no. 27

Part 2
LAWS AND REGULATIONS

5 July 2023 / Volume 155

Summary

Legal deposit – 1st Quarter 1968
Bibliothèque nationale du Québec

NOTICE TO USERS

The *Gazette officielle du Québec* is the means by which the Québec Government makes its decisions official. It is published in two separate editions under the authority of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001) and the Regulation respecting the *Gazette officielle du Québec* (chapter M-15.001, r. 0.1).

Partie 1, entitled "Avis juridiques", is published at least every Saturday. If a Saturday is a legal holiday, the Official Publisher is authorized to publish it on the preceding day or on the following Monday.

Partie 2, entitled "Lois et règlements", and the English edition, Part 2 "Laws and Regulations", are published at least every Wednesday. If a Wednesday is a legal holiday, the Official Publisher is authorized to publish them on the preceding day or on the Thursday following such holiday.

Part 2 – LAWS AND REGULATIONS

Internet

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

www.publicationsduquebec.gouv.qc.ca

Contents

Regulation respecting the *Gazette officielle du Québec*, section 4

Part 2 shall contain:

(1) Acts assented to;

(2) proclamations and Orders in Council for the coming into force of Acts;

(3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;

(4) regulations made by courts of justice and quasi-judicial tribunals;

(5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and

(6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

Rates*

1. Annual subscription to the printed version

Partie 1 «Avis juridiques»:	$572
Partie 2 «Lois et règlements»:	$784
Part 2 «Laws and Regulations»:	$784

2. Acquisition of a printed issue of the *Gazette officielle du Québec*: $12.24 per copy.

3. Publication of a document in Partie 1:
$1.97 per agate line.

4. Publication of a document in Part 2:
$1.31 per agate line.

A minimum rate of $286 is applied, however, in the case of a publication of fewer than 220 agate lines.

*** Taxes not included.**

General conditions

The electronic files of the document to be published — a Word version and a PDF with the signature of a person in authority — must be sent by email (gazette.officielle@servicesquebec.gouv.qc.ca) and received **no later than 11:00 a.m. on the Monday** preceding the week of publication. Documents received after the deadline are published in the following edition.

The editorial calendar listing publication deadlines is available on the website of the Publications du Québec.

In the email, please clearly identify the contact information of the person to whom the invoice must be sent (name, address, telephone and email).

For information, please contact us:

Gazette officielle du Québec
Email: gazette.officielle@servicesquebec.gouv.qc.ca

425, rue Jacques-Parizeau, 5e étage
Québec (Québec) G1R 4Z1

Subscriptions

For a subscription to the printed version of the *Gazette officielle du Québec*, please contact:

Les Publications du Québec
Customer service – Subscriptions
425, rue Jacques-Parizeau, 5e étage
Québec (Québec) G1R 4Z1
Telephone: 418 643-5150
Toll free: 1 800 463-2100

Fax: 418 643-6177
Toll free: 1 800 561-3479

All claims must be reported to us within 20 days of the shipping date.

Table of Contents

Page

Acts 2023

Coming into force of Acts

Regulations and other Acts

Draft Regulations

PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

QUÉBEC, 1 JUNE 2023

OFFICE OF THE LIEUTENANT-GOVERNOR

Québec, 1 June 2023

This day, at ten to ten o'clock in the evening, His Excellency the Lieutenant-Governor was pleased to assent to the following bill:

16 An Act to amend the Act respecting land use planning and development and other provisions

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

Québec Official Publisher

NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION FORTY-THIRD LEGISLATURE

Bill 16
(2023, chapter 12)

An Act to amend the Act respecting land use planning and development and other provisions

Introduced 21 March 2023
Passed in principle 9 May 2023
Passed 1 June 2023
Assented to 1 June 2023

Québec Official Publisher
2023

EXPLANATORY NOTES

This Act makes various amendments to the Act respecting land use planning and development in order, mainly,

(1) to state the principles underlying the land use planning and development regime and define the purposes of territorial planning;

(2) to amend the content of land use and development plans of regional county municipalities (RCM plans) and of planning programs in order to broaden their scope;

(3) to provide for mechanisms for monitoring the implementation of land use planning, including the addition of targets to the metropolitan land use and development plan and to the RCM plan, and for the periodic production of reports by metropolitan communities and regional county municipalities and of a national report by the Minister of Municipal Affairs;

(4) to provide for the preparation and adoption of a national land use planning policy;

(5) to amend certain rules applicable to the revision of territorial planning documents and to requests made by the Minister to amend or revise those documents;

(6) to broaden the scope of revitalization programs and of programs to acquire immovables as regards the parts of the territory that may be covered by those programs;

(7) to introduce new exceptions to approval by way of referendum, in particular in the case where the purpose of a by-law is to enable the siting of collective equipment or of accessory dwellings or to increase the occupation density of the land;

(8) to allow local municipalities to adopt an incentive zoning by-law;

(9) to broaden the circumstances in which a local municipality may subordinate the issue of an authorization to the production of an expert assessment;

(10) to allow local municipalities to use the parking fund to finance sustainable mobility projects, to use the contribution intended for parks, playgrounds and green spaces to finance regional initiatives, to require a servitude as a contribution in that respect, and to restrict the requirements related to such a contribution in an agricultural zone; and

(11) to amend several procedural rules set out in the Act, in particular with respect to consistency, conformity, concordance, interim control, government interventions and the replacement of certain planning by-laws.

The Act amends the Municipal Powers Act to, in particular, allow local municipalities to temporarily suspend the issue of authorizations with respect to interventions that could create water supply or waste water treatment problems. Local municipalities are granted powers to provide assistance relating to accessory dwellings, disaster prevention and the mitigation of economic consequences, in the agricultural sector, of measures for the protection of natural environments.

The Act introduces measures to ensure the confidentiality of certain information concerning persons who need protection. It amends, in particular, the Act respecting municipal taxation to allow the withdrawal, on request, of the owner's name and postal address from the information entered in the property assessment roll for reasons related to the safety of the owner of the immovable or to the safety of a person occupying or using the immovable.

Various specific measures applicable to certain municipalities are also introduced.

Lastly, the Act makes amendments to other provisions concerning various matters and contains transitional and final provisions.

LEGISLATION AMENDED BY THIS ACT:

– Act respecting land use planning and development (chapter A-19.1);

– Charter of Ville de Longueuil (chapter C-11.3);

– Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);

– Charter of Ville de Québec, national capital of Québec (chapter C-11.5);

– Cities and Towns Act (chapter C-19);

– Municipal Code of Québec (chapter C-27.1);

– Municipal Powers Act (chapter C-47.1);

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

– Act respecting municipal taxation (chapter F-2.1);

– Cultural Heritage Act (chapter P-9.002);

– Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1);

– Fire Safety Act (chapter S-3.4);

– Charter of the City of Laval (1965, 1st session, chapter 89).

Bill 16

AN ACT TO AMEND THE ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT AND OTHER PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

1. The Act respecting land use planning and development (chapter A-19.1) is amended by inserting the following preamble after the title:

"AS the territory of Québec is unique and diversified and as it constitutes the common heritage of all Quebecers;

"AS that territory is a source of attachment, pride and identity for all its inhabitants;

"AS that territory constitutes both an invaluable wealth and a limited resource, and as it is important to protect it and develop it for the benefit of current and future generations;

"AS human actions in the territory have lasting effects;

"AS land use planning and development are essential to the sustainable use of the territory and as they contribute to the creation of quality living environments, the protection of natural environments and agricultural land, the development of agricultural and forest activities, the development of dynamic and authentic communities and the fight against climate change;

"AS land use planning and development are responsibilities that are shared by the State and the municipal authorities, and as it is important to ensure concerted action between the stakeholders as well as consistency in decisions concerning these matters;

"AS it is the State's responsibility to define the policy directions that are to guide territorial planning and to ensure that its interventions contribute to the sustainable development of the territory;

"AS it is incumbent on municipal authorities to make decisions concerning land use planning and development in keeping with those policy directions, giving priority to the collective interest and taking into account territorial characteristics;".

2. The heading of the preliminary title of the Act is amended by inserting "OBJECT AND" before "INTERPRETATION".

3. The Act is amended by adding the following section before section 1:

"**0.1.** This Act establishes a land use planning and development regime designed to

(1) foster informed and sustainable planning and development of the territory;

(2) divide up land use planning and development responsibilities between the Government, metropolitan communities, regional county municipalities and local municipalities;

(3) ensure consistency of decisions made by the various stakeholders;

(4) confer a leading and unifying role on territorial planning documents;

(5) provide municipalities with versatile urban planning tools adapted to various needs; and

(6) measure the effectiveness of planning in order to support optimal and informed decision making."

4. Section 1 of the Act is amended by inserting the following paragraph after paragraph 8.2:

"(8.2.1) "planning by-law" means any by-law provided for in Chapter IV or Chapter V.0.1 of Title I;".

5. Section 2 of the Act is amended by adding the following paragraph at the end:

"For the purposes of this Act, a public institution within the meaning of the Act respecting health services and social services (chapter S-4.2) is considered a mandatary of the State."

6. The Act is amended by inserting the following chapter after section 2.2:

"**CHAPTER 0.1.1**

"PURPOSES OF TERRITORIAL PLANNING

"**2.2.1.** The purposes of the territorial planning of metropolitan communities, regional county municipalities and municipalities include but are not limited to the following:

(1) the optimal use of the territory, including to limit urban sprawl, in a manner that ensures that future generations can live and prosper there;

(2) the creation of complete, quality, convivial living environments that are conducive to the adoption of a healthy lifestyle;

(3) the development and maintenance of a housing supply that meets the diversity of needs;

(4) the prevention and reduction of risks and nuisances that could affect human health and safety and the safety of property;

(5) the fight against climate change, including adaptation to that change;

(6) the development of prosperous, dynamic and attractive communities;

(7) sustainable mobility, with a view to safety, accessibility and multimodal transport;

(8) the protection, development and sustainability of agricultural land and activities;

(9) the conservation and enhancement of natural environments and biodiversity as well as accessibility to nature;

(10) the preservation and enhancement of cultural heritage and landscapes;

(11) the optimal management of public infrastructures and equipment;

(12) the sustainable and integrated management of water resources; and

(13) the preservation and development of natural resources."

7. Section 2.24 of the Act is amended

(1) by inserting ", targets" after "objectives" in the first paragraph;

(2) in the second paragraph,

(*a*) by inserting ", targets" after "objectives" in the introductory clause;

(*b*) by inserting the following subparagraph after subparagraph 6:

"(6.1) land use planning conducted in a manner that is consistent with the protection, availability and integrated management of the water resource;";

(3) by inserting "and achieve the targets" after "criteria" in the third and fourth paragraphs.

8. Section 2.25 of the Act is amended by replacing "and objectives" by ", objectives and targets".

9. Division III of Chapter 0.3 of Title I of the Act, comprising section 2.26, is replaced by the following division:

"**DIVISION III**

"MONITORING OF IMPLEMENTATION OF THE METROPOLITAN PLAN

"**2.26.** A metropolitan community must produce, every four years, a metropolitan report containing the following information:

(1) a status report on land use planning in its territory;

(2) reporting on the achievement of the targets and the implementation of the policy directions and objectives set out in the metropolitan plan; and

(3) the means it intends to use to achieve any target that was not achieved during the period covered by the report.

The Minister shall determine, by regulation, any other information the report must contain.

"**2.27.** A metropolitan community may request that a regional county municipality or a municipality all or part of whose territory is situated within its territory communicate to the metropolitan community the information and documents the latter considers necessary for the production of its metropolitan report.

"**2.28.** The metropolitan report must be sent to the Minister not later than six months after the end of the period for which it is produced and be published on the website of the metropolitan community."

10. Sections 5 and 6 of the Act are replaced by the following sections:

"**5.** An RCM plan determines sustainable land use planning and development for the regional county municipality's territory. It defines its general aims and contains objectives, targets and any other measure intended to ensure or facilitate its implementation.

In particular, the RCM plan must

(1) describe the organization of the territory;

(2) determine the general policies on land use in the territory;

(3) delimit urbanization perimeters and determine occupation densities within them;

(4) determine any part of the territory within an urbanization perimeter that is to be consolidated on a priority basis;

(5) plan the organization of transportation, in particular the various modes of transportation, in a manner that is integrated with land use planning;

(6) describe anticipated housing needs and set out measures for meeting those needs;

(7) define the large infrastructure and equipment projects that are useful or necessary for pursuing the defined policy directions and objectives and for achieving the defined targets;

(8) plan land use development in a manner that is consistent with the protection, availability and integrated management of water resources;

(9) determine any part of the territory or any immovable that is of historical, cultural, aesthetic or ecological interest, and set out measures to ensure its protection or enhancement;

(10) determine any lake or watercourse that is of recreational interest with a view to ensuring its public accessibility; and

(11) identify any part of the territory where land occupation is subject to special restrictions for reasons of public safety or environmental protection, or because of its actual or potential proximity to a place or an activity that makes land occupation subject to special restrictions related to public safety, public health or general well-being.

For the purposes of the first paragraph, the plan of a regional county municipality whose territory includes an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) must ensure, in such a zone, the compatibility of land use planning and development standards with a view to favouring the priority use of land for agricultural activities and, within that framework, the harmonious coexistence of agricultural and non-agricultural uses.

The plan must describe its interrelatedness with any other planning document the regional county municipality is required to prepare.

The plan may delimit any mining-incompatible territory within the meaning of section 304.1.1 of the Mining Act (chapter M-13.1).

"**6.** The RCM plan must contain a complementary document that sets out rules, criteria or obligations regarding the content of any planning by-law a municipality may adopt under this Act, in particular as concerns the fact that such a by-law must be adopted and that it must contain provisions at least as restrictive as those of the complementary document.

The complementary document must, in particular, require the adoption of by-law provisions contemplated in subparagraph 7.1 of the second paragraph of section 115 as regards any lake or watercourse determined in accordance with subparagraph 10 of the second paragraph of section 5."

11. Section 7 of the Act is amended by replacing ", the means provided to further the coordinated action of participants and, in the case of priority land development or redevelopment planned for any zone identified in accordance with subparagraph 1 of the first paragraph of section 6, the schedule established for each step in the erection of the planned infrastructures and equipment" in paragraph 1.1 by "and the means proposed to further the coordinated action of the participants".

12. The Act is amended by inserting the following division after section 8:

"**DIVISION III**

"MONITORING OF THE IMPLEMENTATION OF THE RCM PLAN

"**9.** Every regional county municipality must produce, every four years, a regional report containing the following information:

(1) a status report on land use planning in its territory;

(2) reporting on the achievement of the targets and the implementation of the policy directions and objectives set out in the RCM plan; and

(3) the means it intends to use to achieve any target that was not achieved during the period covered by the report.

The Minister shall determine, by regulation, any other information the report must contain.

"**10.** A regional county municipality may request that a municipality whose territory is situated within its territory communicate to the regional county municipality the information and documents the latter considers necessary for the production of its regional report.

"**11.** The regional report must be sent to the Minister not later than six months after the end of the period for which it is produced and be published on the website of the regional county municipality."

13. Section 45 of the Act is amended by replacing ", the zoning by-law, the subdivision by-law, the building by-law or the by-law contemplated in section 116" by "or the by-law referred to in section 102".

14. Section 53.7 of the Act is amended

(1) by replacing "subparagraph 7 of the first paragraph of section 6" in the first paragraph by "the fifth paragraph of section 5";

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

"The Minister must refuse to give an opinion where a responsible body has failed to amend or revise its metropolitan plan or RCM plan to comply with a ministerial request under this chapter, except if the proposed amendment

(1) has the effect of remedying any of the causes of the failure referred to in this paragraph or if not making the amendment would cause such a failure;

(2) is necessary, in the Minister's opinion, for a government intervention to be made or a priority project to be carried out or for reasons of public safety, public health or environmental protection; or

(3) is a concordance amendment to the metropolitan plan, in the case of an RCM plan that concerns part of the territory of a metropolitan community.

The fourth paragraph applies to a regional county municipality that has failed to amend a by-law referred to in section 79.2 to comply with a ministerial request under subdivision 5 of Division I of Chapter II.1.

If the Minister refuses to give an opinion under the fourth or fifth paragraph, the Minister shall notify a notice to the responsible body that identifies the cause of the failure."

15. Section 53.9 of the Act is amended by adding the following paragraph at the end:

"The first paragraph does not apply if the responsible body has failed to act under the fourth or fifth paragraph of section 53.7."

16. The Act is amended by inserting the following section after section 53.9:

"**53.10.** The council of the responsible body may, by resolution, request that the secretary notify the by-law to the Minister again once the responsible body has remedied the failure referred to in the fourth or fifth paragraph of section 53.7. Section 53.6 applies to that notification, with the necessary modifications."

17. Section 53.11.4 of the Act is amended

(1) by replacing ", its zoning, subdivision and building by-laws and any of its by-laws under Divisions VII to XII of Chapter IV or under Chapter V.0.1 should the RCM plan be so amended. The document shall also specify the nature of the amendments a municipality will be required to make to its by-law under section 116 or identify every municipality that, in such a case, will be required to adopt a by-law under that section" in the first paragraph by "and to any of its planning by-laws. The document must also specify any planning by-law it will be required to adopt";

(2) by replacing "to take account of the amendment of the RCM plan, and identifying every municipality that is required to adopt a by-law under section 116 to take account of that amendment" in the second paragraph by "and any planning by-law it will actually be required to adopt to take account of the amendment to the RCM plan".

18. Section 53.11.5 of the Act is amended by replacing "subparagraph 2.1 of the first paragraph" by "the third paragraph".

19. Section 53.11.7 of the Act is amended

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

"The council must refuse to give its opinion if the regional county municipality has failed to make a concordance amendment to its RCM plan, except if the proposed amendment

(1) is a concordance amendment that is a cause of the failure referred to in this paragraph or if not making the amendment would cause such a failure;

(2) is necessary, in the metropolitan community's opinion, to enable a government intervention or for reasons of public safety, public health or environmental protection; or

(3) is made to comply with a ministerial request provided for in subdivision 5.";

(2) by adding the following sentence at the end of the second paragraph: "A resolution by which the council refuses to give an opinion must identify the concordance amendments the regional county municipality has failed to make.";

(3) in the third paragraph,

(*a*) by replacing "approving or withholding approval of the by-law" by "by which the community council approves the by-law, withholds approval or refuses to give an opinion";

(*b*) by replacing "second case" by "other cases";

(4) by adding the following sentence at the end of the fourth paragraph: "This paragraph does not apply if the regional county municipality has failed to act under the second paragraph."

20. The Act is amended by inserting the following section after section 53.11.7:

"**53.11.7.1.** The council of the regional county municipality may, by resolution, request that the secretary notify the by-law to the metropolitan community again once the regional county municipality has remedied the failure referred to in the second paragraph of section 53.11.7. Section 53.6 applies to that notification, with the necessary modifications."

21. Section 53.12 of the Act is replaced by the following section:

"**53.12.** The Minister may request that a responsible body amend a metropolitan plan or an RCM plan if the Minister considers it warranted

(1) to ensure, after the adoption of new government policy directions, that the plan is consistent with them;

(2) to follow up on a regional or metropolitan report indicating that a target has not been achieved; or

(3) to improve public safety.

The Minister shall notify an opinion to the responsible body specifying the amendments that must be made to the metropolitan plan or the RCM plan.

The opinion must also indicate any interim control measure the body must take and the time limit for adopting it, unless the Minister considers such a requirement is not necessary. An interim control by-law referred to in this paragraph may be repealed only with the Minister's approval.

The council of the responsible body must, within six months after notification of the Minister's opinion, adopt a by-law amending its metropolitan plan or RCM plan to comply with the opinion. If the Minister requests that both a metropolitan plan and an RCM plan applicable to part of the territory of the metropolitan community concerned be amended, with respect to the same object, the time limit applicable with respect to the by-law amending the RCM plan begins to run on the day of coming into force of the by-law amending the metropolitan plan.

Sections 48 to 53.4 do not apply with respect to a by-law that makes only the amendments necessary to comply with a request referred to in subparagraph 1 of the first paragraph that relates to a land use plan for the lands in the domain of the State or in subparagraph 3 of that paragraph.

For the purposes of sections 53.7 to 53.9, the Minister's opinion is also based on the by-law's consistency with the request made by the Minister.

If the council of the responsible body fails to adopt, within the prescribed time, a by-law requested by the Minister, including as regards interim control, the Minister may make it. Such a by-law is deemed to have been adopted by the council. The Minister shall, as soon as practicable after making the by-law, send a copy of it to the responsible body. The by-law comes into force on the date determined by the Minister.

The council of a responsible body that is of the opinion that its metropolitan plan or RCM plan already complies with the request and has notified a resolution to that effect to the Minister has not failed to adopt a by-law requested by the Minister in accordance with subparagraph 1 of the first paragraph.

If the Minister disagrees with the opinion given in the resolution sent to the Minister, the Minister may make a new amendment request to the responsible body specifying the amendments that must be made to the metropolitan plan or the RCM plan. The eighth paragraph does not apply to such a request."

22. Section 53.13 of the Act is amended by replacing the second paragraph by the following paragraph:

"The third, fourth, sixth and seventh paragraphs of section 53.12 apply to a request made in accordance with the first paragraph, except that, in the case of the by-law provided for in the seventh paragraph of that section, the by-law is made by the Minister of Sustainable Development, Environment and Parks. Sections 48 to 53.4 do not apply with respect to a by-law that makes only the amendments necessary to comply with such a request."

23. Section 53.14 of the Act is repealed.

24. Subdivision A of subdivision 2 of Division III of Chapter I.0.1 of Title I of the Act, comprising sections 54 and 55, is replaced by the following subdivision:

"A. — *Revision of metropolitan plan or RCM plan*

"**54.** The council of the responsible body may revise the metropolitan plan or RCM plan according to the process set out in this division.

It must notify the Minister and every partner body of its intention to undertake the revision process."

25. Section 56.3 of the Act is amended by striking out "Within two years after the beginning of the revision period," in the first paragraph.

26. Section 57.3 of the Act is amended by replacing "subparagraph 2.1 of the first paragraph" by "the third paragraph".

27. The Act is amended by inserting the following subdivision after section 57.8:

"§5. — *Ministerial requests*

"**57.9.** The Minister may request that a responsible body revise a metropolitan plan or an RCM plan if the Minister considers it warranted

(1) to ensure, after the adoption of new government policy directions, that the plan is consistent with them;

(2) to follow up on a regional or metropolitan report that is unsatisfactory as regards the achievement of targets; or

(3) because the plan has not been revised in more than 12 years.

The Minister shall notify an opinion to the responsible body setting out the reasons why the Minister considers that a revision is warranted.

The council of the responsible body must, within three years after notification of the Minister's opinion, adopt a by-law revising its metropolitan plan or RCM plan. If the Minister requests that both a metropolitan plan and an RCM plan applicable to part of the territory of the metropolitan community concerned be revised, the time limit applicable with respect to the by-law revising the RCM plan begins to run on the day of coming into force of the by-law revising the metropolitan plan.

The third paragraph of section 53.12 applies to a request made in accordance with the first paragraph."

28. Section 58 of the Act is amended by replacing the third paragraph by the following paragraph:

"In the case of the amendment of an RCM plan, "concordance by-law" means any by-law that is needed to take account of the amendment of the RCM plan and by which a municipality amends its planning program or by which it adopts or amends any planning by-law."

29. Section 59 of the Act is amended by striking out "subparagraph 1 or 2 of" in the second paragraph.

30. Section 59.1 of the Act is amended by replacing the first paragraph by the following paragraph:

"After the coming into force of the revised RCM plan, the council of each municipality whose territory is comprised in that of the regional county municipality may indicate that its planning program or any of its planning by-laws need not be amended for the purpose of taking the revision of the plan into account."

31. Section 59.5 of the Act is amended by replacing the second paragraph by the following paragraph:

"For the purposes of the first paragraph, "concordance by-law" means any by-law that is needed to ensure the conformity referred to in that paragraph and by which a municipality adopts or amends any planning by-law."

32. Section 59.6 of the Act is amended by replacing the first paragraph by the following paragraph:

"After the coming into force of the revised RCM plan, the council of each municipality whose territory is comprised in that of the regional county municipality may indicate that any of the municipality's planning by-laws is in conformity with its planning program."

33. The Act is amended by inserting the following subdivision after section 59.9:

"§3. — *Monitoring of concordance*

"**60.** A responsible body must inform the Minister if it ascertains, with respect to its metropolitan plan or RCM plan, that a regional county municipality or municipality has failed to adopt a concordance by-law required by this division."

34. Section 61 of the Act is replaced by the following section:

"**61.** A responsible body whose council has adopted a draft by-law amending or revising its metropolitan plan or RCM plan may, in accordance with subdivisions 2 to 4, impose interim control in relation to that process.

The same applies to a responsible body whose council, by adopting a resolution for that purpose, expresses the intention to adopt in the near future a draft by-law amending or revising its metropolitan plan or RCM plan."

35. Section 71.0.4 of the Act is amended by replacing "subparagraph 2.1 of the first paragraph" by "the third paragraph".

36. The Act is amended by inserting the following chapter after section 72:

"**CHAPTER I.0.2**

"NATIONAL LAND USE PLANNING REPORT

"**73.** The Minister is responsible for assessing the state of land use planning in the territory of Québec.

The Minister shall measure, by means of national targets and indicators adopted by the Government, the progress made in that area.

"**74.** The Minister shall produce, every four years, a national land use planning report containing the following:

(1) a status report on land use planning in the territory of Québec; and

(2) reporting on the achievement of government targets with respect to land use planning.

"**75.** The Minister may request that a responsible body or a municipality send him any information or document he considers necessary for the production of the national report.

"**75.0.1.** The Minister shall table the national report in the National Assembly not later than six months after the end of the period for which it is produced or, if the Assembly is not sitting, within 15 days of resumption."

37. The Act is amended by inserting the following chapter before Chapter I.1 of Title I:

"**CHAPTER I.0.3**

"NATIONAL LAND USE PLANNING POLICY

"**75.0.2.** The Minister shall develop a national land use planning policy and propose it to the Government.

In preparing the policy, the Minister shall consult the authorities representing the municipal sector and any other civil society organization he considers relevant. The Minister shall also consult the Indigenous communities concerned where circumstances so require.

The Minister shall ensure the implementation of the policy and shall propose that the policy be updated when he considers it necessary."

38. Section 75.11 of the Act is amended by replacing "any of sections 53.12 to 53.14" in subparagraph 2 of the fourth paragraph by "section 53.12 or 53.13".

39. Section 79.19.2 of the Act is amended by inserting "or on any later date prescribed by the by-law" at the end of the first paragraph.

40. Section 79.19.10 of the Act is amended by inserting the following paragraph after the second paragraph:

"A by-law may, however, provide that it comes into force on any date after the date provided for in the first or second paragraph."

41. Section 79.19.15 of the Act is amended by inserting "or on any later date prescribed by the by-law" at the end of the first paragraph.

42. The Act is amended by inserting the following subdivision after section 79.19.19:

"§5. — *Ministerial requests*

"**79.19.20.** The Minister may request that a regional county municipality amend a by-law referred to in section 79.2 if the Minister considers it warranted

(1) to ensure, after the adoption of new government policy directions, that the by-law is consistent with them; or

(2) to improve public safety.

"**79.19.21.** The Minister of Sustainable Development, Environment and Parks may request that a regional county municipality amend a by-law referred to in section 79.2 or 79.3 if the Minister considers that the by-law, considering the distinctive features of the locality, fails to provide adequate protection for wetlands and bodies of water.

"**79.19.22.** The second, fourth, sixth and seventh paragraphs of section 53.12 apply to a request referred to in section 79.19.20 or 79.19.21, with the necessary modifications.

"**79.19.23.** Subdivision 2 does not apply with respect to a by-law that makes only the amendments necessary to comply with a request referred to in paragraph 2 of section 79.19.20 or in section 79.19.21."

43. Division II of Chapter II.1 of Title I of the Act, comprising sections 79.20 and 79.21, is repealed.

44. Division II of Chapter III of Title I of the Act, comprising sections 83 to 86, is replaced by the following division:

"**DIVISION II**

"CONTENTS OF THE PLANNING PROGRAM

"**83.** The planning program determines sustainable land use planning and development for the territory of the municipality in harmony with the RCM plan. It defines policy directions and contains objectives, targets and any other measure intended to ensure or facilitate its implementation.

In particular, the planning program must

(1) describe the organization of the territory;

(2) determine land uses and, within any urbanization perimeter, minimum land occupation densities;

(3) plan the consolidation of any part of the territory to be consolidated on a priority basis;

(4) plan the organization of transportation, in particular the various modes of transportation, in a manner that is integrated with land use planning in the territory;

(5) describe anticipated housing needs and set out measures for meeting those needs;

(6) plan where local services and equipment are to be located and provide measures to facilitate their accessibility;

(7) define the infrastructure and equipment projects that are useful or necessary for pursuing the defined policy directions and objectives and for achieving the defined targets;

(8) set out measures to ensure the protection and availability of water resources;

(9) determine any part of the territory or any immovable that is of historical, cultural, aesthetic or ecological interest, and set out measures to ensure its protection or enhancement; and

(10) identify any part of the municipal territory that is sparsely vegetated, very impervious or subject to the urban heat island phenomenon, and describe any measure to mitigate the harmful or undesirable effects of those characteristics.

"**84.** The planning program may include a special planning program for part of the territory of the municipality. The special planning program may contain elements aimed at fostering sustainable urban planning and objectives, targets and any other measure intended to ensure or facilitate its implementation.

In particular, the special planning program must

(1) state the objectives pursued;

(2) plan in detail land use development in the part of the territory it concerns; and

(3) specify the urban planning rules and criteria proposed.

"**85.** A municipality may, by by-law, adopt a program to acquire immovables, by agreement or expropriation, for all or part of the territory covered by a special planning program, with a view to alienating or leasing the immovables for the purposes provided for in the special planning program.

The municipality may implement the program to acquire immovables once the planning by-laws consistent with the special planning program are in force. It may administer any immovable it holds under the program and carry out any work on it.

"**86.** A municipality may acquire any immovable, by agreement or expropriation, even if the immovable is not covered by a program to acquire immovables, with a view to alienating it or leasing it to a person who requires it to carry out a project that is consistent with a special planning program, if the person is already the owner of land or the beneficiary of a promise of sale of land representing two-thirds of the area the person needs to carry out the project.

The municipality may administer any immovable it holds under the first paragraph and carry out any work on it.

"**87.** A municipality may, by by-law, adopt a revitalization program for all or part of its territory for which the planning program contains such an objective.

Such a program may, in particular, establish classes of immovables, persons or activities to which it applies and specific rules for each of those classes.

Despite the Municipal Aid Prohibition Act (chapter I-15), such a program may allow financial assistance to be granted for up to 10 years, including in the form of a tax credit, for any purpose provided for in the program."

45. Section 95 of the Act is amended by replacing the third paragraph by the following paragraph:

"It may also, where applicable, submit to consultation any other draft planning by-law."

46. Section 102 of the Act is amended

(1) by replacing "90" and ", where the complementary document so requires, the by-law contemplated in section 116," in the first paragraph by "180" and "any other by-law whose adoption is required by the complementary document", respectively;

(2) by replacing "zoning by-law, a subdivision by-law, a building by-law, a by-law contemplated in section 116 or a by-law to the same effect adopted under another Act" in the second paragraph by "planning by-law";

(3) by replacing "the zoning by-law, the subdivision by-law, the building by-law, the by-law contemplated in section 116 or a by-law to the same effect adopted under another Act" in the third paragraph by "a by-law referred to in the second paragraph".

47. Section 109.7 of the Act is amended

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

"However, the council must refuse to give its opinion if the municipality has failed to make a concordance amendment to its planning program or to any of its planning by-laws, except if the proposed amendment

(1) is a concordance amendment that is a cause of the failure referred to in this paragraph or if not making the amendment would cause such a failure; or

(2) is necessary, in the regional county municipality's opinion, for reasons of public safety, public health or environmental protection.";

(2) by adding the following sentence at the end of the second paragraph: "The resolution by which the council refuses to give its opinion must identify the concordance amendments the municipality has failed to make.";

(3) by replacing "approval of the by-law is withheld" in the fourth paragraph by "the council of the regional county municipality withholds approval of the by-law or refuses to give its opinion".

48. Section 109.8 of the Act is amended by adding the following paragraph at the end:

"The first, second and third paragraphs do not apply where the municipality has failed to act under the second paragraph of section 109.7."

49. The Act is amended by inserting the following section after section 109.8:

"**109.8.0.1.** The council of the municipality may, by resolution, request that the clerk or clerk-treasurer send the by-law to the regional county municipality again once the municipality has remedied the failure that was the reason for a refusal to give an opinion under the second paragraph of section 109.7. Section 109.6 applies to that sending, with the necessary modifications."

50. Section 110.3.1 of the Act is replaced by the following section:

"**110.3.1.** The council of the municipality may revise the planning program according to the process set out in sections 109.1 to 109.8.0.1, 109.9 and 110 to 110.3, with the necessary modifications."

51. Section 110.4 of the Act is amended

(1) by replacing "or revising the planning program" in the first paragraph by "the planning program or within 180 days after the coming into force of a by-law revising the planning program";

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

"For the purposes of the first paragraph, "concordance by-law" means any by-law that is needed to ensure the conformity referred to in that paragraph and by which a municipality adopts or amends any planning by-law."

52. Section 110.5 of the Act is amended by replacing "to the zoning by-law, subdivision by-law or building by-law, to any of the by-laws under Divisions VII to XII of Chapter IV or under Chapter V.0.1 or to the by-law provided for in section 116" in the first paragraph by "to any of its planning by-laws".

53. Section 110.6 of the Act is amended

(1) by replacing "the zoning by-law, subdivision by-law or building by-law of the municipality, any of its by-laws under Divisions VII to XII of Chapter IV or under Chapter V.0.1 or its by-law provided for in section 116" in the first paragraph by "any of its planning by-laws";

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

"If a replacement by-law referred to in section 110.10.1 was adopted before the coming into force of the by-law revising the planning program, the council is exempted from being required to indicate that the replaced by-law need not be amended to bring it into conformity with the planning program."

54. Subdivision 3 of Division VI.1 of Chapter III of Title I of the Act, comprising section 110.10.1, is replaced by the following subdivision:

"§3. — *Replacement of certain by-laws*

"**110.10.1.** To replace the zoning by-law, conditional use by-law or incentive zoning by-law, the council of the municipality shall, on pain of nullity, adopt the replacement by-law not earlier than the day it adopts the by-law revising the planning program and not later than the day that is 180 days after the day of the coming into force of the revised planning program.

The replacement by-law must be in conformity with the revised planning program.

The adoption of a replacement by-law exempts the council from the obligation to adopt a concordance by-law referred to in section 110.4."

55. Section 111 of the Act is replaced by the following section:

"**111.** A municipality whose council has adopted a draft by-law amending or revising its planning program may, in accordance with subdivisions 2 to 4, impose interim control in relation to that process.

The same applies to a municipality whose council, by adopting a resolution for that purpose, expresses the intention to adopt in the near future a draft by-law amending or revising its planning program."

56. Section 113 of the Act is amended

(1) in the second paragraph,

(*a*) by striking out ", and the land occupation densities" in subparagraph 3;

(*b*) by inserting "the land occupation densities," after "sector of a zone," in subparagraph 5;

(*c*) by replacing "purchase or develop immovables to be used for parking purposes" in subparagraph 10.1 by "finance capital expenditures intended to improve the supply of public parking or of active or shared transportation";

(*d*) by replacing "land uses" in subparagraphs 16 and 16.1 by "uses, activities";

(2) by inserting "activities," after "uses," in the sixth paragraph.

57. Section 115 of the Act is amended

(1) by inserting "or a servitude" after "land" in subparagraph 7.1 of the second paragraph;

(2) in the fourth paragraph,

(*a*) by inserting "or a servitude" and "or servitude" after "transfer a parcel of land" and "area of the land", respectively;

(*b*) by adding the following sentence at the end: "Where such an operation concerns an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), only the area of the part of the site that is intended for non-agricultural purposes must be considered.";

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

"For the purposes of subparagraph 7.1 of the second paragraph,

(1) the acquisition of a servitude by a municipality entails the right to develop the site of the servitude, in particular by the construction of infrastructures or equipment the use of which is inherent in the use or maintenance of a public water access point; and

(2) no term may be stipulated with respect to a servitude acquired by a municipality."

58. Section 117.1 of the Act is amended, in the first paragraph,

(1) by striking out "in any part of the territory of the municipality determined by the by-law";

(2) by inserting ", in respect of any part of the territory of the municipality," after "prescribe".

59. Section 117.2 of the Act is amended

(1) by inserting "or a servitude" after "municipality a parcel of land" in the first paragraph;

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

"However, none of the conditions set out in the first paragraph may be imposed in the case of

(1) a cancellation, correction or replacement of lot numbers which does not result in an increase of the number of lots; or

(2) a plan relating to a cadastral operation or a building permit, in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), where such an operation is carried out or such a permit is issued solely for agricultural purposes.

The by-law may specify any other case in which none of the conditions may be imposed.";

(3) by inserting "or servitude", "or a servitude" and "is" after "The land", "to land" and "but", respectively, in the third paragraph;

(4) by replacing the fourth paragraph by the following paragraph:

"For the purposes of this division,

(1) the word "site" means, as the case may be, the site of the immovable referred to in the second paragraph of section 117.1 or the land included in the plan referred to in the first paragraph of that section;

(2) the acquisition of a servitude by a municipality entails the right to develop the site of the servitude, in particular by the construction of infrastructures or equipment the use of which is inherent in the use or maintenance of a park, playground or natural area; and

(3) no term may be stipulated with respect to a servitude acquired by a municipality."

60. Section 117.3 of the Act is amended

(1) by inserting "or servitude" after "land" in the first paragraph;

(2) by replacing "lands" and "land" in the second paragraph by "lands or servitudes";

(3) by inserting "or a servitude" after "land" in the third paragraph.

61. Section 117.4 of the Act is amended

(1) by inserting "or servitude" after "land" in the first and second paragraphs;

(2) by inserting "or a servitude" after "of land" in the third and fourth paragraphs;

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

"For the purposes of the first paragraph, in the case of a plan relating to a cadastral operation in an agricultural zone established under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), only the area and the value of the part of the site that is intended for non-agricultural purposes must be considered."

62. Section 117.5 of the Act is amended

(1) by inserting “or a servitude” after “land”;

(2) by replacing “third” by “fourth”.

63. Section 117.6 of the Act is amended

(1) by inserting “or servitude” after “land” in the first paragraph;

(2) by replacing “land other than land” in the third paragraph by “land or servitude other than those”;

(3) by inserting “for the purpose of establishing the value of land” after “municipality” in the fourth paragraph.

64. Section 117.7 of the Act is amended by inserting “or of the servitude” after “land” in the second paragraph.

65. Section 117.8 of the Act is amended by inserting “, servitude or site” after all occurrences of “the land”.

66. Section 117.9 of the Act is amended by inserting “, servitude or site” after “land” in the second paragraph.

67. Section 117.11 of the Act is amended by inserting “, servitude or site” after “land” in the first paragraph.

68. Sections 117.13 and 117.14 of the Act are amended by inserting “or servitude” after “land” in the second paragraph.

69. Section 117.15 of the Act is amended

(1) by inserting “or a servitude” after “Land” in the first paragraph;

(2) by inserting “or a servitude” after “land” in the second paragraph;

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

“The fund may be used only to acquire or develop land or servitudes to be used for parks, playgrounds or public water access points, to acquire land or servitudes to be used for natural areas, or to acquire plants and plant them on the immovables the municipality owns or on the site of a servitude it holds. It may also be used for the payment of the expenditures of a regional county municipality that are related to a regional park. For the purposes of this paragraph, the development of land or of the site of a servitude includes the construction on it of a building or of another infrastructure or other equipment the use of which is inherent in the use or maintenance of a park, playground, public water access point or natural area.”

70. Section 123 of the Act is replaced by the following section:

"**123.** Sections 124 to 127 apply with respect to planning by-laws, except a by-law referred to in Division IV, and by-laws amending or replacing such by-laws.

However,

(1) sections 124 to 127 do not apply with respect to by-laws that are applicable to unorganized territories and that are not subject to approval by way of referendum; and

(2) sections 125 to 127 do not apply with respect to by-laws whose sole purpose is to enable the carrying out of a project that relates to housing intended for persons requiring protection.

For the purposes of this division, a by-law that is subject to approval by way of referendum is a by-law that

(1) is designed to amend the zoning by-law by adding, amending, replacing or striking out a provision that concerns a matter referred to in any of subparagraphs 1 to 5, 6 and 17 to 23 of the second paragraph of section 113 or in the third paragraph of that section; and

(2) is not a concordance by-law making an amendment referred to in subparagraph 1, under section 58, 59, 59.5, 102 or 110.4, for the sole purpose of taking into account an amendment to or the revision of the RCM plan or the coming into force of the original planning program or of the amendment to or revision of the planning program.

For the purposes of this division, the following are also subject to approval by way of referendum:

(1) the conditional use by-law and any by-law that amends it; and

(2) the incentive zoning by-law, if it provides a replacement standard that concerns a matter referred to in any of the provisions mentioned in subparagraph 1 of the third paragraph, and any by-law adding, amending, replacing or striking out such a standard."

71. Section 123.1 of the Act is replaced by the following section:

"**123.1.** Despite the third and fourth paragraphs of section 123, a provision whose purpose is to enable the carrying out of a project relating to any of the following objects does not make a by-law subject to approval by way of referendum:

(1) collective equipment within the meaning of the fourth paragraph;

(2) housing intended for persons in need of help, protection, care or shelter, in particular under a social housing program implemented under the Act respecting the Société d'habitation du Québec (chapter S-8); or

(3) a cemetery.

In addition, a provision does not make a by-law subject to approval by way of referendum if, in a zone where residential use is permitted,

(1) it enables the building or occupation of accessory dwellings; or

(2) it amends, in order to increase land occupation density, a standard referred to in subparagraph 5 or 6 of the second paragraph of section 113 or a standard relating to the number of dwellings that may be built in a building, provided any of the following conditions is met:

(*a*) the variation does not exceed one-third of the standard's initial value;

(*b*) the variation does not exceed half of the standard's initial value, where the standard applies only to

i. a zone in which there is a point of access for shared transportation that is operated on rails or on another thoroughfare that is intended exclusively for shared transportation; or

ii. a zone contiguous to the zone referred to in subparagraph i; or

(*c*) in the case of a standard relating to the height of buildings or to the number of dwellings that may be built in a building, the variation does not exceed whatever is necessary to allow a building to have an additional storey or to include an additional dwelling, as the case may be, if meeting a condition set out in subparagraph *a* or *b* does not make it possible to achieve that end.

Subparagraph 2 of the second paragraph does not apply to a provision amending a standard that was amended under that subparagraph in the four preceding years.

For the purposes of the first paragraph, "collective equipment" means

(1) any equipment that belongs to a municipality or a responsible body; and

(2) equipment that belongs to a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and that is related to the health, education, culture or sports and recreation sectors."

72. Section 130 of the Act is amended

(1) by striking out "or subparagraph 3 of the second paragraph of section 115" in the second paragraph;

(2) by striking out "or the third paragraph of section 115" in the third paragraph.

73. Section 136.0.1 of the Act is amended

(1) by replacing "by-law adopted under section 134 that, pursuant to section 110.10.1, replaces the zoning or subdivision by-law" and "third" in the first paragraph by "replacement by-law referred to in section 110.10.1" and "second", respectively;

(2) by striking out the second paragraph;

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

"If the qualified voters withhold approval of a replacement by-law, a new by-law may be adopted within 90 days after the approval was withheld, despite the expiry of the period prescribed in section 110.10.1."

74. Section 137.2 of the Act is amended

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

"As soon as practicable after the adoption of a planning by-law or of a by-law that amends or replaces such a by-law, the clerk or the clerk-treasurer shall transmit a certified copy of the by-law and of the resolution adopting it to the regional county municipality whose territory includes that of the municipality.";

(2) by replacing "third" in the second paragraph by "second".

75. Section 137.3 of the Act is replaced by the following section:

"**137.3.** Within 120 days after the documents described in the first paragraph of section 137.2 are transmitted, the council of the regional county municipality shall approve the by-law if it is in conformity with the objectives of the RCM plan and with the provisions of the complementary document or, if not, it shall withhold approval.

However, the council must refuse to give its opinion if the municipality has failed to make a concordance amendment to its planning program or to any of its planning by-laws, except if the proposed amendment

(1) is a concordance amendment that is a cause of the failure referred to in this paragraph or if not making the amendment would cause such a failure; or

(2) is necessary, in the regional county municipality's opinion, for reasons of public safety, public health or environmental protection.

The resolution by which the council of the regional county municipality withholds approval of the by-law must include reasons and identify the provisions of the by-law that are not in conformity. The resolution by which the council refuses to give its opinion must identify the concordance amendments the municipality has failed to make.

As soon as practicable after the adoption of the resolution by which the by-law is approved, the secretary shall issue a certificate of conformity in respect of the by-law and transmit a certified copy of the certificate to the municipality. However, where the by-law must also be approved by qualified voters and such approval has not been given when the council gives its approval, the documents which must be issued or transmitted under the first paragraph must be issued or transmitted as soon as practicable after the regional county municipality receives the notice provided for in the third paragraph of section 137.2. However, no certificate of conformity may be issued in respect of a replacement by-law referred to in section 110.10.1 as long as a certificate of conformity has not been issued in respect of the by-law revising the planning program.

As soon as practicable after the adoption of the resolution by which the council of the regional county municipality withholds approval of the by-law or refuses to give its opinion, the secretary shall transmit a certified copy of the resolution to the municipality.

In the case of a replacement by-law referred to in section 110.10.1, a new by-law may be adopted within 90 days after the approval was withheld, despite the expiry of the period prescribed in that section."

76. Section 137.4 of the Act is amended by adding the following paragraph at the end:

"The first, second and third paragraphs do not apply where the municipality has failed to act under the second paragraph of section 137.3."

77. The Act is amended by inserting the following section after section 137.4:

"**137.4.0.1.** The council of the municipality may, by resolution, request that the clerk or clerk-treasurer send the by-law to the regional county municipality again once the municipality has remedied the failure that was the reason for a refusal to give an opinion under the second paragraph of section 137.3. The first paragraph of section 137.2 applies to that sending, with the necessary modifications."

78. Section 137.5 of the Act is amended

(1) by replacing the last sentence of the fourth paragraph by the following sentence: "However, no certificate of conformity may be issued in respect of a replacement by-law referred to in section 110.10.1 as long as a certificate of conformity has not been issued in respect of the by-law revising the planning program.";

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

"In the case of a replacement by-law referred to in section 110.10.1, a new by-law may be adopted within 90 days after receipt of the assessment stating that the by-law is not in conformity with the objectives of the RCM plan and the provisions of the complementary document, despite the expiry of the period prescribed in that section."

79. Section 137.9 of the Act is amended by striking out the third paragraph.

80. Section 137.14 of the Act is amended by adding the following sentence at the end of the third paragraph: "In the case of a replacement by-law referred to in section 110.10.1, the new by-law may be adopted despite the expiry of the period prescribed in that section."

81. Section 137.15 of the Act is amended

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

"A by-law may, however, provide that it comes into force on any date after the date determined in accordance with the first or second paragraph.";

(2) by replacing "provided for in the first or second paragraph" in the third paragraph by "of the by-law".

82. Section 137.16 of the Act is amended by replacing the third paragraph by the following paragraph:

"A replacement by-law referred to in section 110.10.1 must not come into force before the by-law revising the planning program."

83. Section 145.33 of the Act is amended by adding the following paragraph at the end:

"This section does not apply to an application whose sole object is the carrying out of a project that relates to housing intended for persons requiring protection."

84. The Act is amended by inserting the following division after section 145.35:

"**DIVISION X.1**

"INCENTIVE ZONING

"**145.35.1.** The council of a municipality that has an advisory planning committee may, in accordance with the policy directions defined for that purpose in the planning program, adopt an incentive zoning by-law.

"**145.35.2.** The by-law may contain any standard that complies with section 113, excluding a standard relating to uses, and that is intended to apply in replacement of a standard contained in the zoning by-law. A replacement standard applies to a project subject to the making of an agreement between the municipality and the applicant for the building permit or certificate of authorization related to the project.

The by-law must

(1) describe any prestation, included among the following categories, that may be required of the applicant under an agreement:

(*a*) integrating affordable, social or family housing units in the project,

(*b*) complying with any condition relating to the carrying out of the project that enables environmental performance objectives to be achieved,

(*c*) carrying out or establishing, on the site to which the application relates or near that site, any development or equipment of public interest, and

(*d*) preserving or restoring an immovable that has heritage value;

(2) set the criteria based on which any such prestation may be required or provide that the council of the municipality is to decide in each case which prestation is required; and

(3) determine the financial guarantees that may be required of the applicant.

"**145.35.3.** The agreement between the municipality and the applicant may set out any condition relating to the performance of the applicant's prestation.

"**145.35.4.** The resolution that authorizes the making of an agreement referred to in section 145.35.3 must state the replacement standards that apply to the applicant's project and contain a detailed description of the prestation to which the applicant is bound.

The council must, before authorizing the making of such an agreement, submit a draft agreement to the advisory planning committee.

The council may also submit the draft agreement to a public consultation held in accordance with sections 125 to 127, with the necessary modifications."

85. Section 145.38 of the Act is amended

(1) by inserting ", subject to the first paragraph of section 123.1" at the end of the third paragraph;

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

"However, sections 125 to 127 and 145.39 do not apply with respect to a resolution whose sole purpose is to authorize the carrying out of a project that relates to housing intended for persons requiring protection."

86. Section 145.42 of the Act is amended by inserting "or 16.1" and "or 4.1" after "16" and "4", respectively, in the first paragraph.

87. The Act is amended by inserting the following section after section 147:

"**147.1.** Every committee member must, not later than the day that is three months after the beginning of his term of office, undergo training on his role and responsibilities on the committee.

The obligation set out in the first paragraph does not apply to a committee member who has already undergone such training."

88. The Act is amended by inserting the following section after section 148.0.0.3:

"**148.0.0.3.1.** Every committee member must, not later than the day that is three months after the beginning of his term of office, undergo training on his role and responsibilities on the committee.

The obligation set out in the first paragraph does not apply to a committee member who has already undergone such training."

89. Section 149 of the Act is amended by adding the following subparagraph at the end of the second paragraph:

"(6) an intervention mentioned in any of subparagraphs 1 to 3 of the first paragraph for which the Government, any of its ministers or a mandatary of the State has obtained a municipal authorization without being required to obtain one."

90. Section 153 of the Act is amended by inserting the following sentence after the first sentence of the third paragraph: "The Minister must also examine the consistency of each of the amendments with government policy directions and, where applicable, justify any amendment the Minister considers is not consistent."

91. Section 227 of the Act is amended, in subparagraph 1 of the first paragraph,

(1) by replacing "and 145.21" in subparagraph *b* by ", 145.21 and 145.35.1";

(2) by inserting "145.35.3," after "145.21," in subparagraph *e*;

(3) by inserting "in section 145.35.4," after "referred to" in subparagraph *f*.

92. Section 234.1 of the Act is amended by striking out the third paragraph.

93. Section 234.2 of the Act is amended by replacing "any of sections 53.12 to 53.14" in subparagraph 2 of the fifth paragraph by "section 53.12 or 53.13".

94. Section 237.2 of the Act is amended by replacing "to the by-law that replaces the zoning or subdivision by-law" in the second paragraph by "to a replacement by-law referred to in section 110.10.1".

95. Section 237.3 of the Act is amended by inserting the following subparagraph after subparagraph 5 of the first paragraph:

"(5.1) the making of incentive zoning agreements in accordance with sections 145.35.3 and 145.35.4;".

96. Section 239 of the Act is replaced by the following section:

"**239.** In the event of failure, real or apprehended, of a responsible body, a municipality or the Commission to comply with a period or term prescribed by this Act or by an instrument made under this Act, the Minister may, on his own initiative or at the request of the responsible body, municipality or Commission, provide a new time limit.

The Minister may also extend the period granted to him by section 53.7, without exceeding a total period of 120 days.

The Minister's decision has effect immediately. A notice of the decision must be notified to the municipality or body concerned by the failure referred to in the first paragraph or to the Commission, as applicable, and published, as soon as practicable, in the *Gazette officielle du Québec*. In the case of a decision referred to in the second paragraph, the notice must be notified to the responsible body that adopted the by-law sent to the Minister in accordance with section 53.7.

Any responsible body or municipality that receives a notice referred to in the third paragraph must publish it on its website as soon as practicable. If a municipality does not have a website, the notice must be published on the website of the regional county municipality whose territory includes that of the municipality."

97. Section 264 of the Act is amended

(1) in the second paragraph,

(*a*) by replacing subparagraph 2 by the following subparagraph:

"(2) section 84 applies to Ville de Laval, with the following modifications:

(*a*) the special planning program may be adopted independently from a planning program,

(*b*) the provisions of this Act relating to the planning program apply to the special planning program, with the necessary modifications, except sections 83 and 98, and

(*c*) the special planning program must include the general aims of land development policy in the territory of the municipality regarding the part of that territory to which it applies;";

(*b*) by striking out subparagraph 3;

(*c*) by replacing "programme" in subparagraph 5 in the French text by "plan";

(2) by replacing "subparagraphs 2 and 3 of the second paragraph cease" in the third paragraph by "subparagraph 2 of the second paragraph ceases".

98. Section 264.0.1 of the Act is amended

(1) in the second paragraph,

(*a*) by replacing subparagraph 2 by the following subparagraph:

"(2) section 84 applies to Ville de Mirabel, with the following modifications:

(*a*) the special planning program may be adopted independently from a planning program,

(*b*) the provisions of this Act relating to the planning program apply to the special planning program, with the necessary modifications, except sections 83 and 98, and

(*c*) the special planning program must include the general aims of land development policy in the territory of the municipality regarding the part of that territory to which it applies;";

(*b*) by striking out subparagraph 3;

(*c*) by replacing "programme" in subparagraph 4 in the French text by "plan";

(2) by replacing "subparagraphs 2 and 3 of the second paragraph cease" in the third paragraph by "subparagraph 2 of the second paragraph ceases".

99. Section 264.0.9 of the Act is amended, in the second paragraph,

(1) by replacing "or subdivision by-law" by "by-law, conditional use by-law or incentive zoning by-law";

(2) by adding the following sentence at the end: "However, the replacement by-law may be adopted not later than the day that is two years after the day of coming into force of the by-law that revises the single document."

100. Section 267 of the Act is amended by replacing "65, 79.9 and 79.19.4" in the first paragraph by "57.9, 65, 79.9, 79.19.4 and 79.19.20".

101. Section 267.1 of the Act is amended by replacing "subparagraph 2.1 of the first paragraph" in the first paragraph by "the third paragraph".

CHARTER OF VILLE DE LONGUEUIL

102. Section 72 of the Charter of Ville de Longueuil (chapter C-11.3) is amended

(1) by inserting ", X.1" after "X" in the first paragraph;

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

"(1) a replacement by-law referred to in section 110.10.1 of that Act shall not be adopted later than the day that is two years after the day of the coming into force of the revised planning program;".

103. Section 40 of Schedule C to the Charter is repealed.

104. Section 41 of Schedule C to the Charter is amended by replacing all occurrences of "programme" in the first paragraph in the French text by "plan".

105. Section 47 of Schedule C to the Charter is amended by replacing the last sentence of the first paragraph by the following sentence: "Section 87 of the Act respecting land use planning and development (chapter A-19.1) applies to that program, with the necessary modifications."

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

106. Section 131 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended

(1) by inserting ", X.1" after "X" in the first paragraph;

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

"(1) a replacement by-law referred to in section 110.10.1 of that Act shall not be adopted later than the day that is two years after the day of the coming into force of the revised planning program;".

107. Section 152 of Schedule C to the Charter is repealed.

108. Sections 220.1 to 220.4 of Schedule C to the Charter are replaced by the following section:

"**220.1.** The city may apply for the constitution of a non-profit body dedicated to developing and managing parking as well as a network of electric vehicle charging stations.

The body may also exercise any power, except a regulatory power, that the city delegates to it

(1) from among those referred to in subdivision 9 of Division II of Chapter III of this Charter;

(2) in order to promote mobility, including sustainable or shared mobility, notwithstanding section 1 of this Schedule; or

(3) from among the powers delegated to the city by the Act respecting remunerated passenger transportation by automobile (chapter T-11.2).

A reconstituted municipality in the urban agglomeration of Montréal may enter into an agreement with the body to entrust it with the exercise of any power provided for in the first or second paragraph, with the necessary modifications.

The body may carry on commercial activities related to the purposes mentioned in the first paragraph and in subparagraphs 1 and 2 of the second paragraph. It may grant subsidies for the same purposes and for the purposes mentioned in subparagraph 3 of the second paragraph.

For the purposes of this section, the resolution by which the urban agglomeration council delegates one of its powers must be adopted by a majority vote of the members representing the central municipality and a majority vote of the members representing the reconstituted municipalities."

109. Section 229 of Schedule C to the Charter is amended by replacing ", 220 or 220.1" by "or 220".

110. Section 274 of Schedule C to the Charter is amended by striking out "and has full authority over the body referred to in section 220.1".

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

111. Section 115 of the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) is amended

(1) by inserting ", X.1" after "X" in the first paragraph;

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

"(1) a replacement by-law referred to in section 110.10.1 of that Act shall not be adopted later than the day that is two years after the day of the coming into force of the revised planning program;".

112. Section 168 of Schedule C to the Charter is replaced by the following section:

"**168.** Despite section 118.2 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001), the city may collect, from insurers authorized under the Insurers Act (chapter A-32.1) that transact fire insurance and that do business in the territory of the urban agglomeration of Québec, an amount equal to 3/4 of the city's expenditures for the remuneration, employee benefits and other conditions of employment of any person assigned to determining the point of origin, probable causes and circumstances of fires under the Fire Safety Act (chapter S-3.4) as well as for the support services and material resources the city puts at such a person's disposal.

The city shall establish by by-law the annual proportion payable by those insurers, the rules of collection and any other terms necessary for the purposes of this section."

CITIES AND TOWNS ACT

113. Section 28 of the Cities and Towns Act (chapter C-19) is amended by inserting ", except any immovable intended for persons requiring protection," after "each property" in subsection 1.0.1.

114. Section 487 of the Act is amended by replacing "programme" in subparagraph 3 of the second paragraph in the French text by "plan".

MUNICIPAL CODE OF QUÉBEC

115. Article 6.1 of the Municipal Code of Québec (chapter C-27.1) is amended by inserting ", except any immovable intended for persons requiring protection," after "each property".

116. Article 979 of the Code is amended by replacing "programme" in subparagraph 3 of the second paragraph in the French text by "plan".

MUNICIPAL POWERS ACT

117. The Municipal Powers Act (chapter C-47.1) is amended by inserting the following subdivision after section 28:

"§3. — *Capacity of systems or water resources*

"**29.** A local municipality may adopt a provisional by-law to prohibit, for a period not exceeding two years, any intervention to carry out work or to use an immovable if the intervention could

(1) create needs exceeding the capacity of a water supply, sewer or water purification system; or

(2) result in insufficient water resources or deterioration of their quality.

A prohibition referred to in the first paragraph may be renewed by means of a new provisional by-law.

"**30.** Once the draft of a by-law referred to in section 29 has been tabled at a sitting of the council, no municipal authorization may be issued with respect to an intervention that would be prohibited if the by-law was adopted.

In the event that an application for authorization is substantially complete and complies with the by-laws in force at the time the draft by-law is tabled, the issue of the authorization must be suspended as long as the intervention remains prohibited under the first paragraph or by a by-law made under section 29. Such a by-law may, however, terminate the suspension.

The first paragraph ceases to have effect on the earlier of

(1) the date of coming into force of the by-law; and

(2) the date that is four months after the tabling of the draft by-law.

"**31.** Before adopting a by-law referred to in section 29, except a by-law that only renews a prohibition in force, the municipality must hold a public consultation on the draft by-law.

The public consultation must include a public meeting during which the representative of the municipality explains the draft by-law and hears the persons and bodies wishing to express an opinion. The representative must also explain the measures the municipality has taken or intends to take to solve any problem that makes such a by-law necessary.

The municipality announces the public meeting by means of a notice published not later than seven days before it is held."

118. Section 91 of the Act is amended by inserting ", or of the measures to restore wetlands and bodies of water described in section 46.0.2 of the Environment Quality Act (chapter Q-2) or any other natural environment to, or keep them in, their natural state" at the end of the third paragraph.

119. Section 91.2 of the Act is amended

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

"A local municipality may grant assistance for the carrying out of work to mitigate risks of disaster or to maintain, upgrade or rehabilitate a dam. The local municipality may also, with the consent of the owner of the immovable, carry out such work itself.";

(2) by replacing "dam" in the third and fourth paragraphs by "immovable";

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

"The Municipal Aid Prohibition Act (chapter I-15) does not apply to assistance granted under this section for the carrying out of work to mitigate risks of disaster."

120. The Act is amended by inserting the following section after section 91.2:

"**91.3.** A local municipality may, by by-law and in accordance with the policy directions defined for that purpose in its planning program, establish a program under which it grants assistance, including in the form of tax credits, to any owner of a single-family housing unit having the following characteristics:

(1) it includes an accessory dwelling; and

(2) one of the dwellings is occupied either by a caregiver of the occupant of the other dwelling or by a person who is or was related by blood or allied, including through a de facto spouse, to the occupant of the other dwelling."

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

121. Section 553 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by striking out the following sentence in the third paragraph: "Unless the clerk or the clerk-treasurer has a list of all those persons, their number shall be considered equal to the total sum of housing units, non-residential immovables and business establishments situated in the territory of the municipality or, as the case may be, in the sector concerned."

ACT RESPECTING MUNICIPAL TAXATION

122. The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 73:

"**73.1.** For the purposes of section 73 and of any public presentation of the entries contained in the roll, the clerk shall withdraw the name and address of a person in whose name a unit of assessment is entered if that person has submitted to the clerk a request stating that access to that information could endanger the person's safety or the safety of a person occupying or using an immovable included in the unit.

The first paragraph applies despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1)."

CULTURAL HERITAGE ACT

123. Section 127 of the Cultural Heritage Act (chapter P-9.002) is amended by replacing the second paragraph by the following paragraph:

"A heritage site must, in the case of a local municipality, be included in a part of the territory identified in its planning program under subparagraph 9 of the second paragraph of section 83 of the Act respecting land use planning and development (chapter A-19.1) or, in the case of a regional county municipality, be included in a part of the territory identified in its land use and development plan under subparagraph 9 of the second paragraph of section 5 of that Act."

124. Section 132 of the Act is amended

(1) by replacing "zone identified in the planning program of the municipality as a zone to be protected" in the first paragraph by "part of the territory identified in its planning program under subparagraph 9 of the second paragraph of section 83 of the Act respecting land use planning and development (chapter A-19.1)";

(2) by replacing "in a part of the territory identified in the regional county municipality's land use and development plan as a part that is of interest under subparagraph 6 of the first" in the third paragraph by "in a part of the territory identified in the regional county municipality's land use and development plan under subparagraph 9 of the second".

125. Section 162 of the Act is replaced by the following section:

"**162.** On the date of coming into force of the planning program of a local municipality, sections 138 to 141 and 151 cease to apply in respect of all or part of a heritage site that is not included in a part of the territory identified in its planning program under subparagraph 9 of the second paragraph of section 83 of the Act respecting land use planning and development (chapter A-19.1). Those sections also cease to apply on the date of coming into force of the land use and development plan of a regional county municipality in respect of all or part of a heritage site that is not included in a part of the territory identified in that plan under subparagraph 9 of the second paragraph of section 5 of that Act."

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

126. Section 79.12 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) is amended by replacing paragraph 3 by the following paragraph:

"(3) that the by-law has already been found to be in conformity with the objectives of the RCM land use planning and development plan that are referred to in the third paragraph of section 5 of the Act respecting land use planning and development (chapter A-19.1)."

FIRE SAFETY ACT

127. Section 88 of the Fire Safety Act (chapter S-3.4) is amended by replacing "under section 9 of" and "or section 9 of" by "under" and "or under", respectively.

CHARTER OF THE CITY OF LAVAL

128. Section 51*b* of the Cities and Towns Act (Revised Statutes, 1964, chapter 193), enacted for Ville de Laval by section 12 of the Charter of the City of Laval (1965, 1st session, chapter 89), is amended by adding the following paragraphs at the end:

"The rules may, with respect to a power of the executive committee that is granted to it by law and, to the extent permitted by by-law of the council, with respect to a power of the council delegated to the executive committee, provide for the delegation of such a power to any officer or employee of the city and determine the conditions and procedures for the exercise of the delegated power.

However, the power to adopt a budget, a three-year program of capital expenditures or a document required under the Act respecting land use planning and development (chapter A-19.1), the Act respecting municipal courts (chapter C-72.01), the Act respecting elections and referendums in municipalities (chapter E-2.2) or the Act respecting municipal territorial organization (chapter O-9) may not be delegated."

TRANSITIONAL AND FINAL PROVISIONS

129. The four-year periods provided for in sections 2.26 and 9 of the Act respecting land use planning and development (chapter A-19.1), enacted by sections 9 and 12, to produce the first metropolitan report or the first regional report begin on the date the Minister of Municipal Affairs, Regions and Land Occupancy determines. The Minister makes the date public by publishing a notice in the *Gazette officielle du Québec*. The Minister may set different dates with respect to different responsible bodies.

130. The four-year period provided for in section 74 of the Act respecting land use planning and development, enacted by section 36, to produce the first national land use planning report begins on the date on which the national targets and indicators are adopted in accordance with the second paragraph of section 73 of the Act respecting land use planning and development, enacted by section 36.

131. The Minister of Municipal Affairs, Regions and Land Occupancy may, before 1 June 2024, request that a responsible body amend a metropolitan land use and development plan or an RCM land use and development plan where the Minister considers it warranted to ensure its consistency with a government policy direction adopted before that date. Section 53.12 of the Act respecting land use planning and development, as replaced by section 21 of this Act, applies to such a request, with the necessary modifications.

132. The provisions of the Act respecting land use planning and development that concern public consultation or approval by way of referendum apply, as they read on 31 August 2023, to the regulatory processes under way on 1 September 2023.

For the purposes of the first paragraph, "regulatory process under way" means a process regarding which a draft by-law referred to in section 124 of the Act respecting land use planning and development has been adopted.

133. The provisions of the Act respecting land use planning and development that concern the examination of conformity apply, as they read on 31 May 2023, to the regulatory processes under way on 1 June 2023.

For the purposes of the first paragraph, "regulatory process under way" means a process regarding which a draft planning by-law referred to in section 124 of the Act respecting land use planning and development has been adopted or, if that section does not apply, regarding which a planning by-law has been adopted.

134. The provisions of the Act respecting land use planning and development that concern the examination of conformity apply, as they read on 30 November 2023, to the regulatory processes under way on 1 December 2023 and to the regulatory processes that are necessary to meet the obligation set out in the second paragraph of section 137 of the Act to amend the Cultural Heritage Act and other legislative provisions (2021, chapter 10).

For the purposes of the first paragraph, "regulatory process under way" means a process regarding which one of the following documents has been adopted:

(1) a by-law amending a metropolitan land use and development plan or an RCM land use and development plan;

(2) a by-law amending or revising a planning program; or

(3) a planning by-law.

This section does not apply to a regulatory process referred to in section 133 of this Act to which the provisions in force on 31 May 2023 continue to apply.

135. Section 553 of the Act respecting elections and referendums in municipalities (chapter E-2.2) applies, as it read on 31 August 2023, to any procedure for the registration of qualified voters regarding which the date of reference, within the meaning of section 514 of that Act, is before 1 September 2023.

136. A local municipality may, before 1 September 2023, adopt a revitalization program under section 85.2 of the Act respecting land use planning and development, as it read before being repealed by section 44.

137. A revitalization program adopted under section 85.2 of the Act respecting land use planning and development, as it read before being repealed by section 44 of this Act, that is in force on 1 September 2023 remains in force until it is repealed.

138. No failure may result from the non-conformity of any metropolitan land use and development plan, RCM land use and development plan or planning program in force on 1 June 2023 with sections 2.24, 5, 6, 83 and 84 of the Act respecting land use planning and development, as amended or replaced by sections 7, 10 and 44 of this Act. This paragraph also applies to any such plan or program revised after that date.

The same applies to any special planning program adopted by Ville de Laval or Ville de Mirabel independently from a planning program.

The first paragraph ceases to have effect on the date determined by the Minister of Municipal Affairs, Regions and Land Occupancy. The Minister may set different times with respect to different responsible bodies or municipalities. The Minister makes the date public by publishing a notice in the *Gazette officielle du Québec*.

139. A special planning program in force on 1 June 2023 is deemed to be a special planning program within the meaning of section 84 of the Act respecting land use planning and development, as replaced by section 44 of this Act.

140. Any acquisition of servitudes or rights referred to in subparagraph 2 of the fourth paragraph of section 117.2 of the Act respecting land use planning and development, as amended by section 59 of this Act, made by a municipality for the purpose of promoting the establishment, maintenance and improvement of parks and playgrounds and the preservation of natural areas before 1 June 2023 under a by-law made under section 117.1 of that Act is valid.

141. The obligation to undergo the training provided for in sections 147.1 and 148.0.0.3.1 of the Act respecting land use planning and development, enacted by sections 87 and 88, takes effect, with respect to committee members already in office on 1 June 2024, on the date of renewal of their term.

142. Any intervention referred to in any of subparagraphs 1 to 3 of the first paragraph of section 149 of the Act respecting land use planning and development, as amended by section 89 of this Act, carried out before 1 June 2023, with respect to which the Government, any of its ministers or a mandatary of the State has obtained a municipal authorization without being required to obtain one is deemed to comply with Chapter VI of Title I of the Act respecting land use planning and development.

143. The amounts collected by Ville de Québec from 1 January 2008 to 1 June 2023 under section 168 of Schedule C to the Charter of Ville de Québec, national capital of Québec (chapter C-11.5), as it read before being amended by section 112 of this Act, are deemed to be amounts validly collected with regard to section 118.2 of the Act respecting the exercise of certain municipal powers in certain urban agglomerations (chapter E-20.001) and to the vacancy in the position of the fire investigation commissioner appointed under the Fire Safety Act (chapter S-3.4).

144. The provisions of this Act come into force on 1 June 2023, except

(1) section 70 except insofar as it replaces the fourth paragraph of section 123 of the Act respecting land use planning and development, sections 71 and 72, section 96 insofar as it enacts the fourth paragraph of section 239 of the Act respecting land use planning and development, and section 121, which come into force on 1 September 2023;

(2) the provisions of section 9, which come into force on the date or dates to be determined by the Government;

(3) paragraph 2 of section 14, sections 15, 16, 19, 20, 33 and 47 to 49, section 75 insofar as it enacts the second paragraph of section 137.3 of the Act respecting land use planning and development and the obligations that result from the third and fifth paragraphs of that section, and sections 76, 77 and 90, which come into force on 1 December 2023;

(4) sections 87 and 88, which come into force on 1 June 2024.

Coming into force of Acts

Gouvernement du Québec

O.C. 1100-2023, 28 June 2023

Act to amend the Courts of Justice Act to, in particular, give effect to the agreement between the chief judge of the Court of Québec and the Minister of Justice (2023, chapter 18) —Coming into force of section 1

COMING INTO FORCE of section 1 of the Act to amend the Courts of Justice Act to, in particular, give effect to the agreement between the chief judge of the Court of Québec and the Minister of Justice

WHEREAS, under section 4 of the Act to amend the Courts of Justice Act to, in particular, give effect to the agreement between the chief judge of the Court of Québec and the Minister of Justice (2023, chapter 18), the Act comes into force on 1 April 2024, except section 1, which comes into force on the date set by the Government;

WHEREAS it is expedient to set 24 July 2023 as the date of coming into force of section 1 of the Act;

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

THAT 24 July 2023 be set as the date of coming into force of section 1 of the Act to amend the Courts of Justice Act to, in particular, give effect to the agreement between the chief judge of the Court of Québec and the Minister of Justice (2023, chapter 18).

YVES OUELLET
Clerk of the Conseil exécutif

106372

Regulations and other Acts

Gouvernement du Québec

O.C. 1031-2023, 21 June 2023

Environment Quality Act
(chapter Q-2)

Environmental impact assessment and review of certain projects — Amendment

Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects

WHEREAS, under section 31.1 of the Environment Quality Act (chapter Q-2), no person may undertake any construction, work, activity or operation, or carry out work according to a plan or program, in the cases provided for by regulation of the Government without following the environmental impact assessment and review procedure provided for in subdivision 4 of Division II of Chapter IV of Title I of the Act and obtaining an authorization from the Government;

WHEREAS, under subparagraph *a* of the first paragraph of section 31.9 of the Act, the Government may make regulations to determine the classes of construction, works, plans, programs, operations, works or activities to which section 31.1 of the Act applies;

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 environmental impact assessment and review of certain projects was published in Part 2 of the *Gazette officielle du Québec* of 22 February 2023 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 the Environment, the Fight Against Climate Change, Wildlife and Parks:

THAT the Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the environmental impact assessment and review of certain projects

Environment Quality Act
(chapter Q-2, ss. 31.1 and 31.9, 1st par., subpar. *a*)

1. The Regulation respecting the environmental impact assessment and review of certain projects (chapter Q-2, r. 23.1) is amended in Part II of Schedule 1

(1) by adding the following paragraph at the end of section 20:

"This section does not apply to the activities referred to in section 39.";

(2) by striking out section 26;

(3) by inserting the following after section 38:

"**39.** ENERGY STORAGE EQUIPMENT

The following projects are subject to the procedure:

"(1) the construction of a plant whose maximum annual production capacity would be equal to or greater than 60,000 metric tons by performing any of the following activities for the purpose of manufacturing cells, electrochemical accumulators or batteries:

(*a*) the manufacturing of active materials for electrodes;

(*b*) the manufacturing of separators;

(*c*) the assembly of electrodes;

(2) an increase of the maximum annual production capacity of a plant referred to in subparagraph 1 that would reach or exceed a capacity referred to in that subparagraph;

(3) in the case of a plant whose maximum annual production capacity is equal to or greater than a capacity referred to in subparagraph 1:

(*a*) any increase of 50% or more of that capacity;

(*b*) any increase of that capacity that results in an expansion of 25% or more of the plant operation area.

Subparagraph 2 of the first paragraph does not apply to a plant existing on 20 July 2023. For those plants, any project to increase the maximum annual production capacity by 50% or more, that would reach or exceed a capacity referred to in subparagraph 1 of the first paragraph, is subject to the procedure.".

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

106353

Gouvernement du Québec

O.C. 1036-2023, 21 June 2023

Unclaimed Property Act
(chapter B-5.1)

Regulation
— Amendment

Regulation to amend the Regulation respecting the application of the Unclaimed Property Act

WHEREAS, under the second paragraph of section 2 of the Unclaimed Property Act (chapter B-5.1), the Government may, by regulation, prescribe what information the Minister may require for the purpose of determining whether the Minister is to be provisional administrator under the law;

WHEREAS, under the third paragraph of section 3 of the Act, the Government may, by regulation, determine the amounts due under a pension or retirement contract or plan referred to in subparagraph 10 of the first paragraph of section 3 of the Act;

WHEREAS, under the second paragraph of section 18 of the Act, only the information prescribed by government regulation is entered in the register of property under provisional administration;

WHEREAS, under the first paragraph of section 56 of the Act, in addition to the reimbursement of expenses incurred, the Minister may require fees for administering property under the law and that fees are determined by government regulation;

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 Unclaimed Property Act was published in Part 2 of the *Gazette officielle du Québec* of 8 March 2023 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 Finance:

THAT the Regulation to amend the Regulation respecting the application of the Unclaimed Property 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 Unclaimed Property Act

Unclaimed Property Act
(chapter B-5.1, s. 2, 2nd par., s. 3, 3rd par., s. 18, 2nd par. and s. 56, 1st par.)

1. The Regulation respecting the application of the Unclaimed Property Act (chapter B-5.1, r. 1) is amended in section 1

(1) by replacing "the death certificate, if applicable" in paragraph 7 by ", if applicable, the death certificate or a copy of an act of death, issued by the registrar of civil status";

(2) by replacing "it was impossible to identify or to find the owner or other right-holder" in paragraph 11 by "the owner or other right-holder could not be identified or found by reasonable means".

2. Section 2 is amended by replacing "the death certificate of the deceased" in paragraph 4 by "a copy of an act of death or the death certificate of the deceased, issued by the registrar of civil status".

3. Section 3 is amended

(1) in the first paragraph

(*a*) by inserting "other than a retirement plan administered by Retraite Québec and referred to in section 4 of the Act respecting Retraite Québec (chapter R-26.3)," after "established by an Act in force in Québec," in the portion before subparagraph *a* of subparagraph 1;

(*b*) by inserting the following after subparagraph 1:

"(1.1) in the case of a retirement plan administered by Retraite Québec and referred to in section 4 of the Act respecting Retraite Québec,

(*a*) where the benefit is a pension, to the total of the following sums:

i. the value, on the date of the delivery, of the arrears and interest accrued, calculated in accordance with section 151 of the Act respecting the Government and Public Employees Retirement Plan (chapter R-10);

ii. the residual value of the pension, established on the date of the delivery and in accordance with the actuarial assumptions and methods referred to in section 79 of the Act respecting the Government and Public Employees Retirement Plan, taking into account the demographic assumptions applicable to the plan or, failing that, the demographic assumptions used in the most recent actuarial valuation of the plan that is available on the 31 December preceding the date of the delivery, except, in both cases, for the assumptions relating to mortality rates and the age of retirement;

(*b*) in other cases, to the value of the benefits accrued under the plan on the date of the delivery;";

(2) by striking out the second paragraph;

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

"In case of a claim made to the Minister for sums referred to in the first paragraph that were delivered and initially came from a pension plan governed by the Supplemental Pension Plans Act (chapter R-15.1) or a retirement plan administered by Retraite Québec and referred to in section 4 of the Act respecting Retraite Québec, the rules applicable to a locked-in pension account under section 29 of the Regulation respecting supplemental pension plans (chapter R-15.1, r. 6) apply to the payment of the balance of the sum still locked-in at the time of the claim and delivered, with the necessary modifications.".

4. Section 6 is amended

(1) in the first paragraph

(*a*) by striking out subparagraph 5;

(*b*) by inserting "at the end of the administration" after "or succession" in subparagraph 7;

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

"Despite the first paragraph, no information concerning property or a succession is entered in the register if

(1) the information provided with regard to the property or succession is insufficient to allow for delivery to its owner or right-holder;

(2) the owner or right-holder has indicated a refusal to recover the property or succession or its value;

(3) the amount of the fees, including taxes applicable, is equal to or greater than the net value of the property or succession.".

5. Schedule I is amended by replacing "15%" and "$5,624" in paragraph 2 of section 2 by "10%" and "$1,124", respectively.

6. Schedule I is amended by inserting the following after section 4:

"**4.1.** The fees prescribed in sections 1 to 4 are adjusted on 1 April of each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the period ending on 31 December of the preceding year, as determined by Statistics Canada under the Statistics Act (Revised Statutes of Canada, 1985, chapter S-19).

Once adjusted, the fees are reduced to the nearest dollar where they include a dollar fraction under $0.50; they are increased to the nearest dollar where they include a dollar fraction equal to or over $0.50.

The fee adjustment has effect from 1 April.

The Minister informs the public of the annual adjustment by way of a notice published in the *Gazette officielle du Québec* or by such other means as the Minister considers appropriate.".

7. Paragraphs 1 and 2 of section 3 apply to a delivery made after 31 December 2023.

8. This Regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec*.

106354

Gouvernement du Québec

O.C. 1037-2023, 21 June 2023

Determination of the costs that must be incurred by the Autorité des marchés financiers for the administration of the Insurers Act and be borne by the authorized insurers, and the contribution for those costs that must be collected from each insurer for 2022-2023

WHEREAS, under the first paragraph of section 481 of the Insurers Act (chapter A-32.1), the costs that must be incurred by the Autorité des marchés financiers for the administration of the Act are to be borne by the authorized insurers, and they are determined annually by the Government based on the forecasts provided to it by the Authority;

WHEREAS, under the second paragraph of section 481 of the Act, such costs, for each insurer, correspond to the sum of the minimum contribution set by the Government and the proportion of those costs corresponding to the proportion that the insurer's total direct premium income for the preceding year in Québec is of the aggregate of the similar income of all the insurers for the same period;

WHEREAS, under the third paragraph of section 481 of the Act, the difference noted between the forecast of the costs that must be incurred for the administration of the Act for a year and those actually incurred for the same year must be carried over to similar costs determined by the Government for the year after the difference is noted;

WHEREAS the costs forecasted by the Autorité des marchés financiers for the administration of the Insurers Act for 2022-2023 are $22,618,387;

WHEREAS the costs actually incurred by the Autorité des marchés financiers for the administration of the Insurers Act for 2021-2022 were $685,977 higher than the forecasted costs;

WHEREAS it is expedient to determine the costs that must be incurred by the Autorité des marchés financiers for the administration of the Insurers Act for 2022-2023 at $23,304,364 to be apportioned between the insurers authorized during 2021-2022;

WHEREAS it is expedient to set the minimum contribution for those costs that must be collected from each insurer authorized during 2021-2022 at $575;

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

THAT the costs that must be incurred by the Autorité des marchés financiers for the administration of the Insurers Act (chapter A-32.1) for 2022-2022 be determined at $23,304,364 to be apportioned between the insurers authorized during 2021-2022;

THAT the minimum contribution for those costs that must be collected from each insurer authorized during 2021-2022 be set at $575.

YVES OUELLET
Clerk of the Conseil exécutif

106355

Gouvernement du Québec

O.C. 1038-2023, 21 June 2023

Determination of the costs that must be incurred by the Autorité des marchés financiers for the administration of the Act respecting financial services cooperatives and be borne by the federations and the credit unions that are not members of a federation, and the minimum amount for each member and non-member credit union exigible for 2022-2023

WHEREAS, under the first paragraph of section 591 of the Act respecting financial services cooperatives (chapter C-67.3), the costs that must be incurred by the Autorité des marchés financiers for the administration of the Act are to be borne by the federations and the credit unions that are not members of a federation and they are determined annually by the Government based on the forecasts provided to it by the Authority;

WHEREAS, under the second paragraph of section 591 of the Act, the difference noted between the forecast of the costs that must be incurred for the administration of the Act for a year and those actually incurred for the same year must be carried over to the similar costs determined by the Government for the year after the difference is noted;

WHEREAS, under section 592 of the Act, the amount exigible from each credit union that is not a member of a federation corresponds to the sum of a minimum amount fixed each year by the Government for each credit union and an amount corresponding to the product obtained by multiplying the sum of the average assets of all the credit unions at the end of the preceding year by the fraction corresponding to the average assets of the credit union at the end of the same year over the said sum;

WHEREAS, under section 593 of the Act, the amount exigible from a federation corresponds to the sum of a minimum amount fixed each year by the Government for each member credit union and an amount corresponding to the product obtained by multiplying the sum of the average assets of all the credit unions at the end of the preceding year by the fraction corresponding to the sum of the average assets of all the member credit unions at the end of the same year over the sum of the average assets of all the credit unions at the end of the same year;

WHEREAS the costs forecasted by the Autorité des marchés financiers for the administration of the Act respecting financial services cooperatives for 2022-2023 are $9,362,498;

WHEREAS the costs actually incurred by the Autorité des marchés financiers for the administration of the Act respecting financial services cooperatives for 2021-2022 were $12,969 higher than the forecasted amount;

WHEREAS it is expedient to determine the costs that must be incurred by the Autorité des marchés financiers for the administration of the Act respecting financial services cooperatives for 2022-2023 at $9,375,467 to be apportioned between the federation and the credit unions that are not members of the federation during 2021-2022;

WHEREAS it is expedient to fix the minimum amount of those costs exigible from the federation for each member credit union and each credit union that is not a member of the federation during 2021-2022 at $575;

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

THAT the costs that must be incurred by the Autorité des marchés financiers for the administration of the Act respecting financial services cooperatives (chapter C-67.3) for 2022-2023 be determined at $9,375,467 to be apportioned between the federation and the credit unions that are not members of the federation during 2021-2022;

THAT the minimum amount of those costs exigible from the federation for each member credit union and each credit union that is not a member of the federation during 2021-2022 be fixed at $575.

YVES OUELLET
Clerk of the Conseil exécutif

106356

Gouvernement du Québec

O.C. 1039-2023, 21 June 2023

Determination of the costs that must be incurred by the Autorité des marchés financiers for the administration of the Trust Companies and Savings Companies Act and be borne by authorized trust companies, and the contribution for those costs that must be collected from each company for 2022-2023

WHEREAS, under the first paragraph of section 274 of the Trust Companies and Savings Companies Act (chapter S-29.02), the costs that must be incurred by the Autorité des marchés financiers for the administration of the Act are to be borne by the authorized trust companies and they are determined annually by the Government based on the forecasts provided to it by the Authority;

WHEREAS, under the second paragraph of section 274 of the Act, such costs, for each company, correspond to the sum of the minimum contribution set by the Government and the proportion of those costs corresponding to the proportion that the company's gross income in Québec for the preceding year is of the aggregate of the similar income of all the companies for the same period;

WHEREAS, under the third paragraph of section 274 of the Act, the difference noted between the forecast of the costs that must be incurred for the administration of the Act for a year and those actually incurred for the same year must be carried over to the similar costs determined by the Government for the year after the difference is noted;

WHEREAS the costs forecasted by the Autorité des marchés financiers for the administration of the Trust Companies and Savings Companies Act for 2022-2023 are $2,068,273;

WHEREAS the costs actually incurred by the Autorité des marchés financiers for the administration of the Trust Companies and Savings Companies Act for 2021-2022 were $220,676 higher than the forecasted costs;

WHEREAS it is expedient to determine the costs that must be incurred by the Autorité des marchés financiers for the administration of the Trust Companies and Savings Companies Act for 2022-2023 at $2,288,949 to be apportioned between the trust companies authorized during 2021-2022;

WHEREAS it is expedient to set the minimum contribution for those costs that must be collected from each company authorized during 2021-2022 at $575;

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

THAT the costs that must be incurred by the Autorité des marchés financiers for the administration of the Trust Companies and Savings Companies Act (chapter S-29.02) for 2022-2023 be determined at $2,288,949 to be apportioned between the trust companies authorized during 2021-2022;

THAT the minimum contribution for those costs that must be collected from each company authorized during 2021-2022 be set at $575.

YVES OUELLET
Clerk of the Conseil exécutif

106357

Gouvernement du Québec

O.C. 1040-2023, 21 June 2023

Determination of the costs that must be incurred by the Autorité des marchés financiers for the administration of the Deposit Institutions and Deposit Protection Act and be borne by the authorized deposit institutions, and the contribution for those costs that must be collected from each deposit institution for 2022-2023

WHEREAS, under the first paragraph of section 56.1 of the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2), the costs that must be incurred by the Autorité des marchés financiers for the administration of the provisions of the Act other than Titles III and VI and section 45.2 are to be borne by the authorized deposit institutions and they are determined annually by the Government based on the forecasts provided to it by the Authority;

WHEREAS, under the second paragraph of section 56.1 of the Act, such costs, for each deposit institution, correspond to the sum of the minimum contribution set by the Government and the proportion of those costs corresponding to the proportion that the deposit institution's gross income in Québec for the preceding year is of the aggregate of the similar income of all the authorized deposit institutions for the same period;

WHEREAS, under the third paragraph of section 56.1 of the Act, the difference noted between the forecast of the costs that must be incurred for the administration of this Act for a year and those actually incurred for the same year must be carried over to similar costs determined by the Government for the year after the difference is noted;

WHEREAS the costs forecasted by the Autorité des marchés financiers for the administration of the Deposit Institutions and Deposit Protection Act for 2022-2023 are $495,201;

WHEREAS the costs actually incurred by the Autorité des marchés financiers for the administration of the Deposit Institutions and Deposit Protection Act for 2021-2022 were $6,426 higher than the forecasted costs;

WHEREAS it is expedient to determine the costs that must be incurred by the Autorité des marchés financiers for the administration of the provisions of the Deposit Institutions and Deposit Protection Act other than Titles III and VI and section 45.2 for 2022-2023 at $501,627 to be apportioned between the authorized deposit institutions during 2021-2022;

WHEREAS it is expedient to set the minimum contribution for those costs that must be collected from each deposit institution during 2021-2022 at $575;

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

THAT the costs that must be incurred by the Autorité des marchés financiers for the administration of the provisions of the Deposit Institutions and Deposit Protection Act (chapter I-13.2.2) other than Titles III and VI and section 45.2 for 2022-2023 be determined at $501,627 to be apportioned between the authorized deposit institutions during 2021-2022;

THAT the minimum contribution for those costs that must be collected from each authorized deposit institution during 2021-2022 be set at $575.

YVES OUELLET
Clerk of the Conseil exécutif

106358

Gouvernement du Québec

O.C. 1041-2023, 21 June 2023

Tax Administration Act
(chapter A-6.002)

Remission of tax relative to the Social Solidarity Program and the Basic Income Program for the taxation year 2022

Regulation respecting a remission of tax relative to the Social Solidarity Program and the Basic Income Program for the taxation year 2022

WHEREAS, under the first paragraph of section 94 of the Tax Administration Act (chapter A-6.002), the Government, whenever it considers it in the public interest, and to save the public from serious inconvenience or individuals from hardship or injustice, may among other things remit any amount payable or refund any amount paid to the State relating to any matter within the powers of the Parliament;

WHEREAS, under the second paragraph of that section, such a remission may be made in particular by general regulation;

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

WHEREAS, under section 13 of the Act, the reason justifying the absence of such publication must be published with the regulation;

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

WHEREAS the Government is of the opinion that the Regulation respecting a remission of tax relative to the Social Solidarity Program and the Basic Income Program for the taxation year 2022, attached to this Order in Council, establishes, amends or revokes norms of a fiscal nature;

WHEREAS, under the first paragraph of section 97 of the Tax Administration Act, every regulation made under the Act comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

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

THAT the Regulation respecting a remission of tax relative to the Social Solidarity Program and the Basic Income Program for the taxation year 2022, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation respecting a remission of tax relative to the Social Solidarity Program and the Basic Income Program for the taxation year 2022

Tax Administration Act
(chapter A-6.002, s. 94, 1st par. and 2nd par. and s. 97, 1st par.)

1. For the purposes of this Regulation

"eligible person" means a person who meets the following conditions:

(*a*) the person received, in the taxation year 2022, a benefit under the Social Solidarity Program established under Chapter II of Title II of the Individual and Family Assistance Act (chapter A-13.1.1);

(*b*) the person has no eligible spouse, within the meaning of section 776.41.1 of the Taxation Act (chapter I-3), for the taxation year 2022;

(*c*) the person filed a fiscal return for the taxation year 2022 pursuant to section 1000 of the Taxation Act on or before 30 September 2023;

(*d*) the person did not claim the tax credit for persons living alone or the tax credit for severe and prolonged impairment in mental or physical functions in computing tax payable under Part I of the Taxation Act for the taxation year 2022; (*personne admissible*)

"taxation year" has the meaning assigned by Part I of the Taxation Act; (*année d'imposition*)

"tax credit for persons living alone" means the portion of the tax credit provided for in section 752.0.7.4 of the Taxation Act that is attributable to the amount to which subparagraph i of subparagraph *a* of the first paragraph of that section refers; (*crédit d'impôt pour personne vivant seule*)

"tax credit for severe and prolonged impairment in mental or physical functions" means the tax credit provided for in section 752.0.14 of the Taxation Act. (*crédit d'impôt pour déficience grave et prolongée des fonctions mentales ou physiques*)

2. A remission of tax is granted to an eligible person, for the taxation year 2022, in an amount equal to the aggregate of

(*a*) the lesser of

(i) the person's tax payable under Part I of the Taxation Act for the taxation year 2022;

(ii) 15% of the amount by which all benefits received by the person under the Individual and Family Assistance Act and that are required to be included in computing the person's income for the taxation year 2022 under section 311.1 of the Taxation Act exceeds $16,143; and

(iii) $277.50; and

(*b*) the amount of interest and penalties, if applicable, paid or payable by the eligible person in respect of the amount referred to in paragraph *a*.

3. Where a redetermination of tax, interest and penalties payable by an eligible person under Part I of the Taxation Act is made, for the taxation year 2022, by the Minister of Revenue after the time at which the remission of tax referred to in section 2 has been made to the eligible person, the redetermination cannot operate to modify the amount of the remission.

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

106359

Gouvernement du Québec

O.C. 1045-2023, 21 June 2023

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

Criteria for the fixing of rent —Amendment

Regulation to amend the Regulation respecting the criteria for the fixing of rent

WHEREAS, under subparagraph 3 of the first paragraph of section 108 of the Act respecting the Administrative Housing Tribunal (chapter T-15.01) the Government may make regulations for the application of articles 1952 and 1953 of the Civil Code of Québec, establishing, for such categories of persons, of leases, of dwellings or of land intended for the installation of a mobile home as it may determine, the criteria for the fixing of rent or for the revision of rent and the rules of implementation of these criteria;

WHEREAS, under subparagraph 6 of the first paragraph of section 108 of the Act respecting the Administrative Housing Tribunal the Government may make regulations prescribing, subject to section 85 of the Act, what must be prescribed by regulation under the Act and articles 1892 to 2000 of the Civil Code of Québec;

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 criteria for the fixing of rent was published in Part 2 of the *Gazette officielle du Québec* of 25 January 2023 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 Responsible for Housing, the Minister Responsible for Seniors and the Minister of Health:

THAT the Regulation to amend the Regulation respecting the criteria for the fixing of rent, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the criteria for the fixing of rent

Act respecting the Administrative Housing Tribunal
(chapter T-15.01, s. 108, 1st par., subpars. 3 and 6)

1. The Regulation respecting the criteria for the fixing of rent (chapter T-15.01, r. 2) is amended in section 3 by replacing "the percentage applicable" in subparagraph 5 of the first paragraph by "the percentages applicable".

2. Section 3.1 is amended by inserting "In the case of the costs of services of a personal nature provided to the lessee of a dwelling situated in a private seniors' residence, the indicator is the Consumer Price Index for health care services established by Statistics Canada." after the first sentence of the second paragraph.

3. Schedule 1 is revoked.

4. Section 3.1 applies, as it reads on 31 July 2023, to an application for the fixing of rent whose notice referred to in article 1942 of the Civil Code has been given before 1 August 2023 or to an application for the adjustment of rent to take effect before 1 August 2023.

5. This Regulation comes into force on 1 August 2023.

106360

Gouvernement du Québec

O.C. 1099-2023, 28 June 2023

Courts of Justice Act
(chapter T-16)

Act respecting municipal courts
(chapter C-72.01)

Selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace —Amendment

Regulation to amend the Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace

WHEREAS, under the first paragraph of section 88 of the Courts of Justice Act (chapter T-16), no person shall be appointed a judge of the Court of Québec unless he has been previously selected according to the procedure established by Government regulation for the selection of persons apt for appointment as judges;

WHEREAS, under the second paragraph of section 88 of the Act, members of the selection committee are not entitled to remuneration, except in such cases, under such conditions and to such extent as may be determined by the Government;

WHEREAS, under section 163 of the Act, presiding justices of the peace are chosen for appointment according to the selection procedure for persons apt for appointment as presiding justices of the peace established by government regulation;

WHEREAS, under the first paragraph of section 164 of the Act, members of a selection committee are not entitled to remuneration, except in such cases, under such conditions and to such extent as may be determined by the Government;

WHEREAS, under section 34 of the Act respecting municipal courts (chapter C-72.01), no person shall be appointed a municipal judge unless he has been previously selected according to the procedure established by government regulation for the selection of persons apt for appointment as judges;

WHEREAS, under section 35 of the Act, members of the selection committee are not entitled to remuneration, except in such cases, subject to such conditions and to such extent as may be determined by the Government;

WHEREAS, under paragraph 1 of section 118 of the Act, the Government may, by regulation, determine the manner in which a person may apply for the office of judge;

WHEREAS, under paragraph 2 of section 118 of the Act, the Government may, by regulation, authorize the Minister of Justice to form a selection committee to evaluate the aptitude of candidates for the office of judge and to provide him with an opinion concerning the candidates;

WHEREAS, under paragraph 3 of section 118 of the Act, the Government may, by regulation, fix the composition and mode of appointment of committee members;

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 selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace was published in Part 2 of the *Gazette officielle*

du Québec of 3 May 2023 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 Justice:

THAT the Regulation to amend the Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace, attached to this Order in Council, be made.

YVES OUELLET
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace

Courts of Justice Act
(chapter T-16, ss. 88, 163 and 164)

Act respecting municipal courts
(chapter C-72.01, ss. 34, 35 and 118)

1. The Regulation respecting the selection procedure of candidates for the office of judge of the Court of Québec, municipal court judge and presiding justice of the peace (chapter T-16, r. 4.1) is amended in section 5

(1) by adding the sentence "The training is given by any means by the secretary or, where applicable, by the person designated by the secretary, in which case the secretary must approve the form and content of the training." at the end of the first paragraph;

(2) by inserting "by section 25" before "for the office" in the second paragraph.

2. Section 7 is amended by replacing "the website of the Ministère de la Justice and on that of the Barreau du Québec" in the first paragraph by "the websites of the Ministère de la Justice, the Barreau du Québec and the Chambre des notaires du Québec".

3. Section 10 is amended by inserting "to the president of the Chambre des notaires du Québec," after "concerned,".

4. Section 11 is amended by inserting "or the Roll of the Ordre des notaires" before ", if applicable." in the first paragraph.

5. Section 15 is amended

(1) by replacing paragraphs 2 and 3 by the following:

"(2) an advocate or a professor in a law faculty in Québec designated by the Bâtonnier du Québec;

(3) a notary or a professor in a law faculty in Québec designated by the president of the Chambre des notaires du Québec;

(4) a person who is neither a judge nor a member of the Barreau du Québec or the Chambre des notaires du Québec, designated by the chair of the Office des professions du Québec;

(5) for the office of judge assigned to the Criminal and Penal Division, a person designated by the Minister and working in an organization assisting persons who are victims of criminal offences, after consulting such organizations; and

(6) for the office of judge not assigned to the Criminal and Penal Division, an additional person designed under subparagraph 4.";

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

"Where a committee is established to fill a number of positions of judges, at least one of which is assigned to the Criminal and Penal Division, subparagraph 6 of the first paragraph does not apply.

The chief judge favours the designation of various judges to act as chair of a committee.

A judge may not act more than once a year as chair of a committee for the positions to be filled in a same coordinating region or the notices of which include a same place where a judge to be appointed may be called to sit. Any other person designated under the first paragraph to sit on a committee may be designated only once a year.

A retired judge authorized by the Government to exercise judicial functions under section 93 of the Courts of Justice Act (chapter T-16) may be designated by the chief judge under subparagraph 1 of the first paragraph to sit on a committee and act as chair.".

6. Section 16 is amended

(1) by replacing paragraphs 1, 2 and 3 by the following:

"(1) the associate chief judge of the Court of Québec who is responsible for municipal courts or a judge designated by the associate chief judge from among municipal court judges or, after consulting the chief judge of the Court of Québec, from among the judges of the Court of Québec, who will act as chair of the committee;

(2) an advocate or a professor in a law faculty in Québec designated by the Bâtonnier du Québec;

(3) a notary or a professor in a law faculty in Québec designated by the president of the Chambre des notaires du Québec;

(4) a person who is neither a judge nor a member of the Barreau du Québec or the Chambre des notaires du Québec, designated by the chair of the Office des professions du Québec;

(5) for the office of judge assigned to a municipal court that tries proceedings commenced under Part XXVII of the Criminal Code (R.S.C. 1985, c. C-46), a person designated by the Minister and working in an organization assisting persons who are victims of criminal offences, after consulting such organizations; and

(6) for the office of judge assigned to a municipal court that does not try proceedings commenced under Part XXVII of the Criminal Code, an additional person designated under subparagraph 4.";

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

"Where a committee is established to fill a number of positions of judges, at least one of which is assigned to a municipal court that tries proceedings commenced under Part XXVII of the Criminal Code, subparagraph 6 of the first paragraph does not apply.

The associate chief judge of the Court of Québec who is responsible for municipal courts favours the designation of various judges to act as chair of a committee.

A judge may not act more than once a year as chair of a committee for the positions to be filled in a same coordinating region or the notices of which include a same place where a judge to be appointed may be called to sit. Any other person designated under the first paragraph to sit on a committee may be designated only once a year.".

7. Section 17 is amended by replacing "paragraphs 2 and 3 of sections 15 and 16, the Barreau du Québec and the Office des professions du Québec" by "subparagraphs 2 to 6 of the first paragraph of sections 15 and 16, the persons who designate the members of the committee".

8. The following is inserted after section 19:

"**19.1.** A person who agrees to sit on a committee must have the required availability.".

9. Section 21 is amended by replacing "last 5 years" at the end of subparagraph 3 of the first paragraph by "last 10 years".

10. Section 22 is revoked.

11. The following is inserted after section 22:

"**22.1.** A person who holds a position within a municipal, provincial or federal political party, such as an officer, its official representative and its official agent or a person holding an elective position, may not be designated to sit on a committee.".

12. Section 24 is amended by adding the sentence "The candidates must promptly be met by the committee." at the end of the first paragraph.

13. Section 26 is amended

(1) in the first paragraph

(*a*) by replacing "indique" in the French text by "doit indiquer";

(*b*) by replacing "of 3 candidates qualified" by "of the 3 best candidates the committee proposes, namely, those whose application best meets the criteria set out in section 25,";

(*c*) by striking out "that it proposes";

(*d*) by replacing "is 3" by "proposed must be 3";

(*e*) by inserting "and a candidate may only be proposed for one office. The decision on the proposed candidates is made by the majority of the members" after "each additional office";

(2) by replacing the second and third paragraphs by the following:

"Where 3 candidates or less submit their application for an office, the committee so indicates in the report and proposes each candidate. If the Minister cannot choose one of the candidates to be recommended to the Cabinet, the competition is cancelled for that office.".

14. Section 29 is amended by replacing "disciplinary bodies, professional orders, police authorities and credit agencies" by "the syndic of the professional orders and the persons designated, within each of them, by disciplinary bodies, police authorities and credit agencies. They must take the oath of discretion appearing in Schedule C and take the measures required to ensure the confidentiality of the information received concerning the candidates. They may discuss the information only with the secretary or, where authorized by the secretary, with another person within their organization who has also taken the oath of discretion appearing in Schedule C".

15. Section 31 is amended

(1) by replacing "$100" by "$250";

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

"Despite the first paragraph, a municipal court judge who does not exercise the functions on a full-time and exclusive basis is entitled, for each half day of attending committee meetings or training activities, to half the remuneration to which the judge is entitled when presiding a block meeting in accordance with Order in Council 31-2008 dated 31 January 2008 and subsequent amendments.

In addition, a retired judge authorized by the Government to exercise judicial functions under section 93 of the Courts of Justice Act (chapter T-16) is entitled, for each half day of attending committee meetings or training activities, to half the remuneration to which the judge is entitled under section 118 of the Act for a working day.".

16. Section 33 is amended

(1) by replacing "the Minister may request the committee to propose the name of other candidates qualified to be appointed as judges for that position, in accordance with section 26" at the end of the first paragraph by "the competition is cancelled for that position";

(2) by striking out the second and third paragraphs.

17. Section 34 is amended by adding the sentence "The members of the selection committee may not discuss the information with persons who are not members of the committee." at the end of the first paragraph.

18. Schedule A is amended

(1) in the sixth box

(*a*) by inserting the following after the "Year of admission to the Barreau du Québec" box:

"

Year of admission to the Chambre des notaires du Québec	

";

(*b*) by inserting the following after the "Proof of entry on the Roll of the Barreau du Québec" box:

"

Proof of entry on the Roll of the Chambre des notaires du Québec	CNQ membership card or ☐ CNQ attestation ☐ Not registered ☐

";

(2) by inserting "or the Chambre des notaires du Québec" after "Barreau du Québec" in the thirteenth, fourteenth, fifteenth and sixteenth boxes;

(3) by inserting the following after the sixteenth box:

"

Do you have issues or disputes with your former employers?	
Yes ☐ No ☐	
(If yes, explain.)	

";

(4) by inserting "or Chambre des notaires" after "Barreau" in the first paragraph of the text under the twenty-first box;

(5) by inserting "or Chambre des notaires du Québec" after "the Barreau du Québec" in the second paragraph of the text under the twenty-first box.

19. The following is added at the end:

"**SCHEDULE C**
(s. 29)

OATH OF DISCRETION

I declare under oath that I will not reveal or disclose, unless duly authorized, anything that may come to my knowledge when making the verifications requested by the secretary of the secretariat for the selection of candidates for judicial office.

If another person within my organization must be consulted for the requested verifications, including a superior, I will obtain the authorization of the secretary and will make sure that that person takes the same oath of discretion before consulting the person.

_____
Name of declarant

Sworn before me

at _____

this _____

_____
Person authorized to administer the oath".

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

106371

M.O., 2023

Order 2023-0004 of the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks dated 20 June 2023

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

Regulation to amend the Regulation respecting hunting

THE MINISTER OF THE ENVIRONMENT, THE FIGHT AGAINST CLIMATE CHANGE, WILDLIFE AND PARKS,

CONSIDERING subparagraphs 1 and 3 of the third paragraph of section 56 of the Act respecting the conservation and development of wildlife (chapter C-61.1), which provide that the Minister may, by regulation, determine, on the basis of sex or age, what animal or animal of a class of animals may be hunted, and determine the area, territory or place in which the animal may be hunted or trapped;

CONSIDERING subparagraph 2 of the first paragraph of section 163 of the Act respecting the conservation and development of wildlife, which provides that the Minister may make regulations limiting the number of licences or leases of each class for a zone, territory or place the Minister specifies, and determining the number of licences or leases of each class that a person is authorized to issue under section 54 for that zone, territory or place;

CONSIDERING the first paragraph of section 164 of the Act, which provides in particular that a regulation made under subparagraphs 2 and 6 of the first paragraph of section 163 is not subject to the publication requirements set out in section 8 of the Regulations Act (chapter R-18.1);

CONSIDERING that the Regulation respecting hunting (chapter C-61.1, r. 12) was made;

CONSIDERING that it is expedient to amend certain provisions of the Regulation;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting hunting, attached to this Order, is hereby made.

Québec, 20 June 2023

BENOIT CHARETTE
Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks

Regulation to amend the Regulation respecting hunting

Act respecting the conservation and development of wildlife (chapter C-61.1, s. 56, 3rd par., subpars. 1 and 3)

1. The Regulation respecting hunting (chapter C-61.1, r. 12) is amended in section 17

(1) in the first paragraph

(*a*) in subparagraph 2

i. by striking out "2,";

ii. by striking out ", 27 except the part shown on the plan in Schedule CCXII,";

(*b*) by replacing "in 2022 and 2023" at the end of subparagraph 3 by "in 2022";

(*c*) by inserting the following after subparagraph 3:

"(3A) in areas 1, 2 and 6, the hunting of moose with antlers and moose calves is permitted in 2023;".

(*d*) by replacing "in 2022 and 2023" at the end of subparagraph 5 by "in 2022";

(*e*) by inserting the following after subparagraph 5.1:

"(5.2) in areas 4, 9, 10, the eastern part of Area 11 shown on the plan in Schedule XIV, XII, XV except the western and northern parts shown on the plans in Schedules CXXXIII and CCII, 27 except the part shown on the plan in Schedule CCXII, only the hunting of moose with antlers is permitted in 2023;";

(2) in the second paragraph

(*a*) by replacing "in the controlled zones referred to in subparagraph 1 of this paragraph, moose hunting is permitted in 2023" in subparagraph 2 by "in the Anse-Saint-Jean, Chapeau-de-Paille, Chauvin, Croche, D'Iberville, Forestville, Gros-Brochet, Jeannotte, Labrieville, Lac-Brébeuf, Lac-de-la-Boîteuse, La Lièvre, Mars-Moulin, Martin-Valin, Menokeosawin, Nordique, Onatchiway, Des Passes, Rivière-aux-Rats and Tawachiche controlled zones, moose hunting is permitted in 2023";

(*b*) by replacing "in 2022 and 2023" at the end of subparagraph 7 by "in 2022";

(*c*) by inserting the following after subparagraph 7:

"(7A) in the Petawaga controlled zone, the hunting of moose with antlers and moose calves is permitted in 2023;".

(*d*) by replacing "in 2022 and 2023" at the end of subparagraph 8 by "in 2022";

(*e*) by inserting the following after subparagraph 8:

"(8A) in the Bas-Saint-Laurent, Batiscan-Neilson, Bras-Coupé-Désert, Buteux–Bas-Saguenay, Chapais, Des Martres, de la Rivière-Blanche, Jaro, including the territory referred to in Schedule CCI, Lac-aux-Sables, Lesueur, Maganasipi, Mazana, Mitchinamecus, Normandie, Maison-de-Pierre, Owen, Pontiac, Rapides-des-Joachims, Saint-Patrice and Wessonneau controlled zones, only moose with antlers not less than 10 cm may be hunted in 2023;".

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

106352

M.O., 2023

Order 5016 of the Minister of Justice dated 20 June 2023

Code of Civil Procedure
(chapter C-25.01)

Model summons established by the Minister of Justice pursuant to article 146 of the Code of Civil Procedure (chapter C-25.01)

THE MINISTER OF JUSTICE,

CONSIDERING article 146 of the Code of Civil Procedure (chapter C-25.01), which provides that the summons attached to a judicial application must be in keeping with the model established by the Minister of Justice;

CONSIDERING that such a model is provided for in the Model pleadings and other documents established by the Minister of Justice pursuant to articles 136, 146, 235, 271, 393, 546 and 681 of the Code of Civil Procedure (chapter C-25.01, r. 2);

CONSIDERING section 8 of the Act to improve justice efficiency and accessibility, in particular by promoting mediation and arbitration and by simplifying civil procedure in the Court of Québec (2023, chapter 3), which amends the Code to insert articles 535.1 to 535.15 that provide special simplified rules for the recovery of certain claims;

CONSIDERING that, under paragraph 1 of section 46 of that Act, article 8 of the Act comes into force on 30 June 2023;

CONSIDERING that it is expedient, therefore, to amend the model summons established pursuant to article 146 of the Code to take those rules into account;

ORDERS AS FOLLOWS:

THAT the summons model provided for in Schedule 2 to the Model pleadings and other documents established by the Minister of Justice pursuant to articles 136, 146, 235, 271, 393, 546 and 681 of the Code of Civil Procedure (chapter C-25.01, r. 2) be replaced by the model established by Schedule 1 to this Order;

THAT this Order come into force on 30 June 2023.

Québec, 20 June 2023

SIMON JOLIN-BARRETTE
Minister of Justice

Schedule I MODEL ESTABLISHED BY THE MINISTER OF JUSTICE

SUMMONS
(articles 145 and following C.C.P.)

Filing of a judicial application

Take notice that the plaintiff has filed this originating application in the office of the court of _____ in the judicial district of _____.

Exhibits supporting the application

In support of the originating application, the plaintiff intends to use the following exhibits:

Defendant's answer

You must answer the application in writing, personally or through a lawyer, at the courthouse of _____ situated at _____ within 15 days of service of this application or, if you have no domicile, residence or establishment in Québec, within 30 days. The answer must be notified to the plaintiff's lawyer or, if the plaintiff is not represented, to the plaintiff.

Failure to answer

If you fail to answer within the time limit of 15 or 30 days, as applicable, a default judgment may be rendered against you without further notice and you may, according to the circumstances, be required to pay the legal costs.

Content of answer

(If the special simplified rules for the recovery of certain claims before the Court of Québec apply to this application, either because

- *it is an application in which the value of the subject matter of the dispute or the amount claimed is less than $75,000, exclusive of interest including, if applicable, an ancillary application; OR*

- *it is an application in which the value of the subject matter of the dispute or the amount claimed is more than $75,000 but less than $100,000 and the applicant has asked that the application be processed according to those simplified rules.)*

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application according to the rules set out in Title I.1 of Book VI of the Code of Civil Procedure (articles 535.1 to 535.15), in particular, by filing with the court office a brief outline of your arguments within 95 days after service of this summons; or
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

OR

(If the special simplified rules for the recovery of certain claims before the Court of Québec do not apply to the application.)

In your answer, you must state your intention to:

- negotiate a settlement;
- propose mediation to resolve the dispute;
- defend the application and, in the cases required by the Code of Civil Procedure, cooperate with the plaintiff in preparing the case protocol that is to govern the conduct of the proceeding. The protocol must be filed with the court office in the district specified above within 45 days after service of this summons. However, in family matters or if you have no domicile, residence or establishment in Québec, it must be filed within 3 months after service; or
- propose a settlement conference.

The answer to the summons must include your contact information and, if you are represented by a lawyer, the lawyer's name and contact information.

Where to file the judicial application

Unless otherwise provided, the judicial application is heard in the judicial district where your domicile is located, or failing that, where your residence or the domicile you elected or agreed to with plaintiff is located. If it was not filed in the district where it can be heard and you want it to be transferred there, you may file an application to that effect with the court.

However, if the application pertains to an employment, consumer or insurance contract or to the exercise of a hypothecary right on the immovable serving as your main residence, it is heard in the district where the employee's, consumer's or insured's domicile or residence is located, whether that person is the plaintiff or the defendant, in the district where the immovable is located or, in the case of property insurance, in the district where the loss occurred. If it was not filed in the district where it can be heard and you want it to be transferred there, you may file an application to that effect with the special clerk of that district and no contrary agreement may be urged against you.

Transfer of the application to the Small Claims Division

If you qualify to act as a plaintiff under the rules governing the recovery of small claims, you may contact the clerk of the court to request that the application be processed according to those rules. If you make this request, the plaintiff's legal costs will not exceed those prescribed for the recovery of small claims.

Convening a case management conference

(If the special simplified rules for the recovery of certain claims before the Court of Québec apply to the application)

Within 110 days after service of this summons, the court may call you to a case management conference to ensure the orderly progress of the proceeding.

OR

(If the special simplified rules for the recovery of certain claims before the Court of Québec do not apply to the application)

Within 20 days after the case protocol mentioned above is filed, the court may call you to a case management conference to ensure the orderly progress of the proceeding. Failing that, the protocol is presumed to be accepted.

Application accompanied by a notice of presentation

Applications filed in the course of a proceeding and applications under Book III or V of the Code of Civil Procedure—excluding applications pertaining to family matters under article 409 and applications pertaining to securities under article 480—as well as certain applications under Book VI of the Code of Civil Procedure, including applications for judicial review, must be accompanied by a notice of presentation, not by a summons. In such circumstances, the establishment of a case protocol is not required.

106351

Draft Regulations

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 increases the fees payable by the Family Mediation Service for the services provided by one or two mediators pursuant to articles 417 to 423, 442.1 and 605 to 618 of the Code of Civil Procedure, as the case may be. The draft Regulation also increases the tariff of fees set per mediator for a group parenting and mediation information session and increases the duration of that session. Lastly, to ensure consistency, the draft Regulation increases the tariff of fees payable by the parties.

Further information on the draft Regulation may be obtained by contacting Annie Gauthier, Direction du soutien aux orientations, des affaires législatives et de la refonte, Ministère de la Justice, 1200, route de l'Église, 4e étage, Québec (Québec) G1V 4M1; telephone: 418 643-0424, extension 20172; 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, 9e 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 in section 10

(1) by replacing "110" in the first paragraph by "130";

(2) in the second paragraph

(*a*) by replacing "225" by "330";

(*b*) by replacing "2½ hours" by "3 hours".

2. Section 10.3 is amended

(1) in the first paragraph

(*a*) by replacing "110" in subparagraph 1 by "130";

(*b*) by replacing "110" in subparagraph 2 by "130";

(2) by replacing "110" in the second paragraph by "130".

3. Section 10.4 is amended

(1) by replacing "110" in the first paragraph by "130";

(2) in the fourth paragraph

(*a*) by replacing "110" in subparagraph 1 by "130";

(*b*) by replacing "110" in subparagraph 2 by "130".

4. Section 11 is amended by replacing "110" in the first paragraph by "130".

5. Mediation in progress before the coming into force of this Regulation remains governed by the former provisions.

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

106362

Draft Regulation

Highway Safety Code
(chapter C-24.2)

Flashing green light
— 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 Flashing Green Light Regulation, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation is further to amendments made to section 226.2 of the Highway Safety Code (chapter C-24.2) by section 39 of the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions (2022, chapter 13).

The draft Regulation essentially

— makes the amendments made necessary by the fact that firefighters will now be authorized to use a flashing green light by the municipal authority that has established the fire safety service of which the firefighter is a member, rather than by the Société de l'assurance automobile du Québec;

— specifies certain conditions on which the authorization to use a flashing green light may be obtained by a firefighter and determines the form and content of the certificate of authorization issued by the municipal authority;

— broadens the technical standards that all flashing green lights must meet, determines the technical standards and the special method for the installation of a flashing green light on a tow truck equipped with flashing or rotating amber lights in accordance with section 227 of the Highway Safety Code, and revises the method for the installation of a flashing green light on a vehicle driven by a firefighter;

— determines on what conditions more than one flashing green light may be used on a tow truck equipped with flashing or rotating amber lights in accordance with section 227 of the Highway Safety Code.

As regards the impact on enterprises, including small and medium-sized businesses, if all tow truck owners availed themselves of the possibility to use the maximum number of flashing green lights, the estimated cost to the industry would be $3.51M. No savings were identified. The measures proposed include the cost of acquiring and installing the flashing green lights, where enterprises decide to use them, since this is a possibility and not a requirement.

Further information on the draft Regulation may be obtained by contacting Paul-Philippe Frenette, engineer, Direction générale de l'expertise légale et de la sécurité des véhicules routiers, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, E-4-34, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; telephone: 418 528-3823; email: paul-philippe.frenette@saaq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nadia Fournier, Director, Direction des relations gouvernementales et du soutien administratif, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; email: nadia.fournier@saaq.gouv.qc.ca. The comments will be forwarded by the Société to the Minister of Transport and Sustainable Mobility.

Geneviève Guilbault
Minister of Transport and Sustainable Mobility

Regulation to amend the Flashing Green Light Regulation

Highway Safety Code
(chapter C-24.2, s. 621, 1st par., subpars. 5.2 and 5.3)

1. The Flashing Green Light Regulation (chapter C-24.2, r. 25.1) is amended in section 1

(1) in the first paragraph

(*a*) by replacing the portion before subparagraph 1 by the following:

"**1.** A municipal authority authorizes a firefighter who is a member of the fire safety service established by the municipal authority and who applies to the municipal authority to use a flashing green light on a road vehicle other than an emergency vehicle when responding to an emergency call from a fire safety service, where";

(*b*) by striking out "that has established the fire safety service of which the firefighter is a member" in subparagraph 1;

(*c*) by replacing "the firefighter has not been the subject, in the 2 years preceding the application" in subparagraph 3 by "the firefighter holds a valid driver's licence and the firefighter's driving record, included with the application, shows that the firefighter has not been the subject, in the 2 years preceding the application";

(*d*) by replacing subparagraph 4 by the following:

"(4) the firefighter's employment record shows that the firefighter complies with the protocols and guidelines of the fire safety service of which the firefighter is a member";

(*e*) by striking out subparagraph 5;

(2) by striking out the second paragraph.

2. Section 2 is amended by replacing "until the end of the firefighter's birthday following the one-year period from which the date on which the authorization has been granted" by "until 15 September of the year following the second year from the date on which it has been granted".

3. Section 3 is amended

(1) by replacing "the Société" and "an authorization certificate to the firefighter" respectively by "the municipal authority" and "to the firefighter the authorization certificate provided for in Schedule 1";

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

"For the purposes of the first paragraph, the authorization certificate must include at least one means of communication to contact the municipal authority in order to validate the firefighter's authorization.".

4. Section 4 is amended

(1) by replacing "3, 4 and 5 of the first paragraph" in the first paragraph by "3 and 4";

(2) by replacing "an authorization certificate to the firefighter" in the second paragraph by "the authorization certificate provided for in Schedule 1";

(3) by replacing the words "the Société" wherever they appear by "the municipal authority".

5. Section 5 is replaced by the following:

"**5.** The authorization to use a flashing green light may be revoked by the municipal authority in the following cases:

(1) the municipal authority has passed a resolution that no longer provides for the use of a flashing green light by the firefighters of the fire safety service established by the municipal authority;

(2) the firefighter's employment record shows that the firefighter does not comply with the protocols and guidelines of the fire safety service;

(3) the firefighter is no longer a member of the fire safety service; or

(4) the firefighter's driver's licence is no longer valid.".

6. The heading of Division II is amended by adding "AND CONDITIONS OF USE OF MORE THAN ONE FLASHING GREEN LIGHT" at the end.

7. Section 6 is replaced by the following:

"**6.** All flashing green lights must meet one of the following criteria:

(1) be composed of one or more light emitting diode (LED) modules with a flash rate between 1 Hz and 4 Hz; or

(2) comply with SAE Standard J845 dated February 2019 or SAE Standard J595 dated August 2021, or subsequent versions published by SAE International.".

8. Section 7 is replaced by the following:

"**7.** The flashing green light used by a firefighter must be installed on the inside of the windshield, in the area covered by the motion of the windshield wipers and outside the tinted area letting in less than 70% of light. Its maximum size, excluding the attachment system, must be 260 mm wide, 76 mm high and 185 mm deep.

The light must be equipped with a light-shield that reduces the glare affecting the driver due to the reflection of the light. It must be placed so as not to obstruct the driver's view, interfere with driving manoeuvers, prevent the operation of vehicle equipment or reduce its efficiency and in a manner that does not present a risk of injury in case of an accident.".

9. Section 8 is replaced by the following:

"**8.** The driver of a tow truck equipped with flashing or rotating amber lights in accordance with section 227 of the Highway Safety Code (chapter C-24.2) may, when the lights are activated and the tow truck is required by an emergency service, use one or more flashing green lights, which may be installed inside or outside the tow truck. A maximum of 8 flashing green lights may be installed on the tow truck. In addition, the number of flashing green lights installed so as to be visible from the front, the rear or one of the 2 sides of the tow truck cannot be more than 3.

For the purposes of the first paragraph, the technical standards and the method for the installation of a flashing green light are as follows:

(1) the light may not be a rotating light or emulate the appearance of a rotating light;

(2) if only one light is visible from the front, the rear or one of the 2 sides of the tow truck, its maximum size, excluding the attachment system, must be 260 mm wide, 76 mm high and 185 mm deep;

(3) if 2 or 3 lights are visible from the front, the rear or one of the 2 sides of the tow truck, the maximum size of each light, excluding the attachment system, must be 158 mm wide, 61 mm high and 185 mm deep;

(4) the total luminous area of the lenses of any flashing green light installed so as to be visible from the front, the rear or one of the 2 sides of the tow truck must, in each case, be less than that of the flashing or rotating amber lights installed on the tow truck and that are visible, as applicable, from the front, the rear or one of the 2 sides of the tow truck.

If a flashing green light is installed inside the tow truck, it must comply with the technical standards and method for installation prescribed by the second paragraph of section 7.".

10. Section 9 is amended by striking out ", except subparagraph 5 of the first paragraph of section 1, which comes into force on the date of coming into force of the first regulation made by Société under subparagraph 8.2 of the first paragraph of section 624 of the Highway Safety Code (chapter C-24.2)".

11. The following Schedule is added at the end:

"**SCHEDULE 1**
(ss. 3 and 4)

CERTIFICATE OF AUTHORIZATION TO USE A FLASHING GREEN LIGHT

Certificat d'autorisation pour l'utilisation d'un feu vert clignotant

Date de délivrance (Année-Mois-Jour) Date d'expiration (Année-Mois-Jour)

Numéro de certificat

Nom et prénom du pompier ou de la pompière

Pour valider l'autorisation prévue par ce certificat, veuillez contacter l'autorité municipale :

Téléphone poste

Numéro de permis de conduire

Adresse du site Web où l'information est disponible

Service de sécurité incendie

Recto

Renseignements généraux

1. Le ou la titulaire doit toujours avoir en sa possession ce certificat d'autorisation.
2. Un certificat d'autorisation pour l'utilisation d'un feu vert clignotant n'est pas transférable.
3. Consultez l'article 226.2 du *Code de la sécurité routière* pour plus de détails.

Important

Le ou la titulaire de cette autorisation ne peut s'en prévaloir que si son permis de conduire est valide. Elle permet d'utiliser un feu vert clignotant uniquement sur un véhicule routier, autre qu'un véhicule d'urgence, conduit par un pompier ou une pompière répondant à un appel d'urgence provenant d'un service de sécurité incendie. Le feu vert permet à la personne qui l'active, lorsque les circonstances l'exigent et qu'elle agit de façon sécuritaire, de circuler sur l'accotement et d'immobiliser son véhicule à tout endroit. Toute autre dérogation aux règles de circulation constitue une infraction au *Code de la sécurité routière.*

Verso

".

12. If the period of validity of the firefighter's certificate of authorization issued by the Société de l'assurance automobile du Québec under section 226.2 of the Highway Safety Code (chapter C-24.2), as it reads before (*insert the date of coming into force of this Regulation*), ends on a date other than 15 September of the year of its expiry, the new certificate issued as a renewal by the municipal authority is valid until 15 September of the year following the second year from the date on which it was issued.

If the municipal authority issues a new certificate of authorization while the certificate of authorization issued by the Société is still valid, the new certificate is valid until 15 September of the year following the second year from the date on which it was issued.

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

106366

Draft Regulation

Highway Safety Code
(chapter C-24.2)

Identification stickers for parking spaces reserved for handicapped persons
— 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 identification stickers for parking spaces reserved for handicapped persons, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main goal of the draft Regulation is to

— extend the list of persons who can do an evaluation under paragraph 2 of section 2 of the Regulation respecting identification stickers for parking spaces reserved for handicapped persons (chapter C-24.2, r. 52);

— determine the conditions on which the owners of a motorcycle or moped may obtain, use and renew a self-adhesive identification sticker and the attestation certificate accompanying it;

— modify some of the conditions for the renewal of a hangtag identification sticker and the attestation certificate accompanying it;

— determine the period of validity of an identification sticker and the attestation certificate accompanying it issued to a non-resident;

— revoke some of the rules for the use of an identification sticker already provided for in section 11.1 of the Highway Safety Code (chapter C-24.2), and include the fees for the obtention, renewal or replacement of an identification sticker and the attestation certificate accompanying it, which are currently set out in the Regulation respecting fees exigible under the Highway Safety Code and the return of confiscated objects (chapter C-24.2, r. 27).

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Jacinthe Malo, road safety advisor, Direction du développement en sécurité routière, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, C-4-12, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; telephone: 418 528-4018; email: jacinthe.malo@saaq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nadia Fournier, Director, Direction des relations gouvernementales et du soutien administratif, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; email: nadia.fournier@saaq.gouv.qc.ca. The comments will be forwarded by the Société to the Minister of Transport and Sustainable Mobility.

Geneviève Guilbault
Minister of Transport and Sustainable Mobility

Regulation to amend the Regulation respecting identification stickers for parking spaces reserved for handicapped persons

Highway Safety Code
(chapter C-24.2, s. 618, par. 20)

1. The Regulation respecting identification stickers for parking spaces reserved for handicapped persons (chapter C-24.2, r. 52) is amended in section 2

(1) by replacing the portion before paragraph 1 by the following:

"**2.** A natural person who wishes to obtain a hangtag identification sticker for parking spaces reserved for handicapped persons and the attestation certificate accompanying it shall meet the following requirements:";

(2) in paragraph 2

(*a*) by inserting "or physiotherapy technologist" after "physiotherapist" in subparagraph *b*;

(*b*) by adding ", or who is a member of the Association des Éducatrices et Éducateurs Spécialisés du Québec (AEESQ)" at the end of subparagraph *c*;

(*c*) by inserting the following after subparagraph *c*:

"(*d*) a chiropractor who is a member of the Ordre professionnel des chiropraticiens du Québec;

(*e*) a respiratory therapist who is a member of the Ordre professionnel des inhalothérapeutes du Québec;

(*f*) a podiatrist who is a member of the Ordre professionnel des podiatres du Québec;

(*g*) a psychoeducator who is a member of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec;

(*h*) an orientation and mobility specialist employed by a public institution referred to in the Act respecting health services and social services (chapter S-4.2) or the Act respecting health services and social services for Cree Native persons (chapter S-5), or who is a member of the Association des Spécialistes en Intervention en Déficience Visuelle du Québec;

(*i*) a social worker who is a member of the Ordre professionnel des travailleurs sociaux et des thérapeutes conjugaux et familiaux du Québec;";

(3) by replacing paragraph 3 by the following:

"(3) pay fees of $18.60.";

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

"The same applies to a natural person who wishes to obtain a self-adhesive identification sticker for parking spaces reserved for handicapped persons, and the attestation certificate accompanying it, for a motorcycle or moped the person owns.

A person referred to in the first or second paragraph is not required to meet the condition in subparagraph 2 of the first paragraph if the person already has either a hangtag identification sticker or a self-adhesive identification sticker.".

2. Section 3 is amended

(1) by replacing "the identification sticker" by "an identification sticker" and by replacing "mentioned in paragraph 3 of section 2" by "of $18.60";

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

"A handicapped person who is not suffering from a permanent disability may not obtain a renewal, but may submit a new application in accordance with section 2. In such a case, the third paragraph of that section does not apply to that person.".

3. Section 4 is amended

(1) by replacing "the identification sticker" in the portion before paragraph 1 by "an identification sticker";

(2) by replacing "mentioned in paragraph 3 of section 2" in paragraph 2 by "of $18.60";

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

"To replace only the attestation certificate accompanying an identification sticker, fees of $5.05 are payable.".

4. Section 5 is amended

(1) by replacing "an identification sticker" in the portion before paragraph 1 by "a hangtag identification sticker";

(2) by replacing "mentioned in paragraph 3 of section 2" in paragraph 2 by "of $18.60".

5. Section 6 is amended by replacing "fees mentioned in paragraph 3 of section 2" by "fees of $18.60".

6. Section 7 is amended

(1) by replacing "mentioned in paragraph 3 of section 2" by "of $18.60";

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

"To replace only the attestation certificate accompanying an identification sticker, fees of $5.05 are payable.".

7. Section 8 is amended

(1) by revoking paragraphs 1 to 3;

(2) by replacing "elle ne doit pas" in the French text of paragraph 4 by "ne pas";

(3) by replacing paragraph 5 by the following:

"(5) in the case of a road vehicle other than a motorcycle or moped, hang the sticker from the rear-view mirror of the road vehicle, in such a manner that the sticker is visible from the outside, only when the vehicle is parked in a space reserved for handicapped persons or, in the case of a motorcycle or moped, affix the self-adhesive identification sticker in the upper right corner of the road vehicle's registration plate;";

(4) by striking out "elle doit" in the French text of paragraph 6.

8. Section 9 is replaced by the following:

"**9.** Subject to the second and third paragraphs, an identification sticker and the attestation certificate accompanying it are valid for a 5-year period.

Where an identification sticker is issued for the first time, the period of validity of the sticker and of the attestation certificate accompanying it begins on the date it is issued and ends on one of the following dates:

(1) when the holder is a handicapped person who does not already hold a hangtag identification sticker or a self-adhesive identification sticker, the last day of the month of the holder's birthday occurring five years after the date of issue;

(2) when the holder is a handicapped person who already holds a hangtag identification sticker or self-adhesive identification sticker, the sticker's date of expiry;

(3) when the holder is a public institution, 31 October occurring 5 years after the date of issue.

An identification sticker issued to a non-resident and the attestation certificate accompanying it are valid for the duration of the non-resident's stay in Québec.".

9. A self-adhesive identification sticker and the attestation certificate accompanying it, issued pursuant to the Ministerial Order concerning parking of motorcycles or mopeds in spaces reserved for handicapped persons (chapter C-24.2, r. 41.1), remain valid until the expiry date on the sticker and certificate.

10. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except paragraphs 1 and 4 of section 1, paragraph 2 of section 2, paragraph 1 of section 4, paragraph 3 of section 7 and sections 8 et 9, which come into force on 31 December 2023.

106365

Draft Regulation

Code of Civil Procedure
(chapter C-25.01)

Mediation and arbitration of small claims

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

The draft Regulation, pursuant to article 570 of the Code of Civil Procedure (chapter C-25.01), sets out the terms and conditions in which a dispute presented before the Small Claims Division of the Court of Québec is subject to mandatory mediation before the case may be heard by the court. It also sets out the terms and conditions in which arbitration at no cost is offered to parties. In addition, it sets out other terms and conditions applicable to mediation or arbitration, including, in the latter case, those respecting the parties' agreement to use arbitration. Lastly, it determines the bodies, persons and associations that may certify a mediator or arbitrator, the conditions with which they must comply to do so and the conditions with which a mediator or arbitrator must comply to be certified.

Further information on the draft Regulation may be obtained by contacting Mtre. Jessica Trottier, Direction du développement de l'accès à la justice, Ministère de la Justice, 1200, route de l'Église, 7e étage, Québec (Québec) G1V 4M1; email: jessica.trottier@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, 9e étage, Québec (Québec) G1V 4M1.

Simon Jolin-Barrette
Minister of Justice

Regulation respecting the mediation and arbitration of small claims

Code of Civil Procedure
(chapter C-25.01, art. 570).

CHAPTER I
MEDIATION OF SMALL CLAIMS

DIVISION I
CERTIFICATION AS MEDIATOR

1. Lawyers, retired lawyers, notaries and chartered professional accountants who have completed a minimum of 16 hours of mediation training provided under the responsibility of their professional order and that pertains to the following subjects may be certified as mediator for small claims:

(1) private modes of dispute resolution;

(2) principled negotiation;

(3) the mediation process;

(4) helping parties to reach an agreement;

(5) the drafting of draft agreements.

Chartered professional accountants act within the framework provided for in the Tax Administration Act (chapter A-6.002).

2. The following bodies may certify as mediator in actions involving small claims:

(1) the Barreau du Québec, in the case of lawyers and retired lawyers;

(2) the Chambre des notaires du Québec, in the case of notaries;

(3) the Ordre des comptables professionnels agréés du Québec, in the case of chartered professional accountants.

3. The body, person or association that certified a mediator must forward the following information on the mediator to the Minister of Justice without delay:

(1) the mediator's name;

(2) the address of the mediator's professional domicile and, where applicable, the identification of the borough in which the professional domicile is located;

(3) the name of the judicial district or judicial districts in which the mediator practises;

(4) the mediator's telephone numbers and, where applicable, fax number;

(5) the mediator's email address;

(6) the mediator's membership number;

(7) the date of the mediator's certification;

(8) the mediator's interest in distance mediation using a technological means.

Any change to the information must be forwarded to the Minister by the body, person or association without delay.

DIVISION II
DUTIES AND OBLIGATIONS OF MEDIATORS

4. A mediation mandate is given to only one mediator in an individual capacity per dispute and the mediator may under no circumstances transfer the mandate to another mediator.

In the case of an impediment, the mediator must as soon as possible inform the mediation and arbitration service that must designate another mediator.

5. A mediator must hold a mediation session or mediation sessions within 45 days after the date on which the mandate was received.

The mediator must communicate with the parties so they may agree on a date and time for the mediation session within 15 days after the date on which the mandate was received.

The mediation session is held at the place determined by the mediator or at a distance using a technological means.

6. In the absence of a party, the mediator must cancel the session.

In such case, the mediator informs the mediation and arbitration service that the mediation session could not take place owing to the absence of a party and the parties may not request a new mediation session.

7. During the mediation session, the mediator examines the claim and supporting documents. The mediator inquires about each party's allegations and arguments, provides them with any relevant information, generates alternative solutions to their situation and

proposes solutions where required. The mediator must create an atmosphere conducive to the amicable settlement of the conflict.

The mediator may ask the parties to provide documents supporting the claim.

8. Within 30 days after the mediation session, the mediator sends to the mediation and arbitration service the report provided for in article 556 of the Code of Civil Procedure (chapter C-25.01), the bill indicating the professional fees under section 14 and informs the parties of their obligation, provided for in article 556 of the Code, to file with the court office a notice that the case has been settled or the signed settlement agreement.

9. If the mediator does not comply with this Regulation, the court clerk may terminate the mediator's mandate. Before doing so, the court clerk notifies the mediator in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allows the mediator at least 10 days to present observations.

If the mandate is terminated, the court clerk must inform the parties and the mediator and the mediation and arbitration service must designate another mediator.

10. On being notified by the certifying body, person or association that the mediator has had the certification cancelled or has, pursuant to the Professional Code (chapter C-26), been temporarily or permanently struck off the roll of a professional order, had his or her permit revoked or the right to carry on the duties of mediator restricted or the right to carry on professional activities suspended, the court clerk removes the mediator's name from the register of mediators and arbitrators certified to recover small claims and, if a mandate had been awarded to that mediator, the court clerk informs the parties and the mediation and arbitration service must designate another mediator.

11. The court clerk may, on serious grounds, in particular repeated failures to comply with this Regulation, remove the name of a mediator from the register of mediators and arbitrators certified to recover small claims. Before doing so, the court clerk notifies the mediator in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allows the mediator at least 10 days to present observations.

12. Mediators who cease performing mediation functions or practising their profession must ask the certifying body, person or association to inform the Minister of Justice, without delay, of the cessation.

DIVISION III
AWARDING OF MEDIATION MANDATES

13. The mediation and arbitration service offers one or more mandates, in turn, to a mediator whose name appears in the register of mediators and arbitrators certified to recover small claims held by the Minister of Justice.

DIVISION IV
PROFESSIONAL FEES

14. The professional fees payable to a mediator for the carrying out of a mediation mandate are $130 per hour for a maximum of 3 hours, including any work performed outside the sessions in connection with the mediation.

15. Where a mediation session may not be held owing to a failure by a party, the mediator is entitled to professional fees for the work performed outside the sessions in connection with the mediation.

16. The mediator may work hours in addition to the 3 hours offered under section 14 to carry out a mediation mandate, including any work performed outside the sessions in connection with the mediation, at the parties' expense. In such a case, the professional fees payable to a mediator are $130 per hour.

17. A mediator who goes to a courthouse at the request of the court and to whom no mediation mandate has been given is entitled to professional fees equivalent to 1 hour of mediation.

18. Travel, research, communications and any other expenses, costs or charges are borne by the mediator. The mediator may not claim, directly or indirectly, payment or reimbursement of such expenses, costs or charges from the parties.

19. The fees provided for in sections 14 and 16 are adjusted on 1 April each year on the basis of the rate of increase in the general Consumer Price Index for Canada for the 12-month period ending on 31 December of the preceding year, as determined by Statistics Canada.

The fees, thus indexed, are reduced to the nearest dollar where they contain a fraction of a dollar less than $0.50 or increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than $0.50.

The Minister of Justice is to inform the public, through Part 1 of the *Gazette officielle du Québec* and by such other means as the Minister considers appropriate, of the adjustment calculated under this section.

CHAPTER II
COMPULSORY MEDIATION

DIVISION I
GENERAL

20. This Chapter applies only in the following judicial districts:

(1) the judicial district of Laval;

(2) the judicial district of Longueuil;

(3) the judicial district of Québec;

(4) the judicial district of Richelieu;

(5) the judicial district of Saint-Hyacinthe.

21. An application for recovery of a small claim where the value in dispute is not more than $5,000, excluding interest, must be referred to mediation before the case may be heard by the court.

An application is not referred to mandatory mediation in the following cases:

(1) one of the parties has filed with the court office a certificate attesting that the party has gone to an assistance organization for persons who are victims that is recognized by the Minister of Justice for help as a person who is a victim of domestic or sexual violence by another party;

(2) the parties have requested that judgment be rendered on the face of the record;

(3) the application questions the operability, the constitutionality or the validity of a provision of an Act of the Parliament of Québec or the Parliament of Canada, of any regulation made under such an Act, of a government or ministerial order or of any other rule of law;

(4) the application concerns reparation for an infringement or denial of fundamental rights and freedoms under the Charter of human rights and freedoms (chapter C-12) or the Canadian Charter of Rights and Freedoms (Part I of Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

22. A party may be exempted, at the party's request, from participating in the mandatory mediation where serious grounds justify the exemption, including

(1) the existence of an order preventing one party from being in the presence of another party;

(2) the fact that mediation may not be held at a distance and therefore travel expenses for the party's participation in the mediation session exceed the probable advantages; and

(3) the fact that the parties have already participated in a mediation session for the same dispute, attested in writing by the mediator or by a body offering mediation in civil matters.

In the case referred to subparagraph 1 of the first paragraph, the case is referred to the court. In other cases, the case is referred to the arbitration at no cost provided for in this Regulation. The court clerk informs the parties.

23. Where a case is subject to mandatory mediation, the court clerk notifies the parties and informs them of their right to be exempted from mediation for a reason referred to in section 22.

A party that wishes to be exempted from mandatory mediation must apply in writing to the court not later than 20 days after having been notified by the service that the case is subject thereto. This is a strict time limit. The court clerk informs the other parties of the application; they have 15 days to submit observations in writing. If the party invokes a ground referred to in paragraph 1 of section 21 or if the party invokes as serious grounds being a victim of domestic or sexual violence by another party, the court clerk informs the other parties that the case is not subject to mandatory mediation without specifying the reason and without indicating that observations are expected.

The application is decided by the special clerk or by the judge in chambers. The decision must give reasons. The court clerk informs the parties of the decision rendered.

24. The initial decision of the mediation and arbitration service to subject a case to mandatory mediation, made under section 21, and the decision of the special clerk on the application for exemption of a party, referred to in section 22, may be reviewed by a judge in chambers.

DIVISION II
RIGHTS AND DUTIES OF PARTIES AND MEDIATOR

25. The parties must participate in the mediation session to which they are convened by the mediator.

They are required to participate in the process in good faith, to be transparent with each other, including as regards the information in their possession, and to cooperate actively in searching for a solution.

26. The mediator and mediation participants must preserve the confidentiality of anything said, written or done during the mandatory mediation process, subject to any agreement between them on the matter or to any special provisions of the law.

DIVISION III
FAILURE TO PARTICIPATE IN MEDIATION

27. The failure of a party to agree to a mediation session within the 45-day period provided for in section 5 constitutes a failure to participate in the mediation.

28. In the absence of a party in the mandatory mediation session, the mediator must wait at least 30 minutes after the time set for the beginning of the session before recording the party's failure and cancelling the session. The mediator is entitled to professional fees equal to 30 minutes in addition to the time spent outside the sessions as part of the mediation.

If the absence of a party is justified on serious grounds, the mediator may, with the agreement of the other parties, set a new session. Where the mediator holds another session, the mediator may also receive professional fees for that session in addition to those the mediator may receive for the cancelled session.

29. Where the mediator ascertains the absence of a party to a mandatory mediation session or the failure of a party to agree to the time of such a session, the mediator files with the court office, within 10 days, a report stating that it was impossible to proceed with the mandatory mediation and specifying which party is in default.

The case may then be referred to arbitration. The court clerk notifies the parties in accordance with section 31.

30. The court or the arbitrator may, at the request of a party, punish the failure of a party to participate in the mandatory mediation ascertained by the mediator.

The court or the arbitrator may in particular order the party to pay damages to the other parties, including for any loss and expense incurred owing to their participation in the mandatory mediation session. If the faulty party is the creditor, the court or the arbitrator may also reduce or cancel the interest owing. Only the court may order a party to pay legal costs.

DIVISION IV
END OF MEDIATION

31. If the mandatory mediation does not put an end to the dispute, the case is referred to the arbitration at no cost provided for in this Regulation. The court clerk then notifies to the parties a notice of arbitration using the form prescribed by the Minister.

The notice must indicate, in clear and concise terms, that

(1) failure to respond to the notice within 30 days of its notification constitutes a free and enlightened waiver to submit the dispute to a judge of the Court of Québec and an acceptation to submit it to another private mode of dispute resolution, namely arbitration;

(2) failure to appear before the arbitrator allows the arbitrator to make an award by default; and

(3) the arbitration award binds the parties and may only be annulled by a court on the following grounds:

(*a*) the rules for designating the arbitrator or the applicable arbitration proceedings have not been complied with;

(*b*) the party against which the award or measure is invoked was not given proper notice of the designation of an arbitrator or of the arbitration proceedings, or it was for another reason impossible for that party to present its case;

(*c*) the award pertains to a dispute not covered by the arbitration.

Within 10 days of the last mediation session, the mediator notifies the mediation and arbitration service that the mediation has not put an end to the dispute.

CHAPTER III
ARBITRATION AT NO COST OF SMALL CLAIMS

DIVISION I
GENERAL

32. This Chapter applies only in the following judicial districts:

(1) the judicial district of Laval;

(2) the judicial district of Longueuil;

(3) the judicial district of Québec;

(4) the judicial district of Richelieu;

(5) the judicial district of Saint-Hyacinthe.

33. Lawyers and notaries who meet the following conditions may be certified as arbitrator for the arbitration of small claims:

(1) have been a member of their professional order for at least 5 years;

(2) take out a professional liability insurance with their professional order;

(3) have completed at least 35 hours of training in arbitration of small claims, provided under the responsibility of the certifying body, person or association, and including the following subjects:

(*a*) conduct of arbitration;

(*b*) the rules of evidence and procedure;

(*c*) the duties and obligations of arbitrators, including ethics and professional conduct;

(*d*) the main matters brought before the Small Claims Division;

(*e*) the arbitration award, including the rules respecting drafting;

(*f*) the special rules of arbitration in small claims;

(*g*) information technologies;

(4) comply with the requirements on continuing education in arbitration of the certifying body, person or association.

34. The following bodies may certify as arbitrator for arbitration of small claims:

(1) the Barreau du Québec, in the case of lawyers;

(2) the Chambre des notaires du Québec, in the case of notaries.

35. The body, person or association that certified an arbitrator must forward the following information on the arbitrator to the Minister of Justice without delay:

(1) the arbitrator's name;

(2) the address of the arbitrator's professional domicile and, where applicable, the identification of the borough in which the professional domicile is located;

(3) the name of the judicial district or judicial districts in which the arbitrator practises;

(4) the arbitrator's telephone numbers and, where applicable, fax number;

(5) the arbitrator's email address;

(6) the arbitrator's membership number;

(7) the date of the arbitrator's certification;

(8) the arbitrator's interest in distance arbitration using a technological means;

(9) the matters in which the arbitrator wishes to obtain arbitration mandates, if applicable.

Any change to the information must be forwarded to the Minister by the certifying body, person or association without delay.

DIVISION II
DUTIES AND OBLIGATIONS OF ARBITRATOR IN ARBITRATION AT NO COST

36. An arbitration mandate is given to only one arbitrator in an individual capacity per dispute and the arbitrator may under no circumstances transfer the mandate to another arbitrator.

In the case of an impediment, the arbitrator must inform the mediation and arbitration service that must designate another arbitrator.

37. The arbitrator must disclose without delay to the court office and the parties any ground for recusation.

38. A party may ask for an arbitrator's recusation by notifying a document stating its reasons to the other party and to the arbitrator within 10 days after becoming aware of the designation or of the cause for recusation.

The arbitrator is required to rule on the recusation request without delay, unless the arbitrator withdraws or, the other party supporting the request, is compelled to withdraw.

If the arbitrator does not recuse himself or herself, a party may, within 10 days after being advised of it, ask the court to rule on the recusation. The arbitrator may nonetheless continue the arbitration proceedings and make an award for so long as the court has not made its ruling.

39. Arbitrators who cease performing their functions or practising their profession must ask the certifying body, person or association to inform the Minister of Justice, without delay, of the cessation.

40. If an arbitrator does not comply with this Regulation, the court clerk may terminate the arbitrator's mandate. Before doing so, the court clerk notifies the arbitrator in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allows the arbitrator at least 10 days to present observations.

If the mandate is terminated, the clerk must inform the parties and the arbitrator, and the mediation and arbitration service must designate another arbitrator.

DIVISION III
PROFESSIONAL FEES

41. The professional fees payable to an arbitrator for the carrying out of an arbitration mandate under this Chapter are $500 per mandate, including any work performed outside the sessions in connection with the arbitration, the arbitration session and the drafting of the arbitration award.

The professional fees are $200 if, for serous grounds, the arbitrator is unable to make the award.

42. Travel, research, communications and any other expenses, costs or charges are borne by the arbitrator. The arbitrator may not claim, directly or indirectly, payment or reimbursement of such expenses, costs or charges from the parties.

DIVISION IV
PROCEEDINGS RELATED TO ARBITRATION AT NO COST

§1. General

43. A case for the recovery of a small claim that was the subject of mediation is admissible to arbitration at no cost.

A case whose parties are exempted from mandatory mediation is also admissible.

44. Arbitration of the following is not admissible:

(1) a dispute concerning a matter referred to in article 2639 of the Civil Code;

(2) a dispute to which the State is a party;

(3) an application that questions the operability, the constitutionality or the validity of a provision of an Act of the Parliament of Québec or the Parliament of Canada, of any regulation made under such an Act, of a government or ministerial order or of any other rule of law;

(4) an application concerning reparation for an infringement or denial of fundamental rights and freedoms under the Charter of human rights and freedoms (chapter C-12) or the Canadian Charter of Rights and Freedoms (Part I of Schedule B to the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

45. A party that receives the notice of arbitration provided for in section 31 may refuse that the case be referred to an arbitrator.

To do so, the party must send to the court office, within 30 days of notification of the notice of arbitration, a notice of refusal of arbitration using the form prescribed by the Minister; the case is then submitted to the court. This is a strict time limit.

A party that does not send the notice of refusal is deemed to agree to arbitration.

Where the court clerk does not receive a notice of refusal within 30 days of the notification of the notice of arbitration, the mediation and arbitration service refers the case to an arbitrator.

46. A case that has already been the subject of a mediation but a party of which has refused that it be referred to an arbitrator may be referred to arbitration at anytime thereafter if all the parties agree thereto.

They notify the court clerk; the mediation and arbitration service must designate an arbitrator.

§2. Arbitration mandates

47. The mediation and arbitration service offers one or more mandates, in turn, to an arbitrator whose name appears in the register of mediators and arbitrators certified to recover small claims held by the Minister of Justice.

48. On being notified by the certifying body, person or association that the arbitrator has had the certification cancelled or has, pursuant to the Professional Code (chapter C-26), been temporarily or permanently struck off the roll of a professional order, had his or her permit revoked or the right to carry on the duties of arbitrator restricted or the right to carry on professional activities suspended, the clerk removes the arbitrator's name from the register of mediators and arbitrators certified to recover small claims and, if a mandate had been given to that arbitrator, the clerk informs the parties and the mediation and arbitration service offers the mandate to another arbitrator.

49. The court clerk may, on serious grounds, in particular repeated failures to comply with this Regulation, remove the name of an arbitrator from the register of mediators and arbitrators certified to recover small claims. Before doing so, the clerk notifies the arbitrator in writing as prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allows the arbitrator at least 10 days to present observations.

§3. Conduct of arbitration

50. An arbitrator must hold the arbitration session within 45 days after the date on which the mandate has been awarded to the arbitrator by the mediation and arbitration service.

The arbitrator communicates with the parties within 15 days after the date on which the mandate has been awarded by the mediation and arbitration service to agree on the date and time of the arbitration session.

Where the arbitration session has not been held within that period, the arbitrator must notify the service of the grounds for the delay and indicate the date scheduled for the session, which may not exceed 15 additional days. Failing that, the mandate is withdrawn and is offered to another arbitrator.

51. The arbitration session is held at the place determined by the arbitrator or at a distance using a technological means.

52. The arbitrator must, at the beginning of the arbitration process, make sure that the parties agree to the arbitration. The arbitrator must inform them of the process, including the fact that the award binds the parties and may only be annulled by the court on the grounds listed in section 31, and on the arbitrator's role and powers.

53. The arbitration session may be recorded by the arbitrator, at the parties' request or on the arbitrator's own initiative.

The recording may not be made public without the authorization of the court.

54. The arbitrator is required to explain to the parties, at the beginning of the arbitration process, the procedure the arbitrator determines.

55. The arbitrator may require each party to send the arbitrator, within a time specified by the arbitrator, a statement of its contentions and any exhibits mentioned, and to send them to the other party, if not already done.

The arbitrator sends to the parties any expert reports and other documents on which the arbitrator bases the arbitration award.

56. Testimony is by written affidavit. The arbitrator may however allow oral testimony, at the request of a party.

57. The parties may ask the arbitrator to make the award on the face of the record.

58. Arbitration decides the dispute in accordance with the rules of law. The arbitrator may not act as *amiable compositeur*.

59. If an arbitrator rules on the arbitrator's own jurisdiction, a party, within 15 days after being advised of the decision, may ask the court to rule on the matter. A decision of the court recognizing the jurisdiction of the arbitrator cannot be appealed. For so long as the court has not made its ruling, the arbitrator may continue the arbitration proceedings and make an award.

§4. Failure to participate in arbitration

60. In the case of the absence of a party in the arbitration session, the arbitrator may make an award by default.

If the absence of a party is justified on serious grounds, the arbitrator may, with the agreement of the other parties, set a new session.

§5. End of arbitration

61. An arbitrator must make the award within 30 days after the last arbitration session.

62. The arbitration award must be made on the form prescribed by the Minister. No page or schedule may be added.

In addition to the rules provided for in articles 642 to 644 of the Code of Civil Procedure, the award is written in clear and concise terms.

63. Within 30 days after the last arbitration session, the arbitrator sends to the court office the arbitration award and to the mediation and arbitration service the bill on which the professional fees under section 41 are indicated.

The arbitrator sends the arbitration award to the parties within the same period.

CHAPTER IV
TRANSITIONAL AND FINAL

64. Lawyers and notaries certified as mediator as of 16 October 2003 are deemed to have received the training provided for in section 1.

65. Lawyers and notaries certified as mediator on the date of coming into force of this Regulation are deemed to be certified under this Regulation.

66. Lawyers and notaries certified to act as arbitrator in civil cases by the Barreau du Québec or by the Institut de médiation et d'arbitrage du Québec on the date of coming into force of Chapters II and III of this Regulation are deemed to be certified to act as certified arbitrator by their professional order for the recovery of small claims for a period of 2 years from that date. To maintain that certification after that period, the lawyers and notaries must have completed refresher training of at least 10 hours on arbitration of small claims recognized by the certifying body, provided under the responsibility of their professional order, on special rules for arbitration in small claims.

67. Proceedings pending that have already been the subject of mediation that has not put an end to the dispute on the date of coming into force of Chapters II and III of this Regulation in a judicial district may be referred to an arbitrator if the parties agree and ask for it to the mediation and arbitration service.

68. Chapters II and III apply in a judicial district only to proceedings instituted after the date of coming into force of those Chapters with respect to the district.

69. This Regulation replaces the Regulation respecting the mediation of small claims (chapter C-25.01, r. 0.6).

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

(1) paragraph 2 of section 21 and paragraph 2 of section 32, which come into force 1 December 2023;

(2) paragraphs 4 and 5 of section 21 and paragraphs 4 and 5 of section 32, which come into force on 1 February 2024;

(3) paragraph 3 of section 20 and paragraph 3 of section 32, which come into force on 1 March 2024.

106361

Draft Regulation

Professional Code
(chapter C-26)

Advocates
— By-law respecting the professional training of advocates

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the By-law respecting the professional training of advocates, as adopted by the board of directors of the Barreau du Québec and appearing below, is published as a draft and may be examined by the Office des professions du Québec then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation defines the modalities of the professional instruction given within the Bar School, determines the professional activities reserved for advocates that may be engaged in by applicants for admission to the profession, the terms and conditions on which those activities may be engaged in, and the other terms and conditions for a permit to be issued by the Bar.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Sylvie Champagne, Secretary of the Order and Director of Judicial Affairs, Barreau du Québec, 445, boulevard Saint-Laurent, Montréal (Québec) H2Y 3T8; telephone: 514 954-3400 or 1 800 361-8495; email: schampagne@barreau.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Annie Lemieux, Secretary of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments may be forwarded by the Office to the Minister Responsible for Government Administration and Chair of the Conseil du trésor and may also be sent to the Barreau du Québec and to interested persons, departments and bodies.

Annie Lemieux
Secretary
Office des professions du Québec

By-law respecting the professional training of advocates

Act respecting the Barreau du Québec
(chapter B-1, s. 15, par. 2, subpar. *b*)

Professional Code
(chapter C-26, s. 94, 1st par., subpars. *h* and *i*)

DIVISION I
GENERAL PROVISIONS

1. The Barreau du Québec hereby establishes the Bar School, which is responsible for all professional training activities.

The head office of the Bar School is in Montréal.

2. The Professional Training Committee is responsible to the board of directors for the application of this By-law and the administration of the Bar School.

For those purposes, the Committee determines the operating rules of the Bar School to ensure the proper conduct of its activities and promote its efficient administration.

DIVISION II
CONDITIONS FOR ADMISSION TO THE BAR SCHOOL AND REGISTRATION PROCEDURE

§1. Conditions for admission

3. To be admitted to the Bar School, an applicant must, within the period prescribed by the Professional Training Committee,

(1) file an application for admission for one of the professional training periods set out in the calendar for the school year and attach all the required documents;

(2) hold a diploma recognized by the Government under the first paragraph of section 184 of the Professional Code (chapter C-26) giving access to the permit issued by the Barreau or have obtained equivalence of a diploma or training for the purposes of issuing such a permit under a by-law adopted in accordance with paragraphs *c* and *c*.1 of section 93 of the Professional Code and provide proof thereof;

(3) have been declared eligible by the committee for access to the profession, in accordance with section 45 of the Act respecting the Barreau du Québec (chapter B-1);

(4) pay the admission fee.

4. Where an applicant fails to meet any of the conditions provided for in paragraphs 1, 2 and 4 of section 3, the Professional Training Committee may allow the applicant to remedy the default under the conditions and within the period prescribed by the Committee.

A candidate may withdraw from the Bar School at any time upon written notice.

§2. Registration procedure

5. A candidate who meets the conditions for admission provided for in subdivision 1 of this Division may register for one of the professional training periods set out in the calendar for the school year during which the candidate is admitted where

(1) the candidate has completed the diagnostic evaluation in order to identify progress and shortcomings for the purpose of preparing for the examination in applied law provided for in section 10;

(2) the candidate attests having consulted the operating rules of the Bar School and undertakes to comply with them;

(3) the candidate underwent the training activities put in place by the Bar School pursuant to a Québec Act;

(4) the candidate has paid the registration fees.

6. The Professional Training Committee determines to which professional training centre the candidate registers, taking into account where the diploma was obtained and the available resources.

7. The candidate has a period of 3 years from the date of registration to successfully complete the components of the professional training provided for in paragraphs 1 and 2 of section 10, failing which the candidate ceases to be admitted. The period runs from the 1st day of the period of professional training to which the candidate registers.

8. A candidate who cannot complete the components of the professional training provided for in paragraphs 1 and 2 of section 10 within the period specified in section 7 because of illness, accident, pregnancy, superior force, or because the candidate is acting as a caregiver within the meaning of the Act respecting labour standards (chapter N-1.1) or pursuing studies on a full-time basis in a field that is complementary to the practice of the profession of advocate, may obtain an extension period equivalent to the period during which the candidate cannot undergo the professional training. In all cases, the extension cannot surpass 2 years.

To obtain such an extension, the candidate must file, before the expiry of the period specified in section 7, an application for an extension period on the form provided for that purpose by the Bar School and attach the supporting documents and the required documents with the prescribed charges.

The Professional Training Committee renders one of the following decisions:

(1) grants an extension period and allows the candidate to complete the components of the professional training provided for in paragraphs 1 and 2 of section 10 within a period not exceeding 5 years from the date of the 1st day of the period of professional training for which the candidate registered;

(2) rejects the application for an extension period.

If the Committee intends to reject the application, it notifies a notice to the candidate and informs the candidate of his or her right to present written observations within 5 working days of the date of the notification of the notice.

The decision of the Committee is notified to the candidate within a period of 10 days from the date of the notification of the notice or from the receipt of the written observations, whichever expires last.

DIVISION III
PROFESSIONAL TRAINING

9. Professional training is aimed at achieving the following objectives:

(1) acquisition and integration of knowledge on ethics, professional conduct and professional practice;

(2) integration and application of legal knowledge;

(3) development of the following professional competencies and skills:

(*a*) ability to identify legal issues;

(*b*) ability to propose and apply a relevant solution;

(*c*) ability to communicate clearly and effectively;

(*d*) adoption of ethical and professional behaviour.

10. For the purposes of achieving the objectives set out in section 9, the candidate must successfully complete the 3 components of the professional training:

(1) specific learning and examinations in the following fields:

(*a*) development of the theory of the case and drafting;

(*b*) ethics, professional conduct and professional practice;

(*c*) applied law;

(2) experiential learning as defined in section 15 of this By-law and the related evaluations, including the self-evaluation report;

(3) articling period and the joint report at the end of the articling period.

§1. Specific learning

11. A candidate must obtain a minimum mark of 60% for each examination evaluating the fields listed in subparagraphs *a* to *c* of paragraph 1 of section 10.

A candidate is entitled to 3 attempts for each examination.

12. For each of the examinations, the candidate is automatically registered on the 1st date set by the Bar School, in accordance with the training period in which the candidate is registered. The candidate may, however, modify that date according to the calendar established by the Bar School, by filing an application on the form provided for that purpose.

13. A candidate who fails one of the examinations may make other attempts by registering on a suitable date, according to the calendar established by the Bar School.

A candidate who fails all 3 attempts for the same examination ceases to be admitted to the Bar School.

14. A candidate who is dissatisfied with the grade obtained may apply for a review.

The application stating the reasons in support of the application and accompanied by the prescribed charges is transmitted to the Bar School on the form provided for that purpose not later than within 10 days following the date of the end of the period of consultation of the examination established by the Bar School.

The review is performed by a committee composed of practicing advocates other than those who performed the initial correction.

The substantiated decision of the Committee is notified to the candidate within 15 days following the date of receipt of the application for review. The decision is final.

§2. Experiential learning

15. For the purposes of this By-law, "experiential learning" means any activity carried out in a practical setting that allows the candidate to apply, in a concrete, integrated and coherent manner, knowledge on ethics, professional conduct and professional practice, legal knowledge and the professional competencies and skills required in the practice of the profession.

Such activities include observation and simulation, participation in technical clinics and participation in a legal clinic.

16. A candidate who successfully completes the examinations provided for in section 10 moves on to the experiential learning component of the professional training.

17. At the start of the experiential learning component to which the candidate is registered, the Bar School informs the candidate of the evaluation grid and indicators established by the Professional Training Committee that are used to evaluate learning.

18. In the course of experiential learning, the candidate will register for a legal clinic and a technical clinic in each of the following categories:

(1) prevention and settlement of disputes;

(2) development of oral skills;

(3) development of writing skills.

19. The candidate participates in the activities of the experiential learning component under the close supervision and responsibility of supervisors.

20. An advocate may act as a supervisor within a technical clinic provided that the advocate complies with the terms and conditions applicable to a supervisor within a legal clinic established in a By-law adopted in accordance with section 128.1 of the Act respecting the Barreau du Québec (chapter B-1), except those relating to subscription to the professional liability insurance fund of the Barreau du Québec and record keeping.

21. In the course of observation and simulation activities, participation in a technical clinic or when engaging in professional activities within a legal clinic, each supervisor evaluates the candidate's achievement of the objectives set out in section 9 for the full duration of the experiential learning.

22. Within 15 days following the date of the end of the experiential learning, the candidate submits a written self-evaluation report to the Bar School.

23. The report mentioned in section 22 consists of a self-evaluation of the candidate's progress during the experiential learning component and of the achievement of the objectives set out in section 9 with respect to each expected knowledge, professional competency and skill.

For those purposes, in addition to the exhibits, documents and reports on the activities described in section 15 and the evaluated work, the report contains

(1) a demonstration of the acquisition and integration of the knowledge on ethics, professional conduct and professional practice;

(2) a demonstration of the acquisition and integration of legal knowledge;

(3) a demonstration of the development of the professional competencies and skills referred to in paragraph 3 of section 9;

(4) a demonstration according to which the professional activities engaged in and all documents produced with respect to subparagraphs 1 to 3 of this section are in compliance with the applicable law;

(5) a consideration of the application of the rules of ethics, professional conduct and professional practice;

(6) a consideration of the progress of the integration of the professional competencies and skills referred to in subparagraph 3 of this section;

(7) a confirmation of the absence of a breach of ethics or professional conduct or a contravention referred to in the first paragraph of section 27 for the full duration of the professional training components provided for in paragraphs 1 and 2 of section 10.

24. Within 10 days of the submission of the report mentioned in section 23, the Bar School performs an analysis of the report and of the candidate's complete file and determines

(1) the successful completion of the experiential learning and the compliance of the report with the requirements of section 23, in which case, the Bar School declares the candidate eligible for the articling period; or

(2) the failed completion of the experiential learning or the absence or non-compliance of the report with the requirements of section 23.

25. In the case of the failed completion of the experiential learning or the absence or non-compliance of the report, the Bar School notifies a written notice to the candidate within 10 days of the conclusion of its analysis, which states the observed deficiencies and informs the candidate that his or her file is deferred to the Professional Training Committee.

26. The Bar School sends any notice provided for in section 25 to the Professional Training Committee, accompanied by the supporting documents, within 5 working days of its notification to the candidate.

Following the Committee's analysis of the candidate's file within 5 working days of its receipt, the Committee renders one or more of the following decisions and determines the applicable conditions:

(1) declares the candidate eligible for the articling period;

(2) requires the candidate to successfully complete additional work;

(3) requires the candidate to repeat, in whole or in part, the legal clinic or one or more of the technical clinics;

(4) imposes any other measure to redress the identified deficiencies.

Before rendering a decision referred to in subparagraphs 2 to 4 of the second paragraph, the Committee notifies a notice to the candidate informing him or her of the date of the meeting during which his or her file will be examined. The notice states the reasons in support thereof and informs the candidate of his or her right to present written observations and, where applicable, to provide a copy of any document the candidate intends to produce to complete his or her file, within 5 working days of the date of the notification of the notice.

The Committee notifies to the candidate the reasons for its decision within 5 working days following the meeting. The decision is final.

27. For the purposes of subdivisions 1 and 2 of this Division, the Professional Training Committee may, where the candidate fails to comply with this By-law, a by-law adopted in accordance with section 128.1 of the Act respecting the Barreau du Québec (chapter B-1) or the operating rules of the Bar School, impose one or more of the following measures on the candidate according to the nature, gravity and recurrence of the candidate's contravention:

(1) reprimand;

(2) refusal of access to documentation, refusal of registration to an examination or participation in an activity, or withholding of a mark for an examination or evaluation;

(3) cancellation of an activity or a failing grade for an examination or activity;

(4) cancellation of admission or registration to the Bar School.

Prior to imposing one or more of the measures referred to in the first paragraph, the Committee notifies a notice to the candidate informing him or her of the date of the meeting during which his or her file will be examined. The notice states the reasons in support thereof and informs the candidate of his or her right to present written observations and, where applicable, to provide a copy of any document the candidate intends to produce to complete his or her file, within 5 working days of the date of the notification of the notice.

Within 5 working days following the date of the meeting, the Committee notifies its decision to the candidate.

§3. Articling period

28. A candidate who is declared eligible for the articling period in accordance with section 24 or 26, as the case may be, must successfully complete the articling period within 3 years of the date of the candidate's eligibility, failing which the candidate must file a new application for admission.

A candidate who is unable to complete the articling period within the prescribed period because of illness, accident, pregnancy, superior force, or because the candidate is acting as a caregiver within the meaning of the Act respecting labour standards (chapter N-1.1) or pursuing studies on a full-time basis in a field that is complementary to the practice of the profession of advocate, may obtain an extension period equivalent to the period during which the candidate was unable to complete the articling period. In all cases, the extension period cannot surpass 2 years.

To obtain such an extension, the candidate must file an application for an extension period on the form provided for that purpose before the expiry of the period provided for in the first paragraph and attach the supporting documents with the prescribed charges.

The Professional Training Committee renders one of the following decisions:

(1) grants an extension period and allows the candidate to complete the articling period within a period not exceeding 5 years from the date of the candidate's eligibility for the articling period;

(2) rejects the application for an extension period.

If the Committee intends to reject the application, it notifies a notice to the candidate and informs the candidate of his or her right to present written observations within 5 working days of the date of the notification of the notice.

The decision of the Committee is notified to the candidate within a period of 10 days from the date of the notification of the notice or from the receipt of the written observations, whichever expires last.

29. The articling period lasts 6 consecutive months and is completed on a full-time basis.

An articled student who is absent for more than 10 working days during the articling period must file an application to suspend his or her articling period pursuant to section 38.

30. For the purposes of achieving the objectives set out in section 9, the articling period must allow the articled student to put into practice, in a workplace setting, the competencies developed during the specific learning and experiential learning components in such a way as to prepare the candidate for the practice of the profession.

The articling period transpires under the close supervision and responsibility of an advocate or a member of the judiciary in a setting that is conducive to learning, to the development and integration of competencies, knowledge and skills, and that promotes professionalism and the ethical and professional conduct values of the profession.

31. The candidate and the person who wishes to act as the articling supervisor must submit a joint application for the authorization of an articling period to the Professional Training Committee on the form provided for that purpose, not later than within 5 working days following the start of the articling period.

32. The person referred to in section 31 who wishes to act as the articling supervisor must meet the following conditions:

(1) the person has the required experience, competency, integrity and availability;

(2) the person has been entered on the Roll as a practising advocate for at least 5 years or is a member of the judiciary and remains so for the full duration of the articling period;

(3) the person is not the subject, as the case may be, of a disciplinary complaint or a request in accordance with section 116 or 122.0.1 of the Professional Code (chapter C-26) or a proceeding for an offence punishable by a term of imprisonment of 5 years or more, or a complaint to the Conseil de la magistrature;

(4) the person is not the subject nor was the subject, in the 5 years preceding the date on which the articling period began, of

(*a*) a decision or order rendered under the Professional Code, the Act respecting the Barreau du Québec (chapter B-1) or a regulation made for their application imposing a penalty, a striking off the Roll, a restriction or suspension of the right to engage in professional activities or conditions the advocate must meet in order to be allowed to continue to practise the profession, refresher courses, periods of refresher training, or any other requirement provided for in a regulation made under section 90 of the Professional Code;

(*b*) a penalty imposed by the Conseil de la magistrature;

(*c*) a decision finding the advocate guilty of an offence under the Professional Code, the Act respecting the Barreau du Québec or a regulation made for their application;

(*d*) a judicial decision described in subparagraph 1, 2, 5 or 6 of the first paragraph of section 45 of the Professional Code;

(5) the person has subscribed to the professional liability insurance fund of the Barreau du Québec, except where

(*a*) the person is exempt from doing so in accordance with a by-law adopted under section 86.3 and paragraph *d* of section 93 of the Professional Code, to the extent that the articling supervisor complies with all the conditions thereof;

(*b*) the person is covered by a professional liability insurance contract establishing a security equivalent at least to that provided by the professional liability insurance fund of the Barreau du Québec, against the liability that the person could incur because of a fault committed in the practice of the profession;

(6) the person completes a course dispensed by the Bar School concerning the role and responsibilities of the articling supervisor.

An advocate who holds a special permit issued in accordance with a regulation under subparagraph *r* of the first paragraph of section 94 of the Professional Code or

a temporary restrictive permit issued in accordance with section 42.1 of the Professional Code may not act as an articling supervisor.

33. Despite subparagraph 2 of the first paragraph of section 32, the following articling periods may be authorized by the Professional Training Committee:

(1) a portion of the articling period is completed outside Québec, under the close supervision and responsibility of an articling supervisor who is a member of the judiciary or entered on the roll of the order of advocates of the place where the articling period is completed, for a maximum period of 3 months;

(2) an articling period completed within a department or agency of the federal government or with a judicial or administrative tribunal having jurisdiction over litigation originating in Québec, under the close supervision and responsibility of an articling supervisor who is a member of the judiciary or entered on the roll of the order of advocates of the place where the articling period is completed.

The articling period referred to in subparagraph 2 of the first paragraph is deemed to have been completed entirely in Québec.

This subdivision applies to the articling periods referred to in subparagraphs 1 and 2 of the first paragraph, with the necessary modifications.

34. If the application for an articling period meets the conditions provided for in this Division, the Professional Training Committee issues the candidate the authorization for an articling period and an articled student card.

If the Committee intends to reject the application for an articling period, it notifies a notice to the candidate and to the person who wishes to be the articling supervisor within 5 working days preceding the date of the meeting during which the file will be examined. The notice states the reasons for the rejection and informs the candidate of his or her right to present written observations.

The candidate and the person who wishes to be the articling supervisor have a period of 5 working days from the date of the notification of the notice to present their written observations and, where applicable, a copy of any document they intend to produce to complete the file.

Within 5 working days of the date of the meeting, the Committee renders its decision and notifies it to the candidate and to the person who wishes to be the articling supervisor.

35. For the full duration of the articling period, an articled student may engage in the professional activities reserved for advocates under the close supervision and responsibility of the articling supervisor. The articled student complies with the laws and regulations applicable to the practice of the profession of advocate, with the necessary modifications.

36. The articling supervisor is responsible for the close supervision and responsibility of the articled student. To that end, the articling supervisor must

(1) provide the articled student with a workplace setting that is conducive to learning and the development of competencies in order to achieve the objectives set out in section 9, in accordance with the requirements of section 30;

(2) allow the articled student to gradually engage in the professional activities reserved for advocates;

(3) regularly assess the progress of the articled student, including at least halfway through and at the end of the articling period, according to the dates determined by the Bar School;

(4) provide the articled student with the necessary feedback to ensure progress;

(5) provide the Professional Training Committee with all the required information;

(6) contribute to evaluating the achievement of the objectives of the articling period;

(7) submit to the Committee the reports on the evaluation of the articled student according to the forms and on the dates specified by the Bar School.

37. The articled student must inform the Bar School of any absence that is not provided for in the authorization of the articling period, of a change of articling supervisor, of a suspension of the articling period or of any other modification to the progression of the articling period within 5 working days of the date of the occurrence of the event.

38. On application by the articled student on the form provided for that purpose, the Professional Training Committee may authorize an absence that is not provided for in the authorization of the articling period, a change of articling supervisor, a suspension of the articling period, a cancellation of a portion of the articling period or any other modification to the progression of the articling period.

39. At all times during the articling period, the Professional Training Committee may verify compliance with the requirements of this Division. For the purposes of the verification, the Committee may

(1) receive or request the written observations of the articling supervisor, the articled student or any other person;

(2) hear the articling supervisor, articled student or any other person.

If the Committee is of the opinion that the articling supervisor is not in compliance with the requirements of this By-law or refuses to cooperate with the verification, the Committee may, for the period and under the conditions the Committee may determine, vary, suspend or cancel any authorization to act as an articling supervisor or reject any new application to that effect.

Before rendering a decision, the Committee notifies a notice to the articling supervisor within 5 working days preceding the date of the meeting during which the file will be examined. The notice states the reasons in support thereof and informs the articling supervisor of his or her right to present written observations. The Committee also informs the articled student within that same period that a verification process is underway.

The articling supervisor has a period of 5 working days from the date of the notification of the notice to present written observations and, where applicable, a copy of any document the articling supervisor intends to produce to complete the file.

Within 5 working days of the date of the meeting, the Committee renders its decision and notifies it to the articling supervisor and the articled student.

40. At the end of the authorized articling period or portion of the articling period, the articling supervisor sends to the Professional Training Committee, on the form provided for that purpose, a report completed jointly with the articled student.

The joint end-of-articling-period report contains

(1) the start and end dates of the articling period covered by the report;

(2) an evaluation, by the articling supervisor and the articled student, of the progress made by the articled student in achieving the objectives set out in section 9, based on the evaluation grid and indicators established by the Committee.

If the articling supervisor refuses, is unable or fails to file the report, the articled student refers the matter to the Committee, which then takes the appropriate action.

41. The Professional Training Committee verifies whether the authorized articling period or portion of the articling period constitutes valid preparation for the practice of the profession of advocate, in accordance with the conditions stated in section 30 and the objectives set out in section 9. For those purposes, the Committee may require that the articling supervisor, articled student or any other person who contributed to the period supply information and documents to enable the Committee to determine the validity of the articling period.

If, in the opinion of the Committee, the articling period constitutes valid preparation for the practice of the profession of advocate, the Committee confirms to the candidate that he or she successfully completed the articling period.

If, in the opinion of the Committee, the articling period or a portion of the articling period does not constitute valid preparation for the practice of the profession of advocate, the Committee may render one or more of the following decisions:

(1) cancels or refuses to recognize all or part of the articling period;

(2) suspends the articling period;

(3) extends the articling period;

(4) determines the conditions under which the articling period can be completed in a valid manner;

(5) suspends or cancels the articled student card.

Before rendering a decision, the Committee notifies a notice to the articled student and the articling supervisor at least 5 working days before the date of the meeting during which the file will be examined. The notice states the reasons in support thereof and informs them of their right to present written observations.

The articled student and articling supervisor have a period of 5 working days from the date of the notification of the notice to present their written observations and, where applicable, a copy of any document they intend to produce to complete the file.

Within 5 working days following the meeting, the Committee renders its decision and notifies it to the articled student and the articling supervisor. The decision is final.

DIVISION IV
FINAL

42. This By-law replaces the By-law respecting the professional training of advocates (chapter B-1, r. 14).

43. This By-law comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

106349

Draft Regulation

Professional Code
(chapter C-26)

Standards for the issue and holding of radiology permits — 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 standards for the issue and holding of radiology permits, as made by the Office des professions du Québec and appearing below, is published as a draft and may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to extend the continued training period from 12 to 24 months and accordingly, to increase the number of training hours.

The draft Regulation has no impact on the public or on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Marie-Pierre Harvey, Access to Professions and Ethics Advisor, Direction de la veille et des orientations, Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912, extension 356, or 1 800 643-6912, extension 356; email: marie-pierre.harvey@opq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Annie Lemieux, Secretary of the Office des professions du Québec, 800, place D'Youville, 10e étage, Québec (Québec) G1R 5Z3; email: secretariat@opq.gouv.qc.ca. The comments may be forwarded by the Office to the Minister Responsible for Government Administration and Chair of the Conseil du trésor and may also be sent to interested persons, departments and bodies.

Annie Lemieux
Secretary
Office des professions du Québec

Regulation to amend the Regulation respecting standards for the issue and holding of radiology permits

Professional Code
(chapter C-26, s. 186)

1. The Regulation respecting standards for the issue and holding of radiology permits (chapter C-26, r. 6) is amended in section 8

(1) by replacing "12-month" by "24-month";

(2) by inserting "even-numbered" before "year";

(3) by replacing "12 hours" by "24 hours".

2. This Regulation comes into force on 1 January 2024.

106348

Draft Regulation

Automobile Insurance Act
(chapter A-25)

Reimbursement of certain expenses — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter 18.1), that the Regulation to amend the Regulation respecting the reimbursement of certain expenses, made by the Société de l'assurance automobile du Québec and appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation

— determines the amounts for the indemnity for care expenses provided for in section 80 of the Automobile Insurance Act (chapter A-25), the maximum amounts for the reimbursement of care expenses referred to in section 83 of the Act and the amount of the lump sum indemnity for funeral expenses referred to in section 70 of the Act, following amendments made to the Automobile Insurance Act by the Act to amend the Automobile Insurance Act, the Highway Safety Code and other provisions (2022, chapter 13);

— updates the rate applicable to the reimbursement by the Société of expenses incurred to receive psychological treatment, and withdraws the requirement to have a prescription from a physician or a specialized nurse practitioner for such treatment for a person who is entitled to a death benefit;

—reviews the cases in which and the conditions subject to which automobile accident victims may obtain a reimbursement for the use of a private automobile, increases the maximum expenses qualifying for reimbursement, and provides that, in addition to expenses incurred for transportation by taxi, those incurred for transportation by an automobile considered to be a taxi within the meaning of the Highway Safety Code (chapter C-24.2) also qualify for reimbursement.

The draft Regulation has no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Kora Guimond, expert advisor, Service du conseil en indemnisation, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, S-4-11, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; telephone: 418 528-3333, extension 85773; email: kora.guimond@saaq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nadia Fournier, Director, Direction des relations gouvernementales et du soutien administratif, Société de l'assurance automobile du Québec, 333, boulevard Jean-Lesage, N-6-2, case postale 19600, succursale Terminus, Québec (Québec) G1K 8J6; email: nadia.fournier@saaq.gouv.qc.ca. The comments will be forwarded by the Société to the Minister of Transport and Sustainable Mobility.

Geneviève Guilbault
Minister of Transport and Sustainable Mobility

Regulation to amend the Regulation respecting the reimbursement of certain expenses

Automobile Insurance Act
(chapter A-25, s. 195, pars. 11.1, 15, 16, 27 and 27.1)

1. The Regulation respecting the reimbursement of certain expenses (chapter A-25, r. 14) is amended by replacing the heading of Chapter II by the following:

"INDEMNITY FOR CARE EXPENSES AND REIMBURSEMENT OF CARE EXPENSES".

2. Section 5 is amended

(1) by adding the following before the first paragraph:

"The amount of the indemnity for which a victim referred to in section 80 of the Act may qualify, on a weekly basis, is

(1) $505 where the victim has the care of one person;

(2) $567 where the victim has the care of two persons;

(3) $625 where the victim has the care of three persons; and

(4) $689 where the victim has the care of four or more persons.";

(2) by replacing "The indemnity covered by section 80 of the Act" in the portion before paragraph 1 by "The indemnity".

3. Section 6 is amended

(1) by adding the following before the first paragraph:

"The maximum expenses incurred that qualify for reimbursement to a victim referred to in section 83 of the Act, on a weekly basis, are

(1) $351 where the victim has the care of one person;

(2) $383 where the victim has the care of two persons; and

(3) $437 where the victim has the care of three or more persons.";

(2) by replacing "The reimbursement of expenses covered by section 83 of the Act" in the portion before paragraph 1 by "The reimbursement of expenses".

4. Section 7 is amended by adding the following paragraph at the end:

"Despite the foregoing, a person entitled to the reimbursement of expenses incurred to receive psychological treatment under subparagraph 2 of the first paragraph of section 62 of the Act is not required to have a prescription from a physician or a specialized nurse practitioner justifying the treatment.".

5. Section 8 is amended by replacing "$94.50" by "$105".

6. Section 26 is replaced by the following:

"**26.** Expenses incurred for transportation by private automobile qualify for reimbursement up to the highest maximum amount provided in Schedule III per kilometre travelled, in the following instances:

(1) when the victim's state of health precludes the use of public transit;

(2) where public transit does not serve the itinerary that must be travelled;

(3) when taking a private automobile is more economical than using public transit.

Otherwise, those expenses qualify for reimbursement up to the lowest maximum amount provided in Schedule III per kilometre travelled.".

7. Section 27 is amended

(1) by replacing "Taxi fare qualifies" in the portion before paragraph 1 by "Expenses incurred for transportation by taxi or by an automobile considered to be a taxi within the meaning of section 4 of the Highway Safety Code (chapter C-24.2) qualify";

(2) by replacing "taking a taxi" in paragraph 3 by "using a taxi or an automobile considered to be a taxi".

8. Section 28 is amended

(1) by inserting "or an automobile considered to be a taxi within the meaning of section 4 of the Highway Safety Code (chapter C-24.2)" after "taxi" in the portion before paragraph 1;

(2) by inserting "or the automobile considered to be a taxi" after "taxi" in paragraph 2.

9. Section 29 is amended by inserting "or an automobile considered to be a taxi within the meaning of section 4 of the Highway Safety Code (chapter C-24.2)" after "taxi" in paragraph 2.

10. Section 33.1 is amended by inserting "26," after "sections".

11. The following Chapter is inserted after section 58:

"**CHAPTER III.1**
LUMP SUM INDEMNITY FOR FUNERAL EXPENSES

58.1. The lump sum indemnity covered by section 70 of the Act for which the succession of a victim may qualify is $7,988.".

12. Schedule III is amended by replacing the line corresponding to section 26 "Private vehicle" in the table by the following:

"

26, 1st par.	Private automobile	—$0.590 per km travelled
26, 2nd par.	Private automobile	—$0.170 per km travelled

".

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

106364

Draft Regulation

Court Bailiffs Act
(chapter H-4.1, s. 13)

Tariff of fees of court bailiffs
— 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 Tariff of fees of court bailiffs, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Tariff of fees of court bailiffs (chapter H.4-1, r. 13.1) in order to revise the fees exigible from a natural person and those exigible from a legal person.

Further information on the draft Regulation may be obtained by contacting Hakima Ait Amer Meziane, Direction du soutien juridique aux services de justice, Ministère de la Justice, 1, rue Notre-Dame Est, 7e étage, Montréal (Québec) H2Y 1B6; email : hakima-ait.amer-meziane@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, 9e étage, Québec (Québec) G1V 4M1.

Sonia LeBel
Minister Responsible for Government Administration and Chair of the Conseil du trésor

Simon Jolin-Barrette
Minister of Justice

Regulation to amend the Tariff of fees of court bailiffs

Court Bailiffs Act
(chapter H-4.1, s. 13)

1. The Tariff of fees of court bailiffs (chapter H-4.1, r. 13.1) is amended in section 2 by replacing "$75 per hour" in the first paragraph by "$83.25 per hour when the fees are exigible from a natural person and $85.50 when they are exigible from a legal person".

2. Section 3 is amended by replacing "$0.63 per kilometer travelled" in subparagraph *a* of the first paragraph by "$0.70 per kilometer travelled when the fees are exigible from a natural person and $0.70 when they are exigible from a legal person".

3. Section 8 is amended by replacing "$23" by "$25.50 when the fees are exigible from a natural person and $26.25 when they are exigible from a legal person".

4. Section 9.1 is amended by replacing "$25" in the first paragraph by "$27.75 when the fees are exigible from a natural person and $28.50 when they are exigible from a legal person".

5. Section 10 is amended by replacing "$100" by "$111 when the fees are exigible from a natural person and $114 when they are exigible from a legal person".

6. Section 11.1 is amended by replacing "$25" by "$27.75 when the fees are exigible from a natural person and $28.50 when they are exigible from a legal person".

7. Section 12 is amended by replacing "$15" in the first paragraph by "$16.70 when the fees are exigible from a natural person and $17.10 when they are exigible from a legal person".

8. Section 13 is amended by replacing "$15" by "$16.70 when the fees are exigible from a natural person and $17.10 when they are exigible from a legal person".

9. Section 14 is amended by replacing "$6" by "$6.65 when the fees are exigible from a natural person and $6.85 when they are exigible from a legal person".

10. Section 15 is amended by replacing "$37" in the first paragraph by "$41 when the fees are exigible from a natural person and $42.25 when they are exigible from a legal person".

11. Section 16 is amended by replacing "$56" in the first paragraph by "$62.25 when the fees are exigible from a natural person and $63.75 when they are exigible from a legal person".

12. Section 17 is amended by replacing "$79" in the first paragraph by "$87.75 when the fees are exigible from a natural person and $90 when they are exigible from a legal person".

13. Section 21 is amended by replacing "$56" by "$62.25 when the fees are exigible from a natural person and $63.75 when they are exigible from a legal person".

14. Section 23 is amended by replacing "$93" by "$103 when the fees are exigible from a natural person and $106 when they are exigible from a legal person".

15. Section 24 is amended by replacing "$62" by "$68.75 when the fees are exigible from a natural person and $70.75 when they are exigible from a legal person".

16. Section 25 is amended by replacing "$25" by "$27.75 when the fees are exigible from a natural person and $28.50 when they are exigible from a legal person".

17. Section 26 is amended by replacing "$50" by "$55.50 when the fees are exigible from a natural person and $57 when they are exigible from a legal person".

18. Section 27 is amended by replacing "$37" wherever it appears by "$41 when the fees are exigible from a natural person and $42.25 when they are exigible from a legal person".

19. Section 28 is amended by replacing "$25" by "$27.75 when the fees are exigible from a natural person and $28.50 when they are exigible from a legal person".

20. Section 30 is amended by replacing "$25" by "$27.75 when the fees are exigible from a natural person and $28.50 when they are exigible from a legal person".

21. Section 31 is amended by replacing "$56" by "$62.25 when the fees are exigible from a natural person and $63.75 when they are exigible from a legal person".

22. Section 32 is amended

(1) Nby replacing "$93" in paragraph *a* by "$103 when the fees are exigible from a natural person and $106 when they are exigible from a legal person";

(2) by replacing "$43" in paragraph *b* by "$47.75 when the fees are exigible from a natural person and $49 when they are exigible from a legal person";

(3) by replacing "$37" in paragraph *c* by "$41 when the fees are exigible from a natural person and $42.25 when they are exigible from a legal person".

23. Section 33 is amended

(1) by replacing "$75" in paragraph *a* by "$83.25 when the fees are exigible from a natural person and $85.50 when they are exigible from a legal person";

(2) by replacing "$37" in paragraph *b* by "$41 when the fees are exigible from a natural person and $42.25 when they are exigible from a legal person";

(3) by replacing "$25" in paragraph *c* by "$27.75 when the fees are exigible from a natural person and $28.50 when they are exigible from a legal person";

(4) by replacing "$37" in paragraph *d* by "$41 when the fees are exigible from a natural person and $42.25 when they are exigible from a legal person";

(5) by replacing "$1.25" in the portion before paragraph *e* by "$1.40 when the fees are exigible from a natural person and $1.45 when they are exigible from a legal person";

(6) by replacing "$12" in paragraph *e* by "$13.30 when the fees are exigible from a natural person and $13.70 when they are exigible from a legal person";

(7) by replacing "$12" in paragraph *e*.1 by "$13.30 when the fees are exigible from a natural person and $13.70 when they are exigible from a legal person";

(8) by replacing "$75" in paragraph *f* by "$83.25 when the fees are exigible from a natural person and $85.50 when they are exigible from a legal person";

(9) by replacing "$25" in paragraph *g* by "$27.75 when the fees are exigible from a natural person and $28.50 when they are exigible from a legal person";

(10) by replacing "$19" in paragraph *h* by "$21.10 when the fees are exigible from a natural person and $21.70 when they are exigible from a legal person";

(11) by replacing "$37" in paragraph *i* by "$41 when the fees are exigible from a natural person and $42.25 when they are exigible from a legal person";

(12) by replacing "$25" in paragraph *j* by "$27.75 when the fees are exigible from a natural person and $28.50 when they are exigible from a legal person";

(13) by replacing "$19" in the portion before paragraph *k* by "$21.10 when the fees are exigible from a natural person and $21.75 when they are exigible from a legal person";

(14) by replacing "$12" in paragraph *k* by "$13.30 when the fees are exigible from a natural person and $13.70 when they are exigible from a legal person";

(15) by replacing "$25" in paragraph *l* by "$27.75 when the fees are exigible from a natural person and $28.50 when they are exigible from a legal person";

(16) by replacing "$25" in paragraph *m* by "$27.75 when the fees are exigible from a natural person and $28.50 when they are exigible from a legal person";

(17) by replacing "$62" in paragraph *n* by "$68.75 when the fees are exigible from a natural person and $70.75 when they are exigible from a legal person";

(18) by replacing "$93" in paragraph *o* by "$103 when the fees are exigible from a natural person and $106 when they are exigible from a legal person";

(19) by replacing "$19" in paragraph *p* by "$21.10 when the fees are exigible from a natural person and $21.70 when they are exigible from a legal person".

24. Section 34 is amended

(1) by replacing "$43" in paragraph *a* by "$47.75 when the fees are exigible from a natural person and $49 when they are exigible from a legal person";

(2) by replacing "$43" in paragraph *b* by "$47.75 when the fees are exigible from a natural person and $49 when they are exigible from a legal person";

(3) by replacing "$50" in paragraph *c* by "$55.50 when the fees are exigible from a natural person and $57 when they are exigible from a legal person";

(4) by replacing "$12" in paragraph *d* by "$13.30 when the fees are exigible from a natural person and $13.70 when they are exigible from a legal person";

(5) by replacing "$12" in paragraph *d*.1 by "$13.30 when the fees are exigible from a natural person and $13.70 when they are exigible from a legal person";

(6) by replacing "$75" in paragraph *e* by "$83.25 when the fees are exigible from a natural person and $85.50 when they are exigible from a legal person";

(7) by replacing "$75" in paragraph *f* by "$83.25 when the fees are exigible from a natural person and $85.50 when they are exigible from a legal person";

(8) by replacing "$37" in paragraph *g* by "$41 when the fees are exigible from a natural person and $42.25 when they are exigible from a legal person";

(9) by replacing "$298" in paragraph *h* by "$331 when the fees are exigible from a natural person and $340 when they are exigible from a legal person";

(10) by replacing "$12" in paragraph *i* by "$13.30 when the fees are exigible from a natural person and $13.70 when they are exigible from a legal person".

25. Section 35 is amended by replacing "$93" in the first paragraph by "$103 when the fees are exigible from a natural person and $106 when they are exigible from a legal person".

26. Section 36 is amended by replacing "$25" by "$27.75 when the fees are exigible from a natural person and $28.50 when they are exigible from a legal person".

27. Section 37 is amended by replacing "$37" by "$41 when the fees are exigible from a natural person and $42.25 when they are exigible from a legal person".

28. Section 38 is amended by replacing "$25" by "$27.75 when the fees are exigible from a natural person and $28.50 when they are exigible from a legal person".

29. Section 39 is amended by replacing "$37" in the first paragraph by "$41 when the fees are exigible from a natural person and $42.25 when they are exigible from a legal person".

30. Section 40 is amended

(1) by replacing "$50" by "$55.50 when the fees are exigible from a natural person and $57 when they are exigible from a legal person";

(2) by replacing "$25" by "$27.75 when the fees are exigible from a natural person and $28.50 when they are exigible from a legal person".

31. Section 41 is amended by replacing "$19" by "$21.10 when the fees are exigible from a natural person and $21.70 when they are exigible from a legal person".

32. Section 42 is amended by replacing "$75" in the first paragraph by "$83.25 when the fees are exigible from a natural person and $85.50 when they are exigible from a legal person".

33. Section 44 is amended by replacing "$12" in the first paragraph by "$13.30 when the fees are exigible from a natural person and $13.70 when they are exigible from a legal person".

34. Section 45 is amended

(1) by replacing "$146" in paragraph *a* by "$162 when the fees are exigible from a natural person and $166 when they are exigible from a legal person";

(2) by replacing "$212" in paragraph *b* by "$235 when the fees are exigible from a natural person and $242 when they are exigible from a legal person";

(3) by replacing "$173" in paragraph *c* by "$192 when the fees are exigible from a natural person and $197 when they are exigible from a legal person".

35. Section 46 is amended by replacing "$15" by "$16.70 when the fees are exigible from a natural person and $17.10 when they are exigible from a legal person".

36. Section 47 is amended by replacing "$33" by "$36.75 when the fees are exigible from a natural person and $37.50 when they are exigible from a legal person".

37. Section 48 is amended by replacing "$79" in the first paragraph by "$87.75 when the fees are exigible from a natural person and $90 when they are exigible from a legal person".

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

106363