



Part 2

LAWS AND REGULATIONS

23 March 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

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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:

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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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PROVINCE OF QUÉBEC

2ND SESSION

42ND LEGISLATURE

QUÉBEC, 24 FEBRUARY 2022

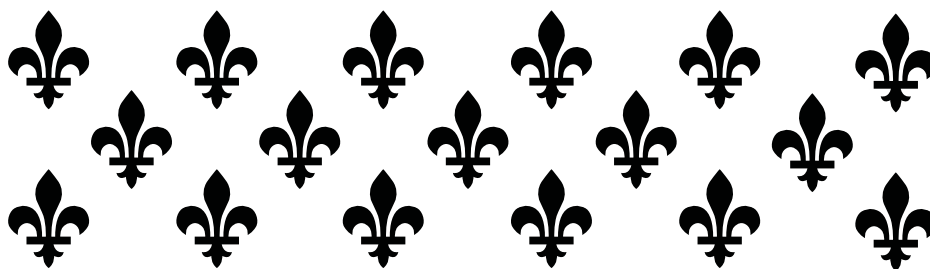
OFFICE OF THE LIEUTENANT-GOVERNOR*Québec, 24 February 2022*

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

- 14 An Act to ensure the protection of trainees in the workplace
- 17 An Act respecting the implementation of certain provisions of the Budget Speech of 25 March 2021 and amending other provisions

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 14
(2022, chapter 2)

**An Act to ensure the protection of
trainees in the workplace**

**Introduced 2 December 2021
Passed in principle 8 February 2022
Passed 24 February 2022
Assented to 24 February 2022**

**Québec Official Publisher
2022**

EXPLANATORY NOTES

The purpose of this Act is to ensure better protection for trainees in the workplace, be it with respect to obtaining a permit to practice issued by a professional order or within the scope of a program of studies or training at the secondary, vocational, college or university level offered by an educational institution and leading to a diploma, certificate or attestation of studies.

To that end, trainees are granted, among other things,

(1) the right to be absent on certain statutory holidays;

(2) the right to be absent owing to sickness or for family or parental reasons;

(3) the right to a training environment exempt from psychological harassment, including such behaviour in the form of verbal comments, actions or gestures of a sexual nature;

(4) protection from reprisals taken against them by an employer, educational institution or professional order or any agent thereof because of the exercise of a right; and

(5) recourse before the Commission des normes, de l'équité, de la santé et de la sécurité du travail and before the Administrative Labour Tribunal if one of their rights provided for by this Act has not been respected.

The Act allows a non-profit organization dedicated to the defence of students' rights, a students' association or a students' association alliance to file a complaint with the Commission des normes, de l'équité, de la santé et de la sécurité du travail on behalf of a trainee.

The Act imposes on employers, educational institutions and professional orders the obligation to take reasonable measures at their disposal to ensure that the success of the trainee's studies or training or the trainee's obtention of a permit required for the practice of a profession is not compromised because of the exercise of a right provided for by this Act. It also requires them to take reasonable means at their disposal to accommodate a trainee who must be absent from their training for a long period for certain reasons provided for in the Act respecting labour standards.

Lastly, the Act provides for offences and penal sanctions and contains consequential and final provisions.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting labour standards (chapter N-1.1);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1).

Bill 14

AN ACT TO ENSURE THE PROTECTION OF TRAINEES IN THE WORKPLACE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

DEFINITIONS AND SCOPE

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

“agreement” means an individual contract of employment, a collective agreement within the meaning of paragraph *d* of section 1 of the Labour Code (chapter C-27) or any other agreement relating to conditions of employment or to training conditions, including a regulation giving effect to such an agreement;

“Commission” means the Commission des normes, de l'équité, de la santé et de la sécurité du travail;

“employer” means any person, partnership or other entity that, within the scope of their activities, receives a trainee for the purposes of training;

“spouse” means either of two persons who

(a) are married or in a civil union and cohabiting;

(b) are of opposite or the same sex, are living together in a *de facto* union and are the mother and father of the same child; and

(c) are of opposite sex or the same sex and have been living together in a *de facto* union for one year or more;

“trainee” means any person, whether or not a salaried employee, who does training with an employer; and

“training” means any job shadowing activity or activity for the acquisition or implementation of skills that is required to obtain a permit to practice issued by a professional order or that is part of a program of studies or training program at the secondary, vocational, college or university level offered by an educational institution and leading to a diploma, certificate or attestation of studies.

Persons to whom the definition of “spouse” in the first paragraph applies are considered to be cohabiting despite the temporary absence of one of them. The same rule applies if one of the persons is required to live permanently in another place for health reasons or because of imprisonment, unless the trainee is cohabiting with another spouse within the meaning of that definition.

2. This Act applies to trainees regardless of where they do their workplace training. It also applies

(1) to trainees who do training both in Québec and outside Québec with an employer whose residence, domicile, enterprise, head office or office is in Québec; and

(2) to trainees domiciled or resident in Québec who do training outside Québec with an employer referred to in paragraph 1.

3. This Act is binding on the State.

CHAPTER II

GENERAL PROVISIONS

4. During training, the employer and, as the case may be, the educational institution or the professional order must take reasonable measures at their disposal to ensure that the success of the trainee’s studies or training or the trainee’s obtention of a permit required for the practice of a profession is not compromised because of the exercise of a right arising from this Act.

The employer and, as the case may be, the educational institution or the professional order are also required to take reasonable measures at their disposal to accommodate a trainee who must be absent from their training for a reason, referred to in section 79.1 of the Act respecting labour standards (chapter N-1.1), relating to sickness, an organ or tissue donation, an accident, domestic violence, sexual violence or a criminal offence or for family or parental reasons referred to in sections 79.8 to 79.12, 79.15, 81.2, 81.4 to 81.5.2, 81.10 and 81.11 of that Act, for the durations and periods set out in those sections.

5. Employers, educational institutions and professional orders must inform every trainee of their rights under this Act.

6. The standards relating to training conditions contained in this Act are of public order. Any provision of an agreement or decree that departs from a standard relating to training conditions is absolutely null.

Despite the preceding paragraph, a provision of an agreement, decree or other Act may grant a trainee a more advantageous training condition than a standard prescribed by this Act.

For the purposes of this section, “decree” means a decree passed under the Act respecting collective agreement decrees (chapter D-2).

7. The Commission supervises the implementation and application of the standards relating to training conditions provided for by this Act. In that respect, the Commission exercises, in particular, the following functions:

(1) notify the population of and give them information on the standards relating to training conditions provided for by this Act;

(2) notify the trainees, employers, educational institutions and professional orders of and give them information on their rights and obligations under this Act;

(3) supervise the application of standards relating to training conditions provided for by this Act and, where necessary, transmit its recommendations to the Minister;

(4) receive complaints from trainees subject to this Act; and

(5) attempt to bring trainees, employers, educational institutions and professional orders to an agreement as to their disagreements in relation to the carrying out of this Act.

8. The Commission may designate, from among the members of its personnel, the persons to be entrusted with the carrying out of this Act.

CHAPTER III

ABSENCES AND LEAVE

DIVISION I

STATUTORY GENERAL HOLIDAYS

9. A trainee may be absent from their training on the following days:

(1) 1 January;

(2) Good Friday or Easter Monday, at the option of the employer;

(3) the Monday preceding 25 May;

(4) 1 July, or 2 July where the 1st falls on a Sunday;

(5) the first Monday in September;

(6) the second Monday in October; and

(7) 25 December.

If the trainee must participate in their training on one of the days listed in the first paragraph, they are entitled to a compensatory holiday of one day, which must be taken during the training period done with the same employer.

10. The trainee may be absent from their training on 24 June, the National Holiday.

However, if that date falls on a Sunday and that day is normally not a training day for the trainee, they may be absent on 25 June and the following paragraphs must be read as though that day were substituted for 24 June.

In an employer's establishment or service where, because of the nature of the activities, work is not interrupted on 24 June and the trainee is required to participate in their training, they are entitled to a compensatory holiday of one day, which must be taken on the working day preceding or following 24 June.

If 24 June falls on a day which is normally not a training day, the trainee is entitled to a compensatory holiday of one day, which must be taken during the training period done with the same employer.

DIVISION II

ABSENCES OWING TO SICKNESS OR FOR FAMILY OR PARENTAL REASONS

11. A trainee may be absent from their training for 10 days per year owing to sickness, to fulfill obligations relating to the care, health or education of the trainee's child or the child of the trainee's spouse, or because of the state of health of a relative or a person for whom the trainee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26).

This leave may be divided into days and, if the employer consents to it, each day may also be divided.

The trainee must notify the employer of such an absence as soon as possible and take reasonable measures at their disposal to limit the duration of the absence.

The employer may, if it is warranted, in particular by the duration of the absence, request that the trainee provide a document attesting to the reasons for the absence.

For the purposes of this section, "relative" has the meaning assigned by section 79.6.1 of the Act respecting labour standards (chapter N-1.1).

12. A trainee may be absent from their training for five days on the occasion of the death or the funeral of their spouse or child or of the child of their spouse, or of their father, mother, brother or sister.

13. A trainee may be absent from their training for one day on the occasion of the death or the funeral of a son-in-law, daughter-in-law, grandparent or grandchild, or of the father, mother, brother or sister of the trainee's spouse.

14. A trainee may be absent from their training for one day on the day of their wedding or civil union.

A trainee may also be absent from their training on the day of the wedding or civil union of the child, father, mother, brother or sister of the trainee or of a child of the trainee's spouse.

15. A trainee may be absent from their training for five days at the birth of their child, the adoption of a child or where there is a termination of pregnancy in or after the twentieth week of pregnancy.

This leave may be divided into days at the request of the trainee. It may not be taken more than 15 days after the child arrives at the residence of the child's father or mother or, where applicable, more than 15 days after the termination of pregnancy.

16. The trainee must notify the employer of their absence as soon as possible, except in the case referred to in section 14, where the trainee must notify the employer not less than one week in advance.

17. A trainee may be absent from her training for a medical examination related to her pregnancy or for an examination related to her pregnancy carried out by a health professional authorized for that purpose.

The trainee must notify the employer as soon as possible of the time at which she will be absent.

CHAPTER IV

PSYCHOLOGICAL HARASSMENT

18. For the purposes of this Act, "psychological harassment" means any vexatious behaviour, in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects a trainee's dignity or psychological or physical integrity and results in a harmful work environment for the trainee. For greater certainty, psychological harassment includes such behaviour in the form of such verbal comments, actions or gestures of a sexual nature.

A single serious incidence of such behaviour that has a lasting harmful effect on a trainee may also constitute psychological harassment.

19. Every trainee has a right to a training environment free from psychological harassment.

The employer and, as the case may be, the educational institution or professional order must take reasonable measures at their disposal to prevent psychological harassment and, whenever they become aware of such behaviour, to protect the trainee and to put a stop to the behaviour.

The employer must, in particular, make available to every trainee they receive the psychological harassment prevention and complaint processing policy adopted in accordance with section 81.19 of the Act respecting labour standards, which applies to the trainee, with the necessary modifications.

CHAPTER V

RECOURSES

DIVISION I

RECOURSE AGAINST PROHIBITED PRACTICES

20. No employer or, as the case may be, educational institution or professional order or any of their agents may end training or dismiss, suspend or transfer a trainee, practise discrimination or take reprisals against a trainee, or impose any other sanction upon a trainee

(1) on the ground that the trainee has exercised one of their rights arising from this Act;

(2) on the ground that an inquiry is being conducted by the Commission under this Act;

(3) on the ground that the trainee has given information to the Commission or one of its representatives on the application of this Act or has given evidence in a proceeding related to it;

(4) for the purpose of evading the application of this Act; or

(5) on any other ground provided for in subparagraphs 4, 6, 7 and 10 to 19 of the first paragraph of section 122 of the Act respecting labour standards, with the necessary modifications.

The second paragraph of section 122 of the Act respecting labour standards applies, with the necessary modifications.

21. A trainee who believes they have been the victim of a practice prohibited by section 20 and who wishes to assert their rights may do so, in writing, before the Commission within 45 days of the occurrence of the practice complained of.

Such a complaint may also be filed, on behalf of a trainee who consents to it in writing, by a non-profit organization dedicated to the defence of students' rights, a students' association or a students' association alliance.

If the complaint is filed within that time with the Administrative Labour Tribunal, failure to file the complaint with the Commission cannot be invoked against the complainant.

22. The Commission may, with the agreement of the trainee, the employer and, as the case may be, the educational institution or professional order, appoint a person to attempt to settle the complaint to the satisfaction of the parties.

Only a person who has not already acted in the matter in question in another capacity may be appointed for this purpose by the Commission.

Any verbal or written information gathered by the person appointed under the first paragraph must remain confidential. That person may not be compelled to disclose anything that has been revealed to them or that has come to their knowledge in the performance of their duties, or to produce before a court or before any body or person fulfilling a judicial or quasi judicial function any document made or obtained in the performance of their duties, except in penal matters, where the court considers that such proof is necessary to ensure a full and complete defence. Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to any such document.

23. If no settlement is reached following receipt of the complaint by the Commission, the latter refers the complaint without delay to the Administrative Labour Tribunal.

24. The Commission may, in any proceeding relating to this division, represent a trainee who is not a member of a group of employees covered by a certification granted under the Labour Code.

25. If it is shown to the satisfaction of the Administrative Labour Tribunal that the trainee exercised a right arising from this Act, there is a simple presumption in their favour that the sanction was imposed on them or the action was taken against them because they exercised such a right, and the burden of proof is upon, as the case may be, the employer, educational institution or professional order that there was good and sufficient reason to resort to the sanction or action against the trainee.

DIVISION II

RECOURSE AGAINST PSYCHOLOGICAL HARASSMENT

26. A trainee who believes they have been the victim of psychological harassment may file a complaint in writing with the Commission, unless the trainee is an employee covered by a collective agreement, insofar as a recourse against psychological harassment is available to the employee under the agreement.

Such a complaint may also be filed, on behalf of one or more trainees who consent to it in writing, by a non-profit organization dedicated to the defence of students' rights, a students' association or a students' association alliance.

Any complaint must be filed within two years of the last incidence of the offending behaviour.

27. On receipt of a complaint, the Commission must make an inquiry with due dispatch. It may also make an inquiry of its own initiative.

Sections 103, 106 to 110, 123.6 and 123.9 to 123.11 of the Act respecting labour standards and the third paragraph of section 22 of this Act apply to such an inquiry, with the necessary modifications.

28. At the end of the inquiry, if no settlement is reached between the parties concerned, and the Commission agrees to pursue the complaint, it refers the complaint without delay to the Administrative Labour Tribunal.

29. The Commission may represent a trainee in a proceeding under this division before the Administrative Labour Tribunal.

DIVISION III

POWERS OF THE ADMINISTRATIVE LABOUR TRIBUNAL

30. The provisions of the Act respecting labour standards, the Labour Code and the Act to establish the Administrative Labour Tribunal (chapter T-15.1) that are applicable to the exercise, by an employee, of a recourse against prohibited practices or a recourse against psychological harassment apply, with the necessary modifications, to a recourse provided for in this Act.

In addition to the powers conferred by those Acts, the Administrative Labour Tribunal may, if it concludes that the trainee has been the victim of a prohibited practice or of psychological harassment, render any decision it believes fair and reasonable, taking into account all the circumstances of the matter, such as ordering any person

(1) to reinstate the trainee in their training, with all their rights and privileges, within the time set by the Tribunal;

(2) to modify the disciplinary, school, college, university or vocational training record of the trainee;

(3) to implement accommodation measures to protect the trainee and limit the impact on their training or to allow them to successfully complete it; or

(4) to comply with any other measure, including a provisional order, intended to safeguard the trainee's rights.

CHAPTER VI

FINANCING

31. The expenses incurred for the purposes of this Act are paid out of the contributions collected under Chapter III.1 of the Act respecting labour standards.

CHAPTER VII

PENAL PROVISIONS

32. Every person who

(1) hinders in any way the Commission or any person authorized by it in the discharge of their duties, deceives them by concealment or false declaration or refuses to give them any information or document they are entitled to obtain under this Act;

(2) is party to an agreement imposing on a trainee a training condition inferior to any of the standards provided for in this Act; or

(3) contravenes any other provision of this Act

commits an offence and is liable to a fine of \$600 to \$1,200 and, for any subsequent offence, to a fine of \$1,200 to \$6,000.

33. Every person who attempts to commit an offence referred to in section 32, or aids or incites another person to commit such an offence, commits an offence and is liable to the penalties provided for such an offence.

34. If a legal person or a representative, mandatary or employee of a legal person, partnership or association without legal personality commits an offence under this Act, the directors or officers of the legal person, partnership or association without legal personality are presumed to have committed the offence unless it is established that they exercised due diligence, taking all necessary precautions to prevent the offence.

For the purposes of this section, in the case of a partnership, all partners, except special partners, are presumed to be directors of the partnership unless there is evidence to the contrary appointing one or more of them, or a third person, to manage the affairs of the partnership.

35. Penal proceedings for an offence under a provision of this Act are prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.

36. Penal proceedings for an offence under this Act may be instituted by the Commission.

37. No evidence is permitted in view of establishing that any action or proceeding under this Act was brought following a complaint of an informer or in view of discovering the identity of an informer.

CHAPTER VIII

AMENDING PROVISIONS

ACT RESPECTING LABOUR STANDARDS

38. Section 81.3 of the Act respecting labour standards (chapter N-1.1) is amended by replacing “a midwife” in the first paragraph by “a health professional authorized for that purpose”.

39. Section 81.6 of the Act is amended by replacing “a midwife” in the first paragraph by “a health professional authorized to provide pregnancy care”.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

40. Schedule I to the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by adding the following paragraph at the end:

“(33) sections 23 and 28 of the Act to ensure the protection of trainees in the workplace (2022, chapter 2).”

CHAPTER IX

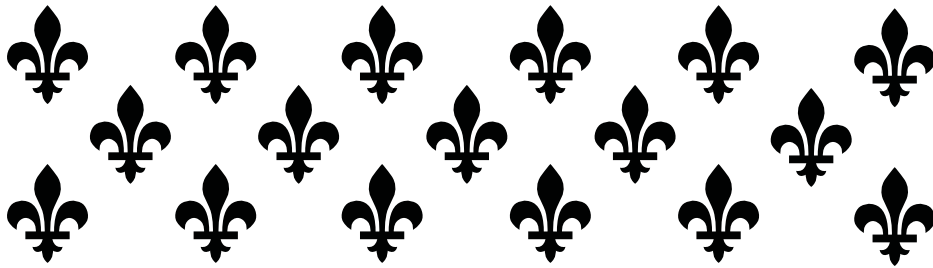
FINAL PROVISIONS

41. The Minister must, not later than 24 August 2027, submit to the Government a report on the administration of this Act.

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

42. The Minister of Labour is responsible for the administration of this Act.

43. This Act comes into force on 24 August 2022.



NATIONAL ASSEMBLY OF QUÉBEC

SECOND SESSION

FORTY-SECOND LEGISLATURE

Bill 17
(2022, chapter 3)

**An Act respecting the implementation
of certain provisions of the Budget
Speech of 25 March 2021 and
amending other provisions**

**Introduced 3 December 2021
Passed in principle 1 February 2022
Passed 23 February 2022
Assented to 24 February 2022**

**Québec Official Publisher
2022**

EXPLANATORY NOTES

This Act amends or enacts legislative and regulatory provisions, in particular to implement certain measures contained in the Budget Speech delivered on 25 March 2021.

The conditions allowing a certified forest producer to obtain a reimbursement of part of the property taxes paid in respect of the immovables included in the assessment units, the forested area of which has been registered, are relaxed.

The name of the Cannabis Sales Revenue Fund is changed to Fund to Combat Addiction, and the determined amounts taken out of the dividends paid by the Société des alcools du Québec and the Société des loteries du Québec are allocated to the prevention of any form of addiction and to the fight against the harmful effects of such addiction.

The Act respecting municipal taxation is amended to put an end to the averaging of the variation in the taxable value of a unit of assessment resulting from a decrease in value that occurs when, after work is performed on a building, the adjusted value of the immovable becomes equal to or greater than the taxable value entered on the roll before the carrying out of the work.

The Balanced Budget Act is amended to suspend the prohibition to have an actual or estimated budgetary deficit and the obligation to offset budgetary overruns, from 25 March 2021 to the end of the fiscal year determined by the Minister of Finance at or before the time of the budget for the 2023–2024 fiscal year.

The Tax Administration Act is amended to allow the Institut de la statistique du Québec to communicate, for research purposes, to a researcher attached to a public body, information that is contained in a tax record it obtained from the Agence du revenu du Québec and that was designated by the Government.

The date of submission of the next report on the carrying out of the Money-Services Businesses Act and on the advisability of maintaining that Act or, if applicable, amending it, is postponed.

As regards the recovery and administration of certain unclaimed financial products, under the Act,

(1) the shares of public corporations that are not held by a securities intermediary are subject to the Unclaimed Property Act to ensure that they are considered as unclaimed property if no claim or transaction has been made and no instructions have been given in their respect for three consecutive years, and the criteria applicable to other similar property becoming subject to that Act are standardized;

(2) certain procedures pertaining to the annual delivery of unclaimed financial products by the holders of such products are to be completed by using the electronic process provided for that purpose on Revenu Québec's website; and

(3) sums from unclaimed supplemental pension plans are allowed to be liquidated.

As regards Financement-Québec, under the Act,

(1) its corporate form is changed so that it is no longer a legal person with share capital;

(2) its governance structure is revised by providing that the management and administration of the financing authority are under the direct authority of a chief executive officer rather than that of a board of directors and by providing for the establishment, rights and obligations of a governance committee tasked, in particular, with ensuring that the financing authority provide proper financial services to public bodies; and

(3) the financing authority's power to acquire or establish a subsidiary for the purpose of pursuing its mission is withdrawn.

The Act respecting the Montréal Museum of Fine Arts is amended to require that the museum obtain authorization from the Minister of Culture and Communications and the Minister of Finance to contract short term or line of credit loans in order to finance a capital expenditure project for which it receives a subsidy.

As regards temporary loans,

(1) the Financial Administration Act is amended to allow a member of the personnel of a body to effect alone a short term or line of credit loan; and

(2) the Act respecting the Autorité régionale de transport métropolitain, the Act respecting the Réseau de transport métropolitain and the Act respecting public transit authorities are amended to provide that the interest rate and other conditions of a temporary loan intended to finance a capital expenditure project for which any of the bodies concerned receives a government grant must be authorized by the Minister of Finance.

The amount taken from the proceeds of the tobacco tax to finance the Québec Cultural Heritage Fund is increased.

As regards the disability pension and the rules applicable to the additional plan provided for under the Québec Pension Plan, the Act provides mainly that

(1) the criteria to qualify for a disability pension from the age of 60 is relaxed and standardized;

(2) the rules that relate to the amount of authorized work income to qualify and remain qualified for disability benefits are relaxed;

(3) the amount of pension paid to disabled persons from the age of 60 is increased;

(4) better continuity in the payment of the retirement pension is ensured when the payment of the disability pension ends;

(5) the surviving spouse's pension for certain disabled persons is increased; and

(6) the method for computing the amount of the second contribution of a self-employed worker to the additional plan and that for computing unadjusted pensionable earnings in certain specific situations is adjusted.

The Act respecting the Agence du revenu du Québec is amended to allow the Agency to provide administrative services to the National Assembly, to a person appointed or designated by the National Assembly or to a legal person established in the public interest, without the need for any designation by the Government.

The Credit Assessment Agents Act is amended to provide that the costs incurred for the administration of that Act are determined by the Government and may be set in advance for a maximum period of three years.

Lastly, the Act contains transitional and consequential provisions required for its application.

LEGISLATION AMENDED BY THIS ACT:

- Financial Administration Act (chapter A-6.001);
- Tax Administration Act (chapter A-6.002);
- Act respecting the Agence du revenu du Québec (chapter A-7.003);
- Credit Assessment Agents Act (chapter A-8.2);
- Sustainable Forest Development Act (chapter A-18.1);
- Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3);
- Unclaimed Property Act (chapter B-5.1);
- Money-Services Businesses Act (chapter E-12.000001);
- Balanced Budget Act (chapter E-12.00001);
- Act respecting Financement-Québec (chapter F-2.01);
- Act respecting municipal taxation (chapter F-2.1);
- Act respecting the Ministère de la Culture et des Communications (chapter M-17.1);
- Act respecting the Montréal Museum of Fine Arts (chapter M-42);
- Act respecting the Québec Pension Plan (chapter R-9);
- Act respecting the Réseau de transport métropolitain (chapter R-25.01);
- Act respecting the Société des alcools du Québec (chapter S-13);
- Act respecting the Société des loteries du Québec (chapter S-13.1);
- Act respecting public transit authorities (chapter S-30.01).

REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting the reimbursement of property taxes of certified forest producers (chapter A-18.1, r. 12.1);
- Regulation respecting the application of the Unclaimed Property Act (chapter B-5.1, r. 1);
- Regulation respecting benefits (chapter R-9, r. 5).

Bill 17

AN ACT RESPECTING THE IMPLEMENTATION OF CERTAIN PROVISIONS OF THE BUDGET SPEECH OF 25 MARCH 2021 AND AMENDING OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

REIMBURSEMENT OF PROPERTY TAXES TO FOREST PRODUCERS

DIVISION I

AMENDING PROVISIONS

SUSTAINABLE FOREST DEVELOPMENT ACT

1. Section 131 of the Sustainable Forest Development Act (chapter A-18.1) is amended

(1) by inserting “in a calendar year if the forest producer is a natural person, and in a fiscal year in any other case,” after “paid” in the introductory clause;

(2) by replacing paragraph 3 by the following paragraph:

“(3) has a report that was prepared by a forest engineer, stating the eligible protection or development expenses that are applicable to the calendar year or to the fiscal year, as the case may be; and”.

ACT RESPECTING MUNICIPAL TAXATION

2. Section 220.3 of the Act respecting municipal taxation (chapter F-2.1) is amended

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

“Every individual or legal person contemplated in this subdivision may, subject to section 131 of the Sustainable Forest Development Act (chapter A-18.1), receive a reimbursement of part of the property taxes paid in a calendar year in the case of an individual or, in any other case, in a fiscal period, within the meaning assigned to that expression by Part I of the Taxation Act (chapter I-3), in respect of the immovables included in an assessment unit, the forested area

of which has been registered under section 130 of the Sustainable Forest Development Act, if the individual or the legal person applies for it to the Minister of Revenue in the prescribed form containing prescribed information.”;

(2) by striking out “, within the meaning assigned by Part I of the said Act” in the second paragraph;

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

“The reimbursement is equal to 85% of the lesser of

(1) the total of all amounts each of which is the product obtained by multiplying the aggregate of property taxes paid and not reimbursed otherwise than pursuant to this section, in respect of an assessment unit, by the ratio between the value of the land and the total value of the unit according to the entry of these values on the assessment roll; and

(2) the total of the producer’s eligible protection or development expenses, determined for the purposes of section 131 of the Sustainable Forest Development Act, that are applicable, where the producer is an individual, to the calendar year or, in any other case, to the producer’s fiscal year.”

3. Section 220.4 of the Act is repealed.

REGULATION RESPECTING THE REIMBURSEMENT OF PROPERTY TAXES OF CERTIFIED FOREST PRODUCERS

4. Section 1 of the Regulation respecting the reimbursement of property taxes of certified forest producers (chapter A-18.1, r. 12.1) is amended by replacing “paid in the last year” by “paid”.

5. Section 2 of the Regulation is amended by striking out paragraph 4.

6. Section 4 of the Regulation is amended by replacing the first paragraph by the following paragraphs:

“A certified forest producer that, in a particular calendar year ending before 1 January 2022 or a particular fiscal year ending before that date, as the case may be, has incurred expenses for an amount less than the amount of property taxes paid during that period may carry forward that amount over the five calendar years following the particular calendar year or the five fiscal years following the particular fiscal year.

A certified forest producer that, in a particular calendar year or a particular fiscal year, as the case may be, has incurred expenses for an amount greater than the amount of property taxes paid during that period may carry forward the excess amount over the 10 calendar years following the particular calendar year or the 10 fiscal years following the particular fiscal year. Accumulated surplus expenses are claimed according to the order in which they occur.”

- 7.** Schedule 2 to the Regulation is replaced by the following schedule:

“SCHEDULE 2
(Section 5)

REPORT PREPARED BY A FOREST ENGINEER CONTAINING A
STATEMENT OF EXPENSES FOR THE REIMBURSEMENT OF
PROPERTY TAXES OF CERTIFIED FOREST PRODUCERS
(Sustainable Forest Development Act, chapter A-18.1, s. 131)

Part 1 – Forest producer (The information relating to the permanent code and the date of expiry of the forest development plan appears in the forest development plan.)					
Forest producer's name and address:	Permanent code:	Expiry date of the forest development plan:	Calendar year or fiscal year in which the eligible development expenses entered in this report were incurred:		
	Calendar year or fiscal year of the last statement of development expenses:	D D M M Y Y Y Y			
Part 2 – Eligible development expenses (The development expenses must have been incurred in the calendar year or the fiscal year, as the case may be, indicated in this report.)					
Name of the municipality in which the development expense was incurred	Identification of eligible development expense	Number of units of measurement (Nbru)	Value of eligible development expense		Total (Nbru x VaT) + (Nbru x VaE)}
			Technical component (VaT)	Execution component (VaE)	
					\$
					+ \$
					+ \$
					+ \$
					+ \$
TOTAL OF ELIGIBLE DEVELOPMENT EXPENSES					Σ* (Nbru x VaT) + (Nbru x VaE)
					= \$

Meaning of terms:
 Σ*: the sum of the operation performed in the brace for each development expense indicated in Schedule 1.
 Nbru: the number of units of measurement corresponding to the development expense referred to in Schedule 1.
 VaT: the value of the development expense referred to in Schedule 1 for the technical component.
 VaE: the value of the development expense referred to in Schedule 1 for the execution component.

Part 3 – Forest engineer's statement	Part 4 – Forest producer's statement
<p>I hereby certify that:</p> <ul style="list-style-type: none"> - each of the development expenses declared in this report was incurred in such a way as to have an impact on the establishment, maintenance or improvement of a forest stand and to fulfil the objective fixed in the Regulation respecting the reimbursement of property taxes of certified forest producers; - I have not observed any departure from municipal by-laws; - I am a member in good standing of the Ordre des ingénieurs forestiers du Québec. <p>Name: _____ Permit No.: _____</p> <p>Signature: _____ Date: _____</p> <p style="text-align: center;">Forest engineer</p>	<p>I hereby certify that:</p> <ul style="list-style-type: none"> - all the information in my valid forest development plan is up-to-date; - the development expenses declared in this report were incurred for a registered forest area for which a forest management plan is in force; - the municipal by-laws have been complied with; - those expenses have never been declared for the purposes of a reimbursement of property taxes with a department or public body. <p>In addition, I agree to provide any vouchers that the Minister of Revenue or the Minister of Natural Resources may require.</p> <p>Name: _____ Date: _____</p> <p>Signature: _____</p> <p style="text-align: center;">Forest producer or authorized representative</p>
<p>Part 5 – Assistance program for the development of private forests</p> <p>In order to ensure complementarity between the reimbursement of property taxes of certified forest producers under this Regulation and the assistance program for the development of private forests, please indicate whether financial assistance under the assistance program for the development of private forests was provided for the development expenses declared in this report:</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Name: _____</p> <p>Signature: _____ Date: _____</p> <p style="text-align: center;">Forest producer or authorized representative</p>	

DIVISION II

TRANSITIONAL PROVISION

8. The provisions of sections 1 to 3 apply from the calendar year 2022, in the case of an individual, and to a fiscal year that ends after 31 December 2021, in the case of a legal person.

CHAPTER II**FUND TO COMBAT ADDICTION****DIVISION I****AMENDING PROVISIONS****ACT RESPECTING THE SOCIÉTÉ DES ALCOOLS DU QUÉBEC**

9. Section 23.30 of the Act respecting the Société des alcools du Québec (chapter S-13) is amended

(1) by replacing “Cannabis Sales Revenue Fund” in the introductory clause by “Fund to Combat Addiction”;

(2) by inserting “, pathological gambling and other forms of addiction” after “substance use” in paragraph 3.

10. Section 23.31 of the Act is amended

(1) by replacing “Cannabis Sales Revenue Fund” in the introductory clause by “Fund”;

(2) by inserting the following paragraph after paragraph 1:

“(1.1) the amounts determined by the Government under section 58.1 of this Act and section 23.1 of the Act respecting the Société des loteries du Québec (chapter S-13.1);”.

11. The Act is amended by inserting the following section after section 23.31:

“23.31.1. The sums referred to in paragraph 1.1 of section 23.31 may be appropriated only for the purposes set out in paragraph 3 of section 23.30.”

12. Section 23.32 of the Act is amended by replacing “Cannabis Sales Revenue Fund” in the first paragraph by “Fund”.

13. Section 23.33 of the Act is amended, in the first paragraph,

(1) by inserting “pathological gambling and other forms of addiction,” after “substance use,”;

(2) by replacing “Cannabis Sales Revenue Fund” by “Fund”.

14. Section 23.34 of the Act is amended by replacing “Cannabis Sales Revenue Fund” by “Fund, excluding the sums referred to in paragraph 1.1 of section 23.31”.

15. The Act is amended by inserting the following section after section 58:

“**58.1.** The Government shall determine the amount of the sums paid by the Société as dividends that is to be paid annually into the Fund to Combat Addiction.”

ACT RESPECTING THE SOCIÉTÉ DES LOTERIES DU QUÉBEC

16. The Act respecting the Société des loteries du Québec (chapter S-13.1) is amended by inserting the following section after section 23:

“**23.1.** The Government shall determine the amount of the sums paid by the company as dividends that is to be paid annually into the Fund to Combat Addiction established under the Act respecting the Société des alcools du Québec (chapter S-13).”

DIVISION II

TRANSITIONAL PROVISION

17. Unless the context indicates otherwise, in any Act, regulation, order in council or other document, a reference to the Cannabis Sales Revenue Fund is a reference to the Fund to Combat Addiction.

CHAPTER III

ASSISTANCE FOR HOMES DAMAGED BY PYRRHOTITE

ACT RESPECTING MUNICIPAL TAXATION

18. Section 253.31 of the Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following paragraph after the sixth paragraph:

“The averaging of the variation in the taxable value resulting from a decrease in the value of the unit of assessment or business establishment ceases where, through the taking of effect of an alteration to the roll referred to in subparagraph 1 of the second paragraph whose object is to reflect the increase in value resulting from work performed on a building already comprised in the unit, the adjusted value is replaced by a new adjusted value that is equal to or greater than the taxable value entered on the roll in force on the day preceding the coming into force of the roll concerned.”

CHAPTER IV

BUDGETARY BALANCE

BALANCED BUDGET ACT

19. Section 7.1 of the Balanced Budget Act (chapter E-12.00001) is replaced by the following section:

“7.1. Sections 6 and 7, which prohibit an actual or estimated budgetary deficit, and sections 8 and 10 to 13, which provide measures to offset overruns, do not apply from 25 March 2021 to the end of the fiscal year determined by the Minister at or before the time of the budget for the 2023-2024 fiscal year.”

20. Section 7.5 of the Act is amended by striking out “or, if applicable, the sums lacking for the achievement of the objective established by section 7.1 for the 2014-2015 fiscal year” in the first paragraph.

CHAPTER V

COMMUNICATION OF INFORMATION

TAX ADMINISTRATION ACT

21. The Tax Administration Act (chapter A-6.002) is amended by inserting the following section after section 69.5:

“69.5.0.1. The Institut de la statistique du Québec may, without the consent of the person concerned, communicate, for research purposes, to a researcher attached to a public body, within the meaning of paragraph 2 of section 2.2 of the Act respecting the Institut de la statistique du Québec (chapter I-13.011), information obtained under subparagraph *k* of the second paragraph of section 69.1 for the purposes of section 2.1 of the Act respecting the Institut de la statistique du Québec and designated for that purpose by the Government under section 13.1 of that Act.

For the purposes of the first paragraph, the Institut de la statistique du Québec shall, before communicating information to a researcher attached to a public body, ensure that

(1) the objective of the research project can only be achieved if that information is communicated;

(2) it is unreasonable to require that the researcher obtain the consent of the person concerned;

(3) the communication and use of information as part of the research project are not prejudicial to the person concerned and that the research project’s expected benefits are in the public interest;

(4) the information will be used in a manner that will ensure its confidentiality; and

(5) the information is necessary for the research project.”

CHAPTER VI

REPORT ON THE IMPLEMENTATION OF THE MONEY-SERVICES BUSINESSES ACT

DIVISION I

AMENDING PROVISION

MONEY-SERVICES BUSINESSES ACT

22. Section 83 of the Money-Services Businesses Act (chapter E-12.000001) is amended by replacing “1 April 2017” in the first paragraph by “13 September 2026”.

DIVISION II

TRANSITIONAL PROVISION

23. The Minister of Revenue is exempt from the obligation to submit to the Government, not later than 1 April 2022, the report referred to in the first paragraph of section 83 of the Money-Services Businesses Act (chapter E-12.000001).

CHAPTER VII

UNCLAIMED FINANCIAL PRODUCTS

DIVISION I

AMENDING PROVISIONS

UNCLAIMED PROPERTY ACT

24. Section 3 of the Unclaimed Property Act (chapter B-5.1) is amended, in the first paragraph,

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

“(4) property, including a share or the right to such a share, to be distributed because of the conversion of a mutual insurance association into a joint-stock company, where no claim or transaction has been made and no instructions have been given by the right-holder in respect of the property in the three years

following the date of the last claim, transaction or instruction in respect of the property, including the receipt of interest, dividends or other income produced by such property; the property is deemed to be held by the company;”;

(2) by replacing “the receipt by the adviser or broker” in subparagraph 5 by “the last claim, transaction or instruction in respect of the property, including the receipt of interest, dividends or other income produced by such property”;

(3) by inserting the following subparagraph after subparagraph 5:

“(5.1) shares and equity securities issued by a reporting issuer, within the meaning of the Securities Act (chapter V-1.1), that are traded on securities exchanges or financial markets and that do not give rise to security entitlements, where no claim or transaction has been made and no instructions have been given by the right-holder in respect of the property in the three years following the date of the last claim, transaction or instruction in respect of the property, including the receipt of interest, dividends or other income produced by such property; the shares and equity securities are deemed to be held by the reporting issuer;”.

25. Section 6 of the Act is amended

(1) by striking out “, in the form prescribed by the Minister,” in the second paragraph;

(2) in the third paragraph,

(a) by striking out subparagraph 1;

(b) by replacing subparagraph 2 by the following subparagraph:

“(2) determine the form and manner in which the statement is to be sent; and”.

26. The Act is amended by inserting the following section after section 13:

13.1. The Minister is not required to keep the amounts that derive from a pension plan governed by the Supplemental Pension Plans Act (chapter R-15.1) or from a pension plan established by an Act in force in Québec, and which are delivered to the Minister under subparagraph 10 of the first paragraph of section 3, in a retirement savings plan or retirement income fund that is accepted for registration by the Minister of National Revenue for the purposes of the Income Tax Act (Revised Statutes of Canada, 1985, chapter 1, 5th Supplement), beyond the date of the 100th birthday of the annuitant or once the amounts making up such a retirement savings plan or retirement income fund have a value of less than 20% of the Maximum Pensionable Earnings established in accordance with the Act respecting the Québec Pension Plan (chapter R-9).

The first paragraph does not apply to amounts that may be the subject of the right to reinstatement provided for in section 147.0.6 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10).”

REGULATION RESPECTING THE APPLICATION OF THE UNCLAIMED PROPERTY ACT

27. Section 5 of the Regulation respecting the application of the Unclaimed Property Act (chapter B-5.1, r. 1) is amended by replacing the second paragraph by the following paragraphs:

“The related statement is filed by means of the electronic process provided for that purpose on Revenu Québec’s website.

It may also be filed in the form prescribed by the Minister if the debtor or holder has, for a year, 10 properties or less to be delivered to the Minister under section 6 of the Act.

Despite the second paragraph, the related statement must be filed in the form prescribed by the Minister if the debtor or holder delivers a property referred to in subparagraph 7 of the first paragraph of section 3 of the Act to the Minister.”

DIVISION II

TRANSITIONAL PROVISION

28. For the purposes of sections 5, 6 and 8 of the Unclaimed Property Act (chapter B-5.1), a property referred to in subparagraph 5.1 of the first paragraph of section 3 of that Act, enacted by section 24, that qualifies as unclaimed property on 24 February 2022 must be delivered to the Minister of Revenue not later than 18 months following that date.

CHAPTER VIII

FINANCEMENT-QUÉBEC

DIVISION I

REDEMPTION OF SHARES AND REPAYMENT OF THE CONTRIBUTED SURPLUS

29. Financement-Québec shall redeem the 1,000 shares of its share capital held by the Minister of Finance and pay \$100,000 to that Minister as consideration, according to the terms they agreed on.

30. Financement-Québec shall repay the Minister of Finance the sum of \$9,900,000 that the financing authority holds as contributed surplus under section 67 of the Act respecting Financement-Québec (chapter F-2.01).

31. Financement-Québec’s authorized share capital as well as all the issued shares are cancelled.

DIVISION II

AMENDING PROVISIONS

ACT RESPECTING FINANCEMENT-QUÉBEC

32. Section 1 of the Act respecting Financement-Québec (chapter F-2.01) is amended by replacing “legal person with share capital” in the second paragraph by “legal person established in the public interest”.

33. Sections 10 and 11 of the Act are repealed.

34. Section 12 of the Act is amended by striking out the second and third paragraphs.

35. The Act is amended by inserting the following sections after section 13:

“13.1. The affairs of the financing authority are administered by a chief executive officer designated by the Minister from among the person holding the position of deputy minister of the Ministère des Finances, those holding a position of associate deputy minister or assistant deputy minister within that department and any other member of that department’s executive staff.

“13.2. The chief executive officer is appointed for a term of up to five years.

At the end of the term, the chief executive officer remains in office until replaced or reappointed.

“13.3. The chief executive officer is responsible for the administration and direction of the financing authority within the scope of its by-laws and policies.

“13.4. The chief executive officer shall designate a member of the financing authority’s staff to act as a replacement when the chief executive officer is absent or unable to act.”

36. Sections 14 to 22 of the Act are repealed.

37. Section 23 of the Act is replaced by the following section:

“23. The documents and copies emanating from the financing authority or forming part of its records are authentic if they are approved and certified by the chief executive officer.”

- 38.** Section 24 of the Act is amended by replacing “a person referred to in section 23” by “the chief executive officer”.
- 39.** Section 25 of the Act is amended by striking out “, the chair or vice-chair of the board, the secretary” in the first paragraph.
- 40.** Section 26 of the Act is amended by replacing “a person referred to in section 23” in the first paragraph by “the chief executive officer”.
- 41.** Section 29 of the Act is amended by striking out the second paragraph.
- 42.** Section 31 of the Act is repealed.
- 43.** The Act is amended by inserting the following chapter after section 31:

“CHAPTER II.1

“GOVERNANCE COMMITTEE

“31.1. A governance committee made up of a maximum of nine members is established within the financing authority. The committee is composed of the following members, all appointed by the Minister:

- (1) at least two members of the personnel of the Ministère des Finances;
- (2) a member of the personnel of each of the departments under the authority, respectively, of the ministers responsible for the public bodies mentioned in section 4, unless none of those bodies under a minister’s authority receives services offered by the financing authority; and
- (3) at least one independent member.

The members referred to in subparagraph 2 of the first paragraph are appointed on the recommendation of the ministers to whom they are responsible.

The members of the committee are appointed for a term not exceeding three years. On the expiry of their term, the members remain in office until replaced or reappointed.

A member is independent if, in the Minister’s opinion, the member qualifies as an independent director within the meaning of section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02). Sections 5 to 8 of that Act apply, with the necessary modifications.

The chair of the committee is designated by the Minister from among the members referred to in subparagraph 1 of the first paragraph.

The members of the governance committee receive no remuneration. They are, however, entitled to the reimbursement of the expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

“31.2. The governance committee’s functions are

(1) to ensure that the financing authority provides financial and technical services to the public bodies in accordance with the criteria determined by the Government under section 7 and the directives and other decisions made regarding the financing authority by the Government or the Minister under the powers conferred on them; and

(2) to give the Minister its opinion on any matter referred to it by the Minister.

“31.3. The committee may, in the exercise of its functions, require that any document or information used by the financing authority be communicated to it.

The officers and employees of the financing authority shall, on request, communicate those documents or that information to, and facilitate their examination by, the committee.

“31.4. No document binds the committee unless it is signed by the chair or by any other committee member so authorized by the committee’s internal by-laws.

“31.5. The documents and copies emanating from the committee or forming part of its records are authentic if they are approved, signed or certified true by the chair of the committee.

“31.6. The chief executive officer shall render an account of the financing authority’s operations to the governance committee at least twice a year and whenever the committee so requires.

“31.7. Every year, on or before 30 September, the committee shall report to the Minister on its operations for the preceding fiscal year.”

44. Sections 32 to 35 of the Act are repealed.

45. Section 36 of the Act is amended by striking out “, including shares of the capital of the financing authority”.

46. Section 38 of the Act is amended, in the first paragraph,

(1) by replacing “or one of its subsidiaries referred to in section 11 and the performance of their obligations” in subparagraph 1 by “and the performance of its obligations”;

(2) by replacing “or one of such subsidiaries any amount considered necessary for the fulfilment of their obligations or the pursuit of their mission” in subparagraph 2 by “any amount considered necessary for the fulfilment of its obligations or the pursuit of its mission”.

47. Section 40 of the Act is repealed.

48. Section 44 of the Act is amended by striking out “that must include the operations of its subsidiaries”.

49. Section 46 of the Act is amended by striking out “and the operations of its subsidiaries”.

50. Section 67 of the Act is repealed.

DIVISION III

TRANSITIONAL AND FINAL PROVISIONS

51. Despite any inconsistent provision, the members of Financement-Québec’s board of directors in office on the date preceding the date of coming into force of section 32, except the member exercising the functions of chief executive officer of Financement-Québec, become, without further formality and for the unexpired portion of their term, members of the financing authority’s governance committee as members referred to, as the case may be, in subparagraph 1 or 2 of the first paragraph of section 31.1 of the Act respecting Financement-Québec (chapter F-2.01), enacted by section 43.

For the purposes of the first paragraph, the member designated by the Minister as chair of the financing authority’s board of directors shall exercise the functions of chair of the governance committee.

52. The member of Financement-Québec’s board of directors designated by the Minister to exercise the functions of chief executive officer of the financing authority, in office on the date preceding the date of coming into force of section 32, continues in office on the same terms, for the unexpired portion of the term of office, until replaced or reappointed.

53. The by-laws, resolutions and other acts made or authorized by the board of directors of Financement-Québec in force on the date preceding the date of coming into force of section 32 continue to have effect, with the necessary modifications, until amended or replaced.

CHAPTER IX

MONTRÉAL MUSEUM OF FINE ARTS

ACT RESPECTING THE MONTRÉAL MUSEUM OF FINE ARTS

54. Section 29 of the Act respecting the Montréal Museum of Fine Arts (chapter M-42) is amended by replacing “of section 30” in paragraph 7 by “of sections 30 and 30.1”.

55. The Act is amended by inserting the following section after section 30:

“**30.1.** The Museum must obtain authorization from the Minister and the Minister of Finance to contract short term or line of credit loans in order to finance a capital expenditure project for which it receives a subsidy.”

CHAPTER X

TEMPORARY LOANS

FINANCIAL ADMINISTRATION ACT

56. Section 83 of the Financial Administration Act (chapter A-6.001) is amended by adding the following paragraph at the end:

“Despite the first paragraph, as regards effecting a short term or line of credit loan, the power may be exercised by a member of the personnel authorized by the body to act alone in that respect.”

ACT RESPECTING THE AUTORITÉ RÉGIONALE DE TRANSPORT
MÉTROPOLITAIN

57. Section 85 of the Act respecting the Autorité régionale de transport métropolitain (chapter A-33.3) is amended by inserting “, unless the loans are intended to finance a capital expenditure project for which the Authority receives financial assistance from a government department or body, in which case the interest rate and other conditions of the loans must be authorized by the Minister of Finance” at the end of the second paragraph.

ACT RESPECTING THE RÉSEAU DE TRANSPORT MÉTROPOLITAIN

58. Section 53 of the Act respecting the Réseau de transport métropolitain (chapter R-25.01) is amended by inserting “, unless the loans are intended to finance a capital expenditure project for which the Network receives financial assistance from the Government, in which case the interest rate and other conditions of the loans must be authorized by the Minister of Finance” at the end of the second paragraph.

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

59. Section 124 of the Act respecting public transit authorities (chapter S-30.01) is amended by adding the following paragraph at the end:

“However, in the case of loans intended to finance a capital expenditure project for which a transit authority receives a government grant, the interest rate and other conditions of the loans must be authorized by the Minister of Finance.”

CHAPTER XI

CULTURAL HERITAGE FUND

ACT RESPECTING THE MINISTÈRE DE LA CULTURE ET DES COMMUNICATIONS

60. Section 22.5 of the Act respecting the Ministère de la Culture et des Communications (chapter M-17.1) is amended by replacing “\$19,500,000 per year for the fiscal years 2019–2020 to 2022–2023 and \$23,500,000 for the fiscal year 2023–2024” by “\$24,800,000 for the fiscal years 2021–2022 and 2022–2023 and \$25,300,000 for the fiscal year 2023–2024”.

CHAPTER XII

DISABILITY PENSION

DIVISION I

AMENDING PROVISIONS

ACT RESPECTING THE QUÉBEC PENSION PLAN

61. Section 41 of the Act respecting the Québec Pension Plan (chapter R-9) is amended by replacing the second paragraph by the following paragraph:

“Nevertheless, for a year in which a worker reaches 18 years of age, in which a disability pension ceases to be payable to him under this Act or under a similar plan while no retirement pension was payable to him under this Act or in which such a pension becomes payable to him while he is a beneficiary of a disability pension under this Act, such maximum is equal to the amount obtained by multiplying that year’s Maximum Pensionable Earnings by the proportion that the number of months after the day preceding his eighteenth birthday, after such disability pension ceases or after the day preceding the beginning of the retirement pension bears to 12.”

62. Section 48 of the Act is amended by replacing the second paragraph by the following paragraph:

“Nevertheless, for a year in which a worker reaches 18 years of age, in which a disability pension ceases to be payable to him under this Act or under a similar plan while no retirement pension was payable to him under this Act or in which such a pension becomes payable to him while he is a beneficiary of a disability pension under this Act, his pensionable self-employed earnings are equal to the amount obtained by multiplying the amount of such earnings by the proportion that the number of months after the day preceding his eighteenth birthday, after the disability pension ceases or after the day preceding the beginning of the retirement pension bears to 12.”

63. Section 48.1 of the Act is amended

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

“Nevertheless, for a year in which a worker reaches 18 years of age, in which a disability pension ceases to be payable to him under this Act or under a similar plan while no retirement pension was payable to him under this Act or in which such a pension becomes payable to him while he is a beneficiary of a disability pension under this Act, his pensionable earnings as a family-type resource or an intermediate resource are equal to the amount obtained by multiplying the amount of earnings as such a resource by the proportion that the number of months after the day preceding his eighteenth birthday, after the disability pension ceases or after the day preceding the beginning of the retirement pension bears to 12.”;

(2) by inserting “while no retirement pension was payable to him” after “a similar plan” in the third paragraph.

64. Section 53.2 of the Act is amended

(1) in the second paragraph,

(a) by replacing subparagraph *a* by the following subparagraph:

“(a) the amount by which the worker’s maximum pensionable earnings for the year is exceeded by the total of

i. the aggregate, for the year, of the worker’s pensionable self-employed earnings and pensionable earnings as a family-type resource or an intermediate resource, and

ii. the lesser of

(1) the aggregate of all amounts each of which is the worker’s pensionable salary and wages for the year in respect of pensionable employment under this Act or a similar plan, and

(2) the total of the worker's personal exemption for the year, the worker's salary and wages on which a first additional contribution has been made for the year under this Act or a similar plan and the worker's salary and wages on which a second additional contribution has been made for the year under this Act or a similar plan;";

(b) by adding the following subparagraph at the end:

“(c) the amount by which the aggregate, for the year, of the worker's pensionable self-employed earnings and pensionable earnings as a family-type resource or an intermediate resource exceeds the amount determined in respect of the worker for the year under the third paragraph.”;

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

“The amount to which subparagraph *c* of the second paragraph refers in respect of a self-employed worker, a family-type resource or an intermediate resource for the year is equal to the amount by which the worker's salary and wages on which a second additional contribution has been made for the year under this Act or a similar plan exceeds the amount by which the aggregate of all amounts each of which is the worker's pensionable salary and wages for the year in respect of pensionable employment under this Act or a similar plan exceeds the worker's maximum pensionable earnings for the year.”

65. Section 95 of the Act is amended

(1) by replacing “A person shall be considered to be disabled only if” in the first paragraph by “A person is considered to be disabled if”;

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

“A disability is severe if by reason thereof the person is incapable regularly of pursuing any substantially gainful occupation while the person's functional limitations render him incapable of meeting, on a full-time basis, the usual requirements related to any type of work. For the purposes of this paragraph, only very severe functional limitations are considered. However, severe functional limitations may be considered if the person has unfavourable socio-professional characteristics despite schooling, rehabilitation and reintegration efforts.”;

(3) by inserting “or if it forces him to reduce working time by reason of his disability, provided his income after reducing working time is less than the income from a substantially gainful occupation” at the end of the third paragraph.

66. Section 95.4 of the Act is amended by striking out “105.0.1,” and “or an additional amount for disability after retirement”.

67. Section 96 of the Act is amended

(1) by striking out “or of the additional amount for disability after retirement” in the introductory clause of the second paragraph;

(2) by striking out “105.0.1,” in subparagraph *e* of the second paragraph;

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

“The beneficiary of a disability pension is deemed to have ceased to be disabled in a calendar year if his income for that year equals or exceeds the income from a substantially gainful occupation for the year concerned. In such a case, the disability end date is fixed by regulation.”

68. Section 98 of the Act is amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) the aggregate of the four following amounts:

(1) the total of his salary and wages determined under section 98.1.1 on the basis of the base contributions made and the amount obtained by dividing his base contribution in respect of his self-employed earnings and earnings as a family-type resource or an intermediate resource by the base contribution rate for the year,

(2) the total, determined in prescribed manner, of his salary and wages determined under section 98.1.2 on the basis of the base contributions made under a similar plan and the amount obtained by dividing his base contribution under such a plan in respect of his self-employed earnings by the base contribution rate for the year for a self-employed worker determined under such a plan,

(3) the amount obtained by dividing double the base contributions that are unused for the purpose of computing the salaries and wages referred to in subparagraphs 1 and 2 by the base contribution rate for the year determined under section 44.1 or the base contribution rate for the year for a self-employed worker determined under a similar plan, according to the plan under which the worker is required to make a contribution, and

(4) the contributor’s personal exemption for the year, which is equal, for a year subsequent to 1997 but prior to 2012 in which the base contributory period of the contributor ends within the meaning of subparagraph *a* or *b* of the second paragraph of section 101, to the basic exemption reduced proportionately to the number of months in the year preceding, as the case may be, the month in which a retirement pension becomes payable to the contributor or preceding the month of the contributor’s seventieth birthday; and”.

69. Section 98.1 of the Act is amended by replacing subparagraph *b* of the first paragraph by the following subparagraph:

“(b) the aggregate of the four following amounts:

(1) the total of his salary and wages determined under section 98.1.1 on the basis of the first additional contributions made and the amount obtained by dividing his first additional contribution in respect of his self-employed earnings and earnings as a family-type resource or an intermediate resource by the first additional contribution rate for the year,

(2) the total, determined in prescribed manner, of his salary and wages determined under section 98.1.2 on the basis of the first additional contributions made under a similar plan and the amount obtained by dividing his first additional contribution under such a plan in respect of his self-employed earnings by the first additional contribution rate for the year for a self-employed worker determined under such a plan,

(3) the amount obtained by dividing double the first additional contributions that are unused for the purpose of computing the salaries and wages referred to in subparagraphs 1 and 2 by the first additional contribution rate for the year determined under section 44.2 or the first additional contribution rate for the year for a self-employed worker determined under a similar plan, according to the plan under which the worker is required to make a contribution, and

(4) the contributor’s personal exemption for the year; and”.

70. The Act is amended by inserting the following sections after section 98.1:

“**98.1.1.** The contributor’s salary and wages determined on the basis of the base contributions and the first additional contributions made are the least of

(a) the amount by which the contributor’s pensionable salary and wages for the year in respect of pensionable employment exceed the amount that corresponds to the difference between his personal exemption for the year and the proportional share of his personal exemption for the year under the similar plan;

(b) the amount by which the contributor’s maximum contributory earnings for the year exceed the proportional share of his maximum contributory earnings for the year under the similar plan; and

(c) the amount obtained by dividing, by one-half of the base contribution rate for the year or one-half of the first additional contribution rate, as the case may be, the amount by which the amount determined under the second paragraph is exceeded by the total of

(1) the aggregate of the deductions at source made from the contributor’s salary and wages for the year under this Act or a similar plan on account of the base contribution or the first additional contribution, as the case may be, and

(2) any amount that an employer has not deducted at source from the contributor's salary and wages for the year on account of the base contribution or the first additional contribution, as the case may be, as the employer should have done under this Act or a similar plan, provided that the worker has given notice of that fact to the Minister on or before 30 April of the following year.

The amount to which subparagraph *c* of the first paragraph refers is equal to the aggregate of

(a) an amount equal to the product of the amount of the contributor's salary and wages determined under section 98.1.2 and on which a base contribution or a first additional contribution, as the case may be, has been made under a similar plan and the base contribution rate for employees or the first additional contribution rate for employees, as the case may be, for the year under the similar plan; and

(b) an amount equal to the amount by which the amount described in subparagraph 1 of subparagraph *c* of the first paragraph exceeds the aggregate of the amounts determined under subparagraphs *a* and *b* or *c* and *d* of the first paragraph of section 51, as the case may be.

“98.1.2. The contributor's salary and wages determined on the basis of the base contributions and the first additional contributions made under a similar plan are the least of

(a) the amount by which the aggregate of all amounts each of which is the contributor's pensionable salary and wages for the year in respect of pensionable employment under the similar plan exceeds the proportional share of his personal exemption for the year under that plan;

(b) the proportional share of the contributor's maximum contributory earnings for the year under the similar plan; and

(c) the amount obtained by dividing, by, as the case may be, the base contribution rate or the first additional contribution rate for employees for the year under the similar plan, the amount by which the amount determined under subparagraph 1 exceeds the amount determined under subparagraph 2:

(1) the aggregate of the deductions at source made from the contributor's salary and wages for the year on account of the base contribution or the first additional contribution, as the case may be, under this Act or a similar plan and any amount an employer has not deducted at source from his salary and wages for the year on account of the base contribution or the first additional contribution, as the case may be, as the employer should have done under this Act or a similar plan, provided that the worker has given notice of that fact to the Minister on or before 30 April of the following year,

(2) the amount by which the aggregate of the deductions at source made from the contributor's salary and wages for the year under this Act or a similar plan on account of the base contribution or the first additional contribution, as the case may be, exceeds the aggregate of the amounts determined under subparagraphs *a* and *b* or *c* and *d* of the first paragraph of section 51, as the case may be."

71. Section 98.2 of the Act is amended by replacing paragraph *b* by the following paragraph:

"(b) the aggregate of the three following amounts:

(1) the total of his salary and wages determined under section 98.2.1 on the basis of the second additional contributions made and the amount obtained by dividing his second additional contribution in respect of his self-employed earnings and earnings as a family-type resource or an intermediate resource by the second additional contribution rate for the year,

(2) the total, determined in prescribed manner, of his salary and wages determined under section 98.2.2 on the basis of the second additional contributions made under a similar plan and the amount obtained by dividing his second additional contribution under such a plan in respect of his self-employed earnings by the second additional contribution rate for the year for a self-employed worker determined under such a plan, and

(3) the amount obtained by dividing double the second additional contributions that are unused for the purpose of computing the salaries and wages referred to in subparagraphs 1 and 2 by the second additional contribution rate for the year determined under section 44.3 or the second additional contribution rate for the year for a self-employed worker determined under a similar plan, according to the plan under which the worker is required to make a contribution; and"

72. The Act is amended by inserting the following sections after section 98.2:

"98.2.1. The contributor's salary and wages determined on the basis of the second additional contributions made are the least of

(a) the amount by which the contributor's pensionable salary and wages for the year in respect of pensionable employment under this Act exceed the amount that corresponds to the difference between his maximum pensionable earnings for the year and the proportional share of his pensionable earnings for the year under the similar plan;

(b) the amount by which the amount determined under subparagraph 1 exceeds the amount determined under subparagraph 2:

(1) the amount by which his additional maximum pensionable earnings for the year exceed the proportional share of his additional maximum pensionable earnings for the year under the similar plan,

(2) the amount by which his maximum pensionable earnings for the year exceed the proportional share of his maximum pensionable earnings for the year under the similar plan; and

(c) the amount obtained by dividing, by one-half of the second additional contribution rate, the amount by which the amount determined under the second paragraph is exceeded by the total of

(1) the aggregate of the deductions at source made from the contributor's salary and wages for the year under this Act or a similar plan on account of the second additional contribution,

(2) any amount that an employer has not deducted at source from the contributor's salary and wages for the year on account of the second additional contribution, as the employer should have done under this Act or a similar plan, provided that the worker has given notice of that fact to the Minister on or before 30 April of the following year, and

(3) an amount equal to the aggregate of the amounts established under subparagraph *b* of the second paragraph of section 56 and subparagraph *b* of the second paragraph of section 56.2.

The amount to which subparagraph *c* of the first paragraph refers is equal to the aggregate of

(a) an amount equal to the product of the second additional contribution rate for employees for the year under the similar plan and the amount of the contributor's salary and wages determined on the basis of the second additional contributions made under a similar plan, according to section 98.2.2; and

(b) the overpayment established under the first paragraph of section 51.

“98.2.2. The contributor's salary and wages determined on the basis of the second additional contributions made under a similar plan are the least of

(a) the amount by which the aggregate of all amounts each of which is the contributor's pensionable salary and wages for the year in respect of pensionable employment under the similar plan exceeds the proportional share of his personal exemption for the year under that plan;

(b) the amount by which the proportional share of the contributor's additional maximum pensionable earnings for the year under the similar plan exceeds the proportional share of his maximum pensionable earnings for the year under that plan; and

(c) the amount obtained by dividing, by the second additional contribution rate for employees for the year under the similar plan, the amount by which the amount determined under subparagraph 1 exceeds the amount determined under subparagraph 2:

(1) the total of the aggregate of the deductions at source made from the contributor's salary and wages for the year on account of the second additional contribution under this Act or a similar plan and any amount an employer has not deducted at source from his salary and wages for the year on account of the second additional contribution, as the employer should have done under this Act or a similar plan, provided that the worker has given notice of that fact to the Minister on or before 30 April of the following year,

(2) the amount equal to the aggregate of the amounts determined under subparagraph *b* of the second paragraph of section 56 and subparagraph *b* of the second paragraph of section 56.2.”

73. Section 99 of the Act is amended by replacing the second paragraph by the following paragraph:

“Nevertheless, for a year in which a contributor reaches 18 years of age, in which a disability pension ceases to be payable to him under this Act or under a similar plan while no retirement pension was payable to him under this Act or in which such a pension becomes payable to him while he is a beneficiary of a disability pension under this Act, each of the contributions referred to in the first paragraph is deemed to have been made for earnings relating to the months following the day preceding his eighteenth birthday, the cessation of the disability pension or the day preceding the beginning of the retirement pension.”

74. Section 101 of the Act is amended by inserting “while no retirement pension is payable to him” at the end of subparagraph *a* of the third paragraph.

75. Section 102.4 of the Act is amended by striking out “solely in respect of the base unadjusted pensionable earnings,” in subparagraph *d* of the first paragraph.

76. Section 105 of the Act is amended

(1) by striking out “and *an additional amount for disability after retirement* to the beneficiary of a retirement pension who becomes a qualified disabled contributor” in paragraph *a*;

(2) by striking out “if no retirement pension is payable to him under this Act or under a similar plan” in paragraph *e*;

(3) by replacing “each orphan of a deceased qualified contributor” in paragraph *f* by “each child of a deceased qualified contributor”.

77. Section 105.0.1 of the Act is repealed.

78. Section 106 of the Act is replaced by the following section:

“106. A contributor is qualified for a disability pension only if he is under 65 years of age, is disabled and has paid base contributions for one of the following groups of years:

(1) if he is under 60 years of age,

(a) two of the last three years wholly or partly included in his base contributory period, or two years if his base contributory period comprises only two years,

(b) five of the last ten years wholly or partly included in his base contributory period, or

(c) half of the total number of years wholly or partly included in his base contributory period, but not less than two years; or

(2) if he is 60 years of age or over, three of the last six years wholly or partly included in his base contributory period.

For the purposes of this section, the base contributory period of the contributor terminates at the end of the month in which he became disabled. However, no month included between the month prior to the beginning of the retirement pension and the month following the month in which he became disabled may be excluded under the third paragraph of section 101.”

79. Section 106.2 of the Act is amended by striking out “under this Act or”.

80. Section 106.3 of the Act is amended by striking out the second paragraph.

81. Section 120 of the Act is amended by replacing “sections 120.1 and 120.2” in the second paragraph by “section 120.1”.

82. Section 120.0.1 of the Act is repealed.

83. Section 120.1 of the Act is amended by inserting the following paragraphs after the first paragraph:

“In the case of a retirement pension which becomes payable from 1 January 2024 to a contributor who is qualified for a disability pension, the adjustment of 0.5% provided for in subparagraph 1 of the first paragraph is replaced by an adjustment of 0.3% for each month of the period that falls between the date, prior to the contributor’s sixty-fifth birthday, on which the retirement pension becomes payable and the date of the contributor’s sixty-fifth birthday. In addition, the amount of the contributor’s retirement pension is, where applicable, reduced by 0.3%, to which is added an adjustment factor of 0.1% multiplied by the ratio between 25% of the average base monthly pensionable earnings of the contributor, calculated as provided in sections 116.1

to 116.5, for the year in which the retirement pension becomes payable and the maximum base monthly retirement pension for the year, calculated as provided in section 116.6, for each month for which the contributor was entitled, between 60 and 65 years of age, to a disability pension under this Act pursuant to the provisions of this Act in force on 31 December 2023 or under a similar plan.

However, in the case of a retirement pension which becomes payable after 31 December 2021 but before 1 January 2024, the monthly amount is reduced by 0.3%, to which is added an adjustment factor of 0.1% multiplied by the ratio between 25% of the average base monthly pensionable earnings of the contributor, calculated as provided in sections 116.1 to 116.5, for the year in which the retirement pension becomes payable and the maximum base monthly retirement pension for the year, calculated as provided in section 116.6, for each month for which the contributor was entitled, between 60 and 65 years of age, to a disability pension under this Act or a similar plan.”

84. Section 120.2 of the Act is repealed.

85. Section 123 of the Act is amended

(1) by inserting “under 60 years of age” after “contributor” in the introductory clause;

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

“Where the beneficiary of a disability pension reaches 60 years of age, the beneficiary ceases to be entitled to the amount described in subparagraph *b* of the first paragraph.

The basic monthly amount of the disability pension payable to a contributor who is 60 years of age or over is the amount of the flat benefit established under section 124.”

86. Section 127 of the Act is amended by replacing “a disability pension, a” by “the disability pension of a contributor under 60 years of age, the”.

87. Section 135 of the Act is replaced by the following section:

135. The basic monthly amount of the surviving spouse’s pension of a spouse to whom a disability pension is payable under this Act or under a similar plan and to whom no retirement pension is payable is equal to the aggregate of the following three amounts:

(a) the lesser of E and F, calculated as follows:

$$(a \times 37.5\%) + b = E$$

$$c - d = F;$$

(b) 50% of the amount established in accordance with section 137.1; and

(c) 50% of the amount established in accordance with section 137.2.

In the formulas in subparagraph *a* of the first paragraph,

“a” is the amount established in accordance with section 137;

“b” is the amount of the flat benefit included in the surviving spouse’s pension payable to the spouse for the month for which the basic monthly amount is established;

“c” is 75% of the maximum base monthly retirement pension, calculated in accordance with section 116.6, for the year that includes the month for which the basic monthly amount is established; and

“d” is the amount of the disability pension payable to the surviving spouse for the month for which the basic monthly amount is established, reduced by 75% of the amounts calculated under subparagraphs 2 and 3 of paragraph *b* of section 123, adjusted in accordance with section 119, and by the amount of the flat benefit included in the disability pension for that month.”

88. Section 136 of the Act is replaced by the following section:

136. The basic monthly amount of the surviving spouse’s pension of a spouse under 65 years of age to whom a retirement pension is paid under this Act or under a similar plan is equal to the aggregate of the following three amounts:

(a) the lesser of G and H, calculated as follows:

$$(a \times 37.5\%) + b = G$$

$$[b + (c - d)] - e = H;$$

(b) 50% of the amount established in accordance with section 137.1; and

(c) 50% of the amount established in accordance with section 137.2;

where

“a” is the amount established in accordance with section 137;

“b” is the amount of the flat benefit included in the surviving spouse’s pension payable to the spouse for the month for which the basic monthly amount is established;

“c” is the maximum base monthly retirement pension for the year that includes the month for which the basic monthly amount is established, calculated in accordance with section 116.6 and adjusted according to section 120.1, but taking into account the fact that the ratio by which the adjustment factor is multiplied is equal to one;

“d” is the amount of the retirement pension, calculated as provided in subparagraph *a* of the first paragraph of section 120 and adjusted in accordance with section 119, which is payable to the surviving spouse for the month for which the basic monthly amount is established, calculated without taking account either of a partition, if any, of the retirement pension effected under sections 158.3 to 158.8 or a similar plan, or of an additional pension established under section 120.3; and

“e” is, where applicable, the amount of the disability pension payable under this Act or the benefit for disability after retirement payable under a similar plan to the surviving spouse for the month for which the basic monthly amount is established.

Nevertheless, if the basic monthly amount thus calculated is less than zero, the amount is deemed to be nil.”

89. The Act is amended by inserting the following section after section 136:

136.1. The basic monthly amount of the surviving spouse’s pension of a spouse 65 years of age or over to whom a retirement pension is payable under this Act or under a similar plan is equal to the aggregate of the following three amounts:

(a) the lesser of

(1) c – d, and

(2) the greater of E and F, calculated as follows:

$$a \times 37.5\% = E$$

$$(a \times 60\%) - (d \times 40\%) = F;$$

(b) 50% of the amount established in accordance with section 137.1; and

(c) 50% of the amount established in accordance with section 137.2;

where

“a” is the amount established in accordance with section 137;

“c” is the maximum base monthly retirement pension for the year that includes the month for which the basic monthly amount is established, calculated in accordance with section 116.6 and adjusted according to section 120.1, but taking into account the fact that the ratio by which the adjustment factor is multiplied is equal to one; and

“d” is the amount of the retirement pension, calculated as provided in subparagraph *a* of the first paragraph of section 120 and adjusted in accordance with section 119, which is payable to the surviving spouse for the month for which the basic monthly amount is established, calculated without taking account either of a partition, if any, of the retirement pension effected under sections 158.3 to 158.8 or a similar plan, or of an additional pension established under section 120.3.

Nevertheless, if the basic monthly amount thus calculated is less than zero, the amount is deemed to be nil.”

90. Sections 137, 137.1 and 137.2 of the Act are amended by replacing all occurrences of “in sections 120.1 and 120.2” by “in section 120.1”.

91. Section 139 of the Act is amended by replacing the third paragraph by the following paragraphs:

“The beneficiary of a disability pension is presumed to have made an application for a retirement pension in the month preceding the beneficiary’s sixtieth birthday. In addition, the beneficiary of a disability pension or a replacement indemnity who is not the beneficiary of a retirement pension is presumed to have made an application for a retirement pension in the month preceding the beneficiary’s sixty-fifth birthday.

A contributor 59 years of age or over who makes an application for a disability pension is presumed to have made an application for a retirement pension in whichever of the following months occurs first:

- (a) the month in which an application for a disability pension is made; or
- (b) the earlier of the month of the contributor’s fifty-ninth birthday and the month preceding the month in which the disability pension becomes payable under section 165.”

92. Section 139.1 of the Act is amended by replacing the second paragraph by the following paragraph:

“Where an application for a retirement pension is presumed to be made under the fourth paragraph of section 139, the beneficiary of that pension may cancel his application within two months of the date on which the beneficiary was informed that his application for a disability pension was refused.”

93. Section 139.2 of the Act is amended

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

“Retraite Québec may consider that an application for a disability pension, made by a contributor in respect of whom a claim for an employment injury has been made to the Commission des normes, de l'équité, de la santé et de la sécurité du travail, is made on the date of that claim, provided that the application for a disability pension is made within 36 months of the date of that claim, that the disability invoked can be connected to the subject of the claim to the Commission and that the contributor's entitlement to a replacement indemnity giving rise to exclusion from entitlement to a disability pension under section 105.2 has not been recognized.”;

(2) by replacing “who, while he was 59 years of age or over,” in the introductory clause of the fourth paragraph by “within six months of the date on which he”.

94. Section 145 of the Act is amended by striking out “, additional amounts for disability after retirement” in the first paragraph.

95. Section 148 of the Act is amended by replacing “a disability pension or a retirement pension” by “a retirement pension paid for months that precede 1 January 2024 or a disability pension”.

96. Section 157.2 of the Act is repealed.

97. Section 158 of the Act is amended by striking out the second paragraph.

98. Section 166 of the Act is amended by striking out “at the end of the month preceding that in which a retirement pension becomes payable to the beneficiary under this Act or under a similar plan, and” in the second paragraph.

99. Section 180.2 of the Act is amended by replacing “disability pension or retirement pension” in subparagraph *c* of the second paragraph by “a retirement pension paid for months that precede 1 January 2024 or a disability pension”.

100. Section 219 of the Act is amended

(1) by replacing “the second paragraph of section 95 and the third paragraph of section 96” in paragraph *h.1* by “the second and third paragraphs of section 95”;

(2) by inserting the following paragraph after paragraph *h.1*:

“(h.2) for the purposes of the third paragraph of section 96, fixing the disability end date;”.

101. Sections 229 and 230 of the Act are repealed.

REGULATION RESPECTING BENEFITS

102. Section 17 of the Regulation respecting benefits (chapter R-9, r. 5) is replaced by the following section:

“17. For the purposes of the second and third paragraphs of section 95 of the Act, an occupation is considered substantially gainful if the person concerned would have earned from that occupation, had the person not become disabled, an income which, established on a yearly basis, would not have been less than \$19,656 for the year 2022.

For subsequent years, the income considered to qualify an occupation as being substantially gainful under this section is adjusted yearly in such a manner that the income considered for a subsequent year is equal to the product obtained by multiplying the income considered for the year preceding it by the proportion that the Maximum Pensionable Earnings for the subsequent year is of the Maximum Pensionable Earnings for the year preceding it.

Where the result obtained is a number that includes one or more decimals, no decimal is retained and, if the first decimal is greater than 4, the number so modified is increased by one unit.”

103. Section 19.1 of the Regulation is replaced by the following section:

“19.1. For the purposes of the third paragraph of section 96 of the Act, the disability end date is fixed at the expiry of the first three-month period for which the average monthly income from an occupation, multiplied by 12, is equal to or greater than the substantially gainful occupation, defined in section 17.”

DIVISION II

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

104. From 1 January 2022 to 31 December 2023, the third paragraph of section 96 of the Act respecting the Québec Pension Plan (chapter R-9), replaced by section 67, is to be read as follows:

“The beneficiary of a disability pension or of an additional amount for disability after retirement is deemed to have ceased to be disabled in a calendar year if his income for that year equals or exceeds the income from a substantially gainful occupation for the year concerned. In such a case, the disability end date is fixed by regulation.”

105. From 1 January 2022 to 31 December 2023, subparagraph 4 of the first paragraph of section 105.0.1 of the Act respecting the Québec Pension Plan, repealed by section 77, is to be read as follows:

“(4) he paid base contributions for at least three of the last six years wholly or partly included in his base contributory period.”

That provision applies to an application for a disability pension made before 1 January 2023 where a contributor 60 years of age or over cannot, under the provisions of subparagraph 4 of the first paragraph of section 105.0.1 of the Act respecting the Québec Pension Plan, as they read on 31 December 2021, be eligible for an additional amount for disability after retirement. In such a case, the contributor’s disability date may not be set to be a date prior to 1 January 2022.

106. From 1 January 2022 to 31 December 2023, the second paragraph of section 106 of the Act respecting the Québec Pension Plan, replaced by section 78, is to be read as follows:

“However, a contributor 60 years of age or over referred to in the third paragraph of section 95 qualifies for a disability pension only if he paid base contributions for at least three of the last six years wholly or partly included in his base contributory period.”

That provision applies to an application for a disability pension made before 1 January 2023 where a contributor 60 years of age or over cannot, under the provisions of the second paragraph of section 106 of the Act respecting the Québec Pension Plan, as they read on 31 December 2021, be eligible for a disability pension. In such a case, the contributor’s disability date may not be set to be a date prior to 1 January 2022.

107. The provisions of section 106 of the Act respecting the Québec Pension Plan, replaced by section 78, apply to an application for a disability pension made before 1 January 2025 where the contributor 60 years of age or over cannot, under the provisions of section 106 of the Act respecting the Québec Pension Plan, as they read on 31 December 2023, be eligible for a disability pension. In such a case, the contributor’s disability date may not be set to be a date prior to 1 January 2024.

108. The basic monthly amount of the retirement pension of a contributor that was adjusted in accordance with section 120.2 of the Act respecting the Québec Pension Plan, as it read on 31 December 2021, and that was payable on that same date is, from 1 January 2022, adjusted in accordance with section 120.1 of that Act, as amended by section 83.

109. From 1 January 2022 to 31 December 2023, the definition of “c” in the first paragraph of section 136 of the Act respecting the Québec Pension Plan, replaced by section 88, is to be read as follows:

““c” is the maximum base monthly retirement pension for the year that includes the month for which the basic monthly amount is established, calculated in accordance with section 116.6 and adjusted according to section 120.1, but taking into account the fact that the ratio by which the adjustment factor is multiplied is equal to one;”.

110. For the calculation of the base portion of the basic monthly amount of the surviving spouse’s pension, the provisions of paragraph 1 of section 137 and of subparagraph *a* of the first paragraph of section 137.1 of the Act respecting the Québec Pension Plan, amended by section 90, as they read on 31 December 2021, continue to apply where the contributor to whom a retirement pension was payable died before 1 January 2022.

111. The provisions of the third paragraph of section 96, paragraph *a* of section 105, sections 106.2, 145 and 157.2 and the second paragraph of section 158 of the Act respecting the Québec Pension Plan, as they read on 31 December 2023, continue to apply to a person who is the beneficiary of an additional amount for disability after retirement on that same date.

112. The disability pension of a contributor 60 years of age or over who is, on 31 December 2023, the beneficiary of that pension is, from the month of January 2024, calculated as provided in the provisions of the Act respecting the Québec Pension Plan, as they read on 1 January 2024.

113. If a contributor is the beneficiary of a surviving spouse’s pension and of a disability pension on 31 December 2023, those pensions are, from the month of January 2024, recalculated as provided in the provisions of the Act respecting the Québec Pension Plan, as they read on 1 January 2024, provided the aggregate of those pensions so recalculated for that month is equal to or greater than the aggregate of the pensions to which the contributor would be entitled for that same month under the provisions of the Act respecting the Québec Pension Plan, as they read on 31 December 2023.

However, if the aggregate of those pensions so recalculated for that month is less than the aggregate of the pensions to which the contributor would be entitled for that same month under the provisions of the Act respecting the Québec Pension Plan, as they read on 31 December 2023, the contributor’s surviving spouse’s pension and disability pension continue to be calculated as provided in the provisions of that Act until the contributor’s surviving spouse’s pension ceases under section 108.2 of that Act or until the contributor’s disability pension ceases under section 166 of that Act, as amended by section 98.

In such a case, the basic amount of the contributor’s surviving spouse’s pension is calculated as provided in the provisions of the Act respecting the Québec Pension Plan, as they read on 1 January 2024.

If the beneficiary of the disability pension is 60 years of age or over at the time the beneficiary's surviving spouse's pension ceases under section 108.2 of that Act, the beneficiary's disability pension is recalculated as provided in the provisions of that Act and the beneficiary is presumed to have applied for a retirement pension in the month in which the surviving spouse's pension ceased.

114. The basic amount of the surviving spouse's pension of a contributor who continues to be the beneficiary of an additional amount for disability after retirement, under section 111, is, from 1 January 2024, calculated as provided in the provisions of the Act respecting the Québec Pension Plan, as they read on 1 January 2024, by replacing the amount of the disability pension referred to in the definition of "e" in the first paragraph of section 136 of that Act, as amended by section 88, by the additional amount for disability after retirement that continues to be paid to the contributor under section 111.

115. A contributor 60 years of age or over who becomes disabled before 1 January 2024 is presumed to have applied for a retirement pension on 31 December 2023.

As regards the applications for a disability pension made before 1 January 2025, the date of the presumed application for a retirement pension under the fourth paragraph of section 139 of the Act respecting the Québec Pension Plan, as amended by section 91, may not be fixed before 1 December 2023.

116. Despite section 218.4 of the Act respecting the Québec Pension Plan, an increase in the cost of benefits under the pension plan resulting from the provisions of this chapter is not accompanied by an increase in the contribution rates.

CHAPTER XIII

ADMINISTRATIVE SERVICES

ACT RESPECTING THE AGENCE DU REVENU DU QUÉBEC

117. Section 51.1 of the Act respecting the Agence du revenu du Québec (chapter A-7.003) is amended

(1) by replacing the introductory clause of the first paragraph by the following:

51.1. The Agency may provide the following administrative services to a public body, the National Assembly or a person appointed or designated by the National Assembly to an office under its jurisdiction:";

(2) by inserting the following subparagraph after subparagraph 1 of the second paragraph:

“(1.1) a legal person established in the public interest;”.

CHAPTER XIV

COSTS PAYABLE

CREDIT ASSESSMENT AGENTS ACT

118. Section 63 of the Credit Assessment Agents Act (chapter A-8.2) is replaced by the following section:

“**63.** The costs that must be incurred for the administration of this Act are to be borne by the credit assessment agents; they are determined by the Government for a period it determines, but not exceeding three years.

The Government prescribes, by regulation, the rules determining the manner in which the costs are distributed by the Authority among the credit assessment agents.

The certificate of the Authority must definitively establish the amount payable by each agent under this section.”

CHAPTER XV

FINAL PROVISIONS

119. Section 18 applies from the 2023 municipal and school fiscal years.

120. Section 75 has effect from 1 January 2019.

Paragraphs 1 and 2 of section 65, paragraph 3 of section 76 and sections 81, 83, 84, 90, 100 to 106, 108 to 110 and 116 have effect from 1 January 2022.

121. The provisions of this Act come into force on 24 February 2022, except

(1) sections 25 and 27, which come into force on 1 April 2023;

(2) sections 61 to 64, paragraph 3 of section 65, sections 66 to 74, paragraphs 1 and 2 of section 76 and sections 77 to 80, 82, 85 to 89, 91 to 99, 107 and 111 to 115, which come into force on 1 January 2024; and

(3) the provisions of Chapter VIII, comprising sections 29 to 53, which come into force on the date or dates to be determined by the Government.

Coming into force of Acts

Gouvernement du Québec

O.C. 240-2022, 9 March 2022

Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11)

—Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons

WHEREAS the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11) was assented to on 3 June 2020;

WHEREAS section 257 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS, under Order in Council 1105-2021 dated 11 August 2021, paragraph 2 of section 153 of the Act, to the extent that it enacts paragraph 3.4 of section 68 of the Public Curator Act (chapter C-81), came into force on 1 October 2021;

WHEREAS it is expedient to set 1 November 2022 as the date of coming into force of the provisions of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons, except the provision that came into force on 1 October 2021;

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

THAT 1 November 2022 be set as the date of coming into force of the provisions of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11), except the provision that came into force on 1 October 2021.

YVES OUELLET
Clerk of the Conseil exécutif

105586

Regulations and other Acts

Gouvernement du Québec

O.C. 232-2022, 9 March 2022

Act respecting the Société des alcools du Québec
(chapter S-13)

Possession and transportation into Québec of alcoholic beverages acquired in another province or a territory of Canada — Amendment

Regulation to amend the Regulation respecting the possession and transportation into Québec of alcoholic beverages acquired in another province or a territory of Canada

WHEREAS, under subparagraph 9.2 of the first paragraph of section 37 of the Act respecting the Société des alcools du Québec (chapter S-13), on the recommendation of the Minister of the Economy and Innovation and the Minister of Public Security, the Government may make regulations to determine the conditions on which a person may bring alcoholic beverages acquired in another province or a territory of Canada into Québec for personal consumption, and prescribing the quantity;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the regulation respecting the possession and transportation into Québec of alcoholic beverages acquired in another province or a territory of Canada was published in Part 2 of the *Gazette officielle du Québec* of 22 December 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 Economy and Innovation, the Minister of Public Security and the Minister for the Economy:

THAT the Regulation to amend the Regulation respecting the possession and transportation into Québec of alcoholic beverages acquired in another province or a territory of Canada, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the possession and transportation into Québec of alcoholic beverages acquired in another province or a territory of Canada

Act respecting the Société des alcools du Québec
(chapter S-13, s. 37, 1st par., subpar. 9.2)

1. The Regulation respecting the possession and transportation into Québec of alcoholic beverages acquired in another province or a territory of Canada (chapter S-13, r. 6.1) is amended by revoking section 2.

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

105585

Gouvernement du Québec

O.C. 241-2022, 9 March 2022

Public Curator Act
(chapter C-81)

Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11)

Application of the Public Curator Act — Amendment

Regulation to amend the Regulation respecting the application of the Public Curator Act

WHEREAS the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons (2020, chapter 11) was assented to on 3 June 2020;

WHEREAS, under paragraph 2 of section 68 of the Public Curator Act (chapter C-81), the Government may, by regulation, determine the information to be provided to the Public Curator, pursuant to section 14, by the executive director or the director of professional services of an institution contemplated in that section;

WHEREAS, under paragraph 3 of section 68 of the Public Curator Act, amended by paragraph 1 of section 153 of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons, the Government may, by regulation, determine the form and content of the reports transmitted by tutors;

WHEREAS, under paragraphs 3.1 to 3.3 of section 68 of the Public Curator Act, enacted by paragraph 2 of section 153 of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons, the Government may, by regulation, determine the form and content of the medical and psychosocial assessment reports necessary for tutorship to a person of full age, determine the form and content of the medical and psychosocial assessment reports necessary for the temporary representation of an incapable person of full age and determine the form and content of the documents necessary for the recognition of an assistant to a person of full age and the manner in which they are to be transmitted;

WHEREAS, under paragraph 6 of section 68 of the Public Curator Act, amended by paragraph 3 of section 153 of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons, the Government may, by regulation, determine the information to be entered in the registers and the rules for consulting the registers;

WHEREAS, under Order in Council 240-2022 dated 9 March 2022, the provisions of the Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons come into force on 1 November 2022, except the provision that came into force on 1 October 2021 under Order in Council 1105-2021 dated 11 August 2021;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the application of the Public Curator Act was published in Part 2 of the *Gazette officielle du Québec* of 13 October 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 Families:

THAT the Regulation to amend the Regulation respecting the application of the Public Curator Act, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Public Curator Act

Public Curator Act
(chapter C-81, s. 68, pars. 2, 3, 3.1, 3.2, 3.3 and 6)

Act to amend the Civil Code, the Code of Civil Procedure, the Public Curator Act and various provisions as regards the protection of persons
(2020, chapter 11, s. 153)

1. The Regulation respecting the application of the Public Curator Act (chapter C-81, r. 1) is amended by replacing section 1 by the following:

“**1.** For the application of section 14 of the Public Curator Act (chapter C-81), the executive director of a health or social services institution shall send to the Public Curator the following information and documents concerning a person of full age:

(1) the name of the institution that is treating or providing services to the person of full age;

(2) the medical and psychosocial assessments resulting from the examination of the person of full age, including the information provided for in sections 1.1 and 1.2;

(3) the opinion of the executive director of the health or social services institution or, where applicable, of the director of professional services of the hospital centre, confirming the incapacity of the person of full age and need for representation.

1.1. The medical assessment report necessary for the institution of tutorship to a person of full age must contain

(1) the identification of the person of full age, namely, the person’s name, commonly used name, if any, , date of birth, gender, health insurance number, address, e-mail address, if any, and telephone number;

(2) the circumstances giving rise to the application for assessment, the applicant’s name and relationship to the person of full age;

(3) the date of the examinations conducted by the assessor, the date of the initial meeting with the person of full age, the identification of each person consulted, namely, the person's name, relationship to the person of full age, telephone number, date of consultation, and identification of the relevant documents consulted by the assessor and referred to in the report;

(4) the diagnosis regarding the incapacity of the person of full age, the date thereof and the severity of the symptoms;

(5) the relevant medical history of the person of full age, the relevant physical examination, intellectual and cognitive functions tests, the assessment of decision-making faculties with respect to the protection of his or her person and the administration of property, the relevant paraclinical examination and the risk assessment indicating the impact of the diagnosis respecting the inability to care of himself or herself or administer property;

(6) the wishes and preferences of the person of full age concerning the application for the institution of tutorship, if any;

(7) the opinion of the assessor regarding the nature of the incapacity of the person of full age;

(8) the time limit recommended for the medical reassessment and the reasons in support thereof; and

(9) the identification of the assessor, namely, the assessor's name, professional permit number, professional address, e-mail address and telephone number.

The report must be made on the form provided on the website of the Public Curator and signed and dated by the assessor.

1.2. The psychosocial assessment report necessary for the institution of tutorship to a person of full age must contain

(1) the identification of the person of full age, namely, the person's name, commonly used name, if any, date of birth, gender, health insurance number, address, e-mail address, if any, telephone number, the name of each parent, the person's legal status and, if applicable, the name of the Aboriginal community to which the person belongs, civil status and the name of the person's spouse, if any;

(2) the circumstances giving rise to the application for assessment, the applicant's name and relationship to the person of full age;

(3) the date of the examinations conducted by the assessor, the identification of each person consulted, namely, the person's name, relationship to the person of full age, telephone number, date of consultation and identification of the relevant documents consulted by the assessor and referred to in the assessor's report;

(4) a description of the living environment of the person of full age, the person's needs and wishes and preferences with regard thereto;

(5) where the person of full age has given a protection mandate, the information known in respect thereof, namely, its form, date, the identification of the notary, if any, the identification of the mandataries and replacement mandataries, the intention of the mandataries regarding the homologation of the mandate and the reasons for not homologating the mandate, where applicable;

(6) if the protection mandate has been homologated, any known information establishing that it is incomplete or has not been faithfully carried out;

(7) the identification of pending or future legal or administrative proceedings, if any, involving the person of full age and all information known in respect thereof;

(8) the psychosocial situation of the person of full age in relation to the person's incapacity and need for representation, namely, the aspect of the person's psychosocial history pertaining to incapacity and need for representation, the composition and dynamics of the person's family and social network, the social roles played by the person of full age, and a description of any abusive or exploitative situations that the person of full age is in or is suspected of being in;

(9) the financial situation of the person of full age, namely, the composition of patrimony, if known, including principal sources of income, main recurring expenditures, assets and liabilities, the name of the administrator of the property and the relationship to the person of full age and the authority pursuant to which the administrator acts;

(10) the assessment of the faculties of the person of full age as regards decision-making abilities, functional autonomy and ability to exercise civil rights including the right to choose the living environment and the people with whom the person associates, to enter into contracts to meet ordinary and usual needs, to administer the proceeds of work, to perform acts related to employment, craft or profession and to exercise the right to vote;

(11) the names of the persons who wish to be designated as tutor and replacement tutor, as the case may be;

(12) the names of the relatives, persons connected by marriage or a civil union, or friends of the person of full age who have been consulted and their respective opinions regarding the application for the institution of tutorship and the person proposed to act as a tutor or replacement tutor;

(13) the opinion of the person of full age as regards faculties, the institution of a tutorship and the person proposed to act as a tutor or replacement tutor;

(14) the identification of the persons to be called to a meeting of relatives, persons connected by marriage or a civil union, or friends, namely, each person's name, relationship to the person of full age, address, e-mail address, if any, and telephone number;

(15) the opinion of the assessor as regards the incapacity of the person of full age and need for representation, the nature of the tutorship, the terms and conditions thereof in light of faculties and as regards the persons wishing to be designated as a tutor or replacement tutor;

(16) the identification of a relative to whom custody of the person of full age could be entrusted if the assessor recommends that the Public Curator should be designated as tutor;

(17) the need to apply for provisional protective measures and the reasons for the application;

(18) the time limit recommended for the psychosocial reassessment and the reasons in support thereof;

(19) the identification of the special needs of the person of full age should it be necessary to interview the person;

(20) the identification of the person responsible for the psychosocial follow-up of the person of full age, namely, the person's name, profession, place of practice and telephone number; and

(21) the identification of the assessor, namely, the assessor's name, professional permit number, professional address, e-mail address and telephone number.

The report must be made on the form provided on the website of the Public Curator and signed and dated by the assessor. The report must also be accompanied by a copy of the birth certificate of the person of full age or, if none, a copy of other proof of identity.

1.3. The medical assessment report necessary for the release from or modification of the tutorship to a person of full age must contain

(1) the identification of the person of full age, namely, the person's name, commonly used name, if any, date of birth, gender, health insurance number, address, e-mail address, if any, telephone number, and the nature of the tutorship;

(2) the circumstances giving rise to the application for assessment, the applicant's name and relationship to the person of full age;

(3) the date of each examination conducted by the assessor, the date of the initial meeting with the person of full age, the identification of each person consulted, namely, the person's name, relationship to the person of full age, telephone number, date of consultation and identification of the relevant documents consulted by the assessor and referred to in the assessor's report;

(4) the diagnosis regarding the incapacity of the person of full age, the date thereof and the severity of the symptoms;

(5) the relevant medical history of the person of full age, the relevant physical examination, intellectual and cognitive functions tests, the assessment of decision-making faculties with respect to the protection of his or her person and the administration of property, the relevant paraclinical assessment and the risk assessment demonstrating the consequences of the diagnosis respecting the inability to care for himself or herself or administer property;

(6) the wishes and preferences of the person of full age concerning reassessment, if any;

(7) the opinion of the assessor regarding the nature of the incapacity of the person of full age, and recommendation concerning the release from or modification of the tutorship;

(8) the new time limit recommended for a medical reassessment and the reasons in support thereof, where applicable; and

(9) the identification of the assessor, namely, the assessor's name, professional permit number, professional address, e-mail address and telephone number.

The report must be made on the form provided on the website of the Public Curator and signed and dated by the assessor.

1.4. The psychosocial assessment report necessary for the release from or the modification of the tutorship to a person of full age must contain

(1) the identification of the person of full age, namely, the person's name, commonly used name, if any, date of birth, gender, health insurance number, address, e-mail address, if any, telephone number, civil status and the name of the person's spouse, if any;

(2) the nature and terms and conditions of the tutorship and the identification of each tutor;

(3) the circumstances giving rise to the application for reassessment, the applicant's name and relationship to the person of full age;

(4) the date of the examinations conducted by the assessor, the identification of each person consulted, namely, the person's name, relationship to the person of full age, telephone number and date of consultation and identification of the relevant documents consulted by the assessor and referred to in the assessor's report;

(5) the changes in the psychosocial situation of the person of full age that have an impact on the person's incapacity or need for representation and a description of the social roles played by the person of full age;

(6) a summary description of the financial situation of the person of full age;

(7) the assessment of the faculties of the person of full age as regards decision-making abilities, functional autonomy and ability to exercise civil rights including the right to choose the living environment and the people with whom the person associates, to enter into contracts to meet ordinary and usual needs, to administer proceeds of work, to perform acts related to employment, craft or profession and to exercise the right to vote;

(8) the opinion of the person of full age as regards faculties and the release from or modification of the tutorship;

(9) the opinion of the tutor concerning the release from or modification of the tutorship;

(10) the names of the relatives, persons connected by marriage or a civil union, or friends of the person of full age who have been consulted and their respective opinions concerning the release from or modification of the tutorship;

(11) the identification of the persons to be called to a meeting of relatives, persons connected by marriage or a civil union, or friends, namely, each person's name, relationship to the person of full age, address, e-mail address, if any, and telephone number;

(12) the opinion of the assessor as regards the incapacity of the person of full age and need for representation, the release from or modification of the tutorship and, where applicable, the modifications recommended in light of the nature of the tutorship and the terms and conditions thereof in light of the faculties of the person of full age;

(13) the new time limit recommended for the psychosocial reassessment and the reasons in support thereof, if any;

(14) the identification of the special needs of the person of full age in the event that it is necessary to interview the person;

(15) the identification of the person responsible for the psychosocial follow-up of the person of full age, namely, the person's name, profession, place of practice and telephone number; and

(16) the identification of the assessor, namely, the assessor's name, professional permit number, professional address, e-mail address and telephone number.

The report must be made on the form provided on the website of the Public Curator and signed and dated by the assessor.

1.5. Where the medical or psychosocial assessor considers that only the time limit for reassessment of the person of full age must be modified, the assessor attests to that fact in a report indicating the time limit the assessor considers appropriate and the reasons in support of the modification.

The report must be made on the form provided on the website of the Public Curator and signed and dated by the assessor.

1.6. The medical assessment report necessary for the temporary representation of an incapable person of full age must contain

(1) the identification of the person of full age, namely, the person's name, commonly used, if any, date of birth, gender, health insurance number, address, e-mail address, if any, and telephone number;

(2) the circumstances giving rise to the application for assessment, the applicant's name and relationship to the person of full age;

(3) a description of the act for which the person of full age needs to be temporarily represented;

(4) the date of each examination conducted by the assessor and the date of the initial meeting with the person of full age, the identification of each person consulted, namely, the person's name, relationship to the person of full age, telephone number, date of consultation and identification of the relevant documents consulted by the assessor and referred to in the assessor's report;

(5) the diagnosis regarding the incapacity of the person of full age, the date thereof and the severity of the symptoms;

(6) the relevant medical history of the person of full age, the relevant physical examination, intellectual and cognitive functions tests, the assessment of decision-making faculties with respect to the specific act and the relevant paraclinical assessment demonstrating the impact of the diagnosis concerning the person's inability to perform the specific act;

(7) the wishes and preferences of the person of full age concerning the application for temporary representation, if any;

(8) the opinion of the assessor regarding the incapacity of the person of full age to perform the specific act; and

(9) the identification of the assessor, namely, the assessor's name, professional permit number, professional address, e-mail address and telephone number.

The report must be made on the form provided on the website of the Public Curator and signed and dated by the assessor.

1.7. The psychosocial assessment report necessary for temporary representation of the incapable person of full age must contain

(1) the identification of the person of full age, namely, the person's name, commonly used name, date of birth, gender, health insurance number, address, e-mail address, if any, telephone number, the names of the person's parents, the person's legal status and, if applicable, the name of the Aboriginal community to which the person belongs, civil status and, as the case may be, the name of the person's spouse, if any;

(2) the circumstances giving rise to the application for assessment, the applicant's name and relationship to the person of full age;

(3) a description of the act for which the person of full age needs temporary representation and the relevant information pertaining to the act;

(4) the date of each examination conducted by the assessor, the identification of each person consulted, namely, the person's name, relationship to the person of full age, telephone number, date of consultation and identification of the relevant documents consulted by the assessor and referred to in the assessor's report;

(5) a summary description of the psychosocial situation of the person of full age;

(6) a description of the need for temporary representation of the person of full age and the impact of the incapacity of the person of full age on accomplishment of the specific act;

(7) the name of the person who wishes to be designated as the temporary representative and relationship to the person of full age;

(8) the opinion of the person of full age concerning the application for temporary representation, the person proposed to act as the temporary representative, as well as the wishes and preferences of the person of full age concerning the act to be performed;

(9) the names of the relatives, persons connected by marriage or a civil union, or friends of the person of full age who have been consulted and their respective opinions respecting the application for temporary representation and the person proposed to act as temporary representative;

(10) the name of the relative, person connected by marriage or a civil union, or friend of the person of full age who would agree to receive the account of the temporary representative, where applicable;

(11) the opinion of the assessor as regards the incapacity of the person of full age, the temporary and circumscribed nature of the need for representation and the person proposed to act as temporary representative;

(12) the identification of the special needs of the person of full age in the event that it is necessary to interview the person;

(13) the identification of the person responsible for the psychosocial follow-up of the person of full age, namely, the person's name, profession, place of practice and telephone number; and

(14) the identification of the assessor, namely, the assessor's name, professional permit number, professional address, e-mail address and telephone number.

The report must be made on the form provided on the website of the Public Curator and signed and dated by the assessor. The report must also be accompanied by a copy of the birth certificate of the person of full age or, if none, a copy of other proof of identity.”

2. The heading of Division II is amended by replacing “ANNUAL REPORT” by “ANNUAL ACCOUNT OF MANAGEMENT”.

3. Section 5 is replaced by the following:

“5. The annual account of management that a tutor is required to provide under section 20 of the Act must contain

(1) the identification of the tutor, namely, the tutor’s name, address, telephone number and e-mail address, if any;

(2) the identification of the minor or the person of full age by the file number of the Public Curator, name, address, civil status, date of birth and telephone number;

(3) the 12-month reference period covered by the annual account of management;

(4) a complete and accurate listing of all income, expenses, assets and liabilities that the tutor is responsible for administering or that comprise the patrimony being administered, including the following:

(a) in the case of bank accounts or certificates of deposit, the account or certificate number and the name and address of the issuing financial institution;

(b) in the case of liabilities, the name and address of the lender or creditor and, where applicable, the credit account number; and

(5) the date on which the tutor submitted the annual account of management to the tutorship council.

The account of management must be submitted on the form provided on the website of the Public Curator, signed and dated by the tutor, and sufficiently detailed to allow the Public Curator to verify the accuracy thereof.”

4. Divisions II.1 to II.3 are replaced by the following:

**“DIVISION II.1
RECOGNITION OF ASSISTANTS TO PERSONS
OF FULL AGE**

6.1. An application for the recognition of an assistant to a person of full age submitted to the Public Curator must include

(1) the identification of the person of full age, namely, the person’s name, gender, date of birth, civil status, address, telephone number and e-mail address, if any;

(2) the identification of the proposed assistant, namely, the assistant’s name, gender, date of birth, civil status, address, telephone number, e-mail address, if any, and relationship to the person of full age;

(3) a description of the difficulties experienced by the person of full age;

(4) where applicable, the wish of the person of full age that where 2 assistants are proposed, they should be required to act jointly;

(5) the name and address of the spouse of the person of full age and the addresses of the person’s father, mother and children of full age or, failing that, of at least 2 persons who show a special interest in the person of full age, to the exclusion of any proposed assistant. In the latter case, the relationship of the person of full age to such persons must be indicated;

(6) where applicable, the reasons for being unable to provide the contact information of at least 2 persons who are either from the family of the person of full age, or who show a special interest in the person, excluding any proposed assistant;

(7) a summary description of the patrimony of the person of full age, namely, the person’s income, assets and liabilities;

(8) where applicable, a conflict of interest declaration by the proposed assistant disclosing any situation that poses a potential, perceived or real conflict between the personal interests of the proposed assistant and those of the person of full age;

(9) an undertaking by the proposed assistant to respect the privacy and personal information of the person of full age;

(10) a statement by the person of full age to the effect that the person understands the scope of the application;

(11) for the purpose of verifying if the proposed assistant has a criminal record:

(a) date of birth;

(b) address;

(c) consent to a criminal records check;

(12) the consent of the proposed assistant to disclosure of the day and month of the assistant's date of birth to a third person for identification purposes if the proposed assistant acts as an intermediary between the third person and the person of full age;

(13) a copy of 2 identity documents of the person of full age, one of which must contain a photo and have been issued by a government authority;

(14) a copy of 2 identity documents of the proposed assistant, one of which must contain a photo and have been issued by a government authority; and

(15) where applicable, proof that the proposed assistant is fully emancipated.

The application must be made on the form provided on the website of the Public Curator, signed and dated by the person of full age or the proposed assistant or both, as the case may be.

Where an application is submitted to the Public Curator by a certified advocate or notary, it must include the minutes of operations and conclusions and all supporting documents and must be sent to the Public Curator on the technology-based tool provided for that purpose on the website of the Public Curator. Despite the first paragraph, the application need not be accompanied by a copy of the documents mentioned in subparagraphs 13 and 14 of that paragraph.”

5. Section 7 is amended

(1) by inserting “, protection mandate” after “statement” in subparagraph *c* of paragraph 1.

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

“(b.1) the nature of the tutorship;”;

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

“(g) if applicable, a mention to the effect that the court has modified or clarified the rules concerning the capacity of the person of full age under tutorship;

(4) by inserting “or mandataries” after “mandatary” in subparagraph *c* of paragraph 4;

(5) by striking out “and its scope” in subparagraph *e* of paragraph 4;

(6) by inserting “or the judgment replacing the mandatory or mandataries or the date of acceptance of office by the replacement mandatary” after “mandate” in subparagraph *h* of paragraph 4;

(7) by adding the following after paragraph 4:

“(5) for the register of authorizations for the temporary representation of an incapable person of full age:

(a) the file number of the Public Curator;

(b) the name of the person of full age;

(c) the name of the temporary representative or representatives;

(d) the date and number of the judgment authorizing the temporary representation;

(e) the date, if known, of termination of the temporary representation;

(6) for the register of assistants to persons of full age:

(a) the file number of the Public Curator;

(b) the name of the assistant or assistants;

(c) the beginning and end dates of the recognition of the assistant or assistants; and

(d) where 2 assistants are recognized, whether the exercise of their office is joint or otherwise.”

6. The following is inserted after section 7:

“7.1. The register of tutorships to minors, the register of tutorships to persons of full age, the register of homologated protection mandates and the register of authorizations for temporary representation may be consulted remotely, by telephone or by any technological means made available by the Public Curator.

The registers may be consulted on the following cumulative search criteria:

(1) the name of the minor or person of full age;

(2) the date of birth of the minor or person of full age.

7.2. The register of assistants to persons of full age may be consulted remotely, by telephone or by any technological means made available by the Public Curator.

The register may be consulted on the following cumulative search criteria:

- (1) the name of the assistant or assistants;
- (2) the file number of the Public Curator.

A third person who consults the register may access a secure interface containing the name of the person of full age and the day and month of the date of birth of the assistant by correctly answering a security question provided by the assistant.

7. Schedule I is revoked.

8. To ensure conformity with the requirements of sections 1.1 and 1.2 of the Regulation respecting the application of the Public Curator Act, enacted by section 1 of this Regulation, the medical and psychosocial assessment reports submitted in support of an application for the institution of protective supervision pending on 1 November 2022 must be accompanied by

- (1) an additional medical assessment report containing
 - (a) the identification of the person of full age, namely, the person's name, commonly used name, if any, date of birth, gender, health insurance number, address, e-mail address, if any, and telephone number;
 - (b) the time limit recommended for the medical reassessment and the reasons in support thereof; and
 - (c) the identification of the assessor, namely, the assessor's name, professional permit number, professional address, e-mail address and telephone number; and
- (2) an additional psychosocial assessment report containing the following information:
 - (a) the identification of the person of full age, namely the person's name, commonly used name, if any, date of birth, gender, health insurance number, address, e-mail address, if any, and telephone number;
 - (b) the date of each examination conducted by the assessor, the identification of each person consulted, namely, the person's name, relationship to the person of full age, telephone number, date of consultation and identification of the relevant documents consulted by the assessor and referred to in the assessor's report;

- (c) the assessment of the person of full age concerning the ability to exercise civil rights, including the right to choose the living environment and the people with whom the person associates, to enter into contracts to meet ordinary and usual needs, to administer the proceeds of work, to perform acts related to employment, craft or profession and to exercise the right to vote;

- (d) where applicable, the names of the persons who wish to be designated as replacement tutors and the names and the opinion of the relatives, persons connected by marriage or a civil union, or friends of the person of full age who have been consulted on the designation;

- (e) the opinion of the person of full age as regards the faculties of the person of full age and the person proposed to act as replacement tutor;

- (f) the opinion of the assessor concerning the terms and conditions of the tutorship in light of the faculties of the person of full age and concerning the persons who wish to be designated as replacement tutor;

- (g) the opinion of the person of full age and that of the assessor concerning the appointment of both parents of the person of full age as tutor to the person, where applicable;

- (h) the identification of a relative to whom custody of the person of full age could be entrusted if the assessor recommends that the Public Curator be designated as tutor;

- (i) the time limit recommended for the psychosocial reassessment and the reasons in support thereof;

- (j) the identification of the person responsible for the psychosocial follow-up of the person of full age, namely, the person's name, profession, place of practice and telephone number;

- (k) the identification of the assessor, namely, the assessor's name, professional permit number, professional address, e-mail address and telephone number.

The additional reports must be provided on the forms available on the website of the Public Curator and signed and dated by the assessor.

9. This Regulation comes into force on 1 November 2022.

105587

Gouvernement du Québec

O.C. 268-2022, 9 March 2022

CONCERNING the ownership and removal of the autoroute status of parts of Route 185 Nord and Sud, now designated as Autoroute Claude-Béchar, located in the territory of the city of Témiscouata-sur-le-Lac

WHEREAS Route 185 Nord and Sud, now designated as Autoroute Claude-Béchar, located partly in the territory of the city of Témiscouata-sur-le-Lac, was constructed under the Trans-Canada Highway Act (14 George VI, 1950, c. 44, amended by 9-10 Elizabeth II, 1960-61, c. 8) and remains State property under paragraph 1 of section 7 of the Act respecting Roads (chapter V-9);

WHEREAS lots 3 852 510, 3 969 290, 4 285 643, 4 288 289, 4 288 297, 4 764 619, 5 663 038, 5 991 140, 5 991 141, 6 015 593, 6 049 289, 6 052 484, 6 052 485, 6 059 100, 6 059 102, 6 059 103, 6 185 215, 6 185 216, and parts of lot 4 764 615, identified as parcel 427 with an area of 6 889.9 square metres and parcel 435 with an area of 5 019.2 square metres, parts of lot 5 663 036, identified as parcel 408 with an area of 5 609.1 square metres and parcel 414 with an area of 2 606.1 square metres, parts of lot 5 663 037 identified as parcel 405 with an area of 5 422.6 square metres and parcel 406 with an area of 6 342.5 square metres, and parts of lot 5 789 448 with an area of 866.2 square metres, of the Québec cadastre, of the registration division of Témiscouata, being parts of Route 185 Nord and Sud, now designated as Autoroute Claude-Béchar, located in the territory of the city of Témiscouata-sur-le-Lac, are no longer required for this road;

WHEREAS the Minister of Transport has relinquished the management of these lots and parts of lots under Orders in Council numbers 459-2013 dated May 1, 2013, and 706-2015 dated August 11, 2015;

WHEREAS it is expedient to remove the autoroute status of these lots and parts of lots so that the Minister of Transport can dispose of them in accordance with the law;

WHEREAS another part of Route 185 Nord and Sud, now designated as Autoroute Claude-Béchar, considered as an autoroute that is the property of the State, known and designated as lot 4 285 644 of the Québec cadastre, of the registration division of Témiscouata, is no longer required and now corresponds to local roads, being rue Commerciale Nord, rue de l'Énergie and rue Rosaire-Dubé, which are under the management of Ville de Témiscouata-sur-le-Lac;

WHEREAS it is expedient that Ville de Témiscouata-sur-le-Lac, in addition to managing rue Commerciale Nord, rue de l'Énergie and rue Rosaire-Dubé, be the owner of this part of Route 185 Nord and Sud, now designated as Autoroute Claude-Béchar, known and designated as lot 4 285 644 of the Québec cadastre, so as to be entitled to undertake all the actions and exercise all the rights of an owner as regards the lot;

WHEREAS, pursuant to section 46 of the Act respecting roads, the government may, by order, declare that a part of an autoroute that is the property of the State shall become, without indemnity, the property of the local municipality in the territory of which it is located, from the publication of this order in the *Gazette officielle du Québec*;

WHEREAS it is expedient to declare property of Ville de Témiscouata-sur-le-Lac, without indemnity, the part of Route 185 Nord and Sud, now designated as Autoroute Claude-Béchar, located in the territory of the city of Témiscouata-sur-le-Lac, known and designated as lot 4 285 644 of the Québec cadastre, of the registration division of Témiscouata, in the area of rue Commerciale Nord, rue de l'Énergie and rue Rosaire-Dubé;

IT IS ORDERED, accordingly, on the recommendation of the Minister of Transport:

THAT be removed the autoroute status of the parts of Route 185 Nord and Sud, now designated as Autoroute Claude-Béchar, located in the territory of the city of Témiscouata-sur-le-Lac, known and designated as lots 3 852 510, 3 969 290, 4 285 643, 4 288 289, 4 288 297, 4 764 619, 5 663 038, 5 991 140, 5 991 141, 6 015 593, 6 049 289, 6 052 484, 6 052 485, 6 059 100, 6 059 102, 6 059 103, 6 185 215, 6 185 216, and parts of lot 4 764 615, identified as parcel 427 with an area of 6 889.9 square metres and parcel 435 with an area of 5 019.2 square metres, parts of lot 5 663 036, identified as parcel 408 with an area of 5 609.1 square metres and parcel 414 with an area of 2 606.1 square metres, parts of lot 5 663 037 identified as parcel 405 with an area of 5 422.6 square metres and parcel 406 with an area of 6 342.5 square metres, of the Québec cadastre, of the registration division of Témiscouata, as shown on plan AA-6507-154-02-2012, sheets 3A and 4A, prepared by Mr. Guy Saindon, land surveyor, on March 10, 2021, under number 999 if his minutes, and part of lot 5 789 448, of the Québec cadastre, of the registration division of Témiscouata, with an area of 866.2 square metres, identified by note 1, as shown in plan AU-6507-154-02-0225, sheet 1, prepared by Mr. Guy Saindon, land surveyor, on March 5, 2021, under number 1633 if his minutes, so that the Minister of Transport can dispose of them in accordance with the law;

THAT be declared property of Ville de Témiscouata-sur-le-Lac, without indemnity, a part of Route 185 Nord and Sud, now designated as Autoroute Claude-Béchar, located on the territory of the city of Témiscouata-sur-le-Lac, in the area of rue Commerciale Nord, rue de l'Énergie and rue Rosaire-Dubé, known and designated as lot 4 285 644 of the Québec cadastre, of the registration division of Témiscouata.

105589

Draft Regulations

Draft Regulation

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

Act respecting health services and social services
for Cree Native persons
(chapter S-5)

Application of the Act respecting health services and social services for Cree Native persons —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the third paragraph of section 173 of the Act respecting health services and social services for Cree Native persons (chapter S-5), that the draft Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons, the text of which appears hereafter, may be made by the government on the expiry of the 60-day period following this publication.

This draft regulation aims to include in the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons (chapter S-5) a definition of the concept of dependent child based on the one provided by the Act respecting prescription drug insurance (chapter A-29.01) to ensure uniform application.

In addition, this draft regulation aims to exclude from the family income taken into account in the calculation of the contribution of adult users accommodated in health and social services institutions, as well as adult users taken in charge by intermediate resources any non-taxable indemnity, pension, annuity, allowance or benefit received exclusively for the benefit of a dependent child or an informal caregiver, or received to compensate for a disability, arising from any source whatsoever.

Finally, this draft regulation aims to update the list of property and liquid assets not taken into account for the purpose of calculating the contribution of adult users accommodated in health and social services institutions, as well as adult users taken in charge by intermediate resources.

This draft regulation has no effect on enterprises, in particular, on small or medium-sized enterprises.

Further information on this draft Regulation may be obtained by contacting Daniel Labbé, Direction des politiques de financement et de l'allocation des ressources, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1S 2M1, telephone: 418 266-7111, email: daniel.labbe@msss.gouv.qc.ca.

Anyone wishing to comment on this draft regulation may write, before the expiry of the 60-day period mentioned above, to the Minister Responsible for Seniors and Informal Caregivers at 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

MARGUERITE BLAIS	CHRISTIAN DUBÉ
<i>Minister Responsible for Seniors and Informal Caregivers</i>	<i>Minister of Health and Social Services</i>

Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons

Act respecting health services and social services
(chapter S-4.2, ss. 512 and 513, 1st. para.)

Act respecting health services and social services
for Cree Native persons
(chapter S-5, s. 159)

1. The Regulation respecting the application of the Act respecting health services and social services for Cree Native persons (chapter S-5, r. 1) is amended by inserting, after the heading of SUBDIVISION 2, of DIVISION VII, of PART VI, the following section:

“**357.3.** For the purposes of this Subdivision:

“dependent child” is understood as:

1° a person under age 18 in respect of whom the accommodated adult exercises parental authority;

2° a spouseless person 25 years of age or under who attends or is deemed to attend an educational institution on a full-time basis as a duly registered student, and who is domiciled with the accommodated adult who would exercise parental authority were the person a minor;

“educational institution”: “an educational institution located in Canada designated by the Minister of Education, Recreation and Sports or the Minister of Higher Education, Research, Science and Technology for the application of the Loans and bursaries program established under the Act respecting financial assistance for education expenses (chapter A-13.3).”

2. Section 363.1 of that Regulation is amended by adding, after “whatsoever”, “other than for the exclusive advantage of a dependent child, an informal caregiver, or received to compensate for a disability”.

3. Section 363.2 of that Regulation is amended:

1° by deleting, in the portion before subparagraph 1 of the second paragraph, “excluding paragraph 2, ”;

2° by deleting the last sentence of paragraph 3.

4. Section 363.3 of that Regulation is amended by deleting, in subparagraph 3 of the first paragraph, “who is attending an educational institution full time ”.

5. Section 369.1 of that Regulation is replaced with the following section:

“**369.1.** The total value of the liquid assets referred to in section 369 is determined by excluding the following assets:

1° the sums paid out in the cases referred to in Schedule VI;

2° the sums accrued in a registered retirement savings plan, where the holder of the plan has not reached the age of eligibility for a full pension under the Old Age Security Act (R.S.C. 1985, c. O-9);

3° the sums accrued in a registered disability savings plan, including those paid into it in the form of Canada disability savings bonds or Canada disability savings grants for the benefit of the adult, his spouse or one of his dependent children and which he cannot dispose of in the short term without incurring a penalty, according to the rules applicable to that plan;

4° the cash surrender value of a life insurance policy.

The exclusions set out in subparagraph 1 of the first paragraph apply as of the date of payment of these sums and only for the person who is entitled thereto.”

6. That Regulation is amended by adding, at the end, the following Schedule:

“SCHEDULE VI
(s. 369.1)

The cases referred to in subparagraph 1 of the first paragraph of section 369.1 of this Regulation are those for which sums have been paid pursuant to:

1. the Japanese Canadian Redress Agreement between the Government of Canada and the National Association of Japanese Canadians;

2. a declaration made to the House of Commons on 14 December 1989 by the Minister of Health and Welfare Canada regarding persons infected by the human immunodeficiency virus following a blood transfusion or use of blood-derived products;

3. the creation of a humanitarian fund by the Government of Québec for hemophiliacs and other persons infected by the human immunodeficiency virus following a blood transfusion, unless the amounts are paid as compensation for loss of income or loss of support;

4. the creation of the extraordinary assistance plan by the Government of Canada for victims of thalidomide (Order in Council P.C. 2019-0271 dated 5 April 2019);

5. the creation of a Government of Canada program respecting *ex gratia* payments to persons depatterned at the Allan Memorial Institute between 1950 and 1965 (Order in Council P.C. 1992-2302 dated 16 November 1992);

6. the creation of a financial assistance program by the Government of Québec for persons infected by the hepatitis C virus following a blood transfusion or use of blood products in Québec before 1 January 1986 or between 2 July 1990 and 28 September 1998 (Order in Council 863-99 dated 28 July 1999);

7. the 1986-1990 Hepatitis C Settlement Agreement dated 15 June 1999, unless the sums are paid to compensate loss of income or loss of support pursuant to paragraphs 4.02 and 6.01 of the compensation plans referred to in the Agreement (Order in Council 663-99 dated 9 June 1999);

8. the creation of the Programme national de réconciliation avec les orphelins et orphelines de Duplessis by the Government of Québec (Order in Council 1153-2001 dated 26 September 2001);

9. judgments rendered by the Superior Court on 6 July 2001 confirming the agreements between the Société québécoise des infrastructures and the Attorney General of Québec following class actions filed by persons who suffered damage because of the Kénogami reservoir flood in July 1996;

10. the creation of the financial relocation assistance program by the Government of Québec for the residents of Aylmer Sound (Order in Council 546-2005 dated 8 June 2005);
11. the creation of the National Reconciliation Program for Duplessis Orphans who were Residents of Certain Institutions Order in Council 1198-2006 dated 18 December 2006);
12. the conclusion of the Indian Residential Schools Settlement Agreement between the Attorney General of Canada and the other parties concerned, effective as of 19 September 2007;
13. the conclusion of the Pre-1986/Post-1990 Hepatitis C Settlement Agreement between the Attorney General of Canada and the other parties concerned;
14. the Supreme Court of Canada decision in *Public Curator of Québec v. Syndicat national des employés de l'hôpital St-Ferdinand*, delivered on 3 October 1996;
15. an agreement following a breast implant class action;
16. recommendations in the report drawn up following the mandate given by the Government of Québec under *Recommandation du Curateur public de mesures appropriées pour évaluer les pertes financières causées aux personnes représentées et les réparer* (Order in Council 931-98, 8 July 1998), regarding damage suffered by certain persons represented by the Public Curator;
17. the Court of Appeal of Québec judgment in *Centre d'accueil Pavillon Saint-Théophile Inc. v. the Commission des droits de la personne*, rendered on 21 September 1998;
18. the Nova Scotia Memorandum of Understanding regarding Compensation for Survivors of Institutional Abuse regarding damage suffered by certain residents of provincially-operated institutions;
19. the Superior Court judgment rendered on 14 September 2001 confirming the agreement with the Canadian Red Cross Society following the class action brought by persons who received a blood transfusion contaminated by the hepatitis C virus and who were infected by the virus before 1 January 1986 or between 1 July 1990 and 28 September 1998;
20. the Superior Court judgment rendered on 25 April 2003 approving the agreement with *Centerpulse Orthopedics Inc. and Centerpulse Ltd* following the class action brought by persons who received a defective hip prosthesis;
21. the agreement concluded between the Commission des droits de la personne et des droits de la jeunesse and the Douglas Mental Health University Institute, on 21 June 2007, in respect of the former residents of Pavillon des Pins;
22. the resolution process between the Government of Canada and the Sayisi Dene First Nation owing to the relocation of persons of that Nation in the 1950s and the 1960s;
23. the Entente concernant la reconnaissance par le Québec de l'effet sur la société inuite de l'abattage de Qimiit (chiens de traîneau) du Nunavik entre 1950 et 1970, approved by Décret 795-2011 dated 3 August 2011, amended by Décret 175-2012 dated 21 March 2012;
24. the constitution on 6 March 1996 of the High Arctic Relocatee Trust (HART Trust), amended by the Superior Court judgment rendered on 23 August 2010, concerning the relocation of certain persons to the High Arctic;
25. the Superior Court judgment rendered on 22 December 2005 and amended in part by the Court of Appeal on 7 August 2007 following a class action brought against several residential and long-term care centres concerning persons who resided in those centres and who did not receive free laundry services;
26. the Superior Court judgments rendered on 18 March and 21 May 2009 approving the transactions following a class action brought against the Institut Philippe-Pinel de Montréal and the Attorney General of Québec concerning users of the institute between 1999 and 2002;
27. the Superior Court judgment rendered on 25 September 2009 approving the settlement agreement established following a class action brought against several hospital centres concerning persons who had to wait for radiotherapy treatments;
28. the Superior Court judgment rendered on 1 April 2010 approving an agreement following a class action brought against *St. Jude Medical inc. and St. Jude Medical Canada inc.* concerning persons who suffered problems following a heart valve implant;
29. the Superior Court judgment rendered on 18 June 2010 approving the transaction following a class action brought against *Eli Lilly Canada inc. and Eli Lilly and Company* concerning persons who were prescribed and who took Zyprexa;
30. the Superior Court judgment rendered on 9 December 2011 approving the agreement following a class action brought against the Attorney General of Québec and the Agence du Revenu du Québec concerning the fuel tax paid by registered Indians;

31. the Superior Court judgment rendered on 4 October 2012 approving the transaction following a class action brought in particular against Merck & Co inc. concerning the medication Vioxx;

32. the Settlement Agreement of 2 April 2013 between the Government of Canada and the Nipissing First Nation concerning the claim regarding the boundaries of Nipissing Indian Reserve No. 10 (Order in Council P.C. 2013-0952 dated 27 September 2013);

33. the Ontario Superior Court of Justice judgment rendered on 8 May 2013 approving the agreement following a class action brought against Pfizer Canada inc. and Pfizer inc. concerning persons who were prescribed and who took Neurontin;

34. the Superior Court judgment rendered on 28 May 2013 approving the agreement and transaction following a class action brought against Résidence St-Charles-Borromée concerning users who suffered damage between 1 January 1995 and 3 March 2006;

35. the Superior Court judgement rendered on 23 April 2013 approving the agreement following a class action on behalf of the users of 89 residential and long-term care centres with respect to the laundry service for their personal garments;

36. the Superior Court judgment rendered on 9 September 2014 approving the agreement following a class action brought against Hôpital Rivière-des-Prairies concerning persons who were admitted or registered from 1985 to 2000;

37. the agreement on 8 November 2014 between Ontario Power Generation and the Gull Bay First Nation, in Ontario, following floods caused by the construction of dams on the Nipigon River and the diversion of the Ogoki River in the 1918s;

38. the Superior Court judgment rendered on 26 March 2015, following a class action brought against the Société d'habitation du Québec concerning the reduction of a subsidy provided for in rent supplement programs between July 2004 and January 2015;

39. the agreement on 29 April 2015 between the Government of Canada and the Listuguj Mi'gmaq First Nation concerning the loss of use of ancestral lands;

40. the Superior Court judgment rendered on 15 May 2015 approving the agreement following a class action brought against the Centre hospitalier régional du Suroît de Valleyfield concerning persons who were subject to isolation or restraint measures from 11 June 2005 to 11 June 2008;

41. the reimbursement of the sums in 2015 by Centre d'hébergement et de soins de longue durée (CHSLD) Jeanne-Le Ber to users of this centre for financial losses resulting from irregular operations into their bank accounts;

42. the Ontario Superior Court of Justice judgment rendered on 28 April 2016 approving and agreement following a class action brought against the province of Ontario concerning persons with developmental disorders or delays, for damages suffered between the 1960s and 1990s in various institutions intended to provide, in particular, hospital care and activities;

43. the Superior Court judgment rendered on 1 June 2016 approving the transaction following a class action brought against Hôpital Lachine concerning the incomplete cleaning process of an instrument used for bariatric surgeries between March 2012 and March 2014;

44. the Superior Court judgment rendered on 4 July 2016 approving the transaction following a class action brought in particular against Zimmer inc. concerning persons who had problems with the Durom Cup hip prosthesis;

45. the implementation on 9 March 2017 of the 1974 Valcartier Grenade Incident Program for health care support and financial recognition for the victims of the 1974 accidental grenade explosion at the Canadian Forces Base Valcartier cadet camp;

46. the Federal Court judgment rendered on 28 March 2018 approving the final settlement agreement following a class action brought against the Attorney General of Canada concerning the current and former members and employees of the Canadian Armed Forces, the Royal Canadian Mounted Police and the federal public service targeted by policies between 1 December 1955 and 20 June 1996 because of their sexual orientation, their gender identity or their gender expression;

47. the judgments rendered by the Federal Court on 11 May 2018 and the Ontario Superior Court of Justice on 20 June 2018 approving the national settlement following various class actions brought against the Attorney General of Canada for compensating survivors for wrongs suffered during the "Sixties Scoop";

48. the Superior Court judgment rendered on 22 May 2018 approving the settlement agreement following a class action brought against Johnson & Johnson inc. and Depuy Orthopaedics inc. concerning persons who received a defective hip prosthesis between July 2003 and August 2010;

49. the Superior Court judgment rendered on 11 December 2018 approving a transaction following a class action brought against, in particular, the Centre intégré universitaire de santé et de services sociaux de la Capitale-Nationale and the Attorney General of Québec concerning an outbreak of legionellosis in Ville de Québec;

50. the settlement agreement in January 2019 following a class action brought against the Government of Canada concerning failures respecting Canada's fiduciary obligations and its obligations of disposition of land of the Kitigan Zibi Anishinabeg Reserve to develop Ville de Maniwaki;

51. the Federal Court judgment rendered on 30 January 2019 approving the settlement agreement following a class action concerning the reduction of an allowance paid to the members and veterans of the Canadian Armed Forces between 1 April 2006 and 29 May 2012, owing to the deduction of the disability benefits under the Pension Act (R.S.C., 1985, chapter P-6);

52. the Federal Court judgment rendered on 19 August 2019 approving the settlement agreement following a class action brought against the Attorney General of Canada concerning the wrongs suffered by persons attending federal Indian day schools;

53. the judgment rendered by the Ontario Superior Court of Justice on 4 October 2019 approving the settlement agreement following a class action brought against, among others, American Medical Systems Canada Inc., concerning woman's pelvic mesh devices;

54. the individual agreements in 2020 with Bard Canada inc., concerning the problems caused by IVC filters (inferior vena cava filters);

55. the Ontario Superior Court of Justice judgment rendered on 2 March 2020 approving the settlement agreement following a national class action brought against Medtronic inc. and Medtronic of Canada Ltd concerning persons who received certain models of Sprint Fidelis leads;

56. the Superior Court judgment rendered on 19 April 2021 approving the transaction following a class action brought against the Attorney General of Québec concerning the compensation of inmates who were strip searched following a release order.”

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

105593

Draft Regulation

Act respecting health services and social services for Cree Native persons
(chapter S-5)

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

Application of the Act respecting health services and social services for Cree Native persons — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the third paragraph of section 173 of the Act respecting health services and social services for Cree Native persons (chapter S-5), that the Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The draft Regulation provides for the increase, in addition to the annual indexation, of the personal expense allowance of users of full age sheltered in health and social services institutions and users of full age taken in charge by intermediate resources or family-type resources for 2023.

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

Further information on the draft Regulation may be obtained by contacting Daniel Labbé, Direction des politiques de financement et de l'allocation des ressources, ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1S 2M1; telephone: 418 266-7111; email: daniel.labbe@msss.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 60-day period to the Minister Responsible for Seniors and Informal Caregivers, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1.

MARGUERITE BLAIS
*Minister Responsible for Seniors
and Informal Caregivers*

CHRISTIAN DUBÉ
*Minister of Health
and Social Services*

Regulation to amend the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons

Act respecting health services and social services for Cree Native persons (chapter S-5, s. 161, 2nd par.)

Act respecting health services and social services (chapter S-4.2, s. 512, 2nd par.)

1. On 1 January 2023, the personal expense allowance provided for in subparagraph 4 of the first paragraph of section 363.3 of the Regulation respecting the application of the Act respecting health services and social services for Cree Native persons (chapter S-5, r. 1) is increased by \$10 in addition to the increase resulting from the indexing and the rounding off provided for in the second paragraph of that section.

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

105594

Draft Regulation

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

Distribution of information and protection of personal information — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R18.1), that the Regulation to amend the Regulation respecting the distribution of information and the protection of personal information, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The Act to modernize legislative provisions as regards the protection of personal information (2021, chapter 25), assented to on 22 September 2021, amends the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), in particular to transfer, to the Act, a number of provisions currently found in the Regulation respecting the distribution of information and the protection of personal information (chapter A-2.1, r. 2). As a result, the draft Regulation adjusts various provisions of the Regulation, in particular by reformulating section 2 and repealing Division IV. The draft Regulation also updates some wording.

Further information on the draft Regulation may be obtained by contacting Julie Goulet, attorney, Secrétariat à la réforme des institutions démocratiques, à l'accès à l'information et à la laïcité, Ministère du Conseil exécutif, by email: julie.goulet@mce.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Julie Samuel, Director of Access to Information and the Protection of Personal Information, Secrétariat à la réforme des institutions démocratiques, à l'accès à l'information et à la laïcité, Ministère du Conseil exécutif, by email: daiprp@mce.gouv.qc.ca.

Éric CAIRE

Minister Responsible for Access to Information and the Protection of Personal Information

Regulation to amend the Regulation respecting the distribution of information and the protection of personal information

Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1, ss. 16.1, 63.2 and 155)

1. The Regulation respecting the distribution of information and the protection of personal information (chapter A-2.1, r. 2) is amended by replacing section 2 by the following:

“**2.** The Deputy Minister or the chief executive officer of a public body must oversee the implementation of the responsibilities and obligations assigned by this Regulation to the public body under his or her responsibility.

He or she must see that staff members and management staff or officers of the public body are made aware of and receive training on the obligations and procedures concerning access to information.

He or she must also include in the annual management report or report of activities a report attesting to the distribution of the documents referred to in Division III and giving an account of

(1) the number of requests for access, requests for release and requests for correction received, the time taken to process them, the provisions of the Act justifying the refusal of certain requests, the number of requests granted, partially granted or refused, the number of requests that were the subject of reasonable accommodation and the number of requests that were the subject of an application for review by the Commission d'accès à l'information;

(2) the activities relating to access to information and the protection of personal information that were carried out within the public body.”.

2. Section 4 is amended, in the first paragraph,

(1) by replacing “6 to 10 covered by Directive concerning the classification and management of senior staff positions and their holders (630) adopted by (C.T. 198195, 2002-04-30) and amended by (C.T. 200154, 2003-09-09), (C.T. 203042, 2005-11-29), (C.T. 203658, 2006-05-01), (C.T. 210771, 2011-11-08), (C.T. 211151, 2012-03-13), (C.T. 211453, 2012-05-15) and (C.T. 213307, 2013-10-29)” in subparagraph 2 by “6 to 9 covered by the Directive concerning the classification and management of senior staff positions and their holders (630), adopted by (C.T. 219127, 2018-04-10) and amended by (C.T. 222925, 2020-09-29) and (C.T. 223583, 2021-02-23)”;

(2) by replacing “and (C.T. 212782, 2013-06-18) (Recueil des politiques de gestion 9-2-4-2)” in subparagraph 14 by “, (C.T. 212782, 2013-06-18) and (C.T. 215535, 2015-10-06) (Recueil des politiques de gestion 9-2-4-2)”.

3. Division IV is repealed.

4. This Regulation comes into force on 22 September 2023.

105584

Draft Regulation

Code of Civil Procedure
(chapter C-25.01)

Family mediation — Amendment

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

The draft Regulation ensures that the provisions of the Regulation respecting a Family Mediation pilot project for couples who have no common dependent children (chapter C-25.01, r. 6.1) last. It also provides for the fees payable by the Family Mediation Service when the interests of only the parties are at stake, they have no common dependent children and the dispute concerns the partition of the family patrimony arising from their community of life.

The draft Regulation has a positive impact on the target clientele and has no impact on enterprises.

Further information on the draft Regulation may be obtained by contacting Mtre. Annie Gauthier, Direction du soutien aux orientations, des affaires législatives et de la refonte, Ministère de la Justice, 1200, route de l'Église, 4^e étage, Québec (Québec) G1V 4M1; telephone: 418 559-4655; fax: 418 643-9749; email: annie.gauthier@justice.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Justice, 1200, route de l'Église, 9^e étage, Québec (Québec) G1V 4M1.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation to amend the Regulation respecting family mediation

Code of Civil Procedure
(chapter C-25.01, art. 619)

1. The Regulation respecting family mediation (chapter C-25.01, r. 0.7) is amended by inserting the following after section 10.3:

“**10.4.** When the interests of only the parties are at stake, they have no common dependent children and the dispute concerns the partition of the family patrimony arising from their community of life, the fees payable by the Family Mediation Service for the services provided by one or two mediators pursuant to articles 420 to 423 and 605 to 618 of the Code of Civil Procedure (chapter C-25.01) are set on the basis of an hourly rate of \$110 for a mediation session and for any work performed outside the sessions in connection with the mediation, such as the drawing up outside the sessions of the summary of the agreements.

The Service pays the fees provided for in the first paragraph up to a maximum of 3 hours of mediation, including time spent on work performed, where applicable, outside the sessions in connection with the mediation. Those fees are set at \$50 where the mediator's report states that the parties did not enter into mediation within the allotted time pursuant to article 423 of the Code.

The Service does not pay the fees for the modification of an agreement or for having a judgment rendered on the principal application reviewed.

The fees payable by the parties who seek mediation are set at

(1) \$110 per hour for a mediation session and for any work performed outside the sessions in connection with the mediation for which the fees are not paid by the Service pursuant to the second paragraph;

(2) \$110 per hour for each session during which the services of an additional mediator are required by the parties, and for any work performed by the mediator outside the sessions in connection with the mediation.”.

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

105595

Draft Regulation

Individual and Family Assistance Act
(chapter A-13.1.1)

Individual and Family Assistance — Amendment

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

The purpose of the draft Regulation is to implement the amendments to the Individual and Family Assistance Act (chapter A-13.1.1) made by the Act mainly to introduce a basic income for persons with a severely limited capacity for employment (2018, chapter 11), assented to on 15 May 2018. It also institutes measures to provide better financial support for low-income individuals and families and makes amendments to ensure coherence with the Aim for Employment Program.

The draft Regulation introduces new provisions to the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) relating to the Basic Income Program.

This new financial assistance program exclusively targets persons with a severely limited capacity for employment. The proposed provisions specify the conditions to be met for a person to be eligible for the program, in particular, the period during which the person must have a severely limited capacity for employment and, if applicable, the period for readmission to the program. Special rules for calculating the basic income are established for the month of application and for the reference period.

The draft Regulation stipulates the method for calculating the basic income for the purpose, in particular, of determining the basic benefit amount applicable to a person. It stipulates the adjustment amounts that may increase the basic benefit amount as well as the amounts that may be subtracted from it, certain exclusions being provided for those purposes. It prescribes the special benefits that may be granted to a person admitted to the program and the conditions the person must meet to do so.

The draft Regulation stipulates the various resources of a person that are taken into account for the purposes of calculating the person’s basic income, including the person’s income, earnings and other benefits and, if applicable, those of the person’s spouse.

For those purposes, it stipulates the obligation for a person to send the person’s income tax return to the Minister or, in certain cases, a sworn statement of income. Failing that, the person’s basic income could be reduced based on what is stipulated in the draft Regulation. It also includes provisions concerning the inclusion of a person’s liquid assets and property or those of the person’s spouse for the purposes of calculating the person’s basic income.

The draft Regulation includes provisions that allow for certain amounts included for the purposes of calculating the basic income to be revised downward in cases where changes have occurred in the recipient’s situation.

The draft Regulation provides concordance amendments to the Individual and Family Assistance Regulation, particularly in cases where a person who is a recipient under the Basic Income Program has a spouse who is a recipient under a financial assistance program provided for in the Regulation or has dependent children with such a spouse.

Lastly, the draft Regulation provides transitional provisions, particularly with respect to the calculation of the period required for the purposes of eligibility under the program. It also provides that the adjustment provided for in the second paragraph of 157.1 of the Individual and Family Assistance Regulation, which will be abolished, will continue to be applicable in certain cases.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting France Edma, Direction des politiques d’assistance sociale, Ministère du Travail, de l’Emploi et de la Solidarité sociale, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1; telephone: 418 809-7259; email: france.edma@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1; email: ministre@mtess.gouv.qc.ca.

JEAN BOULET

Minister of Labour, Employment and Social Solidarity

Regulation to amend the Individual and Family Assistance Regulation

Individual and Family Assistance Act
(chapter A-13.1.1, ss. 131, 132, 133, 133.1, 133.2, 134 and 135)

1. The Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1) is amended in section 3 by inserting “; the Basic Income Program” after “Aim for Employment Program” in the first paragraph.

2. The following is added after section 3:

“**3.1.** For the purposes of this Regulation, an independent adult is an adult who has no spouse or dependent child.

The provisions applicable to an independent adult apply to an adult who is a recipient under a last resort financial assistance program and has a spouse who is a recipient under the Basic Income Program.”

3. The following is added after section 12:

“**12.1.** Where the parents of a child cohabit and at least one of them is a recipient under the Basic Income Program, the child is a dependant

(1) of the parent who is a recipient under the program, where only one of them is a recipient under the program; or

(2) of the parent whom they jointly designate, where they are both recipients under the program.

If the parents referred to in subparagraph 2 of the first paragraph have 2 or more children born of their union, only one of them may be designated as having the children as dependants.

Such designation may be jointly modified at the beginning of each new reference period.

The parent so designated must inform the Minister. A parent designated in accordance with the third paragraph must inform the Minister before the beginning of the reference period.”

4. Section 16.1 is amended by replacing “or the Aim for Employment Program” by “; the Aim for Employment Program or the Basic Income Program”.

5. The following is added after section 19:

“**19.1.** Despite section 19, for the purposes of a last resort financial assistance program and the Aim for Employment Program,

(1) an adult who is no longer eligible under the Basic Income Program for a reason provided for in subparagraph 4 of the second paragraph of section 19 is not considered to form a family with his or her spouse for 3 months following the beginning of his or her incarceration or detention;

(2) an adult who is no longer eligible under the Basic Income Program is not considered to form a family with his or her spouse for 3 months following his or her ineligibility, where his or her liquid assets considered pursuant to subparagraph *e* of subparagraph 3 of the second paragraph of section 177.60 are equal to or greater than the amount of the basic benefit applicable to him or her, increased, if applicable, by the adjustments to which he or she is entitled and the total of his or her other resources taken into consideration pursuant to subparagraph 3 of the second paragraph of section 177.60 is equal to zero; and

(3) where an adult has a spouse who is a recipient under the Basic Income Program and the spouse dies, they are considered to form a family for 3 months following the month of death.”

6. Section 21 is amended by inserting “or has a spouse residing in Québec” after “Québec” in paragraph 4.

7. Section 32 is amended

(1) in paragraph 3

(a) by striking out “independent”;

(b) by inserting “, 83.9” after “sections 49”;

(2) by striking out “independent” in paragraph 4.

8. Section 41 is amended by inserting “or the Basic Income Program” after “program” in subparagraph 3 of the first paragraph.

9. Section 52 is amended by inserting the following after the second paragraph:

“In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are those applicable to the situation of only 1 adult.”

10. Section 53 is amended by inserting the following after the second paragraph:

“In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are those applicable to the situation of only 1 adult.”

11. Section 57 is amended

(1) by inserting “or the Basic Income Program” after “program” in paragraph 1;

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

“Despite the second paragraph of section 3.1, the first paragraph does not apply in the case of an adult with a spouse who is a recipient under the Basic Income Program.”

12. Section 62 is amended

(1) by inserting “, except, despite the second paragraph of section 3.1, an adult with a spouse who is a recipient under the Basic Income Program,” after “independent adult” in the first paragraph;

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

“In the case of an adult with a spouse who is a recipient under the Basic Income Program, a temporarily limited capacity allowance is added to the basic benefit if the adult provides childcare to the adult’s dependent child who is under 5 years of age on the previous 30 September or, if the child is 5 years of age on that date, if no full-time kindergarten class is available for the child and if the adult’s spouse who is a recipient under the Basic Income Program is in one of the situations referred to in subparagraphs 1 to 3 of the second paragraph.”

13. Section 67.1 is amended by adding the following after the third paragraph:

“In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amount of the adjustment is the amount applicable to the situation provided for in subparagraph 2 of the first paragraph,

unless the adult and spouse reside in the same dwelling unit as another independent adult or another family. If applicable, the amount of the adjustment is the amount applicable to the situation provided for in subparagraph 1 of the first paragraph.”

14. Section 67.3 is amended by inserting “or, despite the second paragraph of section 3.1, of a recipient under the Basic Income Program” after “student” in subparagraph 6 of the first paragraph.

15. Section 68 is amended by inserting “, except, despite the second paragraph of section 3.1, an adult with a spouse who is a recipient under the Basic Income Program,” after “adult”.

16. Section 74 is amended by replacing “adults,” in the second paragraph by “adults or an adult with a spouse who is a recipient under the Basic Income Program,”

17. Section 79 is amended by adding the following at the end:

“In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are the amounts applicable to the situation of a family that includes only 1 adult.”

18. Section 82 is amended by inserting “referred to in the first paragraph, the adult referred to in the second paragraph of section 177.76” after “adult” in the second paragraph.

19. Section 88.1 is amended by striking out “independent” in the sixth paragraph.

20. Section 89 is amended by striking out “independent” in the third paragraph.

21. Section 90 is amended by striking out “independent” in the third paragraph.

22. Section 93 is amended by inserting the following after the second paragraph:

“Despite the second paragraph of section 3.1, in the case of an adult with a spouse who is a recipient under the Basic Income Program, a special benefit referred to in this section is granted to only one of them.”

23. Section 100 is amended by inserting “and that adult, despite the second paragraph of section 3.1, does not have a spouse who is a recipient under the Basic Income Program” after “member” in paragraph 2.

24. Section 101 is amended by adding the following paragraph at the end:

“The special benefit may be granted to the mother where the child is a dependant of the other parent pursuant to the first paragraph of section 12.1.”

25. Section 109 is amended in the first paragraph

(1) by striking out “independent” after “suffered by an” in the portion before subparagraph 1;

(2) in subparagraph 1

(a) by inserting “, subject to subparagraph c.” after “person” in subparagraph a and striking out “and” at the end of subparagraph a;

(b) by replacing “adult; and” in subparagraph b by “adult, except, despite the second paragraph of section 3.1, an independent adult with a spouse who is a recipient under the Basic Income Program; or”;

(c) by adding the following after subparagraph b:

“(c) \$1,000 per adult where they are spouses and at least one of them is a recipient under the Basic Income Program, plus \$500 per dependent child, up to a maximum of \$4,000 for all of those persons; and”;

(3) by striking out “independent” in subparagraph 2.

26. Section 111 is amended by inserting “, except, despite the second paragraph of section 3.1, an independent adult with a spouse who is a recipient under the Basic Income Program” after “mother” in paragraph 5.

27. Section 116 is amended by inserting the following after the second paragraph:

“In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are the amounts applicable to the situation of only 1 adult.”

28. Section 128 is amended by inserting “, subject to the third paragraph of section 177.101,” after “include” in the first paragraph.

29. Section 132 is amended by inserting the following after the second paragraph:

“In the case of an adult with a spouse who is a recipient under the Basic Income Program, the amounts to be considered are the amounts applicable to the situation of only 1 adult.”

30. Section 138 is amended by adding the following:

“(17) for the month in which it is received, financial assistance to contribute to the needs of a child born as a result of a sexual aggression received retroactively pursuant to the Act to assist persons who are victims of criminal offences and to facilitate their recovery (chapter P-9.2.1).”

31. Section 142 is amended by inserting “or the Aim for Employment Program” after “program” in the second paragraph.

32. Section 147 is amended by inserting “, except, despite the second paragraph of section 3.1, an independent adult with a spouse who is a recipient under the Basic Income Program,” after “adult” in paragraph 2.

33. Section 151 is amended

(1) by inserting “or, despite the second paragraph of section 3.1, an adult with a spouse who is a recipient under the Basic Income Program” after “family”;

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

“The total property value is determined taking into account section 177.92.”

34. Section 157.1, replaced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, is amended by striking out the second paragraph.

35. Section 157.2, introduced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, is revoked.

36. Section 158 is amended by adding the following paragraph at the end:

“The same applies in the case of a family in which the adult member has a spouse who is a beneficiary under the Basic Income Program.”

37. Section 160 is amended by striking out “independent”.

38. Section 161 is amended by striking out “independent”.

39. Section 169 is amended by inserting “, an adult who is sheltered and has a spouse who is a beneficiary under the Basic Income Program” after “an adult who is sheltered” in the second paragraph.

40. Section 171, amended by section 5 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, is further amended by inserting “or the Aim for Employment Program” after “financial assistance program” in the third paragraph.

41. Section 173 is amended by inserting “or the Aim for Employment Program” after “program” in the third paragraph.

42. Section 177.1 is amended in the third paragraph

(1) by replacing “third paragraph” in subparagraph 2 by “fourth paragraph”;

(2) by replacing “fourth” in subparagraph 3 by “fifth”;

(3) by replacing “third paragraph” in subparagraph 5 by “fourth paragraph”;

(4) by replacing “fourth” in subparagraph 6 by “fifth”;

(5) by replacing “third paragraph” in subparagraph 11 by “fourth paragraph”;

(6) by replacing “fourth” in subparagraph 12 by “fifth”;

(7) by inserting “, 133” after “sections 132” in subparagraph 13.

43. Section 177.9 is amended by inserting “or the Basic Income Program” after “program” in paragraph 2.

44. Section 177.10 is amended by inserting “or the Basic Income Program” after “Program” in paragraph 1.

45. The following is inserted after section 177.42:

**“TITLE IV.2
BASIC INCOME PROGRAM**

**CHAPTER I
ELIGIBILITY**

**DIVISION I
GENERAL ELIGIBILITY REQUIREMENTS**

177.43. A person is eligible under the Basic Income Program where, for 66 months during the preceding 72 months, the person had a severely limited capacity for employment and is a recipient under the Social Solidarity Program as an adult.

177.44. An adult is eligible under the program where, in addition to meeting the conditions set out in section 177.43, the adult

(1) has a spouse and is required to reside in a half-way house in the cases and on the conditions set out in 26;

(2) is covered by section 47; or

(3) attends a secondary-level educational institution in a vocational program or a postsecondary educational institution.

**DIVISION II
CALCULATION OF THE ELIGIBILITY PERIOD**

177.45. For the purposes of calculating the period provided for in section 177.43, the following periods are considered:

(1) the months during which an adult was no longer eligible under the Social Solidarity Program and was eligible to receive dental and pharmaceutical services pursuant to section 48;

(2) the months during which the parent of a person who applies for eligibility under the program received, in respect of that person, the supplement for handicapped children requiring exceptional care pursuant to the Taxation Act (chapter I-3).

The months during which a person received, while residing in Québec, an amount equivalent to the social solidarity allowance under an on-reserve income assistance program of the Government of Canada are also considered.

177.46. For the purposes of calculating the period provided for in section 177.43, the months during which a person, while residing in Québec, received the following are considered:

(1) a disability pension or an additional amount for disability after retirement pursuant to the Act respecting the Québec Pension Plan (chapter R-9);

(2) a disability pension or a post-retirement disability benefit payable under the Canada Pension Plan (R.S.C. 1985, c. C-8);

(3) a disability allowance under the War Veterans Allowance Act (R.S.C. 1985, c. W-3).

The period is considered only once, when the person becomes eligible under the Social Solidarity Program for the first time.

177.47. For the purposes of calculating the period provided for in section 177.43, the months are not considered during which the adult or family

(1) was a recipient of financial assistance granted pursuant to section 49 of the Act, where an agreement was entered into with the Minister providing for repayment of the full amount of assistance paid; or

(2) was a recipient of financial assistance that might have to be repaid pursuant to section 88 or 90 of the Act.

Despite the first paragraph, the months referred to therein and for which the assistance paid would no longer have to be repaid in full are considered for the purposes of calculating the period provided for in section 177.43.

DIVISION III

INITIAL ADMISSION TO THE PROGRAM

177.48. On initial admission to the Basic Income Program, a person must, for the month following the month of application, be eligible to receive a social solidarity allowance due to a deficit in resources compared to needs, while also considering, if applicable, the resources of the person's spouse and any dependent child.

The deficit is determined without taking into account any special benefit that might be granted to those persons under section 83.

In addition, no sum is taken into account that a person may receive in any of the cases provided for in subparagraphs 1 to 3 of the first paragraph of section 177.46.

177.49. A person eligible under the program may choose, one time only, not to participate in it. In that case, the person must so inform the Minister in the form and manner determined by the Minister, no later than 6 months after the date he or she becomes eligible under the program for the first time.

That decision takes effect from the month following the month in which the Minister is informed thereof.

177.50. A person who has chosen not to participate in the program may nonetheless, at any time thereafter, ask to be admitted to the program by submitting to the Minister an application for that purpose, in the form and manner determined by the Minister.

The person must then meet the conditions set out in Divisions I to III.

DIVISION IV

READMISSION TO THE PROGRAM

177.51. A person may be readmitted to the program as of the date on which the situation that rendered the person ineligible ceases. An application for readmission must be submitted to the Minister in the form and manner determined by the Minister.

177.52. To be readmitted to the program, a person is not required to meet the conditions of section 177.43. The person must nonetheless have a severely limited capacity for employment at the time of the application.

The person must also, for the month of the application, be eligible to receive a basic income due to the fact that he or she has a deficit in resources compared to needs, without taking into account any special benefit that might be granted to the person and, if applicable, to which any of his or her dependent children might have been entitled.

DIVISION V

MONTH OF THE APPLICATION AND REFERENCE PERIOD

§1. Month of the application

177.53. For the month of the application, the basic benefit and, if applicable, the adjustments referred to in sections 177.73 and 177.74 are determined without taking into account the number of days elapsed in the month in which the application is submitted to the Minister.

177.54. An application for eligibility is made on the date on which the form provided by the Minister, duly completed and signed, is received by the Minister.

If the Minister has already received a written document from the applicant indicating the applicant's intent to make an application, the date of application is the date on which the Minister receives the document, if the form provided by the Minister is completed and signed within a reasonable time.

177.55. A statement by an adult who is sheltered to the effect that the adult wishes to be exempted from paying the price of the shelter stands in lieu of a validly completed application for eligibility if the statement contains the information relevant to such an application.

177.56. A person who was a recipient under the Social Solidarity Program in the month preceding the person's admission to the Basic Income Program is presumed to have submitted an application for financial assistance to the Minister in the month of that admission.

§2. Reference period

177.57. For the purposes of this Title, a reference period has a duration of 12 months and begins on 1 July of each year.

177.58. Despite section 177.57, the reference period of an adult admitted to the Basic Income Program during the period corresponds to the remaining duration of the period.

An adult admitted on 1 July of a year is considered admitted during a reference period.

CHAPTER II FINANCIAL ASSISTANCE

DIVISION I BASIC INCOME AND CALCULATION METHOD

177.59. The basic income is granted to an adult from the month in which the adult becomes eligible under the program.

177.60. The basic income of an adult is determined, for each month, by considering the adult's situation as provided for in this Chapter.

It is equal to the deficit in resources compared to needs, which is calculated by

(1) determining the amount of the basic benefit applicable to the adult;

(2) increasing it, if applicable, by the adjustments provided for in sections 177.73 and 177.74; and

(3) subtracting from the amount obtained pursuant to subparagraphs 1 and 2, except to the extent that they are excluded,

(a) the income, earnings and other benefits earned or received by the adult that are considered pursuant to section 177.77;

(b) the amount determined for the income, earnings and other annual benefits that the adult received, according to the calculation method provided for in section 177.79;

(c) the amount determined for the income, earnings and other annual benefits that the adult's spouse received, according to the calculation method provided for in section 177.80;

(d) the amount obtained by applying the percentage determined to the value of the property that the adult owns in accordance with section 177.91; and

(e) the liquid assets that the adult and spouse own on the last day of the preceding month.

In addition, if the amount obtained pursuant to the application of the second paragraph is greater than zero, the basic revenue is increased, if applicable, by the special benefits as provided for in section 177.76.

If the amount obtained is equal to or less than zero, the adult is no longer eligible under the program.

177.61. The amounts provided for in subparagraphs *b*, *c* and *d* of subparagraph 3 of the second paragraph of section 177.60 are determined for the full duration of a reference period.

177.62. Despite the fourth paragraph of section 177.60, an adult continues to be admitted to the program, but does not receive a basic income, each month in which the adult meets the following conditions:

(1) his or her income, earnings and other benefits considered pursuant to subparagraph *a* of subparagraph 3 of the second paragraph of section 177.60 are equal to or greater than the amount of the basic benefit that is applicable to him or her, increased, if applicable, by the adjustments to which he or she is entitled;

(2) the total of his or her resources taken into consideration pursuant to subparagraphs *b* to *e* of subparagraph 3 of the second paragraph of section 177.60 is equal to zero;

(3) he or she has a spouse who is a recipient under a last resort financial assistance program on the last day of the preceding month.

177.63. Despite the fourth paragraph of section 177.60, an adult continues to be admitted to the program, but does not receive a basic income, unless the adult continues to be eligible to receive the dental and pharmaceutical services referred to in section 48 each month in which he or she meets the following conditions:

(1) the allowances that he or she receives and that are considered pursuant to subparagraph 8 of the first paragraph of section 177.77 are equal to or greater than the amount of the basic benefit that is applicable to him or her, increased, if applicable, by the adjustments to which he or she is entitled;

(2) the total of his or her resources taken into consideration pursuant to subparagraphs *b* to *e* of subparagraph 3 of the second paragraph of section 177.60 and subparagraphs 1 to 7 and 9 to 11 of the first paragraph of section 177.77 is equal to zero;

(3) he or she has a spouse who is a recipient under a last resort financial assistance program on the last day of the preceding month.

177.64. An adult who is not eligible under the program continues to receive the dental and pharmaceutical services referred to in section 48 each month in which the adult meets the following conditions:

(1) the allowances that he or she receives and that are considered pursuant to subparagraph 8 of the first paragraph of section 177.77 are equal to or greater than the amount of the basic benefit that is applicable to him or her, increased, if applicable, by the adjustments to which he or she is entitled;

(2) the total of his or her resources taken into consideration pursuant to subparagraphs *b* to *e* of subparagraph 3 of the second paragraph of section 177.60 and subparagraphs 1 to 7 and 9 to 11 of the first paragraph of section 177.77 is equal to zero;

(3) on the last day of the preceding month, he or she has a spouse who is a recipient under the Basic Income Program or who is eligible to receive the dental and pharmaceutical services referred to in section 48 pursuant to this section or does not have a spouse.

177.65. The basic income of an adult admitted to the program for the first time is determined pursuant to this Chapter, subject to sections 177.66 to 177.68.

177.66. The income, earnings and other annual benefits of an adult referred to in section 177.65 are not taken into consideration during the adult's first reference period.

177.67. Where an adult referred to in section 177.65 has a spouse at the time the adult is admitted, the income, earnings and other annual benefits of the spouse are not taken into consideration during his or her first reference period.

177.68. The amount to be considered during the first reference period for the value of the property of an adult referred to in section 177.65 is determined by taking into account his or her situation on the last day of the month preceding the application.

In the case of an adult admitted to the program for the first time between 1 January and 30 June of a year, the amount is determined in the same way for the subsequent reference period.

177.69. The basic income of an adult readmitted to the program is established pursuant to this Chapter.

DIVISION II

BASIC BENEFIT AND AMOUNTS THAT MAY INCREASE IT

177.70. The basic benefit granted to an adult is \$1,138.

177.71. The basic benefit of an independent adult who is sheltered, an independent adult referred to in the second paragraph of section 60 and an independent adult required to reside in an institution corresponds to the amount of the personal expense allowance referred to in the second paragraph of section 512 of the Act respecting health services and social services (chapter S-4.2). The amount is published in Part I of the *Gazette officielle du Québec*.

177.72. The basic benefit of a person referred to in section 177.71 is adjusted for the month in which a change in circumstances results in an increased benefit amount, after deducting, if applicable, the special benefit provided for in section 82 granted to pay the dwelling expenses for the month of the adjustment.

177.73. The basic benefit granted to an adult without a spouse on the last day of the preceding month is adjusted by \$337.

The adjustment may not be granted to a person referred to in section 177.71.

177.74. The basic benefit is adjusted, based on the adult's situation on the last day of the preceding month,

(1) by \$20 for each of the adult's minor dependent children; and

(2) by \$345 for each of the adult's dependent children of full age attending a secondary-level educational institution in a vocational program or a postsecondary educational institution.

177.75. An adjustment provided for in section 177.73 or 177.74 is granted from the month following the month in which a change of circumstances occurs.

177.76. Where the basic benefit granted to an adult may be increased by special benefits pursuant to the third paragraph of section 177.60, it may be increased by all such special benefits to which the adult or any of his or her dependent children would have been entitled under the Social Solidarity Program, except

- (1) the special benefit provided for in section 107; and
- (2) the special benefit provided for in paragraph 2 of section 100, if the adult has a spouse.

In addition, the special benefits provided for in the second paragraph of section 81 and in section 82 may be granted to an adult who has a spouse.

Subdivision 4 of Division II of Chapter III of Title IV applies to the granting of a special benefit.

DIVISION III **INCOME, EARNINGS AND OTHER BENEFITS**

177.77. The income, earnings and other benefits that an adult earned or received during the preceding month and that are considered for the purposes of subparagraph *a* of subparagraph 3 of the second paragraph of section 177.60 are the following:

(1) the amount of the income replacement indemnities received under a public or private compensation plan;

(2) sums received as retirement benefits under a public or private pension plan, including

(a) sums received as pension under the Old Age Security Act (R.S.C. 1985, c. O-9) and the net amount of federal supplements paid that must be taken into consideration for the purposes of determining the adult's net income pursuant to Part I of the Taxation Act (chapter I-3);

(b) benefits received under the Act respecting the Québec Pension Plan (chapter R-9) or under a similar plan within the meaning of paragraph *u* of section 1 of that Act, except death benefits received in accordance with section 168 of that Act or a similar provision of the similar plan;

(c) sums received under a pooled registered pension plan;

(d) a retirement income security benefit received under the Veterans Well-being Act (S.C. 2005, c. 21);

(e) sums received under a specified pension plan or from such a plan; and

(f) sums received under a foreign retirement arrangement established under the legislation of a country or from such an arrangement;

(3) sums received as a benefit out of or under a registered retirement savings plan, except a withdrawal excluded for the purposes of the Home Buyers' Plan or the Lifelong Learning Plan whose provisions are provided for, respectively, in Title IV.1 and Title IV.2 of Book VII of Part I of the Taxation Act;

(4) sums received under a registered retirement income fund;

(5) sums received under a deferred profit sharing plan;

(6) income replacement benefits received under the Veterans Well-being Act the amount of which is determined under subsection 1 of section 19.1, paragraph *b* of subsection 1 of section 23 or subsection 1 of section 26.1 of that Act, as modified, where applicable, under Part 5 of that Act;

(7) sums received under an income-averaging annuity, an advanced life deferred annuity or as pension;

(8) employment-assistance allowances paid by the Minister and employment-assistance allowances paid by a third party and recognized as such by the Minister, exceeding \$222 per month or, if the person has no spouse but has a dependent child, exceeding \$353 per month;

(9) support allowances paid by a third party and recognized as such by the Minister, exceeding \$130 per month;

(10) sums received as living expenses pursuant to the Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1);

(11) amounts paid as maternity, paternity, parental or adoption benefits under the Act respecting parental insurance (chapter A-29.011) or as maternity, parental, compassionate care or employment insurance benefits under the Employment Insurance Act (S.C. 1996, c. 23).

All the income, earnings and other benefits referred to in the first paragraph are considered, whether they were received by the adult during the month or the adult is entitled to receive them.

Section 124 applies to this section.

177.78. For the purposes of calculating basic income, the amounts taken into consideration as income, earnings and other annual benefits of the adult and, if applicable, his

or her spouse are those entered in their respective income tax return for the calendar year preceding the reference period concerned, confirmed by their respective notice of assessment or, failing that, those entered in their sworn statements of income for that same calendar year referred to in section 177.83.

177.79. The income, earnings and other annual benefits of an adult that are considered for the purposes of subparagraph *b* of subparagraph 3 of the second paragraph of section 177.60 are determined for the reference period concerned by

(1) determining the adult's net income for the calendar year preceding the reference period pursuant to Part I of the Taxation Act (chapter I-3);

(2) increasing the amount of the contributions paid into a registered retirement savings plan for the adult's benefit or that of the adult's spouse or into a pooled registered pension plan that is deducted in the calculation of the net income for that calendar year under paragraph *b* of section 339 of the Taxation Act, where that paragraph refers to sections 922 and 923 of that Act;

(3) subtracting the following amounts received during the calendar year preceding the reference period:

(a) the sums received as last resort financial assistance benefits and basic income;

(b) the amounts already taken into consideration pursuant to subparagraphs 1 to 7, 10 and 11 of the first paragraph of section 177.77; and

(c) the allowances referred to in subparagraphs 8 and 9 of the first paragraph of section 177.77, including the excess amounts provided for therein.

The amount to be considered is then determined by multiplying by 55% the amount obtained as a result of the operations performed in the first paragraph that exceeds the amount obtained by multiplying by 12 the amount provided for in section 177.70, then dividing it by 12.

In the case of a claim made following a false declaration concerning the income, earnings and other benefits referred to in this section, the amount to be considered is the amount obtained as a result of the operations performed in the first paragraph, divided by 12.

177.80. The income, earnings and other annual benefits of an adult's spouse who are considered for the purposes of subparagraph *c* of subparagraph 3 of the second paragraph of section 177.60 are determined for the reference period concerned by

(1) determining the adult's net income for the calendar year preceding the reference period pursuant to Part I of the Taxation Act (chapter I-3);

(2) increasing the amount of the contributions paid into a registered retirement savings plan for the adult's benefit or that of the adult's spouse or into a pooled registered pension plan that is deducted in the calculation of the net income for that calendar year under paragraph *b* of section 339 of the Taxation Act, where that paragraph refers to sections 922 and 923 of that Act.

The amount to be considered is determined by multiplying by 30% the amount obtained following the operations carried out in the first paragraph exceeding \$28,000, then dividing it by 12.

In the case of a claim made following a false declaration concerning the income, earnings and other benefits referred to in this section, the amount to be considered is the amount obtained following the operations carried out in the first paragraph, divided by 12.

177.81. For the purposes of the first paragraph of section 177.79 and the first paragraph of section 177.80, where an adult or the adult's spouse has not, for the purposes of the Taxation Act (chapter I-3), resided in Canada throughout the calendar year preceding a reference period, the net income for that calendar year is deemed to be equal to the net income that would be determined in his or her respect for that calendar year under Part I of that Act, if the person had, for the purposes of that Act, resided in Québec and in Canada throughout the calendar year.

177.82. An adult and, if applicable, the adult's spouse, is deemed to earn the income from employment that would have been received if he or she did not take advantage of work time reduction measures or leave without pay measures available under the conditions of employment applicable to him or her, unless that decision was made for a serious reason, in particular because of the state of health of the adult, the adult's spouse or a member of the family, or if he or she is receiving benefits granted under the Act respecting parental insurance (chapter A-29.011) or section 22 or 23 of the Employment Insurance Act (S.C. 1996, c. 23).

§1. Filing of the income tax return

177.83. A person admitted to the program must, not later than 31 October of each year, send to the Minister his or her income tax return for the preceding year filed pursuant to the Taxation Act (chapter I-3) and, if applicable, his or her spouse's income tax return.

A person who did not file an income tax return must, within the same time limit and in the form and manner determined by the Minister, send a sworn statement of his or her income for the preceding calendar year. The person must include with it, if applicable, a sworn statement of income produced by his or her spouse if the latter did not file an income tax return.

Where it is impossible for a person admitted to the program to send the income tax return or sworn statement of income of his or her spouse because of violence on the spouse's part against the person or a dependent child, the person may submit a sworn statement of the spouse's income.

177.84. In case of failure to comply with an obligation provided for in section 177.83, the Minister may reduce the basic income by \$500 per month as of 1 November following, for so long as the failure of compliance continues.

Where a reduction would result in the basic income being reduced below 50% of the amount to which the adult would have been entitled without the failure of compliance, the reduction imposed is fixed at 50%.

The amounts corresponding to the reductions are nonetheless paid without interest to a recipient who remedies the failure of compliance not later than 31 March of the following year.

177.85. The Minister may, after the date provided for in the third paragraph of section 177.84, refuse to pay the amounts corresponding to the reductions and reduce or cease to pay the financial assistance.

177.86. Sections 177.83 to 177.85 do not limit the scope of section 83.25 of the Act insofar as it refers to sections 30 and 36 of that Act.

§2. Reassessment

177.87. An adult may, at any time, apply to the Minister, in the form and manner determined by the Minister, to reduce the amount taken into consideration as income, earnings and other annual benefits for the purposes of calculating the adult's basic income, pursuant to section 177.79.

The amount may be reduced if the total of the income, gains and other annual benefits that the adult received for at least two consecutive years, projected on an annual basis, has decreased by at least 50% compared to the total that was taken into consideration.

The same applies in the case of the income, gains and other annual benefits of the adult's spouse compared to the amount that was taken into consideration pursuant to the second paragraph of section 177.80.

The amount may not be reduced if, before the reduction is granted, the adult or the adult's spouse can reasonably expect that the decrease will cease before the end of the reference period in which it occurs.

177.88. A reduction in the amount taken into consideration as a result of a reassessment is applicable from the month following the month in which the decrease began and for the remainder of the reference period.

177.89. For the purposes of section 177.60, the terms used in subparagraphs *a*, *b* and *c* of subparagraph 3 of the second paragraph of that section and in sections 177.77 and 177.79 to 177.81 have the meaning assigned by the Taxation Act (chapter I-3), except the term "spouse".

DIVISION IV PROPERTY

177.90. The value of the property that an adult owns is excluded up to a total amount of \$500,000 for the purposes of calculating the basic income.

The amount provided for in the first paragraph includes the amount of liquid assets that are considered to be property pursuant to sections 177.102 and 177.103.

177.91. For the purposes of calculating the basic income, the amount to be considered is determined by multiplying by 15% the value of the property exceeding \$500,000, then dividing it by 12.

The amount to be considered for the value of property is determined for the reference period concerned, taking into account the adult's situation on 31 December preceding that reference period.

The amount is determined without taking into account property that cannot be alienated due to a legal impediment beyond the adult's control.

In the case of a claim made following a false declaration concerning the value of property, the amount to be considered is the amount exceeding \$500,000 each month.

177.92. Where an adult is a co-owner of property, only the value of the adult's share is taken into account for the purposes of calculating his or her basic income. That share is presumed to be 50%.

In such a case, the value of the adult's share of the property must not be taken into account for the purposes of calculating the financial assistance granted under this Regulation to another co-owner of that property.

177.93. An adult may apply to the Minister to reduce the amount of the value of property taken into consideration for the purposes of calculating the adult's basic income, in the form and manner determined by the Minister.

The amount may be reduced if, for at least 1 month, the value of the property owned by the adult no longer exceeds the amount set in section 177.90.

The adult must not reasonably expect that the amount will exceed the amount of the exclusion before the end of the calendar year in which the decrease occurs.

A reduction of the amount taken into consideration is applicable, as the case may be,

(1) from the month in which the value of the property no longer exceeds the amount set in section 177.90 where that occurs between 1 January and 30 April preceding the reference period; or

(2) from the second month following the month in which the value of the property no longer exceeds the amount set in section 177.90 and for the remainder of the reference period, where that occurs after 30 April of a year.

177.94. The total property value includes the value of all the property that is not excluded for the purposes of calculating the basic income.

177.95. The provisions of section 145 relating to the value of property apply to the Basic Income Program.

177.96. In addition to what is provided for in section 177.90, the following property is excluded for the purposes of calculating the basic income:

(1) the total value of movables, except automobiles, and household effects;

(2) books, instruments and tools necessary for gainful employment or for a trade or craft;

(3) equipment adapted to the needs of an adult who has functional limitations, including a retrofit vehicle not used for commercial purposes; and

(4) sums accumulated in a registered disability savings plan, including sums paid into the plan in the form of Canada Disability Savings Bonds and Canada Disability Savings Grants, for the benefit of an adult, the adult's spouse or a dependent child who may not dispose of them in the short term, according to the terms and conditions applicable to the plan.

177.97. The value of all the following property is excluded for the purposes of calculating the basic income:

(1) the value of a residence or a working farm;

(2) the value of a residence or farm belonging to an adult with no spouse who no longer resides in the residence or operates the farm since being sheltered or taken in charge by an intermediate resource or a foster home, for a period of not more than 2 years after the sheltering or taking in charge;

(3) the value of a residence belonging to an adult or family who no longer resides in the residence for health reasons, for a period of not more than 2 years after the move;

(4) the value of the residence belonging to an adult who no longer resides in the residence because of a separation, for a period of not more than 2 years after the date on which family mediation or a judicial proceeding was commenced to the date on which the court decides the right of ownership or, if applicable, the date on which the court confirms or approves an agreement between the parties;

(5) the value of property used for self-employment or in the operation of a farm;

(6) the principal from an indemnity paid as compensation for immovable property following expropriation, a fire or other disaster, an act of war, an attack or an indictable offence if used within 2 years of its receipt to repair or replace the immovable property or in the operation of an enterprise; and

(7) the principal from the sale of a residence if used to purchase a new residence or have a residence built within 6 months of the sale.

177.98. The exclusions provided for in paragraphs 6 and 7 of section 177.97 apply only if the amounts concerned are immediately deposited in a separate account in a financial institution or, in the case provided for in paragraph 6, are invested by a trustee as authorized under the Civil Code.

Every part of the principal referred to in those paragraphs constitutes liquid assets for the entire month in which it is used contrary to those provisions or for the entire month in which it is not deposited or invested in accordance with the first paragraph.

DIVISION V LIQUID ASSETS

177.99. For the purposes of calculating the basic income, the liquid assets of an adult are excluded up to an amount of \$20,000.

177.100. Where an adult has a spouse who is a recipient under a last resort financial assistance program or the Basic Income Program, the liquid assets of the spouse are wholly excluded.

Where an adult has a spouse who is not a recipient under a program referred to in the first paragraph, the liquid assets of the spouse are determined in accordance with the provisions of this Regulation that are applicable to a recipient under the Social Assistance Program. Despite sections 131 to 133, they are excluded up to an amount of \$50,000.

177.101. Liquid assets include everything that an adult or the adult's spouse owns in cash or in an equivalent form and the value of assets that may be converted into cash in the short term such as

- (1) sums, whether demand deposits or term deposits, that a financial institution holds on deposit for the adult or spouse or sums it holds on behalf of the adult or spouse if they have ready access to the sums;
- (2) securities the adult or spouse owns if the securities are currently traded on the market;
- (3) debts for which the adult or spouse may obtain immediate repayment; and
- (4) any assets negotiable at sight.

Liquid assets include the value of a term deposit made on behalf of an adult or the adult's spouse, even if they do not have ready access to the funds, if the deposit is made while the adult is a recipient under a last resort financial assistance program, the Aim for Employment Program or the Basic Income Program or to qualify the adult under such a program.

Section 177.92 applies where the adult is a co-owner of liquid assets, with the necessary modifications.

177.102. Despite section 177.101, the following are considered to be property:

- (1) lump sums paid to an adult to compensate a loss or impairment of physical or mental integrity and death benefits paid to an adult, received in one or more payments, provided they are immediately deposited in a separate account in a financial institution;
- (2) liquid assets received by an adult from a succession in excess of the debts and charges for which the adult is liable;
- (3) proceeds from a life insurance policy received by an adult following the death of a person, provided they are paid in a lump sum.

In order for the first paragraph to apply, the following must have been received during a month in which the adult or the family is a recipient under a last resort financial assistance program otherwise than pursuant to section 49 of the Act, the Aim for Employment Program or the Basic Income Program or during a month in which the adult or family is eligible to receive dental or pharmaceutical services pursuant to section 48:

- (1) a lump sum or, if applicable, the first payment thereof, in the case of death benefits referred to in subparagraph 1 of the first paragraph; and
- (2) liquid assets and proceeds from a life insurance policy referred to in subparagraphs 2 and 3 of the first paragraph.

This paragraph applies even if the benefit granted for the month is later claimed in its entirety by the Minister, unless the claim is made following a false declaration, up to the date on which a formal repayment notice is sent by the Minister, pursuant to section 97 of the Act.

177.103. Despite section 177.101, sums accumulated by an adult in an individual or institutional savings plan recognized by the Minister, up to a total amount of \$5,000, are considered to be property.

The first paragraph applies where the following conditions are met:

- (1) the adult must inform the Minister in writing of his or her savings plan before depositing the sums or at the latest by the last day of the month following the date of the deposit;
- (2) the sums accumulated must be immediately deposited in a separate account in a financial institution that has an establishment in Canada;

(3) the sums must be intended to allow the adult or a member of the adult's family

(a) to undergo training;

(b) to purchase tools or equipment necessary for gainful employment;

(c) to create self-employment or start an enterprise;

(d) to purchase or repair a residence; or

(e) to purchase an automobile;

(4) in the case of an individual savings plan, the savings must begin during a month in which the adult is a recipient under a last resort financial assistance program, the Aim for Employment Program or the Basic Income Program or is eligible to receive dental and pharmaceutical services pursuant to section 48.

If the benefit paid for the month during which savings begin under an individual savings plan is later claimed in its entirety by the Minister, this section nonetheless applies, unless the claim is made following a false declaration, up to the date on which a formal repayment notice is sent by the Minister pursuant to section 97 of the Act.

177.104. For the purposes of section 177.101, liquid assets owned by an adult or the adult's spouse include any amount excluded from income, earnings or benefits to establish the basic income granted.

177.105. In addition to what is provided for in section 177.101, for the purposes of calculating the basic income, sums accumulated in a registered disability savings plan are excluded, including sums paid into the plan in the form of Canada Disability Savings Bonds and Canada Disability Savings Grants, for the benefit of an adult, the adult's spouse or a dependent child who may not dispose of them in the short term, according to the terms and conditions applicable to that plan.

DIVISION VI PAYMENT AND INCREASE

177.106. The basic income is paid monthly, on the first day of the month, except in case of exceptional circumstances.

Special benefits are paid according to the same conditions as if they are granted under a last resort financial assistance program.

177.107. The amounts referred to in sections 177.70, 177.73 and 177.74 and the second paragraph of section 177.80 are increased on 1 January of each year,

based on the adjustment factor established in the first, second and third paragraphs of section 750.2 of the Taxation Act (chapter I-3) for that year.

If an amount that results from the adjustment provided for in the first paragraph is not a multiple of \$1, it must be rounded to the nearest multiple of \$1 or, if it is equidistant from two such multiples, to the higher thereof.

The Minister informs the public of the increase under this section through Part 1 of the *Gazette officielle du Québec* and by such other means as the Minister considers appropriate.

DIVISION VII MISCELLANEOUS

177.108. An adult must not, within 2 years preceding an application or the payment of financial assistance, have waived his or her rights, disposed of property or liquid assets without adequate consideration or squandered those assets so as to become eligible under the program or obtain a greater amount than would otherwise have been granted.

Where an adult has a spouse, the spouse must not, within 2 years preceding an application by the adult or the payment of financial assistance to the adult, have waived his or her rights, disposed of liquid assets without adequate consideration or squandered those assets so as to make the adult eligible under the program or enable the adult to obtain a greater amount than would otherwise have been granted.

177.109. In the case of a contravention of section 177.108, the Minister reduces, refuses or ceases to pay the basic income by including, in the income calculation, the value of the rights, property or liquid assets on the date of the waiver, disposal or squandering, after subtracting adequate consideration received and, for each month elapsed since that date and for not more than 2 years, an amount of \$2,500.

For the purposes of the first paragraph, the value of the property or liquid assets to be considered corresponds each month,

(1) for the adult's property, to the amount exceeding \$500,000 divided by 12;

(2) for the adult's liquid assets, to the amount exceeding \$20,000; and

(3) for the liquid assets of the adult's spouse, to the amount exceeding \$50,000.

177.110. For the purposes of section 64 of the Act, an adult who is a creditor of support for himself or herself must inform the Minister of any agreement or judicial proceeding by sending a copy thereof within the specified time to the Service des pensions alimentaires of the Ministère de l'Emploi et de la Solidarité sociale.

The address of the Service des pensions alimentaires is published on the department's website.

177.111. If a basic income application has been refused or the basic income of the adult or family has been reduced or has ceased to be paid because of sums granted under another Act and the Minister or body that paid the sums claims them, in whole or in part, the amount of the basic income granted or that could have been granted for the months covered by the claim is recalculated, on a request made within 30 days after receipt of the claim, if the sums claimed were paid because of an administrative error of the Minister or body concerned.

For the purposes of this section and when required, new declarations relating to the months covered by the claim must be filed."

46. Section 178 is amended

(1) by inserting ", adult who is a recipient under the Basic Income Program and has a spouse" after "adult" in the first paragraph;

(2) by inserting ", adult who is a recipient under the Basic Income Program and has a spouse" after "adult" in the second paragraph.

47. Section 180 is amended by inserting "or the Basic Income Program" after "program".

48. Section 181 is amended by inserting "or the Basic Income Program" after "program" in the first paragraph.

49. Section 183 is amended by inserting "or the Basic Income Program" after "program".

50. Section 184 is amended

(1) by inserting "or Basic Income Program benefits" after "benefits" in the first paragraph;

(2) in the second paragraph

(a) by striking out "independent" in subparagraph 1;

(b) by inserting ", 177.74" after "sections 68" in subparagraph 1;

(c) by striking out "independent" in subparagraph 2.

51. Section 185 is amended by replacing "and an adult who is a minor sheltered with her dependent child" in the second paragraph by ", an adult who is a minor sheltered with her dependent child or a recipient under the Basic Income Program who has a spouse".

52. Section 187 is amended by replacing "or an independent adult required to reside in an institution" in subparagraph 1 of the second paragraph by ", an independent adult required to reside in an institution or a recipient under the Basic Income Program who has a spouse".

53. Section 188 is amended by inserting ", a recipient under the Basic Income Program who has a spouse" after "adult".

54. Section 191 is amended by inserting "and the Basic Income Program" after "program" in paragraph 1.

55. Section 194.1 is amended

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

"(2) the third paragraph of section 177.79;

(2.1) the third paragraph of section 177.80;

(2.2) the fourth paragraph of section 177.91;"

(2) by replacing "The exceptions in subparagraphs 1 and 2 of the first paragraph do not apply" in the third paragraph by "The exception in paragraph 1 of the first paragraph does not apply".

TRANSITIONAL AND FINAL

56. The second paragraph of section 157.1 of the Individual and Family Assistance Regulation (chapter A-13.1.1, r. 1), replaced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, as it read on 31 December 2022, continues to apply to the following persons who, on that date, received sums referred to in that paragraph, so long as they continue, without interruption, to be recipients under the Social Solidarity Program or be eligible to receive dental and pharmaceutical services pursuant to section 48 of the Regulation:

(1) a person who receives financial assistance granted pursuant to section 49 of the Act, where an agreement was entered into with the Minister providing for repayment of the full amount of assistance received;

(2) a person who receives financial assistance that might have to be repaid pursuant to section 88 or 90 of the Act.

57. A recipient whose social solidarity allowance is adjusted on 31 December 2022 pursuant to the second paragraph of section 157.1 of the Individual and Family Assistance Regulation, replaced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, as it read on 31 December 2022, is considered to meet the conditions set out in section 177.43, made by section 45 of this Regulation, except persons who, on that same date,

(1) received financial assistance granted pursuant to section 49 of the Act, where an agreement was entered into with the Minister providing for repayment of the full amount of assistance received; or

(2) received financial assistance that might have to be repaid pursuant to section 88 or 90 of the Act.

58. In the case of a recipient whose social solidarity allowance is not adjusted on 31 December 2022 pursuant to the second paragraph of section 157.1 of the Individual and Family Assistance Regulation, replaced by section 2 of the Regulation to amend the Individual and Family Assistance Regulation, made by Order in Council 1509-2021 dated 1 December 2021, as it read on 31 December 2022, the months that were considered on that date for the purposes of calculating the period provided for in that paragraph continue to be so considered for the purposes of the calculation provided for in section 177.43, made by section 45 of this Regulation, so long as the person continues to be a recipient under that program or be eligible to receive dental and pharmaceutical services pursuant to section 48 of the Individual and Family Assistance Regulation.

Sections 177.43 and 177.45 to 177.47, made by section 45 of this Regulation, apply in respect of such a recipient for taking into consideration months subsequent to December 2022.

Despite the second paragraph, if the recipient did not, between 1 November 2021 and the beginning of his or her ineligibility under the Social Solidarity Program following that date, receive sums referred to in subparagraphs 1 to 3 of the first paragraph of section 177.46, made by section 45 of this Regulation, and he or she was not readmitted to the program after having been a recipient thereunder, section 177.46 applies to the recipient even if he or she is not admitted to the Social Solidarity Program for the first time.

59. Where a person has previously received a social solidarity allowance between 1 November 2021 and 30 December 2022 and the person is no longer a recipient under the program on 31 December 2022, the period referred to in the second paragraph of section 177.46 of the Individual and Family Assistance Regulation, made by section 45 of this Regulation, is presumed to have already been considered for the purposes of calculating the period provided for in section 177.43, made by section 45 of this Regulation.

If the person did not, between 1 November 2021 and the beginning of his or her ineligibility under the Social Solidarity Program following that date, receive sums referred to in subparagraphs 1 to 3 of the first paragraph of section 177.46, made by section 45 of this Regulation, and he or she was not readmitted to the program after having been a recipient thereunder before 31 December 2022, section 177.46 applies to the recipient even if he or she is not admitted to the Social Solidarity Program for the first time.

60. Despite section 177.57 of the Individual and Family Assistance Regulation, made by section 45 of this Regulation, the first reference period begins on 1 January 2023 and ends on 30 June 2023.

61. Despite the first paragraph of section 177.49 of the Individual and Family Assistance Regulation, made by section 45 of this Regulation, a person admitted to the Basic Income Program between 1 January and 30 June 2023 may choose, one time only and not later than 31 December 2023, not to participate in it.

62. The amount referred to in section 177.70 of the Individual and Family Assistance Regulation, made by section 45 of this Regulation, is increased as of 1 January 2023 according to section 177.105, made by section 45 of this Regulation.

The Minister informs the public of the increase under this section through Part 1 of the *Gazette officielle du Québec* and by such other means as the Minister considers appropriate.

63. This Regulation comes into force on 1 January 2023.

105592

Draft Rules

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

Procedure of the Tribunal administratif du logement — Replacement

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Rules of procedure of the Tribunal administratif du logement, appearing below, may be made on the expiry of 45 days following this publication.

The draft Rules replace the Rules of procedure of the Administrative Housing Tribunal (chapter T-15.01, r. 5). In particular, they introduce new rules to harmonize the procedure with the various legislative amendments following the coming into force 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) and the Act to establish a new development regime for the flood zones of lakes and watercourses, to temporarily grant municipalities powers enabling them to respond to certain needs and to amend various provisions (2021, chapter 7). They specify the terms and conditions of application of the rules established by the Act respecting the Administrative Housing Tribunal (chapter T-15.01) by introducing new provisions promoting the accessibility, quality and promptness of justice, a new framework for the use of technological means and new rules concerning joint applications.

Further information of the draft Rules may be obtained by contacting Mre. Marie-Josée Persico, Tribunal administratif du logement, Village Olympique, Pyramide Ouest (D), Rez-de-chaussée, bureau 2360, 5199, rue Sherbrooke Est, Montréal (Québec) H1T 3X1; telephone: 514 873-6575; fax: 514 864-3025; email: reglementprocedure@tal.gouv.qc.ca.

Any person wishing to comment on the draft Rules is requested to submit written comments within the 45-day period to Mre. Marie-Josée Persico, Tribunal administratif du logement, Village Olympique, Pyramide Ouest (D), Rez-de-chaussée, bureau 2360, 5199, rue Sherbrooke Est, Montréal (Québec) H1T 3X1; telephone: 514 873-6575; fax: 514 864-3025; email: reglementprocedure@tal.gouv.qc.ca.

PATRICK SIMARD

Chair of the Tribunal administratif du logement

Rules of procedure of the Tribunal administratif du logement

Act respecting the Administrative Housing Tribunal
(chapter T-15.01, s. 85)

PRELIMINARY

These Rules establish procedure that will apply to recourses before the Tribunal administratif du logement in such a way as to ensure the accessibility, quality and promptness of justice, the fair, simple, proportionate and economical application of procedural rules, the exercise of the parties' rights in a spirit of co-operation and balance, and respect for those involved in the administration of justice.

CHAPTER I GENERAL

1. The failure to respect a rule of procedure does not affect the outcome of an application provided the irregularity is remedied in a timely manner.

Unless the Tribunal decides otherwise, any delay, or formal or procedural irregularity may be remedied before it at the hearing.

2. The Tribunal may correct any improper term in the conclusions sought in order to give them their proper characterization in light of the allegations in the application.

3. The hearing of an application is held at the place designated by the Tribunal in the territory in which the dwelling is situated.

At any stage of a proceeding, the Tribunal may, in the interests of the parties or if warranted on other grounds to ensure the proper administration of justice, hold the hearing of an application in another place served by the Tribunal.

The party who, on serious grounds, requests the transfer of the hearing of an application to a territory other than the territory in which the dwelling is situated must notify a copy of the application to the other party.

CHAPTER II PROCEDURE BEFORE THE TRIBUNAL

DIVISION I APPLICATION

§1. Form, content and filing of application

4. An originating application must be filed in writing and be signed by the party filing it or, as applicable, by the party's advocate.

It must contain

(1) the names, addresses of the domicile or residence of the parties, their telephone numbers and, where applicable, their fax numbers and email addresses;

(2) where applicable, in what capacity persons are party to the proceeding if otherwise than in their own name;

(3) the address of the dwelling concerned; and

(4) any other information the Tribunal may require.

5. An application must specify its purpose and state the facts on which it is based and the conclusions sought. It must also state anything which, if not alleged, could take another party by surprise or raise an unexpected debate.

The statements in the application must be clear, precise and concise. They must be presented in logical order and be numbered consecutively.

6. An application may include two or more subject matters or claims, provided the conclusions sought are compatible.

7. An application may be filed at any office of the Tribunal.

8. An application may be sent to the Tribunal using media-based information technology taking into account the technological environment in place to support the business of the Tribunal.

The Tribunal distributes by any means it considers appropriate the list of those means, as well as the technical conditions specific to their use.

9. The date of filing of an application is held to be the date on which it is received at any office of the Tribunal. The application is validly filed only if the fee has been paid.

An application received after 4:30 p.m. on a working day or a holiday is considered to be received on the working day after it is received.

§2. Application for contesting an adjustment of rent or changing a lease

10. Where the Tribunal is seized of an application for contesting an adjustment of rent or an application for a ruling on a change in a lease, the lessor must, within 90 days of the date on which the form to be completed by the lessor is sent by the Tribunal, file the duly completed form in the record.

The lessor must also, within the same time, notify a copy of the completed form to the lessee and file proof of such notification in the record of the Tribunal. Where the applicant is the lessor and fails to file such proof of notification in the record of the Tribunal within the prescribed time, the application expires and the Tribunal closes the record.

Despite sections 56.1 and 56.2 of the Act respecting the Administrative Housing Tribunal (chapter T-15.01), the applicant is not required to notify the exhibits or a list of the exhibits in support of the application, or to file such a list in the Tribunal's record.

This section does not apply to an application for review of rent for low-rental housing within the meaning of article 1984 of the Civil Code of Québec.

§3. Application for authorization to be relieved from a prohibition to file an application

11. An application for authorization to be relieved from a prohibition to file an application must be addressed to the chair or a member designated by the chair. It must contain the grounds in support of the application and the application to be filed if the authorization is granted, and be accompanied by the evidence related to the application.

An application for authorization to be relieved from a prohibition to file an application may be heard in writing.

If it is granted, a copy of the authorization must be attached to the application when it is notified to the adverse party.

12. Unless prior authorization has been given by the chair or a member designated by the chair, an application from a party who is prohibited from presenting an application is deemed not to exist.

§4. Application to have a proceeding declared excessive or dilatory

13. An application to have a proceeding declared excessive or dilatory and, where applicable, to obtain damages for any injury suffered or punitive damages due to such proceeding, may be presented orally.

Where the hearing proceeds in the absence of the other party, no claim for damages for any injury suffered or for punitive damages due to a proceeding declared excessive or dilatory will be heard unless it has been filed and notified to the other party. The claim must be accompanied, if applicable, by a copy of the exhibits supporting it.

§5. Joint application referred to in section 57.0.1 of the Act respecting the Administrative Housing Tribunal (chapter T-15.01)

14. The notification of a joint application to the defendant by one of the applicants is valid for all the applicants identified in the application.

15. Despite section 44, where, by amending the joint application, a lessee is added as a party, the application regarding the lessee is deemed to have been filed on the date on which the original application is instituted.

16. The lessee whose impleading is ordered by the Tribunal is added to the joint application as a defendant, without other formality. The application regarding that lessee is deemed to have been filed on the date on which the original application is instituted.

17. The operator of a private seniors' residence who is convened to a case management conference must bring, in addition to any document required by the Tribunal, the list of the names and addresses of all the lessees, the date of the beginning and end of their respective leases and the amount of the agreed rent.

18. The lessee who is a party to the joint application may request that any written communication from the Tribunal addressed to the lessee also be sent to an addressee identified by name, address, email address and telephone number.

DIVISION II NOTIFICATION

§1. General

19. An application intended for a number of addressees must be notified to each separately. The same applies to any other document that must be notified.

The notification of an application is made after it is filed with the Tribunal.

20. The notification of an application or any other document is validly demonstrated by the production of proof of receipt.

§2. Notification by public notice

21. The Tribunal may, even on verbal application, authorize notification by public notice.

22. Notification by public notice is made by publishing a notice, by any means likely to reach the addressee, indicating the date, designation of the parties, record number, address of the dwelling concerned and the place where the defendant may go to receive the application.

DIVISION III COMMUNICATION AND FILING OF EXHIBITS AND OTHER EVIDENCE

§1. General

23. Any exhibit or material evidence must be filed at the hearing.

An applicant who intends to file an exhibit must, if it does not accompany the application when it is notified, send, on request, a copy to the adverse party, without costs. In the case of material evidence, it is deemed sent by making it available as soon as possible before the hearing.

If they have not been sent, exhibits and other material evidence may not be filed without leave of the Tribunal.

§2. Hearing held using technological means

24. When convened to a hearing held using technological means, the parties must send to the Tribunal and the other parties, at least 10 days before the hearing, a copy of the exhibits they intend to file and that are included in the list of exhibits notified with the application, if applicable. The exhibits need not be sent again to the parties if they were sent with the notification of the application.

The Tribunal distributes by any means it considers appropriate the conditions for sending the exhibits.

No other exhibit will be produced without leave of the Tribunal.

§3. Written declaration

25. Where a party intends to apply to the Tribunal for authorization to file a statement to avail in lieu of testimony, including a bailiff's ascertainment, the party must,

as soon as possible before the hearing, notify the other party and provide the other party with a copy of the written statement, unless the other party consents to the filing.

Despite the absence of consent from the other party, the Tribunal may authorize such a statement, but the Tribunal must ascertain that it is impossible for the declarant to appear as a witness, or that it is unreasonable to require the declarant to do so, and that the reliability of the statement is sufficiently guaranteed by the circumstances in which it is made.

§4. *Technology-based document*

26. A party who, at a hearing, wishes to file a technology-based document must make sure that the Tribunal has the required equipment to allow the presentation at the hearing.

If the Tribunal does not have the required equipment, the party must transfer the document to a medium adapted to the equipment the Tribunal has at its disposal at the hearing or provide, at the hearing, the equipment required for the presentation of the technology-based document.

The Tribunal may require that the party file a copy of the document on another medium in order to facilitate examination.

§5. *Expert's report*

27. An expert's report must be notified with the application. If such a report is obtained after the filing of the application, it must be sent to the Tribunal and the other parties at least 20 days before the date set for the hearing.

The Tribunal may, however, authorize the filing of such a report within any other period and on the conditions it determines, if it considers it appropriate to ensure the proper administration of justice and none of the parties is seriously harmed.

§6. *Authorization to file a document after the hearing*

28. No document may be filed after the hearing, except with the prior authorization of the Tribunal.

The party filing such a document with the authorization of the Tribunal must send a copy to the other party, unless the Tribunal decides otherwise.

DIVISION IV REPRESENTATION

29. If a party is represented by an advocate, the advocate must file with the Tribunal and send to the other parties a dated representation statement including the

advocate's name and the name of the partnership or the name under which the advocate is known. The advocate must also indicate professional contact information such as address, email address, telephone and fax numbers, and the name of the party represented, the record number and the address of the dwelling.

From the time of filing the statement, the advocate receives any written communication issued by the Tribunal other than the information necessary for fixing the rent form.

30. An advocate who ceases to represent a party must file with any office of the Tribunal a declaration indicating the date on which the mandate ended.

The declaration may also be made verbally at the hearing.

31. Unless the mandatary is the party's spouse or an advocate, the mandatary authorized in accordance with the law must present the written mandate which the mandatary holds to the Tribunal.

The mandate may be filed subsequently, even in review, if it is proven to the Tribunal that a mandate existed at the time of the hearing.

DIVISION V INCIDENTAL PROCEEDINGS

32. The Tribunal may rule, before the hearing on the merits, on any ancillary application.

§1. *Postponement, adjournment and striking of a case*

33. A party who must request the postponement of a hearing must file with the Tribunal a written application, with reasons, and notified to the other parties as soon as soon as the party becomes aware of the grounds the party wants to invoke. If applicable, the application for postponement must be accompanied by supporting documents and the written consent of the parties.

Where the application for postponement is contested, the Tribunal rules on the application at the hearing. The postponement is granted only if it is based on serious grounds and the interests of justice are thus better served.

34. The first two applications for postponement of consent are granted without further formality.

Where the parties have applied for two postponements of consent, the Tribunal convenes them to a case management conference in order in particular to subject the further conduct of the proceeding to certain conditions.

35. At the hearing, the Tribunal may, on its own initiative or at the written or verbal request of one of the parties, postpone or adjourn the hearing or strike the case.

The decision must be recorded in the minutes.

Where the case is struck off the roll, the Tribunal notifies the parties in writing, at the last address indicated in the record, that the applicant may re-enter the case on the roll within 30 days following the date of the notice. If the applicant fails to do so, the application expires and the Tribunal closes the record.

The sending of the notice is, in the absence of proof to the contrary, proof that it has been received by the addressee.

36. The re-entry must be filed with the Tribunal in writing and be notified to the other parties.

The applicant must, without delay, notify the Tribunal of any change of address of the other parties to the proceeding.

Proof of notification, together with any notice of change of address, must be filed in the record of the Tribunal. The Tribunal may refuse to convene the parties to a hearing as long as the document has not been filed.

The Tribunal may convene the parties without delay where it considers it appropriate.

§2. Continuance of proceedings and intervention

37. The Tribunal may authorize a person, who demonstrates sufficient interest, to intervene in a proceeding, on the conditions it sets, in particular as to the scope of the intervention. The application for intervention must be notified to all the parties.

The Tribunal may, at the hearing, authorize an intervention or a continuance of a proceeding on a simple verbal application noted in the minutes. It may then impose the conditions it considers necessary for the protection of the rights of the parties.

The Tribunal may, on its own initiative, order the impleading of any person whose rights or interests may be affected by the application.

38. Except in special circumstances, the proceeding may not be delayed because the status of one of the parties has changed, one of the parties ceased to hold the office under which the party was proceeding or the party died.

If the proceeding is not continued at the hearing, the applicant may proceed by default or the defendant may apply for dismissal of the application.

§3. Recusation

39. A member who is aware of a valid reason for recusation concerning the member must note it in the minutes and notify the parties. The member must abstain from sitting. The case is then heard by another member.

40. A party who intends to raise grounds for recusation against a member seized of a case must do so in writing, unless the member decides otherwise.

41. The application for recusation may be decided by the member seized of the case.

If the application is granted, the member must withdraw from the case and abstain from sitting. The case is then heard by another member.

If the application is dismissed, the member continues to be seized of the case and the hearing continues.

42. A member may send the application for recusation to the chair or any other member designated by the chair to determine which member will be called upon to hear and decide the application.

If the application for recusation is granted, the recused member must withdraw from the case and abstain from sitting.

If the application is dismissed, the case is continued or heard before the member initially seized of the case.

43. If more than one member hears a case and an application for recusation is filed against one of them, sections 40 to 42 apply to that member.

§4. Amendment of an application

44. A party may, at any time before the hearing, amend an application in particular to rectify or complete allegations or conclusions, to invoke facts that occurred during the proceeding in progress, to assert a right accrued since the application was filed that is related to a right exercised in the original application, or to add a party.

The party who files the amendment of an application must notify a copy to the other party.

Where a party is added by amendment of an application, a copy of the original application and the amendment must be notified to that party. The application with regard to the party is deemed to have been filed on the date on which the Tribunal receives the amendment.

45. The Tribunal may, at the hearing and in the presence of the adverse party, authorize an amendment on a simple verbal application noted in the minutes.

46. No amendment to the application is admitted if it is useless or contrary to the interests of justice or if it results in an entirely new application having no connection with the original one.

§5. Discontinuance

47. A party may discontinue totally or partially the application by means of a written declaration or verbally at any time during the proceeding.

The Tribunal notifies the other party of the discontinuance, unless it is filed at the hearing.

§6. Acquiescence in application

48. A defendant may, at any stage of the proceeding, acquiesce, in whole or in part, in the application by filing a declaration of acquiescence at any office of the Tribunal.

If acquiescence is unqualified, the Tribunal may render judgment in writing.

If acquiescence in the application is qualified or if the Tribunal considers it necessary for the proper administration of justice, the Tribunal may convene the parties to a hearing.

If there are two or more defendants and only one or some of them file a declaration of acquiescence, the Tribunal may render its decision accordingly, but if it is of the opinion that the dispute requires a uniform decision with respect to all the defendants, either because of the subject matter of the application or to avoid conflicting decisions, it may choose not to rule immediately so that a decision be rendered with respect to all the defendants.

§7. Agreement

49. Where the parties reach an agreement, the Tribunal closes the record on the filing of a notice of out-of-court settlement.

The Tribunal may however suspend the case if the applicant so requests in writing on the filing of an agreement signed by the parties.

If re-entry is not requested in the year following the date on which the case was suspended or the applicant does not require the extension of the suspension within that time, the application expires and the Tribunal closes the record. The extension of the suspension may be requested only once and for a maximum of 12 additional months.

50. An agreement filed in the record may be ratified in writing if the parties consent thereto. If there is no consent or if the Tribunal considers it necessary for the proper administration of justice, the Tribunal convenes the parties to decide the application for ratification.

The agreement filed or entered into at the hearing may be ratified by the Tribunal.

Where an agreement is ratified, it is enforceable as a decision of the Tribunal.

CHAPTER III HEARING

DIVISION I NOTICE OF HEARING

51. A notice indicating the place, date and time of a hearing and the nature of the application is sent to the parties at the last address indicated in the record.

The notice may also be sent by any other appropriate means to the parties that provided the required particulars of the place where they agree to receive the notice.

The sending of the notice is, in the absence of proof to the contrary, proof that it has been received by the addressee.

52. If the application is the subject of an authorization of notification by public notice, the Tribunal publishes the notice of hearing on the Tribunal's website.

DIVISION II CALLING OF WITNESSES

53. A subpoena as a witness, issued by a member or a special clerk of the Tribunal or an advocate, must be served by a court bailiff, at the expense of the party that so requires, at least 3 days before the date of the hearing.

If exceptional circumstances warrant it, in particular in an emergency, the member or special clerk of the Tribunal may shorten the period, that may not be less than 24 hours. The decision to shorten the period is indicated in the subpoena.

If circumstances require it, the member or special clerk of the Tribunal may, on request, authorize another method of notification.

A person may, in the same manner, be assigned to file a document or other evidence.

54. A person held in a detention centre or a penitentiary may only be summoned as a witness on an order from a member or a special clerk of the Tribunal commanding the warden or the jailer, as the case may be, to make the person appear according to the instructions in the order so that the person may testify.

The subpoena must be notified by a court bailiff at least 10 days before the hearing. If exceptional circumstances warrant it, in particular in an emergency, the member or special clerk of the Tribunal may shorten that period, that may not be less than 72 hours. The decision to shorten the period is indicated in the subpoena.

If circumstances require it, the Tribunal may, on request, authorize another method of notification.

55. A warrant for witness is issued by the Tribunal, at the request of a party, with respect to the witness whose testimony may be useful but who fails to attend despite having been duly summoned. A witness against whom a warrant for witness has been issued remains at the disposal of the Tribunal until the witness has testified.

The warrant for witness is executed by a court bailiff at the expense of the party who requests it.

DIVISION III PROCEDURE

§1. *General*

56. Hearings are public. The Tribunal may, of its own initiative or at the request of one of the parties, order that a hearing be held in private if it considers it necessary in the interest of justice.

In addition, the Tribunal may, of its own initiative or at the request of one of the parties, prohibit or restrict the disclosure, publication or dissemination of information of any document.

57. Persons present at a hearing must be dressed appropriately and must conduct themselves in a respectful and restrained manner. They must refrain from disrupting the hearing.

58. Outside the hearing, neither a party nor the party's witness may address the Tribunal without the other party being present.

59. Before testifying, witnesses must swear under oath to tell the truth, the whole truth and nothing but the truth. Witnesses must state their name and place of residence or work, if applicable.

An expert witness must also swear that the testimony will respect the primary duty to enlighten the Tribunal and that the opinion provided will be objective, impartial, thorough and based on the most current knowledge on the questions on which the expert's opinion is required.

Where the services of an interpreter are needed for a hearing, the interpreter must swear that the translation will be accurate and impartial.

A refusal to take the oath constitutes a refusal to testify.

60. The Tribunal may, of its own initiative or at the request of one of the parties, order that the witnesses testify outside the presence of one another.

§2. *Recording of hearings*

61. The Tribunal records hearings by any appropriate means.

If the Tribunal does not record the hearing, it must indicate the reasons in the minutes.

Only the persons who prove their status as journalists may make a sound recording of the proceedings and the decision, unless the Tribunal prohibits them from doing so; the recording may not be broadcast. In no case may images be recorded.

62. A person may request, in writing and on payment of costs, a copy of the sound recording made by the Tribunal.

No reproduction or broadcasting of any such recording is permitted.

§3. *Contempt of court*

63. A citation for contempt issued by the Tribunal orders the person who is charged with interfering with the ordinary course of the administration of justice or undermining the authority or dignity of the Tribunal, to appear at the place, day and time specified to hear proof of the facts against the person and to raise grounds of defence.

The citation must be notified personally by a court bailiff, unless, for valid grounds, the Tribunal authorizes another method of notification.

Contempt may be decided by a member other than the member before whom it was allegedly committed.

In exceptional circumstances, the Tribunal may immediately ask the person who is charged with contempt to explain themselves and to raise grounds of defence.

DIVISION IV **REOPENING OF HEARING**

64. A member who has taken a case under advisement may, of the member's own initiative or at the request of one of the parties, allow the reopening of a hearing for the purposes and on the conditions determined by the member.

The Tribunal sends a notice of hearing to the parties.

CHAPTER IV **DECISION**

65. A decision is rendered within 3 months after the matter is taken under advisement. To ensure the proper administration of justice, the chair may, however, extend that period.

If a member seized of a matter does not render a decision within the prescribed time, the chair may, on the chair's own initiative or at the request of one of the parties, remove the member from the matter and designate another member.

The new designated member may rely, as regards testimonial evidence, on the notes and minutes of the hearing or, as the case may be, on the stenographer's notes or the recording of the hearing.

Before extending the period or removing the member who has not rendered a decision within the prescribed time, the chair must take into consideration the circumstances and the interest of the parties.

66. The Tribunal sends to the parties a certified true copy of the decision, by mail, at the last address indicated in the record, except if it is rendered at the hearing.

The decision may also be sent using any other appropriate means, to the parties who have provided the required particulars of the place where they agree to receive the decision.

The sending of the notice is, in the absence of proof to the contrary, proof that it has been received by the addressee.

67. Where the Tribunal renders a decision at the hearing, it notes the conclusions in the minutes, a true copy of which may be issued on request.

CHAPTER V **DEPOSIT OF RENT**

68. Where the Tribunal authorizes the deposit of rent, the rent must be deposited at any office of the Tribunal in cash, by cheque certified by a financial institution carrying on business in Québec, banker's draft or postal money order payable to the order of the Minister of Finance or by another method of payment offering the same guarantees and the Tribunal can accept the payment.

At the first deposit, it must be accompanied by the decision authorizing the deposit.

69. Rent deposited at the Tribunal may be remitted on the written consent of the parties.

A decision authorizing the remittal of the deposit of the rent is followed by an application for remittal, accompanied by a certificate of non-appeal, where applicable.

CHAPTER VI **MEANS TO CONTEST THE DECISION**

DIVISION 1 **REVOCATION**

70. The application for revocation of a decision must include not only the grounds in support thereof, but also, if filed by the defendant to the original application, a brief statement of the grounds of defence to the original application.

71. If the Tribunal hearing an application for revocation of a decision grants the revocation, it may immediately hold a hearing on the original application or postpone the hearing.

72. An application for revocation of a decision must be heard by a member other than the member who rendered the decision.

Where the sole reason for the application is that a party was prevented from attending the hearing, the application may be heard by the member who rendered the decision which is the subject of the application for revocation.

CHAPTER VII APPLICATIONS CONCERNING THE PRESERVATION OF DWELLINGS

DIVISION I DEMOLITION OF DWELLINGS

73. If a lessee applies to the Tribunal for a ruling on the advisability of the demolition of a dwelling, the lessor must, within 10 days of receiving the application, file with any office of the Tribunal a list of the names and addresses of lessees who have received an eviction notice together with the dates of the end of their leases. The application may not be placed on the roll unless the lessor has filed that list.

The lessor must inform the Tribunal of any change to the list of lessees.

74. A lessee who applies to the Tribunal for a ruling on the advisability of the demolition of a dwelling may discontinue the application with the Tribunal's authorization and on the conditions the Tribunal considers necessary to protect the rights of the other lessees and, where applicable, of the person who wishes to preserve a dwelling as rental housing.

75. A person who wishes to preserve a dwelling as rental housing files a writing in the record, stating the person's name and address, before the notice of hearing is sent to the parties. The Tribunal sends the person a copy of the notice of hearing.

76. At the hearing, unless the Tribunal decides otherwise, the parties are heard in the following order: the lessor, the lessees and the persons who have made written statements, if any.

77. The Tribunal sends a notice of hearing and a copy of the decision to the lessor, to each lessee whose name appears on the list and to the persons who have made written statements, if any.

DIVISION II ALIENATION OF AN IMMOVABLE LOCATED IN A HOUSING COMPLEX

78. A person applying to the Tribunal for authorization to alienate an immovable situated in a housing complex must file with any office of the Tribunal, together with the application, the updated cadastral description of the immovable and a list of the names and addresses of lessees in the housing complex and, where applicable, those of the promisor or of the owner. The application may not be placed on the roll unless the applicant has filed that information.

The applicant must inform the Tribunal of any change to the list of lessees.

79. The applicant must notify a copy of the application to each lessee in the housing complex and to every person who becomes a lessee.

The application for the alienation of an immovable located in a housing complex must also be notified, if applicable, to the owner or promisor.

80. The Tribunal sends a notice of hearing and a copy of the decision to the owner, to each lessee in the housing complex whose name appears on the list and to the persons who have made written representations, if any.

DIVISION III CONVERSION OF A RENTAL RESIDENTIAL IMMOVABLE TO DIVIDED CO-OWNERSHIP

81. An owner who applies to the Tribunal for authorization to convert a rental residential immovable to divided co-ownership must file at any office of the Tribunal, together with the application, the updated cadastral description of the immovable and a list of the names and addresses of the immovable's lessees. The application may not be placed on the roll unless the owner has filed the information.

The owner must inform the Tribunal of any change to the list of lessees.

82. Sections 79 and 80 apply, with the necessary modifications, to an application for the conversion of a rental residential immovable to divided co-ownership.

DIVISION IV INTERVENTION OF THE TRIBUNAL

83. The Tribunal convenes a person against whom it intends to render an order enjoining the person to comply with a decision respecting the conservation of dwellings or enjoining the person to cease or not undertake any operation contravening the Act respecting the Administrative Housing Tribunal (chapter T-15.01) in such matter and, where necessary, to restore the premises to a state of good repair.

The notice convening the person must indicate the place, date and time of the hearing and order the person to appear before the Tribunal to be heard on the facts giving rise to the intervention.

84. The Tribunal notifies by court bailiff, to the person concerned, the decision rendered.

CHAPTER VIII RECORDS

85. Unless authorized by a member, where a hearing is adjourned or an application is taken under advisement, no exhibit may be removed from the record before the Tribunal's final decision is rendered or the proceeding terminating the proceedings is filed.

CHAPTER IX FINAL

86. These Rules replace the Rules of procedure of the Administrative Housing Tribunal (chapter T-15.01, r. 5).

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

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