



Part 2

LAWS AND REGULATIONS

23 February 2022 / Volume 154

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Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec
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Partie 2, entitled "Lois et règlements", and the English edition, Part 2 "Laws and Regulations", are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

The *Gazette officielle du Québec* Part 2 is available to all free of charge and is published at 0:01 a.m. each Wednesday at the following address:

www.publicationsduquebec.gouv.qc.ca

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- (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;
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Partie 1 «Avis juridiques»:	\$555
Partie 2 «Lois et règlements»:	\$761
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3. Publication of a document in Partie 1:
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4. Publication of a document in Part 2:
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A minimum rate of \$278 is applied, however, in the case of a publication of fewer than 220 agate lines.

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PROVINCE OF QUÉBEC

2ND SESSION

42ND LEGISLATURE

QUÉBEC, 8 DECEMBER 2021

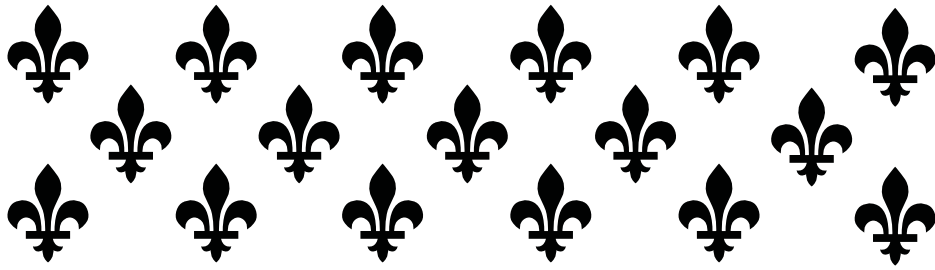
OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 8 December 2021*

This day, at a quarter past one o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to assent to the following bills:

- 3 An Act to amend various legislative provisions mainly with respect to the financial sector
- 200 An Act respecting Ville de Montréal
- 201 An Act to extend the time limit specified in section 137 of the Charter of Ville de Gatineau
- 202 An Act respecting the insurer activities of the Fédération québécoise des municipalités locales et régionales (FQM) and its amalgamation with, by absorption of, La Mutuelle des municipalités du Québec

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.

Québec Official Publisher



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 3
(2021, chapter 34)

**An Act to amend various legislative
provisions mainly with respect to the
financial sector**

**Introduced 20 October 2021
Passed in principle 11 November 2021
Passed 7 December 2021
Assented to 8 December 2021**

**Québec Official Publisher
2021**

EXPLANATORY NOTES

This Act amends various legislative measures concerning mainly the financial sector.

The Automobile Insurance Act is amended to prescribe the liability insurance rules applicable to enterprises when persons whose services have been retained by them use their own motor vehicle for the purposes of the persons' work. The Act also allows the communication to firms registered in damage insurance of information concerning the insurers' automobile insurance experience as well as the automobile driving experience of the persons insured.

The Insurers Act is amended mainly in order

(1) to allow a reciprocal union to be formed of parties that do not have juridical personality;

(2) to provide that a client may not cancel a travel insurance contract if the trip covered has started; and

(3) to allow an insurer to acquire and hold contributed capital securities in a firm registered in damage insurance in excess of the limits prescribed by the Insurers Act if that insurer, its financial group or the legal persons that are related to the insurer or financial group comply with the limits prescribed by the Act respecting the distribution of financial products and services.

The Act respecting financial services cooperatives is amended to update the rules relating to the audit of a financial services cooperative's or security fund's financial statements. The Act provides that the limits on a federation's investments do not apply if the federation acquires or holds contributed capital securities issued by its participating auxiliary members.

The Real Estate Brokerage Act is amended to provide that a person authorized under an Act of a legislative authority other than Québec to engage in a brokerage transaction for the sale, purchase or lease of an immovable must now hold a broker's or agency licence issued in Québec or a special authorization from the Organisme d'autoréglementation du courtage immobilier du Québec in order to engage in a real estate brokerage transaction for the lease of an immovable in Québec.

The Act respecting the distribution of financial products and services is amended, in particular

(1) to prescribe the obligations specific to mortgage brokers;

(2) to adjust the obligations of damage insurance brokerage firms and damage insurance agencies to disclose business relationships and the form of such a disclosure; and

(3) to prescribe the independence criteria for the directors of the Chambre de la sécurité financière and the Chambre de l'assurance de dommages.

The Act respecting the regulation of the financial sector is amended in order, among other things, to create a board of directors within the Autorité des marchés financiers and to abolish the Conseil consultatif de régie administrative. The Act makes the Autorité des marchés financiers subject to the Act respecting the governance of state-owned enterprises.

The Deposit Institutions and Deposit Protection Act is amended to withdraw the possibility for the Autorité des marchés financiers to cancel the shares issued by a deposit institution belonging to the cooperative group or write off any part of the negotiable and transferable unsecured debts.

Under the Act, a notice concerning an operation that requires a review of an authorization by the Autorité des marchés financiers, under the Insurers Act, the Deposit Institutions and Deposit Protection Act and the Trust Companies and Savings Companies Act, must be published in its bulletin not later than 30 days before the date set for the operation.

The Act also provides that certain obligations of, or certain prohibitions applicable to, a financial institution may apply to anyone controlled by the institution or anyone acting on its behalf.

The Act provides for various relief measures applicable for the period from 1 April 2021 to 31 March 2022 to persons with student debt under the bursaries and loans program.

The Act contains the provisions necessary for a more timely recording of certain expenditures due to the change in the application of the accounting standard on transfer payments and, to that end, allows the sums providing for the payment of those expenditures to be taken out of the Consolidated Revenue Fund.

Lastly, the Act makes technical corrections and contains consequential provisions and transitional provisions.

LEGISLATION AMENDED BY THIS ACT:

- Automobile Insurance Act (chapter A-25);
- Insurers Act (chapter A-32.1);
- Act respecting financial services cooperatives (chapter C-67.3);
- Real Estate Brokerage Act (chapter C-73.2);
- Act respecting the distribution of financial products and services (chapter D-9.2);
- Act respecting the regulation of the financial sector (chapter E-6.1);
- Act respecting the governance of state-owned enterprises (chapter G-1.02);
- Deposit Institutions and Deposit Protection Act (chapter I-13.2.2);
- Voluntary Retirement Savings Plans Act (chapter R-17.0.1);
- Trust Companies and Savings Companies Act (chapter S-29.02);
- Act respecting remunerated passenger transportation by automobile (chapter T-11.2);
- Credit Assessment Agents Act (2020, chapter 21).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting the classes of negotiable and transferable unsecured debts and the issuance of such debts and of shares (chapter I-13.2.2, r. 3);
- Regulation respecting the indemnification plan applicable pursuant to certain resolution operations (chapter I-13.2.2, r. 4).

Bill 3

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS MAINLY WITH RESPECT TO THE FINANCIAL SECTOR

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

PROVISIONS CONCERNING MAINLY THE FINANCIAL SECTOR

AUTOMOBILE INSURANCE ACT

1. Section 84 of the Automobile Insurance Act (chapter A-25) is amended by adding the following paragraphs at the end:

“The operator of a transportation system governed by the Act respecting remunerated passenger transportation by automobile (chapter T-11.2) must also have a contract referred to in the first paragraph guaranteeing compensation for property damage caused by the automobiles used by the drivers registered with the operator and of which the operator is not the owner.

Similarly, an enterprise whose activities consist, in particular, in delivering goods may have a contract referred to in the first paragraph guaranteeing compensation for property damage caused by the automobiles of which the enterprise is not the owner, but which are used by its employees for that delivery.

An operator or an enterprise referred to in the second or third paragraph is considered an owner for the purposes of this Title.”

2. Section 178 of the Act is amended by striking out the third paragraph.

3. Section 179.1 of the Act is amended

(1) by inserting “or firm registered for the damage insurance sector” after “insurer” in the introductory clause of the first paragraph;

(2) by inserting “or firm registered for the damage insurance sector” after “insurer” in the second paragraph.

4. Section 179.2 of the Act is amended by inserting “or firm registered for the damage insurance sector” after “insurer”.

INSURERS ACT

5. Sections 7 and 21 of the Insurers Act (chapter A-32.1) are amended by replacing “persons” by “parties”.

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

(1) by replacing “a person who” and “it gives an undertaking to another person” in subparagraph 2 by “anyone who” and “it gives an undertaking to another party”, respectively;

(2) by replacing “persons” in subparagraph 5 by “parties”.

7. Section 31 of the Act is amended by replacing “to which each person in the union is a party” in the second paragraph by “binding each of the parties in the union”.

8. Section 36 of the Act is amended by replacing “persons” in the first paragraph by “parties”.

9. Section 42 of the Act is amended

(1) by replacing “the persons” in the first paragraph by “the parties”;

(2) by replacing “reinsure persons” in the second paragraph by “reinsure parties”.

10. The heading of Chapter III of Title II of the Act is amended by replacing “LEGAL PERSONS” by “THIRD PERSONS”.

11. Section 64 of the Act is amended by inserting “or, in the case of a travel insurance contract, unless a trip that falls under the coverage has already started” at the end of the first paragraph.

12. The Act is amended by inserting the following section after section 64:

“**64.1.** Despite section 64, no one may cancel an insurance contract if doing so causes the client or an insured to be in default of being covered by such a contract where the law requires it.”

13. Section 71 of the Act is amended

(1) in the first paragraph,

(a) by replacing “approved” by “determined”;

(b) by adding the following sentence at the end: “If those policies concern a contract to be entered into by an operator or enterprise referred to in the second or third paragraph of section 84 of the Automobile Insurance Act (chapter A-25) or if those riders are attached to such a contract, the Authority must send them to the Minister 15 days before they are determined.”;

(2) in the second paragraph,

(a) by replacing “approved” in the introductory clause by “determined”;

(b) by inserting “and, in the case of a rider attached to a contract to be entered into by an operator or enterprise referred to in the second or third paragraph of section 84 of the Automobile Insurance Act, to the Minister” at the end of subparagraph 2;

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

“The Authority may attach conditions or restrictions to a rider attached to a contract to be entered into by an operator or enterprise referred to in the second or third paragraph of section 84 of the Automobile Insurance Act. It must send the conditions or restrictions to the Minister 15 days before attaching them to such a rider.”

14. Section 85 of the Act is amended

(1) by inserting “or, in the case of a share of a right of ownership in an immovable, at least 50% of that right,” after “acquisition” in the first paragraph;

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

“Similarly, section 84 does not apply where an authorized Québec insurer acquires and holds contributed capital securities in a firm registered for the damage insurance sector to the extent that the insurer, its financial group or the legal persons that are related to the insurer or financial group comply with the limits prescribed by section 150 of the Act respecting the distribution of financial products and services (chapter D-9.2).”

15. Section 137 of the Act is amended by replacing “persons” in the second paragraph by “parties”.

16. Section 138 of the Act is amended by replacing “person” in the first paragraph by “party”.

17. Section 155 of the Act is amended by replacing “from an authorized insurer of a notice of intention to carry out one or more operations giving rise to a review mentioned in section 146 and, if applicable, the required documents, costs and fees” in the first paragraph by “of a notice referred to in the first paragraph of section 148 or, if the Authority receives it before the expiry of the time limit specified in that section, not later than the 30th day before an operation provided for in the first paragraph of that section”.

18. Section 179 of the Act is amended by striking out “to an insurance company” in paragraph 3.

19. Section 180 of the Act is amended by adding the following paragraph at the end:

“Likewise, the communication to the Authority of information protected by professional secrecy, by litigation privilege or by another communication restriction under the rules of evidence does not entail a waiver of the protection conferred on that information.”

20. Section 188 of the Act is amended, in the first paragraph,

(1) by replacing “to which each person in the union is a party” in the introductory clause by “binding each of the parties in the union”;

(2) by replacing all occurrences of “persons” by “parties”.

21. Sections 189, 191 to 193 and 195 of the Act are amended by replacing all occurrences of “persons” by “parties”.

22. Section 330 of the Act is amended by inserting “or, in the case of a short-form amalgamation within the meaning of the Business Corporations Act, the resolutions of the boards of directors of the amalgamating companies authorizing such an amalgamation” at the end of paragraph 3.

23. The Act is amended by inserting the following section after section 378:

“**378.1.** Chapter XII of Title II applies to federations, with the necessary modifications.”

24. Section 465 of the Act is amended

(1) by replacing “a legal person” in the second paragraph by “a third person”;

(2) by replacing “to the contravener in writing” in the third paragraph by “in writing to the contravener and, if the contravener is a third person acting on behalf of an authorized insurer, to that insurer”.

25. Section 466 of the Act is amended by replacing “the groups or persons” in the first paragraph by “those”.

26. Section 467 of the Act is amended

(1) by replacing “the person concerned” in the first paragraph by “whoever the order concerns”;

(2) by replacing “the person concerned. The latter” in the second paragraph by “whoever it concerns. The latter”.

27. Section 491 of the Act is amended by inserting “or fails to send the Authority the list of the contracts with respect to which a distributor will be dealing with clients or participants or any change to that list” at the end of subparagraph *b* of subparagraph 1 of the first paragraph.

ACT RESPECTING FINANCIAL SERVICES COOPERATIVES

28. The heading of Division IV of Chapter I of the Act respecting financial services cooperatives (chapter C-67.3) is amended by replacing “LEGAL PERSONS” by “THIRD PERSONS”.

29. Section 135 of the Act is amended

(1) by striking out “and the combined financial statements” in the second paragraph;

(2) by striking out “; the combined financial statements present, in a combined form, the financial position of the credit unions that are members of the federation” in the third paragraph.

30. Section 139 of the Act is amended by striking out “; the combined financial statements must nonetheless be audited” in the second paragraph.

31. Section 141 of the Act is amended by striking out the second paragraph.

32. Section 144 of the Act is amended by replacing “combined financial statements” and “of a credit union that is a member of the federation that appointed him or her” in the second paragraph by “consolidated financial statements of the financial group to which a federation belongs” and “of a member of the financial group to which the federation that appointed him or her belongs, including, if applicable, an auxiliary member that is a cooperative established under an Act of a jurisdiction other than Québec and that has a mission similar to that of a credit union within the meaning of this Act, but whose principal establishment is located outside Québec”, respectively.

33. Section 148 of the Act is replaced by the following section:

“148. The financial services cooperative is required to see that its officers, managers and employees send an auditor who requests it in the course of his or her functions the information or documents regarding the cooperative, the groups of which the cooperative is the holder of control and any other group whose financial information is consolidated with its own.

The financial services cooperative is also required to see that persons having custody of such documents do so as well.”

34. Section 149 of the Act is amended

(1) by striking out the second paragraph;

(2) by replacing “combined financial statements” and “of a credit union that is a member of the federation” in the third paragraph by “consolidated financial statements of the financial group to which a federation belongs” and “of a member of the financial group to which the federation belongs, including, if applicable, an auxiliary member that is a cooperative established under an Act of a jurisdiction other than Québec and that has a mission similar to that of a credit union within the meaning of this Act, but whose principal establishment is located outside Québec”, respectively.

35. Section 150 of the Act is amended by striking out the second paragraph.

36. Section 152 of the Act is amended

(1) by striking out “; the auditor shall also forward a copy of the written report to the federation, if the auditor is responsible for auditing the combined financial statements” in the first paragraph;

(2) by striking out the fifth paragraph.

37. Section 154 of the Act is amended by striking out the third paragraph.

38. Section 155 of the Act is amended by striking out the second paragraph.

39. Section 158 of the Act is amended by replacing “The auditor responsible for auditing the combined financial statements shall submit a report on the audit. They shall transmit their reports” by “The auditor shall transmit his or her report”.

40. Section 159 of the Act is amended by striking out the second paragraph.

41. Section 162 of the Act is amended by adding the following paragraph at the end:

“If the cooperative is a federation, its financial statements referred to in subparagraph 4 of the first paragraph are the consolidated financial statements of the financial group to which the federation belongs. For the purposes of this paragraph, any auxiliary member that is a cooperative established under an Act of a jurisdiction other than Québec and that has a mission similar to that of a credit union within the meaning of this Act, but whose principal establishment is located outside Québec belongs to that financial group.”

42. Section 163 of the Act is amended by striking out “and the combined financial statements” in the first paragraph.

43. Section 366.1 of the Act is amended by striking out “and the combined financial statements provided for in the second paragraph of section 135” in the first paragraph.

44. Section 427 of the Act is amended

(1) by replacing “its consolidated financial statements to the Authority, accompanied with” in the first paragraph by “to the Authority”;

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

“For the purposes of the first paragraph, the federation’s consolidated financial statements are those of the financial group to which it belongs. For the purposes of this paragraph, any auxiliary member that is a cooperative established under an Act of a jurisdiction other than Québec and that has a mission similar to that of a credit union within the meaning of this Act, but whose principal establishment is located outside Québec belongs to that financial group.”

45. The Act is amended by inserting the following section after section 474:

“**474.1.** Sections 473 and 474 do not apply to a federation if it acquires or holds contributed capital securities issued by its participating auxiliary members.”

46. Section 523 of the Act is repealed.

47. Section 524 of the Act is repealed.

48. Section 525 of the Act is amended by striking out paragraph 4.

49. Section 530 of the Act is amended by striking out “and be accompanied with the auditor’s report to the Authority attesting the scope of the auditor’s audit and the auditor’s opinion on the financial position of the fund”.

50. Section 564.2 of the Act is amended by replacing “to a cooperative” in paragraph 3 by “to the cooperative”.

51. Section 564.3 of the Act is amended by adding the following paragraph at the end:

“Likewise, the communication to the Authority of information protected by professional secrecy, by litigation privilege or by another communication restriction under the rules of evidence does not entail a waiver of the protection conferred on that information.”

52. Section 567 of the Act is amended by replacing “a legal person” in the third paragraph by “a third person”.

53. Section 569.1 of the Act is amended by inserting “as well as, if the contravener is a third person who acts on behalf of a financial services cooperative or a security fund, to that cooperative or fund” after “of which the contravener is a member” in the first paragraph.

54. Section 571 of the Act is amended

(1) by replacing “the person concerned” in the first paragraph by “whoever the order concerns”;

(2) by replacing “the person concerned. The latter” in the second paragraph by “whoever it concerns. The latter”.

REAL ESTATE BROKERAGE ACT

55. Section 1 of the Real Estate Brokerage Act (chapter C-73.2) is amended by replacing “obligates himself or herself without” in the second paragraph by “receives no”.

56. Section 2 of the Act is amended

(1) by inserting “or, in the case of a person authorized under an Act of a jurisdiction other than Québec to engage in a brokerage transaction described in section 1 outside of Québec, for the lease of an immovable” after “purchase of an immovable” in the first paragraph;

(2) by inserting “, other than the person referred to in the first paragraph and authorized under an Act of a jurisdiction other than Québec, that is a” after “Consequently, the intermediary” in the second paragraph.

ACT RESPECTING THE DISTRIBUTION OF FINANCIAL PRODUCTS AND SERVICES

57. Section 11.2 of the Act respecting the distribution of financial products and services (chapter D-9.2) is amended, in the first paragraph,

(1) by replacing “a hypothecary creditor, provided they engage in such a transaction in the course of their principal occupation and only for that creditor” in subparagraph 3 by “or acting for a hypothecary creditor, provided they engage in such a transaction only for that creditor or for a financial institution that belongs to the same financial group as that creditor”;

(2) by striking out subparagraph 4.

58. Section 12 of the Act is amended by replacing “a financial institution may” and “invite” in the second paragraph by “a person may, without holding such a certificate, act on behalf of a financial institution to enable it” and “to invite”, respectively.

59. Section 30 of the Act is repealed.

60. Section 31 of the Act is amended by striking out “on those insurers”.

61. The Act is amended by inserting the following division after Division IV of Chapter II of Title I:

“DIVISION V

“MORTGAGE BROKERS

“58.1. Mortgage brokers must inquire into their clients’ situation to assess their needs, be sure to appropriately advise their clients and, if they can, propose to their clients a loan that meets their needs.

“58.2. Mortgage brokers must describe to the client the loan offered to him or her in relation to the needs identified and specify the conditions of the loan offered and the nature of the hypothec before the client enters into a loan agreement.

“58.3. Mortgage brokers must, before proposing a loan to their client, disclose to him or her, in the manner determined by regulation, the names of lenders with whom their clients have entered into a loan agreement, together with the other information prescribed by regulation.

“58.4. Mortgage brokers must, when they have, or when the independent partnership or firm for which they act has, a business relationship with the lender who offers a loan to their client, disclose that relationship to their client.

Any direct or indirect interest held by a lender in the ownership of a firm or held by a firm in the ownership of a lender, and the granting by a lender of any benefit or other interest determined by regulation, constitutes a business relationship.”

62. Section 71 of the Act is amended by adding the following sentence at the end of the first paragraph: “However, a financial institution may, by giving out brochures or flyers or using direct mail or any other form of publicity, invite the public to purchase insurance products.”

63. Section 83.1 of the Act is replaced by the following section:

“83.1. A damage insurance brokerage agency that offers directly to the public insurance products that belong to a class prescribed by the regulation made for the purposes of section 38 must disclose on its website the names of the insurers for which it offers insurance products. It must also, in its written communications by which it invites the public to purchase such products, disclose the names of at least three of those insurers and indicate how to obtain the complete list of them.

A damage insurance brokerage firm must, in the same manner, disclose the following information:

(1) the name of the legal person that holds an interest representing more than 20% of the value of the firm's equity capital or, if that legal person belongs to a financial group within the meaning assigned to that expression by section 147, the name under which the group is known; and

(2) the name of the insurer to which are paid more than 60% of the premiums stipulated in the contracts entered into by the firm for all of the classes prescribed by the regulation made for the purposes of section 38.

For the purposes of subparagraph 1 of the second paragraph, a firm's equity capital does not include shares that do not carry the right to vote or the right to receive a share of the firm's remaining property on liquidation.

A damage insurance firm must disclose, in the manner provided for in the first paragraph, the name of the insurer to which it is bound by an exclusive contract.”

64. Section 86.0.1 of the Act is amended by replacing “and 39” in the first paragraph by “, 39 and 58.1 to 58.4”.

65. Section 115.2 of the Act is amended by replacing both occurrences of “or 103.1” in the first paragraph by “, 103.1 or 103.7”.

66. Section 128 of the Act is amended by replacing “Insurance representatives in insurance of persons and group insurance representatives, other than those referred to in section 32, damage insurance brokers, financial planners, claims adjusters and mortgage brokers” in the first paragraph by “Representatives”.

67. Section 146 of the Act is amended

(1) in the first paragraph,

(a) by inserting “83.1,” after “79,”;

(b) by replacing “, 125.1, 126 and” by “and 125.1 to”;

(2) in the second paragraph,

(a) by inserting “83.1,” after “82,”;

(b) by replacing “, 125.1, 126 and” by “and 125.1 to”.

68. Section 146.1 of the Act is amended

(1) by inserting “as well as the second paragraph of section 115.9.2” after “to 115.9”;

(2) by inserting “103.7,” after “103.1,”;

(3) by replacing “by regulation” by “under this Act or the regulations”.

69. Section 155 of the Act is amended by replacing “148” in the first paragraph by “150”.

70. Section 207 of the Act is amended by inserting “or 58.4” after “section 26”.

71. Section 208 of the Act is amended

(1) by replacing “, damage insurance brokers and firms that are not insurers or that are not bound by an exclusive contract with an insurer” by “and damage insurance brokers”;

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

“Likewise, the Authority may, by regulation, determine the information that must be disclosed by mortgage brokers to their client as well as the terms relating to the disclosure they must make to the client concerning the lenders with whom their other clients have entered into a loan contract.”

72. Section 235 of the Act is amended

(1) by inserting “and provide the information the agency or firm must disclose under the second or fourth paragraph of section 83.1” at the end of the second paragraph;

(2) by striking out the third paragraph.

73. Section 290 of the Act is amended

(1) by replacing “on a recommendation of” in the first paragraph by “after consulting”;

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

“Board members qualify as independent members if they have no direct or indirect relations or interests, for example of a financial, commercial, professional or philanthropic nature, that are likely to interfere with the quality of their decisions as regards the interests of the Chamber.

A director is deemed not to be independent if the director

(1) on the date of the director’s appointment or in the three years preceding that date,

(a) is or was a personnel member of, or holds or held a position at, the Ministère des Finances or the Autorité des marchés financiers;

(b) is or was in the employ, a member or elected as director of that Chamber; or

(c) works or worked in the industry in which the representatives who are members of the Chamber pursue their activities; or

(2) has an immediate family member who is a senior officer of the Chamber.

For the purposes of subparagraph 2 of the third paragraph, “immediate family member” means a person’s spouse or child, the spouse’s child, the person’s father, mother, brother or sister, the spouse of the person’s father or mother, the father or mother of the person’s spouse or the spouse of the person’s child.”;

(3) by inserting “, including an expertise and experience profile approved by the board” at the end of the third paragraph.

74. Section 425 of the Act is amended by inserting “, a bank, an authorized foreign bank” after “deposit institution” in the first paragraph.

75. Sections 463 and 464 of the Act are amended by replacing “without being a representative” by “in contravention of this Act”.

76. Section 470 of the Act is amended by replacing “without being a representative, offers an insurance product that may only be offered” by “in contravention of this Act, offers an insurance product or proposes a loan secured by immovable hypothec that may only be offered or proposed”.

77. The Act is amended by inserting the following section after section 470.1:

“**470.2.** Every person who does not give the notices under sections 19, 22 and 93 although required to do so is guilty of an offence.”

78. Section 486 of the Act is amended by inserting “470.2,” after “464,” in the first paragraph.

79. Sections 492 and 494 of the Act are amended by replacing “sections 461 to 483” in the first paragraph by “the sections of this Title”.

ACT RESPECTING THE REGULATION OF THE FINANCIAL SECTOR

80. Section 5 of the Act respecting the regulation of the financial sector (chapter E-6.1) is repealed.

81. Section 6 of the Act is amended by replacing “other directorate and any other administrative structure” by “administrative structure”.

82. Section 16 of the Act is amended by replacing “No” and “the person is authorized to do so” in the first paragraph by “No member of a board or” and “the board member or person is authorized to do so”, respectively.

83. The Act is amended by inserting the following after the heading of Chapter IV:

“DIVISION I

“BOARD OF DIRECTORS

“19.18. The Authority shall be administered by a board of directors composed of 11 to 13 members appointed by the Government, including the chair of the board and the President and Chief Executive Officer.

All the members of the board of directors, excluding the President and Chief Executive Officer, must qualify as independent directors in the opinion of the Government.

“19.19. The members of the board of directors, other than the chair of the board and the President and Chief Executive Officer, are appointed by the Government taking into consideration the expertise and experience profiles approved by the board. Their terms of office may not exceed four years.

“19.20. The chair of the board of directors is appointed by the Government. The chair’s term of office may not exceed five years.

“19.21. The President and Chief Executive Officer is appointed by the Government, on the recommendation of the board of directors, taking into consideration the expertise and experience profiles approved by the board. The President and Chief Executive Officer’s term of office may not exceed five years.

“19.22. The Government shall fix the remuneration, social benefits and the other conditions of employment of the President and Chief Executive Officer.

The other members of the board of directors are remunerated by the Authority, on the conditions and to the extent determined by the Government.

In addition, the members of the board are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“19.23. The composition of the board of directors must tend towards gender parity.

“19.24. A person may not be appointed as or remain a member of the board of directors if

(1) the person is subject to an Act referred to in section 7 or is a director or officer of an entity subject to such an Act;

(2) the person was found guilty of an offence under any of the Acts referred to in section 7 during the five years prior to appointment or at any time while in the office of director, to the extent that the offence is incompatible with the office of director, unless the person has been pardoned;

(3) the person did not file a return, certificate, attestation or report that ought to have been filed under an Act referred to in section 7 on the date determined by that Act, though the person was required to do so; or

(4) the person owes an amount exigible under any of the Acts referred to in section 7, unless the person has entered into an agreement for the payment of the amount and complies with it, or the recovery of the amount has been suspended legally.

Subparagraph 1 of the first paragraph does not apply to the appointment of the President and Chief Executive Officer.

“19.25. On the expiry of their term, the members of the board of directors remain in office until they are replaced or reappointed.

“19.26. A vacancy on the board of directors shall be filled in accordance with the rules of appointment to the board.

Non-attendance at a number of board meetings determined by the board, in the cases and circumstances it specifies, constitutes a vacancy.

“19.27. The chair of the board shall call the board meetings.

“19.28. The quorum at meetings of the board of directors is the majority of its members, including the President and Chief Executive Officer or the chair of the board.

“19.29. If the members of the board of directors take part in a board meeting by means of equipment enabling all participants to communicate directly with one another, they may hold a vote by any means of communication enabling votes to be cast in a way that both allows them to be verified afterwards and protects the secrecy of the vote, where such a ballot has been requested.

“19.30. The functions of the board include, in particular,

(1) approving the Authority’s investment policies and multi-year budget estimates;

(2) approving the by-law that establishes the Authority’s staffing plan;

(3) ensuring that the board committees exercise their functions properly;

(4) appointing, on the recommendation of the President and Chief Executive Officer, the superintendents and other officers of the Authority, other than the President and Chief Executive Officer, that are under the President and Chief Executive Officer's immediate authority;

(5) approving the information technology investment plan and an information resource management and security policy; and

(6) determining the delegation and subdelegation of powers and signing authority in all matters connected with the board's functions and powers.

The board shall also report to the Minister on any matter submitted to it by the latter and make recommendations to the Minister concerning the efficient use of Authority resources.

“19.31. In no case may the board of directors or any of its members, other than the President and Chief Executive Officer, exercise the functions and powers described in section 24.

No information may be communicated to the board of directors or one of its members, other than the President and Chief Executive Officer, that, even indirectly, reveals the identity of a person or entity that is subject to the application of an Act referred to in section 7.

“19.32. Subject to section 24.1, no deed, document or writing binds the Authority, or may be attributed to it, unless it is signed by a person authorized to do so by by-law of the board of directors.

The by-law may allow the signature of a person referred to in the first paragraph to be affixed by means of an automatic device on the documents specified in the by-law.

“19.33. The minutes of board meetings, approved by the board and certified true by the chair or by another member of the board authorized to do so by the board, are authentic.

“DIVISION II

“PRESIDENT AND CHIEF EXECUTIVE OFFICER”.

84. Section 20 of the Act is repealed.

85. Section 21 of the Act is replaced by the following section:

“21. The President and Chief Executive Officer shall exercise the functions and powers relating to the application of an Act referred to in section 7 regarding any person or entity subject to that application. The office of president and chief executive officer is a full-time position.”

86. Section 22 of the Act is amended

(1) by replacing the first sentence by the following sentence: “If the President and Chief Executive Officer is absent or unable to act, the board of directors may designate a member of the Authority’s staff to perform the President and Chief Executive Officer’s functions.”;

(2) by replacing “President and Chief Executive Officer” in the last sentence by “chair of the board”.

87. Section 23 of the Act is amended

(1) by replacing “shall appoint” and “activities and operations of the five directions of the Authority referred to in section 5” in the first paragraph by “shall recommend to the board of directors the appointment of” and “of the Authority’s activities and operations”, respectively;

(2) by replacing “shall also appoint” in the third paragraph by “shall also recommend to the board of directors the appointment of”.

88. Section 24 of the Act is amended by striking out the last sentence of the first paragraph.

89. The Act is amended by inserting the following section after section 24:

“24.1. With respect to the functions and powers referred to in sections 21 and 24, no deed, document or writing binds the Authority, or may be attributed to it, unless it is signed by the President and Chief Executive Officer or, within the limits of his or her duties within the administrative unit under his or her responsibility or to which he or she is attached, by a member of the Authority’s staff authorized by the President and Chief Executive Officer.

The President and Chief Executive Officer may, in his or her authorization, allow the signature of a person referred to in the first paragraph to be affixed by means of an automatic device on the documents he or she determines.

The instrument of authorization shall be posted on the Authority’s website and comes into force on the date of publication of a notice to that effect in the *Gazette officielle du Québec* or on any other subsequent date indicated in the notice.”

90. Section 25 of the Act is amended

(1) by replacing “The decisions made by the Authority” by “A document or copy of a document from the Authority or forming part of its records”;

(2) by striking out the second sentence.

91. Section 25.1 of the Act is repealed.

92. The Act is amended by inserting the following before section 26:

“DIVISION III

“HUMAN RESOURCES”.

93. Section 28 of the Act is replaced by the following section:

“28. The code of ethics applicable to the members of the Authority’s board of directors and the code applicable to its staff members must prescribe special rules and sanctions applicable to transactions carried out by staff members on securities governed by the Securities Act (chapter V-1.1).”

94. Sections 32.1 and 32.2 of the Act are amended by striking out all occurrences of “the President and Chief Executive Officer.”

95. Section 42 of the Act is amended

(1) by replacing “a report on its activities” in the first paragraph by “an annual management report”;

(2) by replacing “activity report” in the second paragraph by “annual management report”;

(3) by replacing “activity report” and “activity reports” in the third paragraph by “annual management report” and “annual management reports”, respectively.

96. Section 43 of the Act is amended by replacing “activity” by “annual management”.

97. Section 44 of the Act is amended by replacing “activity” in the second paragraph by “annual management”.

98. Section 45 of the Act is repealed.

99. Section 46 of the Act is repealed.

100. Title II of the Act, comprising sections 48 to 58, is repealed.

101. The heading of Title II.1 of the Act is amended by replacing “COMITÉ” by “CONSEIL”.

102. Section 58.1 of the Act is amended by replacing “Comité” and “the Committee” by “Conseil” and “the Council”, respectively.

103. Section 58.2 of the Act is replaced by the following section:

“58.2. The Council is composed of not fewer than five or more than nine members appointed by the board of directors, after consultation with the President and Chief Executive Officer. The board of directors shall designate the chair of the Council from among them.

Members of the Council are appointed for a term of up to three years and may only be reappointed twice for a consecutive term.

On the expiry of their term, the members of the Council remain in office until they are reappointed or replaced.”

104. Section 58.3 of the Act is amended

(1) by replacing “the chair of the Committee, after consultation with the Council” in the first paragraph by “the board of directors, on the recommendation of the President and Chief Executive Officer”;

(2) by replacing all occurrences of “Committee” in the second paragraph by “Council”.

105. Sections 58.4 to 58.6, 58.8 and 58.9 of the Act are amended by replacing “Committee” by “Council”.

106. Section 58.10 of the Act is amended

(1) by replacing all occurrences of “Committee” by “Council”;

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

“No member of the Council may use, for his or her own profit or that of a third person, information thus obtained.”

107. Section 58.11 of the Act is amended by replacing “Committee” by “Conseil”.

108. Section 58.12 of the Act is amended by replacing “Committee” and “activity” by “Council” and “annual management”, respectively.

109. The Act is amended by inserting the following section after section 106:

“106.1. For the purposes of this Title, the use of any appropriate technological means available to both the parties and the Tribunal should be considered, where circumstances permit, taking into account the technological environment in place to support the business of the Tribunal.

The Tribunal, even on its own initiative, may use such means or, if it considers it appropriate given the circumstances, order that such means be used by the parties; if it considers it necessary, the Tribunal may also, despite an agreement between the parties, require a person to appear in person at a hearing or a conference.”

ACT RESPECTING THE GOVERNANCE OF STATE-OWNED ENTERPRISES

110. Schedule I to the Act respecting the governance of state-owned enterprises (chapter G-1.02) is amended by inserting “Autorité des marchés financiers” in alphabetical order.

DEPOSIT INSTITUTIONS AND DEPOSIT PROTECTION ACT

111. The heading of Chapter V of Title II of the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2) is amended by replacing “LEGAL PERSONS” by “THIRD PERSONS”.

112. Section 30.7 of the Act is amended by replacing “from an authorized deposit institution of a notice of intention to carry out one or more operations giving rise to a review mentioned in section 29 and, if applicable, the required documents, costs and fees” in the first paragraph by “of a notice referred to in the first paragraph of section 30.1 or, if the Authority receives it before the expiry of the period specified in that section, not later than 30 days before an operation provided for in that paragraph”.

113. Section 32.12 of the Act is amended by striking out “to a Québec savings company” in paragraph 3.

114. Section 32.13 of the Act is amended by adding the following paragraph at the end:

“Likewise, the communication to the Authority of information protected by professional secrecy, by litigation privilege or by another communication restriction under the rules of evidence does not entail a waiver of the protection conferred on that information.”

115. Section 40.8 of the Act is amended

(1) in the first paragraph,

(a) by replacing “section 20” by “section 19.21”;

(b) by inserting “and remunerated by the Authority according to the terms determined by the Government” at the end;

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

“Sections 32 to 32.2 of the Act respecting the regulation of the financial sector apply to that third person.”

116. The heading of subdivision VI of subdivision 4 of Division II of Chapter III of Title III of the Act is amended by striking out “, *cancellation*”.

117. Section 40.50 of the Act is amended

(1) by replacing “cancel any part of the shares issued by a deposit institution belonging to the cooperative group. It may also convert such shares” in the first paragraph by “convert any part of the shares issued by a deposit institution belonging to the cooperative group”;

(2) by replacing “write off” and “Authority. It may also convert them” in the second paragraph by “convert” and “Authority,” respectively.

118. Section 41 of the Act is amended

(1) in the first paragraph,

(a) by inserting “, other than a financial services cooperative, authorized insurer or authorized trust company” after “authorized deposit institution”;

(b) by inserting “, accompanied by the financial statements made in the form prescribed by regulation and the report of the institution’s auditor” at the end;

(2) by striking out the second paragraph.

119. Section 42 of the Act is replaced by the following section:

42. The frequency of an inspection of the internal affairs and the activities of an authorized deposit institution, other than a financial services cooperative, authorized insurer or authorized trust company, is at least once a year.”

120. Section 42.4 of the Act is amended

(1) by replacing “a legal person” in the second paragraph by “a third person”;

(2) by inserting “and, if the contravener is a third person acting on behalf of an authorized deposit institution, to that deposit institution” after “to the contravener” in the third paragraph.

121. Section 42.5 of the Act is amended by replacing “the groups or persons” in the first paragraph by “those”.

122. Section 42.6 of the Act is amended

(1) by replacing “the person concerned” in the first paragraph by “whoever the order concerns”;

(2) by replacing “the person concerned. That person” in the second paragraph by “whoever it concerns. The latter”.

123. Section 43 of the Act is amended

(1) by striking out “written off or” in paragraph s.2;

(2) by striking out “cancelled or” and “written off or” in paragraph s.3.

VOLUNTARY RETIREMENT SAVINGS PLANS ACT

124. Section 42 of the Voluntary Retirement Savings Plans Act (chapter R-17.0.1) is amended by inserting the following paragraph after the second paragraph:

“Despite the second paragraph, an insurer may offer such a plan to an employer through a group insurance representative who is authorized to provide only group annuities within the meaning of the Act respecting the distribution of financial products and services or through a representative in insurance of persons referred to in section 3 of that Act, if the offer is not intended to replace a voluntary retirement savings plan to which the employer is already subscribed.”

125. Section 139 of the Act is repealed.

TRUST COMPANIES AND SAVINGS COMPANIES ACT

126. The heading of Chapter III of Title II of the Trust Companies and Savings Companies Act (chapter S-29.02) is amended by replacing “LEGAL PERSONS” by “THIRD PERSONS”.

127. Section 134 of the Act is amended by replacing “from an authorized trust company of a notice of intention to carry out one or more operations giving rise to a review referred to in section 126 and, if applicable, the required documents, costs and fees” in the first paragraph by “of a notice referred to in the first paragraph of section 128 or, if the Authority receives it before the expiry of the period specified in that section, not later than 30 days before an operation provided for in that paragraph”.

128. Section 157 of the Act is amended by replacing “Act to an authorized trust company” in paragraph 3 by “Act”.

129. Section 158 of the Act is amended by adding the following paragraph at the end:

“Similarly, the communication to the Authority of information protected by professional secrecy, by litigation privilege or by another communication restriction under the rules of evidence does not entail a waiver of the protection conferred by those contexts or rules.”

130. Section 239 of the Act is amended by inserting “or in the case of a short-form amalgamation within the meaning of the Business Corporations Act, the resolutions of the boards of directors of the amalgamating corporations authorizing such an amalgamation” at the end of paragraph 3.

131. Section 256 of the Act is amended

(1) by replacing “a legal person” in the second paragraph by “a third person”;

(2) by replacing “to the contravener” in the third paragraph by “to the contravener and, if the contravener is a third person acting on behalf of an authorized trust company, to that company”.

132. Section 257 of the Act is amended by replacing “of the groups or all the persons” in the first paragraph by “those”.

133. Section 258 of the Act is amended

(1) by replacing “the person concerned” in the first paragraph by “whoever the order concerns”;

(2) by replacing “the person concerned. The latter” in the second paragraph by “whoever it concerns. The latter”.

ACT RESPECTING REMUNERATED PASSENGER TRANSPORTATION BY AUTOMOBILE

134. Section 39 of the Act respecting remunerated passenger transportation by automobile (chapter T-11.2) is repealed.

CREDIT ASSESSMENT AGENTS ACT

135. Section 108 of the Credit Assessment Agents Act (2020, chapter 21), amended by section 172 of chapter 25 of the statutes of 2021, is again amended by inserting “for the purposes of the same entering into a contract or the same credit increase for which a request had been made to the agent having sent the notice of the existence of the freeze” at the end of the section 8.4 that it enacts.

REGULATION RESPECTING THE CLASSES OF NEGOTIABLE AND TRANSFERABLE UNSECURED DEBTS AND THE ISSUANCE OF SUCH DEBTS AND OF SHARES

136. Section 6 of the Regulation respecting the classes of negotiable and transferable unsecured debts and the issuance of such debts and of shares (chapter I-13.2.2, r. 3) is amended by striking out “Cancellation, Write-off and” in the second paragraph.

REGULATION RESPECTING THE INDEMNIFICATION PLAN APPLICABLE PURSUANT TO CERTAIN RESOLUTION OPERATIONS

137. Section 2 of the Regulation respecting the indemnification plan applicable pursuant to certain resolution operations (chapter I-13.2.2, r. 4) is amended by striking out “or have been written off in accordance with said paragraph” in paragraph 2.

CHAPTER II

PROVISIONS REGARDING INTEREST ON REPAYMENT OF FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES

138. Despite any inconsistent provision, the interest rate prescribed in section 73 of the Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1) applicable to the interest to be paid by a person referred to in section 42.1 of the Act respecting financial assistance for education expenses (chapter A-13.3), as well as the interest to be paid by the borrower in default referred to in section 80 of that regulation and by a person referred to in section 101 of that regulation is 0% for the period from 1 April 2021 to 31 March 2022.

In addition, the interest rate applicable with respect to an amount of financial assistance for education expenses received without entitlement before 1 May 2004 that a person must repay to the Minister of Higher Education, Research, Science and Technology is also 0% for the period specified in the first paragraph.

For the purposes of this section, the borrower or the person may, not later than 31 March 2022, request from their financial institution or the Minister, as applicable, that any payment made during the period referred to in the first paragraph be reduced by the difference between the amount of interest the borrower or person should have paid on a payment had it not been for the application of this section and the amount of interest determined under this section for that payment. In the absence of such a request, the difference between the amounts of interest is deducted from the balance of the principal of the borrower’s loan or of any amount payable by the person.

139. The Minister of Higher Education, Research, Science and Technology pays to the financial institution, for the borrower, the interest, accrued from 1 April 2021 to 31 March 2022, on the balance, including the capitalized interest, of the loan granted to the borrower under the Act respecting financial assistance for education expenses and according to the terms prescribed by the Regulation respecting financial assistance for education expenses, made by Order in Council 844-90 dated 20 June 1990 (1990, G.O. 2, 1685), as amended from time to time, at the rate prescribed by section 68 of that regulation.

For the purposes of this section, the borrower may, not later than 31 March 2022, request from his or her financial institution that any payment made during the period referred to in the first paragraph be reduced by the amount of interest paid by the Minister. In the absence of such a request, the amount of interest is deducted from the balance of the principal of the borrower's loan.

140. The Minister of Higher Education, Research, Science and Technology renounces payment of the interest payable by the borrower, accrued from 1 April 2021 to 31 March 2022, on the balance, including the capitalized interest, of the loan granted to the borrower under the Student Loans and Scholarships Act (chapter P-21) or the Act respecting financial assistance for education expenses and in accordance with the terms prescribed by the Regulation respecting financial assistance for education expenses, made by Order in Council 844-90 dated 20 June 1990, as amended from time to time, regarding which judicial proceedings were instituted and ended by a judgment rendered or by an agreement confirming that the balance is payable.

For the purposes of this section, the borrower may, not later than 31 March 2022, request from the Minister that any payment made during the period referred to in the first paragraph be reduced by the amount of interest renounced by the Minister for that payment. In the absence of such a request, the amount of interest is deducted from the balance of the principal of the borrower's loan.

CHAPTER III

PROVISIONS REGARDING TRANSFER PAYMENTS

141. The following sums, arising from grant agreements for the repayment of the loans of beneficiaries regarding projects, which concern mainly infrastructure construction, are taken out of the Consolidated Revenue Fund:

(1) a sum of \$38,749,794,000, to the extent that the agreements from which the sum arises were entered into during the 2019–2020 fiscal year at the latest and the projects were carried out in whole or in part during that year at the latest;

(2) a sum of \$1,842,103,000, to the extent that the projects were carried out in whole or in part during the 2020–2021 fiscal year; and

(3) a sum of \$7,361,569,000, representing the sums that are lacking and have not been otherwise provided for, for the 2021–2022 fiscal year, to the extent that the projects are carried out in whole or in part during that year.

The sums required to provide for any revision of the sums specified in the first paragraph are also taken out of the Consolidated Revenue Fund.

142. The following excess expenditures and investments of special funds, arising from grant agreements for the repayment of the loans of beneficiaries regarding projects, which concern mainly infrastructure construction, to the extent that the projects are carried out in whole or in part on or before 31 March 2022, as well as any revision of those excess expenditures and investments, are approved:

(1) for the 2020–2021 fiscal year, \$5,508,341,000 representing \$5,494,893,000 on 1 April 2020 and \$13,448,000 for that fiscal year; and

(2) for the 2021–2022 fiscal year, \$85,000,000.

The sums to provide for the payment of those expenditures and investments are taken out of the Consolidated Revenue Fund, out of the sums credited to the special fund for which an excess amount was recorded.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

143. Despite the first paragraph of section 19.18 of the Act respecting the regulation of the financial sector (chapter E-6.1), enacted by section 83, the board of directors of the Autorité des marchés financiers may, before 8 December 2023, be composed of 7 to 13 members.

144. The President and Chief Executive Officer of the Autorité des marchés financiers in office on 7 December 2021 continues to exercise his or her functions, on the same conditions and for the remainder of the term, or until he or she is replaced or reappointed.

The chair of the Conseil consultatif de régie administrative in office on 7 December 2021 exercises the functions of chair of the board of directors, on the same conditions and for the remainder of the term, or until he or she is replaced or reappointed.

The other members of that council in office on 7 December 2021 continue in office, on the same conditions, as members of the board of directors for the remainder of their term.

145. The number of terms a member of the board of directors served as a member of the Conseil consultatif de régie administrative before 8 December 2021 and the current term must be considered for the renewal of any term after that date.

146. The board of directors of the Autorité des marchés financiers must comply with the requirements of the second paragraph of section 19.18 of the Act respecting the regulation of the financial sector, enacted by section 83, as of 8 December 2023.

For that purpose, the Government may, in accordance with the Act respecting the governance of state-owned enterprises (chapter G-1.02) and before that date, determine that a member of the board of directors in office on 8 December 2021 has the status of independent director.

147. The board of directors of the Autorité des marchés financiers must comply with the requirements of subparagraph 3 of the first paragraph of section 43 of the Act respecting the governance of state-owned enterprises, as of 8 December 2023.

148. The expertise and experience profiles referred to in paragraph 5 of section 15 of the Act respecting the governance of state-owned enterprises must be approved by the board of directors of the Autorité des marchés financiers and sent to the Minister of Finance before 1 July 2022.

149. The board of directors of the Autorité des marchés financiers must, not later than 1 April 2022, establish the committees referred to in section 19 of the Act respecting the governance of state-owned enterprises.

Despite the second paragraph of that section, before 8 December 2023, a member of the board of directors may be a member of a committee even if he or she does not have the status of independent director.

Until those committees are established, the board of directors designates, according to its priorities, one of its members, other than the President and Chief Executive Officer, to replace the chair of the board if the latter is absent or unable to act.

150. A policy or regulation of the Autorité des marchés financiers in force on 7 December 2021 that concerns a matter under the jurisdiction of the Authority's board of directors continues to apply until it is amended, replaced or repealed by the board or, if applicable, until the policy or regulation, or an amendment of it, is submitted for government approval.

151. The instrument of delegation referred to in section 24 of the Act respecting the regulation of the financial sector, amended by section 88, which authorizes a staff member of the Autorité des marchés financiers to sign a deed, document or writing that binds the Authority, continues to apply to that member until the date of coming into force of the instrument of authorization referred to in section 24.1 of the Act respecting the regulation of the financial sector, enacted by section 89, which may not be later than 8 December 2022.

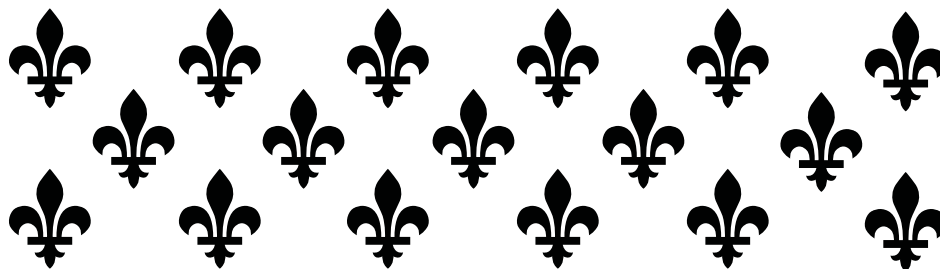
152. Section 17 of the Act respecting the governance of state-owned enterprises applies to the Autorité des marchés financiers as of the fiscal year beginning on 1 April 2022. The board of directors must, before the end of that fiscal year, approve the financial disclosure policy referred to in that section.

153. The strategic plan of the Autorité des marchés financiers in force on 7 December 2021 continues to apply until the date it expires even if it does not meet the requirements set out in sections 34 and 35 of the Act respecting the governance of state-owned enterprises.

154. Sections 36, 38 and 39 of the Act respecting the governance of state-owned enterprises apply to the Autorité des marchés financiers as of the fiscal year beginning on 1 April 2022.

155. Between 8 December 2021 and the date of coming into force of the third paragraph of section 19.22 of the Act respecting the regulation of the financial sector, enacted by section 83, Order in Council 666-2004 dated 30 June 2004 (2004, G.O. 2, 3509, French only) applies, with the necessary modifications, to the members of the board of directors of the Autorité des marchés financiers, except the President and Chief Executive Officer.

156. This Act comes into force on 8 December 2021, except section 83, to the extent that it enacts the second and third paragraphs of section 19.22 of the Act respecting the regulation of the financial sector, which comes into force on the date of coming into force of the first order made under those paragraphs.



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 200
(Private)

An Act respecting Ville de Montréal

**Introduced 10 November 2021
Passed in principle 7 December 2021
Passed 7 December 2021
Assented to 8 December 2021**

**Québec Official Publisher
2021**

Bill 200

(Private)

ACT RESPECTING VILLE DE MONTRÉAL

AS section 198 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) sets 31 December 2021 as the deadline for the harmonization of the tax burden and the tax structure applicable to the territories of the former municipalities that Ville de Montréal succeeded;

AS the harmonization of the tax burden among the territories of the former municipalities is completed and the harmonization of the tax structure is almost completed;

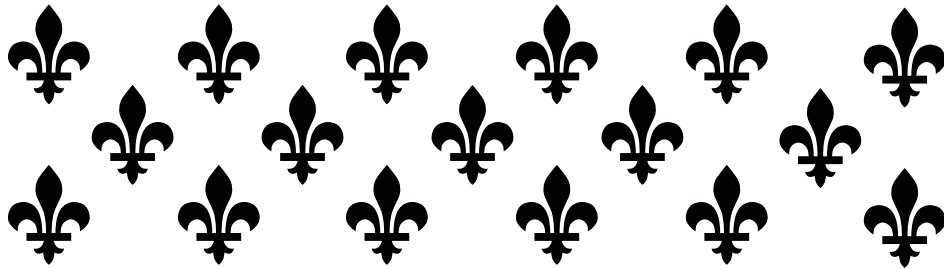
AS the tax structure relating to the financing of the water service and applied to non-residential immovables varies according to the territory of those former municipalities;

AS the harmonization of the tax structure to collect, from the owners of more than 25,000 non-residential immovables, taxes and tariffs to finance the water service would cause tax shifting between those immovables;

AS the impact of the COVID-19 pandemic warrants postponing the deployment of green taxation to finance the water service of non-residential immovables, the economic context not being favourable to disruptions in the tax structure for Montréal businesses as the economic recovery is just beginning;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Despite section 198 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4), sections 149 to 151.6 of that Charter have effect until 31 December 2024.
- 2.** This Act comes into force on 8 December 2021.



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 201
(Private)

**An Act to extend the time limit
specified in section 137 of the Charter
of Ville de Gatineau**

**Introduced 10 November 2021
Passed in principle 7 December 2021
Passed 7 December 2021
Assented to 8 December 2021**

**Québec Official Publisher
2021**

Bill 201

(Private)

AN ACT TO EXTEND THE TIME LIMIT SPECIFIED IN SECTION 137 OF THE CHARTER OF VILLE DE GATINEAU

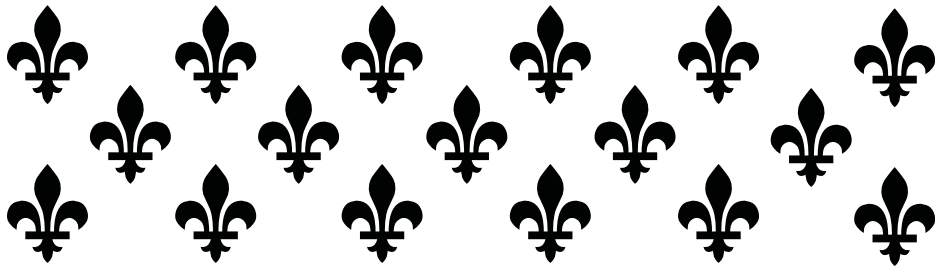
AS section 137 of the Charter of Ville de Gatineau (chapter C-11.1) specifies that sections 75 to 77.6 have effect until 31 December 2021, which is the deadline for harmonizing the tax burden as provided for in those sections;

AS Ville de Gatineau has not completed the harmonization of the tax burden for part of the immovables in its territory;

AS it is therefore necessary to extend the time limit specified in section 137 of the Charter of Ville de Gatineau to 31 December 2024 so as to avoid an overly high tax increase for the immovables concerned in its territory;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Despite section 137 of the Charter of Ville de Gatineau (chapter C-11.1), sections 75 to 77.6 of that Charter have effect until 31 December 2024.
- 2.** This Act comes into force on 8 December 2021.



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 202
(Private)

**An Act respecting the insurer
activities of the Fédération
québécoise des municipalités locales
et régionales (FQM) and its
amalgamation with, by absorption of,
La Mutuelle des municipalités
du Québec**

**Introduced 11 November 2021
Passed in principle 7 December 2021
Passed 7 December 2021
Assented to 8 December 2021**

**Québec Official Publisher
2021**

Bill 202

(Private)

AN ACT RESPECTING THE INSURER ACTIVITIES OF THE FÉDÉRATION QUÉBÉCOISE DES MUNICIPALITÉS LOCALES ET RÉGIONALES (FQM) AND ITS AMALGAMATION WITH, BY ABSORPTION OF, LA MUTUELLE DES MUNICIPALITÉS DU QUÉBEC

AS the Fédération québécoise des municipalités locales et régionales (FQM), a non-profit organization governed by Part III of the Companies Act (chapter C-38), and La Mutuelle des municipalités du Québec, insurer constituted under the Cities and Towns Act (chapter C-19) and the Municipal Code of Québec (chapter C-27.1), share common objectives in relation to the provision of services to municipalities;

AS it is desirable that La Mutuelle des municipalités du Québec be the subject of an amalgamation by absorption by the Fédération québécoise des municipalités locales et régionales (FQM) to avoid duplication of structures and foster more efficient management, operations and supervision;

AS it is desirable that the Fédération québécoise des municipalités locales et régionales (FQM) be authorized to carry on insurer activities and to establish an insurance fund for that purpose;

AS the members of the Fédération québécoise des municipalités locales et régionales (FQM) and those of La Mutuelle des municipalités du Québec, assembled at special meetings, respectively passed resolutions on 30 September 2021 authorizing that amalgamation;

AS no legislative provision allows the amalgamation by absorption of La Mutuelle des municipalités du Québec by the Fédération québécoise des municipalités locales et régionales (FQM);

AS no legislative provision allows a company governed by Part III of the Companies Act to carry on insurer activities in Québec;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I**INSURER ACTIVITIES**

1. The Fédération québécoise des municipalités locales et régionales (FQM) (the Federation) is authorized to transact damage insurance business with the following persons, partnerships and bodies:

(1) a municipal body referred to in the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1);

(2) to the extent that it is not covered by subparagraph 1, a body subject to any of the provisions of sections 573 to 573.4 of the Cities and Towns Act (chapter C-19) or articles 935 to 952 of the Municipal Code of Québec (chapter C-27.1);

(3) a person that a municipality may subsidize under the first paragraph of section 92 of the Municipal Powers Act (chapter C-47.1); and

(4) any partnership or legal person devoted to the pursuit of the purposes mentioned in the second paragraph of section 8, subparagraph 2 of the first paragraph of section 91 or the first paragraph of section 93 of the Municipal Powers Act.

The authorization provided for in the first paragraph is deemed to be an authorization granted by the Autorité des marchés financiers (the Authority) in accordance with the Insurers Act (chapter A-32.1).

2. The Federation must establish and maintain an insurance fund for the performance of its obligations arising from its insurer activities.

3. The Insurers Act applies to the Federation, subject to the following modifications:

(1) any provision referring to a director applies only to a director of the Federation elected by the holders of insurance contracts under subparagraph 1 of the first paragraph of section 1 of this Act;

(2) the following provisions of Title II apply only to the Federation's insurance business, with the necessary modifications: Chapters I and II, except section 23, Chapters III and IV, Division II of Chapter V, except sections 84 and 85, Chapter VI, except sections 110 and 111, Chapters VII and VIII, including the second paragraph of section 133 as regards the members of the decision-making committee, Chapters IX to XII and sections 182 to 185; however, the increase provided for in section 184 of that Act may only apply to the holders of insurance contracts under subparagraph 1 of the first paragraph

of section 1 of this Act, such holders being thereupon bound to pay the contributions determined by the Autorité des marchés financiers under that section 184;

(3) only the following provisions of Title III are applicable to the Federation's insurance business, to the extent provided for below:

(a) those of Chapter V apply to the Federation's name;

(b) those of Chapter VII apply to certain loans of the Federation and to certain hypothecs and other securities granted by the Federation;

(c) those of Division I, except sections 267 and 268, of Division II, except sections 273 to 276, and of Divisions III and IV, except references to the Business Corporations Act (chapter S-31.1), of Chapter IX apply to the directors referred to in subparagraph 1;

(d) those of Chapter X apply to the holders of insurance contracts under subparagraph 1 of the first paragraph of section 1 of this Act, who are thereupon considered mutual members;

(e) those of Chapter XII, except section 302, apply to the amendment, consolidation, correction and cancellation of the articles of the Federation, but references to the Business Corporations Act and to a business corporation are to be read, respectively, as references to the Companies Act (chapter C-38) and to the Federation;

(f) those of Chapter XIV, except sections 327, 328 and 337, apply to the amalgamation of the Federation, but references to the Business Corporations Act and to a business corporation are to be read, respectively, as references to the Companies Act and to the Federation or, as the case may be, to another company governed by Part III of that Act; and

(g) those of Chapter XVI, except section 361 and the second paragraph of section 375, apply, as the case may be and with the necessary modifications, to the exercise of the functions and powers relating to the Federation's insurance business, its insurance decision-making committee and its insurance fund;

(4) the provisions of Title V apply only to the Federation's insurance business; and

(5) the provisions of Title VI apply to the Federation, with the necessary modifications, in particular in relation to the application of the other provisions of that Act referred to in subparagraphs 2 to 5 to the Federation.

For the purposes of subparagraph 3 of the first paragraph, the Federation may not, if applicable, amend its letters patent or amalgamate without having first notified the minister responsible for municipal affairs. Where the minister is of the opinion that an amendment to the letters patent or an amalgamation

affects the Federation's insurance business, the minister's authorization is required for the Federation to proceed with the amendment or amalgamation, after the minister has himself or herself obtained a notice from the Authority to that effect. In all cases, the Federation must obtain the authorization of the minister in order to be dissolved.

The minister responsible for municipal affairs or the Authority may, for the purposes of the second paragraph, require any information or document they consider necessary.

4. The holders of insurance contracts under subparagraph 1 of the first paragraph of section 1 elect two members of the Federation's board of directors at the annual meeting provided for in Division III of Chapter X of Title III of the Insurers Act.

5. A holder of an insurance contract under subparagraph 1 of the first paragraph of section 1 may call the auditor of the insurance fund or an actuary to a meeting by means of a written notice of convocation not less than 10 days before the meeting. The auditor or actuary therefore attends the meeting at the Federation's expense and answers any question relating to their duties.

6. The Federation may prescribe, by by-law, the rules concerning the payment of a contribution to the insurance fund by the holders of an insurance contract under subparagraphs 1 and 2 of the first paragraph of section 1 as well as the rules concerning the declaration and payment of interest to the holders.

7. The Federation may not declare or pay any interest if there are reasonable grounds for believing that the Federation is or would be unable, due to such a payment, to maintain the assets and capital prescribed in sections 182 and 368 of the Insurers Act.

8. The Federation's damage insurance decision-making committee must be composed of at least seven members, a maximum of two of whom are also on the Federation's board of directors.

9. A holder of insurance contracts under subparagraph 1 of the first paragraph of section 1 must remain a holder for at least five years from the date of entering into their first contract. After that period, the Autorité des marchés financiers may authorize the Federation or the holder to terminate any insurance contract, provided that

(1) the Authority considers that it does not prevent the maintenance, in the Federation's insurance fund, of adequate assets to meet the liabilities charged against the insurance fund, as and when they become due, or of adequate capital to guarantee the sustainability of the Federation's insurance business; and

(2) the Federation undertakes to comply with the conditions the Authority considers necessary for ensuring that maintenance.

If the Authority is of the opinion that the Federation cannot ensure that maintenance or that the Federation is failing in its undertaking, it may order the liquidation of the Federation's insurance fund and appoint a liquidator. The Authority must, before issuing such an order, notify the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) to the Federation in writing and grant the latter at least 30 days to submit observations.

The order has the same effect as an order rendered by a judge of the Superior Court under section 25 of the Winding-up Act (chapter L-4).

When issuing the order, the Authority sends a notice to that effect to the enterprise registrar, who deposits it in the register established under the Act respecting the legal publicity of enterprises (chapter P-44.1).

10. The voluntary liquidation of the Federation's insurance fund must be authorized by the minister responsible for municipal affairs before the Authority grants the full and final revocation of the authorization referred to in the second paragraph of section 1.

11. The remaining property of the Federation's insurance fund, if any, is remitted only to the holders of insurance contracts under subparagraph 1 of the first paragraph of section 1. It is shared in proportion to the sums paid by the holders over the course of the three years preceding the liquidation.

CHAPTER II

AMALGAMATION OF THE FÉDÉRATION QUÉBÉCOISE DES MUNICIPALITÉS LOCALES ET RÉGIONALES (FQM) AND LA MUTUELLE DES MUNICIPALITÉS DU QUÉBEC

12. The Fédération québécoise des municipalités locales et régionales (FQM), a non-profit body governed by Part III of the Companies Act, shall amalgamate with La Mutuelle des municipalités du Québec (the Mutuelle), an insurer established under the Cities and Towns Act and the Municipal Code of Québec, by absorption of the Mutuelle.

The first paragraph applies despite subparagraphs *c* and *d* of the first paragraph of section 465.10 of the Cities and Towns Act and subparagraphs 3 and 4 of the first paragraph of article 711.11 of the Municipal Code of Québec.

13. The Mutuelle's assets are paid into the Federation's insurance fund.

Within the limits of that fund,

(1) the Federation acquires the rights and assumes the obligations of the Mutuelle;

(2) the insurance contracts issued by the Mutuelle and in force on 1 January 2022 become insurance contracts fully guaranteed by the Federation; and

(3) proceedings to which the Mutuelle is a party are continued by or against the Federation without continuance of suit.

14. In any contract and any proceeding arising from its insurer activities, the Federation may use the name “La Fédération québécoise des municipalités, dans les limites de l’actif de son fonds d’assurance”.

The Federation may also conduct its insurance business under the name “Fonds d’assurance des municipalités du Québec” or “FAMQ”.

15. The Mutuelle’s policies, directives, procedures and by-laws applicable to its members, to the extent that they concern the classes of insureds, the issue of insurance contracts, the classes of damage insurance, the mode of determination and payment of the premium and, if applicable, any other contribution of the insureds as well as the interest that may be paid to them and the measures relating to participation, withdrawal or expulsion of an insured, become those of the Federation and remain applicable so long as they are not amended or replaced and provided they are not incompatible with the provisions of this Act or of the Insurers Act that are applicable to the Federation.

In addition, the rules relating to the conditions of employment of the Mutuelle’s employees remain applicable to those employees so long as those rules are not amended or replaced.

16. Members of the Mutuelle retain their rights as holders of insurance contracts, but their rights as members are terminated. Unless it is already the case, they do not become members of the Federation.

17. The Mutuelle’s directors become, without further formality, members of the damage insurance decision-making committee until they are replaced.

However, two of those directors, designated for that purpose by the Mutuelle’s board of directors, become members of the Federation’s board of directors as if they had been elected under section 4.

CHAPTER III

MISCELLANEOUS AND FINAL PROVISIONS

18. This Act does not interrupt or modify the legal existence of the Fédération québécoise des municipalités locales et régionales (FQM), which remains constituted and governed by Part III of the Companies Act (chapter C-38).

19. Despite section 150 of the Act respecting the distribution of financial products and services (chapter D-9.2), but subject to the other provisions of that Act, the Fédération québécoise des municipalités locales et régionales (FQM) may hold an interest in a damage insurance firm in excess of the limits

prescribed by that section, without affecting the registration of that firm, provided such interest is held otherwise than through the Federation's insurance fund.

20. Sections 573 to 573.4 of the Cities and Towns Act (chapter C-19) apply, with the necessary modifications, to the awarding of contracts covered by those sections by the Fédération québécoise des municipalités locales et régionales (FQM) and by the groups of which the Federation is the holder of control within the meaning of the Insurers Act (chapter A-32.1), except the awarding of contracts of reinsurance or of contracts involving no party other than the Federation or the groups of which it is the holder of control.

The Federation and the groups of which it is the holder of control are deemed to be local municipalities for the purposes of a regulation made under sections 573.3.0.1 and 573.3.1.1 of that Act.

21. Despite the third paragraph of section 5 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), the Fédération québécoise des municipalités locales et régionales (FQM) is considered to be a municipal body exclusively for the purposes of that Act and of section 573.3 of the Cities and Towns Act, of article 938 of the Municipal Code of Québec (chapter C-27.1), of section 112.4 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), of section 105.4 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02), of section 101.1 of the Act respecting public transit authorities (chapter S-30.01) and of sections 204.3 and 358.3 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1).

22. The special meetings held by the Fédération québécoise des municipalités locales et régionales (FQM) and La Mutuelle des municipalités du Québec on 30 September 2021, during which resolutions approving their amalgamation were made, are deemed to have been validly held despite the fact that this Act was not in force on that date.

23. The name “La Mutuelle des municipalités du Québec” may be used by the Fédération québécoise des municipalités locales et régionales (FQM) in all negotiable instruments, contracts, invoices and orders for goods or services relating to its insurance business until 1 April 2023.

24. Within 60 days after the coming into force of this Act, the Fédération québécoise des municipalités locales et régionales (FQM) must send a copy of this Act to the enterprise registrar, who deposits it in the register established under the Act respecting the legal publicity of enterprises (chapter P-44.1).

25. This Act comes into force on 1 January 2022.

Regulations and other Acts

Gouvernement du Québec

O.C. 136-2022, 9 February 2022

Education Act
(chapter I-13.3)

Designation of members of the boards of directors of school service centres

Regulation respecting the designation of members of the boards of directors of school service centres

WHEREAS, under the first paragraph of section 455.2 of the Education Act (chapter I-13.3), the Government may, by regulation, determine the terms, conditions and standards for designating the members of a French-language school service centre's board of directors and for designating the members of an English-language school service centre's board of directors referred to in subparagraph 3 of the first paragraph of section 143.1 of the Act;

WHEREAS, under the second and third paragraphs of section 455.2 of the Act, the regulation may, in particular, prescribe the criteria and terms applicable to the division of a French-language school service centre's territory into districts, the time limits and terms applicable to the process for designating members of a school service centre's board of directors as well as the conditions they must satisfy and the regulation may establish standards that vary according to the categories of members on school service centres' boards of directors and allow certain designation terms to be determined by the persons responsible for designating a category of members;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the designation of members of the boards of directors of school service centres was published in Part 2 of the *Gazette officielle du Québec* of 3 November 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendment;

It is ordered, therefore, on the recommendation of the Minister of Education:

THAT the Regulation respecting the designation of members of the boards of directors of school service centres, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the designation of members of the boards of directors of school service centres

Education Act
(chapter I-13.3, s. 455.2)

DIVISION I GENERAL

§1. *Functions of the director general*

1. The director general of the school service centre, in accordance with the Education Act (chapter I-13.3), sees to the application of the designation rules prescribed by the Act and by this Regulation.

2. In addition to the functions provided for in the Education Act and this Regulation, the director general exercises, in particular, the following functions:

(1) ensures that useful information on the terms, conditions and standards for designating members of the school service centre's board of directors and the results of the designations are published on the school service centre's website;

(2) sends to persons who request it any useful information on the terms, conditions and standards for designating members of the school service centre's board of directors;

(3) at their request or on the director general's own initiative, makes suggestions to the other persons to whom this Regulation assigns responsibilities in respect to designating members of the school service centre's board of directors;

(4) verifies the compliance of the nominations that are sent to the director general pursuant to Divisions 3 and 4 and, as the case may be,

(a) allows a candidate to provide any missing information provided for in this Regulation within the period the director general indicates; or

(b) after informing the candidate that his or her nomination appears to the director general not to comply with a requirement of section 4 and after allowing the candidate to submit written observations within the period the director general indicates, rejects a nomination.

3. The director general may be assisted by any person the director general designates.

§2. Eligibility requirements to be a member of a school service centre's board of directors

4. In addition to having, as the case may be, the qualifications required by section 143 of the Education Act and subparagraph 3 of the first paragraph of section 143.1 of the Act, a candidate for a seat on a school service centre's board of directors covered by this Regulation must

(1) be a Canadian citizen who is 18 years of age or over and not under curatorship;

(2) not have been convicted within the last 5 years of an offence that is a corrupt electoral or referendum practice under the Referendum Act (chapter C-64.1), the Act respecting elections and referendums in municipalities (chapter E-2.2), the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres (chapter E-2.3) or the Election Act (chapter E-3.3);

(3) not be disqualified within the meaning of section 21 of the Act respecting school elections to elect certain members of the boards of directors of English-language school service centres, with the necessary modifications, except subparagraph 4 of the first paragraph, which does not apply to a candidate for a staff representative seat;

(4) not be a member of another school service centre's board of directors and not be a candidate for another seat on a school service centre's board of directors;

(5) in the case of a candidate for a community representative seat, be domiciled in the school service centre's territory; and

(6) in the case of a candidate for a staff representative seat, meet the conditions set out in section 19 and not be an employee, officer or otherwise representative of an association representing employees of a school service centre.

§3. Other general provisions

5. Nomination forms provided for in this Regulation must contain sections for a candidate, in particular, to

(1) provide the candidate's name and contact information;

(2) specify the seat for which the candidate is filing nomination papers;

(3) attest that the candidate has the qualifications set out in section 4 and meets the conditions referred to in that section; and

(4) set out the candidate's reasons for filing nomination papers.

6. If a time limit provided for in this Regulation to perform an act expires on a Saturday, a Sunday or a holiday, the act may be validly performed on the next following working day.

**DIVISION II
DESIGNATION OF PARENT REPRESENTATIVES**

§1. Division into districts

7. If parent representatives must be designated to fill seats on the school service centre's board of directors for terms beginning the next school year, the director general ensures the adequate division of the school service centre's territory into five districts in accordance with section 143.8 of the Education Act, modifies the division as needed and informs the parents' committee, not later than 31 March of the current school year, of the division determined for the next designation of parent representatives.

For the purposes of the division referred to in the first paragraph, the director general ensures

(1) that each school is situated in a single district;

(2) that at least 1 school is situated in each of the districts;

(3) that all of a district's schools form a consistent geographic territory by each serving a part of the territory that is contiguous to part of the territory of one or more of the other schools in the same district; and

(4) the fairest possible distribution of the number of schools and students in each of the districts.

The director general may take into account other factors such as the existence of common characteristics or physical barriers and the territorial limits of the municipalities served by the school service centre.

8. Each district is described by the list of schools situated within it.

The director general may assign names to the districts.

9. The director general must, before dividing the school service centre's territory into districts, consult the parents' committee when the director general

(1) intends to modify the division in force at the last designation of parent representatives to the board of directors;

(2) intends to modify a district's name or assign a name to a district that did not previously have one; or

(3) intends to add a new school to a district.

The parents' committee must submit its observations within the period of at least 15 days that the director general indicates.

10. Modifying the division of the territory into districts may not terminate a parent representative's current term.

If modifying a division leads to 2 parent representatives whose respective terms have not expired representing the same district, the parents' committee must assign 1 of the 2, after having consulted them, to represent another district and inform the director general.

The parent representative who is assigned a new district is entitled to apply for the renewal of his or her term as a parent representative in the new district if the parent representative meets the conditions that would have allowed him or her to become a candidate again in his or her former district.

§2. Designation of parent representatives

11. The designation process for a parent representative for a term beginning the next school year starts with the director general sending, not later than 15 April of the current school year, a notice of designation to each member of the parents' committee.

The notice of designation contains

(1) the list of the districts for which a designation must take place and the description of the districts;

(2) the qualifications required and conditions to be met to become a candidate; and

(3) a statement setting out the designation terms provided for in this Regulation.

The notice must be accompanied by a nomination form that provides spaces for the candidate to enter, in addition to the information listed in section 5, the condition provided for in the first paragraph of section 13 that the candidate meets.

In this subdivision, a provision referring to a "member of the parents' committee" also refers to a member of the school service centre's board of directors sitting on the board as a parent representative, referred to in section 143.4 of the Education Act, with the necessary modifications.

12. The members are designated in accordance with the terms determined by the parents' committee, subject to this subdivision.

The terms referred to in the first paragraph may not add personal qualifications or conditions in addition to those referred to or set out in sections 4 and 13.

13. Parents' committee members may become candidates in a district if they

(1) sit on the governing board of a school situated in that district or, in a case referred to in section 143.4 of the Education Act, one of their children is still attending the school in the district of whose governing board he or she was a member; or

(2) represent the advisory committee on services for handicapped students and students with social maladjustments or learning disabilities and have a handicapped child or a child with social maladjustments or learning disabilities who attends a school situated in that district.

A parents' committee member becomes a candidate by sending the form referred to in the third paragraph of section 11, duly completed, to the parents' committee member responsible for the designation process or, if there is none, to the chair of the parents' committee not later than 1 May of the current school year.

14. If no person has come forward to become a candidate to represent a district in accordance with section 13, a new call for nominations must be made by the parents' committee, which will specify the applicable time limit for filing nomination papers.

In such a case, a parents' committee member sitting on the governing board of a school situated in another district may become a candidate for the district by sending the form referred to in the third paragraph of section 11, duly completed, to the parents' committee member responsible for the designation process or, if there is none, to the chair of the parents' committee within the time indicated. That member may not, however, be designated if the new call for nominations allowed a parents' committee member sitting on the governing board of a school situated in the district concerned to become a candidate within the time prescribed.

A parents' committee member from another district designated under the second paragraph may be a candidate again in the district that he or she represented, even if there are other candidates from the district, if the parents' committee member meets the conditions that would have allowed him or her to come forward to become a candidate in the district where the school of whose governing board he or she was a member is situated.

15. Each candidate is designated by all the members of the parents' committee not later than 1 June of the current school year.

16. The parents' committee must notify the director general as soon as possible of the result of the designations.

The notice must contain the names of the persons who were designated and indicate the district each person represents.

The notice must be accompanied, for each person designated, by the nomination form or part of the form containing the statement attesting that the person has the qualifications and meets the conditions required by section 4.

17. Where regional parents' committees are established under section 191 of the Education Act, all the members of those committees are deemed to form the parents' committee for the purposes of this subdivision.

The chair of that committee is the chair of the central parents' committee.

DIVISION III DESIGNATION OF STAFF REPRESENTATIVES

18. The designation process for a staff representative for a term beginning the next school year starts with the director general sending, not later than 15 April of the current school year, a notice of designation to each staff member referred to in the relevant paragraph of section 19.

The notice of designation contains

- (1) the list of the seats for which a designation must take place;
- (2) the qualifications required and conditions to be met to become a candidate; and
- (3) a statement setting out the designation terms provided for in this Regulation.

The notice must be accompanied by a nomination form that, in addition to the information listed in section 5, provides spaces for the candidate to enter, as applicable, the school of whose governing board the candidate is a member, the school of which the candidate is the principal or the candidate's position as an officer of the school service centre.

19. The teaching staff representative is designated by and from among the teaching staff members sitting in that capacity, at the time of the designation, on a governing board of the school service centre.

The non-teaching professional staff representative is designated by and from among the non-teaching professional staff members sitting in that capacity, at the time of the designation, on a governing board of the school service centre.

The support staff representative is designated by and from among the support staff members sitting in that capacity or as staff members assigned to childcare services, at the time of the designation, on a governing board of the school service centre.

The principals' representative is designated by and from among all the principals of the educational institutions of the school service centre.

In the case of a French-language school service centre, the executive staff representative is designated by and from among all the executive staff members.

20. Staff representatives are designated in accordance with the terms determined by the director general, subject to this Division.

The terms referred to in the first paragraph may not add personal qualifications or conditions in addition to those referred to or set out in section 4.

21. A staff representative becomes a candidate by sending the form referred to in the third paragraph of section 18, duly completed, to the director general not later than 1 May of the current school year.

22. If no staff member has come forward in a category in accordance with section 21, a new call for nominations must be made by the director general, who will specify the applicable time limit for filing nomination papers.

23. The director general must send the nominations received for a seat as soon as possible to each member of the staff category referred to in section 19, along with the instructions for designation.

24. Each candidate is designated by all the members of his or her category referred to in section 19 not later than 1 June of the current school year.

DIVISION IV DESIGNATION OF COMMUNITY REPRESENTATIVES

25. The designation process for a community representative for a term beginning the next school year starts with the director general publishing, not later than 15 April of the current school year, a notice on the school service centre's website, inviting the persons who are domiciled in the school service centre's territory to become a candidate.

26. The notice must indicate the number of seats to be filled, the profiles sought, the qualifications required and conditions to be met, the 15 May time limit for filing nomination papers and the other instructions necessary for filing them.

27. A nomination form must be made available at the school service centre's head office and on the school service centre's website.

28. The community representatives are designated by co-optation by the parent representatives and staff representatives referred to in the first paragraph of section 29, at a meeting called by the director general and held not later than 15 June of the current school year.

29. The parent representatives and staff representatives who may attend the co-optation meeting referred to in section 28 are parent representatives and staff representatives who have been designated for terms beginning the next school year as well as parent representatives and staff representatives who are already in office and whose term continues for the next school year.

At least 3 parent representatives and 3 staff representatives must attend the meeting, which is to be chaired by the director general.

30. The director general must make available to the representatives referred to in the first paragraph of section 29 the nomination forms he or she received at least 5 days before the meeting referred to in section 28.

31. The members in attendance at the meeting determine the procedure to be followed.

The director general is not entitled to vote. The director general acts as secretary of the meeting and draws up minutes of the meeting which he or she enters in the school service centre's Minutes of Proceedings. The director general informs the candidates of their designation or otherwise as soon as possible.

32. The designations take effect the next 1 July.

33. If none of the community representative seats was able to be filled at the meeting referred to in section 28, due to a lack of nominations, any unfilled seat must be the subject of a new notice inviting the persons domiciled in the school service centre's territory to become a candidate.

Sections 25 to 31 apply in such a case, with the necessary modifications, subject to the following:

(1) the notice referred to in section 26 must be published in the period between 15 August and 1 September of the current school year and candidates have 30 days to become a candidate;

(2) the co-optation takes place at a regular or special meeting of the board of directors and all members in attendance, except community representatives, are entitled to vote.

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

105541

Gouvernement du Québec

O.C. 141-2022, 9 February 2022

Act respecting the conservation and development of wildlife
(chapter C-61.1)

Fees to be paid under section 106.6 of the Act —Amendment

Regulation to amend the Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife

WHEREAS, under the first paragraph of section 106.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1), every agency that is a party to a memorandum of agreement and on whose behalf a legal person certified by the Minister of Forests, Wildlife and Parks acts as the representative must pay to the legal person a part of the fees that devolve to the agency under the Act as a contribution toward the financing of the legal person;

WHEREAS, under the second paragraph of section 106.6 of the Act, the Government is to determine by regulation the part of the fees to be paid and the terms and conditions of payment;

WHEREAS the Government made the Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1, r. 17);

WHEREAS, under section 9 of the Act to again amend the Act respecting the conservation and development of wildlife (1997, chapter 95), a regulation made under section 106.6 of the Act respecting the conservation and development of wildlife is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1);

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife

Act respecting the conservation and development of wildlife
(chapter C-61.1, s. 106.6)

1. The Regulation respecting the fees to be paid under section 106.6 of the Act respecting the conservation and development of wildlife (chapter C-61.1, r. 17) is amended in section 2

(1) in the portion before subparagraph 1 of the first paragraph

(a) by inserting “annually” after “pay”;

(b) by striking out “, for 2019, 2020 and 2021,”;

(2) by striking out the expression “for the year 2021” wherever it appears;

(3) by replacing “on 1 April of the subsequent years” in the third paragraph by “on 1 April each year”.

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

105537

Gouvernement du Québec

O.C. 145-2022, 9 February 2022

Act respecting occupational health and safety
(chapter S-2.1)

Implementation of the Agreement regarding the protection of the participants in the programs of the Office franco-québécois pour la jeunesse

Regulation respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office franco-québécois pour la jeunesse

WHEREAS, under the first paragraph of section 170 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it;

WHEREAS, under subparagraph 39 of the first paragraph of section 223 of the Act, the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations taking the necessary measures for the implementation of an agreement made under section 170 of the Act;

WHEREAS, in accordance with the first paragraph of section 16 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Commission des normes, de l'équité, de la santé et de la sécurité du travail and the Office franco-québécois pour la jeunesse have entered into such an agreement so that the participants in the exchange programs between Québec and France in matters of physical education, sports and popular education subject thereto be considered to be workers employed by the Office franco-québécois pour la jeunesse;

WHEREAS, under section 224 of the Act, every draft regulation made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail under section 223 of the Act is to be submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office franco-québécois pour la jeunesse was published in Part 2 of the *Gazette officielle du Québec* of 6 October 2021 with a notice that it could be made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail, with or without amendment, on the expiry of 45 days following that publication and submitted to the Government for approval;

WHEREAS the Commission des normes, de l'équité, de la santé et de la sécurité du travail made the Regulation respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office franco-québécois pour la jeunesse at its sitting of 16 December 2021 without amendment;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Regulation respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office franco-québécois pour la jeunesse, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office franco-québécois pour la jeunesse

Act respecting occupational health and safety (chapter S-2.1, ss. 170 and 223, 1st par., subpar. 39)

1. The Act respecting industrial accidents and occupational diseases (chapter A-3.001) applies to the participants in the exchange programs between Québec and France in matters of physical education, sports and popular education to the extent and subject to the conditions set in the Agreement between the Commission des normes, de l'équité, de la santé et de la sécurité du travail and the Office franco-québécois pour la jeunesse appearing in Schedule I.

2. This Regulation replaces the Regulation respecting the implementation of the Agreement regarding the programs of the Office franco-québécois pour la jeunesse (chapter S-2.1, r. 32).

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

SCHEDULE 1

AGREEMENT

BETWEEN

THE COMMISSION DES NORMES, DE L'ÉQUITÉ, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL

legal person legally established under the Act respecting occupational health and safety, having its head office at 1600, avenue D'Estimauville, Québec (Québec) G1J 0B9

represented by the Chair of the board of directors and Chief Executive Officer, Manuelle Oudar

hereinafter called "the Commission"

AND

THE OFFICE FRANCO-QUÉBÉCOIS POUR LA JEUNESSE

created by the Protocol concerning exchanges between Québec and France in matters of physical education, sports and popular education made pursuant to the Franco-Québec agreement of 27 February 1965 on a program of exchange and cooperation in the field of education, having its head office at 934, rue Sainte-Catherine Est, Montréal, H2L 2E9,

represented by its Secretary General, Jean-Stéphane Bernard,

hereinafter called "the Office"

WHEREAS the Commission is, under section 138 of Act respecting occupational health and safety (CQLR, chapter S-2.1), a legal person within the meaning of the Civil Code of Québec and has the general powers of a legal person and the special powers conferred on it by the Act;

WHEREAS, under section 170 of the Act, the Commission may make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law;

WHEREAS the Office, created by the Protocol concerning exchanges between Québec and France in matters of physical education, sports and popular education made pursuant to the Franco-Québec agreement of 27 February 1965 on a program of exchange and cooperation in the field of education, has, under section 1 of the Act respecting the Office franco-québécois pour la jeunesse (CQLR, chapter O-5.01), the powers of a legal person within the meaning of the Civil Code of Québec;

WHEREAS the Office is governed, since 1 April 2014, by the Agreement between the Gouvernement du Québec and the Government of the French Republic regarding the Office franco-québécois pour la jeunesse;

WHEREAS, under article 1 of that Agreement, the Office shall enjoy autonomy in its management and administration in Québec and in France;

WHEREAS, under article 2 of that Agreement, the mission of the Office is to develop relations between the youth of Québec and the youth of France, encourage extending these relations to the Francophonie at large and contribute to its promotion;

WHEREAS the Office has requested that the Act respecting industrial accidents and occupational diseases (CQLR, chapter A-3.001) apply to certain participants and it intends to assume the obligations prescribed for employers, including those concerning assessments due;

WHEREAS section 16 of that Act provides that a person doing work under a project of any government, whether or not the person is a worker, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS section 16 of that Act also provides that the second paragraph of section 170 of the Act respecting occupational health and safety applies to such an agreement, which means that the Commission must make a regulation to give effect to an agreement that extends the benefits of the laws and regulations administered by it;

THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. PURPOSE

The purpose of the Agreement is to provide for the application of the Act respecting industrial accidents and occupational diseases to the Office's participants covered by Schedule I to the Agreement and to determine the obligations of the Office and the Commission, on the conditions set forth herein.

2. DEFINITIONS

For the purposes of the Agreement,

“**Commission**” means the Commission des normes, de l'équité, de la santé et de la sécurité du travail, established under section 137 of the Act respecting occupational health and safety;

“**employment**” means, as the case may be, the remunerated employment the participant has at the time the employment injury appears or for which the participant is registered with the Commission, or, if the participant has no remunerated employment or is not registered with the Commission at the time the injury appears, his or her usual employment or, if the participant does not carry on such employment, the employment that could have been the participant's usual employment, considering the participant's training, work experience and physical and intellectual capacity before the employment injury appeared;

“**establishment**” means an establishment within the meaning of the Act respecting occupational health and safety;

“**employment injury**” means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation;

“**Act**” means the Act respecting industrial accidents and occupational diseases;

“**Office**” means the Office franco-québécois pour la jeunesse, Section du Québec, created under article 1 of the Protocol concerning exchanges between Québec and France in matters of physical education, sports and popular education made pursuant to the Franco-Québec Agreement of 27 February 1965 on a program of exchange and cooperation in the field of education;

“**participant**” means a person doing work under programs administered by the Office and listed in Schedule I, except a person referred to in section 10 or paragraph 4 of section 11 of the Act.

3. OBLIGATIONS OF THE OFFICE

3.1 Employer

The Office is deemed to be the employer of any participant covered by the Agreement.

Despite the foregoing, the employer-employee relationship is recognized as such only for the purposes of indemnification, assessment and imputation of the cost of benefits payable under the Act and must not be considered as an admission of a factual situation lending itself to interpretation in other fields of activity.

3.2 General obligations

As an employer, the Office is bound, with the necessary modifications, by all the obligations provided for in the Act, including in particular the obligation to keep a register of industrial accidents occurring in the establishments where the participants work and the obligations to inform the Commission, using the form prescribed by the Commission, that a participant is unable to continue the program by reason of the injury.

Despite the foregoing, the Office is required to make the register of industrial accidents referred to in the preceding paragraph available only to the Commission.

3.3 Exceptions

Despite article 3.2, section 32 of the Act concerning the dismissal, suspension or transfer of a worker, discriminatory measures or reprisals, Division II of Chapter IV concerning temporary assignment, as well as Chapter VII concerning the right to return to work, are not applicable to the Office.

3.4 Information

On request by the Commission, the Office sends a description of the tasks or activities carried out by the participant at the time the employment injury appeared.

3.5 First aid

Although the Office is not required to give first aid to a participant who suffers an employment injury, in accordance with sections 190 and 191 of the Act, it must see that first aid is given to the participant, where necessary, and pay the related costs.

3.6 Payment of assessment

The Office agrees to pay the assessment calculated by the Commission in accordance with the Act and the regulations made thereunder and the administrative costs associated with each insurance record.

For the purposes of the Agreement, the Office is also required to make periodic payments, in accordance with section 315.1 of the Act.

3.7 Assessment

For assessment purposes, the Office is deemed to pay wages that correspond, as the case may be, to the gross wage of each participant at the time the participant is registered in a program listed in Schedule I, to the employment insurance benefits received by the participant or to the minimum wage, if the participant has no other employment income.

The assessment is based on the wages that the Office is deemed to pay and on the length of the work carried out under a program listed in Schedule I. However, the wages that the Office is deemed to pay may not in any case be less than \$2,000 per participant.

3.8 Annual statement

The Office sends to the Commission, before 15 March of each year, an annual statement setting out, in particular, the amount of gross wages paid to the participants during the preceding calendar year, calculated in relation to the duration of the work carried out under a program listed in Schedule I.

3.9 Register

The Office keeps a detailed register of the names and addresses of the participants and contact information of the participants' host environments.

The Office makes such register available to the Commission if the latter so requires.

3.10 Programs

The Office sends to the Commission, on the coming into force of the Agreement, a description of the programs listed in Schedule I.

Any new program or any subsequent amendment to a program listed in Schedule I is also to be sent so as to determine whether it should come or remain under the Agreement.

4. OBLIGATIONS OF THE COMMISSION

4.1 Worker status

The Commission considers a participant covered by the Agreement as a worker within the meaning of the Act, except in respect of travel, both outward and return, between the territory in which his or her domicile is situated and the location where the work is carried out under a program listed in Schedule I.

4.2 Indemnity

A participant who suffers an employment injury is entitled to an income replacement indemnity as of the first day following the beginning of the participant's inability to carry on his or her employment by reason of the injury.

Despite section 60 of the Act, the Commission pays to that participant the income replacement indemnity to which the participant is entitled as of the first day of the participant's inability to carry on his or her employment.

4.3 Calculation of indemnity

For the purpose of calculating the income replacement indemnity, the participant's gross annual employment income is, as the case may be, that which the participant derives from the remunerated employment the participant has at the time the employment injury appears, that which corresponds to the employment insurance benefits received, that for which the participant is registered with the Commission or, if the participant is unemployed or a self-employed worker not registered with the Commission, that determined on the basis of the minimum wage provided for in section 3 of the Regulation respecting labour standards (CQLR, chapter N-1.1, r. 3) and the regular workweek referred to in section 52 of the Act respecting labour standards (CQLR, chapter N-1.1), as they read on the date on which they are to be applied when the injury appears.

4.4 Exception

Where the participant is a full-time student, the entitlement and calculation of the income replacement indemnity of the participant considered to be a worker under the Agreement are determined under sections 79 and 80 of the Act.

4.5 Recurrence, relapse or aggravation

Where the participant holds remunerated employment and suffers a recurrence, relapse or aggravation of the employment injury, the gross annual employment income is, for the purpose of calculating the income replacement indemnity, established in accordance with section 70 of the Act.

If unemployed at the time of the recurrence, relapse or aggravation, the gross annual employment income is that determined at the time the participant suffered the original

employment injury; that gross income is revalorized each year on the anniversary date of the disability resulting from the original employment injury.

4.6 Financial record

At the request of the Office, the Commission opens a special financial record for each program listed in Schedule I.

Such record must be classified in the unit corresponding to the activities described in the "Programme d'aide à la création d'emploi" unit or, should amendments be made after the Agreement is signed, in a unit corresponding to those activities.

5. MISCELLANEOUS

5.1 Follow-up

Both the Commission and the Office designate, within 15 days of the coming into force of the Agreement, a person responsible for the follow-up of the Agreement.

5.2 Addresses for notices

Any notice required by the Agreement is to be sent to the following addresses:

— Commission des normes, de l'équité, de la santé et de la sécurité du travail

Secrétariat général
1199, rue De Bleury, 14^e étage
Montréal (Québec) H3B 3J1

— Office franco-québécois pour la jeunesse

Bureau du Secrétaire général
934, rue Sainte-Catherine Est,
Montréal (Québec) H2L 2E9

6. COMING INTO FORCE, TERM AND AMENDMENT

6.1 Effective date and term

The Agreement takes effect on the date of coming into force of the Regulation made for that purpose by the Commission under sections 170 and 223 of the Act respecting occupational health and safety and remains in force until 31 December 2021.

6.2 Tacit renewal

It is subsequently renewed tacitly from one calendar year to the next, unless one of the parties sends to the other party, by registered or certified mail, at least 90 days before the term expires, a notice in writing to the effect that it intends to terminate the Agreement or make amendments thereto.

In the latter case, the notice must contain the amendments which the party wishes to make.

6.3 Renewal

If a party intends to make amendments to the Agreement, the sending of the notice referred to in article 6.2 does not preclude the tacit renewal of the Agreement for a period of 1 year. If the parties do not agree on the amendments to be made to the Agreement, the Agreement must be terminated, without further notice, at the expiry of that period.

7. CANCELLATION OF AGREEMENT

7.1 Default

If the Office fails to respect any of the obligations provided for in the Agreement, the Commission may ask the Office to rectify the default within the time set by the Commission. If the situation is not rectified within the prescribed time, the Commission may cancel the Agreement unilaterally, upon written notice.

The Agreement is then cancelled on the date of the notice.

7.2 Mutual agreement

The parties may, by mutual agreement, cancel the Agreement at any time.

7.3 Financial adjustments

In the event of cancellation, the Commission makes financial adjustments taking into account the amounts payable under the Agreement.

Any amount due after such financial adjustments have been made is payable on the due date appearing on the notice of assessment.

7.4 Damages

In the event of cancellation, neither party may be required to pay damages, interest or any other form of indemnity or charges to the other party.

IN WITNESS WHEREOF, the parties have signed

At _____, on this _____ At _____, on this _____
() day of _____ 2021. () day of _____ 2021.

MANUELLE OUDAR
*Chair of the board
of directors and
Chief Executive Officer,
Commission des normes,
de l'équité, de la santé
et de la sécurité
du travail*

JEAN-STÉPHANE BERNARD
*Secretary General,
Office franco-québécois
pour la jeunesse*

SCHEDULE I

Programs subject to the Agreement

— Professional training in the workplace, for projects initiated

— Business mentoring, for training periods in preparation of an economic or commercial mission

— Training within business incubators and accelerators

— School perseverance for work sites or workstations

— Integration group

— Québec Volontaire

105538

Gouvernement du Québec

O.C. 146-2022, 9 February 2022

Act respecting occupational health and safety
(chapter S-2.1)

Implementation of the Agreement regarding the protection of the participants in the programs of the Office Québec-Monde pour la jeunesse

Regulation respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office Québec-Monde pour la jeunesse

WHEREAS, under the first paragraph of section 170 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make agreements with a

Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it;

WHEREAS, under subparagraph 39 of the first paragraph of section 223 of the Act, the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations taking the necessary measures for the implementation of an agreement made under section 170 of the Act;

WHEREAS, in accordance with the first paragraph of section 16 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Commission des normes, de l'équité, de la santé et de la sécurité du travail and the Office Québec-Monde pour la jeunesse have entered into such an agreement so that the participants in the programs for the development of relations between young people from all regions of Québec and those from the other provinces and territories of Canada, from the Communauté française de Belgique, from the Americas and from other jurisdictions and countries selected and that are not under the purview of the Office franco-québécois pour la jeunesse, be considered to be workers employed by the Office Québec-Monde pour la jeunesse;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail under section 223 of the Act is to be submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office Québec-Monde pour la jeunesse was published in Part 2 of the *Gazette officielle du Québec* of 6 October 2021 with a notice that it could be made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail, with or without amendment, on the expiry of 45 days following that publication and submitted to the Government for approval;

WHEREAS the Commission des normes, de l'équité, de la santé et de la sécurité du travail made the Regulation respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office Québec-Monde pour la jeunesse at its sitting of 16 December 2021 without amendment;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Regulation respecting the implementation of the Agreement regarding the protection of the participants in the programs of the Office Québec-Monde pour la jeunesse, attached to this Order in Council, be approved.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting the implementation of the Agreement of the Agreement regarding the protection of the participants in the programs of the Office Québec-Monde pour la jeunesse

Act respecting occupational health and safety
(chapter S-2.1, ss. 170 and 223, 1st par., subpar. 39)

1. The Act respecting industrial accidents and occupational diseases (chapter A-3.001) applies to the participants in the programs for the development of relations between young people from all regions of Québec and those from the other provinces and territories of Canada, from the Communauté française de Belgique, from the Americas and from other jurisdictions and countries selected and that are not under the purview of the Office franco-québécois pour la jeunesse, to the extent and subject to the conditions set in the Agreement between the Commission des normes, de l'équité, de la santé et de la sécurité du travail and the Office Québec-Monde pour la jeunesse appearing in Schedule I.

2. This Regulation replaces the Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Monde pour la jeunesse (chapter S-2.1, r. 33.1).

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

SCHEDULE 1**AGREEMENT****BETWEEN****THE COMMISSION DES NORMES, DE L'ÉQUITÉ,
DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL**

legal person legally established under the Act respecting occupational health and safety, having its head office at 1600, avenue D'Estimauville, Québec (Québec) G1J 0B9

represented by the Chair of the board of directors and Chief Executive Officer, Manuelle Oudar

hereinafter called "the Commission"

AND**THE OFFICE QUÉBEC-MONDE
POUR LA JEUNESSE**

legal person legally established under the Act to establish the Office Québec-Monde pour la jeunesse, having its head office at 200, chemin Ste-Foy, Québec, Québec, G1R 1T3,

represented by the President and Chief Executive Officer, Jean-Stéphane Bernard,

hereinafter called "the agency"

WHEREAS the Commission is, under section 138 of Act respecting occupational health and safety (CQLR, chapter S-2.1), a legal person within the meaning of the Civil Code of Québec and has the general powers of a legal person and special powers conferred on it by the Act;

WHEREAS, under section 170 of the Act, the Commission may make agreements with a Government department or agency, another government or a department or agency of such a government for the application of the Acts and regulations administered by it, according to law;

WHEREAS the agency is, under section 2 of the Act to establish the Office Québec-Monde (CQLR, chapter O-5.2), a legal person within the meaning of the Civil Code of Québec and has the general powers of such a legal person;

WHEREAS the mission of the agency, to the extent and subject to the conditions determined by the Minister of International Relations and La Francophonie, is to develop relations between young people from all regions

of Québec and those from the other provinces and territories of Canada, from the Communauté française de Belgique, from the Americas and from other territories and countries identified by the Minister that are not under the purview of the Office franco-québécois pour la jeunesse;

WHEREAS the agency has requested that the Act respecting industrial accidents and occupational diseases (CQLR, chapter A-3.001) apply to participants covered by the Agreement and the agency intends to assume the obligations prescribed for employers, including those concerning assessments due;

WHEREAS section 16 of that Act provides that a person doing work under a project of any government, whether or not the person is a worker, may be considered to be a worker employed by that government, by an agency or by a legal person, on the conditions and to the extent provided by an agreement between the Commission and the government, agency or legal person concerned;

WHEREAS section 16 of that Act also provides that the second paragraph of section 170 of the Act respecting occupational health and safety applies to such an agreement, which means that the Commission must make a regulation to give effect to an agreement that extends the benefits of the laws and regulations administered by it;

THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. PURPOSE

The purpose of the Agreement is to provide for the application of the Act respecting industrial accidents and occupational diseases to the agency's participants covered by Schedule I to the Agreement and to determine the obligations of the agency and the Commission.

2. DEFINITIONS

For the purposes of the Agreement,

"**Commission**" means the Commission des normes, de l'équité, de la santé et de la sécurité du travail, established under section 137 of the Act respecting occupational health and safety;

"**employment**" means, as the case may be, the remunerated employment the participant has at the time the employment injury appears or for which the participant is registered with the Commission, or, if the participant has no remunerated employment or is not registered with the Commission at the time the injury appears, his or her usual employment or, if the participant does not carry on

such employment, the employment that could have been the participant's usual employment, considering the participant's training, work experience and physical and intellectual capacity before the employment injury appeared;

“**establishment**” means an establishment within the meaning of the Act respecting occupational health and safety;

“**employment injury**” means an injury or a disease arising out of or in the course of an industrial accident, or an occupational disease, including a recurrence, relapse or aggravation;

“**Act**” means the Act respecting industrial accidents and occupational diseases;

“**agency**” means the Office Québec-Monde pour la jeunesse, established under section 1 of the Act to establish the Office Québec-Monde pour la jeunesse;

“**participant**” means a person doing work under programs administered by the agency and listed in Schedule I, except a person referred to in section 10 or paragraph 4 of section 11 of the Act.

3. OBLIGATIONS OF THE AGENCY

3.1 Employer

The agency is deemed to be the employer of any participant covered by the Agreement.

Despite the foregoing, the employer-employee relationship is recognized as such only for the purposes of indemnification, assessment and imputation of the cost of benefits payable under the Act and must not be considered as an admission of a factual situation lending itself to interpretation in other fields of activity.

3.2 General obligations

As the employer, the agency is bound, with the necessary modifications, by all the obligations provided for in the Act, including the obligation to keep a register of industrial accidents occurring in the establishments where the participants work and the obligation to inform the Commission, using the form prescribed by Commission, that a participant is unable to continue the program by reason of an employment injury.

Despite the foregoing, the agency is required to make the register of industrial accidents referred to in the preceding paragraph available only to the Commission.

3.3 Exceptions

Despite article 3.2, section 32 of the Act concerning the dismissal or transfer of a worker, discriminatory measures or reprisals, Division II of Chapter IV concerning temporary assignment, as well as Chapter VII concerning the right to return to work, are not applicable to the agency.

3.4 Information

On request by the Commission, the agency sends a description of the tasks or activities carried out by the participant at the time the employment injury appeared.

3.5 First aid

Although the agency is not required to give first aid to a participant who suffers an employment injury, in accordance with sections 190 and 191 of the Act, it must see that first aid is given to the participant, where necessary, and pay the related costs.

3.6 Payment of assessment

The agency agrees to pay the assessment calculated by the Commission in accordance with the Act and the regulations made thereunder and the administrative costs associated with each insurance record.

For the purposes of the Agreement, the agency is also required to make periodic payments, in accordance with section 315.1 of the Act.

3.7 Assessment

For assessment purposes, the agency is deemed to pay wages that correspond, as the case may be, to the gross wage of each participant at the time the participant is registered in a program listed in Schedule I, to the employment insurance benefits received by the participant or to the minimum wage, if the participant has no other employment income.

The assessment is based on the wages that the agency is deemed to pay and on the length of the work carried out under a program listed in Schedule I. However, the wages that the agency is deemed to pay may not in any case be less than \$2,000 per participant.

3.8 Annual statement

The agency sends to the Commission, before 15 March of each year, an annual statement setting out, in particular, the amount of gross wages paid to the participants during the preceding calendar year, calculated in relation to the duration of the work carried out under a program listed in Schedule I.

3.9 Register

The agency keeps a detailed register of the names and addresses of the participants and contact information of the participants' host environments.

The agency makes such register available to the Commission if the latter so requires.

3.10 Programs

The agency sends to the Commission, on the coming into force of the Agreement, a description of the programs listed in Schedule I.

Any new program or any subsequent amendment to a program listed in Schedule I is also to be sent so as to determine whether it should come or remain under the Agreement.

4. OBLIGATIONS OF THE COMMISSION

4.1 Worker status

The Commission considers a participant covered by the Agreement as a worker within the meaning of the Act, except in respect of travel, both outward and return, between the territory in which his or her domicile is situated and the location where the work is carried out under a program listed in Schedule I.

4.2 Indemnity

A participant who suffers from an employment injury is entitled to an income replacement indemnity as of the first day following the beginning of the participant's inability to carry on his or her employment by reason of the injury.

Despite section 60 of the Act, the Commission pays to that participant the income replacement indemnity to which the participant is entitled as of the first day of the participant's inability to carry on his or her employment.

4.3 Calculation of indemnity

For the purpose of calculating the income replacement indemnity, the participant's gross annual employment income is, as the case may be, that which the participant derives from the remunerated employment the participant has at the time the employment injury appears, that which corresponds to the employment insurance benefits received, that for which the participant is registered with

the Commission or, if the participant is unemployed or a self-employed worker not registered with the Commission, that determined on the basis of the minimum wage provided for in section 3 of the Regulation respecting labour standards (CQLR, chapter N-1.1, r. 3) and the regular workweek referred to in section 52 of the Act respecting labour standards (CQLR, chapter N-1.1), as they read on the date on which they are to be applied when the injury appears

4.4 Exception

Where the participant is a full-time student, the entitlement and calculation of the income replacement indemnity of the participant considered to be a worker under the Agreement are determined under sections 79 and 80 of the Act.

4.5 Recurrence, relapse or aggravation

Where the participant holds remunerated employment and suffers recurrence, relapse or aggravation of the employment injury, the gross annual employment income is, for the purpose of calculating the income replacement indemnity, established in accordance with section 70 of the Act.

If unemployed at the time of the recurrence, relapse or aggravation, the gross annual employment income is that determined at the time the participant suffered the original employment injury; that gross income is revalorized each year on the anniversary date of the disability resulting from the original employment injury.

4.6 Financial record

At the request of the agency, the Commission opens a special financial record for each program listed in Schedule I.

Such record must be classified in the unit corresponding to the activities described in the "Programme d'aide à la création d'emploi" unit or, should amendments be made after the Agreement is signed, in a unit corresponding to those activities.

5. MISCELLANEOUS

5.1 Follow-up

Both the Commission and the agency designate, within 15 days of the coming into force of the Agreement, a person responsible for the follow-up of the Agreement.

5.2 Addresses for notices

Any notice required by the Agreement is to be sent to the following addresses:

— Commission des normes, de l'équité, de la santé et de la sécurité du travail

Secrétariat général
1199, rue De Bleury, 14^e étage
Montréal (Québec) H3B 3J1

— Office Québec-Monde pour la jeunesse

Bureau du Président-directeur général
200, Chemin Ste-Foy, local 1.20
Québec (Québec) G1R 1T3

6. COMING INTO FORCE, TERM AND AMENDMENT

6.1 Effective date and term

The Agreement takes effect on the date of coming into force of the Regulation made for that purpose by the Commission under sections 170 and 223 of the Act respecting occupational health and safety and remains in force until 31 December 2021.

6.2 Tacit renewal

It is subsequently renewed tacitly from one calendar year to the next, unless one of the parties sends to the other party, by registered or certified mail, at least 90 days before the term expires, a notice in writing to the effect that it intends to terminate the Agreement or make amendments thereto.

In the latter case, the notice must contain the amendments which the party wishes to make.

6.3 Renewal

If a party intends to make amendments to the Agreement, the sending of the notice referred to in article 6.2 does not preclude the tacit renewal of the Agreement for a period of 1 year. If the parties do not agree on the amendments to be made to the Agreement, the Agreement must be terminated, without further notice, at the expiry of that period.

7. CANCELLATION OF AGREEMENT

7.1 Default

If the agency fails to respect any of the obligations provided for in the Agreement, the Commission may ask the agency to rectify the default within the time set by the Commission. If the situation is not rectified within the prescribed time, the Commission may cancel the Agreement unilaterally, upon written notice.

The Agreement is then cancelled on the date of the notice.

7.2 Mutual agreement

The parties may, by mutual agreement, cancel the Agreement at any time.

7.3 Financial adjustments

In the event of cancellation, the Commission makes financial adjustments taking into account the amounts payable under the Agreement.

Any amount due after such financial adjustments have been made is payable on the due date appearing on the notice of assessment.

7.4 Damages

In the event of cancellation, neither party may be required to pay damages, interest or any other form of indemnity or charges to the other party.

IN WITNESS WHEREOF, the parties have signed

At _____, on this _____ At _____, on this _____

() day of _____ 2021. () day of _____ 2021.

MANUELLE OUDAR
*Chair of the board
of directors and
Chief Executive Officer,
Commission des normes,
de l'équité, de la santé
et de la sécurité
du travail*

JEAN-STÉPHANE BERNARD
*President and
Chief Executive Officer,
Office Québec-Monde
pour la jeunesse*

SCHEDULE I**Programs subject to the Agreement**

—Professional training in the workplace, for projects initiated

—Business mentoring, for training periods in preparation of an economic or commercial mission

—Training within business incubators and accelerators

—School perseverance for work sites or workstations

—Integration group

—Québec Volontaire

105539

Gouvernement du Québec

O.C. 148-2022, 9 February 2022

Act respecting collective agreement decrees
(chapter D-2)

Solid waste removal – Montréal**—Amendment**

Decree to amend the Decree respecting solid waste removal in the Montréal region

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government may order that a collective agreement respecting any trade, industry, commerce or occupation is to also bind all the employees and professional employers in Québec or in a stated region of Québec, within the scope determined in such decree;

WHEREAS the Government made the Decree respecting solid waste removal in the Montréal region (chapter D-2, r. 5);

WHEREAS, under the first paragraph of section 6.1 of the Act respecting collective agreement decrees, sections 4 to 6 of the Act apply to an application for amendment;

WHEREAS, in accordance with the first paragraph of section 4 of the Act, the contracting parties have addressed to the Minister of Labour, Employment and Social Solidarity an application for amendment to the Decree;

WHEREAS, under the first paragraph of section 6 of the Act, at the expiry of the time specified in the notice provided for in section 5 of the Act, the Minister may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft Decree to amend the Decree respecting solid waste removal in the Montréal region was published in Part 2 of the *Gazette officielle du Québec* of 6 October 2021 and in a French language newspaper and in an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees, despite section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the Decree without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Decree to amend the Decree respecting solid waste removal in the Montréal region, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Decree to amend the Decree respecting solid waste removal in the Montréal region

Act respecting collective agreement decrees (chapter D-2, ss. 2, 4, 6 and 6.1)

1. The Decree respecting solid waste removal in the Montréal region (chapter D-2, r. 5) is amended in section 0.01 by striking out subparagraph *b* of paragraph 1.

2. Section 6.01 is replaced by the following:

“**6.01.** The minimum hourly wage is the following:

Class of employment	As of 23 May 2022	As of 23 May 2023	As of 23 May 2024	As of 23 May 2025
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Class A employee:

(a) Driver:

i. self-loading truck:	\$23.80	\$24.30	\$24.85	\$25.40
ii. side-loading truck:	\$24.69	\$25.19	\$25.74	\$26.29
iii. other vehicle:	\$23.59	\$24.09	\$24.64	\$25.19

(b) Helper: \$23.27 \$23.77 \$24.32 \$24.87

Class B employee:

(a) Truck driver

any category: \$23.01 \$23.51 \$24.06 \$24.61

(b) Helper: \$22.73 \$23.23 \$23.78 \$24.33

”

3. The following is added after section 7.02:

“**7.02.1.** The employer must send to the Parity Committee, not later than the tenth day of each month, for the current month, the monthly premium payable by the employer and the monthly premium payable by the employee.”

4. This Decree comes into force on 23 February 2022, except section 2, which comes into force on 23 May 2022.

105540

Gouvernement du Québec

O.C. 168-2022, 16 February 2022

Sustainable Forest Development Act (chapter A-18.1)

Method for assessing the annual royalty and method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee —Amendment

Regulation to amend the Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee

WHEREAS, under paragraph 1 of section 126 of the Sustainable Forest Development Act (chapter A-18.1), the Government may, by regulation, determine the methods and frequency according to which the timber marketing board must assess the market value of timber purchased under a timber supply guarantee;

WHEREAS, under paragraph 2 of section 126 of the Act, the Government may, by regulation, determine the method according to which the timber marketing board must assess the annual royalty to be paid by the holder of a timber supply guarantee;

WHEREAS the Government made the Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee (chapter A-18.1, r. 6);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee was published in Part 2 of the *Gazette officielle du Québec* of 3 November 2021 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee

Sustainable Forest Development Act
(chapter A-18.1, s. 126)

1. The Regulation respecting the method for assessing the annual royalty and the method and frequency for assessing the market value of standing timber purchased by guarantee holders pursuant to their timber supply guarantee (chapter A-18.1, r. 6) is amended in section 1

(1) by inserting the following after paragraph 1:

“(1.0.1) “harvest year 1” means the harvest year preceding a harvest year;

(1.0.2) “harvest year 2” means the harvest year preceding harvest year 1;”;

(2) by striking out paragraph 2.

2. Sections 2, 3 and 4 are replaced by the following:

“2. The adjusted average market value of standing timber per cubic metre, used to assess the annual royalty payable by the holder of a supply guarantee for a harvest year, is calculated using the following formula:

$A = D/E$, where

(1) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty;

(2) “D” is the sum of all products resulting from the operation $B \times C$, performed for each species or group of species on the basis of each different quality, forest tariffing zone and quarter concerned, where

(a) “B” is the unit rate for the market value of standing timber in harvest year 1 for a species or group of species of a given quality, forest tariffing zone and quarter;

(b) “C” is the volume of timber billed to a holder for harvest year 2 for that same species or group of species of that same quality, forest tariffing zone and quarter;

(3) “E” is the volume of timber billed to the holder pursuant to the holder’s supply guarantee for harvest year 2.

Despite the first paragraph, when the volume of timber billed to a holder for harvest year 2 is less than 10% of the volume of timber specified in the holder’s supply guarantee for the harvest year, the adjusted average market value of standing timber per cubic metre is calculated using the following formula:

$A = H/I$, where

(1) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty;

(2) “H” is the sum of all products resulting from the operation $F \times G$, performed for each species or group of species specified in the holder’s supply guarantee, where

(a) “F” is the volume of timber specified in the holder’s supply guarantee for a species or group of species;

(b) “G” is the adjusted average market value of standing timber per cubic metre for all holders using the unit rates for the market value of standing timber in harvest year 1 and the volume of timber billed for harvest year 2 for the same species or the same group of species;

(3) “I” is the volume of timber specified in the holder’s supply guarantee.

For the purposes of the assessment of the adjusted average market value of standing timber per cubic metre provided for in the first or second paragraph, as the case may be, the volume is calculated using the data available on 31 December following the end of harvest year 2.

3. The annual royalty is assessed in the month of February preceding the start of the harvest year using the calculation in section 4 and adjusted thereafter, where applicable, as provided for in sections 4.0.1 to 4.0.14.

4. The annual royalty payable by the holder of a supply guarantee for a harvest year is calculated using the following formula:

$$J = I \times (18\% A), \text{ where}$$

(1) “J” is the annual royalty payable for the harvest year in accordance with the volume of timber specified in the holder’s supply guarantee;

(2) “I” is the volume of timber specified in the holder’s supply guarantee;

(3) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2.

4.0.1. To assess the amount payable by the holder of a supply guarantee for the first instalment of the annual royalty, pursuant to section 1 of the Regulation respecting the terms of payment of the annual royalty and timber purchased by guarantee holders pursuant to their timber supply guarantee (chapter A-18.1, r. 6.1), an adjusted annual royalty for the calculation of the first instalment must first be calculated using the following formula:

$$L = ((I - M - N) \times (18\% A)), \text{ where}$$

(1) “L” is the adjusted annual royalty for the calculation of the first instalment;

(2) “I” is the volume of timber specified in the holder’s supply guarantee;

(3) “M” is the volume of timber, not covered by a special development plan, that the holder has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee;

(4) “N” is the volume of timber, covered by a special development plan, that the holder has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee;

(5) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2.

4.0.2. The amount payable by the holder of a timber supply guarantee as the first instalment of the annual royalty is calculated using the following formula:

$$K = 50\% L, \text{ where}$$

(1) “K” is the amount payable as the first instalment of the annual royalty;

(2) “L” is the adjusted annual royalty for the calculation of the first instalment, calculated in accordance with section 4.0.1.

Despite the first paragraph, if the adjusted annual royalty for the calculation of the first instalment, calculated in accordance with section 4.0.1, is less than 50% of the result obtained by performing the same calculation as the calculation provided for in section 4, but by first subtracting, where applicable, the volume of timber represented by the letter “N” from the volume of timber represented by the letter “I”, the amount payable as the first instalment of the annual royalty is calculated using the following formula:

$$K = 25\% ((I - N) \times (18\% A)), \text{ where}$$

(1) “K” is the amount payable as the first instalment of the annual royalty;

(2) “I” is the volume of timber specified in the holder’s timber supply guarantee;

(3) “N” is the volume of timber, covered by a special development plan, that the holder has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee;

(4) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2.

4.0.3. To assess the amount payable by the holder of a timber supply guarantee as the second instalment of the annual royalty, pursuant to section 1 of the Regulation respecting the terms of payment of the annual royalty and timber purchased by guarantee holders pursuant to their timber supply guarantee (chapter A-18.1, r. 6.1), an adjusted annual royalty for the calculation of the second instalment must first be calculated using the following formula:

$$P = (I - M - 50\% Q - N - R) \times (18\% A), \text{ where}$$

(1) “P” is the adjusted annual royalty for the calculation of the second instalment;

(2) “I” is the volume of timber specified in the holder’s timber supply guarantee;

(3) “M” is the volume of timber, not covered by a special development plan, that the holder has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee;

(4) “Q” is the volume of timber, not covered by a special development plan, that the holder waived after the time the sales contract was made for the standing timber purchased pursuant to the holder’s timber supply guarantee, but not later than 15 August of the harvest year;

(5) “N” is the volume of timber, covered by a special development plan, that the holder has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee;

(6) “R” is the volume of timber, covered by a special development plan, that the holder waived after the time the sales contract was made for the standing timber purchased pursuant to the holder’s timber supply guarantee, but not later than 15 August of the harvest year;

(7) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2.

4.0.4. The amount payable by the holder of a timber supply guarantee as the second instalment of the annual royalty is calculated using the following formula:

$$O = P - K, \text{ where}$$

(1) “O” is the amount payable as the second instalment of the annual royalty;

(2) “P” is the adjusted annual royalty for the calculation of the second instalment, calculated in accordance with section 4.0.3;

(3) “K” is the amount payable as the first instalment of the annual royalty, calculated in accordance with the first or second paragraph of section 4.0.2.

Despite the first paragraph, if the adjusted annual royalty for the calculation of the second instalment, calculated in accordance with section 4.0.3, is less than 50% of the result obtained by performing the same calculation as the calculation provided for in section 4, but by first subtracting, where applicable, the volumes of timber represented by the letters “N” and “R” from the volume of timber represented by the letter “I”, the amount payable as the second instalment of the annual royalty is calculated using the following formula:

$$O = (50\% ((I - N - R) \times (18\% A)) - K, \text{ where}$$

(1) “O” is the amount payable as the second instalment of the annual royalty;

(2) “I” is the volume of timber specified in the holder’s timber supply guarantee;

(3) “N” is the volume of timber, covered by a special development plan, that the holder has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee;

(4) “R” is the volume of timber, covered by a special development plan, that the holder waived after the time the sales contract was made for the standing timber purchased pursuant to the holder’s timber supply guarantee, but not later than 15 August of the harvest year;

(5) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2;

(6) “K” is the amount payable as the first instalment of the annual royalty, calculated in accordance with the first or second paragraph of section 4.0.2.

4.0.5. At the end of the harvest year, an adjusted annual royalty for the calculation of the end-of-year reimbursement must first be calculated using the following formula:

$$U = (I - N - R - T) \times (18\% A), \text{ where}$$

(1) “U” is the adjusted annual royalty for the calculation of the end-of-year reimbursement;

(2) “I” is the volume of timber specified in the holder’s timber supply guarantee;

(3) “N” is the volume of timber, covered by a special development plan, that the holder has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee;

(4) “R” is the volume of timber, covered by a special development plan, that the holder waived after the time the sales contract was made for the standing timber purchased pursuant to the holder’s timber supply guarantee, but not later than 15 August of the harvest year;

(5) “T” is the volume of timber, covered by a special development plan, that the holder waived between 16 August and 31 March in the harvest year;

(6) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2.

4.0.6. At the end of the harvest year, the holder of a timber supply guarantee is entitled, with respect to the volume of timber covered by a special development plan that the holder waived between 16 August and 31 March of the harvest year, to the reimbursement of a portion of the amounts paid as an annual royalty, calculated using the following formula:

$$S = (18\% A) \times T, \text{ where}$$

(1) “S” is the amount of the reimbursement of the annual royalty to which the holder is entitled at the end of the harvest year after waiving a volume of timber covered by a special development plan between 16 August and 31 March in the harvest year;

(2) “A” is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2;

(3) “T” is the volume of timber, covered by a special development plan, that the holder waived between 16 August and 31 March in the harvest year.

Despite the first paragraph, if the difference between the adjusted annual royalty for the calculation of the second instalment, calculated in accordance with section 4.0.3, and the amount of the reimbursement calculated in accordance with the first paragraph, is less than 50% of the adjusted annual royalty for the calculation of the end-of-year reimbursement, calculated in accordance with section 4.0.5, the amount of the reimbursement to which the holder is entitled is calculated using the following formula:

$$S = (K + O) - (50\% U), \text{ where}$$

(1) “S” is the amount of the reimbursement of the annual royalty to which the holder is entitled at the end of the harvest year after waiving a volume of timber covered by a special development plan between 16 August and 31 March in the harvest year;

(2) “K” is the amount payable as the first instalment of the annual royalty, calculated in accordance with the first or second paragraph of section 4.0.2;

(3) “O” is the amount payable as the second instalment of the annual royalty, calculated in accordance with the first or second paragraph of section 4.0.4;

(4) “U” is the adjusted annual royalty for the calculation of the end-of-year reimbursement, calculated in accordance with section 4.0.5.

4.0.7. Subject to section 4.0.14, the holder of a timber supply guarantee is entitled, on 31 December of the year following the harvest year, to the reimbursement of a portion of the amounts paid as an annual royalty if

(1) the holder has a timber supply guarantee for species or groups of species identified as minor or under-represented species or groups of species and has not harvested, for the harvest year, the entire volume of those species or groups of species to which the holder was entitled under the holder’s sales contract for standing timber purchased pursuant to the holder’s timber supply guarantee;

(2) the holder operates a rotary-cutting enterprise within the meaning of the timber supply guarantee and has not harvested, for the harvest year, the entire volume of the species or groups of species of hardwoods to which the holder was entitled under the holder’s sales contract for standing timber purchased pursuant to the holder’s timber supply guarantee.

4.0.8. Subject to section 4.0.14, the holder of a timber supply guarantee is entitled, on 31 December of the year following the harvest year, to the reimbursement of a portion of the amounts paid as an annual royalty if the holder has not harvested the aggregate of the volume of timber due to harvest coordination problems caused by another timber supply guarantee holder that ceased activities for a period of more than 3 consecutive months during the harvest year and that, when it ceased its activities,

(1) held a timber supply guarantee for the same region of application as the holder’s timber supply guarantee;

(2) operated a wood processing plant that had been operating for more than 18 consecutive months prior to the cessation of activities.

To benefit from the reimbursement, the holder must file an application, in writing, with the timber marketing board not later than 31 December of the year following the harvest year.

4.0.9. No holder may, for a given volume of timber specified in the holder's timber supply guarantee, benefit from more than one of the reimbursements provided for in sections 4.0.7 and 4.0.8 for the harvest year.

4.0.10. The amount of the reimbursement for minor or under-represented species or groups of species is calculated using the following formula:

$$V = (18\% A) \times W, \text{ where}$$

(1) "V" is the amount of the reimbursement associated with minor or under-represented species or groups of species;

(2) "A" is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2;

(3) "W" is the volume of timber belonging to minor or under-represented species or groups of species that the holder has not waived and for which the holder was not billed for the harvest year.

4.0.11. The amount of the reimbursement for hardwood species or groups of species to a rotary-cutting enterprise operated by a holder is calculated using the following formula:

$$X = (18\% A) \times Y, \text{ where}$$

(1) "X" is the amount of the reimbursement associated with the hardwood species or groups of species of a rotary-cutting enterprise;

(2) "A" is the adjusted average market value of standing timber used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2;

(3) "Y" is the volume of timber belonging to hardwood species or groups of species of the rotary-cutting enterprise operated by the holder, that the holder has not waived and for which the holder was not billed for the harvest year.

4.0.12. The amount of the reimbursement relating to the cessation of operations at a wood processing plant is calculated using the following formula:

$$Z = (18\% A) \times AA, \text{ where}$$

(1) "Z" is the amount of the reimbursement relating to the cessation of activities at a plant;

(2) "A" is the adjusted average market value of standing timber per cubic metre used to calculate the annual royalty, calculated in accordance with the first or second paragraph of section 2;

(3) "AA" is the sum of the unbilled volumes of timber identified for each region of application of the holder's timber supply guarantee, calculated in accordance with the third or fourth paragraph.

The unbilled volume of timber identified for a region of application of the timber supply guarantee, required for the calculation provided for in the first paragraph, is the lesser of the maximum volume of timber that may be used for reimbursement for that region of application, calculated in accordance with the third paragraph, and the volume of timber not billed to a holder for that region of application, calculated as provided for in the fourth paragraph.

The maximum volume of timber that may be used for reimbursement for a region of application is calculated using the following formula:

$$BB = (CC - DD) \times (EE/FF), \text{ where}$$

(1) "BB" is the maximum volume of timber that may be used for the reimbursement for a region of application;

(2) "CC" is the volume of timber specified in the timber supply guarantee of the holder entitled to the reimbursement during the harvest year for a region of application of the holder's timber supply guarantee;

(3) "DD" is the volume of timber, covered by a special development plan, which the holder entitled to a reimbursement has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder's timber supply guarantee and the volumes waived by the holder after that time, but not later than 31 March of the harvest year for a region of application;

(4) "EE" is the volume of timber specified in the timber supply guarantee of a holder that operated the plant that ceased operations in the same region of application as that of the timber supply guarantee of the holder entitled to the reimbursement;

(5) “FF” is the sum of all the volumes of timber specified in all the timber supply guarantees of all the holders in the same region of application as that of the timber supply guarantee of the holder entitled to the reimbursement.

The volume of timber not billed to a holder for a region of application is calculated using the following formula:

$$GG = CC - DD - HH - II, \text{ where}$$

(1) “GG” is the volume of timber not billed to the holder during the harvest year for a region of application of the holder’s timber supply guarantee;

(2) “CC” is the volume of timber specified in the timber supply guarantee of the holder entitled to a reimbursement during the harvest year for a region of application of the holder’s timber supply guarantee;

(3) “DD” is the volume of timber, covered by a special development plan, which the holder entitled to a reimbursement has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee and the volumes waived by the holder after that time, but not later than 31 March of the harvest year for a region of application of the holder’s timber supply guarantee;

(4) “HH” is the volume of timber, not covered by a special development plan, which the holder entitled to a reimbursement has waived or is deemed to have waived at the time the sales contract is made for the standing timber purchased pursuant to the holder’s timber supply guarantee and the volume waived by the holder after that time, but not later than 15 August of the harvest year for a region of application of the holder’s timber supply guarantee;

(5) “II” is the volume of timber billed to the holder for the harvest year for a region of application of the holder’s timber supply guarantee.

4.0.13. The volumes required to calculate the reimbursements provided for in sections 4.0.10 to 4.0.12 are assessed using the data available on 31 December following the harvest year.

4.0.14. The maximum amount of the reimbursement to which the holder of a timber supply guarantee is entitled on 31 December of the year following the harvest year is calculated using the following formula:

$$JJ = V + X + Z, \text{ where}$$

(1) “JJ” is the maximum amount of the reimbursement to which the holder is entitled on 31 December of the year following the harvest year;

(2) “V” is the amount of the reimbursement associated with minor or under-represented species or groups of species, calculated using the method in section 4.0.10;

(3) “X” is the amount of the reimbursement associated with the hardwood species or groups of species of a rotary-cutting enterprise, calculated using the method in section 4.0.11;

(4) “Z” is the amount of the reimbursement associated with the cessation of operations at a plan, calculated using the method in section 4.0.12.

Despite any other provision, if the total of the two first instalments of the annual royalty payable by the holder without the amounts of the reimbursements calculated in accordance with the first paragraph and section 4.0.6 is less than 50% of the adjusted annual royalty for the calculation of the end-of-year reimbursement, calculated in accordance with section 4.0.5, the maximum amount to which the holder is entitled as a reimbursement on 31 December of the year following the harvest year is calculated using the following formula:

$$JJ = (K + O - S) - (50\% U), \text{ where}$$

(1) “JJ” is the maximum amount of the reimbursement to which the holder is entitled on 31 December of the year following the harvest year;

(2) “K” is the amount payable as the first instalment of the annual royalty, calculated in accordance with the first or second paragraph of section 4.0.2;

(3) “O” is the amount payable as the second instalment of the annual royalty, calculated in accordance with the first or second paragraph of section 4.0.4;

(4) “S” is the amount of the reimbursement of the annual royalty to which the holder is entitled at the end of the harvest year after waiving a volume of timber covered by a special development plan between 16 August and 31 March in the harvest year, calculated in accordance with the first or second paragraph of section 4.0.6;

(5) “U” is the adjusted annual royalty for the calculation of the end-of-year reimbursement, calculated in accordance with section 4.0.5.”.

3. This Regulation comes into force on 31 March 2022.

105542

Gouvernement du Québec

O.C. 169-2022, 16 February 2022

Sustainable Forest Development Act
(chapter A-18.1)

**Scaling of timber harvested in forests
in the domain of the State**
— Amendment

Regulation to amend the Regulation respecting the scaling of timber harvested in forests in the domain of the State

WHEREAS, under paragraph 1 of section 72 of the Sustainable Forest Development Act (chapter A-18.1), the Government may, by regulation, determine the scaling standards for timber harvested in the forests in the domain of the State, in particular, the scaling methods and the standards applicable to timber transportation, to the transmission of scaling or inventory data, to the verification of data and to corrections to scaling, including the assistance that the person or body required to scale the timber must provide to the Minister;

WHEREAS the Government made the Regulation respecting the scaling of timber harvested in forests in the domain of the State (chapter A-18.1, r. 5.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the scaling of timber harvested in forests in the domain of the State was published in Part 2 of the *Gazette officielle du Québec* of 3 November 2021 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 amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the scaling of timber harvested in forests in the domain of the State, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting the scaling of timber harvested
in forests in the domain of the State**

Sustainable Forest Development Act
(chapter A-18.1, s. 72, par. 1)

1. The Regulation respecting the scaling of timber harvested in forests in the domain of the State (chapter A-18.1, r. 5.1) is amended in section 5 by inserting “by a person or body referred to in the first paragraph of section 1” after “Minister” in the first paragraph.

2. The following is inserted after section 5:

“**5.1.** Timber harvested within the additional time allowed after the end of a harvest year pursuant to a forestry permit issued under the Sustainable Forest Development Act (chapter A-18.1) or a contract or agreement entered into under the Act are deemed to be included in that harvest year.

The additional time may not be taken into consideration in the calculation of the 5-month period provided for in the first paragraph of section 5.”

3. Section 35 is amended by inserting “, 6” after “sections 5” in the first paragraph.

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

105543

M.O., 2022

**Order 2022-01 of the Minister of Education
dated 21 January 2022**

Education Act
(chapter I-13.3)

Regulation respecting the standards of ethics and professional conduct applicable to the members of the board of directors of a French-language school service centre

THE MINISTER OF EDUCATION,

CONSIDERING section 457.8 of the Education Act (chapter I-13.3), which provides that the Minister of Education may determine, by regulation, the standards of ethics and professional conduct applicable in particular to the members of a French-language school service centre’s board of directors;

CONSIDERING the second paragraph of section 457.8 of the Act, which provides that the regulation may, in particular, determine the duties and obligations of certain board members as well as those they must comply with after the expiry of their terms and the period of compliance, establish prevention measures, in particular rules concerning the disclosure of interests, deal with the identification of conflict of interest situations, regulate or prohibit practices relating to the attendance allowance and to the reimbursement of reasonable expenses incurred by board members, establish the procedure governing examinations of and inquiries into conduct that may contravene the standards determined by the Minister, prescribe appropriate penalties and designate the authorities that are to determine or impose such penalties, and determine the cases in and procedure according to which board members may be temporarily relieved of their duties;

CONSIDERING the publication in Part 2 of the *Gazette officielle du Québec* of 24 March 2021 of a draft Regulation respecting the standards of ethics and professional conduct applicable to the members of the board of directors of a French-language school service centre, in accordance with sections 8 and 11 of the Regulations Act (chapter R-18.1), with a notice that it could be made on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation respecting the standards of ethics and professional conduct applicable to the members of the board of directors of a French-language school service centre, attached to this Order, is hereby made.

Québec, 21 January 2022

JEAN-FRANÇOIS ROBERGE
Minister of Education

Regulation respecting the standards of ethics and professional conduct applicable to the members of the board of directors of a French-language school service centre

Education Act
(chapter I-13.3, s. 457.8)

CHAPTER I PURPOSE AND SCOPE

1. The purpose of this Regulation is to determine the standards of ethics and professional conduct applicable to the members of the board of directors of a French-language school service centre in the performance of their duties.

It determines, in particular, the duties and obligations that board members must comply with after the expiry of their terms, and the rules governing declarations of interest. It establishes the procedure governing examinations and inquiries into conduct that may contravene the standards of ethics and professional conduct, prescribes appropriate penalties and determines the cases in and procedure according to which board members may be temporarily relieved of their duties.

The standards apply when members perform their duties for the board of directors, for any committee formed by the board, and for any committee on which they sit as a member of the board of directors of a school service centre.

CHAPTER II DUTIES AND OBLIGATIONS

DIVISION I GENERAL

2. A member must act with honesty, integrity, rigour, objectivity and moderation. A member must act with probity.

A member performs his or her duties with competence. To that end, a member develops and maintains his or her knowledge about the role of a school service centre's board of directors.

A member performs his or her duties in good faith, with prudence and diligence and shows loyalty towards the school service centre.

A member acts in the interest of the school service centre, in particular so that he or she may guide his or her actions and direct his or her activities towards students' educational success.

3. In the performance of his or her duties, a member is bound to comply with the standards governing his or her duties and powers set out in the Education Act (chapter I-13.3).

He or she must organize his or her personal business in such a way that it cannot interfere with the performance of his or her duties.

4. A member must know and understand the standards of ethics and professional conduct that apply to him or her and undertake to comply with them and promote compliance with them. A member must, not later than at the first sitting of the board of directors following his or her appointment, sign a declaration to that end.

The declarations must be filed with the board of directors.

5. The member must refrain from inciting any person to contravene the provisions of this Regulation.

DIVISION II SITTINGS

6. A member is required to be present, unless he or she has a valid excuse, at the sittings of the board of directors or of a committee formed by the board or on which the member sits as a member of the board of directors of a school service centre, to be prepared for it and to take an active part in it. The member contributes to the mission of the school service centre by providing a constructive contribution to the deliberations.

7. A member must debate any issue in an objective and independent manner as well as in a clear and informed manner.

8. A member must act with courtesy and respect so as to encourage mutual trust and cohesive action within the board of directors or a committee of which the member is a member.

9. A member is in solidarity with the decisions made by the board of directors.

10. A member is required to vote, except if there is an impediment determined by this Regulation.

DIVISION III CONFLICT OF INTEREST

11. A member must refrain from placing himself or herself in a situation entailing a conflict between the interest of the school service centre or the population it serves, or the public interest, and his or her personal interest or that of a person related to the member, such as the member's child, spouse or relative, a person living under the same roof, or a partner or a legal person that the member manages or controls.

More specifically, a member may not

(1) act, attempt to act, or refrain from acting, so as to further his or her private interests or those of a person with whom the member is connected, or to improperly further another person's private interests; or

(2) use his or her position to influence or attempt to influence another person's decision so as to further his or her private interests or those of a person with whom the member is connected, or to improperly further another person's private interests.

A member must, at all times, retain his or her ability to perform his or her duties in an impartial, objective and independent manner.

12. Within 60 days after a member takes up his or her duties, and every year thereafter, the member must file with the board of directors a statement of any personal interest that he or she, or a person with whom the member is connected, has in immovables located in the territory of the school service centre on whose board of directors the member sits, and in legal persons, partnerships and enterprises liable to have contacts with the school service centre.

The statement must include a list of the employments and administrative positions held by the member or the person with whom the member is connected, and of any loan of which the member or a person connected with the member is the creditor or debtor towards a person other than a financial institution, the member or a person connected with the member on which the balance in principal and interest is over \$2,000.

The statement does not indicate the value of the interests listed or the extent of the interests of the member in legal persons, partnerships or enterprises. No mention shall be made of any sum of money deposited with a financial institution or of any bonds issued by a government, a municipality or any other public body.

13. Except for goods and services provided by the school service centre, a member may not enter into a contract with the school service centre, except with authorization from the board of directors warranted, in particular, by a special competence necessary to the school service centre.

14. A member who has an interest in property, a body, an enterprise, an association or a legal entity likely to place the member in a situation of conflict of interest must declare, without delay and in writing, that interest to the chair of the board of directors of the school service centre or, where the chair is concerned, to the member designated to perform the duties of the chair in the case of an impediment or absence of the latter.

Such a declaration may be made at the sitting and is then recorded in the minutes of the sitting of the board of directors at which the decision is made.

15. The member must refrain from taking part in any deliberation or any decision involving his or her personal interest. The member must withdraw from the sitting without exercising his or her right to vote or participating in deliberations on the matter.

16. A member may not give any undertaking to third parties nor grant them a guarantee with regard to a vote that the member may be called upon to make or a decision that the board of directors may be called upon to make.

17. A member may not treat the property of the school service centre as if it were his or her own and may not use it for his or her own benefit or for the benefit of a third party, unless an authorization from the board of directors is obtained.

A member may not, directly or indirectly, grant, solicit or accept a favour, gift, hospitality or other advantage offered or given because of the member's duties.

18. A member must refrain from associating the school service centre, however remotely, with

(1) a personal endeavour, and in particular an endeavour involving political activities; or

(2) a public position that reflects his or her personal positions, in particular on a website, blog or social network.

19. A member sitting as a staff representative must, on pain of removal from office, abstain from voting on any matter relating to his or her employment status, remuneration, employee benefits and other conditions of employment or those of the employee category to which he or she belongs. The member must, after having had an opportunity to submit observations, withdraw from the sitting while the matter is discussed or voted on.

In addition, he or she must abstain from voting on any matter relating to the remuneration, employee benefits and other conditions of employment of other employee categories.

DIVISION IV CONFIDENTIALITY AND DISCRETION

20. A member must exercise discretion in regard to anything that comes to his or her knowledge in the performance of his or her duties and is at all times bound to maintain the confidentiality of information placed at the member's disposal or that have come to his or her knowledge without being generally available to the public.

A member must take reasonable measures to preserve the confidentiality of information obtained in the performance of his or her duties.

21. A member must refrain from commenting on the decisions made by the board of directors, in particular on a website, blog or social network.

22. A member may not use for his or her own benefit or for the benefit of a third party information obtained in the performance of his or her duties that is not generally available to the public.

DIVISION V RELATIONS WITH EMPLOYEES OF THE SCHOOL SERVICE CENTRE

23. A member must act with courtesy and respect in his or her relations with employees of the school service centre.

A member may not, in that capacity, contact an employee of the order to give him or her instructions, interfere in the employee's work or obtain confidential information, unless the member is acting within the mandate of a committee of which he or she is the chair and is expressly authorized by the board of directors to do so.

DIVISION VI POST-TERM RULES

24. A member who has ceased to perform his or her duties must

(1) refrain from disclosing confidential information obtained in the performance of his or her duties or use for his or her own benefit or for the benefit of a third party information not available to the public concerning the school service centre that was obtained in the same conditions;

(2) exercise discretion in his or her comments about the decisions made by the board of directors of the school service centre during his or her term of office, in particular on a website, blog or social network; and

(3) conduct himself or herself in such a manner as not to derive undue advantages from his or her previous duties on the board of directors of the school service centre.

CHAPTER III EXAMINATION AND INQUIRY PROCEDURE AND PENALTIES

25. The chair of the board of directors sees that the members comply with the standards of ethics and professional conduct determined by this Regulation.

26. A committee of inquiry in ethics and professional conduct is formed within the school service centre for the purpose of examining and inquiring into any information concerning behaviour likely to contravene this Regulation.

The committee is composed of 3 persons, appointed by the board of directors by a vote of at least two thirds of its members, who belong to one of the following categories:

(1) a person having notable experience and expertise in, sensitivity to and interest for matters of education;

(2) a former member of the board of directors of a school service centre or a former commissioner of a school board;

(3) a person having experience or expertise in matters of ethics and professional conduct.

The committee must be composed of members from at least 2 of the 3 categories.

The members of the committee may not be members of the board of directors, employees of a school service centre or persons connected with such members or employees.

The members of the committee designate one of their number as the chair.

The secretary general of the school service centre acts as the committee's secretary.

The committee may, with the authorization of the board of directors, call on experts to assist the committee.

The duration of the term of office of the members of the committee is determined by the board of directors. On the expiry of their term of office, they remain in office until they are replaced or reappointed.

27. Before taking up their duties, the members of the committee take the following oath before the secretary general:

"I, A. B., declare under oath that I will not reveal or make known, without being authorized therefor by law, anything whatsoever of which I have taken cognizance in the performance of my duties."

28. The members of the committee are entitled to receive, from the school service centre, an attendance allowance and the reimbursement of reasonable expenses incurred under the same standards as those enacted by the government pursuant to section 175 of the Education Act for the members of a school service centre's board of directors, with the exception of the maximum amount that a member may receive as an attendance allowance which does not apply.

29. The committee adopts an internal by-law that the school service centre makes available to the public, in particular on its website, and publishes in its annual report.

30. A member of the board of directors must disclose without delay to the committee any behaviour liable to contravene this Regulation that has come to his or her knowledge or of which the member suspects the existence.

31. The committee receives the disclosure from any person concerning behaviour liable to contravene this Regulation.

32. The committee may, upon summary examination, dismiss any disclosure if, in the committee's opinion, it is abusive, frivolous or clearly unfounded.

It makes its decision on the admissibility of the disclosure within 15 days of receipt and so informs the informant and the member covered by the disclosure.

33. If it does not dismiss the disclosure, the committee launches an inquiry without delay. It conducts the inquiry in such a manner as to preserve its confidentiality, diligently and in keeping with the duty to act fairly. It must allow the member to submit written observations after the member has been informed of the behaviour under scrutiny.

The committee may obtain from the school service centre any document relevant to its inquiry other than those covered by professional secrecy. The school service centre must cooperate with the committee.

34. The committee releases its conclusions within 30 days of its decision to launch an inquiry. If the inquiry is not completed within that time limit, the committee so informs the informant and the member covered by the disclosure.

Where the committee comes to the conclusion that the member under inquiry has not contravened this Regulation, the committee so informs the member and the informant.

Where the committee comes to the conclusion that the member under inquiry has contravened this Regulation, the committee sends without delay a report giving the reasons for its conclusions and its recommendations to the secretary general, and to the member under inquiry. The report must be drafted in a manner that ensures the confidentiality of personal information and protects the informant's identity.

The secretary general sends the report to the school service centre's board of directors at the first sitting after it is received.

35. At the sitting following the sitting at which the report is tabled, the board of directors votes on the report.

A penalty specified in the report applies after the board of directors adopts the report by a two-thirds vote of its members.

The member concerned by the report may not take part in the deliberations or vote. He or she may, however, present written observations to the board of directors. He or she may also be heard on the facts in support of his or her claims before the decision is made.

36. Depending on the nature, gravity and persistence of the violation or misconduct, one or more of the following penalties may be imposed on the member:

- (1) a reprimand;
- (2) a suspension of the member's term for not more than 90 days;
- (3) a revocation of the member's term.

Where a member is suspended, he or she may not sit on the board of directors of the school service centre or on any other committee formed by the board or on which the member sits as a member of the board of directors of the school service centre, or receive an allowance or any other amount in that connection.

The member may also be compelled to reimburse or remit to the school service centre, donor or charity that is not related to the school service centre, any sum of money or any gift, hospitality or other advantage received in contravention of the standards of ethics and professional conduct applicable to the member.

37. The member is informed, without delay and in writing, of the decision of the board of directors.

38. A member against whom proceedings concerning an act involving collusion, corruption, malfeasance, breach of trust, fraud or influence peddling and any proceedings concerning improper gestures or remarks of a sexual nature are instituted, or a member prosecuted for an offence punishable by a term of imprisonment of 5 years or more must, within 10 days from the day on which the member is so informed, notify the chair of the board of directors.

The chair of the board of directors sends without delay that information to the committee of inquiry in ethics and professional conduct.

39. The board of directors may, on the recommendation of the committee and by a vote of at least two thirds of its members, temporarily relieve of his or duties a member against whom proceedings concerning an act involving collusion, corruption, malfeasance, breach of trust, fraud or influence peddling or proceedings concerning improper gestures or remarks of a sexual nature are instituted or who has been prosecuted for an offence punishable by a term of imprisonment of 5 years or more.

It may also, on the recommendation of the committee and by a vote of at least two thirds of its members, temporarily relieve of his or her duties a member whose behaviour is likely to contravene this Regulation where justified by the urgency or gravity of the situation.

It must, before deciding to temporarily relieve a member of his or her duties, allow the member to submit written observations and to be heard on the facts in support of his or her claims, before the decision is made.

The director general of the school service centre informs the Minister of a decision made by the board of directors to temporarily relieve a member of his or her duties.

40. A member is relieved of his or her duties, in the cases referred to in the first paragraph of section 39, until the prosecutor decides to stay or withdraw all charges in the proceedings on which the board of directors' decision was based to temporarily relieve the member of his or her duties or until the decision to acquit the member or to stay all charges in the proceedings is made or, in the cases referred to in the second paragraph of section 39, until the board of directors makes a decision pursuant to section 35.

41. The member is informed without delay, in writing, of the decision to temporarily relieve him or her of his or her duties, and of the reasons for the decision.

CHAPTER IV TRANSITIONAL AND FINAL

42. An examination or inquiry into alleged or actual conduct that may be contrary to standards of ethics or professional conduct according to the code of ethics and professional conduct that applied before the coming into force of this Regulation and for which the examination or inquiry has not ended at that time is to be carried out in accordance with the procedure set out in Chapter III of this Regulation. The appropriate penalties, if any, are the penalties set out in this Regulation.

43. The person responsible for determining if the code has been contravened or for imposing a penalty who is in office at the coming into force of this Regulation is to remain in office until the first committee of inquiry in ethics and professional conduct referred to in section 26 of this Regulation is set up. Until that date, that person exercises the functions and powers that this Regulation confers on the committee.

He or she remains, after that date, competent to continue and end the examination or inquiry into alleged or actual conduct that may be contrary to standards of ethics or professional conduct that began before the first committee was set up.

44. If the board of directors has not set up the first committee of inquiry in ethics and professional conduct 6 months after the coming into force of this Regulation, the Minister may appoint the members.

45. The declaration referred to in section 4 must be signed not later than the sitting of the board of directors 30 days after the coming into force of this Regulation.

The statement referred to in section 12 must be filed with the board of directors within 60 days of the coming into force of this Regulation.

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

105534

Draft Regulations

Draft Regulation

Building Act
(chapter B-1.1)

Act to amend the Act respecting elections and referendums in municipalities, the Municipal Ethics and Good Conduct Act and various legislative provisions (2021, chapter 31)

Obligation to inspect residential buildings

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the regulation of the obligation to inspect residential buildings, appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation regulates the obligation of a person who acquires a building to have it inspected before purchase by a residential building inspector who holds a certificate referred to in section 86.8 of the Building Act (chapter B-1.1), enacted by section 10 of the Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d'habitation du Québec and various legislative provisions concerning municipal affairs (2019, chapter 28).

It provides that, unless exempted, any person who wishes to purchase a used residential building whose year of construction was 25 years ago or more, or the private portion of such a building must make a written promise to purchase conditional on a mandatory inspection, carried out by an inspector certified by the Régie du bâtiment du Québec in accordance with the terms and conditions set out in the draft Regulation respecting the regulation of residential building inspections, published in the *Gazette officielle du Québec* on the same date.

The draft Regulation also provides that it is possible, after the promise to purchase is accepted and within the prescribed period, to waive the inspection in writing by completing the form provided for in the Regulation.

The draft Regulation provides that, should the promisor fail to send to the seller, within the period provided for, a document confirming that the inspection has been carried out or an inspection waiver form, the

seller may inform the promisor in writing that the seller is unilaterally terminating the contract entered into by accepting the promise to purchase.

Lastly, the draft Regulation lists the documents that must be sent to the officiating notary.

The draft Regulation has no significant financial impact on enterprises.

Further information on the draft Regulation may be obtained by contacting Ian Taillefer, Executive Assistant, Bureau du président-directeur général, Régie du bâtiment du Québec, 800, place D'Youville, 16^e étage, Québec (Québec) G1R 5S3; telephone: 418 473-5013; email: ian.taillefer@rbq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Caroline Hardy, Acting Secretary General and Director of Institutional Affairs, Régie du bâtiment du Québec, 800, place D'Youville, 16^e étage, Québec (Québec) G1R 5S3; email: projet.reglement.commentaires@rbq.gouv.qc.ca.

ANDRÉE LAFOREST
Minister of Municipal Affairs and Housing

Regulation respecting the regulation of the obligation to inspect residential buildings

Building Act
(chapter B-1.1, s. 185, pars. 0.1, 19.9.1 and 38, and s. 192)

Act to amend the Act respecting elections and referendums in municipalities, the Municipal Ethics and Good Conduct Act and various legislative provisions (2021, chapter 31, s. 44)

DIVISION I PRELIMINARY

1. In this Regulation, unless the context indicates otherwise, the term “residential building” has the meaning assigned by the draft of BNQ Standard 3009-500, Practices for Inspecting a Residential Building, published by the Bureau de normalisation du Québec.

In addition,

“certified residential building inspector” means an inspector certified by the Régie du bâtiment du Québec in accordance with the terms and conditions set out in the draft Regulation respecting the regulation of residential building inspections published in Part 2 of the *Gazette officielle du Québec* of 23 February 2022; (*inspecteur en bâtiment d’habitation certifié*)

“used residential building” means a residential building that has been inhabited. (*bâtiment d’habitation usagé*)

DIVISION II

MANDATORY INSPECTION CLAUSE IN THE PROMISE TO PURCHASE

2. A promisor who intends to purchase a used residential building whose year of construction was 25 years ago or more, or the private portion of a used residential building must make a written promise to purchase that includes a clause to the effect that the promise is conditional on the residential building or private portion being inspected by a certified residential building inspector.

The promisor must, for that purpose, include in the promise to purchase the inspection clause provided for in Schedule I and may not waive the mandatory inclusion of that clause in the promise to purchase, in any way whatsoever.

DIVISION III

EXEMPTIONS

3. Subject to section 4, this Regulation does not apply when, at the time of the promise to purchase,

(1) the transfer of the used residential building or private portion of a used residential building is the subject of an exemption of the payment of transfer duties, pursuant to Chapter III of the Act respecting duties on transfers of immovables (chapter D-15.1);

(2) the real estate transaction is a repurchase between co-owners;

(3) the value of the used residential building is less than \$50,000, excluding the value of the land, according to the property assessment roll in force;

(4) the property assessment roll in force states that the used residential building is predominantly used as a hunting and fishing camp, forest camp or outfitter;

(5) the used residential building is not entered on the property assessment roll;

(6) the statement by the seller referred to in the Regulation respecting contracts and forms (chapter C-73.2, r. 2.1) or an affidavit by the seller, given to the promisor, indicates that the used residential building

(a) is not served by a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2) or private road open to public vehicular traffic, or does not legally have a right of access to a public highway or private road open to public vehicular traffic; or

(b) is not supplied with running water at all times and is not heated;

(7) the used residential building is the subject of a final judgment ordering its demolition;

(8) the promisor is a certified residential building inspector;

(9) the promisor is an employee of a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and the promisor’s principal duty is to inspect buildings under the powers of supervision, inspection, review or investigation assigned to the public body by law;

(10) the promisor is an employee of a manager of a private guarantee plan for residential buildings or an employee of a manager of a guarantee plan authorized by the Régie du bâtiment du Québec in accordance with the Regulation respecting the guarantee plan for new residential buildings (chapter B-1.1, r. 8) and the promisor’s principal duty is to inspect buildings for the manager; or

(11) the promisor chooses to rely on the inspection report for the used residential building or private portion of a used residential building signed not more than 6 months beforehand by a holder of a residential building inspector certificate issued by the Régie du bâtiment du Québec in accordance with the terms and conditions set out in the draft Regulation respecting the regulation of residential building inspections published in Part 2 of the *Gazette officielle du Québec* of 23 February 2022, and provided by the seller.

4. In a situation provided for in section 3, the promisor must include, in the promise to purchase, the inspection exemption clause provided for in Schedule II. The promisor must also send to the officiating notary, as soon as an officiating notary is mandated, a copy of the promise to purchase, and any document showing that one of the situations applies.

DIVISION IV INSPECTION, WAIVER AND CONFIRMATION OF INSPECTION

5. The promisor must, after accepting the promise to purchase by the seller, have the used residential building whose year of construction was 25 years ago or more, or private portion of a used residential building inspected by a certified residential building inspector.

The promisor must then send to the seller, within 20 days of accepting the promise to purchase, a document signed by the inspector in which the inspector confirms having carried out the inspection and having given the inspection report to the promisor.

6. Despite section 5, the promisor may, after accepting the promise to purchase, but not later than 20 days of accepting the promise to purchase, waive the inspection condition set out in section 2.

To do so, the promisor must complete and sign the inspection waiver form provided for in Schedule III.

The promisor must send the waiver form to the seller, not later than 20 days of accepting the promise to purchase.

7. Should the promisor fail to send to the seller the document referred to in the second paragraph of section 5 confirming that the inspection has been carried out, within the period provided for in that section, or send the waiver form referred to in the second paragraph of section 6 within that period, the seller may, within 10 days of the expiry of that same period, inform the promisor in writing that the seller is unilaterally terminating the contract entered into by accepting the promise to purchase.

8. The promisor must send to the officiating notary a copy of the document referred to in the second paragraph of section 5 confirming that the inspection has been carried out or a copy of the waiver form referred to in the second paragraph of section 6.

Should the promisor fail to send any of those documents to the officiating notary, the seller may do so.

DIVISION V TRANSITIONAL AND FINAL

9. Where a written promise to purchase is sent to the seller before the date of coming into force provided for in section 10, the obligation to inspect a used residential building or private portion of a used residential building, provided for in this Regulation, does not apply.

10. This Regulation comes into force on 1 October 2025.

SCHEDULE I (section 2)

INSPECTION CLAUSE

Building inspection

This promise to purchase is conditional on the residential building or the private portion, as the case may be, being inspected by a residential building inspector certified by the Régie du bâtiment du Québec in accordance with the terms and conditions set out in the draft Regulation respecting the regulation of residential building inspections published in Part 2 of the *Gazette officielle du Québec* of 23 February 2022.

SCHEDULE II (section 4)

INSPECTION EXEMPTION CLAUSE

The promisor declares that the used residential building or private portion of a used residential building covered by the promise to purchase is not subject to the obligation to inspect before purchase because

— the transfer of the residential building or private portion is the subject of an exemption of the payment of the transfer duties, pursuant to Chapter III of the Act respecting duties on transfers of immovables (chapter D-15.1);

— the real estate transaction is a repurchase between co-owners;

— the value of the residential building is less than \$50,000, excluding the value of the land, according to the property assessment roll in force;

— the property assessment roll in force states that the residential building is predominantly used as a hunting and fishing camp, forest camp or outfitter;

— the residential building is not entered on the property assessment roll;

— the statement by the seller referred to by the Regulation respecting contracts and forms (chapter C-73.2, r. 2.1) or an affidavit by the seller, given to the promisor, indicates that the residential building

(a) is not served by a public highway within the meaning of section 4 of the Highway Safety Code (chapter C-24.2) or private road open to public vehicular traffic, or does not legally have a right of access to a public highway or private road open to public vehicular traffic; or

(b) is not supplied with running water at all times and is not heated;

— the residential building is the subject of a final judgment ordering its demolition;

— the promisor holds a residential building inspector certificate issued by the Régie du bâtiment du Québec in accordance with the terms and conditions set out in the draft Regulation respecting the regulation of residential building inspections published in Part 2 of the *Gazette officielle du Québec* of 23 February 2022;

— the promisor is an employee of a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and the promisor's principal duty is to inspect buildings under the powers of supervision, inspection, review or investigation assigned to the public body by law;

— the promisor is an employee of a manager of a private guarantee plan for residential buildings or an employee of a manager of a guarantee plan authorized by the Régie du bâtiment du Québec in accordance with the Regulation respecting the guarantee plan for new residential buildings (chapter B-1.1, r. 8) and the promisor's principal duty is to inspect buildings for the manager; or

— the promisor chooses to rely on the inspection report for the residential building or private portion signed not more than 6 months beforehand by a holder of a residential building inspector certificate issued by the Régie du bâtiment du Québec in accordance with the terms and conditions set out in the draft Regulation respecting the regulation of residential building inspections published in Part 2 of the *Gazette officielle du Québec* of 23 February 2022, and provided by the seller.

SCHEDULE III (section 6)

INSPECTION WAIVER

I, the undersigned, (name of promisor), domiciled at (address of promisor's domicile), declare the following:

1. On (date on which the promise to purchase was signed), I signed a promise to purchase:

— a used residential building whose year of construction was 25 years ago or more;

or

— the private portion of a used residential building whose year of construction was 25 years ago or more.

Address of the building or the private portion:

Lot number:

Description of the building or private portion:

Name and address of the seller:

2. On (date on which the promise to purchase was accepted), the seller accepted the promise to purchase referred to in paragraph 1.

3. Despite the consequences and risks inherent in the purchase of that building or private portion without prior inspection by a building inspector certified by the Régie du bâtiment du Québec in accordance with the terms and conditions set out in the draft Regulation respecting the regulation of residential building inspections published in Part 2 of the *Gazette officielle du Québec* of 23 February 2022, I waive its inspection.

4. I confirm having read the terms of this waiver and having understood the scope.

And I have signed, in (name of the town or city), on (indicate the date)

Signature of promisor

105546

Draft Regulation

Building Act
(chapter B-1.1)

Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d'habitation du Québec and various legislative provisions concerning municipal affairs (2019, chapter 28)

Residential building inspections

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the regulation of residential building inspections, appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation regulates residential building inspections. It provides that persons who act as residential building inspectors must hold a certificate issued by the Régie du bâtiment du Québec.

The draft Regulation sets out the classes of certificate and the terms and conditions for the issue, amendment or renewal of a certificate. It also sets out the obligations of residential building inspectors who hold a certificate, including that of complying with the draft of BNQ Standard 3009-500, Practices for Inspecting a Residential Building, published by the Bureau de normalisation du Québec, and of complying with the rules on continuing education, ethics and conflict of interest.

Lastly, the draft Regulation regulates the form and content of the service contract for residential building inspections.

The draft Regulation should result in implementation costs of \$5,600,905 and recurring annual costs of \$1,468,602 for enterprises.

Further information on the draft Regulation may be obtained by contacting Ian Taillefer, Executive Assistant, Bureau du président-directeur général, Régie du bâtiment du Québec, 800, place D'Youville, 16^e étage, Québec (Québec) G1R 5S3; telephone: 418 473-5013; email: ian.taillefer@rbq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Caroline Hardy, Acting Secretary General and Director of Institutional Affairs, Régie du bâtiment du Québec, 800, place D'Youville, 16^e étage, Québec (Québec) G1R 5S3; email: projet.reglement.commentaires@rbq.gouv.qc.ca.

ANDRÉE LAFOREST

Minister of Municipal Affairs and Housing

Regulation respecting the regulation of residential building inspections

Building Act
(chapter B-1.1, s. 185, pars. 9.2, 19.8, 19.9, 20, 37 and 38, and s. 192)

Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d'habitation du Québec and various legislative provisions concerning municipal affairs (2019, chapter 28, s. 25, par. 9)

CHAPTER I PRELIMINARY

1. In this Regulation, “BNQ Standard 3009-500” means the draft of BNQ Standard 3009-500, Practices for Inspecting a Residential Building, published by the Bureau de normalisation du Québec, including any subsequent amendments made to that edition.

Despite the foregoing, the amendments and editions published after (*insert the date of coming into force of this Regulation*) apply only from the last day of the sixth month following the date of publication of the French and English versions of the texts. Where those versions are not published at the same time, the time limit runs from the date of publication of the last version.

2. In this Regulation, unless the context indicates otherwise, “residential building” has the meaning assigned by BNQ Standard 3009-500.

In addition,

“client” means a person who entrusts the inspection of a residential building to a residential building inspector and who is an applicant within the meaning of BNQ Standard 3009-500. A residential building inspector who entrusts the inspection of such a building to another residential building inspector is considered to be a client; (*client*)

“residential building inspector” means a natural person who carries out any of the activities required for the inspection of a residential building provided for in BNQ Standard 3009-500. (*inspecteur en bâtiment d’habitation*)

CHAPTER II RESIDENTIAL BUILDING INSPECTOR CERTIFICATE

DIVISION I CLASSES OF CERTIFICATE

3. A natural person acting as a residential building inspector must hold a residential building inspector certificate, including the appropriate class, issued by the Régie du bâtiment du Québec.

The requirement provided for in the first paragraph applies, whatever the context in which the natural person performs the duties, whether as part of a sole proprietorship or for a partnership or legal person, and the person acts as an employee or otherwise.

4. A certificate may be a class 1 or class 2.

A class 1 certificate allows its holder to act as a residential building inspector in respect of category 1 residential buildings defined in BNQ Standard 3009-500.

A class 2 certificate allows its holder to act as a residential building inspector in respect of any residential building.

DIVISION II TERMS AND CONDITIONS FOR ISSUE, AMENDMENT AND RENEWAL

5. The following conditions must be met for the issue of a residential building inspector certificate:

(1) in the case of a class 1 certificate, have successfully completed a college certification program in residential building inspection based on the learning of any edition of BNQ Standard 3009-500;

(2) in the case of a class 2 certificate, meet the condition provided for in subparagraph 1, have 2 years of experience in the inspection of category 1 residential buildings defined in BNQ Standard 3009-500 after obtaining a class 1 certificate and successfully completing a specialized college certification in category 2 residential building inspection defined in BNQ Standard 3009-500 offered by a general and vocational college established under the General and Vocational Colleges Act (chapter C-29) or by an educational institution dispensing general instructional services at the college level referred to in the Act respecting private education (chapter E-9.1);

(3) be covered for the period of validity of the certificate, and specifically for the duties of residential building inspector, by a general liability insurance contract and an errors and omissions professional liability insurance contract, each including a minimum coverage of \$1,000,000 per claim in the case of a class 1 certificate and \$2,000,000 per claim in the case of a class 2 certificate;

(4) file with the Board an application meeting the requirements provided for in section 6.

Subparagraphs 1 and 2 of the first paragraph do not apply to a natural person who holds an accreditation issued by another Canadian province or by a Canadian territory, authorizing the person to act as residential building inspector. The person must, however, successfully complete the *Formation sur les règles applicables en inspection de bâtiments d’habitation de catégorie 1*, for the issue of a class 1 certificate, and the *Formation sur les règles applicables en inspection de bâtiments d’habitation de catégorie 2*, for the issue of a class 2 certificate, offered on the Board’s website.

Each insurance contract provided for in subparagraph 3 of the first paragraph must include a clause under which the insurer may not terminate or amend the policy before the end of the period initially provided for its validity, unless the insurer notifies the Board in writing at least 60 days in advance of its intention. It must also provide that the costs, expenses and interest referred to in the second paragraph of article 2503 of the Civil Code are borne by the insurer.

6. A natural person who applies for the issue, renewal or amendment of a residential building inspector certificate must provide the Board, using the form prescribed and made public by the Board, the following information and documents:

Contact and basic information

(1) name, date of birth and personal contact information, namely, the domicile address, telephone number and email address, the contact information of any establishment where the person intends to carry on the functions of residential building inspector, namely, the address, telephone number and email address used as part of the functions of residential building inspector;

(2) if the person is or has been in the 5 years preceding the application a member of a professional order constituted in accordance with the Professional Code (chapter C-26), the name of the order and the person’s membership number;

(3) the class of the certificate the person wishes to obtain;

Professional qualification and continuing education

(4) any of the following documents demonstrating the person's professional qualification:

(a) for a class 1 certificate, a copy of an attestation of college studies issued by a general and vocational college established under the General and Vocational Colleges Act (chapter C-29) or by an educational institution dispensing general instructional services at the college level referred to in the Act respecting private education (chapter E-9.1), confirming the successful completion of the program referred to in subparagraph 1 of the first paragraph of section 5, or, if the document has not yet been issued, a college studies record indicating that the program is completed and the certification obtained is an attestation of college studies;

(b) for a class 2 certificate, a copy of any of the documents referred to in subparagraph *a*, as the case may be, and a copy of an attestation of successful completion of the specialized college certification referred to in subparagraph 2 of the first paragraph of section 5;

(5) for an application for the issue of a certificate made within less than 2 years after the end of the validity of the preceding certificate, a copy of the continuing education certificates demonstrating that the applicant has completed the number of hours of continuing education provided for in Division IV of Chapter III of this Regulation that would have applied if the certificate had remained in force;

(6) where the application for issue is made within 2 years or more after the end of the validity of the preceding certificate, a copy of an attestation of successful completion of the *Formation sur la mise à niveau des inspecteurs d'un bâtiment d'habitation*, offered by a general and vocational college established under the General and Vocational Colleges Act (chapter C-29) or by an educational institution dispensing general instructional services at the college level referred to in the Act respecting private education (chapter E-9.1);

Financial guarantees

(7) an attestation by an insurer authorized to carry on insurer activities in Québec, provided using the form prescribed and made public by the Board, and under which the person is covered by a general liability insurance contract and an errors and omissions professional liability insurance contract that meet the requirements provided for in this Regulation, and the policy number for each insurance;

Bankruptcy

(8) in the case of personal bankruptcy, the date of the bankruptcy;

Convictions

(9) a declaration indicating that the person has been convicted by a court in Canada or by a foreign court, in the 5 years preceding the application, of an offence under a fiscal law or an indictable offence, or proof of pardon, if applicable;

(10) a declaration indicating that the person has been convicted of an offence under the Consumer Protection Act (chapter P-40.1);

Recognition and certification

(11) a recognition that the person must comply with the requirements set out in BNQ Standard 3009-500 when acting as residential building inspector;

(12) a certification that the information and documents provided under this section are true.

Despite the first paragraph, when applying for the renewal or amendment of a certificate, the information or document referred to in subparagraphs 1 to 5 of the first paragraph that has already been provided to the Board need not be sent again if the natural person filing the application certifies that the information or document is still accurate.

Subparagraphs *a* and *b* of subparagraph 4 of the first paragraph do not apply to a natural person who holds an accreditation issued in another Canadian province or in a Canadian territory, authorizing the person to act as residential building inspector. The person must, however, provide a copy of the accreditation and a certificate of successful completion of the training provided for in the second paragraph of section 5;

7. An application for the issue, amendment or renewal of a certificate is deemed received only if it is signed, contains all the information and documents required under section 6 and is accompanied by the duties and fees payable provided for in section 9.

8. The holder of a certificate who applies for its renewal must send to the Board, at least 30 days before the end of the validity period of the certificate, provided for in section 13, an application for renewal that meets the requirements set out in section 6. The application may be sent by any means providing the natural person who is applying with proof of receipt by the Board.

Where the Board receives within the period provided for in the first paragraph an application for renewal complying with all the requirements set out in that paragraph, the certificate remains valid until the ruling of the Board on the application for renewal.

DIVISION III DUTIES AND FEES

9. The duties and fees payable for the issue, amendment or renewal of a certificate are the following:

TYPE OF APPLICATION	DUTIES	FEES
(1) application for the issue of a class 1 certificate	\$389	\$467
(2) application for the issue of a class 2 certificate	\$583	\$467
(3) application for the amendment of a class 1 certificate, to provide, by replacement, for the class 2	\$194	\$46
(4) application for the amendment of a class 2 certificate, to provide, by replacement, for the class 1	Reimbursement up to the amount of the duties provided for in subparagraph 3, in proportion to the number of months to elapse between the date of the amendment and the date of the end of the validity period of the certificate	\$46
(5) application for the renewal of a class 1 certificate, without amendment to the class	\$389	\$184
(6) application for the renewal of a class 1 certificate, with an application to provide, by replacement, for the class 2	\$583	\$184
(7) application for the renewal of a class 2 certificate, without amendment to the class	\$583	\$184
(8) application for the renewal of a class 2 certificate, with an application to provide, by replacement, for the class 1	\$389	\$184
(9) application for the review of a ruling of the Board on the issue, amendment, renewal, suspension or cancellation of a certificate		\$358
(10) replacement of the laminated pocket-size certificate on the application of the holder		\$46

Despite the first paragraph, the duties payable are established in proportion to the number of months for which the certificate is valid where the certificate is amended for a period of less than 1 year. A part of a month is considered a full month.

10. The fees payable under subparagraphs 1 to 4 and 10 of the first paragraph of section 9 are doubled if priority processing is requested.

Where an application may not be processed within 30 days, the Board reimburses the difference between the fees provided for in section 9 and those provided for in the first paragraph.

11. The duties payable under section 9 are reimbursed if the Board refuses to issue, amend or renew a certificate. They are not reimbursed if the certificate is suspended or cancelled by the Board or if the holder relinquishes the certificate.

12. The fees payable under section 9 are reimbursed by the Board when the Board allows an application for a review of a ruling.

DIVISION IV TERM, CONTENT AND OWNERSHIP OF A CERTIFICATE

13. A certificate is valid for a period of 1 year, subject to the provisions of the second paragraph of section 8.

It is issued using a plastic medium that is replaced by the Board every 4 years.

14. The certificate includes the name and contact information of the holder, and the certificate number, including the class number.

In addition, it specifies the date of issue of the certificate, the date on which it must be renewed annually and the date of the end of the validity of the plastic medium on which it is issued.

It also includes the signature of the president and chief executive officer or a vice-president and that of the secretary of the Board.

15. The Board retains ownership of the certificate.

The holder of the certificate may not transfer the certificate.

The holder of the certificate, when no longer entitled to the certificate, must return it immediately to the Board. The same applies when an amendment must be indicated on a certificate. If the holder fails to return the certificate, the Board may confiscate it.

CHAPTER III OBLIGATIONS OF THE CERTIFICATE HOLDER

DIVISION I STANDARD OF PRACTICE

16. The holder of a certificate must comply with the requirements set out in BNQ Standard 3009-500 at each step of an inspection, including the preparation of the inspections, the drafting of the inspection report and the preservation of the record.

DIVISION II ETHICS AND CONFLICT OF INTEREST

17. The holder of a certificate must act with honesty and loyalty in the best interest of the client and avoid placing himself or herself in a position where personal interest is in conflict with that of the client.

Without restricting the generality of the preceding paragraph, the holder of a certificate is in conflict of interest when the interests concerned are such as might lead the holder to favour certain of them over those of the client or the holder's judgment or loyalty toward the latter may be affected.

As soon as the holder ascertains that he or she is in a situation of apparent conflict of interest, the holder must notify the client in writing and ask the client if the client allows the holder to act or continue to act. The holder may not carry out an inspection without that written disclosure and without the client's written consent.

18. The holder of a certificate must ask at the first opportunity the name and contact information of any person acting as intermediary under the Real Estate Brokerage Act (chapter C-73.2) with respect to the residential building to be inspected.

Before entering into a service contract with respect to the inspection of a residential building, the holder must notify the client in writing if the holder has signed, within the 30 preceding days, an inspection report in respect of a residential building for which a person referred to in the first paragraph has acted as intermediary.

19. The holder of a certificate who observes that an intervention is required to remedy a problem detected during the inspection must refuse to offer the goods or services required for that purpose.

The holder must, if the holder wishes to provide the client with the name of an enterprise that may offer the goods or services required to remedy the problem, provide a list of at least 2 enterprises offering such goods or services.

The holder cannot make an estimation of the costs required for such an intervention.

20. The holder of a certificate may not give a contract for the inspection of a residential building to a person who does not hold such a certificate, or who holds a certificate that does not have the appropriate class.

21. A subcontractor of a service contract relating to the inspection of a residential building may not entrust the inspection to another inspector.

22. The holder of a certificate may not use the name of another person who holds such a certificate nor use that person's certificate number.

DIVISION III STANDARD SERVICE CONTRACT AND ITS CONTENT

23. The holder of a certificate must enter into a service contract, in writing with the client, and use, for that purpose, the standard contract made public by the Board.

The form and content of the contract must comply with the requirements provided for in sections 23 to 32.

The parties may add clauses to the standard contract. Despite the foregoing, any clause of the contract that is inconsistent with this Regulation is absolutely null.

24. Regardless of the medium used for the contract, the holder of the certificate must send a signed copy to the client.

25. The pages of the contract must be numbered and include space for the initials of the parties.

26. The parties must sign the last page of the contract after all the stipulations. The signature may be handwritten or digital.

A residential building inspector who is a party to the contract must sign it in his or her own name and, if applicable, in the name of the partnership or legal person for which the inspector acts as residential building inspector.

Each page of the contract and any clause that is added must be initialled by the parties.

27. If the inspection is carried out under a contract for the sale of an immovable, the service contract must indicate the name of the person who acted as intermediary under the Real Estate Brokerage Act (chapter C-73.2), the person's contact information and the name of the real estate agency for which the person is acting, if applicable.

28. The contract must include the following information regarding the identity of the parties:

(1) the client's name, address, telephone number and any email address;

(2) the name of every residential building inspector who is a party to the contract, the number of the inspector's certificate issued by the Board, and the address, telephone number of the establishment where the inspector carries on the duties of residential building inspector, the fax number of the establishment, if applicable, and the email address used as part of the functions of residential building inspector;

(3) the name and complete contact information of the sole proprietorship, partnership or legal person on whose behalf the client or residential building inspector contracts;

(4) the numbers of the general liability and errors and omissions professional liability insurance policies in force that are required for the category of residential building covered by the inspection and the name of every insurer, for every residential building inspector signing the contract.

29. The contract must include the following information respecting the residential building to be inspected:

(1) the complete address of the residential building concerned;

(2) the name of the building's owner at the time of the inspection, the owner's address, telephone number and any email address;

(3) the category of the residential building that is the subject of the inspection.

30. The contract must include in particular the following obligations of the residential building inspector:

(1) inspect the residential building concerned in accordance with the requirements set out in BNQ Standard 3009-500 and indicate, considering section 1, the applicable edition of the standard;

(2) notify the client if the inspector has signed, within the preceding 30 days, an inspection report in respect of a residential building for which a person referred to in the first paragraph of section 18 has acted as intermediary;

(3) inform the client of the scope and limitations of the inspection listed in Appendix A to BNQ Standard 3009-500;

(4) inform the client of the advantages and costs associated with the inspection of the common portions of a category 2 residential building defined in BNQ Standard 3009-500 in divided co-ownership to help the client decide whether to have those common portions inspected;

(5) inform the client that it is advisable that the client be present during the inspection;

(6) enter into a separate contract for each additional service, as defined in BNQ Standard 3009-500, and where the contract is entered into at the same time as the inspection contract, indicate that fact in the contract;

(7) ask a duly authorized representative of the co-ownership syndicate to complete, where the common portions of a divided co-ownership are the subject of an inspection, Appendix B to BNQ Standard 3009-500, and in the case of the refusal of the duly authorized representative of the co-ownership syndicate, enter the refusal in the inspection report;

(8) inspect the residential building concerned on the date and at the time agreed to in the contract;

(9) implement the various means to assess the general state of part or all of a residential building, in particular by a careful examination of the systems and components accessible, observable and installed permanently, on the adjacent structures and on elements likely to damage the residential building;

(10) bring to the attention of the client, if present during the inspection, visible defects identified by the inspection and signs of major defects observed, and indicate such defects in the inspection report;

(11) inform the client, in the case of a pre-purchase inspection, that it is advisable to read the inspection report before making a decision regarding the purchase of the residential building;

(12) draw up the inspection report whose content is provided for in BNQ Standard 3009-500, in the form of a descriptive text, using a simple, explicit and unambiguous language, and based on the information available in the documents provided by the client and the objective evidence collected during the inspection;

(13) provide the inspection report to the client within the period indicated in the contract;

(14) not entrust to a subcontractor the carrying out of a service contract regarding the inspection of a residential building already obtained from another inspector;

(15) not limit personal liability;

(16) not give to a third person a copy of the inspection report or any other document that is part of the record related to the inspection, unless the client has given written prior consent.

The provision in Division II of this Chapter respecting ethics and conflict of interest must appear in the contract.

31. The contract must indicate that a residential building inspector who is a party to the contract and, where applicable, the partnership or person for which the inspector carries on duties, are solidarily responsible for the obligations provided for therein and those provided for in this Regulation.

32. The contract must include the following obligations of the client:

(1) pay the fees provided for in the contract increased by the applicable taxes according to the terms set out in the contract;

(2) provide to the inspector, before the date and time agreed to for the inspection, all the documents and information that the client has obtained from the seller concerning the residential building concerned and that are useful for the inspection.

DIVISION IV **CONTINUING EDUCATION**

33. The holder of a certificate must complete 20 hours of continuing education per 2-year reference period.

The training required under the first paragraph must be related to the functions of residential building inspector.

The first reference period begins on 1 October 2027.

34. When a new edition of BNQ Standard 3009-500 is published by the Bureau de normalisation du Québec and training is offered on the new edition, the holder must undergo the training in the reference period following the publication of the new edition.

35. As of the date of issue of the first certificate, the holder must take part in continuing education activities for an equivalent number of hours in proportion to the number of remaining months for the reference period in progress.

36. The holder of a certificate who has met the continuing education requirements for a reference period may postpone a maximum of 4 excess hours of training to the subsequent period of reference.

37. Despite the suspension of the certificate, the continuing education requirements provided for in this Division continue to apply. They also apply to a person who has previously held a certificate and who applies to obtain a new certificate within less than 2 years from the end of the validity of the certificate.

38. The holder of a certificate is responsible for sending to the Board, using an electronic system implemented by the Board, a declaration of continuing education along with a copy of the attestations of participation issued by the training providers, not later than 90 days after the end of the reference period.

39. The attestations of participation must be kept by the holder of a certificate for 6 years after the end of the reference period during which the training was completed. The attestations must be available for consultation by the Board.

40. The holder of a certificate who maintains the certificate but ceases to act as residential building inspector by reason of illness, accident, pregnancy, maternity, paternity or parental leave or to act as caregiver within the meaning of the Act respecting labour standards (chapter N-1.1) is exempted from the requirements to complete continuing education activities. The exemption is 1 hour of continuing education for each month during which the holder ceased to exercise the functions, but may not exceed 10 hours of continuing education per reference period.

41. The holder of a certificate who fails to meet the continuing education requirements for a reference period, has an additional period of 90 days as of the end of that reference period to remedy the failure.

DIVISION V NOTICE, COMMUNICATION AND PRESERVATION OF DOCUMENTS

42. The holder of a certificate must notify the Board in writing, as soon as possible, of any change to the information or documents the holder has provided under section 6.

43. The holder of a certificate must immediately notify the Board of any problem detected during the inspection and that could constitute a danger to the safety and well-being of the public.

44. The holder of a certificate must indicate in offers and service contracts related to residential building inspection and in inspection reports, the certificate number and the indication “holder of a certificate issued under the Building Act”.

45. The holder of a certificate must, on request, identify himself or herself and show the certificate.

46. The holder of a certificate must send to the client, at the client’s request, a copy of any document that is part of the client’s record in respect of the inspection, constituted of all the documents for which BNQ Standard 3009-500 provides for the requirement to ensure information sustainability on any medium.

47. The holder of a certificate must, in addition to ensuring information sustainability of the documents referred to in section 46 in accordance with the requirements set out in BNQ Standard 3009-500, retain for a period of 6 years any other document related to that client.

48. The holder of a certificate may not, unless the holder has received prior written consent from the client, give to a third person a copy of the inspection report or any other document that is part of the record related to the inspection.

The prohibition provided for in the first paragraph does not apply where the report or document is requested by a person acting under the powers to verify, inspect, supervise or inquire assigned to the holder under an Act, when requested by a public body in the performance of an adjudicative function, or when ordered by a court.

CHAPTER IV OFFENCE

49. Any contravention to any of the provisions of this Regulation, except Division III of Chapter II and Division IV of Chapter III, constitutes an offence.

CHAPTER V TRANSITIONAL AND FINAL

50. Despite section 3, a natural person may, until (*insert the date that occurs 3 years after the date of coming into force of the Regulation*), act as a residential building inspector without holding the certificate required by that section.

51. Despite subparagraph *a* of subparagraph 4 of the first paragraph of section 6, a person who sends to the Board not later than 60 days before (*insert the date that occurs 3 years after the date of coming into force of the Regulation*) an application for the issue of a class 1 certificate including all the other information and documents provided for in that section may show professional qualification by providing any of the following documents:

(1) a copy of a college studies record issued by a general and vocational college established under the General and Vocational Colleges Act (chapter C-29) or issued by a college-level institution referred to in the Act respecting private education (chapter E-9.1) indicating that a college certification program in residential building inspection, that began as of 2020, is completed and the certification obtained is an Attestation of College Studies;

(2) a statement indicating that the person has successfully completed a college certification program in residential building inspection.

The person must also provide a copy of an attestation of successful completion of the *Formation sur la mise à niveau des inspecteurs d’un bâtiment d’habitation*, offered by a general and vocational college established under the General and Vocational Colleges Act (chapter C-29) or by an educational institution dispensing general instructional services at the college level referred to in the Act respecting private education (chapter E-9.1).

52. Despite subparagraph *b* of subparagraph 4 of the first paragraph of section 6, a person who sends to the Board not later than 60 days before (*insert the date that occurs 3 years after the date of coming into force of the Regulation*) an application for the issue of a class 2 certificate including all the other information and documents provided for in that section may show professional qualification by providing any of the following documents:

(1) a copy of the document provided for in subparagraph 1 of the first paragraph of section 51 and an affidavit indicating that the person has accumulated 2 years of experience since the successful completion of the program indicated in the document;

(2) a statement indicating that the person has accumulated, in the 8 years preceding the application, at least 5 years of experience as residential building inspector.

The person must also provide a copy of an attestation of successful completion of the *Formation sur la mise à niveau des inspecteurs d'un bâtiment d'habitation*, offered by a general and vocational college established under the General and Vocational Colleges Act (chapter C-29) or by an educational institution dispensing general instructional services at the college level referred to in the Act respecting private education (chapter E-9.1) and a copy of the attestation of successful completion of the specialized college certification referred to in subparagraph 2 of the first paragraph of section 5.

53. This Regulation comes into force on 1 October 2024, except Division IV of Chapter III, which comes into force on 1 October 2027.

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