into force of section 1 are referred, respectively, to the competent local commissioner and a competent medical examiner of the integrated health and social services centre.

**16.** In a manner consistent with the applicable rules concerning the confidentiality of complaint records, the integrated health and social services centre's competent local service quality and complaints commissioner or competent medical examiner must, as soon as possible, inform the person who filed a complaint of the date on which the complaint record was received. The competent local commissioner or the competent medical examiner must also inform the person of the new time limit for examining the complaint that applies under the third paragraph of section 14.

**17.** The agreements referred to in the third paragraph of section 31 of the Act respecting health services and social services and entered into by a private institution cease to have effect on the date of coming into force of section 1.

**18.** No later than six months after the date of coming into force of section 1, the board of directors of a private institution or, in the case of an unincorporated private institution, the holder of such an institution's operating permit must send the integrated health and social services centre of any territory in which one of the institution's facilities is located a final report on the application of the complaint examination procedure, on user satisfaction and on the enforcement of user rights. The report sent to an integrated centre must concern only the

facilities located in its territory. The report must cover the period between the last day of the period covered by the board's last report to the same effect and the date of coming into force of section 1.

**19.** The Minister must, not later than the date that is four years after the date of coming into force of section 1, report to the Government on the implementation of this Act.

The report is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

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



## Regulations and other Acts

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Gouvernement du Québec

### **O.C. 201-2021, 3 March 2021**

Code of Civil Procedure  
(chapter C-25.01)

Code of Penal Procedure  
(chapter C-25.1)

An Act respecting Access to documents held by public bodies and the Protection of personal information  
(chapter A-2.1)

Police Act  
(chapter P-13.1)

An Act respecting the protection of personal information in the private sector  
(chapter P-39.1)

An Act respecting the Administrative Housing Tribunal  
(chapter T-15.01)

Courts of Justice Act  
(chapter T-16)

Criminal Code  
(R.S.C. 1985, c. C-46)

Youth Criminal Justice Act  
(S.C. 2002, c. 1)

### **Court of Québec —Amendment**

Regulation to amend the Regulation of the Court of Québec

WHEREAS, under article 63 of the Code of Civil Procedure (chapter C-25.01), article 368 of the Code of Penal Procedure (chapter C-25.1), section 153 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), section 255 of the Police Act (chapter P-13.1), section 68 of the Act respecting the protection of personal information in the private sector (chapter P-39.1), section 107 of the Act respecting the Administrative Housing Tribunal (chapter T-15.01), section 146 of the

Courts of Justice Act (chapter T-16), sections 482 and 482.1 of the Criminal Code (R.S.C. 1985, c. C-46) and section 17 of the Youth Criminal Justice Act (S.C. 2002, c. 1), the Court of Québec may adopt the regulations judged necessary for the exercise of its jurisdiction;

WHEREAS the Regulation to amend the Regulation of the Court of Québec was adopted, in French and in English, by a majority of the judges;

WHEREAS, in accordance with article 64 of the Code of Civil Procedure, the draft Regulation to amend the Regulation of the Court of Québec was published by the chief judge of the Court of Québec in Part 2 of the *Gazette officielle du Québec* on September 2, 2020 with a notice that it could be submitted to the Government for approval, for the provisions concerning the Youth Criminal Justice Act, on the expiry of 45 days following that publication;

WHEREAS, under subsection 1 of section 17 of the Youth Criminal Justice Act, the youth justice court for a province may, subject to the approval of the lieutenant governor in council of the province, establish rules of court not inconsistent with that Act or any other Act of Parliament or with any regulations made under section 155 of that Act regulating proceedings within the jurisdiction of the youth justice court;

WHEREAS, under subsection 3 of section 17 of that Act, rules of court that are made under the authority of that section are to be published in the appropriate provincial gazette;

WHEREAS it is expedient to approve the provisions of the Regulation to amend the Regulation of the Court of Québec concerning the Youth Criminal Justice Act, which Regulation is attached to this Order in Council;

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

THAT the provisions of the Regulation to amend the Regulation of the Court of Québec concerning the Youth Criminal Justice Act (S.C. 2002, c. 1), which Regulation is attached to this Order in Council, be approved.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

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## Regulation to amend the Regulation of the court of Québec

Code of Civil Procedure  
(chapter C-25.01, art. 63)

Code of Penal Procedure  
(chapter C-25.1, art. 368)

An Act respecting Access to documents held by public bodies and the Protection of personal information  
(chapter A-2.1, s. 153)

Police Act  
(chapter P-13.1, s. 255)

An Act respecting the protection of personal information in the private sector  
(chapter P-39.1, s. 68)

An Act respecting the Administrative Housing Tribunal  
(chapter T-15.01, s. 107)

Courts of Justice Act  
(chapter T-16, s. 146)

Criminal Code  
(R.S.C. 1985, c. C-46, ss. 482 and 482.1)

Youth Criminal Justice Act  
(S.C. 2002, c. 1, s. 17)

**1.** The Regulation of the Court of Québec (chapter C-25.01, r. 9) is amended in section 14 by replacing “and to testify” by “or to testify”.

**2.** Section 16 is amended in the French text by replacing “versés” in the first paragraph by “déposés”.

**3.** Section 17 is amended by adding the following after the first paragraph:

“Documents in a sealed envelope are filed in a 22.9 x 30.5 cm (9 x 12 in) or 24.1 x 37.5 cm (9½ x 14¾ in) envelope on the back of which the following information must appear, in block letters:

- (1) the record number;
- (2) the date of filing;
- (3) the identity of the filer and the party represented, if applicable;

- (4) the exhibit number and the nature of the document filed.

The filing of a document that does not satisfy this section is refused.”

### **4.** Section 18 is amended

- (1) by inserting “or underlining” in the first paragraph after “dotted line”;

- (2) in the French text by replacing “versé” in the second paragraph by “déposé”.

### **5.** Section 19 is amended

- (1) by replacing “produced” in the first paragraph by “filed” and “using technology-based media” at the end by “as a technology-based document”;

- (2) by striking out “filed” at the end of the second paragraph.

**6.** Section 25 is amended by replacing “record of the Court of Québec” in the third paragraph by “court record”.

**7.** Section 27 is amended in the French text by replacing “paraît” in the second paragraph by “paraît”.

### **8.** Section 28 is amended

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

“A party foreseeing that it will not be able to proceed on the date set by the court or applying to have a subpoena or summons cancelled must immediately notify the opposing party and make an application for that purpose to the coordinating judge, associate coordinating judge or a judge designated by either of them.”

- (2) by striking out “, excepting Saturdays,” in the fourth paragraph;

- (3) by replacing “, ensuring that the best interests of justice are served” at the end of the fifth paragraph by “in the best interests of justice”.

### **9.** Section 35 is amended

- (1) in the French text of the first paragraph by inserting “recueilli” after “Tout témoignage” and “en” after “manière à»;

- (2) by replacing “filed” in the third paragraph by “presented”.



**10.** Section 36 is replaced by the following:

**“36. Transcript or copy of sound recording.** When a transcript of evidence is ordered by the judge, the clerk must provide the judge with the transcript within 30 days unless the judge decides otherwise.

Unless otherwise provided or otherwise ordered by a judge, any person may obtain a copy of the sound recording of the trial from the clerk on payment of the fees under the Tariff of fees for the recording and transcription of depositions of witnesses (chapter S-33, r. 1).

Every transcript of an oral judgment must be delivered to the judge who rendered the judgment to allow the judge to verify its accuracy before the transcript is given to the party requesting it. The verified transcript is also filed in the court record.

In youth protection and adoption matters, except if an appeal has been filed, the sound recording of the trial cannot be copied or transcribed without authorization from the court, which sets the conditions for access and disclosure. In such matters, the clerk stores the transcript of the hearing separately from the record.

In youth criminal justice matters, the original transcript of the hearing must be filed in the record.”.

**11.** Subparagraph k of paragraph 5 of section 37 is revoked.**12.** Section 38 is amended by replacing “for case law, the reference and summary of the decision or order” in the second paragraph by “for a judicial decision, its reference and summary”.**13.** Section 39 is amended by replacing “chief judge” by “Court of Québec”.**14.** Section 42 is amended in the French text by replacing “à son” by “au”.**15.** Section 43 is amended by replacing “filed with” in the second paragraph by “accompanied by”.**16.** Section 50 is amended in the French text by replacing “par” after “l’instruction, l’interrogatoire” by “sur”.**17.** Section 55 is amended in the French text by replacing “versée” by “déposée”.**18.** Section 59 is amended by replacing “60 days” by “3 months”.**19.** Section 61 is amended by replacing the third paragraph by the following:

“A copy of the brief must be a paper version and as a technology-based document, if available. In both cases, the copy must be sent to the associate coordinating judge responsible for the Administrative and Appeal Division. The copy of the technology-based document must be sent to the judge in Word format and in PDF format to the other parties.”.

**20.** Section 62 is amended

(1) by inserting “or memorandum” after “brief” wherever that term appears;

(2) by striking out “before the time limit expires” at the end of the first paragraph;

(3) by replacing “the clerk of the Court of Québec notes the failure and issues a certificate of lapse of appeal” at the end of the second paragraph by “the appeal may be refused on request to the associate coordinating judge responsible for the Administrative and Appeal Division.

**21.** Section 64 is amended by inserting “on them” after “comment”.**22.** Section 67 is amended

(1) in the French text by striking out “Les” at the beginning;

(2) by striking out “(article 352 of the Code of Civil Procedure (chapter C-25.01))” and “(article 357 of the said Code) in paragraph a;

(3) by inserting “excerpts of” at the end after “exhibits and”;

(4) by replacing “all and only those exhibits and depositions necessary” at the end by “all the exhibits and depositions relevant”;

(5) by striking out “(article 372, first paragraph, of the Code of Civil Procedure)” at the end.

**23.** Section 68 is amended in the first paragraph

(1) by replacing “Schedule III may be produced” by “When Schedule III is filed”;

(2) by striking out “in which case”;

(3) by replacing “produced” by “reproduced”.

**24.** Section 69 is amended by striking out “(article 99, third paragraph, Code of Civil Procedure (chapter C-25.01))” in the portion before paragraph 1.

**25.** Section 70 is amended in the French text by replacing “L’appel” in the first paragraph by “Appel”.

**26.** Section 71 is amended in the first paragraph

(1) by replacing “The following rules apply to the format of a brief” in the portion before subparagraph 1 by “The brief must be presented as follows”;

(2) in the French text by replacing “**Les volumes**” at the beginning of subparagraph 9 by “**Volumes**”;

(3) in the French text by replacing “**Les pièces**” at the beginning of subparagraph 10 by “**Pièces**”;

(4) in the French text by replacing “**Les dépositions**” at the beginning of subparagraph 11 by “**Dépositions**”.

**27.** Section 72 is replaced by the following:

“**72. Copies and notification.** A copy of each brief is filed at the court office in duplicate in paper form and in one copy as a technology-based document, if available.

The parties are notified by delivery to each party of one copy in paper form or as a technology-based document. Proof of notification within the time limit must be filed at the court office within 2 working days.”.

**28.** Section 76 is amended

(1) by replacing “Five” by “Two”;

(2) by striking out “(articles 370 and 374 of the Code of Civil Procedure (chapter C-25.01))” at the end.

**29.** Section 78 is amended in the French text by replacing “instruction” wherever that term appears by “audience”.

**30.** Section 81 is amended by replacing “court clerk” by “clerk of the Court of Québec”.

**31.** Section 82 is amended by striking out “to the Court of Québec” at the end.

**32.** Section 89 is amended by replacing “court office” by “office of the Court of Québec”.

**33.** The Regulation is amended by replacing “rules of practice” in the heading of subdivision 1 before section 94 and wherever that expression appears in sections 94, 97 and 113 to 117 by “directives”.

**34.** The Regulation is amended by replacing “motion” in the heading of subdivision 4 before section 103 and wherever that term appears in sections 94, 103 to 106, 109 and 117 by “application”, with the necessary modifications.

**35.** Section 98 is amended by inserting “; the date on which the information was sworn to;” after “number of charges”.

**36.** Section 104 is amended

(1) by inserting “before the date set for the hearing” after “days” in the first paragraph;

(2) by replacing “must be served within at least 30 days” at the end of the second paragraph by “must be preceded by a notice of presentation of at least 30 days before the date set for the hearing”.

**37.** Section 119 is amended by adding the following after the first paragraph:

“This section does not apply to an application referred to in the second paragraph of section 104 of this Regulation.”.

**38.** The Regulation is amended by inserting the following before Division I of Chapter V:

#### “**DIVISION 0.1** **FOR ALL MATTERS HEARD BY THE YOUTH** **DIVISION**

##### *§1. Rolls and hearings*

**119.1. Access to rolls.** The lawyers for the parties may consult the rolls on the hearing day in the courtroom or at the court office. The coordinating judge may arrange a different time to meet the needs of a judicial district.

**119.2. Separate rolls.** Separate rolls for hearings in matters of youth protection, adoption and criminal and penal matters are drawn up by the clerk. The roll for each courtroom is kept by the clerk at the court office.”.

**39.** Section 126 is replaced by the following:

“**126. Establishment of a child’s identity, date of birth and filiation.** A child’s identity, date of birth and filiation must be established not later than at the beginning of the hearing on the merits of an application for protection or any other time authorized by the judge. The information is established by a birth certificate or copy of an act of birth issued in the year in which it is filed or

at any other time authorized by the judge. A copy or a transfer may be substituted once its conformity has been verified by the judge.

If the certificate of birth or the copy of the act of birth is written in a language other than French or English, it must be translated when filed.

If one or both of the parents are deceased, the filing of a photocopy of the death certificate suffices.”.

**40.** Section 130 is amended

(1) by replacing “the study of the child’s social situation by the director of youth protection, including recommendations” in the second paragraph by “the body of psychosocial analyses produced by a party, including the study of the child’s social situation by the director of youth protection and the director’s recommendations”;

(2) by replacing “Arial 12 point typeface” at the end of the third paragraph by “on a letter- format sheet measuring 21.5 x 28 cm (8 1/2 x 11 inches) using Arial 12 point typeface”.

**41.** Section 131 is amended

(1) by striking out “filed”;

(2) by adding “and underlining or a line in the margin” at the end.

**42.** Section 132 is amended by replacing “Every report filed under article 292 of the Code of Civil Procedure (chapter C-25.01)” by “Every written statement by a witness”.

**43.** The heading of subdivision 3 is amended by replacing “Rolls and hearings” by “Adjournments”.

**44.** Section 137 is revoked.

**45.** Section 148 is amended by replacing “137” by “138”.

**46.** Section 149 is replaced by the following:

**“149. Establishment of a child’s identity, date of birth and filiation.** A child’s identity, date of birth and filiation must be established not later than at the beginning of the hearing on the merits of an application for protection or any other time authorized by the judge. The information is established by a birth certificate or copy

of an act of birth issued in the year in which it is filed or at any other time authorized by the judge. A copy or a transfer may be substituted once its conformity has been verified by the judge.

If the certificate of birth or the copy of the act of birth is written in a language other than French or English, it must be translated when filed.”.

**47.** The following is added after section 156:

**“156.1. Consultation of record.** A person entitled by law may, after the clerk has verified the person’s entitlement and identity, consult a record or obtain a copy of all or part of the record. The record may be consulted only in the presence of the clerk or a person designated by the clerk.

The clerk enters in the record the name and title of the person consulting the record and the nature and identification of the exhibits consulted or provided.”.

**48.** Subdivision 3 before section 159 is revoked.

**49.** Section 160 is amended by replacing “section 59 or 94” in the second paragraph by “sections 30(4), 52, 59, 94, 95, 98, 103, 104 and 109”.

**50.** Section 161 is amended by adding the following after the first paragraph:

“Any application under the Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, Schedule B to the Canada Act 1982 (U.K.), (1982, c. 11) must be preceded by a notice of presentation of at least 30 days before the date set for the hearing.”.

**51.** Section 162 is amended by replacing “, except if the judge is absent or unable to act” at the end by “if the judge is available within a reasonable time”.

**52.** Section 163 is amended in the first paragraph

(1) by striking out “custodial” at the beginning;

(2) by inserting “59, “ after “section”.

**53.** Section 167 is amended in the French text by replacing “allégués” by “allégations”.

**54.** Schedule I is replaced by the following:**“SCHEDULE I**  
(Section 6)**INDEXES AND REGISTERS**

(1) The indexes and registers referred to in the second paragraph of section 6 of this Regulation must contain the following information and documents:

(I) For the Youth Division, in civil matters:

**(A) In matters of protection:****(1) an alphabetical index containing:**

- (a) the record number;
  - (b) the name and given name of the child and of the other parties;
  - (c) the date of birth and sex of the child.
- (2) a court register containing:
- (a) the record number and the date it was opened;
  - (b) the name and given name of the child and of the other parties;
  - (c) the date of birth and sex of the child;
  - (d) the address of the residence or domicile of the child and of the other parties;
  - (e) the names, given names and addresses of the lawyers for the parties;
  - (f) a reference to the relevant section of a statute and the nature of the case;
  - (g) the nature and date of each of the pleadings in the record;
  - (h) the date of each court sitting;
  - (i) the date on which the record is completed and the date on which it is sent to the judge for advisement;
  - (j) the date of each judgment and a summary of the judgment;
  - (k) the date of filing of the notice of appeal;

(l) the record number of the court sitting in appeal or for judicial review and the date on which the record was transmitted to the office of that court;

(m) the date on which the record was returned to the court office.

(3) a register of consultation of the records relating to the Youth Protection Act (chapter P-34.1) indicating, for each consultation:

- (a) the record number and the date it was consulted;
  - (b) the name, given name and capacity of each person consulting the record;
  - (c) the signature of each person consulting the record;
  - (d) the name and given name of the person in whose presence the record was consulted.
- (4) the information required under subparagraphs 1 and 2 must be inscribed on the cover of the record consulted.

**(B) In matters of adoption:**

(1) an alphabetical index under the original name and a second alphabetical index under the proposed given name and name of the person who is the subject of a proceeding, containing:

- (a) the number of the record(s);
  - (b) the proposed given name and name of the person, where applicable;
  - (c) the original given name and name of the person, if they differ from the proposed names;
  - (d) the person's date of birth and sex;
- (2) a court register containing:
- (a) the record number and the date it was opened;
  - (b) the person's original given name and surname, sex, date of birth, and address of residence or domicile;
  - (c) the proposed given name and name of the person, if they differ from the original names; if the person is a minor, the name of the director of youth protection;
  - (d) if they are known, the given names and surnames of the minor's parents, tutor, guardian or spouse;

(e) the names, given names and addresses of the parents;

(f) the names, given names and addresses of the parties' lawyers;

(g) a reference to the relevant section of a statute and the nature of the matter;

(h) the nature of each of the pleadings and the date they were filed in the record;

(i) the date of each court sitting;

(j) the date on which the record is completed and the date it is sent to the judge for advisement;

(k) the date of each judgment and a summary thereof;

(l) the date of the filing of the notice of a proceeding in appeal with the office of the court, the number of the record of the Court sitting in appeal, where available, and the date on which the record was transmitted to the office of that court;

(m) the date on which the record was returned to the office of the court;

(n) the date on which a party retrieves the original of an exhibit that the party filed in the record.

(3) a register of judgments containing:

(a) the original of all judgments rendered in matters of adoption, filed in the same numerical order as the records, with a certified copy of each judgment being added to the record.

## **(II) For the Youth Division, in criminal or penal matters:**

(1) an alphabetical index containing:

(a) the record number;

(b) the young person's name, given name, date of birth and sex;

(c) the names and given names of the young person's parents, tutor, guardian or spouse, where applicable.

(2) a court register containing:

(a) the record number and the date it was opened;

(b) the name and given name of the young person;

(c) the young person's date of birth and sex;

(d) the name and given name of the young person's lawyer;

(e) the names and given names of the young person's parents, tutor, guardian or spouse, where applicable;

(f) the address of the residence or domicile of the defendant and that of the defendant's parents, tutor, guardian or spouse, if different;

(g) the name of the plaintiff or the informant, where applicable;

(h) a reference to the section of the statute under which the offence is alleged to have been committed by the young person;

(i) the date and stage of each hearing of the court;

(j) the date of the judgment and of the decision, where applicable;

(k) the date of the filing of the notice of appeal;

(l) the number of the record of the court sitting in appeal or judicial review under the Code of Civil Procedure (chapter C-25.01) and the date on which the record was transmitted to the office of that court;

(m) the date on which the record was returned to the office of the court.”

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

104926

## **M.O., 2021**

### **Order number 2021-006 of the Minister of Forests, Wildlife and Parks dated 2 March 2021**

CONCERNING the establishment of wildlife sanctuaries

THE MINISTER OF FORESTS, WILDLIFE AND PARKS,

CONSIDERING the establishment of the Ashuapmushuan Wildlife Sanctuary under the Regulation respecting the Ashuapmushuan Wildlife Sanctuary (chapter C-61.1, r. 54);

CONSIDERING the establishment of the Assinica Wildlife Sanctuary under the Regulation respecting the Assinica Wildlife Sanctuary (chapter C-61.1, r. 55);



CONSIDERING the establishment of the Chic-Chocs Wildlife Sanctuary under the Regulation respecting the Chic-Chocs Wildlife Sanctuary (chapter C-61.1, r. 56);

CONSIDERING the establishment of the Duchénier Wildlife Sanctuary under the Ministerial Order respecting the Duchénier Wildlife Sanctuary (chapter C-61.1, r. 57);

CONSIDERING the establishment of the Dunière Wildlife Sanctuary under the Ministerial Order respecting the Dunière Wildlife Sanctuary (chapter C-61.1, r. 58);

CONSIDERING the establishment of the Albanel-Mistassini-and-Waconichi-Lakes Wildlife Sanctuary under the Regulation respecting the Albanel-Mistassini-and-Waconichi-Lakes Wildlife Sanctuary (chapter C-61.1, r. 59);

CONSIDERING the establishment of the réserve faunique des Laurentides under the Règlement sur la réserve faunique des Laurentides (chapter C-61.1, r. 60.1);

CONSIDERING the establishment of the La Vérendrye Wildlife Sanctuary under the Regulation respecting the La Vérendrye Wildlife Sanctuary (chapter C-61.1, r. 61);

CONSIDERING the establishment of the Mastigouche Wildlife Sanctuary under the Ministerial Order respecting the Mastigouche Wildlife Sanctuary (chapter C-61.1, r. 62);

CONSIDERING the establishment of the Matane Wildlife Sanctuary under the Regulation respecting the Matane Wildlife Sanctuary (chapter C-61.1, r. 63);

CONSIDERING the establishment of the réserve faunique de Papineau-Labelle under the Arrêté ministériel concernant la réserve faunique de Papineau-Labelle (chapter C-61.1, r. 64.1);

CONSIDERING the establishment of the Port-Cartier–Sept-Îles Wildlife Sanctuary under the Ministerial Order respecting the Port-Cartier–Sept-Îles Wildlife Sanctuary (chapter C-61.1, r. 65);

CONSIDERING the establishment of the Port-Daniel Wildlife Sanctuary under the Ministerial Order respecting the Port-Daniel Wildlife Sanctuary (chapter C-61.1, r. 66);

CONSIDERING the establishment of the Portneuf Wildlife Sanctuary under the Regulation respecting the Portneuf Wildlife Sanctuary (chapter C-61.1, r. 67);

CONSIDERING the establishment of the Rimouski Wildlife Sanctuary under the Ministerial Order respecting the Rimouski Wildlife Sanctuary (chapter C-61.1, r. 68.1);

CONSIDERING the establishment of the Rivière-Cascapédia Wildlife Sanctuary under the Regulation respecting the Rivière-Cascapédia Wildlife Sanctuary (chapter C-61.1, r. 69);

CONSIDERING the establishment of the Rivière-Sainte-Anne Wildlife Sanctuary under the Ministerial Order respecting the Rivière-Sainte-Anne Wildlife Sanctuary (chapter C-61.1, r. 70);

CONSIDERING the establishment of the Rivière-Saint-Jean Wildlife Sanctuary under the Regulation respecting the wildlife sanctuary of Rivière-Saint-Jean (chapter C-61.1, r. 71);

CONSIDERING the establishment of the Rivières-Matapédia-et-Patapédia Wildlife Sanctuary under the Ministerial Order respecting the Rivières-Matapédia-et-Patapédia Wildlife Sanctuary (chapter C-61.1, r. 71.1);

CONSIDERING the establishment of the Rouge-Matawin Wildlife Sanctuary under the Ministerial Order respecting the Rouge-Matawin Wildlife Sanctuary (chapter C-61.1, r. 72);

CONSIDERING the establishment of the Saint-Maurice Wildlife Sanctuary under the Regulation respecting the Saint-Maurice Wildlife Sanctuary (chapter C-61.1, r. 73);

CONSIDERING the first paragraph of section 111 of the Act respecting the conservation and development of wildlife (chapter C-61.1), which provides that the Minister may establish wildlife sanctuaries on lands in the domain of the State and dedicate them to the conservation, development and utilization of wildlife and to the carrying on of recreational activities incidental thereto;

CONSIDERING section 191.1 of the Act, which provides that regulations made by the Government under section 111 of the Act before 1 January 1987 continue to be in force until they are replaced, amended or repealed by an order of the Government;

CONSIDERING the Plan stratégique of the Ministère des Forêts, de la Faune et des Parcs for the 2019-2023 period, which provides for the review of the regulations under the Act by acting, in particular, on the number of regulations;

CONSIDERING the Politique gouvernementale sur l'allègement réglementaire et administratif – Pour une réglementation intelligente (décret 1166-2017), providing that the Government must reduce to a minimum the needless differences and duplications, and that the rules must be reviewed regularly and, as much as possible, be abolished if the needs for which they were made no longer exist;

## ORDERS AS FOLLOWS:

The territory, the plan of which appears in Schedule 1 to this Order, be established as a wildlife sanctuary under the name of Ashuapmushuan Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 2 to this Order, be established as a wildlife sanctuary under the name of Assinica Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 3 to this Order, be established as a wildlife sanctuary under the name of Chic-Chocs Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 4 to this Order, be established as a wildlife sanctuary under the name of Duchénier Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 5 to this Order, be established as a wildlife sanctuary under the name of Dunière Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 6 to this Order, be established as a wildlife sanctuary under the name of Albanel-Mistassini-and-Waconichi-Lakes Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 7 to this Order, be established as a wildlife sanctuary under the name of réserve faunique des Laurentides;

The territory, the plan of which appears in Schedule 8 to this Order, be established as a wildlife sanctuary under the name of La Vérendrye Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 9 to this Order, be established as a wildlife sanctuary under the name of Mastigouche Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 10 to this Order, be established as a wildlife sanctuary under the name of Matane Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 11 to this Order, be established as a wildlife sanctuary under the name of réserve faunique de Papineau-Labelle;

The territory, the plan of which appears in Schedule 12 to this Order, be established as a wildlife sanctuary under the name of Port-Cartier–Sept-Îles Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 13 to this Order, be established as a wildlife sanctuary under the name of Port-Daniel Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 14 to this Order, be established as a wildlife sanctuary under the name of Portneuf Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 15 to this Order, be established as a wildlife sanctuary under the name of Rimouski Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 16 to this Order, be established as a wildlife sanctuary under the name of Rivière-Cascapédia Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 17 to this Order, be established as a wildlife sanctuary under the name of Rivière-Sainte-Anne Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 18 to this Order, be established as a wildlife sanctuary under the name of Rivière-Saint-Jean Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 19 to this Order, be established as a wildlife sanctuary under the name of Rivières-Matapédia-et-Patapédia Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 20 to this Order, be established as a wildlife sanctuary under the name of Rouge-Matawin Wildlife Sanctuary;

The territory, the plan of which appears in Schedule 21 to this Order, be established as a wildlife sanctuary under the name of Saint-Maurice Wildlife Sanctuary;

This Order replaces the Regulation respecting the Ashuapmushuan Wildlife Sanctuary (chapter C-61.1, r. 54), the Regulation respecting the Assinica Wildlife Sanctuary (chapter C-61.1, r. 55), the Regulation respecting the Chic-Chocs Wildlife Sanctuary (chapter C-61.1, r. 56), the Ministerial Order respecting the Duchénier Wildlife Sanctuary (chapter C-61.1, r. 57), the Ministerial Order respecting the Dunière Wildlife Sanctuary (chapter C-61.1, r. 58), the Regulation respecting the Albanel-Mistassini-and-Waconichi-Lakes Wildlife Sanctuary (chapter C-61.1, r. 59), the Règlement sur la réserve faunique des Laurentides (chapter C-61.1, r. 60.1), the Regulation respecting the La Vérendrye Wildlife Sanctuary (chapter C-61.1, r. 61), the Ministerial Order respecting the Mastigouche Wildlife Sanctuary (chapter C-61.1, r. 62), the Regulation respecting the Matane Wildlife Sanctuary (chapter C-61.1, r. 63), the Arrêté ministériel concernant la réserve faunique de Papineau-Labelle (C-61.1, r. 64.1), the Ministerial Order respecting the Port-Cartier–Sept-Îles Wildlife Sanctuary (chapter C-61.1, r. 65), the Ministerial Order respecting

the Port-Daniel Wildlife Sanctuary (chapter C-61.1, r. 66), the Regulation respecting the Portneuf Wildlife Sanctuary (chapter C-61.1, r. 67), the Ministerial Order respecting the Rimouski Wildlife Sanctuary (chapter C-61.1, r. 68.1), the Regulation respecting the Rivière-Cascapédia Wildlife Sanctuary (chapter C-61.1, r. 69), the Ministerial Order respecting the Rivière-Sainte-Anne Wildlife Sanctuary (chapter C-61.1, r. 70), the Regulation respecting the wildlife sanctuary of Rivière-Saint-Jean (chapter C-61.1, r. 71), the Ministerial Order respecting the Rivières-Matapédia-et-Patapédia Wildlife Sanctuary (chapter C-61.1, r. 71.1), the Ministerial Order respecting the Rouge-Matawin Wildlife Sanctuary (chapter C-61.1, r. 72) and the Regulation respecting the Saint-Maurice Wildlife Sanctuary (chapter C-61.1, r. 73);

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

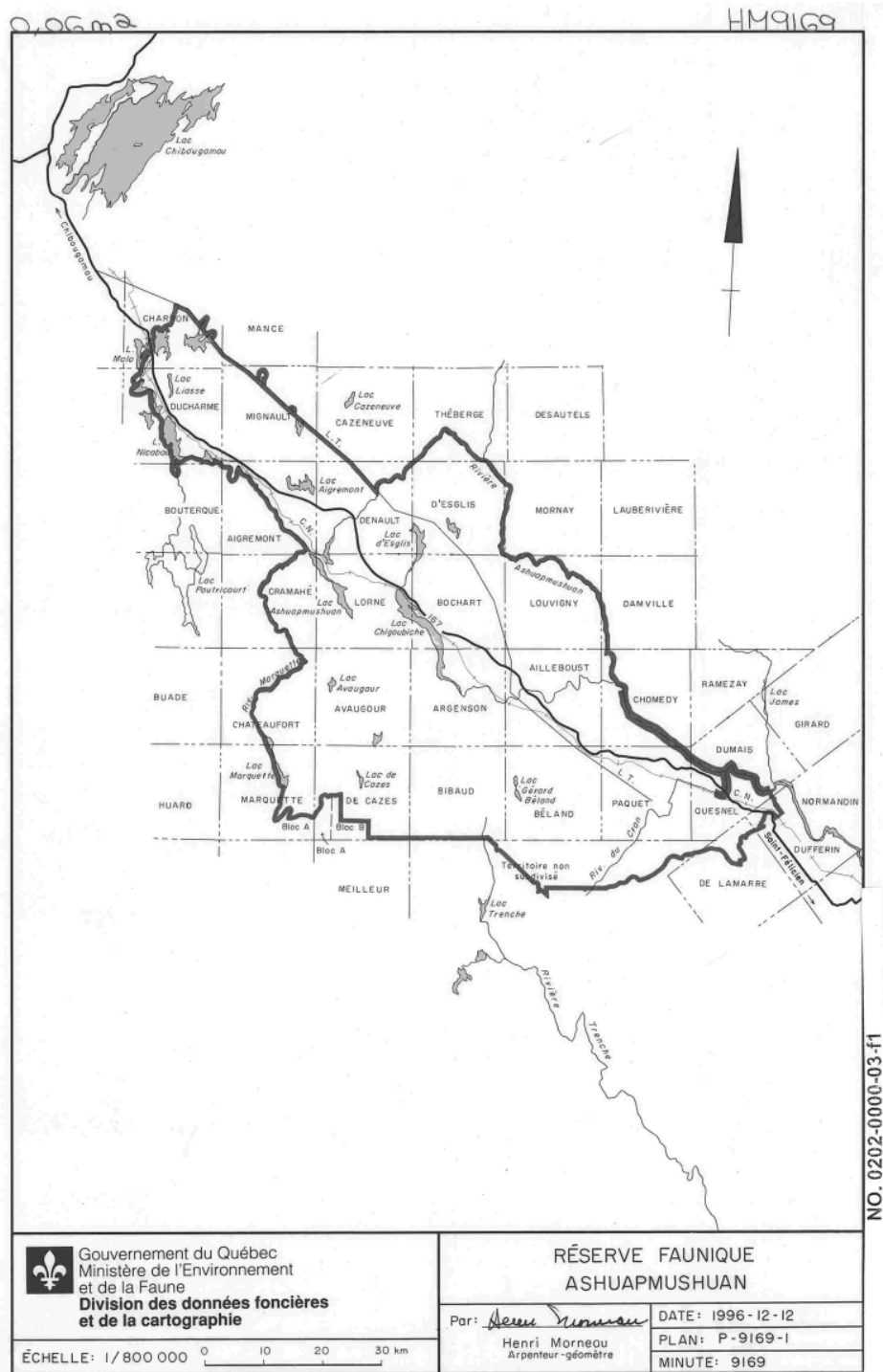
Québec, 2 March 2021

PIERRE DUFOUR,  
*Minister of Forests, Wildlife and Parks*

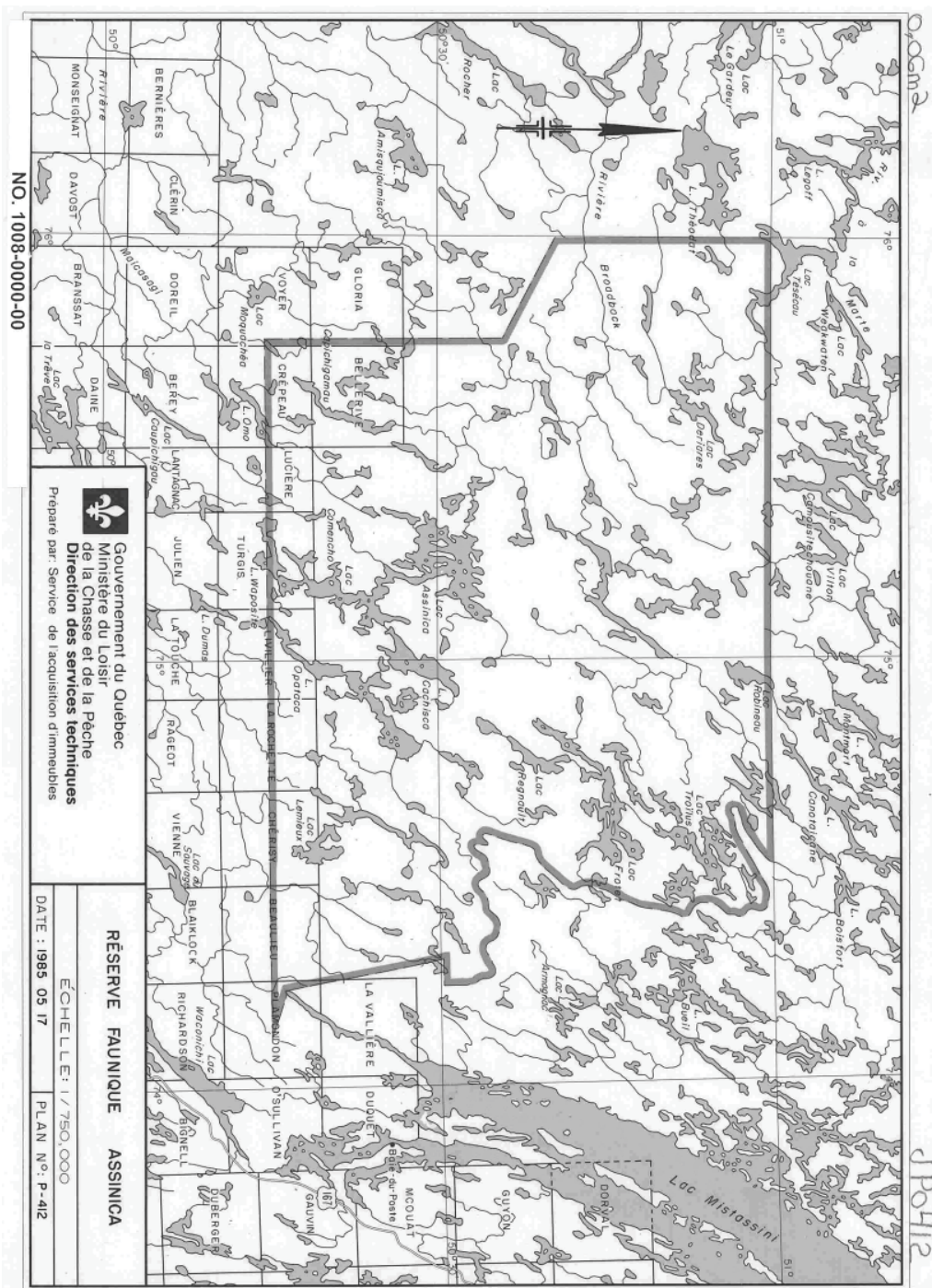
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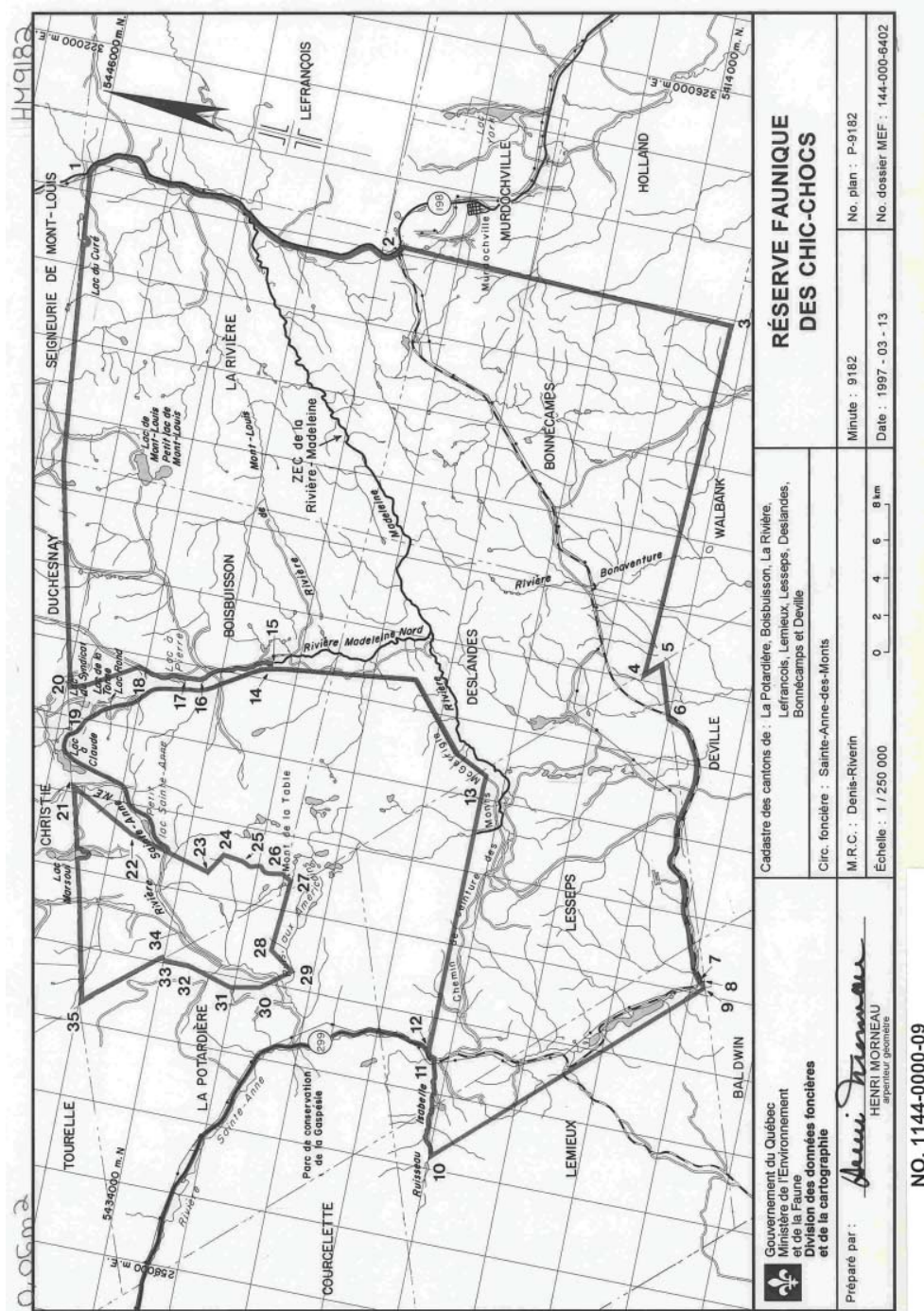
## Schedule 1



## Schedule 2



## Schedule 3

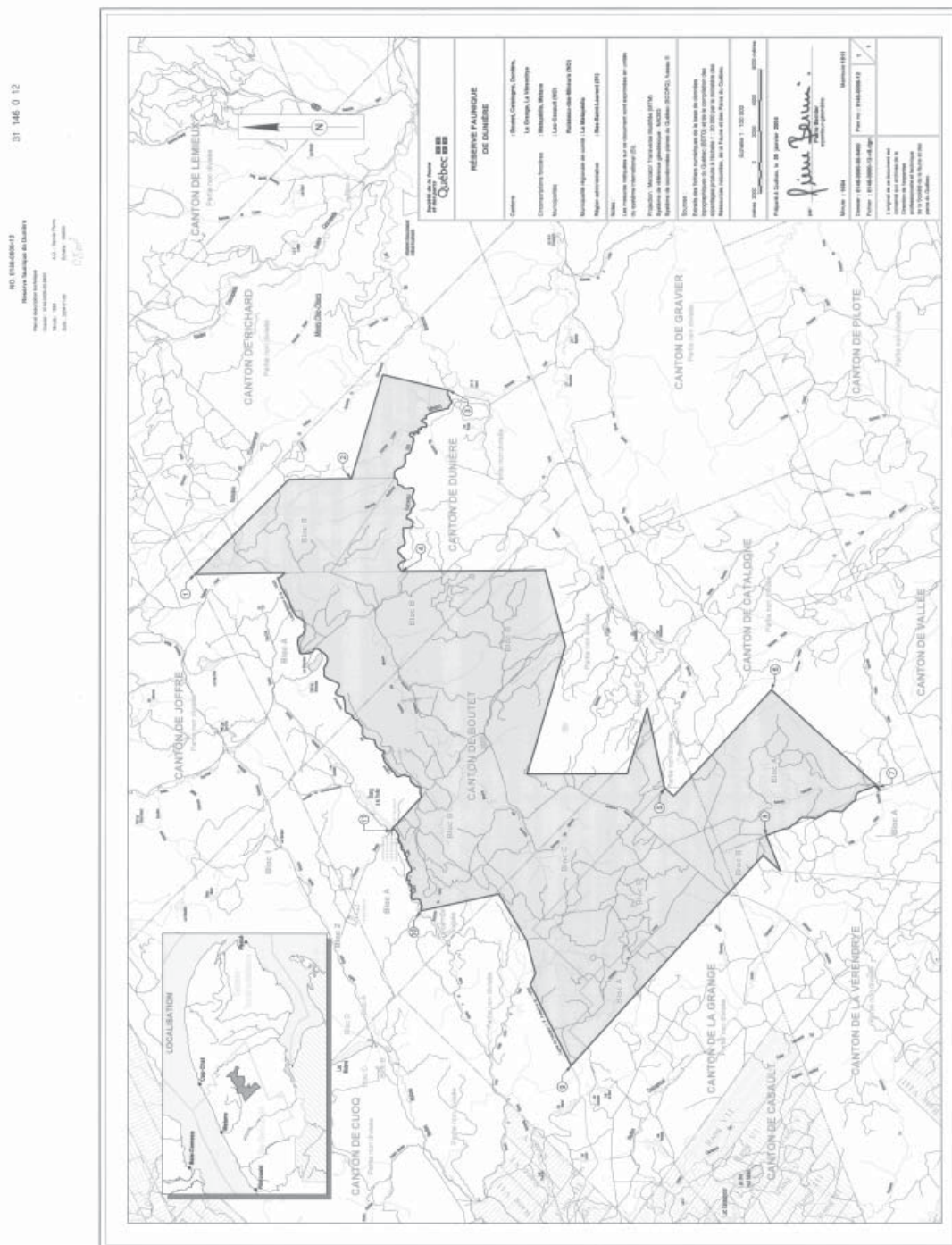




## Schedule 4

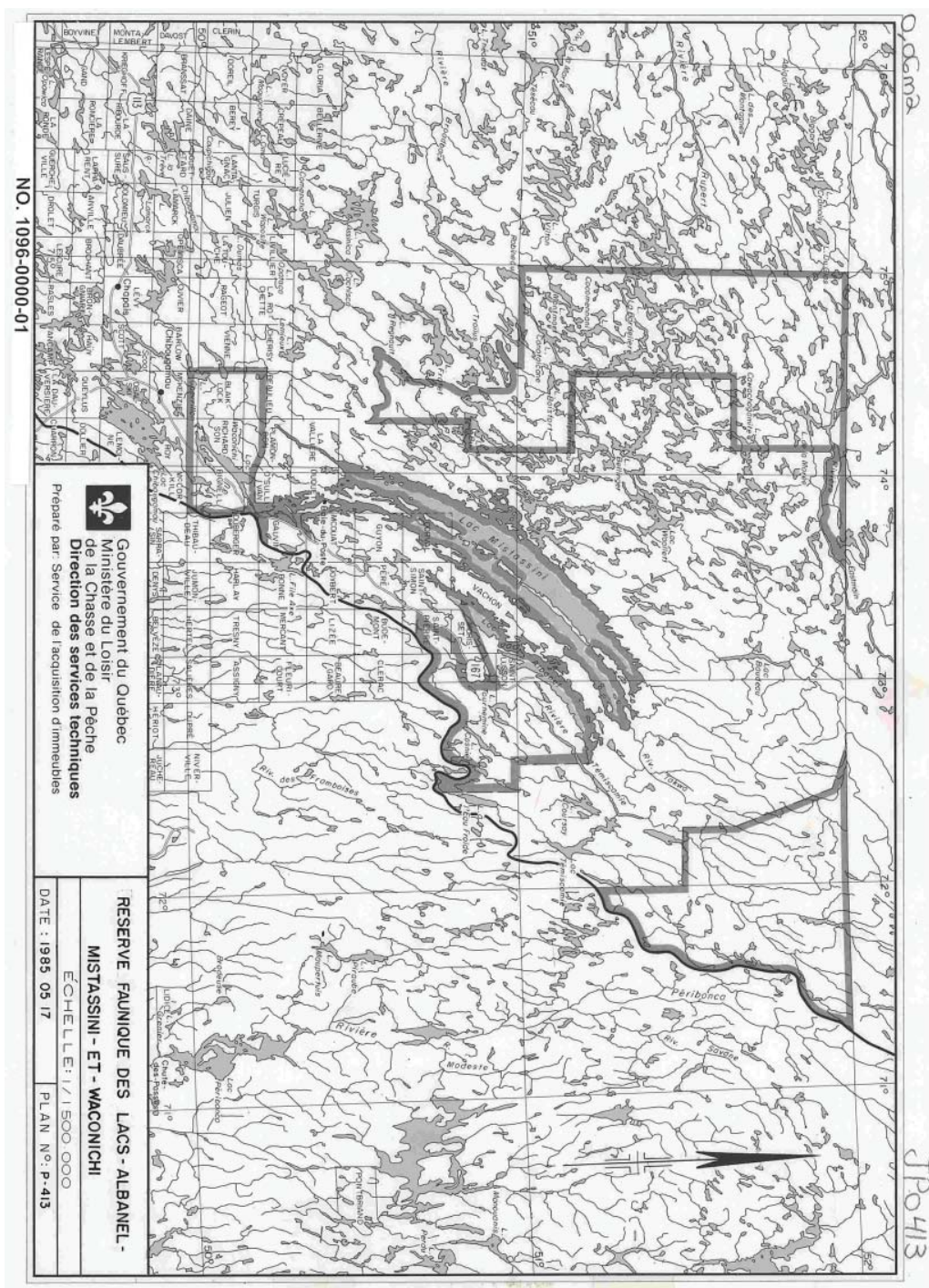
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## Schedule 5

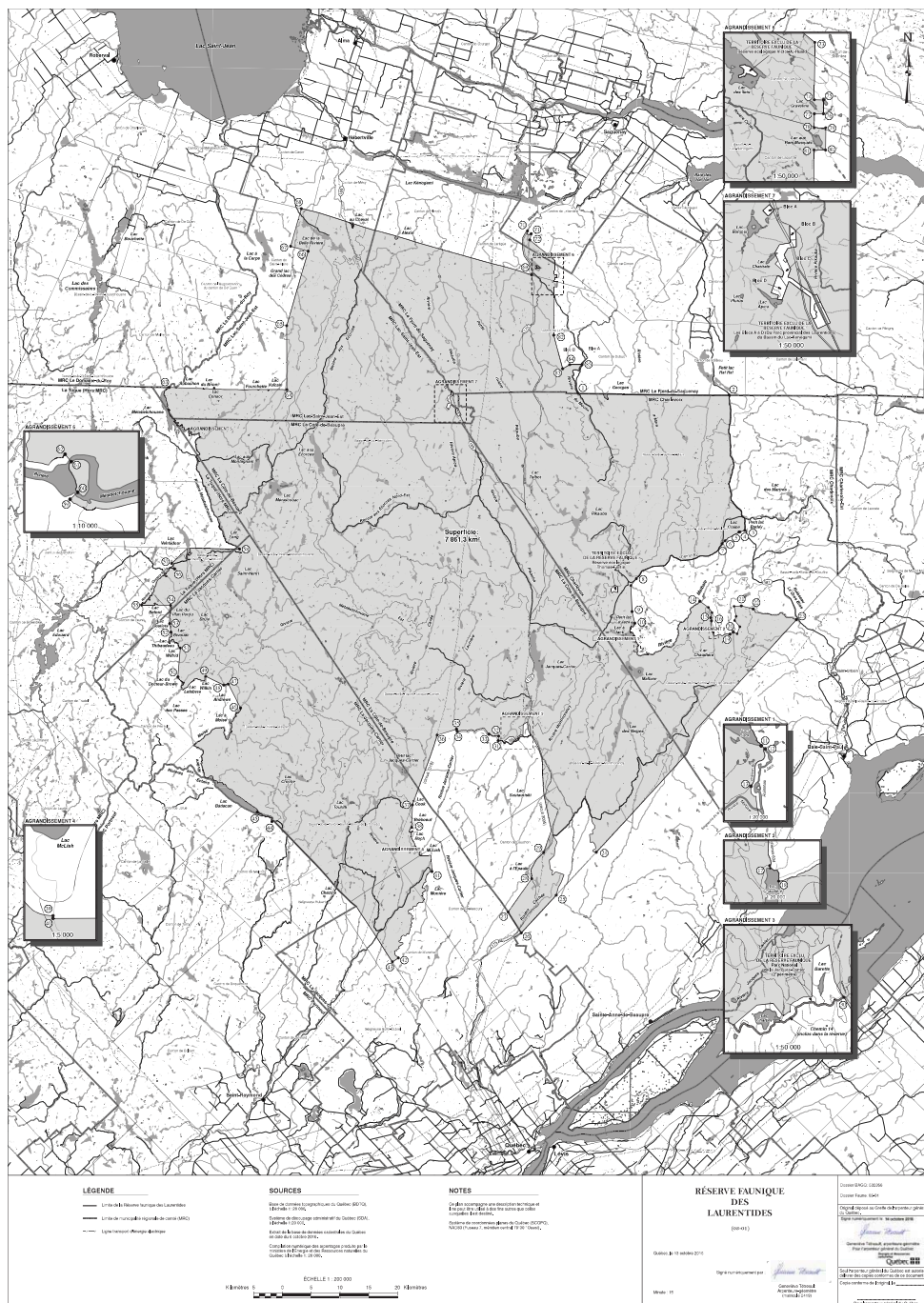




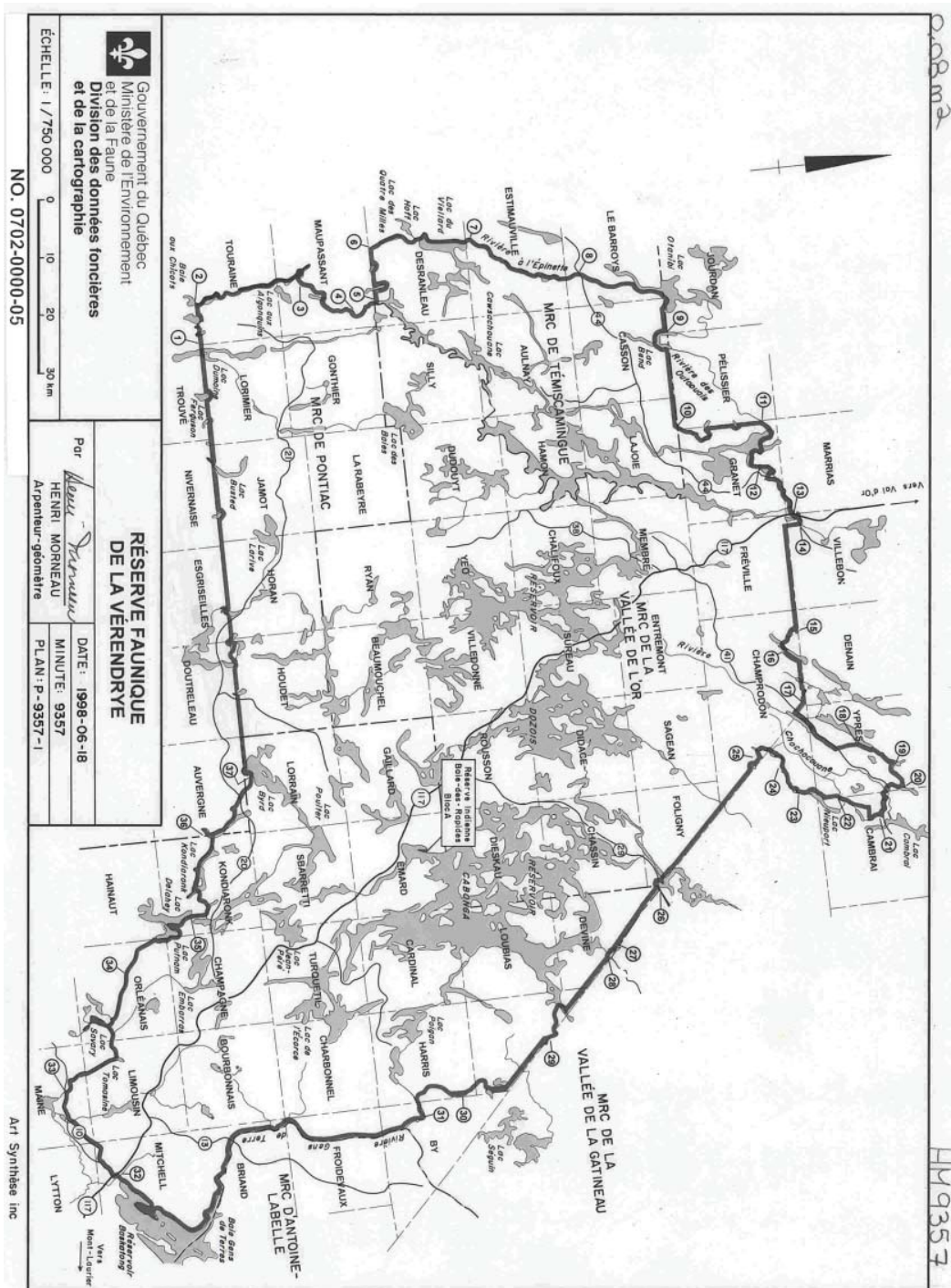
## Schedule 6



## Schedule 7









## Schedule 9

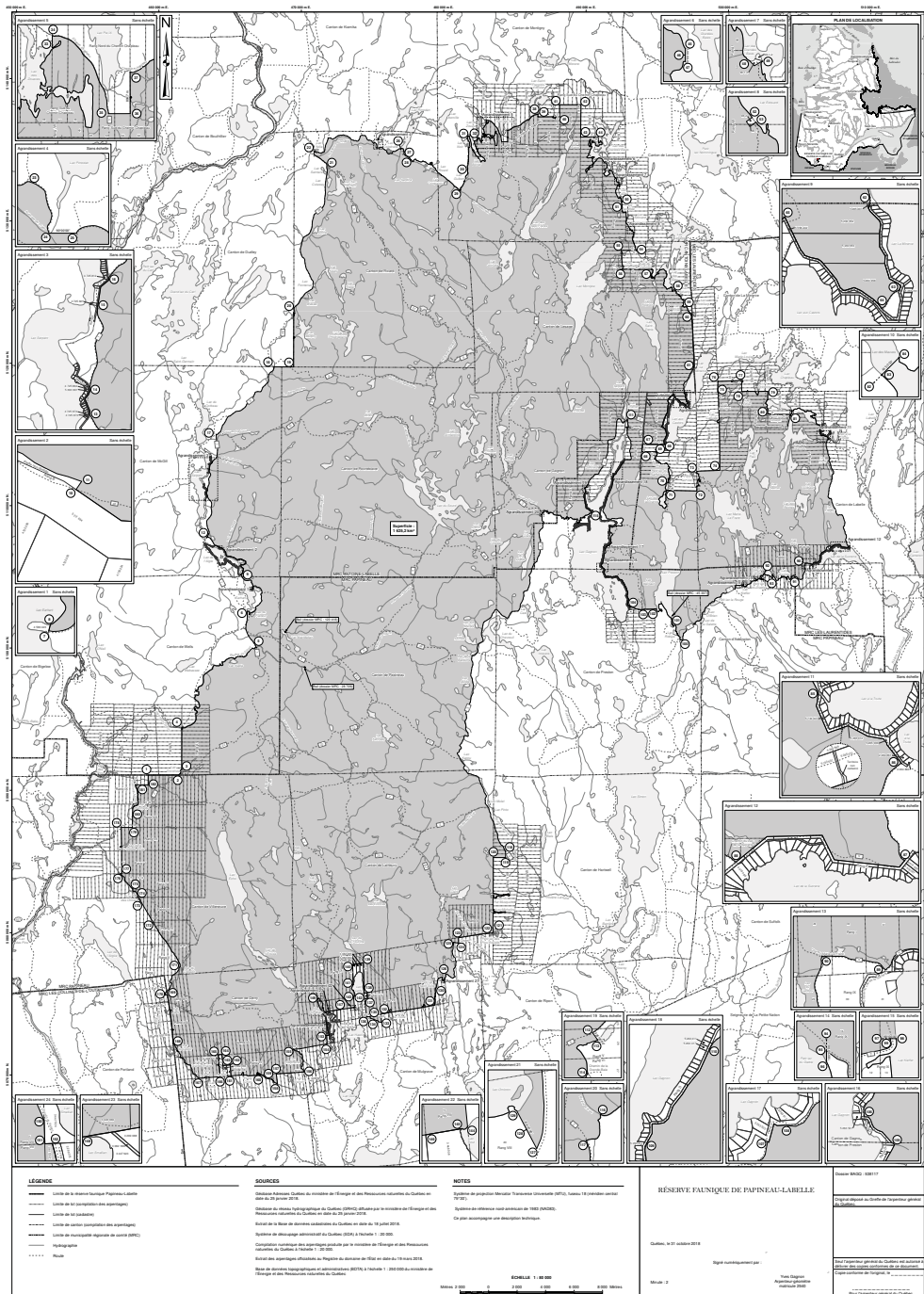


## Schedule 10



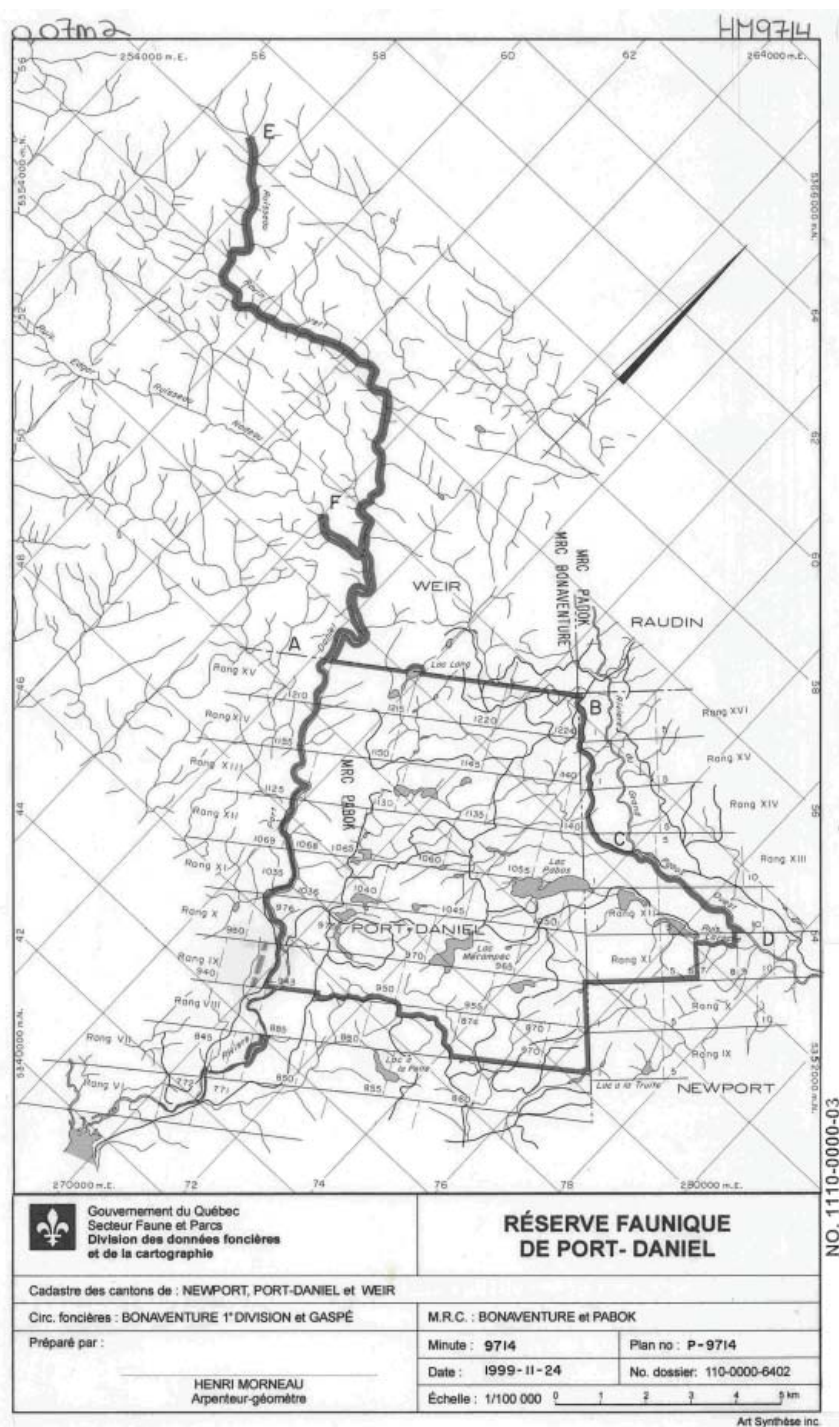


## Schedule 11





## Schedule 13





**GOUVERNEMENT DU QUÉBEC**

**MINISTÈRE DU TOURISME DE LA CHASSE ET DE LA PÊCHE**

**DIRECTION DES SERVICES TECHNIQUES**

**DIVISION DE L'ARPENTAGE**

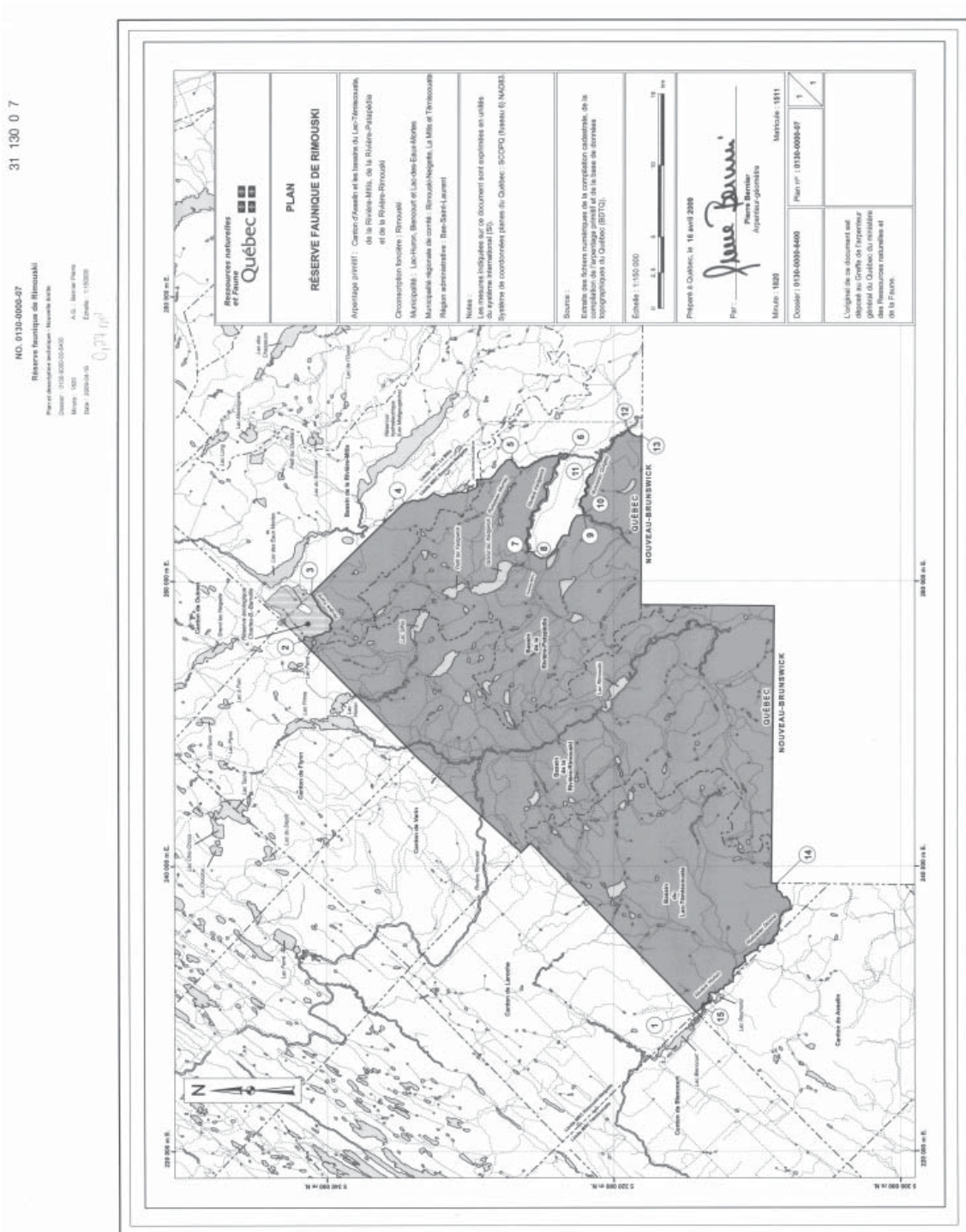
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ÉCHELLE 1 / 200 000

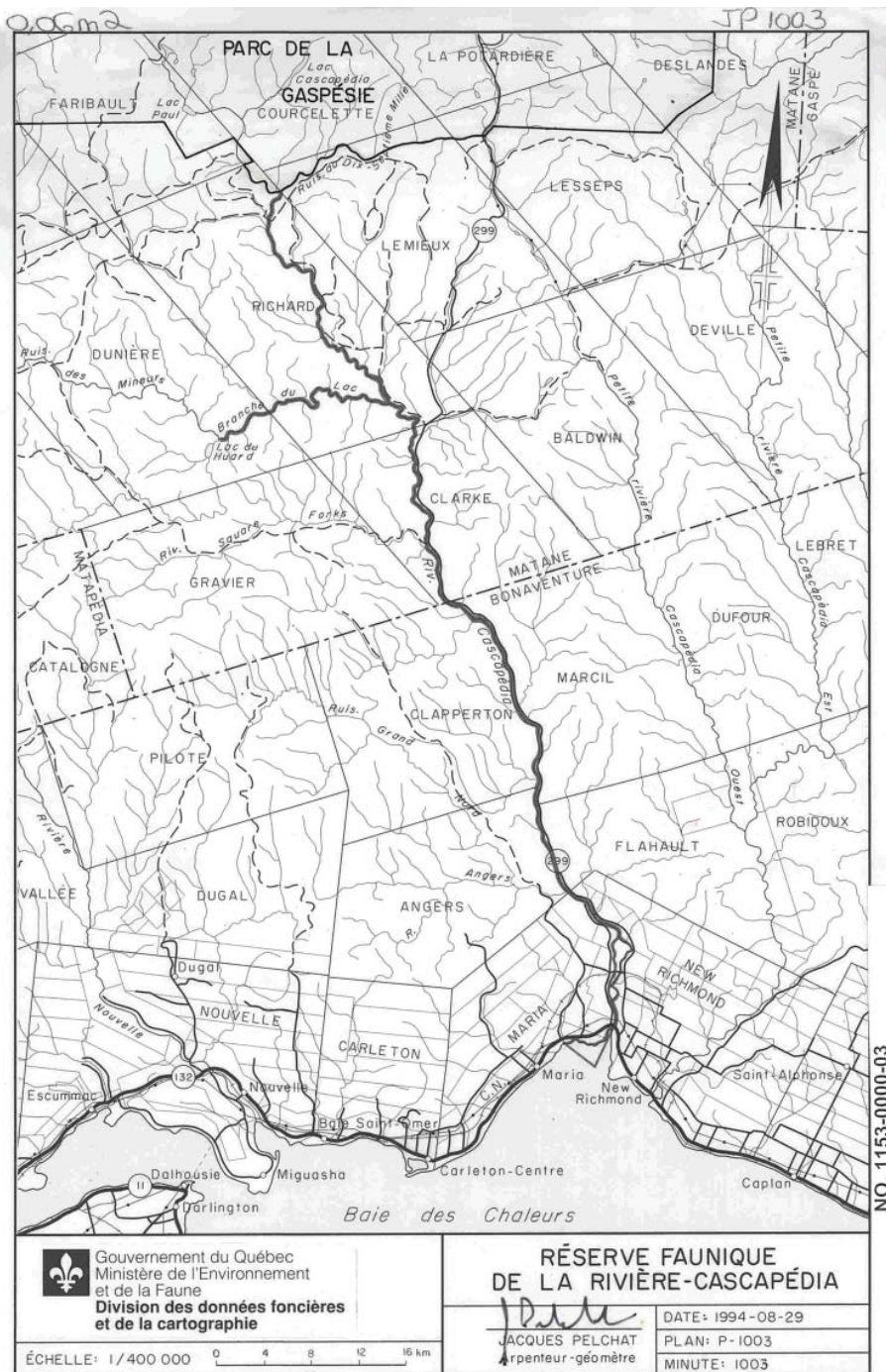
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## Schedule 15

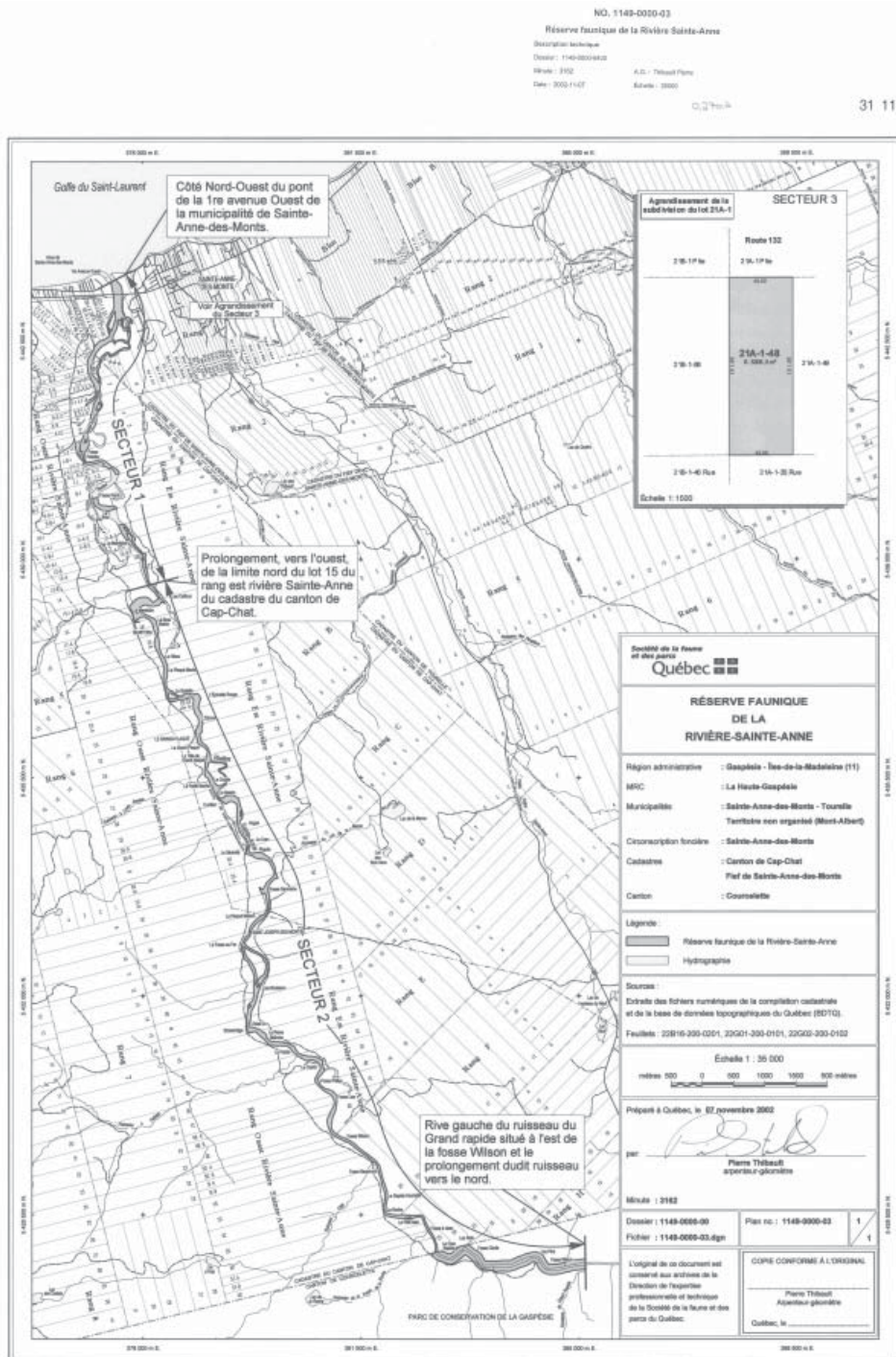


## Schedule 16





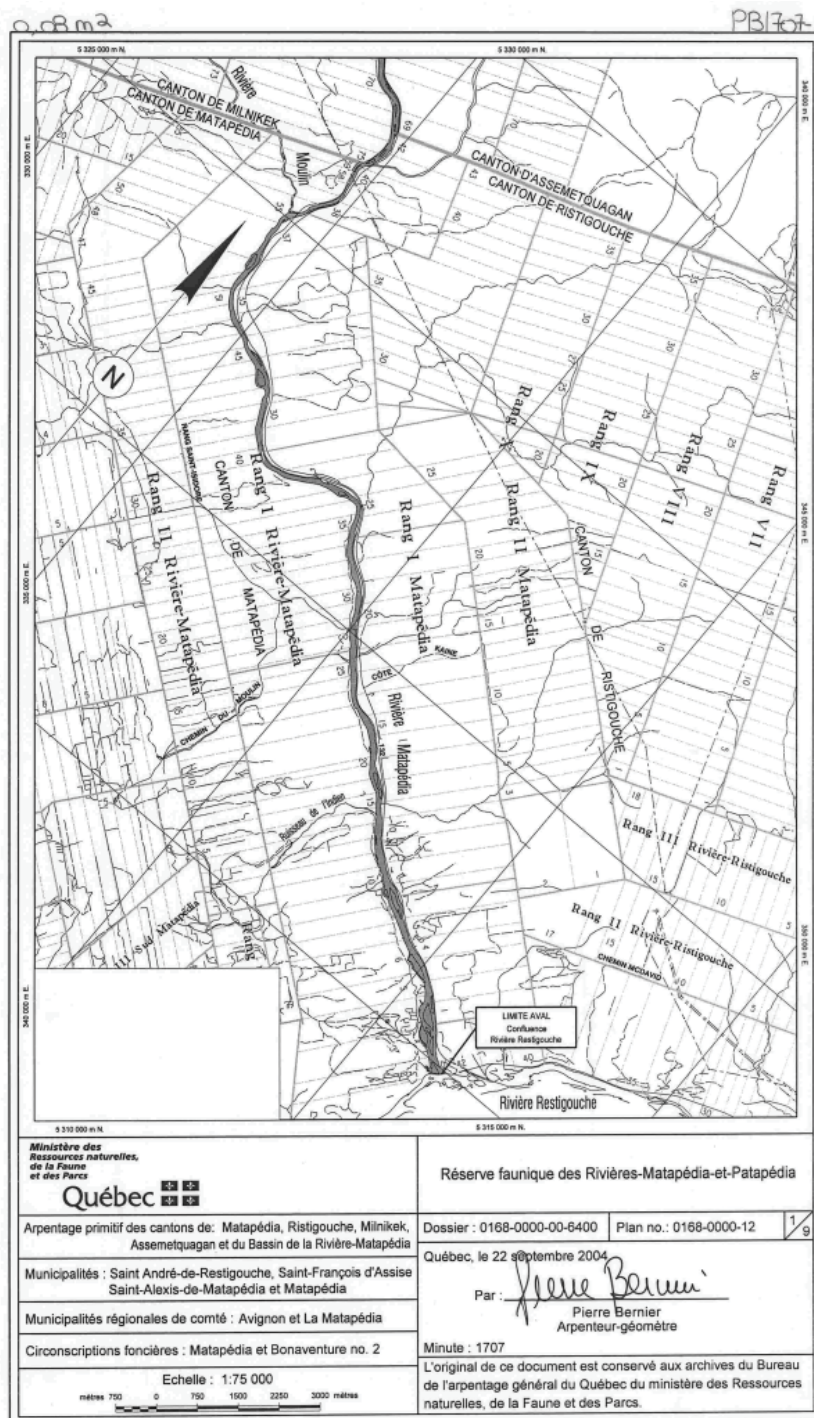
## Schedule 17



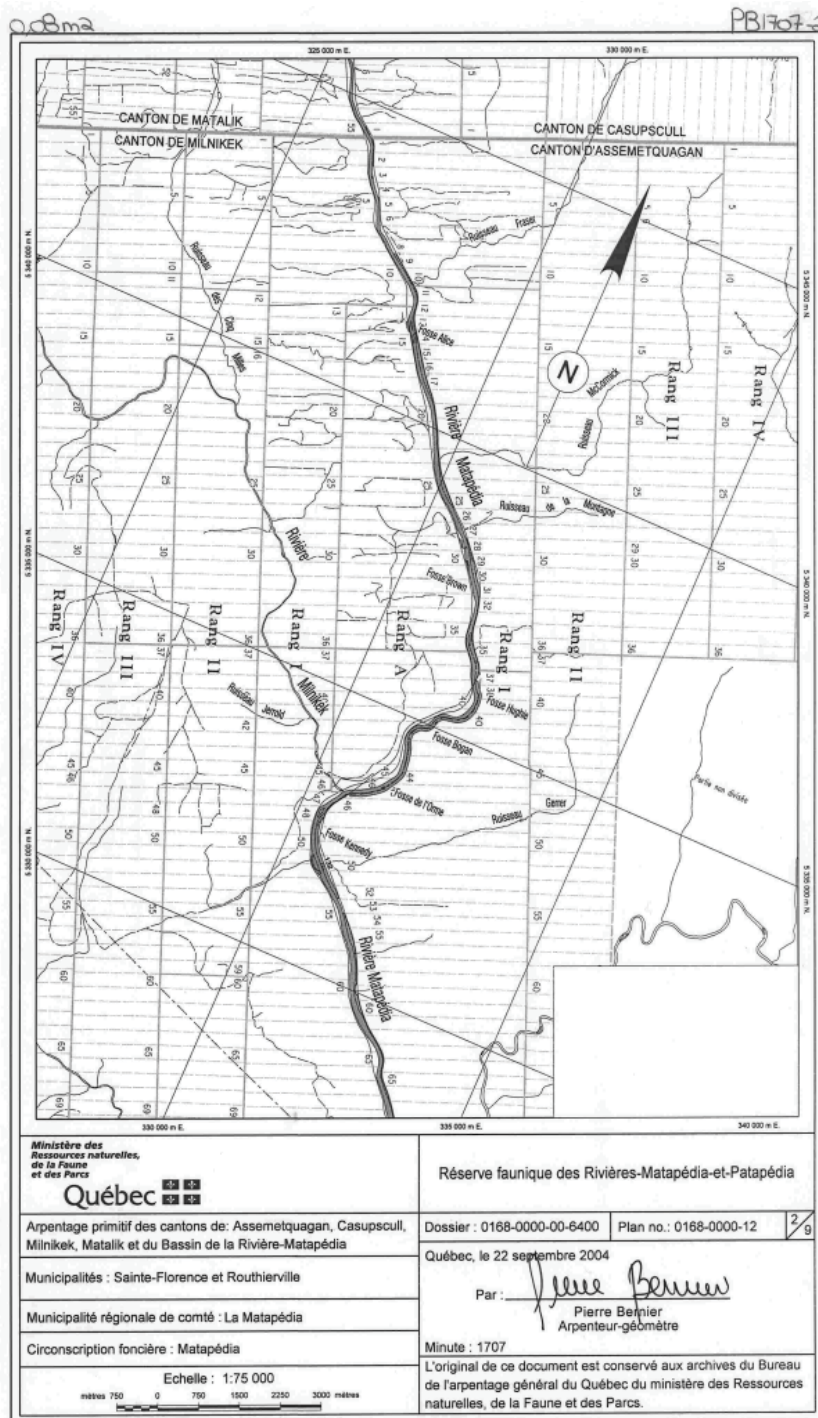




## Schedule 19.1



## Schedule 19.2



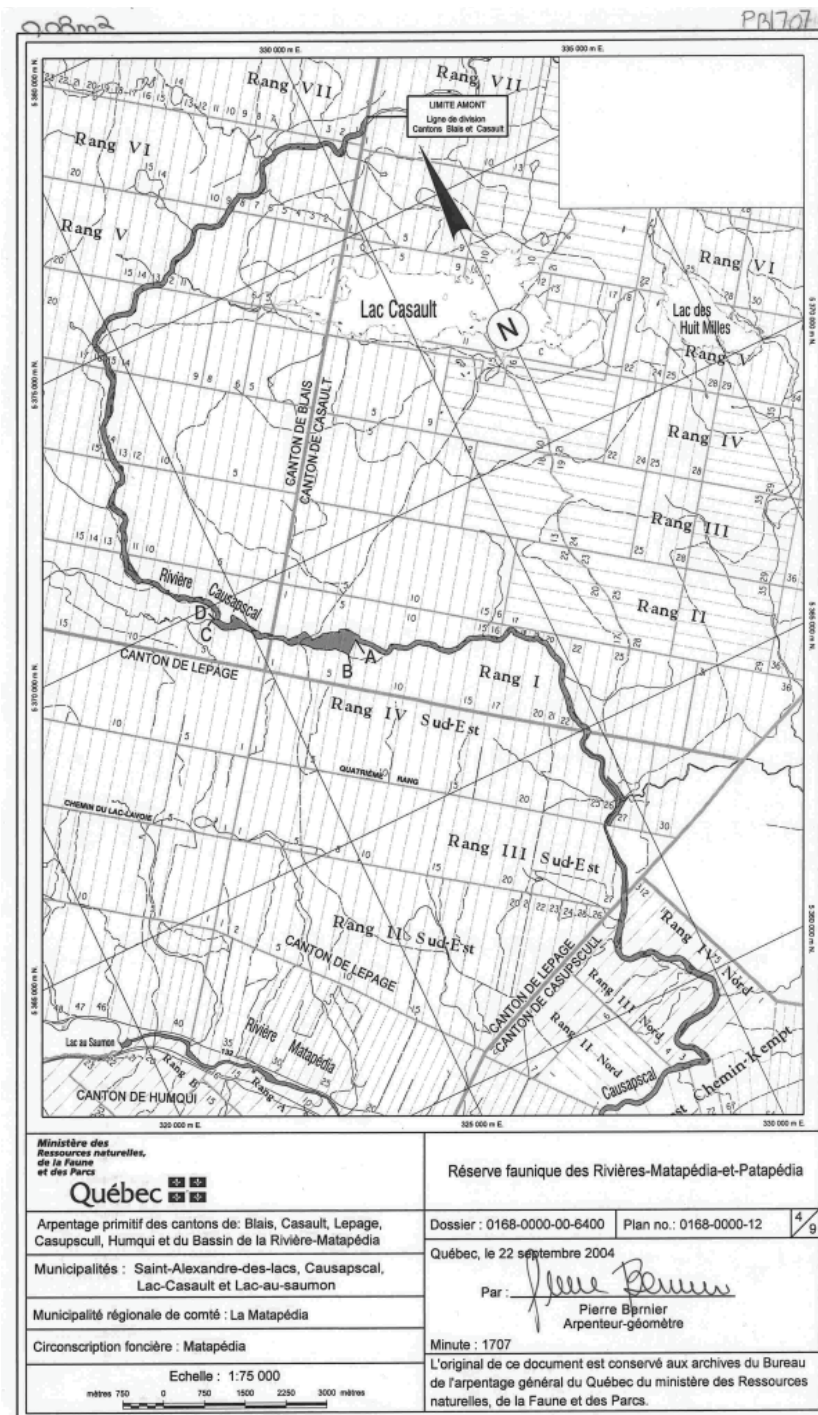
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## Schedule 19.3

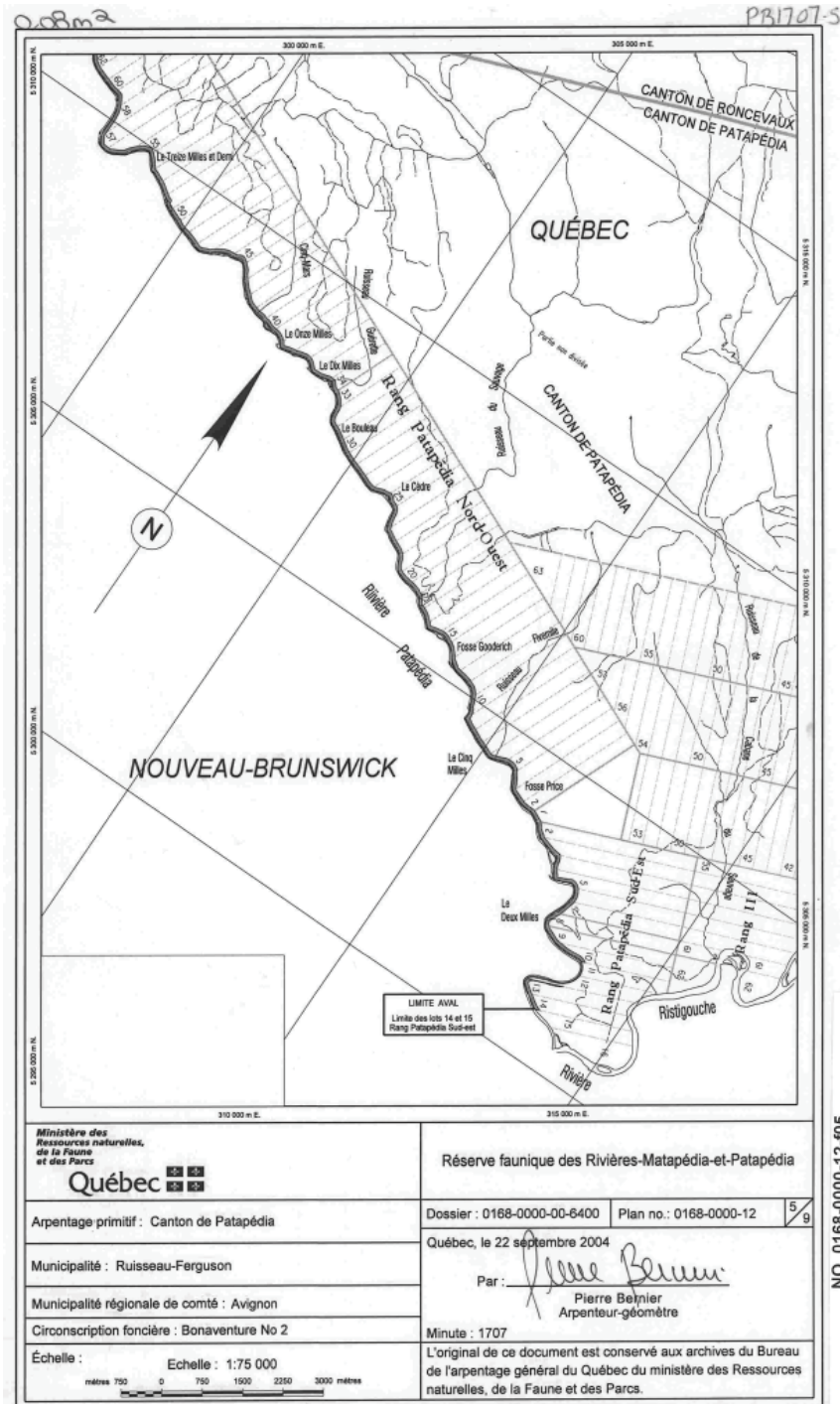




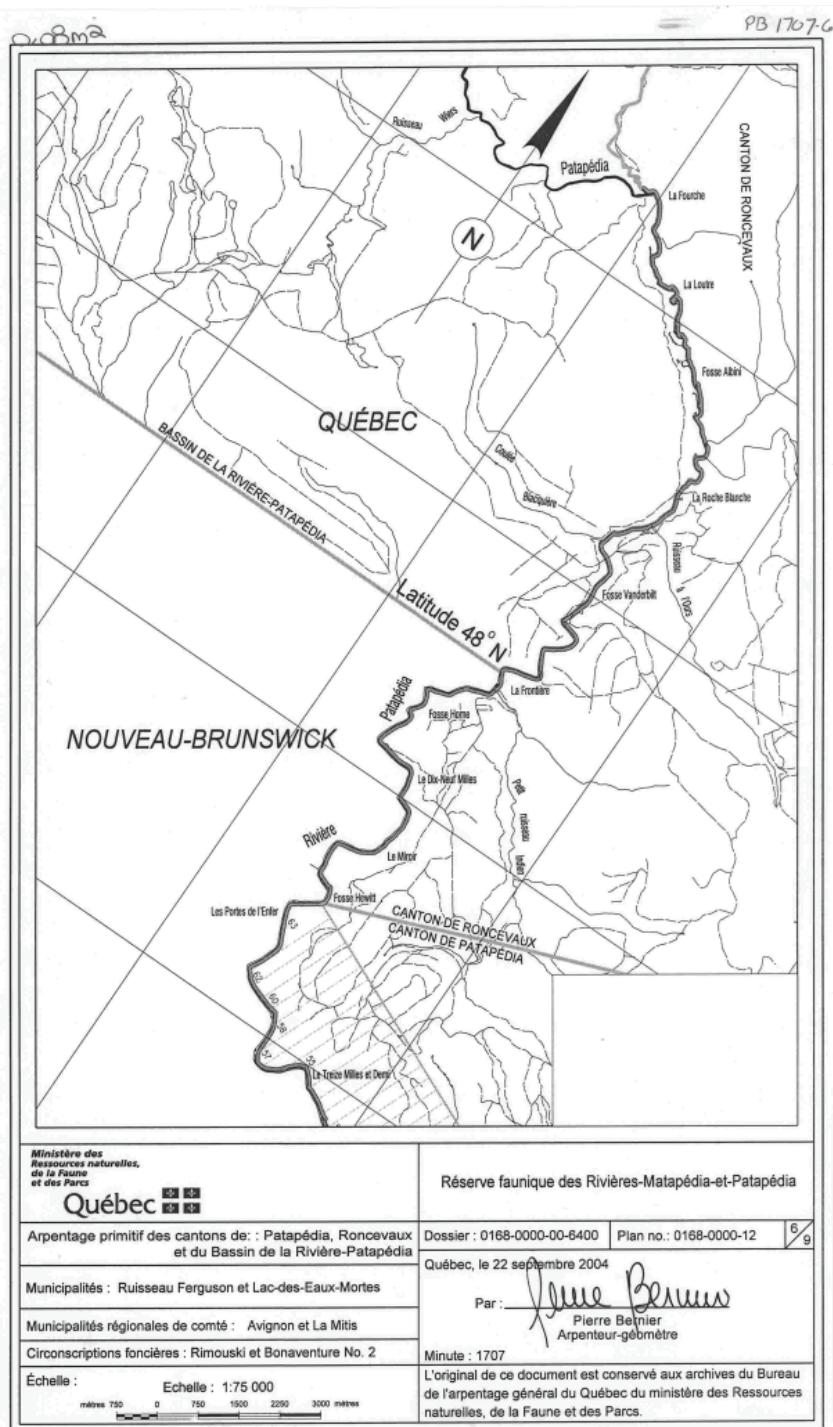
## Schedule 19.4



## Schedule 19.5



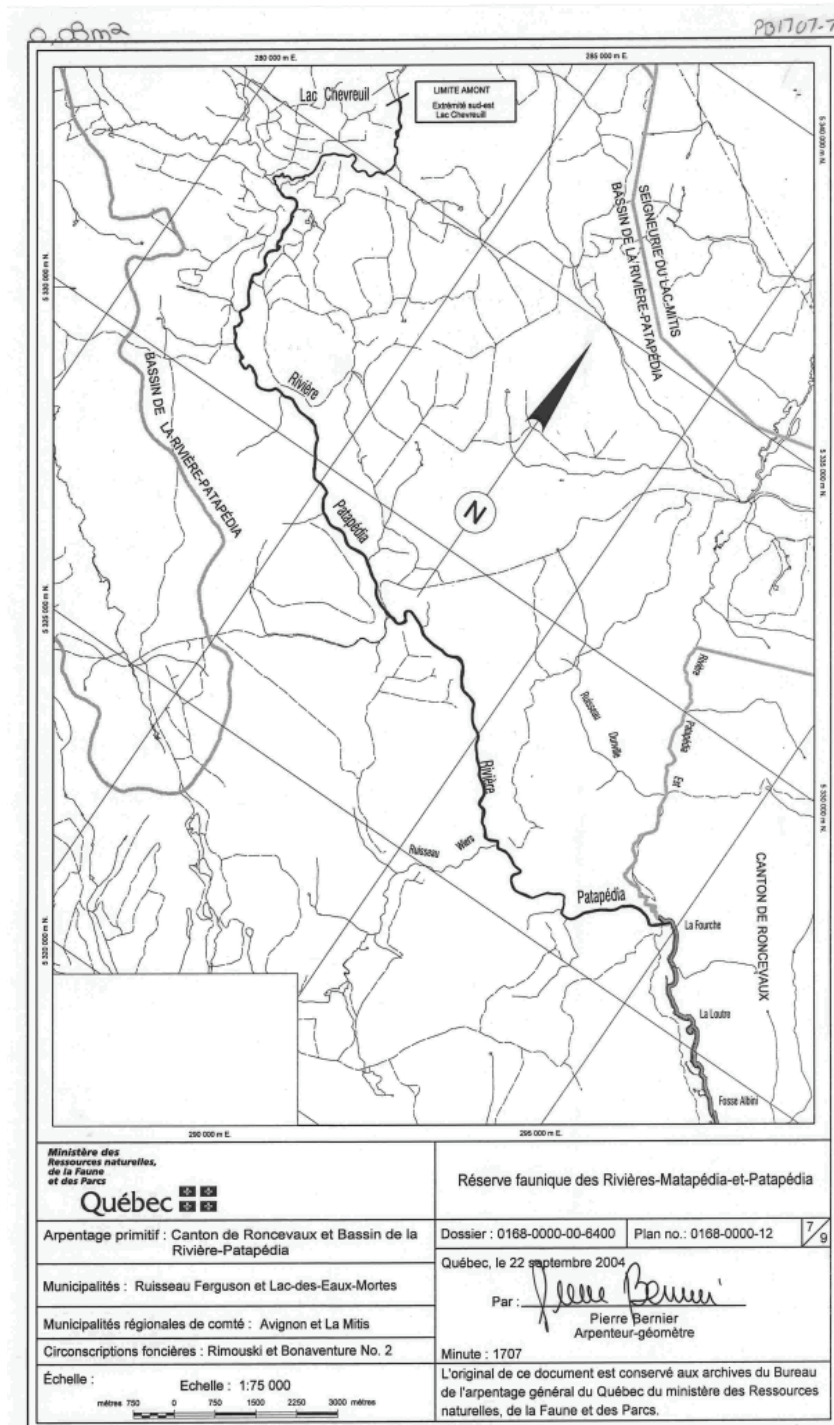
## Schedule 19.6



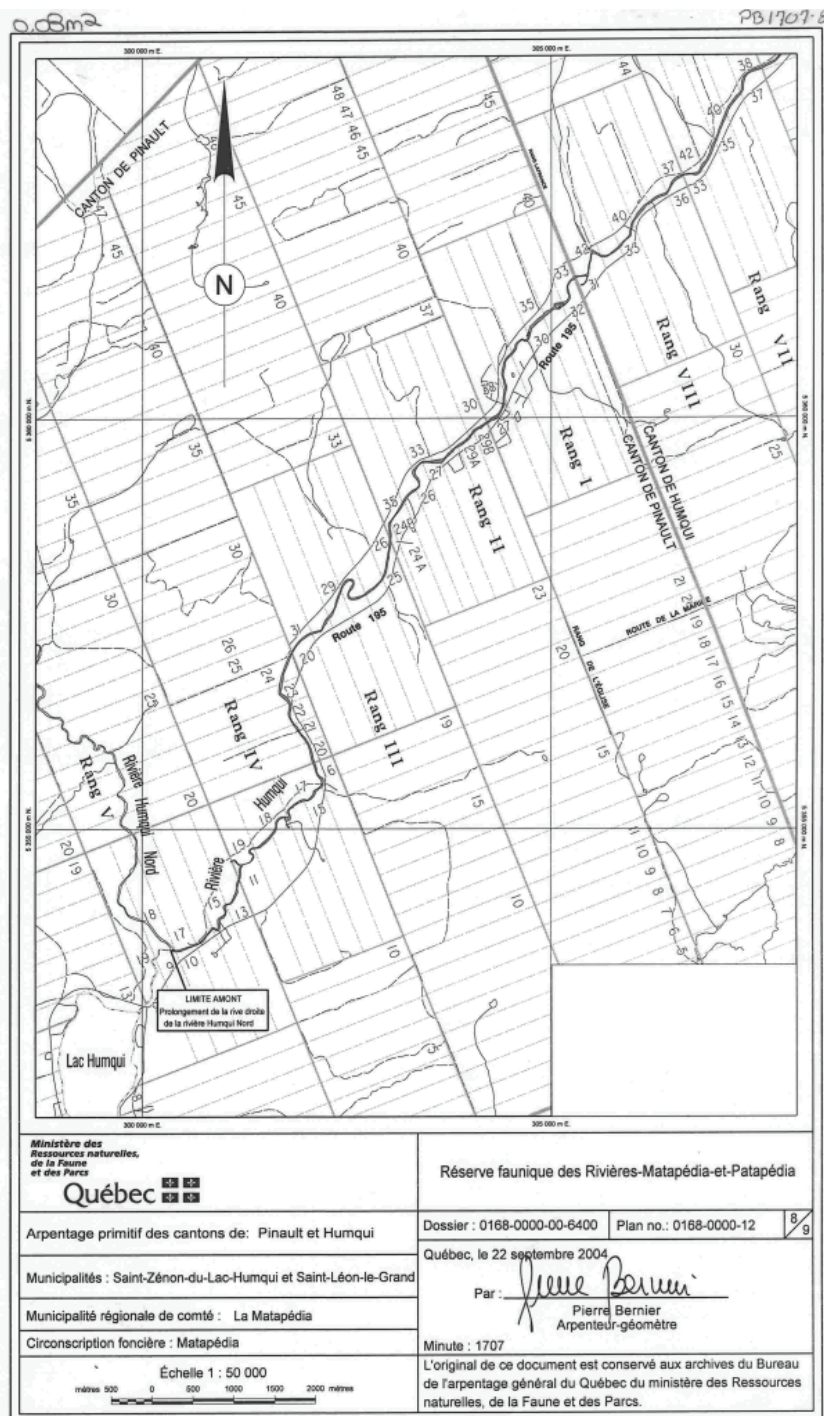
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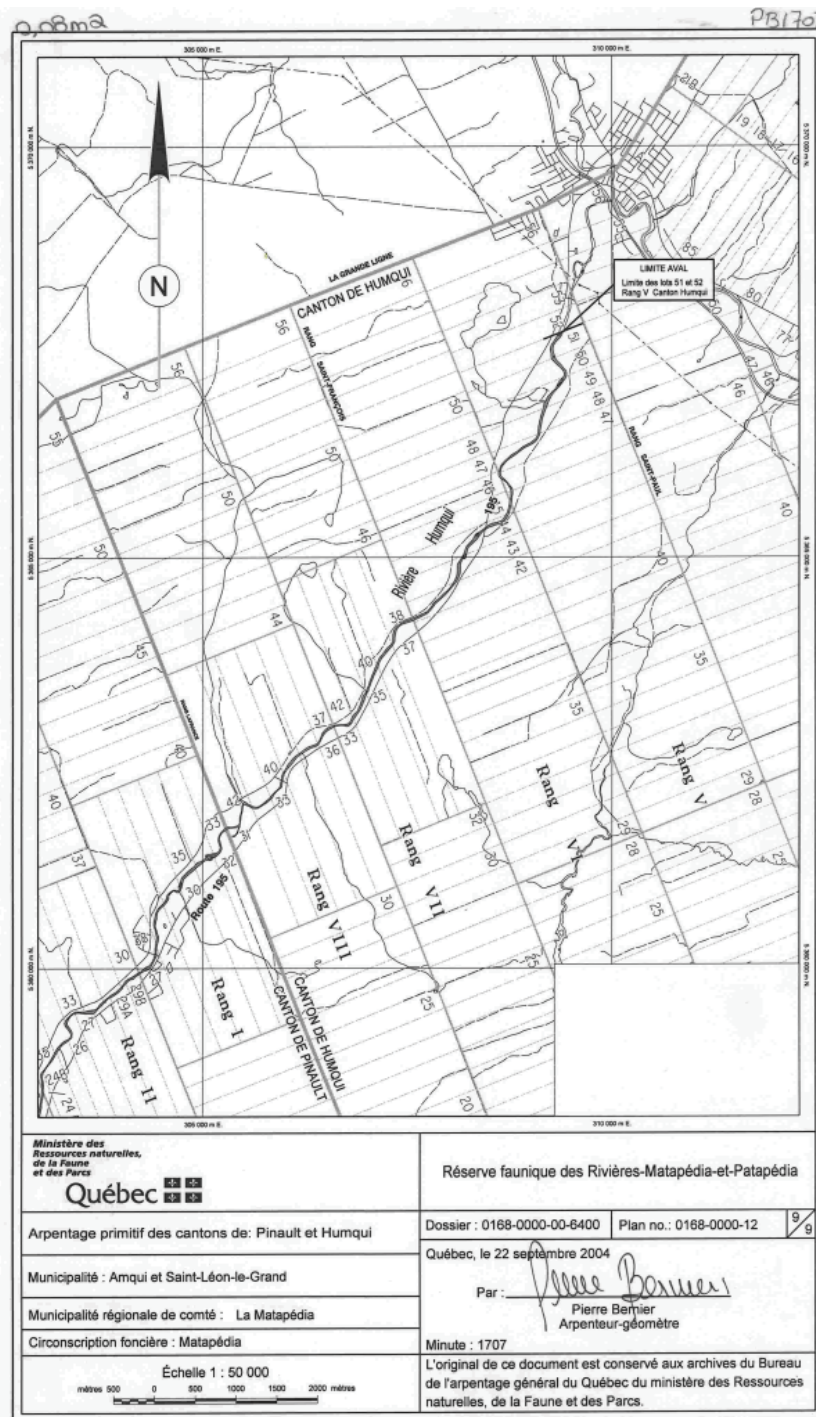
## Schedule 19.7



## Schedule 19.8



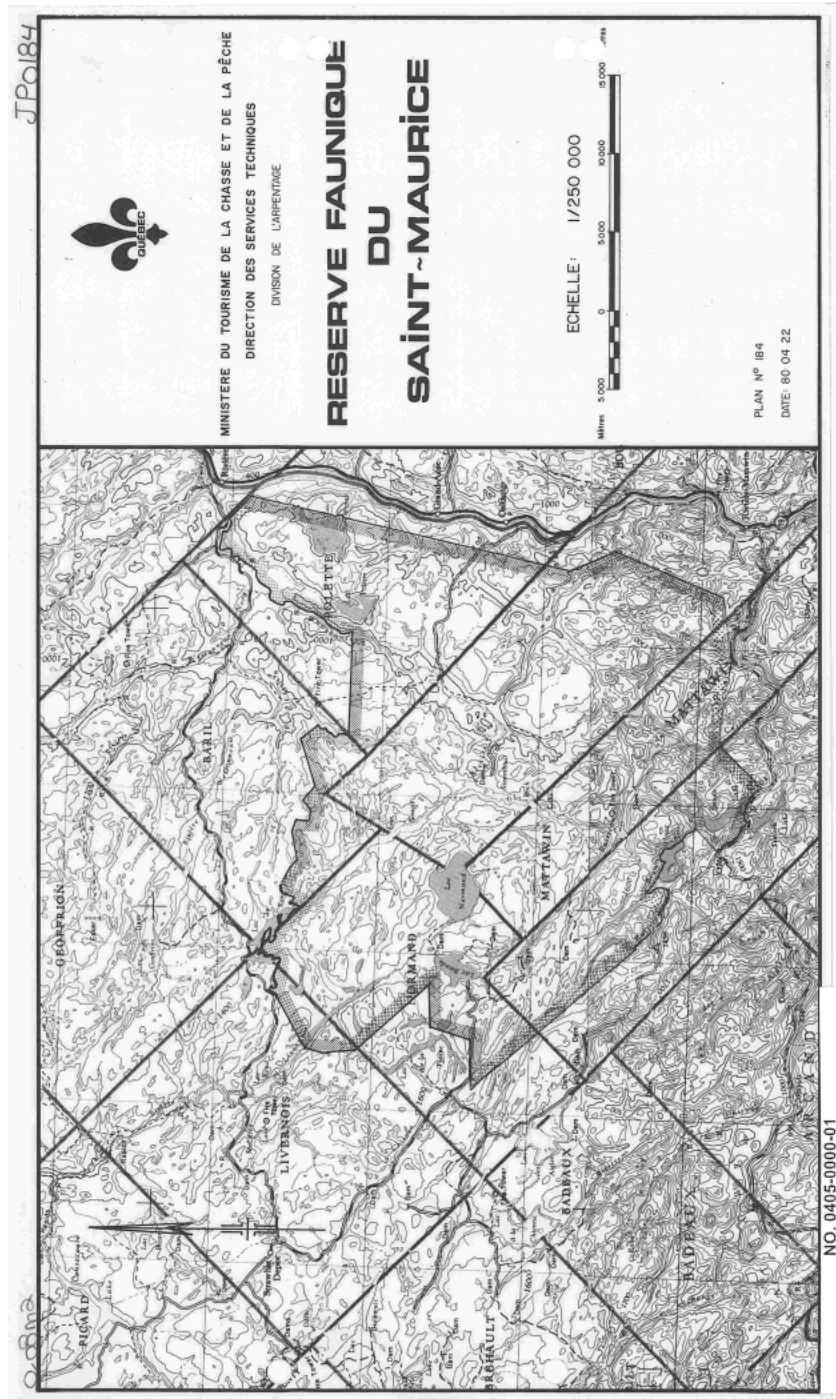
### Schedule 19.9







## Schedule 21



**M.O., 2021****Order 2021-011 of the Minister of Health and Social Services dated 2 March 2021**

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

Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING the first paragraph of section 487.2 of the Act respecting health services and social services (chapter S-4.2), which provides in particular that the Minister may, by regulation, determine the standards and scales which must be used by agencies, public institutions and private institutions under agreement for the selection, appointment and engagement of and the remuneration and other terms of employment applicable to senior and middle management personnel;

CONSIDERING that the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions (chapter S-4.2, r. 5.2) has been made;

CONSIDERING that it is expedient to amend the Regulation;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with the third paragraph of section 487.2 of the Act respecting health services and social services;

CONSIDERING that it is expedient to make the Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions, attached to this Order, is hereby made.

CHRISTIAN DUBÉ,  
*Minister of Health and Social Services*

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**Regulation to amend the Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions**

An Act respecting health services and social services (chapter S-4.2, s. 487.2)

**1.** The Regulation respecting certain terms of employment applicable to senior administrators of agencies and of public health and social services institutions (chapitre S-4.2, r. 5.2) is amended in section 40.3 by replacing the first paragraph by the following :

« A senior administrator working in the Far North region determined by the Minister receives an attraction and retention allowance for a period not exceeding the period provided for in the collective agreements in force in the health and social services sector for such an allowance. ».

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

104928

**M.O., 2021****Order 2021-012 of the Minister of Health and Social Services dated 2 March 2021**

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

Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING the first paragraph of section 487.2 of the Act respecting health services and social services (chapter S-4.2), which provides in particular that the Minister may, by regulation, determine the standards and scales which must be used by agencies, public institutions and private institutions under agreement for the selection, appointment and engagement of and the remuneration and other terms of employment applicable to senior and middle management personnel;

CONSIDERING that the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions (chapter S-4.2, r. 5.1) has been made;

CONSIDERING that it is expedient to amend the Regulation;

CONSIDERING the authorization obtained from the Conseil du trésor in accordance with the third paragraph of section 487.2 of the Act respecting health services and social services;

CONSIDERING that it is expedient to make the Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions, attached to this Order, is hereby made.

CHRISTIAN DUBÉ,  
*Minister of Health and Social Services*

## **Regulation to amend the Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions**

An Act respecting the health services and social services (chapter S-4.2, s. 487.2)

**1.** The Regulation respecting certain terms of employment applicable to officers of agencies and health and social services institutions (chapter S-4.2, r. 5.1) is amended in section 29.0.3 by replacing the first paragraph by the following:

“An officer working in a locality in the Far North region determined by the Minister receives an attraction and retention allowance for a period not exceeding the period provided for in the collective agreements in force in the health and social services sector for such an allowance.”.

**2.** Section 29.0.4 is amended by replacing the first paragraph by the following:

“An officer of the psychologist profession who is a member of the Ordre des psychologues du Québec carrying out a duty whose nature of the position corresponds to the training and profession required to hold such a managerial duty receives an attraction and retention allowance according to the same terms and conditions as those for psychologists in the health and social services sector.”;

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

104927

**M.O., 2021**

**Order of the Minister of Finance  
dated 3 March 2021**

Taxation Act  
(chapter I-3)

CONCERNING the Mandatory Transaction Disclosure Regulation

THE MINISTER OF FINANCE,

CONSIDERING the first paragraph of section 1079.8.1 of the Taxation Act (chapter I-3), amended by section 165 of the Act to give effect to fiscal measures announced in the Budget Speech delivered on 21 March 2019 and to various other measures (2020, chapter 16), providing among other things that the expression “specified transaction” carried out by a taxpayer or a partnership means a transaction whose form and substance of the facts specific to the taxpayer or the partnership are significantly similar to the form and the substance of the facts of a transaction determined by the Minister;

CONSIDERING the fourth paragraph of section 1079.8.1 of the Taxation Act, added by section 165 of the Act to give effect to fiscal measures announced in the Budget Speech delivered on 21 March 2019 and to various other measures, providing that for the purposes of Book X.2 of Part I of the Taxation Act, in relation to a transaction determined by the Minister under the definition of “specified transaction” in the first paragraph of that section 1079.8.1, the Minister also determines which taxpayers will be required, pursuant to section 1079.8.6.2 of that Act, enacted by section 166 of the Act to give effect to fiscal measures announced in the Budget Speech delivered on 21 March 2019 and to various other measures, to disclose a specified transaction and which will be the partnerships whose members will be subject to that obligation, if applicable, as well as the day from which the obligation to disclose specified transactions will apply;

CONSIDERING section 1079.8.6.3 of the Taxation Act, enacted by section 166 of the Act to give effect to fiscal measures announced in the Budget Speech delivered on 21 March 2019 and to various other measures, providing that an information return must be filed in respect of a transaction that an advisor or a promoter commercializes or promotes, if the form and the substance of the facts of

the transaction are significantly similar to the form and the substance of the facts of a transaction determined by the Minister;

CONSIDERING paragraph 2 of section 12 of the Regulations Act (chapter R-18.1) providing that a proposed regulation may be made without having been published as provided for in section 8 of the Act, if the authority making it is of the opinion that the proposed regulation is designed to establish, amend or repeal norms of a fiscal nature;

CONSIDERING section 13 of that Act providing that the reason justifying the absence of such publication must be published with the regulation;

CONSIDERING section 18 of that Act providing that a regulation may come into force on the date of its publication in the *Gazette officielle du Québec*, where the authority that has made it is of the opinion that the regulation establishes, amends or repeals norms of a fiscal nature, and that the reason justifying such coming into force must be published with the regulation;

CONSIDERING the Minister's opinion that the regulation attached to this Order establishes norms of a fiscal nature;

CONSIDERING that it is expedient to make the Mandatory Transaction Disclosure Regulation;

ORDERS AS FOLLOWS:

THAT the Mandatory Transaction Disclosure Regulation, attached to this Order, is hereby made.

Québec, 3 March 2021

ERIC GIRARD,  
*Minister of Finance*

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## Mandatory Transaction Disclosure Regulation

Taxation Act  
(chapter I-3, s. 1079.8.1, 1st par., “specified transaction” and 4th par. and s. 1079.8.6.3)

**1.** In this Regulation, unless the context indicates a different meaning,

“Act” means the Taxation Act (chapter I-3);

“exempt property” has the meaning assigned by section 652.1 of the Act;

“Minister” means the Minister of Revenue;

“qualified small business corporation share” has the meaning assigned by section 726.6.1 of the Act;

“specified transaction” has the meaning assigned by section 1079.8.1 of the Act;

“transaction” has the meaning assigned by section 1079.8.1 of the Act.

For the purposes of this Regulation,

(a) the definition of “regulation” in section 1 of the Act is to be read as if “by the Government” were replaced by “by the Government or the Minister”;

(b) Titles I and II of Book I of Part I of the Act apply.

**2.** For the purposes of the definition of “specified transaction” in the first paragraph of section 1079.8.1 of the Act and section 1079.8.6.3 of the Act, the transactions determined by the Minister are the transactions described in Schedule A.

For the purposes of the fourth paragraph of section 1079.8.1 of the Act, Schedule A sets forth, in respect of each specified transaction, the taxpayers subject to the disclosure obligation and, if applicable, the partnerships whose members are subject to that obligation, as well as the day on and after which that obligation applies.

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

## SCHEDULE A

(ss. 1079.8.1 and 1079.8.6.3)

### TRANSACTION 1 AVOIDANCE OF DEEMED DISPOSAL OF TRUST PROPERTY

A transaction that includes the following facts is hereby determined by the Minister:

(a) a trust is resident in Québec at any time in the course of the transaction;

(b) the trust holds at that time a particular property that is a capital property or land included in the inventory of a business of the trust;

(c) the particular property is not exempt property;



(d) at a particular time in the course of the transaction, the trust distributes the particular property and is deemed to dispose of it for proceeds of disposition that are less than its fair market value immediately before that time;

(e) the disposition referred to in subparagraph *d* results in the trust not being deemed to dispose of the particular property under section 653 of the Act at the end of a day described in any of subparagraphs *a* to *c* of the first paragraph of that section 653, nor to reacquire the particular property immediately after that day; and

(f) after the particular time referred to in subparagraph *d*, a trust holds, directly or indirectly, the particular property or another property whose fair market value is derived, directly or indirectly, from the particular property, or so holds property substituted for the particular property or for the other property, as the case may be.

A trust that is a party to a specified transaction in relation to a transaction referred to in the first paragraph is required to disclose the specified transaction.

The obligation to disclose the specified transaction applies as of the day that includes the particular time referred to in subparagraph *d* of the first paragraph.

## TRANSACTION 2 PAYMENT TO A NON-TREATY COUNTRY

A transaction that includes the following facts is hereby determined by the Minister:

(a) a particular person or a particular partnership in respect of which any of the following conditions is met is a party to the transaction:

i. in the case of a person that is an individual or a trust, the person is resident in Québec at the end of a particular taxation year in which the transaction occurs;

ii. in the case of a person that is a corporation, the person has an establishment in Québec at any time in a particular taxation year in which the transaction occurs; or

iii. in the case of a partnership, each member of the partnership is required, under section 1086R78 of the Regulation respecting the Taxation Act (chapter I-3, r. 1), to file an information return for a particular fiscal period of the partnership in which the transaction occurs;

(b) the transaction relates, in any manner whatever, to a business carried on in Québec by the particular person in the course of the particular taxation year, except a business the person carries on as a member of a partnership, or by the particular partnership in the particular fiscal period;

(c) another person that is not resident in Canada and with whom the particular person or the particular partnership or a member of the particular partnership, as the case may be, does not deal at arm's length in the particular taxation year or particular fiscal period, as the case may be, or another partnership of which such other person is a member, is a party to the transaction, if

i. the other person at any time in the particular taxation year is resident in a country with which the Government of Québec or of Canada at that time has not entered into a tax agreement; or

ii. the other partnership at any time in the particular fiscal period carries on a business in a country with which the Government of Québec or of Canada at that time has not entered into a tax agreement; and

(d) the particular person or the particular partnership deducts in computing income under Part I of the Act for the particular taxation year or particular fiscal period, as the case may be, a total amount of not less than \$1,000,000 relating to amounts each of which is paid or payable to the other person or other partnership referred to in subparagraph *c*, other than an amount paid or payable as consideration for the acquisition of corporeal property.

For the purposes of subparagraph *c* of the first paragraph, a person resident in a dependency, possession, department, protectorate or region of a country with which the Government of Québec or of Canada has entered into a tax agreement and to which the provisions of the tax agreement do not apply is considered to be resident in a country with which the Government of Québec or of Canada has not entered into a tax agreement.

For the purposes of the first paragraph, a person that is a member of a partnership that itself is a member of another partnership is deemed to be a member of that other partnership.

The particular person or the members of the particular partnership are required to disclose a specified transaction in relation to a transaction referred to in the first paragraph.

The obligation to disclose the specified transaction applies as of the day that is 60 days before the particular person's filing due-date for the person's particular taxation year or before the filing due-date of the member of the particular partnership for the member's taxation year in which the particular fiscal period ends, as the case may be.

### TRANSACTION 3 MULTIPLICATION OF THE CAPITAL GAINS DEDUCTION

A transaction that includes the following facts is hereby determined by the Minister:

(a) an individual subject to tax under Part I of the Act or a trust under which the individual is a beneficiary disposes of a share of the capital stock of a Canadian-controlled private corporation;

(b) the share is a qualified small business corporation share;

(c) in respect of the disposition, the individual deducts an amount under section 726.7.1 of the Act in computing taxable income for a taxation year; and

(d) either of the following conditions is met:

i. the individual transfers or loans, directly or indirectly, in any manner whatever, including by means of a trust or a corporation, or by repayment of existing indebtedness, an amount that may reasonably be considered to be, directly or indirectly, part or all of the proceeds of the disposition of the share, to either

(1) a particular person that is a shareholder of the corporation referred to in subparagraph *a* or would be such a shareholder if section 21.18 of the Act applied and were read without reference to “specified”, wherever that term appears, or that was previously such a shareholder of the corporation; or

(2) a person that does not deal at arm’s length with the particular person; or

ii. the individual acquired a share of a person who is the individual’s spouse as part of a transfer referred to in section 454 of the Act and a valid election under the second paragraph of that section 454 was made by the individual’s spouse, with the result that the provisions of section 454 do not apply to the transfer.

For the purposes of the first paragraph, an individual who expressly or implicitly undertook to transfer or loan part or all of the proceeds of the disposition of a share is deemed to have made the transfer or loan at the time of the undertaking.

An individual referred to in the first paragraph is required to disclose a specified transaction in relation to a transaction referred to in the first paragraph.

The obligation to disclose the specified transaction applies as of,

(a) if the day of the transfer or loan referred to in subparagraph *i* of subparagraph *d* of the first paragraph is before the day on which the share referred to in subparagraph *a* of that paragraph is disposed of, the day of the disposition; or

(b) if the day of the transfer or loan referred to in subparagraph *i* of subparagraph *d* of the first paragraph is the day on which the share referred to in subparagraph *a* of that paragraph is disposed of or is later than that day, the day of the transfer or loan.

### TRANSACTIONS 4 TAX ATTRIBUTE TRADING

The following transactions are hereby determined by the Minister:

(a) a transaction in relation to a tax attribute, contemplated by the definition of “attribute trading restriction” in section 21.4.2.1 of the Act, that is generated in respect of a taxpayer, referred to in this subparagraph as the “initial taxpayer”, other than a tax-exempt taxpayer, as part of the transaction or before the beginning of the transaction, if the transaction includes the following facts:

i. a particular taxpayer is subject to tax under Part I of the Act at a particular time in the transaction; and

ii. the particular taxpayer uses the tax attribute generated in respect of the initial taxpayer;

(b) a transaction in relation to a tax attribute, contemplated by the definition of “attribute trading restriction” in section 21.4.2.1 of the Act, that is generated in respect of a corporation or a trust, referred to in this subparagraph as the “specific taxpayer”, other than a tax-exempt taxpayer, as part of the transaction or before the beginning of the transaction, if the transaction includes the following facts:

i. a person or a partnership acquires,

(1) if the specific taxpayer is a corporation, a share of the capital stock of the specific taxpayer or a right referred to in paragraph *b* of section 20 of the Act relating to such a share; or

(2) if the specific taxpayer is a trust, a capital interest or an income interest in the specific taxpayer or a right, whether immediate or future and whether absolute or contingent, to such an interest;

ii. the specific taxpayer is subject to tax under Part I of the Act at a particular time in the transaction;

iii. the specific taxpayer uses the tax attribute;

iv. if the specific taxpayer carried on a business prior to the beginning of the transaction, either, or both, of the following conditions are met:

(1) the specific taxpayer ceases to carry on the business in the course of the transaction; or

(2) the specific taxpayer begins to carry on a new business in the course of the transaction; and

v. the use of the tax attribute to which subparagraph iii refers is one of the results derived, directly or indirectly, from the acquisition by the person or the partnership of the share, the right to a share, an interest or the right to an interest referred to in subparagraph i.

For the purposes of subparagraph ii of subparagraph *a* of the first paragraph and subparagraph iii of subparagraph *b* of that paragraph, a taxpayer that is a member of a partnership that generates or uses a tax attribute is deemed to generate or use the tax attribute.

For the purposes of subparagraph *a* of the first paragraph, “tax-exempt taxpayer” means

(*a*) a taxpayer in respect of whom section 21.4.2.3 of the Act applies in relation to the tax attribute referred to in that subparagraph *a*; and

(*b*) a taxpayer with whom the particular taxpayer is affiliated.

For the purposes of subparagraph *b* of the first paragraph, “tax-exempt taxpayer” means a taxpayer in respect of whom section 21.4.2.3 of the Act applies in relation to the tax attribute referred to in that subparagraph *b*.

The particular taxpayer referred to in subparagraph *a* of the first paragraph is required to disclose a specified transaction in relation to a transaction referred to in that subparagraph *a*.

The specific taxpayer, within the meaning of subparagraph *b* of the first paragraph, is required to disclose a specified transaction that relates to a transaction referred to in that subparagraph *b*.

The obligation to disclose the specified transaction in relation to a transaction referred to in subparagraph *a* of the first paragraph applies as of the day that is 60 days

before the particular taxpayer’s filing due-date for the first taxation year in respect of which the particular taxpayer uses the tax attribute referred to in that subparagraph *a*.

The obligation to disclose the specified transaction in relation to a transaction referred to in subparagraph *b* of the first paragraph applies as of the day that is 60 days before the specific taxpayer’s filing due-date for the first taxation year in respect of which the specific taxpayer uses the tax attribute referred to in that subparagraph *b*.

104923



## Decisions

### Decision

An Act respecting elections and referendums in municipalities  
(chapter E-2.2)

#### Chief electoral officer

#### — Powers conferred on him by section 90.5 of the Act respecting elections and referendums in municipalities concerning the hours of the revision period in certain municipalities

Decision of the chief electoral officer pursuant to the powers conferred on him by section 90.5 of the Act respecting elections and referendums in municipalities concerning the hours of the revision period in certain municipalities

WHEREAS municipal by-elections are scheduled for February 21 and February 28, 2021, in certain municipalities;

WHEREAS, pursuant to section 110 of the Act respecting elections and referendums in municipalities (CQLR, chapter E-2.2), when a poll is to be held, the municipal list of electors must be revised;

WHEREAS section 132 of the Act respecting elections and referendums in municipalities provides that the returning officer shall ensure that the board of revisors holds sittings for the purpose of receiving applications on at least two days, at the latest on the second day before the last day of sittings of the board, including at least once in the evening from 7:00 to 10:00 p.m.;

WHEREAS Order in Council 2-2021 dated January 8, 2021, prohibits, with certain exceptions, any person from being outside his or her residence or its equivalent, or its grounds, between 8:00 p.m. and 5:00 a.m.;

WHEREAS, pursuant to section 52 of the Act respecting elections and referendums in municipalities, to exercise the right to vote, a person must, at the time of voting, be an elector of the municipality and have his or her name entered on the list of electors of the municipality;

WHEREAS the measure provided for in Order in Council 2-2021 could prevent an elector from applying to a board of revisors of his or her municipality for the purpose of having his or her name entered on the list of electors of the municipality;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities allows the Chief Electoral Officer to adapt a provision of the Act where he finds that, subsequent to an exceptional circumstance, the provision does not meet the demands of the resultant situation;

WHEREAS the Chief Electoral Officer has informed the Minister of the Ministère des Affaires municipales et de l'Habitation of the decision he intends to make;

The Chief Electoral Officer, pursuant to the powers conferred on him by section 90.5 of the Act respecting elections and referendums in municipalities, has decided to adapt section 132 of this legislation as follows:

1. The preamble forms an integral part of this decision;

2. For the purposes of the municipal by-elections to be held on February 21 or February 28, 2021, the third paragraph of section 132 of the Act respecting elections and referendums in municipalities is replaced by the following:

“According to whether the returning officer decides that the board shall hold sittings for that purpose in the morning, in the afternoon or in the evening, the board shall sit from at least 10:00 a.m. to 1:00 p.m., from 2:30 p.m. to 5:30 p.m. or from 4:00 p.m. to 7:00 p.m., respectively.”

3. The returning officer shall take all necessary means to inform electors of the sitting times of the board of revisors.

This decision shall take effect from the date of signing.

Québec City, 29 January 2021

PIERRE REID,  
*Chief Electoral Officer*

104922



## Decision

An Act respecting elections and referendums in municipalities  
(chapter E-2.2)

### Chief electoral officer

#### **— Powers conferred upon him under section 90.5 of the Act respecting elections and referendums in municipalities regarding counting the advance poll ballot papers in the municipality of Saint-Calixte**

Decision of the chief electoral officer by the powers conferred upon him under section 90.5 of the Act respecting elections and referendums in municipalities regarding counting the advance poll ballot papers in the municipality of Saint-Calixte

WHEREAS municipal by-election shall be held on February 21, 2021, in the municipality of Saint-Calixte;

WHEREAS Ministerial Order 2020-084 dated October 27, 2020, concerning the provisional measures to protect the health of the population in the current COVID-19 pandemic provides that any polling station during the election must open at 10 or 11 a.m. and close at 7:00 or 8:00 p.m., to distribute the foot traffic within that polling station;

WHEREAS section 185 of the Act respecting elections and referendums in municipalities (CQLR, chapter E-2.2) provides that the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of the advance poll ballot papers beginning at 8:00 p.m. on polling day;

WHEREAS section 229 of the Act respecting elections and referendums in municipalities provides that the deputy returning officer, assisted by the poll clerk, shall proceed with the counting of the votes after the close of the poll;

WHEREAS the municipality of Saint-Calixte has decided to close the polling station on polling day at 7:00 p.m.;

WHEREAS Ministerial Order 2020-084 does not provide for any concordance amendment to take into account the new polling station opening hours;

WHEREAS according to the current provisions of section 185 of the Act respecting elections and referendums in municipalities, the counting of the advance poll ballot papers may not begin before 8:00 p.m.;

WHEREAS section 90.5 of the Act respecting elections and referendums in municipalities allows the Chief Electoral Officer to adapt a provision of the Act where he finds that, following an exceptional circumstance, the provision does not meet the requirements of the situation;

WHEREAS the Chief Electoral Officer has informed the Minister of Municipal Affairs and Land Occupancy of the decision he intends to make;

The Chief Electoral Officer, by the powers given to him under section 90.5 of the Act respecting elections and referendums in municipalities, has decided to adapt section 185 of this Act as follows:

1. The preamble is integral to this decision;
2. The returning officer of the municipality of Saint-Calixte is authorized, on polling day, to count the advance poll ballot papers beginning at 7:00 p.m.;
3. The returning officer shall notify each recognized party or team and each independent candidate of this decision, as the case may be.

This decision shall take effect from the date of signing.

Québec City, 17 February 2021

PIERRE REID,  
*Chief Electoral Officer*

104921