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Part 2
LAWS AND REGULATIONS

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Summary

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PROVINCE OF QUÉBEC

1ST SESSION

43RD LEGISLATURE

Québec, 29 november 2023

Office of the Lieutenant-Governor

Québec, 29 November 2023

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

22 An Act respecting expropriation

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 22
(2023, chapter 27)

An Act respecting expropriation

Introduced 25 May 2023
Passed in principle 27 September 2023
Passed 28 November 2023
Assented to 29 November 2023

Québec Official Publisher
2023

EXPLANATORY NOTES

This Act replaces the Expropriation Act. It establishes a new framework with respect to the expropriation of rights in immovables. To that end, it provides that every expropriation must be the object of a decision or of an authorization by the Government. Under certain conditions, however, a minister may be relieved from obtaining such an authorization. The Act sets out the expropriation procedure applicable to all expropriations, specifying in particular the content of the notice of expropriation and the necessity of registering it in the land register. Contestation of the right to expropriate does not suspend the expropriation procedure. The Act provides that the expropriating party is required to determine for every divested party an initial provisional indemnity and that, in certain cases, the expropriating party may determine an additional provisional indemnity. The Administrative Tribunal of Québec is granted the power to authorize a total or partial expropriation of the remainder of an immovable or the total or partial discontinuance of the expropriation procedure. In certain cases, the Act imposes an obligation to offer to reconvey an immovable, acquired by expropriation and situated in an agricultural zone or used for the practice of agriculture, back to the party from which the immovable was acquired.

The Act sets out the rules applicable to the expropriation indemnity proceeding, including rules of evidence and procedure applicable to proceedings in which the value of the claimed or offered indemnity is $500,000 or more. It provides for the holding of a conciliation session or of a case management conference. It also specifies the consequences for a party to the proceeding when it fails to file a detailed declaration as well as the rules applicable to the acquisition, by a third party, of a right in an expropriated immovable or those applicable to the deposit of an indemnity payment in the office of the Superior Court. The Act confers on the Tribunal the power to determine a supplemental provisional indemnity and a final indemnity. With respect to the latter, it establishes the various compensation approaches according to which the final indemnity is to be determined and it defines certain notions necessary for calculating it, such as that of the highest and best use and that of market value. The Tribunal is also granted the power to determine damages.

The Act also grants the power to carry out preparatory work on or in an immovable to anyone who may expropriate the immovable, subject to restoring the premises and making reparation for any injury suffered. The Tribunal is granted the power to award damages and an indemnity to the holder of a right in the immovable concerned and to the lessee and the occupant in good faith of the immovable.

The Act also provides the new framework for establishing a reserve, specifying the procedure to be followed for establishing the reserve as well as the procedure to contest it. It sets the duration of a reserve at four years and confers on the Tribunal the power to grant certain indemnities to the holder of a right in the reserved immovable as well as to the lessee and the occupant in good faith of the reserved immovable.

The Act provides that, as soon as construction work on a tunnel related to a transportation infrastructure project begins, the person who may expropriate for the purpose of the project becomes, without further formality, the owner of the underground volume occupied by the tunnel and the holder of a legal servitude. The Act confers on the Tribunal the power to grant indemnities to the holder of a right in the immovable concerned.

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

LEGISLATION AMENDED BY THIS ACT:

– Civil Code of Québec;

– Act respecting the acceleration of certain infrastructure projects (chapter A-2.001);

– Act respecting the acquisition of farm land by non-residents (chapter A-4.1);

– Sustainable Forest Development Act (chapter A-18.1);

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

– 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);

– Code of Civil Procedure (chapter C-25.01);

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

– Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

– Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);

– Municipal Powers Act (chapter C-47.1);

– Natural Heritage Conservation Act (chapter C-61.01);

– James Bay Region Development Act (chapter D-8.0.1);

– Act respecting duties on transfers of immovables (chapter D-15.1);

– Act respecting administrative justice (chapter J-3);

– Act respecting the Ministère des Transports (chapter M-28);

– Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);

– Act respecting Mauricie Park and its surroundings (chapter P-7);

– Act respecting Forillon Park and its surroundings (chapter P-8);

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

– Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1);

– Act respecting the Réseau électrique métropolitain (chapter R-25.02);

– Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03);

– Act respecting the Société du Plan Nord (chapter S-16.011);

– Act respecting public transit authorities (chapter S-30.01);

– Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1);

– Transport Act (chapter T-12);

– Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1);

– Act to amend the Charter of the city of Montréal (1983, chapter 59);

– Act respecting the city of LaSalle (1986, chapter 118);

– Act respecting the city of Saint-Laurent (1992, chapter 69);

– Act respecting Ville de Varennes (1997, chapter 106);

– Act respecting Ville de Saint-Hubert (1999, chapter 94);

– Act respecting Ville de Saint-Basile-le-Grand (1999, chapter 97);

– Act respecting Ville de Contrecoeur (2002, chapter 95);

– Act respecting Ville de Brownsburg-Chatham, Ville de Lachute and Muncipalité de Wentworth-Nord (2004, chapter 46);

– Act respecting the Hertel-New York interconnection line (2023, chapter 7).

LEGISLATION REPEALED BY THIS ACT:

– Expropriation Act (chapter E-24).

REGULATIONS AMENDED BY THIS ACT:

– Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure (chapter A-14, r. 5.1.1);

– Regulation respecting the procedure of the Administrative Tribunal of Québec (chapter J-3, r. 3.01);

– Regulation respecting the Tariff of administrative fees, professional fees and other charges attached to proceedings before the Administrative Tribunal of Québec (chapter J-3, r. 3.2);

– Regulation respecting the signing of certain deeds, documents or writings of the Ministère des Transports (chapter M-28, r. 6);

– Agricultural Operations Regulation (chapter Q-2, r. 26).

Bill 22

AN ACT RESPECTING EXPROPRIATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I
ACQUISITION BY EXPROPRIATION PROCEDURE

TITLE I
GENERAL PROVISIONS

1. This Part governs expropriations of rights in immovables that are authorized by the laws of Québec, and its purpose is, in particular,

(1) to establish the expropriation procedure and the proceeding for the determination of the expropriation indemnity; and

(2) to set out the rules regarding the determination and payment of any compensation due, under the law, by reason of an expropriation.

2. Within the meaning of this Act and unless the context indicates otherwise,

"activities", when used without a qualifier, means all actions carried on in an immovable, such as residing there, carrying out the mission of an institution there or operating an agricultural, commercial or industrial enterprise there;

"agricultural enterprise" means an enterprise carrying on agricultural activities within the meaning of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), activities to produce an agricultural product within the meaning of the Farm Producers Act (chapter P-28) or any other activity of the same nature;

"divested party" means the lessee, the occupant in good faith or the expropriated party who is the holder of a right in the expropriated immovable;

"expropriated immovable" means the immovable or the part of the immovable which is the subject of the right that is to be expropriated;

"right" means a right of ownership, a dismemberment of that right, or another immovable real right.

3. The expropriation of rights in an immovable may include the expropriation of rights in movables if the latter are accessories to the immovable or if they are used as part of the expropriated party's agricultural, commercial, industrial or institutional activities carried on on the immovable.

TITLE II

POWER TO EXPROPRIATE

4. Every expropriation must be decided or, as applicable, authorized beforehand by the Government on the conditions it determines.

The first paragraph does not apply

(1) where a minister publishes in the *Gazette officielle du Québec* a notice announcing the minister's intention to expropriate the immovables specified therein, for the purposes stated in the notice, and where the expropriation is being carried out, on the minister's own behalf or on another's behalf, under an Act that allows the minister to carry out the expropriation without requiring the authorization of the Government;

(2) where the expropriation is carried out by a minister, on the minister's own behalf or on another's behalf, under an Act that allows the minister to carry out the expropriation with the authorization of the Government; or

(3) where the expropriation is decided by a municipality, a metropolitan community, an intermunicipal board, a school service centre or a school board.

5. To expropriate a right, it is not necessary to have obtained the authorizations required for the carrying out of the project or to fulfil the prior conditions prescribed by other Acts for its carrying out.

This section does not have the effect of relieving the expropriating party from the obligation to obtain the decisions and authorizations required under the provisions that empower the expropriating party to acquire such a right.

6. Where an immovable is the subject of a reserve, only the Government, a minister of the Government, a mandatary of the State or the person who establishes the reserve may expropriate a right in the immovable.

7. In order to reduce the total cost of the expropriation and in lieu of a provisional or final indemnity, in whole or in part, an expropriating party may, by agreement or by expropriation, acquire a dismemberment of the right of ownership for the benefit of the expropriated party's immovable or a right of ownership in an immovable located near the immovable belonging to the expropriated party, which may be used to restore the latter's situation.

The decision or, as applicable, the authorization provided for in the first paragraph of section 4 is not required for an acquisition by expropriation made under the first paragraph of this section.

TITLE III

EXPROPRIATION PROCEDURE AND EXPROPRIATION INDEMNITY PROCEEDING

CHAPTER I

INTRODUCTION OF THE EXPROPRIATION PROCEDURE AND OF THE EXPROPRIATION INDEMNITY PROCEEDING

8. Before serving the notice of expropriation, the expropriating party must file with the Administrative Tribunal of Québec,

(1) if the expropriated right concerns a whole lot situated in a territory that has been the subject of a cadastral renewal, an extract from the cadastre of Québec showing the expropriated immovable; or

(2) if the expropriated right does not concern a lot referred to in subparagraph 1, a plan of the expropriated immovable, accompanied by a technical description if only part of an immovable is concerned.

If more than one right is to be expropriated, the expropriating party may file a general plan instead.

The plans, except the extract from the cadastre of Québec, and, if applicable, the technical description referred to in this section must be signed by a land surveyor.

9. The expropriating party serves on the holder of a right in the expropriated immovable a notice of expropriation containing, in particular,

(1) the description of the expropriated immovable;

(2) the right that is to be acquired by expropriation;

(3) if the right is a dismemberment of the right of ownership,

(*a*) the nature of the dismemberment,

(*b*) the duration of the dismemberment, and

(*c*) if applicable, the rights and conditions related to the exercise of the dismemberment;

(4) a precise statement of the purposes of the expropriation;

(5) the vacancy date; and

(6) the information text established by the Minister of Transport.

The notice of expropriation must be accompanied by an extract from the cadastre of Québec showing the expropriated immovable if the expropriated right concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the expropriated immovable signed by a land surveyor.

The notice of expropriation must also be accompanied by the expropriating party's initial detailed declaration, which at a minimum indicates the market value of the expropriated right, and by the model of response established by the Tribunal and published on its website.

Within the meaning of this Act, "vacancy date" means the date on which all the divested parties must have vacated the expropriated immovable.

10. Every detailed declaration provided for in this Part must indicate the amount of the final indemnity offered by the expropriating party to the divested party or claimed by the latter from the former, which final indemnity is broken down according to the compensation items applicable to the divested party's situation from among the following:

(1) the market value of the expropriated right;

(2) the redevelopment indemnity;

(3) the displacement indemnity;

(4) the enterprise closure indemnity;

(5) the equivalence indemnity;

(6) the indemnity established according to the approach based on the re-establishment theory, listing the following separately:

(*a*) the indemnity for the replacement of buildings and improvements, and

(*b*) the value of the new land or, if the expropriated party re-establishes itself on land it owns, the market value of the expropriated land;

(7) the indemnity in reparation for injuries;

(8) the indemnity for loss of suitability value; and

(9) the indemnity for trouble, nuisance and inconvenience.

11. Where, for the purpose of reducing the total cost of the expropriation and in lieu of indemnity, the expropriating party offers the expropriated party a right of ownership in an immovable it owns so that a structure is moved there or any right in an immovable it owns so that the expropriated party's situation is restored, the expropriating party's detailed declaration must also

(1) give the description of the immovable;

(2) indicate the right that is offered in the immovable;

(3) indicate the area of the immovable and the market value of the right;

(4) indicate, if the right is a dismemberment of the right of ownership,

(*a*) the nature of the dismemberment,

(*b*) the duration of the dismemberment; and

(*c*) if applicable, the rights and conditions related to the exercise of the dismemberment; and

(5) be accompanied by an extract from the cadastre of Québec showing the immovable if the right concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the immovable signed by a land surveyor.

The payment of an indemnity required under this Act to the expropriated party may then be made, where the latter consents to it or the Tribunal orders it, by the transfer to the expropriated party of a right in an immovable owned by the expropriating party or by the establishment of a dismemberment of the right of ownership for the benefit of the remainder or that of another immovable belonging to the expropriated party. The value of the right corresponds to its market value.

For the purposes of the first paragraph, a right belonging to the expropriating party also includes any right for which the expropriating party is a beneficiary of a promise of sale or of a promise to establish a dismemberment of the right of ownership for the benefit of the remainder or that of another immovable belonging to the expropriated party, or for which the expropriating party has served a notice of expropriation under section 9. In all cases, the expropriating party must, before the hearing of an application concerning the transfer to the expropriated party of a right belonging to the expropriating party, file in the record of the Tribunal and notify to the other party an offer of sale or an offer to establish a dismemberment of the right of ownership and the certified statement of the subsisting hypothecs and prior claims against the expropriated immovable that must be carried over to the offered immovable.

Within the meaning of this Act, "remainder" means the residual part of an immovable where only a part of the immovable is the subject of the right that is to be expropriated.

12. The expropriated party must, within 30 days after the date of expropriation, send the expropriating party the leases or any other written agreements entered into with the lessees of the expropriated immovable. In the absence of such agreements, the expropriated party must send the expropriating party, in writing, the names and addresses of the lessees and the occupants in good faith of the expropriated immovable as well as the nature and term of each lease or agreement, the date they were entered into, the details of what they include and the amount of the rent or the conditions on which the lessees or the occupants in good faith occupy the expropriated immovable.

An expropriated party who fails to send the information mentioned in the first paragraph relating to a lessee whose lease is not registered in the land register or to an occupant in good faith is alone liable for the injury resulting from such failure. The lessee or the occupant in good faith is entitled to damages resulting from that failure.

Lessees and occupants in good faith whose lease or any other written agreement was entered into after the date of expropriation or, in the absence of a lease or any other written agreement, whose rental or occupation of the expropriated immovable begins after the date of the expropriation may not claim any indemnity from the expropriating party. The expropriated party must disclose to those lessees and occupants in good faith the existence of expropriation procedures. The expropriated party who fails to do so is alone responsible for any injury resulting from that failure.

Within the meaning of this Act,

(1) "date of expropriation" means the date of service of the notice of expropriation on the holder of a right in the expropriated immovable, which, if there is more than one right holder for the same right in the same immovable, corresponds to the date that is the latest among the dates of service of the notice of expropriation on them;

(2) "occupant in good faith" means a natural or legal person, a general or limited partnership, an association or another group not endowed with juridical personality that

(*a*) holds no right in the expropriated or reserved immovable,

(*b*) is not a lessee of the expropriated or reserved immovable,

(*c*) occupies the immovable after having entered into an agreement with the holder of the right in that immovable,

(*d*) occupies the immovable personally and physically through concrete signs of its use, in particular by carrying on activities or leaving property there, and

(*e*) occupies the immovable in a peaceful, continuous, public and unequivocal manner.

13. Where the expropriation covers movables and the expropriated party is a natural person, the expropriated party must send their date of birth to the expropriating party within 30 days after the latter's request to obtain it. This information may be used only for the purpose of consulting the register of personal and movable real rights.

14. The expropriating party must, within 30 days after receiving the information mentioned in section 12, serve a notice to vacate the expropriated immovable on the lessee or occupant in good faith of that immovable.

The notice to vacate the expropriated immovable must contain, in particular,

(1) the information provided for in subparagraphs 1 to 5 of the first paragraph of section 9 and contained in the notice of expropriation;

(2) the date of expropriation; and

(3) the information text established by the Minister.

The notice to vacate the expropriated immovable must be accompanied by an extract from the cadastre of Québec showing the expropriated immovable if the expropriated right concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the expropriated immovable signed by a land surveyor.

The notice to vacate the expropriated immovable must also be accompanied by the expropriating party's initial detailed declaration, which at a minimum indicates an amount that is at least equal to three months' rent if the residence of the lessee or of the occupant in good faith is part of the expropriated immovable, and by the model of response established by the Tribunal and published on its website.

The rent corresponds,

(1) in the case of a lessee who is a person related, within the meaning of the Taxation Act (chapter I-3), to the holder of a right in the leased immovable or in the case of an occupant in good faith, to the market average monthly rent for a rental that is equivalent to that of the leased or occupied immovable at the date of expropriation; and

(2) in any other case, to the monthly rent provided for in the contract of lease.

CHAPTER II
EXPROPRIATION PROCEDURE

DIVISION I
REGISTRATION IN THE LAND REGISTER

15. The expropriating party must, within 30 days after the date of expropriation, cause the notice of expropriation and the extract from the cadastre of Québec or the plan of the expropriated immovable, mentioned in the first and second paragraphs of section 9, to be registered.

If the expropriating party fails to observe those conditions, any interested party may file with the office of the competent court an application under article 3063 of the Civil Code for the cancellation of the registration of the notice of expropriation and serve it on the expropriating party and the Administrative Tribunal of Québec. The application must be filed before a notice of transfer of right is registered in the land register and must be heard and decided on an urgent basis.

16. Where the notice of expropriation registered for an immovable is the subject of an application for cancellation in accordance with the second paragraph of section 15, the expropriating party may not cause a notice of transfer of right for the immovable to be registered in the land register unless the interested person has discontinued their application or the judgment refusing the application for cancellation has become final.

As part of the expropriation indemnity proceeding and within six months after the registration in the land register of a notice of transfer of right in contravention of the first paragraph, the divested party may apply to the Tribunal for damages in reparation for the injury resulting from the registration. The application must be notified to the expropriating party.

DIVISION II
CONTESTATION OF THE RIGHT TO EXPROPRIATE

17. The expropriated party may, within 30 days after the date of expropriation, contest the right of the expropriating party to expropriate and request the cancellation of the notice of expropriation by filing an application with the Superior Court of the district in which the expropriated immovable is situated. The application must be served on the expropriating party and the Administrative Tribunal of Québec and must be heard and decided on an urgent basis.

The application does not stay the expropriation procedure unless, on an application by the expropriated party, the Superior Court decides otherwise. If necessary, the court orders that the exhibits in the record of the Tribunal that it specifies be sent without delay to the court clerk.

18. The judgment on an application made under section 17 is notified without delay by the clerk of the Superior Court to the Tribunal and, where the judgment grants the application, it is served on the parties if it orders to do or not do something.

19. A judgment rendered on an application made under the first paragraph of section 17 may be appealed only with leave of a judge of the Court of Appeal. The appeal is subject to the rules applicable to a judgment on the merits of the Superior Court; however, the appellant must file a brief with the office of the court and notify it to the respondent within 15 days after the notice of appeal is filed and the respondent is not required to file a brief.

Unless otherwise decided by the chief justice, the appeal is heard by preference, at the first sitting which follows the filing of the brief.

20. Where the application of the expropriated party contesting the right to expropriate and requesting the cancellation of the notice of expropriation is granted, the expropriating party must, within 30 days after the date on which the judgment becomes final, file with the Land Registrar the judgment invalidating the right to expropriate and ordering the cancellation of the notice of expropriation.

The expropriating party must notify to the divested parties the certified statement of the cancellation of the notice of expropriation in the land register, accompanied by a notice informing them of their right to apply to the Tribunal, within six months after such notification, for damages in reparation for the injury resulting from the expropriation procedure. In the case of a notification to the lessee or occupant in good faith, that certified statement must also be accompanied by the judgment referred to in the first paragraph.

21. Where the application of the expropriated party contesting the right to expropriate and requesting the cancellation of the notice of expropriation is granted, the divested parties may, as part of the expropriation indemnity proceeding, apply to the Tribunal for damages in reparation for the injury resulting from the expropriation procedure. The application must be filed, in the case of an expropriated party, within six months after the date on which the judgment becomes final and, in the case of a lessee or occupant in good faith, within six months after the date of the notification provided for in the second paragraph of section 20. The application must be notified to the expropriating party within the same time.

As part of the same proceeding and within six months after the date on which the judgment becomes final, the expropriating party may apply to the Tribunal for an order directing the divested party to return all or part of the indemnities. The application must be notified to the divested party within the same time.

The time limits in this section are strict time limits.

DIVISION III

INITIAL PROVISIONAL INDEMNITY AND ADDITIONAL PROVISIONAL INDEMNITY

22. The expropriating party determines the initial provisional indemnity to which every divested party is entitled.

The indemnity is

(1) for an expropriated party, an amount at least equal to 100% of the market value of the expropriated right specified in the initial detailed declaration mentioned in the third paragraph of section 9; and

(2) for a lessee or an occupant in good faith, an amount at least equal to three months' rent, which amount is established in accordance with the fifth paragraph of section 14, if the lessee's or occupant's residence is part of the expropriated immovable.

23. The expropriating party notifies, as applicable, to every divested party

(1) a notice indicating the amount it has determined as the initial provisional indemnity, broken down according to the applicable compensation items specified in section 10; or

(2) a notice indicating that the divested party is not entitled to any amount as an initial provisional indemnity.

The notice also indicates that the divested party

(1) might obtain an additional provisional indemnity following receipt by the expropriating party of the documents specified in the third paragraph of section 24 or in the first paragraph of section 50; and

(2) may, at any time, apply to the Administrative Tribunal of Québec to obtain a supplemental provisional indemnity.

Where applicable, the expropriating party pays the divested party the amount determined or deposits it on the latter's behalf in the office of the Superior Court. The payment or deposit, as applicable, must be made within three months after the date of expropriation if the expropriated right is a right of ownership in all of the immovable and the expropriated party's residence is part of that immovable.

24. At any time before the application for determination of the final indemnity as part of the expropriation indemnity proceeding is taken under advisement, the expropriating party may, on its own initiative or on the divested party's request, determine an additional provisional indemnity to allow the divested party to continue its activities until payment of the final indemnity without the activities being jeopardized.

However, in the case of the discontinuance of an enterprise's operations, the purpose of the additional provisional indemnity is instead to allow the divested party to pay the expenses related to that discontinuance.

A request by the divested party to obtain an additional provisional indemnity contains the amount of the additional provisional indemnity applied for, broken down according to the applicable compensation items specified in section 10, and is filed together with the documents justifying that amount.

25. The expropriating party notifies, as applicable, to the divested party

(1) a notice indicating the amount it has determined as the additional provisional indemnity, broken down according to the applicable compensation items specified in section 10; or

(2) a notice indicating that the divested party is not entitled to any amount as an additional provisional indemnity.

The notice also mentions that the divested party may, at any time, apply to the Administrative Tribunal of Québec to obtain a supplemental provisional indemnity.

Where a divested party has requested that an additional provisional indemnity be determined under section 24, the notice must be notified to the divested party within two months after receipt of the application.

Where applicable, the expropriating party pays the divested party the amount determined or deposits it on the latter's behalf in the office of the Superior Court.

DIVISION IV

VACANCY DATE

26. The vacancy date may not be before the date that is

(1) six months after the date of expropriation, where the residence of a lessee or of an occupant in good faith forms part of the expropriated immovable;

(2) two months after the date of expropriation, in the case of the expropriation of a dismemberment of the right of ownership; or

(3) four months after the date of expropriation, in all other cases.

27. Despite section 26, the expropriating party may, at any time before the vacancy date, set an earlier date with the written consent of all the divested parties.

28. The expropriating party may, at any time, postpone the vacancy date.

29. When changing the vacancy date under either section 27 or 28, the expropriating party must cause a notice of change of the vacancy date accompanied, if applicable, by the consents provided for in section 27 to be registered in the land register.

The notice must contain, in particular,

(1) the information provided for in subparagraphs 1 to 3 and 5 of the first paragraph of section 9;

(2) the new vacancy date; and

(3) the information text in accordance with that which may be established by the Minister.

The expropriating party then files the notice with the Administrative Tribunal of Québec and notifies it to the divested parties.

The new date applies as of the registration of the notice in the land register.

Any material damage caused by any of the following is deemed to be material damage directly caused by the expropriation:

(1) the postponement of the vacancy date;

(2) the expropriating party's failure to inform a divested party of the new date in accordance with the third paragraph; or

(3) failure to obtain the divested party's consent in accordance with section 27.

DIVISION V

ORDER OF TOTAL OR PARTIAL EXPROPRIATION OF THE REMAINDER AND DISCONTINUANCE FROM THE EXPROPRIATION PROCEDURE

§1. — *Order of total or partial expropriation of the remainder*

30. Following the expropriation of a right in a part of an immovable, the Administrative Tribunal of Québec may, on an application by the expropriating party or the expropriated party notified to the other, order that right or, where that right is a dismemberment of the right of ownership, order that right or the right of ownership in all or part of the remainder to also be expropriated if the remainder may no longer be used according to the highest and best use of the expropriated immovable as at the date of expropriation.

The application must be made within the context of the expropriation indemnity proceeding.

§2. — *Discontinuance with the expropriated party's consent*

31. The expropriating party may, with the written consent of the expropriated party, discontinue the expropriation procedure totally or partially at any time before the expropriated right is transferred to the expropriating party.

Registration of a notice of discontinuance in the land register is obtained by filing the notice with the Land Registrar together with the written consent of the expropriated party. Discontinuance has effect as of its registration.

The notice must contain, in particular,

(1) the description of the expropriated immovable or of the part of the expropriated immovable that is the subject of the discontinuance;

(2) the right that is to be acquired by expropriation and that is concerned by the discontinuance;

(3) a statement indicating that the expropriating party is discontinuing the expropriation procedure totally or, as applicable, partially; and

(4) the information text in accordance with that which may be established by the Minister.

Where the discontinuance is total, it terminates the expropriation procedure, without however terminating the expropriation indemnity proceeding whereby the Tribunal may, if applicable, determine damages in reparation for the injury resulting from the discontinuance. Where the discontinuance is partial, the registration of the notice of discontinuance only terminates the expropriation procedure with regard to the right that is the subject of the discontinuance.

32. The notice of discontinuance and the certified statement of the registration of the discontinuance in the land register are filed with the Administrative Tribunal of Québec. The Tribunal takes note of the discontinuance.

33. The expropriating party must notify the notice of discontinuance to the divested parties together with the certified statement of the notice of the registration of the discontinuance in the land register.

34. The divested parties may, as part of the expropriation indemnity proceeding and within six months after notification of the notice of discontinuance, apply to the Tribunal for damages in reparation for the injury resulting from the discontinuance. The application must be notified to the expropriating party within the same time.

As part of the same proceeding and within six months after the registration of the notice of discontinuance in the land register, the expropriating party may apply to the Tribunal for an order directing the divested party to return all or

part of the provisional indemnities. The application must be notified to the divested party within the same time.

The time limits in this section are strict time limits.

§3. — *Discontinuance with the authorization of the Administrative Tribunal of Québec*

35. The Administrative Tribunal of Québec may, on an application by the expropriating party served on the expropriated party, authorize the expropriating party to discontinue the expropriation procedure totally or partially.

The application must be made within the context of the expropriation indemnity proceeding and before a notice of transfer of right is registered in the land register.

A decision authorizing a total or partial discontinuance of the expropriation procedure is to be filed by the expropriating party with the Land Registrar for registration in the land register. The decision must be accompanied by a sworn statement from the expropriating party, made at least 30 days after the date of the decision, in which it is stated that the decision is not the subject of an application for leave to appeal, of an appeal or of an application for review or revocation.

The discontinuance has effect as of that registration.

The expropriating party must notify the certified statement of the registration of the discontinuance in the land register to the divested parties.

The fourth paragraph of section 31 and section 34 apply following the registration of the discontinuance in the land register, with the necessary modifications.

36. Where the decision on an application referred to in the first paragraph of section 35 has been the subject of an appeal or of a judicial review and the resulting decision authorizes a total or partial discontinuance of the expropriation procedure, the expropriating party instead files the latter decision with the Land Registrar for registration in the land register. The sworn statement accompanying the decision must then state that the decision is not the subject of an application for judicial review, of an appeal or of an application for revocation of judgment.

37. If the expropriating party fails to require the registration of the discontinuance in the land register within two months after the decision of the Tribunal, the latter, in determining the damages provided for in the first paragraph of section 34, takes into account the damages caused by such a failure.

DIVISION VI

TRANSFER OF THE EXPROPRIATED RIGHT

§1. — *Notice of transfer of right*

38. The expropriating party may transfer the expropriated right by causing a notice of transfer of right to be registered in the land register. The expropriating party or, if applicable, the party on whose behalf the expropriating party is carrying out the expropriation becomes, on the vacancy date entered in the notice of transfer of right, the holder of the expropriated right.

Before registering a notice of transfer of right, the expropriating party must serve the notice on the expropriated party and, if applicable, serve on the lessees and occupants in good faith a notice of intention to register a notice of transfer.

To be registered in the land register, the notice of transfer of right must be accompanied by the following:

(1) the document establishing that the initial provisional indemnity has been paid to the expropriated party or deposited, on the latter's behalf, in the office of the Superior Court; and

(2) proof of service of the notice of transfer of right on the expropriated party.

The notice of transfer cannot be registered on a date that is later than the vacancy date. Where the date of presentation of a notice of transfer is later than the vacancy date, the Land Registrar refuses to register it.

Those notices must contain, in particular,

(1) the information provided for in subparagraphs 1 to 3 and 5 of the first paragraph of section 9;

(2) the amount of the initial provisional indemnity; and

(3) the information text established by the Minister.

39. The notice of transfer of right and, if applicable, the notice of intention to register a notice of transfer must, within 30 days after the date of the registration of the notice of transfer of right in the land register, be filed with the Administrative Tribunal of Québec by the expropriating party.

40. The Superior Court may, on an application by the expropriated party served on the expropriating party within 15 days after service of the notice of transfer of right and filed with the office of the Court without delay, prohibit the expropriating party from causing the notice of transfer of right to be registered in the land register or, if already registered, order the cancellation of the registration if the conditions provided for in section 38 have not been complied with. The application must be heard and decided on an urgent basis and the judgment rendered cannot be appealed.

41. Despite the transfer of the expropriated right, the expropriating party may not take possession of the leased or occupied premises before paying the initial provisional indemnity to the lessee or to the occupant in good faith who leases or occupies the premises, or before depositing that indemnity on their behalf in the office of the Superior Court. However, the expropriating party may take possession of the premises if the expropriating party has notified a notice to the lessee or to the occupant in good faith indicating that they are not entitled to any amount as an initial provisional indemnity.

The first paragraph does not apply if the expropriating party has not been informed, in accordance with the first paragraph of section 12, that the premises are leased or occupied and, where leased, the lease is not registered in the land register.

42. On an application by a divested party, the Superior Court may, for serious reasons and if it is not so urgent for the expropriating party as to entail a serious prejudice for it should there be any delay in taking possession of the expropriated immovable, allow that divested party to remain in possession of the expropriated immovable for such period and on such conditions as the Court may determine. However, that period may not exceed six months after the vacancy date and the judgment rendered cannot be appealed.

The application is served on the expropriating party. It must be heard and decided on an urgent basis.

The Superior Court fixes the rent owed to the expropriating party for the occupation of the expropriated immovable during that period.

§2. — *Procedure in urgent cases*

43. The Superior Court may, on an application by the expropriating party served on the divested parties, authorize at any time the transfer of the expropriated right if the following conditions are met:

(1) it is so urgent for the expropriating party or, if applicable, for the party on whose behalf the expropriating party is carrying out the expropriation, that any delay in the transfer of the expropriated right would entail a considerable prejudice for it;

(2) the divested parties suffer no irremediable prejudice as a result; and

(3) the initial provisional indemnity has been paid to the divested parties or deposited on their behalf in the office of the Superior Court.

Such an application is heard and decided on an urgent basis and the judgment rendered cannot be appealed.

The expropriated right is transferred to the expropriating party or, if applicable, to the party on whose behalf the expropriating party is carrying out the expropriation, within 15 days after the date of the registration in the land register of the judgment authorizing the transfer. The expropriating party must notify, without delay, the certified statement of the registration to the divested parties, indicating the date of registration.

Despite subparagraph 3 of the first paragraph, the Superior Court may authorize the transfer of the expropriated right even if the initial provisional indemnity has not been paid to a lessee whose lease is not registered in the land register or to an occupant in good faith or deposited on their behalf in the office of the Superior Court, if the expropriating party was not able to do so because the name and address of that lessee or that occupant in good faith have not been disclosed to the expropriating party in accordance with the first paragraph of section 12.

DIVISION VII

FORCED TAKING OF POSSESSION

44. If a divested party or any other occupant of the premises does not vacate the expropriated immovable on the date the expropriated right is transferred, the expropriating party may apply to the Superior Court for an order to evict the divested party or other occupant.

The application must be served on the divested party or other occupant unless the judge decides otherwise. The application must be heard and decided on an urgent basis.

The judgment is immediately enforceable and cannot be appealed.

CHAPTER III

EXPROPRIATION INDEMNITY PROCEEDING

DIVISION I

PROCEEDING

§1. — *General rules of evidence and procedure*

45. Despite section 110 of the Act respecting administrative justice (chapter J-3), an expropriation indemnity proceeding is brought before the

Administrative Tribunal of Québec by filing the notice of expropriation at the Tribunal.

46. Within 30 days after registration of the notice of expropriation in the land register, the expropriating party files with the Tribunal a duplicate of the notice, the certificate of its service, the certified statement of its registration in the land register and the initial detailed declaration made to the expropriated party.

47. The expropriated party must, within two months after the date of expropriation, respond to the notice of expropriation and send the response to the Tribunal and to the expropriating party.

48. Within 30 days after service of the notice to vacate the expropriated immovable, the expropriating party files with the Tribunal a duplicate of the notice, the certificate of its service and the initial detailed declaration made to the lessee or to the occupant in good faith, as applicable.

49. The lessee and the occupant in good faith must, within two months after the date of service of the notice to vacate the expropriated immovable, respond to the notice and send the response to the Tribunal and to the expropriating party.

50. The expropriated party must, within four months after the date of expropriation, file its detailed declaration in the record of the Tribunal and notify it to the expropriating party. The lessee and the occupant in good faith must do the same within four months after service of the notice to vacate the expropriated immovable.

If the expropriated party fails to file its detailed declaration within the allotted time, the expropriating party may proceed by default.

If the lessee or the occupant in good faith fails to file their detailed declaration before the date on which the expropriated right is transferred or before the date that is four months after the date of service of the notice to vacate the expropriated immovable, whichever date is later, the lessee or the occupant is presumed to have accepted the offer set out in the expropriating party's initial detailed declaration.

The Tribunal must, on an application by the expropriating party notified to the lessee or the occupant in good faith and proceeding on the record, close the record if there is no detailed declaration by the lessee or the occupant in good faith in the Tribunal's record and if no amount was offered to the lessee or occupant in good faith in the expropriating party's initial detailed declaration or, as applicable, if the amount offered in that detailed declaration has been paid to the lessee or occupant in good faith or deposited, on their behalf, in the office of the Superior Court.

Despite the closing of the record, the Tribunal may relieve the lessee or occupant in good faith from the failure to act within the time limit prescribed in the third paragraph if the lessee or occupant in good faith establishes that

they were unable, for valid reasons, to act sooner and if the Tribunal considers that the expropriating party or, if applicable, the party on whose behalf the expropriating party is carrying out the expropriation, suffers no serious prejudice as a result. Once relieved from such failure, the record is then reopened, and the proceeding continues in accordance with the law. In such a case, the lessee or occupant in good faith has two months to file their detailed declaration, failing which they are deemed to have accepted the offer and the Tribunal closes the record.

51. The expropriating party may, within eight months after the date of expropriation or, as applicable, the date of service of the notice to vacate the expropriated immovable, file in the record an amended detailed declaration, in particular to add to it the amounts offered for the indemnities for which the expropriating party does not have the burden of proof, and notify the amended declaration to the divested party.

52. A party may, before the decision on the application to determine the final indemnity is rendered, amend their detailed declaration or withdraw it if doing so does not delay the conduct of the proceeding or is not contrary to the interests of justice. The party must notify its amended detailed declaration to the other party or, as applicable, give notice of its intention to withdraw it. The latter has 10 days to notify a notice of objection. If there is an objection by the other party, the party intending to amend or withdraw its detailed declaration files its application before the Tribunal for a decision.

If the other party wishes to amend its detailed declaration as a result of the amendment or withdrawal referred to in the first paragraph, the time granted to do so is, if not already set out in the timetable for the proceeding, agreed on between the Tribunal and the parties or, failing an agreement between the parties, the time fixed by the Tribunal.

The Tribunal may, during the hearing and in the presence of the parties, authorize the amendment or withdrawal of a detailed declaration without the formalities prescribed in the first and second paragraphs. The Tribunal's decision is recorded in the minutes of the hearing and, if applicable, the amended detailed declaration is filed in the record as soon as possible.

53. The Tribunal may, on an application notified by one party to the other or, if applicable, on an application made by a party during the case management conference, authorize an extension of the time limits prescribed in sections 50 to 52 if the circumstances warrant it.

54. The president of the Tribunal, the vice-president responsible for the immovable property division, the member designated by either of them or one of the members called on to sit in the proceeding convenes the parties to a conciliation session on a specified date. However, the president, vice-president or member may, on their own initiative or on an application by a party, replace that session by a case management conference if no agreement is reached or if they consider that the circumstances and the parties' interest warrant it.

The conciliation session is presided over by a member chosen by the president of the Tribunal, the vice-president responsible for the immovable property division or the person designated by the president or vice-president.

55. Except with the parties' consent, no expert evidence may be produced as evidence at the hearing unless it has been disclosed to the other party and to the Tribunal

(1) at least four months before the date of the hearing, in the case of expert evidence pertaining to the indemnities offered or claimed, as applicable, by a party and for which that party has the burden of proof; and

(2) at least three months before the date of the hearing, in the case of expert evidence pertaining to the indemnities offered or claimed, as applicable, by a party and for which that party does not have the burden of proof.

The same applies to exhibits, written statements in lieu of testimony and detailed sworn statements which must be disclosed at least two months before the date of the hearing.

The parties must observe the principle of proportionality and ensure that the expert evidence produced, as well as the nature and number of testimonies and pre-hearing examinations they conduct, are proportionate, in terms of the cost and time involved, to the nature and complexity of the matter. The Tribunal sees to it that the principle of proportionality is observed.

56. The date of the hearing may not be fixed as long as the documents requested by a party from the other have not been communicated.

Where a party fails to communicate to the other party the documents requested by the latter, the Tribunal may order the defaulting party to communicate those documents within the time it determines and, despite the first paragraph, may fix the date of the hearing, which date is to be at least two months after the expiry of that time.

57. At any time before rendering a decision, the Tribunal may, on its own initiative, order the immediate correction of any clerical error or error of form, expression or calculation in a pleading, subject to the conditions it sees fit.

§2. — *Special rules of evidence and procedure applicable to proceedings in which the value of the claimed or offered indemnity is $500,000 or more*

58. The rules of evidence and procedure set out in this subdivision apply to a proceeding as of the filing in the record of a detailed declaration equal to or greater than $500,000, whether or not the declaration is subsequently amended to lower that amount.

If it considers it useful and if the parties agree, the Administrative Tribunal of Québec may, on its own initiative or on an application by one party notified to the other, apply those rules of evidence and procedure to a case in which the detailed declarations are lower than $500,000.

Despite the first paragraph, the Tribunal may, on its own initiative or on an application by a party notified to the other, decide not to apply those rules of evidence and procedure to a case in which a detailed declaration is equal to or greater than $500,000 if the parties agree and if the matter and circumstances of a case so allow.

59. The following are required to be represented by a lawyer before the Administrative Tribunal of Québec:

(1) representatives, mandataries, tutors and other persons acting on behalf of a divested party who, for serious reasons, cannot act on their own behalf;

(2) legal persons;

(3) general or limited partnerships and associations and other groups not endowed with juridical personality, unless all the partners or members act themselves or mandate one of their number to act;

(4) the Public Curator, guardians and sequestrators; and

(5) liquidators, except liquidators of a succession, trustees and other representatives of collective interests when acting in that capacity.

The first paragraph does not apply where

(1) the divested party is a natural person; or

(2) the divested party meets the following conditions:

(*a*) it is a legal person, a general or limited partnership, an association or another group not endowed with juridical personality; and

(*b*) a maximum of 10 persons bound to it by an employment contract were under its direction or control at any time during the 12-month period preceding the date of expropriation, in the case of an expropriated party, or the date of service of the notice to vacate the expropriated immovable, in the case of a lessee or an occupant in good faith.

60. The timetable for the proceeding must, in addition to what is set out in the second paragraph of section 119.1 of the Act respecting administrative justice, set time limits for

(1) filing the detailed declarations in the record if the time limits to do so are extended under section 53, or for filing in the record any amendments to them;

(2) conducting pre-hearing examinations;

(3) sending to the other party and to the Tribunal the expert evidence that a party intends to produce and

(*a*) that pertains to the indemnities for which the party has the burden of proof, or

(*b*) that pertains to the indemnities for which the party does not have the burden of proof.

61. The parties may examine, orally and before the hearing,

(1) the other party;

(2) a representative, an agent or an employee of a party;

(3) a person for whom a party acts as administrator of the property of others;

(4) a person for whom a party acts as prête-nom or whose rights a party has acquired by transfer, subrogation or other similar title; and

(5) any other person, with the consent of that person and of the other party, or with the authorization of the Tribunal, on the conditions it determines.

Despite the first paragraph, neither a minor nor an incapable person of full age may be examined.

A decision on an application relating to an undertaking concerning the disclosure of a document made for or at a pre-hearing examination may be rendered on the face of the record.

62. An oral pre-hearing examination may bear only on the facts on which the offered or claimed indemnity is based and on the evidence supporting such facts. The examination may also address the communication of a document. The examination may be conducted only if provided for in the timetable for the proceeding and only in keeping with the examinations' number and length and with the terms set in the timetable.

63. The first paragraph of article 226 and articles 227 and 228 of the Code of Civil Procedure apply to a pre-hearing examination.

64. No pre-hearing examination may last more than five hours. Any extension requires the authorization of the Tribunal.

65. The Tribunal may, on an application by a party notified to the other, terminate an examination that it considers excessive or unnecessary and, on doing so, rule on the legal costs.

66. When a party submits testimonial evidence by sworn statement, another party may call the person who made the statement to attend in order to be examined on that statement. The examination may pertain not only to evidence attested to in the statement but also to any other fact relevant to the determination of the elements comprised in the indemnity and to the evidence in support of those elements. If the person who made the statement fails to attend, the sworn statement is rejected.

67. Despite section 52 and except to update the amounts in a detailed declaration or to correct an error in writing or calculation, or any other clerical error, no detailed declaration may be withdrawn or amended,

(1) as regards the elements for which a party has the burden of proof, after the time limit applicable to the transmission of the expert evidence referred to in subparagraph *a* of paragraph 3 of section 60; and

(2) as regards the elements for which a party does not have the burden of proof, after the time limit applicable to the transmission of the expert evidence referred to in subparagraph *b* of paragraph 3 of section 60.

68. The president of the Tribunal, the vice-president responsible for the immovable property division or the member designated by either must convene the parties to a pre-hearing conference. It must be held at least 45 days before the date of the hearing.

69. The purpose of the pre-hearing conference is, in addition to what is provided for in section 126 of the Act respecting administrative justice, to disclose a list of the witnesses that the parties intend to call and a list of those whose testimony they intend to present in the form of statements, unless there is valid cause not to disclose their identities.

§3. — *Rules applicable to the acquisition by a third party of a right in an expropriated immovable*

70. An expropriated party who transfers to a third party, other than the expropriating party or, if applicable, the party on whose behalf the expropriating party is carrying out the expropriation, a right in all or part of the expropriated immovable must inform the new holder of a right in the immovable of the existence of an expropriation procedure and of an expropriation indemnity proceeding that concern that right.

The deed transferring the right must specify who, among the expropriated party or, as applicable, the new right holder, is entitled to the indemnities and damages to be paid under this Act. If not specified in the deed, the new right holder is the person entitled to those indemnities and to those damages, except the indemnity provided for in the first paragraph of section 163.

The new right holder must inform the expropriating party of the transfer and of who is entitled to the indemnities and damages according to the deed of transfer. If not so informed, the expropriating party has no obligation toward the new right holder with regard to those indemnities and damages.

The expropriation procedure continues by operation of law against the new right holder, while the proceeding to determine the indemnity continues against the initial expropriated party as long as the new right holder has not continued the proceeding or intervened.

The cumulative amount of the final indemnities and damages determined for the initial expropriated party and the new right holder may not be greater than the cumulative amount of the final indemnity and damages that would have been paid by the expropriating party to the initial expropriated party had there been no continuance of proceeding or intervention.

DIVISION II

SUPPLEMENTAL PROVISIONAL INDEMNITY

71. The Administrative Tribunal of Québec may, on an application by the divested party notified to the expropriating party, grant a supplemental provisional indemnity to allow the divested party to continue its activities until payment of the final indemnity without the activities being jeopardized, where the initial or additional provisional indemnity is insufficient for that purpose. However, in the case of the discontinuance of an enterprise's operations, the purpose of the supplemental provisional indemnity is instead to allow the divested party to pay the expenses related to the closure of the enterprise.

Section 146 of the Act respecting administrative justice applies to the decision.

72. If the Tribunal grants the application provided for in section 71, it so informs the parties and indicates to them the amount of the supplemental provisional indemnity determined. The expropriating party pays the divested party the amount or deposits it on the latter's behalf in the office of the Superior Court.

DIVISION III

FINAL INDEMNITY

§1. — *General provisions*

73. In order to make it possible to determine the final indemnity, the parties must be transparent with each other, in particular by sharing the information they hold and that is useful in determining the indemnity, and must co-operate actively in searching for a solution.

74. Where the value of the indemnity claimed or offered is $750,000 or more, the divested party must prepare an expenditure budget detailing the various expenditure items as well as the amount that the divested party intends to incur for each item and plans to claim from the expropriating party as part of the final indemnity. The expenditure budget must be sufficiently detailed so as to allow the expropriating party to analyze what is proposed in it.

The divested party must notify the expenditure budget to the expropriating party. Within 30 days after the notification, the expropriating party must notify the divested party of whether it agrees with the budget or not. If the expropriating party does not agree with it, the parties must attempt to resolve the issue. If the disagreement persists between the parties, they must, before the expenses are incurred, apply to the Administrative Tribunal of Québec for a ruling on the disagreement.

§2. — *Compensation approaches*

75. The final indemnity that is due to an expropriated party is established according to one of the following compensation approaches:

(1) the approach based on the cost of acquisition of the expropriated right;

(2) the approach based on redevelopment of an immovable;

(3) the approach based on displacement of a structure;

(4) the approach based on discontinuance of an enterprise;

(5) the approach based on relocation; and

(6) the approach based on the re-establishment theory.

The final indemnity due to a lessee or an occupant in good faith is established according to one of the approaches set out in subparagraphs 2, 4 and 5 of the first paragraph.

76. The approach based on the cost of acquisition of the expropriated right applies

(1) in the case of expropriation of a right in all of an immovable on which there is no structure;

(2) in the case of an expropriation of a right in the part of an immovable on which there is no structure, while the remainder makes it possible for the divested party to continue to carry on its activities without any significant impact; or

(3) in the case where there is a structure on the expropriated immovable which the parties to the proceeding agree will not be redeveloped, displaced, replaced or rebuilt.

77. The approach based on redevelopment of an immovable applies if the divested party can continue to exercise its activities on the remainder and the remainder must be redeveloped to remain functional for that purpose.

78. The approach based on displacement of a structure applies if it is possible to move a structure, situated on the part of the expropriated immovable or on the remainder, in order to install the structure on the remainder or on another immovable. Despite section 75, this approach is supplemented by the approach based on redevelopment of an immovable.

Where the expropriated party refuses to move a structure to an immovable, the expropriating party may apply to the Administrative Tribunal of Québec for an order directing the expropriated party to move the structure if

(1) the immovable

(*a*) is situated near the expropriated immovable,

(*b*) belongs to the expropriated party or to the expropriating party, and

(*c*) is appropriate for the purposes for which the structure was used before the date of expropriation; and

(2) such relocation will reduce the cost of the expropriation.

A party to the proceeding may apply to the Tribunal for an order directing a structure to be moved to the remainder or to another immovable belonging to the expropriated party if the displacement will enable the reorganization of the group formed by structures and reduce the cost of the expropriation in cases where

(1) the structure, situated on the remainder, is a dependency of a structure situated on the expropriated immovable;

(2) the structure, situated on the expropriated immovable, is a dependency of a structure situated on the remainder; or

(3) the structure is part of a group of structures designed in relation to each other as part of a joint undertaking.

79. The approach based on discontinuance of an enterprise applies where the divested party operates an agricultural, commercial or industrial enterprise and due to the expropriation, its operation is so disrupted that it must discontinue in a definitive manner the operation of all or part of its enterprise.

80. The approach based on relocation applies

(1) if by reason of the expropriation of a right in all of an immovable, the divested party must cease to carry on its activities on the immovable, but it can continue to carry them on on a substitute immovable; or

(2) if by reason of the expropriation of a right in a part of an immovable, the activities of the divested party are so disrupted that the party must cease to carry them on on all or part of the remainder, but it can continue to carry them on on a substitute immovable.

81. The approach based on the re-establishment theory applies where, following the expropriation, the expropriated party may operate its agricultural, commercial or industrial enterprise or continue its institutional activities only on a substitute immovable equivalent to the expropriated immovable.

This approach is applicable only to the expropriation of a right of ownership in all of the immovable and only if the expropriated party proves the following elements:

(1) there is no market for that type of immovable in the territory served due to the immovable's special characteristics which are necessary for and specific to the operation of the enterprise;

(2) the expropriated party must necessarily be re-established in the territory served; and

(3) the expropriated party is the owner of the substitute immovable and the re-establishment work has begun.

§3. — *Composition of the final indemnity according to the compensation approaches*

I. — *Final indemnity*

82. The final indemnity due to an expropriated party corresponds to the aggregate of the following indemnities:

(1) the immovable indemnity;

(2) the indemnity in reparation for injuries;

(3) the indemnity for loss of suitability value; and

(4) the indemnity for trouble, nuisance and inconvenience.

Despite the first paragraph, where the immovable indemnity is established on the basis of a use other than the use as at the date of expropriation, the expropriated party is not entitled to any of the indemnities provided for in sections 89 to 106, except the indemnity to compensate for the injuries referred to in section 97.

The final indemnity due to a lessee or to an occupant in good faith corresponds to the indemnity provided for in subparagraph 2 of the first paragraph, to which may be added, for a lessee or occupant in good faith if their residence is part of the expropriated immovable, the sum of the indemnities provided for in subparagraphs 3 and 4 of the first paragraph or, for a lessee or an occupant in good faith who operates an agricultural, commercial or industrial enterprise or who carries on institutional activities,

(1) the redevelopment indemnity provided for in section 89, where the indemnity is established according to the approach based on redevelopment of an immovable;

(2) the enterprise closure indemnity provided for in section 91, where the indemnity is established according to the approach based on discontinuance of an enterprise; or

(3) the equivalence indemnity provided for in section 93, where the indemnity is established according to the approach based on relocation.

83. The expropriating party has the burden of proving the market value of the expropriated right and of the right belonging to the expropriating party that is transferred to the expropriated party.

The divested party has the burden of proof for all the other elements that are part of the final indemnity.

II. — *Immovable indemnity*

84. The immovable indemnity consists of the market value of the expropriated right and, if applicable, of one of the following indemnities:

(1) the displacement indemnity, in the case of an indemnity established according to the approach based on displacement of a structure;

(2) the redevelopment indemnity, in the case of an indemnity established according to the approach based on redevelopment of an immovable;

(3) the enterprise closure indemnity, in the case of an indemnity established according to the approach based on discontinuance of an enterprise; or

(4) the equivalence indemnity, in the case of an indemnity established according to the approach based on relocation.

Despite the first paragraph, where the immovable indemnity is established according to

(1) the approach based on the re-establishment theory, the indemnity instead corresponds to the indemnity for the replacement of buildings and improvements to which is added, as applicable, the cost of acquiring new land or, if the expropriated party re-establishes itself on land it owns, the market value of the expropriated land; or

(2) a use other than the use as at the date of expropriation, the indemnity corresponds only to the market value of the expropriated right.

85. The market value of a right corresponds to the sum of the value of the right established in accordance with section 86 and of the surplus in value added to the right by the land improvements and landscaping present on the date of expropriation, but not considered in the establishment of the value of that right.

86. The value of a right corresponds to the selling price

(1) that is the most probable; and

(2) that is established

(*a*) as at the date of expropriation,

(*b*) according to the highest and best use of the right, and

(*c*) in a free and open market that meets the following conditions:

i. the parties are properly informed of the condition of the immovable and of the market conditions and have reasonable knowledge of the highest and best use of the right,

ii. the right was put on sale for a sufficient period, taking into account its nature, the significance of the price and the economic situation, and

iii. all considerations extraneous to the right, such as advantageous financing conditions for the acquirer or other conditions or advantages granted to the latter as an incentive to acquire the right, are disregarded, and

(*d*) without taking into account

i. the decrease in value or the increase in value attributable to the public announcement of the project of the expropriating party or of the party on whose behalf the expropriating party is carrying out the expropriation,

ii. the structures, improvements or additions made after the date of establishment of the reserve, except those that constitute necessary repairs and those authorized under section 153, and

iii. the augmentation in the value of the right resulting from the immovable being assigned a use that could be prohibited by a tribunal, that contravenes a law of Québec or of Canada, or a regulation enacted under such a law, including a municipal by-law, or that is prejudicial to the health of the occupants of the immovable or to public health.

87. The highest and best use of a right is the use that gives the right the highest monetary value.

That use corresponds to the use of the right as at the date of expropriation or to the use determined by taking into account, as at the date of expropriation, all of the following criteria:

(1) the use is feasible for the immovable due to its dimensions, form, area, topography and composition;

(2) the use is allowed under the laws of Québec and Canada and the regulations enacted under such laws, including municipal by-laws, or is protected by rights acquired as at the date of expropriation;

(3) the use must show a positive return in terms of net income;

(4) it is not only possible but probable that the use will materialize within three years after the date of expropriation;

(5) there exists a demand on the market for the right assessed for that use; and

(6) the use is that which brings the highest value to the immovable from among all possible uses under this paragraph.

For the purposes of subparagraph 4 of the second paragraph, the probability that the use materializes must be assessed in the same way as for an acquisition by agreement in the free market. Furthermore, a possible amendment to the laws of Québec and Canada and to the regulations enacted under such laws, including municipal by-laws, must in no case be taken into account so as to allow uses other than those possible as at the date of expropriation.

Despite the second paragraph, a municipal planning by-law that could reduce or increase the value of the expropriated immovable must not be taken into consideration if it is adopted before the date of expropriation and its purpose is to allow the carrying out of the expropriating party's project or to reduce the costs of the expropriation. In such a case, the Tribunal may take into consideration the planning standards applicable before the adoption of that by-law.

88. Where the market value of a right is established according to a use of the immovable other than the use made as at the date of expropriation, it must be adjusted by deducting, if applicable,

(1) the costs of demolishing the existing structures; and

(2) the costs of work related to decontaminating the soil of the immovable if the holder of a right in the immovable is required to decontaminate the immovable under a law of Québec or of Canada or under a contract, or in order to bring it into conformity for the intended use.

89. The redevelopment indemnity corresponds to the costs incurred to redevelop the immovable or, as applicable, the rented or occupied part of the immovable, in particular by restructuring and modifying its configuration or relocating some of its components.

90. The displacement indemnity corresponds in particular to the costs incurred to move a structure, reinstall it and connect it to the public service networks.

91. The enterprise closure indemnity corresponds to the sum of

(1) the inventory value determined in accordance with generally accepted accounting principles;

(2) the market value of the corporeal assets; and

(3) the market value of the incorporeal assets, in particular goodwill.

Despite the first paragraph, where the divested party keeps any assets or inventory, their value or market value is deducted from the sum.

92. The market value of the corporeal assets corresponds to the selling price of those assets

(1) that is the most probable; and

(2) that is established

(*a*) as at the date of expropriation,

(*b*) according to the highest and best use of the assets, and

(*c*) in a free and open market that meets the following conditions:

i. the parties are properly informed of the condition of the corporeal assets and of the market conditions and have reasonable knowledge of the highest and best use of the assets,

ii. the corporeal assets were put up for sale for a sufficient period, taking into account their nature, the significance of the price and the economic situation, and

iii. all considerations extraneous to the corporeal assets themselves, such as advantageous financing conditions for the acquirer or other conditions or advantages granted to the latter as an incentive to acquire the assets, are disregarded.

93. The equivalence indemnity corresponds to the acquisition costs of the corporeal assets that cannot be relocated, to the acquisition costs of the materials and to the costs of the work that are required to give the substitute immovable characteristics equivalent to those of the expropriated immovable or, as applicable, to those of the leased or occupied part of the expropriated immovable and necessary for the use of the immovable as at the date of expropriation.

The difference between the lesser of the following amounts, that is, the acquisition cost of the substitute immovable or its market value as at the date of acquisition, and the market value of the expropriated right must be added to those costs if

(1) the expropriated right is a right of ownership in all of the immovable;

(2) the expropriated party's residence is or was part of the expropriated immovable;

(3) the expropriated party owns the substitute immovable or has accepted a promise of sale for that immovable;

(4) the expropriated party has established its residence on the substitute immovable or, in the case of a promise of sale for that immovable, will do so;

(5) the substitute immovable is equivalent to the expropriated immovable; and

(6) the expropriated party renounces the indemnity provided for in section 117.

However, where the expropriated party becomes the owner of the substitute immovable or, as applicable, accepts a promise of sale for that immovable after the date that is one year after the date of expropriation, the difference between the lesser of the following amounts, that is, the acquisition cost of the substitute immovable or its market value as at the date that is one year after the date of expropriation, and the market value of the expropriated right must be added instead.

For the purposes of the second and third paragraphs, where the expropriated party's residence is only part of the substitute immovable or expropriated immovable, the market value or the acquisition cost of the immovable concerned must cover that part only.

The contributive value of the characteristics that the substitute immovable possesses and that the expropriated immovable or, as applicable, the leased or occupied part of the expropriated immovable is not endowed with must, however, be deducted from the total of the costs established under the first paragraph and from the amount established under the second paragraph.

94. The indemnity for the replacement of buildings and improvements corresponds to the sum

(1) of the costs required, as at the date of reconstruction, to construct a building of equivalent area and usefulness as those of the expropriated building; and

(2) of the costs of the land improvements and of the landscaping required to redevelop the remainder or develop new land in a manner that is equivalent to that which is expropriated.

95. In establishing an indemnity under this subdivision II, the costs are valuated taking into account that the work must be carried out using similar and modern materials equivalent to those of the expropriated immovable or, as applicable, to those of the leased or occupied part of the expropriated immovable, according to current construction standards and according to current development concepts and methods, and taking into account the legal and contractual constraints.

III. — *Indemnity in reparation for injuries*

96. The indemnity in reparation for injuries corresponds to the actual cost at present value of the material injuries directly caused by the expropriation, whether or not referred to in sections 97 to 100, and suffered by the divested party.

In the case of a total or partial expropriation of the residence of a lessee or of an occupant in good faith, the latter is entitled to an indemnity in reparation for injuries that is equivalent to at least an amount corresponding to three months' rent, which is established in accordance with the fifth paragraph of section 14, and to moving expenses.

97. The fees paid by the divested party for expert evidence that was useful and relevant for the determination of an indemnity provided for by this Act and proportionate to the nature and complexity of the matter are material injuries directly caused by the expropriation.

98. Loss of net profit that is not related to the project of an enterprise is a material injury directly caused by the expropriation. That loss corresponds to the present value of

(1) the margin loss on the pre-tax variable costs, in the first year of loss of net profit; and

(2) the loss of pre-tax net profit, in the following years.

Loss of net profit sustained after the date of discontinuance of an enterprise is not a material injury directly caused by the expropriation.

99. Loss of net profit related to the project of an enterprise is a material injury directly caused by the expropriation. Such a loss corresponds to the pre-tax net discounted cash flow value determined for the project. Such a project must meet all of the following conditions:

(1) the project is feasible in respect of the immovable due to its dimensions, form, area, topography and composition;

(2) the project is allowed under the laws of Québec and Canada and the regulations enacted under such laws, including municipal by-laws, or is protected by rights acquired as at the date of expropriation;

(3) the project is economically feasible by the divested party;

(4) the construction work for the project's implementation is set to begin within three years following the date of expropriation;

(5) all preliminary steps to implement the project have been completed, such that it is free from any contingency that could prevent, delay or make conditional its carrying out;

(6) the project has obtained all the permits, authorizations and approvals required by a law of Québec or of Canada, or a regulation enacted under such a law, including a municipal by-law, or the divested party benefits from acquired rights with regard to the carrying out of the project;

(7) the divested party has the financial capacity to carry out the project;

(8) the project is economically profitable;

(9) the project has not been carried out due to the expropriation; and

(10) the divested party cannot carry out its project on another immovable.

Where all the conditions for carrying out the project set out in subparagraphs 1 to 9 of the first paragraph are met, but, contrary to the condition set out in subparagraph 10 of that paragraph, the divested party can carry out the project on another immovable, only the difference between the net profit that would have been made on the expropriated immovable and the net profit normally made on an immovable having no special traits constitutes the loss of net profit related to the project of an enterprise.

100. The costs required to temporarily redevelop the immovable of a divested party or to temporarily relocate the divested party during the work required to redevelop the immovable or the part of the immovable the divested party leases or occupies, to move a structure or to relocate or reinstall the divested party are material injuries directly caused by the expropriation.

101. The following injuries directly caused by the expropriation may not be the subject of the indemnity provided for in section 96:

(1) damages sustained for a use other than the use retained in determining the highest and best use;

(2) damages already compensated by another part of the final indemnity or taken into account in the determination of that indemnity;

(3) loss of appreciation of the expropriated immovable;

(4) damages associated with leases granted while a reserve is in effect, to the extent that the term of the leases exceeds the time still to run before the expiry of the reserve; and

(5) damages associated with a use that is prohibited by a tribunal, that contravenes a law of Québec or of Canada, or a regulation enacted under such a law, including a municipal by-law, or that is prejudicial to the health of the occupants of the immovable or to public health.

102. The following, in particular, are not injuries directly caused by the expropriation:

(1) damages sustained prior to the date of expropriation;

(2) damages sustained as a result of the project of the expropriating party or, if applicable, of the party on whose behalf the expropriating party is carrying out the expropriation, in particular,

(*a*) damages caused by the preparatory work,

(*b*) damages caused by the construction work, including any damages caused by the presence of noise and dust or by blasting,

(*c*) loss of profit or goodwill, including profit or goodwill that the project of the expropriating party or, if applicable, of the party on whose behalf the expropriating party is carrying out the expropriation could have provided to the divested party had the expropriation not taken place,

(*d*) damages resulting from the additional distance travelled by a divested party due to road network obstacles caused by the project or the work related to it, and

(*e*) damages caused by the presence of an infrastructure constructed on the expropriated immovable;

(3) damages sustained at the time of the expropriation through the fault of the divested party or a third person or that result from superior force;

(4) the part of the cost of improvements made to the remainder or to a substitute immovable or the part of the acquisition cost of such an immovable that exceeds that which is required to restore the divested party's situation and that enriches that party while other solutions were possible;

(5) damages caused to an immovable that does not belong to the expropriated party or that is not the subject of the rental or occupation disclosed by the expropriated party;

(6) the payment of transfer duties provided for in the Act respecting duties on transfers of immovables (chapter D-15.1);

(7) the payment of an indemnity claimed by a creditor of the expropriated party due to a payment made under this Act;

(8) the payment of taxes on the amounts received by a divested party or on the rights transfered to the expropriated party under this Act;

(9) the payment of the lawyers' professional fees; and

(10) the payment of the notaries' professional fees, except those paid for the preparation of a deed of acquisition of an immovable, for its signature by the parties and for registration of the deed in the land register.

IV. — *Indemnity for loss of suitability value*

103. The indemnity for loss of suitability value corresponds to the loss suffered by a divested party due to the personal value the divested party attributes to the immovable and that a buyer normally does not take into account.

That indemnity may be claimed only where the divested party's residence is part of the expropriated immovable.

104. The indemnity for loss of suitability value may not exceed $30,000.

The maximum indemnity amount is adjusted by operation of law on 1 January of each year, according to the rate corresponding to the annual change in the overall average Québec consumer price index without alcoholic beverages, tobacco products and recreational cannabis for the 12-month period ending on 30 September of the year preceding that for which the maximum indemnity amount is to be adjusted. The adjusted amount is rounded down to the nearest dollar if it includes a dollar fraction that is less than $0.50, or up to the nearest dollar if it includes a dollar fraction that is equal to or greater than $0.50. The

application of this indexation rule may not decrease the indemnity amount below its pre-adjustment level. The Minister publishes the result of the adjustment in the *Gazette officielle du Québec*.

V. — *Indemnity for trouble, nuisance and inconvenience*

105. The indemnity for trouble, nuisance and inconvenience corresponds to the value of direct, material and certain damages sustained by the divested party and caused by the expropriation procedure, in particular for loss of time attributable to the preparation of the case and to that party's participation in the meetings.

The indemnity may be claimed only by the following divested parties:

(1) a divested party whose residence is part of the expropriated immovable; and

(2) a divested party who meets the following conditions:

(*a*) it is a natural or legal person, a general or limited partnership, an association or another group not endowed with juridical personality, and

(*b*) a maximum of 10 persons bound to it by an employment contract were under its direction or control at any time during the 12-month period preceding the date of expropriation, in the case of an expropriated party, or the date of service of the notice to vacate the expropriated immovable, in the case of a lessee or an occupant in good faith.

106. The indemnity for trouble, nuisance and inconvenience may not exceed $10,000.

The maximum indemnity amount is adjusted by operation of law in accordance with the second paragraph of section 104.

§4. — *Determination of the final indemnity*

107. The Administrative Tribunal of Québec determines the amount of an expropriated party's final indemnity by retaining the highest indemnity among the final indemnities established according to

(1) a use other than the use as at the date of expropriation, if that use is the highest and best use;

(2) the approach based on the re-establishment theory; or

(3) the compensation approach that grants the lesser of the indemnities among those provided for in subparagraphs 1 to 5 of the first paragraph of section 75.

For the purposes of the first paragraph, the Tribunal takes into account only the uses and approaches that are applicable and that have been proven by the parties.

108. Where a right is in lieu of indemnity in accordance with section 11, the Tribunal determines

(1) the right that is transferred and the immovable or part of the immovable in which the right is held;

(2) if the right is a dismemberment of the right of ownership,

(*a*) the nature of the dismemberment,

(*b*) the duration of the dismemberment, and

(*c*) if applicable, the rights and conditions related to the exercise of the dismemberment; and

(3) the market value of the right.

109. Where the Tribunal determines that the expropriated party must move a structure in accordance with the second or third paragraph of section 78, it determines

(1) the immovable onto which the structure must be moved;

(2) the time allotted for moving the structure;

(3) the displacement indemnity to which the expropriated party is entitled to move the structure, reinstall it and connect it to the public service networks; and

(4) the market value of the transferred right where the structure is moved to an immovable owned by the expropriating party.

The displacement indemnity to which the expropriated party is entitled to move the structure, reinstall it and connect it to the public service networks may be reviewed when the final indemnity is determined.

110. One-half of the displacement indemnity determined under subparagraph 3 of the first paragraph of section 109 must be paid to the expropriated party before the displacement and the other half immediately afterwards.

111. If the expropriated party fails to comply with the Tribunal's decision rendered under section 109, within the prescribed time, the expropriating party may itself have the displacement work carried out and have the structure of the expropriated party placed at the location determined by the Tribunal; to that end, it may have recourse to the execution proceedings provided for in section 44.

112. Where a decision of the Tribunal provides that a right in an immovable is to be transferred to the expropriated party, the Tribunal's decision must indicate, in particular,

(1) the description of the immovable in which the transferred right is held;

(2) the right that is transferred;

(3) where the right is a dismemberment of the right of ownership,

(*a*) the nature of the dismemberment;

(*b*) the duration of the dismemberment; and

(*c*) if applicable, the rights and conditions related to the exercise of the dismemberment;

(4) the description of the expropriated immovable;

(5) the right that is acquired by expropriation; and

(6) where the right is a right of ownership, the prior claims, hypothecs or charges against the expropriated immovable that must be carried over to the transferred immovable and cancelled on the expropriated immovable.

113. The decision referred to in section 112 is filed by the expropriating party with the Land Registrar for registration in the land register. The decision must be accompanied by a sworn statement from the expropriating party, made at least 30 days after the date of the decision, in which it is stated that the decision cannot be appealed, that the decision has been confirmed on appeal or that, as applicable, the time limits to make an application for leave to appeal having expired, the decision was not the subject of an appeal or of an application for review or revocation.

The expropriated party becomes the holder of the right referred to in paragraph 2 of section 112 on the date of the registration. Where applicable, the prior claims, hypothecs and charges against the expropriated immovable are carried over by the Land Registrar to the immovable transferred to the expropriated party. This carrying-over of those prior claims, hypothecs and charges preserves their opposability at their initial rank. The Land Registrar must also cancel the prior claims, hypothecs and charges registered against the expropriated immovable and that were carried over.

The expropriating party notifies to the expropriated party, without delay, the certified statement of the registration in the land register.

The carrying-over provided for in the second paragraph may not constitute a failure by the debtor as regards the debtor's privileged and secured creditors.

114. Where the decision on the transfer to the expropriated party of a right in an immovable has been the subject of an appeal or judicial review and the resulting decision authorizes the transfer, the expropriating party instead files the latter decision with the Land Registrar for registration in the land register. The sworn statement accompanying the decision must then state that the decision is not the subject of an application for judicial review, of an appeal or of an application for revocation of judgment.

115. The Tribunal determines the amount of the final indemnity of a lessee or occupant in good faith on the basis of the compensation approach that grants the lesser of the indemnities, among those provided for in section 75, that are applicable and that have been proven by the parties.

116. Despite subparagraph 3 of the first paragraph of section 107 or section 115, the Tribunal may grant an indemnity other than the lesser one where it considers that the public interest justifies it, in particular if the operation of the enterprise or the carrying on of institutional activities is essential to the community.

117. Where the transfer of the expropriated right is effected more than six months after the date of expropriation, the Tribunal adds to the expropriated party's indemnity an indemnity to compensate for loss of appreciation of the expropriated right.

That indemnity is calculated by applying to the market value of the expropriated right a percentage equal to the legal rate for the period that begins on the first day of the seventh month after the date of expropriation until the date on which the transfer is effected.

Despite the first paragraph, that indemnity must not be added to the expropriated party's indemnity if the latter renounces it and receives the part of the equivalence indemnity provided for in the second or, as applicable, in the third paragraph of section 93.

118. Where the transfer of the expropriated right is effected more than 18 months after the date of expropriation, in the case of a right in an immovable that is subject to a reserve as at that date, or more than three years after the date of expropriation, in any other case, the Tribunal adds to the divested party's indemnity an indemnity to compensate for the inconveniences related to the duration of the expropriation procedure.

That indemnity corresponds to the product obtained by multiplying the amount of the final indemnity by a percentage equivalent to twice the legal rate. However, where the product obtained is less than $1,000, the indemnity corresponds to $1,000 and where the product is greater than $50,000, the indemnity corresponds to $50,000.

The minimum and maximum amounts of the indemnity provided for in the second paragraph are indexed by operation of law in accordance with the second paragraph of section 104.

The Tribunal may decide, on an application by the expropriating party notified to the divested party, not to award that indemnity to the divested party if the expropriating party establishes before the Tribunal that it was unable, for reasonable cause, to comply with the time limit and if, in the opinion of the Tribunal, the divested party suffers no serious injury therefrom.

119. The Tribunal deducts from the amount of the final indemnity granted

(1) the market value of the right belonging to the expropriating party that was transferred to the expropriated party;

(2) the amounts paid by the expropriating party under section 110 as a displacement indemnity if the expropriating party was obliged to have the displacement work carried out itself as well as, if applicable, the expenses and the damages in reparation for any injury caused to the person who had to make the displacement themself; and

(3) the expenses incurred by the expropriating party to evict the divested party following a judgment rendered under section 44.

120. Where the amount of the final indemnity is less than the cumulative amount of the provisional indemnities paid, the Tribunal orders the restitution of the difference.

121. Interest accrues at the legal rate,

(1) from the date of the transfer of the expropriated right, on the following values, costs or indemnities:

(*a*) the market value of the expropriated right, after deducting, if applicable, the market value of the right transferred to the expropriated party,

(*b*) the market value of the expropriated land, if the expropriated party re-establishes itself on land it owns;

(*c*) the indemnity for loss of suitability value, and

(*d*) the indemnity for trouble, nuisance and inconvenience;

(2) from the date of acquisition of the new land referred to in subparagraph 1 of the second paragraph of section 84, on the cost of the land;

(3) from the date that is three years after the date of expropriation, on the indemnity to compensate for inconveniences related to an expropriation procedure added under section 118; and

(4) from the date on which the expense or damage occurs, on the following indemnities:

(*a*) the displacement indemnity,

(*b*) the redevelopment indemnity,

(*c*) the enterprise closure indemnity,

(*d*) the equivalence indemnity,

(*e*) the indemnity for the replacement of buildings and improvements, and

(*f*) the indemnity in reparation for injuries.

For the purpose of calculating interest added under the first paragraph, the provisional indemnities paid for each of those compensation items must be deducted from the values, costs and indemnities.

In addition, indemnities that must be returned by the divested party do not bear interest.

Despite the first paragraph, if a delay is attributable to the divested party, the Tribunal may suspend, for the period it determines, the application of the interest rate on a value, cost or indemnity.

§5. — *Determination of damages and of the indemnity and order for the restitution of provisional indemnities*

122. On an application by the divested party made in accordance with the second paragraph of section 16, the Administrative Tribunal of Québec awards, where appropriate, damages in reparation for the injury resulting from the registration in the land register of a notice of transfer of right in contravention of the first paragraph of that section.

123. On an application by the divested party made in accordance with the first paragraph of section 21, the Tribunal awards, where appropriate, damages in reparation for the injury resulting from the expropriation procedure.

124. On an application by the divested party made in accordance with the first paragraph of section 34, the Tribunal awards, where appropriate, damages in reparation for the injury resulting from the expropriating party's discontinuance of its expropriation procedure.

125. On an application by the divested party made in accordance with the second paragraph of section 163, the Tribunal awards, where appropriate, the indemnity provided for in the first paragraph of that section.

126. On an application by the expropriating party made in accordance with the second paragraph of section 21 or the second paragraph of section 34, the Tribunal may, if it considers it appropriate and after compensation for damages, if applicable, order the restitution of all or part of the indemnities.

127. Damages and the indemnity awarded under sections 122 to 125 bear interest at the legal rate, from the date on which the injury occurs.

When calculating interest, the amount of the provisional indemnities paid must be deducted from the amount of the damages and the indemnity, if applicable.

§6. — *Legal costs*

128. The legal costs of a proceeding comprise the professional fees and expenses for the service or notification of pleadings and documents, witness indemnities and allowances as well as, if applicable, the fees of the divested party based on the tariff determined by a government regulation enacted under section 92 of the Act respecting administrative justice, interpreter fees and fees for registration in the land register. They also include the costs related to taking and transcribing testimony filed in the record of the Administrative Tribunal of Québec, if that is necessary.

Those costs are owed to the divested party.

129. Where the Superior Court grants the application of the expropriated party contesting the right to expropriate, upon a discontinuance or where the expropriating party acts in bad faith within the context of the expropriation procedure or the proceeding to determine the final indemnity, the Tribunal must, after hearing the parties, order the expropriating party to pay to the divested party, as legal costs, an amount that it considers fair and reasonable to cover the professional fees of the other party's lawyer or, if the other party is not represented by a lawyer, to compensate the other party for the time spent on the case and the work involved, which must have been incurred for the purpose of determining a provisional indemnity or final indemnity.

130. Legal costs bear interest at the legal rate from the date of the decision awarding them.

131. On a written notice by the divested party, notified to the expropriating party and the Tribunal at least 30 days before they are submitted for taxation, the legal costs applied for by the divested party are taxed by the secretary of the Tribunal or by any other person designated by the president of the Tribunal.

A party may, within 30 days of the decision relating to the taxation, contest it before the members of the Tribunal who presided over the hearing by means of a notice notified to the secretary and to the other party.

132. The homologated decision on the taxation of the legal costs is executed in accordance with the rules of provisional execution provided for in the Code of Civil Procedure.

CHAPTER IV

DEPOSIT OF AN INDEMNITY IN THE OFFICE OF THE SUPERIOR COURT

133. When the expropriating party deposits an indemnity in the office of the Superior Court on behalf of the expropriated party, the clerk must obtain from the Land Registrar, at the expense of the expropriating party, the certified statement of the subsisting hypothecs and charges provided for in article 3019 of the Civil Code for the expropriated immovable. However, the expropriated party may take the initiative to provide the necessary documents to the clerk.

The clerk must without delay give notice of the deposit to the municipality, the school service centre or school board responsible for collecting property taxes for the territory in which the expropriated immovable is situated as well as to the other creditors identified in the certified statement. The notice specifies that the creditor must, within one month after notification of the clerk's request, indicate to the clerk the amount of the creditor's claim as at the date indicated in the notice.

Where a creditor fails to reply to the clerk within the month after notification of the notice, the creditor's claim is considered extinguished for the purposes of the collocation.

Where the clerk finds no claim secured by a prior claim or by a hypothec against the expropriated immovable, the expropriated party may withdraw the indemnity. Otherwise, the indemnity is distributed to the creditors according to the rules provided in the case of a seizure in execution of immovable property without, however, any collocation of legal costs and, if the amount of the indemnity does not exceed $1,000, without the formality of a collocation scheme.

When the distribution has been completed, the clerk sends the expropriating party and the expropriated party the collocation scheme and a certificate stating, as applicable,

(1) that no prior claim or hypothec encumbers the expropriated immovable;

(2) that the distribution of the indemnity has extinguished all claims secured by a prior claim or a hypothec against the expropriated immovable; or

(3) the claims secured by a prior claim or a hypothec that are extinguished and those that continue to encumber the expropriated immovable.

The expropriated party may then withdraw any remaining balance.

134. The clerk must complete the distribution and send the documents provided for in the fifth paragraph of section 133 within three months after the deposit of the indemnity, unless, for serious reasons, the Superior Court has extended that time limit.

Where a clerk does not complete the distribution or send the documents within the three-month time limit or, if applicable, within the extended time limit, the Chief Justice of the Superior Court may, on their own initiative or on an application by one of the parties, withdraw the matter from the clerk. Before granting an extension or withdrawing a matter from the clerk, the Chief Justice must take account of the circumstances and of the interests of the parties. If applicable, the Chief Justice may order that the record be continued and completed by another clerk.

The clerk sends the Chief Justice, according to the instructions given by the latter, a list of all the cases in the district that have been pending for more than three months.

135. The Land Registrar must cancel the prior claims and the hypothecs registered on the expropriated immovable in order to secure a claim when it appears from a certified statement of the clerk that the distribution of the indemnity has extinguished that claim or that the creditor failed to reply to the clerk within the time allotted as regards the amount of existing claims. In the latter case, the expropriated party remains personally liable for paying the claims.

136. Where the expropriated immovable is encumbered with prior claims or hypothecs, where all the provisional indemnities due to the expropriated party have been deposited in the office of the Superior Court and where the expropriating party deposits the final indemnity in the office of that court, the prior claims and the hypothecs are discharged by registration in the land register of the receipts for such deposits, as are actions in resolution, actions in revendication or other real actions which are converted into personal claims against the expropriated party.

The Land Registrar is required to cancel the rights so discharged.

137. Where the expropriating party cannot pay an indemnity to a lessee or occupant in good faith, in particular because of the latter's refusal or negligence, the expropriating party may deposit the indemnity in the office of the Superior Court on behalf of the lessee or occupant in good faith. The latter may withdraw the indemnity at any time.

CHAPTER V

MISCELLANEOUS PROVISIONS

138. A payment made under this Act to a creditor of the expropriated party does not constitute advance repayment for which the creditor may claim an indemnity.

139. The effects of any clause of forfeiture of term or of any resolutory clause are extinguished by the transfer of the expropriated right.

The registration of the clause is cancelled on presentation by any interested person to the Land Registrar of an application referring to the constituting act of the clause and to the act that terminates it.

140. The expropriating party or the party on whose behalf the expropriating party is carrying out the expropriation must offer to reconvey a lot acquired by expropriation back to the party from whom the lot was acquired, if the lot is situated in an agricultural zone, if the lot is used for the practice of agriculture or if the lot, due to the purposes of the expropriation, has been excluded from an agricultural zone or has been authorized for a use other than agriculture.

The expropriating party or the party on whose behalf the expropriating party is carrying out the expropriation must send the offer of reconveyance to the party from whom the lot was acquired

(1) within one year after a final decision denying the application to exclude the lot from the agricultural zone or the application to use the lot for purposes other than agriculture if the expropriating party or the party on whose behalf the expropriating party is carrying out the expropriation may not use the lot for the purposes of the expropriation due to that decision;

(2) within one year after the transfer of ownership of the lot to the expropriating party or the party on whose behalf the expropriating party is carrying out the expropriation if the party must, to use the lot for the purposes of the expropriation, obtain, under the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1), an authorization to exclude the lot from the agricultural zone or to use it for purposes other than agriculture, and if they have not made any application to that end or, if applicable, obtained an authorization under section 66 of that Act; or

(3) within three years after the decision of the expropriating party or of the party on whose behalf the expropriating party is carrying out the expropriation to no longer use the lot for the purposes of the expropriation

(*a*) if the lot has been excluded from an agricultural zone;

(*b*) if a use of the lot for purposes other than agriculture has been authorized; or

(*c*) if no authorization is required under that Act or its regulations.

That offer must be equal to the market value of the lot established as at the date of the offer of reconveyance and, if applicable, the expropriating party or the party on whose behalf the expropriating party is carrying out the expropriation pays the notaries' professional fees required for the preparation of the deed of reconveyance, for its signature by the parties and for the registration of the deed in the land register.

If the lot is no longer situated in an agricultural zone when the decision to make an offer of reconveyance is made, the expropriating party or the party on whose behalf the expropriating party is carrying out the expropriation must, prior to that offer, apply to have the lot included again in an agricultural zone in accordance with section 58 of the Act respecting the preservation of agricultural land and agricultural activities. That application is not subject to section 58.5 of that Act. However, sections 67 to 69 of that Act apply, with the necessary modifications.

For the purposes of this section and of sections 141 and 244,

(1) "lot" means a lot within the meaning of subparagraph 8 of the first paragraph of section 1 of the Act respecting the preservation of agricultural land and agricultural activities; and

(2) "agriculture" means agriculture within the meaning of subparagraph 1 of the first paragraph of section 1 of that same Act.

141. In case of disagreement over the market value of the lot in respect of which reconveyance was offered, the expropriating party, the party on whose behalf the expropriating party is carrying out the expropriation or the party from whom either one had acquired the lot may apply to the Administrative Tribunal of Québec to have the market value determined. The application must be served on the other party.

The rules of evidence and procedure provided for in sections 55 to 57 and, if applicable, in sections 58 to 69 apply to the application, with the necessary modifications. The Tribunal determines the market value of the lot established as at the date of the offer of reconveyance. It also rules on the legal costs, in accordance with sections 128 to 132.

PART II

PREPARATORY WORK

142. Within the meaning of this Part, "preparatory work" means any type of work, including inventories, surveys, examinations and analyses, carried out on another's immovable or in it for the purpose of gathering data about the immovable that is to be used for obtaining an authorization for a project, for designing the project or for its construction.

This Part does not apply, however, to preparatory work carried out under section 95 of the Municipal Powers Act (chapter C-47.1), section 9 of the Act respecting the Ministère des Transports (chapter M-28), section 19 of the Act respecting the acceleration of certain infrastructure projects (chapter A-2.001) and the second paragraph of section 7 of the Act respecting the Hertel-New York interconnection line (2023, chapter 7).

143. Anyone who may expropriate an immovable under the law may carry out preparatory work on the immovable or in it without having to obtain the decisions or authorizations required to carry out the expropriation, but for the same purposes. The party on whose behalf a person may expropriate the immovable under the law may also carry out the work, to the extent that the latter person has given their authorization.

For the purposes of the first paragraph, the employees of a person who may carry out preparatory work or the persons the latter authorizes may move about on an immovable or enter the immovable at any reasonable time. They must, on request, identify themselves and show a document attesting their capacity.

In addition, persons who may carry out preparatory work are bound to give the owner or any other person in charge of the immovable prior notice of at least 10 days of their intention to move about on the immovable or enter the immovable, indicating in the notice the purposes for which the work is required and the nature of the work.

The owner or any other person in charge of the immovable who receives such a prior notice must notify, at least five days prior to the date on which the person who may carry out preparatory work intends to move about on the immovable or enter the immovable, the lessees and occupants in good faith who rent or occupy the immovable concerned by the work of the content of the notice.

144. The person who carries out preparatory work is required to restore the premises and to make reparation for any injury suffered by the owner and directly caused by the work, if applicable. The owner may, within six months after the completion date of the preparatory work or the completion date of the restoration work, whichever date is later, apply to the Administrative Tribunal of Québec for damages in reparation for the injury suffered. This time limit is a strict time limit.

The rules of evidence and procedure provided for in sections 55 to 57 and, if applicable, sections 58 to 69 apply to the application, with the necessary modifications.

The Tribunal awards, where appropriate, damages and the indemnity for trouble, nuisance and inconvenience in accordance with subdivision V of subdivision 3 of Division III of Chapter III of Title III of Part I, with the necessary modifications. The Tribunal also rules on legal costs, in accordance with sections 128 to 132, and on the interest.

PART III
RESERVE

TITLE I
GENERAL PROVISIONS

145. A reserve prohibits, during its term, any construction on the immovable on which the reserve is established and any improvement and addition to it, except necessary repairs.

The first paragraph does not prohibit any construction on the immovable or any improvement or addition to it if such work results from a measure provided for in section 231 of the Mining Act (chapter M-13.1) or from a rehabilitation and restoration plan provided for in section 232.1 of that Act.

146. Anyone who may expropriate an immovable may establish a reserve on that immovable for the purposes for which they are authorized to expropriate the immovable and subject to having obtained the same decisions or authorizations as those required for the expropriation, with the necessary modifications.

147. Despite section 146, no reserve may be established on an immovable on which a reserve was established in the preceding two years, unless that reserve has been invalidated.

148. No reserve may be established on an immovable that forms part of the domain of the State.

TITLE II
PROCEDURE FOR ESTABLISHING A RESERVE

149. A person wishing to establish a reserve on an immovable must register a notice of establishment of a reserve in the land register. The notice contains, in particular,

(1) the description of the immovable to be reserved;

(2) a precise statement of the purposes for which the reserve is established; and

(3) the information text established by the Minister.

The notice must be accompanied by an extract from the cadastre of Québec showing the immovable to be reserved where the reserve concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the immovable to be reserved signed by a land surveyor.

Those documents, accompanied by the certified statement of registration in the land register of the notice of establishment of the reserve, must be served on the holder of a right in the reserved immovable.

150. The right holder must, within 30 days after service of the notice of establishment of the reserve, send to the person establishing it the leases and any other written agreements entered into with the lessees of the reserved immovable. In the absence of such agreements, the right holder must send, in writing, the names and addresses of the lessees and occupants in good faith of the reserved immovable as well as the nature and term of each lease or agreement, the date they were entered into, the details of what they include and the amount of the rent or the conditions on which the lessees or the occupants in good faith occupy the reserved immovable.

A lessee whose lease is not registered in the land register and an occupant in good faith are entitled to damages in reparation for the injury resulting from failure by the right holder to disclose their name and their address in accordance with the first paragraph to the person who establishes a reserve on the immovable.

The person who acquires a right in the reserved immovable as well as the lessee and the occupant in good faith whose rental or occupation of the immovable begins after service of the notice of establishment of a reserve may not claim any indemnity from the person establishing the reserve on that immovable. The right holder must disclose to that lessee or to that occupant in good faith the existence of the reserve. Any right holder who fails to do so is alone responsible for any injury resulting from that failure.

151. The person establishing the reserve must, within 30 days after receipt of the documents or information referred to in the first paragraph of section 150, serve on the lessee and the occupant in good faith a document informing them of the existence of the reserve on the leased or occupied immovable.

The document contains, in particular,

(1) the description of the reserved immovable;

(2) a precise statement of the purposes for which the reserve is established;

(3) the date on which the reserve is to end; and

(4) the information text established by the Minister.

The document must be accompanied by an extract from the cadastre of Québec showing the reserved immovable where the reserve concerns a whole lot situated in a territory that has been the subject of a cadastral renewal or, in any other case, by a plan of the reserved immovable signed by a land surveyor.

152. The reserve takes effect on the date of registration of a notice of establishment of a reserve in the land register and remains in effect for a four-year period.

A reserve may be set up against

(1) the holder of a right in the reserved immovable as at the date of registration of the notice of establishment of a reserve in the land register, only from the date on which that notice is served on the right holder; and

(2) the lessee or the occupant in good faith who leases or occupies that immovable as at the date of service of the notice of establishment of a reserve on the right holder, only from the date on which the document referred to in section 151 is served on the lessee or the occupant in good faith.

153. The holder of a right in a reserved immovable as well as the lessee and the occupant in good faith of a reserved immovable who carry on activities on the immovable, as at the date of establishment of the reserve, may, for serious reasons, request from the party imposing the reserve an authorization to carry out a construction, an improvement or an addition necessary for carrying on those activities.

If the party imposing the reserve denies that authorization, the right holder, the lessee and the occupant in good faith may apply to the Superior Court for an authorization to carry out the construction, improvement or addition. The application must be filed in the office of the Superior Court and notified to the person establishing the reserve. The application must be heard and decided on an urgent basis and the judgment rendered cannot be appealed.

The Superior Court may, on the conditions it determines, grant the authorization if the construction, improvement or addition the right holder, the lessee or the occupant in good faith wishes to carry out is the only option possible for ensuring the continuation of the activities.

TITLE III

CHANGE OF PURPOSES AND TRANSFER

154. The person establishing a reserve on an immovable may change the purposes for which it was established to the extent that the person may establish a reserve for those new purposes. In such a case, the person must obtain the same decisions or authorizations as those required to establish the reserve for those new purposes.

A notice of change of purposes must be notified to the right holder and registered in the land register.

155. The benefit of a reserve may be transferred by the person establishing it, for any purpose and to anyone having the capacity to establish it.

156. The benefit of a reserve is acquired in accordance with the procedure for establishing a reserve provided for in Title II. The notice mentioned in section 149 must, however, contain a statement indicating that the notice concerns the acquisition of the benefit of the reserve in force.

157. The transferee is deemed to be the person establishing the reserve.

TITLE IV
CONTESTATION

158. A reserve may be declared invalid if the person establishing it does not have the power to do so or if the procedure for establishing a reserve provided for in Title II has not been complied with.

Despite the first paragraph, a reserve may not be declared invalid if the person establishing it has remedied the reason for invalidity by making the required corrections to any errors in writing or calculation, or any other clerical error.

159. A contestation of the validity of a reserve and an application for the cancellation of the notice of establishment of a reserve are made in the manner provided for in sections 17 to 21, with the necessary modifications.

Despite the first paragraph of section 17, an application to contest the right to reserve an immovable need not be served on the Administrative Tribunal of Québec.

TITLE V
EXPIRY AND INDEMNITY

160. A reserve may be abandoned in all or in part by the person who has established it. Anyone abandoning a reserve must register a declaration of abandonment in the land register and serve it, within 30 days after the registration of the declaration, on the holder of a right in the reserved immovable and on the lessee and the occupant in good faith of the reserved immovable.

161. A reserve expires at the earliest of the following dates:

(1) the date of registration of the declaration of abandonment;

(2) the date of registration of a notice of expropriation; or

(3) the date on which the period for which it was established expires.

162. Where a reserve expires at the end of the period for which it was established, the Land Registrar must, at the request of any interested party, cancel the reserve after making sure that the period for which it was established has expired.

The costs for cancelling a reserve are, in all cases, borne by the person who established the reserve.

163. The establishment of a reserve gives rise to an indemnity, which corresponds to the sum of the indemnity in reparation for injuries and the indemnity for trouble, nuisance and inconvenience provided for in subdivisions III and V of subdivision 3 of Division III of Chapter III of Title III of Part I, with the necessary modifications. The indemnity may not include any amount with regard to the use that the right holder, the lessee or the occupant in good faith could have made of the reserved immovable without that reserve.

Where the right in the reserved immovable is the subject of an expropriation before the expiry of the reserve, the right holder, the lessee and the occupant in good faith may, in the context of the expropriation indemnity proceeding and within six months after the date of expropriation, apply to the Administrative Tribunal of Québec for the indemnity referred to in the first paragraph. That application must be notified to the expropriating party within the same time.

Where the right in the reserved immovable is not the subject of an expropriation before the end of the reserve, the application relating to the indemnity provided for in the first paragraph must be filed with the Tribunal within six months after the date on which the reserve expires or, as applicable, the date of notification referred to in section 160. The application must be notified to the person establishing the reserve within the same time. This time limit is a strict time limit.

164. Where the right holder or the lessee or the occupant in good faith files an application for an indemnity with the Tribunal, the person establishing the reserve must, within 30 days after the date on which the application for an indemnity is notified to them, file with the Tribunal the notice of establishment of the reserve and the plan of the reserved immovable.

If the reserve is followed by an expropriation, those documents are filed in the expropriation record.

165. The rules of evidence and procedure provided for in sections 55 to 57 and, if applicable, in sections 58 to 69 apply to an application for an indemnity made under the third paragraph of section 163, with the necessary modifications.

Where appropriate, the Tribunal grants the indemnity. It also rules on legal costs, in accordance with sections 128 to 132, and on the interest.

PART IV

TRANSFER OF RIGHT BY OPERATION OF LAW

166. For the purposes of this Part,

(1) "tunnel" also includes any underground infrastructure, in particular stations, depots, garages and parking lots; and

(2) "underground volume" means the volume occupied by the tunnel, by a 5-metre thickness surrounding the interior concrete wall of the tunnel and by the anchors required to immobilize the tunnel.

167. During work to construct a tunnel related to a transportation infrastructure project, the person who may carry out an expropriation for that project under the law or, if applicable, anyone on whose behalf a person may expropriate for that project under the law becomes, on commencement of the work, without any formality or indemnity but subject to an application for an indemnity in reparation for the injuries suffered as a result of the transfer of right, the owner of the underground volume if the upper limit of the exterior concrete wall of the tunnel is at least 15 metres underground. In addition, that person or the one on whose behalf a person may expropriate, as applicable, is deemed to hold a legal servitude established in favour of the underground volume and limiting the stress that may be applied to the upper surface of the volume to 250 kilopascals.

The person who undertakes such work must, on its commencement, serve on the holder of a right in the immovable concerned by that work a notice of the existence of the work and of the content of this section.

In the year following completion of the work, the new owner of the underground volume and holder of the servitude deposits in their archives a reproduction of a plan that complies with the requirements of the second paragraph of article 2841 of the Civil Code drawn up by a person the owner has authorized and showing the horizontal projection of the underground volume. The first paragraph of article 3042 of that Code applies, if applicable. The new owner then registers the plan in the Land Registry Office and the Land Registrar must receive the plan and make a notation of it in the land register.

The new owner must serve on the holder of a right in the immovable concerned by a transfer of right under this section a notice informing the right holder of the registration.

168. The holder of a right in an immovable concerned by a transfer of right provided for in section 167 who suffers an injury is entitled to the indemnities provided for in subdivisions III and V of subdivision 3 of Division III of Chapter III of Title III of Part I.

An application relating to the indemnity provided for in the first paragraph must be served on the new owner of the underground volume and holder of the servitude and filed with the Administrative Tribunal of Québec not later than six months after the date of service of the notice provided for in the fourth paragraph of section 167. This time limit is a strict time limit.

169. Where the right holder files with the Tribunal an application for an indemnity under section 168, the new owner of the underground volume and holder of the servitude must, within 30 days after the date on which the application is served on them, file with the Tribunal a plan showing the horizontal projection of the underground volume. However, that plan may be a provisional plan if the work is not completed when the plan is filed.

The rules of evidence and procedure provided for in sections 55 to 57 and, if applicable, in sections 58 to 69 apply to the application, with the necessary modifications.

170. The Tribunal grants, where appropriate, indemnities in reparation for the injuries suffered and indemnities for trouble, nuisance and inconvenience, in accordance with subdivisions III and V of subdivision 3 of Division III of Chapter III of Title III of Part I. The Tribunal also rules on the legal costs, in accordance with sections 128 to 132, and on the interest.

PART V

GENERAL PROVISIONS

171. No acquisition by expropriation procedure and no transfer of right by operation of law provided for by law may be exercised against property in the domain of the State, subject to an express provision of law.

172. Every description of an immovable provided for by this Act must be given in accordance with the prescriptions of the Civil Code.

173. Any notification provided for by this Act and not already governed by the Code of Civil Procedure must be given in accordance with articles 109 to 138 of that Code. If the Code provides that a method of notification requires an authorization, the authorization may be obtained from a member of the Administrative Tribunal of Québec.

174. A time limit described by this Act as a strict time limit may be extended only if the Superior Court or the Tribunal, as applicable, is convinced that it was impossible in fact for the party concerned to act sooner.

Where the Superior Court extends a time limit, it may relieve a party from the consequences of failing to comply with the time limit prescribed by law. The same applies to the Tribunal.

175. The information texts that must be established by the Minister are to be published on the website of the Ministère des Transports.

176. The homologation of a decision of the Tribunal by the Superior Court is obtained by the filing, by a party, of a reproduction that complies with the requirements of the second paragraph of article 2841 of the Civil Code of the Tribunal's decision in the office of the Superior Court in the district where the immovable to which the decision applies is situated.

A party who requests the homologation of the decision must serve a prior notice of the filing date on the other parties in the record. The clerk of the Superior Court must verify that a homologation certificate has been filed and send it to the parties.

A decision thus homologated has the same force and effect as if it were a judgment of the Superior Court and is enforceable as such. However, the homologation does not prevent the review or revocation of a decision, nor its being appealed from, where applicable.

177. A decision of the Superior Court on the homologation of a decision of the Tribunal made under this Act cannot be appealed.

PART VI

AMENDING PROVISIONS

ACT RESPECTING THE ACCELERATION OF CERTAIN INFRASTRUCTURE PROJECTS

178. Section 13 of the Act respecting the acceleration of certain infrastructure projects (chapter A-2.001) is amended, in subparagraph 1 of the second paragraph,

(1) by replacing "in subparagraph 2 of the first paragraph of section 18" by "in section 9 of the Act respecting expropriation (2023, chapter 27)";

(2) by inserting "of this Act" at the end.

179. Section 18 of the Act is replaced by the following section:

"**18.** The Act respecting expropriation (2023, chapter 27) applies to every expropriation allowed by section 16, subject to the following modifications:

(1) the expropriation need not be decided or, as applicable, authorized by the Government under the first paragraph of section 4 of that Act; and

(2) despite section 42 of that Act, the divested party may not apply to remain in possession of the expropriated immovable.

The minister responsible for transport may designate any staff member of the minister's department to sign the notice of transfer of right and the notice of intention to register a notice of transfer provided for in section 38 of the Act respecting expropriation."

180. Section 19 of the Act is amended by replacing "Sections 9 and 11.1.2 of the Act respecting the Ministère des Transports (chapter M-28) apply" by "Section 9 of the Act respecting the Ministère des Transports (chapter M-28) applies".

181. Section 73 of the Act is amended by inserting ", as it read on 28 December 2023," after "section 18" in the second paragraph.

ACT RESPECTING LAND USE PLANNING AND DEVELOPMENT

182. Section 117.12 of the Act respecting land use planning and development (chapter A-19.1) is repealed.

183. The Act is amended by inserting the following section after section 117.14:

"**117.14.1.** The provisions of the Act respecting expropriation (2023, chapter 27) that are not inconsistent with sections 117.8 to 117.14 apply, with the necessary modifications, to the contestation of the value established by the appraiser."

184. Section 145.41.5 of the Act is amended by replacing "40 of the Expropriation Act (chapter E-24)" in subparagraph 1 of the first paragraph by "9 of the Act respecting expropriation (2023, chapter 27)".

185. The Act is amended by inserting the following sections after section 256.3:

"**256.4.** A structure, work, use or lot is protected by acquired rights from the time it becomes non-conforming by reason of the acquisition of a part of an immovable for public service purposes by a person who has powers of expropriation if, immediately before that acquisition, the structure, work, use or lot was in conformity with the applicable by-laws or protected by acquired rights.

"**256.5.** The council of a municipality may adopt a by-law to authorize, despite any planning by-law and on the conditions it determines, the implementation of all or part of a structure, work or use that was on a part of an immovable that was acquired for public service purposes by a person who has powers of expropriation. Such implementation may be carried out on the remainder of the immovable or, if necessary, on an adjacent immovable.

Such authorization may not be granted if

(1) the structure, work or use was not, immediately before the acquisition, in conformity with the applicable by-laws or protected by acquired rights;

(2) the implementation hinders the owners of the neighbouring immovables in the enjoyment of their right of ownership; or

(3) the implementation increases the risks with regard to public safety or public health or adversely affects the quality of the environment or general well-being.

The council must, at the request of a person who has expropriation powers, adopt a by-law referred to in the first paragraph in order to allow the reinstatement, to the extent possible, of any structure, work or use that was on the acquired part of the immovable. However, the council may refuse to do so if of the opinion that the application of the criteria set out in the second paragraph would prevent any authorization, in which case it must send the person a notice stating the grounds for its refusal."

CHARTER OF VILLE DE MONTRÉAL, METROPOLIS OF QUÉBEC

186. Section 34.1 of the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4) is amended by replacing "the provisional indemnity" in subparagraph *a* of paragraph 4 by "a provisional indemnity".

187. Section 184 of Schedule C to the Charter is amended by replacing "58 to 68" by "7 and 11, the third paragraph of section 12, and sections 75 to 121 and 128 to 132 of the Act respecting expropriation (2023, chapter 27)".

188. Section 192 of Schedule C to the Charter is amended by replacing "58 to 68 of the Expropriation Act (chapter E-24)" in the third paragraph by "7 and 11, the third paragraph of section 12, and sections 75 to 121 and 128 to 132 of the Act respecting expropriation (2023, chapter 27)".

189. Section 234 of Schedule C to the Charter is amended

(1) by striking out "and must omit the second provision of subparagraph 3 of the first paragraph of section 40 of the Expropriation Act (chapter E-24), regarding contestation of the right to expropriate" in the second paragraph;

(2) by striking out the third paragraph.

CHARTER OF VILLE DE QUÉBEC, NATIONAL CAPITAL OF QUÉBEC

190. Sections 56 and 86 of Schedule C to the Charter of Ville de Québec, national capital of Québec (chapter C-11.5) are amended by replacing all occurrences of "58 to 68 of the Expropriation Act (chapter E-24)" by "7 and 11, the third paragraph of section 12, and sections 75 to 121 and 128 to 132 of the Act respecting expropriation (2023, chapter 27)".

CITIES AND TOWNS ACT

191. Section 572.0.6 of the Cities and Towns Act (chapter C-19) is amended by replacing "53.15 to 53.17 of the Expropriation Act (chapter E-24)" in the second paragraph by "133 to 135, 138 and 139 of the Act respecting expropriation (2023, chapter 27)".

CODE OF CIVIL PROCEDURE

192. Article 82 of the Code of Civil Procedure (chapter C-25.01) is amended by inserting "cases brought under the Act respecting expropriation (2023, chapter 27)," after "contract," in the second paragraph.

193. Article 324 of the Code is amended by adding the following subparagraph at the end of the first paragraph:

"(6) one month after the matter is taken under advisement if the judgment is to determine a matter brought under the Act respecting expropriation (2023, chapter 27)."

194. Article 336 of the Code is amended by adding the following paragraph at the end:

"A judgment concerning an application for cancellation of the entry in the land register of a notice of expropriation or concerning the contestation of the expropriating party's right to expropriate is notified without delay to the Administrative Tribunal of Québec."

MUNICIPAL CODE OF QUÉBEC

195. Article 1104.1.6 of the Municipal Code of Québec (chapter C-27.1) is amended by replacing "53.15 to 53.17 of the Expropriation Act (chapter E-24)" in the second paragraph by "133 to 135, 138 and 139 of the Act respecting expropriation (2023, chapter 27)".

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

196. Section 104 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is amended by replacing "in Title III of the Expropriation Act (chapter E-24)" by "in Part III of the Act respecting expropriation (2023, chapter 27)".

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

197. Section 97 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is amended by replacing "in Title III of the Expropriation Act (chapter E-24)" by "in Part III of the Act respecting expropriation (2023, chapter 27)".

MUNICIPAL POWERS ACT

198. Sections 74 and 107 of the Municipal Powers Act (chapter C-47.1) are amended by replacing all occurrences of "58 to 68 of the Expropriation Act (chapter E-24)" by "7 and 11, the third paragraph of section 12, and sections 75 to 121 and 128 to 132 of the Act respecting expropriation (2023, chapter 27)".

ACT RESPECTING DUTIES ON TRANSFERS OF IMMOVABLES

199. Section 8 of the Act respecting duties on transfers of immovables (chapter D-15.1) is amended by replacing the first paragraph by the following paragraph:

"The basis of imposition for an immovable acquired as a replacement for an immovable right that is the subject of an expropriation procedure must, for the purpose of computing the transfer duties, be reduced by an amount equal to the proceeds of alienation which may reasonably be attributed to such immovable right."

EXPROPRIATION ACT

200. The Expropriation Act (chapter E-24) is repealed.

ACT RESPECTING ADMINISTRATIVE JUSTICE

201. Section 119 of the Act respecting administrative justice (chapter J-3) is amended by replacing paragraph 2 by the following paragraphs:

"(2) an application under section 11 of the Act respecting expropriation (2023, chapter 27) which pertains to the determination of the market value of a right that is transferred in lieu of an indemnity;

"(3) an application under section 30 of the Act respecting expropriation which pertains to the total or partial expropriation of the remainder of an immovable;

"(3.1) an application under section 35 of the Act respecting expropriation which pertains to the total or partial discontinuance of the expropriation procedure;

"(3.2) an application under the first paragraph of section 52 of the Act respecting expropriation which pertains to the withdrawal or amendment of a detailed declaration;

"(3.3) an application under section 64 of the Act respecting expropriation which pertains to the extension of a pre-hearing examination;

"(3.4) an application under section 65 of the Act respecting expropriation to terminate a pre-hearing examination;

"(3.5) an application under the first paragraph of section 71 of the Act respecting expropriation to obtain a supplemental provisional indemnity;

"(3.6) an application under section 74 of the Act respecting expropriation which pertains to an application for a ruling on a disagreement about an expenditure budget;

"(3.7) an application under the second paragraph of section 78 of the Act respecting expropriation which pertains to an application regarding the displacement of a structure on an immovable of the expropriating party or of the expropriated party;".

202. Schedule II to the Act is amended by replacing "Expropriation Act (chapter E-24) to determine the amount of indemnities arising from the establishment of reserves for public purposes and from the expropriation of immovables or immovable real rights" in paragraph 4 by "Act respecting expropriation (2023, chapter 27) to determine the amount of the indemnities or of the damages arising from an expropriation, preparatory work, the establishment of a reserve or a transfer of right by operation of law or to determine the market value of a lot in respect of which reconveyance is offered".

ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

203. Section 9 of the Act respecting the Ministère des Transports (chapter M-28) is amended, in the first paragraph,

(1) by replacing "conduct" by "carry out inventories,";

(2) by adding the following sentence at the end: "However, no inventory, survey, examination, analysis or other preparatory work that may be so carried out may cause damage to the land concerned."

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

"**11.0.1.** The Minister may acquire by agreement or expropriation, on his own behalf or on another's behalf, any property he considers necessary for

(1) the construction, improvement, enlargement, maintenance and use of an active transportation infrastructure project or of a trail within the meaning of the Act respecting off-highway vehicles (chapter V-1.3); and

(2) the discharge, within the scope of a project that is within his jurisdiction under this Act or any other Act, of his obligations with regard to compensation, which are intended to carry out work to restore or create certain environments or habitats in order to offset losses caused by the project.

The Minister may, after consultation with the Minister of Sustainable Development, Environment and Parks, acquire by agreement or expropriation any property allowing him to establish a land reserve with a view to restoring or creating certain environments or habitats there."

205. Section 11.1.1 of the Act is replaced by the following section:

"**11.1.1.** The first and second paragraphs of article 3042 of the Civil Code also apply to the Minister of Transport where the Minister makes an acquisition by agreement under this Act or any other legislative provision."

206. Section 11.1.2 of the Act is replaced by the following section:

"**11.1.2.** As part of an expropriation procedure carried out by the Minister of Transport under this Act or any other Act, the Minister may give the notice of transfer of right and the notice of intention to register a notice of transfer provided for in section 38 of the Act respecting expropriation (2023, chapter 27) and cause the notice of transfer of right to be registered in the land register."

ACT RESPECTING MAURICIE PARK AND ITS SURROUNDINGS

207. Section 3 of the Act respecting Mauricie Park and its surroundings (chapter P-7) is amended by replacing "in section 42 of the Expropriation Act (chapter E-24)" by "in the first paragraph of section 15 of the Act respecting expropriation (2023, chapter 27)".

ACT RESPECTING FORILLON PARK AND ITS SURROUNDINGS

208. Section 4 of the Act respecting Forillon Park and its surroundings (chapter P-8) is amended by replacing "in section 42 of the Expropriation Act (chapter E-24)" by "in the first paragraph of section 15 of the Act respecting expropriation (2023, chapter 27)".

ACT RESPECTING THE PRESERVATION OF AGRICULTURAL LAND AND AGRICULTURAL ACTIVITIES

209. Section 1 of the Act respecting the preservation of agricultural land and agricultural activities (chapter P-41.1) is amended by replacing "and any conveyance resulting from the Expropriation Act (chapter E-24)" in subparagraph *b* of subparagraph 3 of the first paragraph by "and any alienation, by agreement or expropriation, made after service of a notice of expropriation under the Act respecting expropriation (2023, chapter 27)".

ACT RESPECTING THE RÉSEAU ÉLECTRIQUE MÉTROPOLITAIN

210. Section 8 of the Act respecting the Réseau électrique métropolitain (chapter R-25.02) is amended

(1) by striking out "required under the Expropriation Act (chapter E-24)" in the first paragraph;

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

"In such a case, the Minister's notice of transfer provided for in section 9 of this Act replaces the notice of transfer of right provided for in section 38 of the Act respecting expropriation (2023, chapter 27). The Minister's notice of transfer must be sent to the expropriated party but need not be served. The divested parties may not apply to remain in possession of the expropriated property.

Consequently, the first paragraph of section 4, the obligation to have a notice served set out in the second paragraph and subparagraph 2 of the third paragraph of section 38, and section 42 of the Act respecting expropriation do not apply to such an expropriation. The other provisions of that Act apply, with the necessary modifications."

211. Section 9 of the Act is amended by replacing "the expropriated party, lessee and occupant in good faith" in subparagraph 3 of the first paragraph by "the divested party".

ACT RESPECTING THE RÉSEAU STRUCTURANT DE TRANSPORT EN COMMUN DE LA VILLE DE QUÉBEC

212. Section 7 of the Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03) is amended by replacing the second and third paragraphs by the following paragraphs:

"In the case of an expropriation allowed under the first paragraph,

(1) the municipality's notice of transfer of ownership provided for in section 8 of this Act replaces the notice of transfer of right provided for in section 38 of the Act respecting expropriation (2023, chapter 27);

(2) the municipality's notice of transfer of ownership must be sent to the expropriated party but need not be served; and

(3) the divested parties may not apply to remain in possession of the expropriated property.

Consequently, the first paragraph of section 4, the obligation to have a notice served set out in the second paragraph and subparagraph 2 of the third paragraph of section 38, and section 42 of the Act respecting expropriation do not apply to such an expropriation. The other provisions of that Act apply, with the necessary modifications."

213. Section 8 of the Act is amended by replacing "expropriated party, lessee and occupant in good faith" in subparagraph 3 of the first paragraph by "divested party".

214. Section 10 of the Act is amended by replacing "in Title III of the Expropriation Act (chapter E-24)" in the third paragraph by "in Part III of the Act respecting expropriation (2023, chapter 27)".

215. Section 11 of the Act is repealed.

ACT RESPECTING THE SOCIÉTÉ DU PLAN NORD

216. Section 26 of the Act respecting the Société du Plan Nord (chapter S-16.011) is amended by replacing "with section 53 of the Expropriation Act (chapter E-24)" in the second paragraph by "with Division VI of Chapter II of Title III of Part I of the Act respecting expropriation (2023, chapter 27)".

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

217. Section 92.0.6 of the Act respecting public transit authorities (chapter S-30.01) is amended by replacing "53.15 to 53.17 of the Expropriation Act (chapter E-24)" in the second paragraph by "133 to 135, 138 and 139 of the Act respecting expropriation (2023, chapter 27)".

218. Section 154 of the Act is repealed.

219. Section 155 of the Act is amended by replacing "in Title III of the Expropriation Act (chapter E-24)" in the third paragraph by "in Part III of the Act respecting expropriation (2023, chapter 27)".

220. Section 162.3 of the Act is repealed.

221. Section 162.4 of the Act is amended by replacing "in Title III of the Expropriation Act (chapter E-24)" in the third paragraph by "in Part III of the Act respecting expropriation (2023, chapter 27)".

TRANSPORT ACT

222. Section 88.11 of the Transport Act (chapter T-12) is amended by replacing "the fourth paragraph of section 36 of the Expropriation Act (chapter E-24)" in the second paragraph by "subparagraph 3 of the second paragraph of section 4 of the Act respecting expropriation (2023, chapter 27)".

ACT TO AMEND THE CHARTER OF THE CITY OF MONTRÉAL

223. Section 30 of the Act to amend the Charter of the city of Montréal (1983, chapter 59) is amended by replacing "of Chapter I of Title II of the Expropriation Act (R.S.Q., chapter E-24)" in the eighth paragraph by "of Part I of the Act respecting expropriation (2023, chapter 27), except sections 7 and 11, the third paragraph of section 12, sections 75 to 121 and sections 128 to 132".

ACT RESPECTING THE CITY OF LASALLE

224. Section 8 of the Act respecting the city of LaSalle (1986, chapter 118) is replaced by the following section:

"**8.** Subject to section 2, the Act respecting expropriation (2023, chapter 27) applies to expropriations carried out under this Act. In addition, the municipal valuation of the expropriated immovable is determined by multiplying the value entered on the municipality's assessment roll by the factor established for the roll by the Minister of Municipal Affairs, Regions and Land Occupancy under the Act respecting municipal taxation (chapter F-2.1)."

ACT RESPECTING THE CITY OF SAINT-LAURENT

225. Section 5 of the Act respecting the city of Saint-Laurent (1992, chapter 69) is amended

(1) by striking out "and must omit the second provision of subparagraph 3 of the first paragraph of section 40 of the Expropriation Act (R.S.Q., chapter E-24)" in the second paragraph;

(2) by striking out the third paragraph.

ACT RESPECTING VILLE DE VARENNES

226. Section 6 of the Act respecting Ville de Varennes (1997, chapter 106) is amended by replacing "Section 40.1 of the Expropriation Act (R.S.Q., chapter E-24)" in the first paragraph by "Section 173 of the Act respecting expropriation (2023, chapter 27)".

227. Section 13 of the Act is amended by replacing "Sections 40.1, 47, 48, 52 and 58 of the Expropriation Act" by "Sections 75 to 106 concerning the determination of the amount of the indemnity and the burden of proof, and section 173 of the Act respecting expropriation (2023, chapter 27)".

ACT RESPECTING VILLE DE SAINT-HUBERT

228. Section 6 of the Act respecting Ville de Saint-Hubert (1999, chapter 94) is amended by replacing "40.1 of the Expropriation Act (R.S.Q., chapter E-24)" in the first paragraph by "173 of the Act respecting expropriation (2023, chapter 27)".

229. Section 11 of the Act is amended by replacing "40.1, 48 and 58 of the Expropriation Act" by "75 to 106 concerning the determination of the amount of the indemnity and the burden of proof, and section 173 of the Act respecting expropriation (2023, chapter 27)".

ACT RESPECTING VILLE DE SAINT-BASILE-LE-GRAND

230. Section 6 of the Act respecting Ville de Saint-Basile-le-Grand (1999, chapter 97) is amended by replacing "40.1 of the Expropriation Act (R.S.Q., chapter E-24)" in the first paragraph by "173 of the Act respecting expropriation (2023, chapter 27)".

231. Section 11 of the Act is amended by replacing "40.1, 48 and 58 of the Expropriation Act (R.S.Q., chapter E-24)" by "75 to 106 concerning the determination of the amount of the indemnity and the burden of proof, and section 173 of the Act respecting expropriation (2023, chapter 27)".

ACT RESPECTING VILLE DE CONTRECOEUR

232. Section 6 of the Act respecting Ville de Contrecoeur (2002, chapter 95) is amended by replacing "40.1 of the Expropriation Act (R.S.Q., chapter E-24)" in the first paragraph by "173 of the Act respecting expropriation (2023, chapter 27)".

233. Section 11 of the Act is amended by replacing "40.1, 48 and 58 of the Expropriation Act" by "75 to 106, concerning the determination of the amount of the indemnity and the burden of proof, and section 173 of the Act respecting expropriation (2023, chapter 27)".

ACT RESPECTING VILLE DE BROWNSBURG-CHATHAM, VILLE DE LACHUTE AND MUNCIPALITÉ DE WENTWORTH-NORD

234. Section 7 of the Act respecting Ville de Brownsburg-Chatham, Ville de Lachute and Muncipalité de Wentworth-Nord (2004, chapter 46) is amended by replacing "40.1 of the Expropriation Act (R.S.Q., chapter E-24)" in the first paragraph by "173 of the Act respecting expropriation (2023, chapter 27)".

235. Section 12 of the Act is amended by replacing "40.1, 48 and 58 of the Expropriation Act" by "75 to 106, concerning the determination of the amount of the indemnity and the burden of proof, and section 173 of the Act respecting expropriation (2023, chapter 27)".

ACT RESPECTING THE HERTEL-NEW YORK INTERCONNECTION LINE

236. Section 7 of the Act respecting the Hertel-New York interconnection line (2023, chapter 7) is amended

(1) by replacing "Expropriation Act (chapter E-24)" in the introductory clause of the first paragraph by "Act respecting expropriation (2023, chapter 27)";

(2) by replacing subparagraphs 1 to 10 of the first paragraph by the following subparagraphs:

"(1) the expropriation need not be decided or, as applicable, authorized by the Government under the first paragraph of section 4 of that Act; and

"(2) the divested parties may not apply, under section 42 of that Act, to remain in possession of the expropriated immovable."

REGULATION RESPECTING THE PROCEDURE OF THE ADMINISTRATIVE TRIBUNAL OF QUÉBEC

237. Section 19 of the Regulation respecting the procedure of the Administrative Tribunal of Québec (chapter J-3, r. 3.01) is amended by replacing "39 of the Expropriation Act (chapter E-24)" in the first paragraph by "8 of the Act respecting expropriation (2023, chapter 27)".

REGULATION RESPECTING THE SIGNING OF CERTAIN DEEDS, DOCUMENTS OR WRITINGS OF THE MINISTÈRE DES TRANSPORTS

238. Section 8 of the Regulation respecting the signing of certain deeds, documents or writings of the Ministère des Transports (chapter M-28, r. 6) is amended by inserting the following paragraph after paragraph 10:

"(10.1) a notice of transfer of right or a notice of intention to register a notice of transfer provided for in section 38 of the Act respecting expropriation (2023, chapter 27);".

AGRICULTURAL OPERATIONS REGULATION

239. Section 50.4 of the Agricultural Operations Regulation (chapter Q-2, r. 26) is amended by replacing "section 53 of the Expropriation Act (chapter E-24)" in the second paragraph by "Division VI of Chapter II of Title III of Part I of the Act respecting expropriation (2023, chapter 27)".

OTHER AMENDING PROVISIONS

240. All occurrences of "Expropriation Act (chapter E-24)" are replaced by "Act respecting expropriation (2023, chapter 27)" in the following provisions:

(1) articles 1888 and 3042 of the Civil Code of Québec;

(2) section 15 of the Act respecting the acceleration of certain infrastructure projects (chapter A-2.001);

(3) section 1 of the Act respecting the acquisition of farm land by non-residents (chapter A-4.1);

(4) section 35 of the Sustainable Forest Development Act (chapter A-18.1);

(5) section 1 of the Act respecting land use planning and development (chapter A-19.1);

(6) sections 137, 143 and 242 of Schedule C to the Charter of Ville de Montréal, metropolis of Québec (chapter C-11.4);

(7) section 102 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

(8) section 95 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);

(9) section 8 of the Natural Heritage Conservation Act (chapter C-61.01);

(10) section 29 of the James Bay Region Development Act (chapter D-8.0.1);

(11) section 156 of the Act respecting administrative justice (chapter J-3);

(12) section 12 of the Act respecting the Ministère du Développement durable, de l'Environnement et des Parcs (chapter M-30.001);

(13) sections 34, 125 and 191.18 of the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1);

(14) section 10 of the Act respecting the Réseau électrique métropolitain (chapter R-25.02);

(15) section 9 of the Act respecting the Réseau structurant de transport en commun de la Ville de Québec (chapter R-25.03);

(16) sections 92 and 127 of the Act respecting public transit authorities (chapter S-30.01);

(17) section 58 of the Act respecting natural gas storage and natural gas and oil pipelines (chapter S-34.1);

(18) section 355 of the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1);

(19) section 15 of the Act respecting the city of Saint-Laurent (1992, chapter 69);

(20) section 50 of the Agreement dated 4 December 2020 between the Minister of Justice and the Barreau du Québec respecting the tariff of fees and expenses of advocates under the legal aid plan and the dispute settlement procedure (chapter A-14, r. 5.1.1);

(21) section 3 of the Regulation respecting the Tariff of administrative fees, professional fees and other charges attached to proceedings before the Administrative Tribunal of Québec (chapter J-3, r. 3.2).

241. The expression “à l’amiable” is replaced by the expression “de gré à gré” wherever it appears in the French text of the following provisions:

(1) section 48 of the Act respecting the Commission municipale (chapter C-35);

(2) section 2 of the Act respecting municipal industrial immovables (chapter I-0.1);

(3) sections 242 and 245 of the Mining Act (chapter M-13.1);

(4) sections 11, 11.1 and 11.3 of the Act respecting the Ministère des Transports (chapter M-28);

(5) section 5 of the Act respecting the Saguenay – St. Lawrence Marine Park (chapter P-8.1);

(6) section 2.1 of the Parks Act (chapter P-9);

(7) section 4 of the Act respecting transport infrastructure partnerships (chapter P-9.001);

(8) section 42 of the Environment Quality Act (chapter Q-2);

(9) section 67 of the Watercourses Act (chapter R-13).

PART VII

TRANSITIONAL AND FINAL PROVISIONS

242. Every expropriation decided or, as applicable, authorized beforehand by the Government in accordance with section 36 of the Expropriation Act (chapter E-24), does not require authorization under section 4 of this Act.

243. Every expropriation proceeding begun in accordance with section 40 of the Expropriation Act and any other proceeding to which provisions of the Expropriation Act are applicable, in particular expropriation proceedings provided for in Acts other than the Expropriation Act and proceedings relating to an exchange of immovables, that are in progress on 28 December 2023 remain governed by the provisions of the Acts that were applicable to them on that date.

244. Sections 140 and 141 of this Act apply only where the transfer of ownership of the lot to the expropriating party occurs after 28 December 2023.

245. Every reserve in respect of which the establishment procedure has begun, in accordance with section 79 of the Expropriation Act, before 29 December 2023 remains valid and governed by the former Act and entails the application of the former Act for everything related to the reserve, in particular its renewal, the transfer of its benefit, its contestation, its expiry, and the rules of evidence and procedure governing compensation to the holder of a right in the immovable to which it applies, but not for the expropriation procedure that may follow that reserve.

246. For the purpose of applying sections 166 to 170 of this Act to construction work carried out for the project to extend the Montréal metro's blue line from the Saint-Michel station to the Anjou station, the first paragraph of section 167 must be read without reference to "if the upper limit of the exterior concrete wall of the tunnel is at least 15 metres underground".

247. The Government may, by a regulation made before 29 November 2025, enact any other transitional measure or measure necessary for the purposes of this Act.

A regulation made under the first paragraph comes into force on the date of its publication in the *Gazette officielle du Québec* or on any later date fixed therein. The regulation may also, if it so provides, have effect from any date not prior to 29 December 2023.

248. The Minister of Transport is responsible for the administration of this Act.

249. This Act comes into force on 29 December 2023.

Regulations and other Acts

Gouvernement du Québec

O.C. 2-2024, 17 January 2024

Professional Code
(chapter C-26)

Architects Act
(chapter A-21)

Professional technologist
— Professional activities that may be engaged in by a professional technologist whose competency is in architectural technology

Regulation respecting the professional activities that may be engaged in by a professional technologist whose competency is in architectural technology

WHEREAS, under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation and the terms and conditions on which such persons may engage in such activities, unless it is for the purpose of authorizing persons registered in a program giving access to a permit issued by the order or serving a period of professional training to engage in a professional activity, the board of directors must, before adopting a regulation under that paragraph, consult any order whose members engage in a professional activity described in the regulation;

WHEREAS, under section 5.1 of the Architects Act (chapter A-21), the board of directors of the Ordre des architectes du Québec must make a regulation pursuant to subparagraph *h* of the first paragraph of section 94 of the Professional Code to determine, from among the professional activities reserved to architects, those that may be engaged in by professional technologists whose competency is in architectural technology;

WHEREAS, in accordance with subparagraph *h* of the first paragraph of section 94 of the Professional Code, the board of directors of the Ordre des architectes du Québec consulted the Ordre des technologues professionnels du Québec before adopting, on 22 September 2021, the Regulation respecting the professional activities that may be engaged in by a professional technologist whose competency is in architectural technology;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation respecting the professional activities that may be engaged in by a professional technologist whose competency is in architectural technology was published in Part 2 of the *Gazette officielle du Québec* of 10 November 2021 with a notice that it could be examined by the Office then submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 10 November 2023 then submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation respecting the professional activities that may be engaged in by a professional technologist whose competency is in architectural technology, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation respecting the professional activities that may be engaged in by a professional technologist whose competency is in architectural technology

Professional Code
(chapter C-26, s. 94, 1st par., subpar. *h*)

Architects Act
(chapter A-21, s. 5.1)

DIVISION I
GENERAL

1. The purpose of this Regulation is to determine, among the professional activities that are reserved to architects, those that, in accordance with the conditions set out herein, may be engaged in by a professional technologist whose competency is in architectural technology, hereinafter called "professional technologist".

2. For the purposes of this Regulation, "building area" means the largest horizontal surface of the building above average ground level, measured between the outside surfaces of exterior walls or between the outside surfaces of exterior walls and the centre line of firewalls.

DIVISION II
PROFESSIONAL ACTIVITIES ENGAGED IN ACCORDING TO AN ARCHITECT'S PLANS AND SPECIFICATIONS

3. A professional technologist may supervise work related to the construction, enlargement or alteration of a building where

(1) the professional technologist uses plans and specifications signed and sealed by an architect and relating to

(*a*) a building referred to in Part 9 of the National Building Code, as incorporated in Chapter I of the Construction Code (chapter B-1.1, r. 2), or a combination thereof; or

(*b*) an agricultural establishment with, after the work is completed, no more than 1 storey and a building area of less than 1,050 m^2 or no more than 3 storeys and a building area of less than 600 m^2;

(2) the architect sent the professional technologist the documents and information relating to the building and to the related plans and specifications in order to ensure the integrity of the project.

4. To meet the requirements of the worksite, a professional technologist may modify all plans and specifications of a building when supervising the work, provided that the modification does not result in a change in the building's use or significantly affects the building's structural integrity, walls or firewalls, envelope or exits or access to the building's exits.

5. A professional technologist may prepare, modify, sign and seal a report, a certification or a written opinion related to the work when supervising that work in accordance with section 3.

DIVISION III
PROFESSIONAL ACTIVITIES ENGAGED IN INDEPENDENTLY

6. A professional technologist may engage in a professional activity reserved to architects when it relates to

(1) a detached single-family dwelling unit;

(2) the insertion of a single and non-repetitive single-family dwelling unit between existing attached dwellings or the addition of such a dwelling unit at their extremity; or

(3) the enlargement or alteration of a semi-detached or attached single-family dwelling unit.

The buildings referred to in the first paragraph must, after the work is completed, have no more than 1 basement storey, a building height not exceeding 3 storeys and a building area of less than 600 m^2.

DIVISION IV
FINAL

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

106659

Gouvernement du Québec

O.C. 3-2024, 17 January 2024

Professional Code
(chapter C-26)

Engineers Act
(chapter I-9)

Professional technologist
— Professional activities that may be engaged in by a professional technologist whose competency is in an engineering technology

Regulation respecting the professional activities that may be engaged in by a professional technologist whose competency is in an engineering technology

WHEREAS, under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation as well as the terms and conditions on which such persons may engage in such activities; unless it is for the purpose of authorizing persons registered in a program giving access to a permit issued by the order or serving a period of professional training, the board of directors must, before adopting a regulation under that paragraph, consult any order whose members engage in a professional activity described in the regulation;

WHEREAS, under section 10 of the Engineer's Act (chapter I-9), the Board of Directors of the Ordre des ingénieurs du Québec must make a regulation pursuant to subparagraph *h* of the first paragraph of section 94 of the Professional Code to determine, from among the professional activities reserved to engineers, those that may be engaged in by professional technologists whose competency is in an engineering technology;

WHEREAS, in accordance with subparagraph *h* of the first paragraph of section 94 of the Professional Code, the Board of Directors of the Ordre des ingénieurs du Québec consulted the Ordre des technologues professionnels du Québec before making the Regulation respecting the professional activities that may be engaged in by a professional technologist whose competency is in an engineering technology on 22 September 2021;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office for examination and be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Regulation respecting the professional activities that may be engaged in by a professional technologist whose competency is in an engineering technology was published as a draft in Part 2 of the *Gazette officielle du Québec* of 10 November 2021 with a notice that it could be examined by the Office and then submitted to the Government, which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 10 November 2023 and submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation respecting the professional activities that may be engaged in by a professional technologist whose competency is in an engineering technology, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation respecting the professional activities that may be engaged in by a professional technologist whose competency is in an engineering technology

Professional Code
(chapter C-26, s. 94, 1st par., subpar. *h*)

Engineers Act
(chapter I-9, s. 10)

DIVISION I
GENERAL

1. The purpose of this Regulation is to determine, among the professional activities that are reserved to engineers, those that, in accordance with the conditions set out herein, may be engaged in by a professional technologist whose competency is in an engineering technology, hereinafter called "professional technologist".

DIVISION II
PROFESSIONAL ACTIVITIES ENGAGED IN ACCORDING TO A SUPERVISION, INSPECTION OR TEST PLAN

2. A professional technologist may engage in a professional activity referred to in this Division when the following conditions are met:

(1) the professional activity and the supervision, inspection or test plan relate to the same individual work;

(2) the supervision, inspection or test plan is signed and sealed by an engineer.

3. A professional technologist may, according to the requirements, parameters, standards and specifications indicated in a supervision plan, engage in the following professional activities:

(1) carry out a count of quantities;

(2) carry out a quality control test on a material;

(3) prepare, modify, sign and seal a list of deficiencies;

(4) certify the compliance of a shop or plant drawing that was prepared according to the requirements, parameters, standards and specifications indicated in the plans and specifications of the work, when preparing that certification does not require that a calculation based on engineering principles be carried out.

4. A professional technologist may, according to the requirements, parameters, standards and specifications indicated in an inspection plan, the purpose of which is the maintenance or preservation of the assets of the work, prepare, modify, sign and seal a list of defects or deteriorations relating to one of the following works:

(1) a structural component or a mechanical, electrical or thermal system of a building other than a very high-risk industrial occupancy;

(2) a road work and its dependencies, except an engineering work other than a retaining wall or culvert;

(3) a work to which a document referred to in section 9 relates.

5. A professional technologist may, according to the requirements, parameters, standards and specifications indicated in a test plan, carry out a test based on engineering principles, as well as prepare, modify, sign and seal a report related to that test.

6. A document prepared, modified, signed or sealed by a professional technologist under this Division must make reference to the monitoring, inspection or test plan.

7. A professional technologist must report back to the engineer who, as the case may be, is responsible for supervising or inspecting the work, or for conducting tests where the professional technologist has noted non-compliance with the supervision, inspection or test plan, or an unforeseen element that may result in a modification of the original design of the work.

DIVISION III
PROFESSIONAL ACTIVITIES ENGAGED IN ACCORDING TO PLANS AND SPECIFICATIONS

8. A professional technologist may engage in a professional activity referred to in section 9 when the following conditions are met:

(1) the professional activity and the plans and specifications, as well as any written opinion relate to the same individual work;

(2) all the requirements, parameters, standards and specifications according to which the professional activity is engaged in are indicated in the plans and specifications or in a written opinion;

(3) the plans and specifications, as well as, where applicable, the written opinion indicate that they can be used for the purpose of carrying out an activity referred to in section 9 and are signed and sealed by an engineer;

(4) the professional activity does not relate to one of the following works:

(*a*) a protection device that ensures the safety of industrial equipment;

(*b*) a nuclear facility or prescribed equipment within the meaning of the Nuclear Safety and Control Act (S.C. 1997, c. 9);

(*c*) work installed in a very high-risk industrial occupancy within the meaning of the Construction Code (chapter B-1.1, r. 2) or in a hazardous location within the meaning of the Canadian Electrical Code, Part I, as incorporated in the Construction Code.

9. A professional technologist may, according to the requirements, parameters, standards, and specifications indicated in the plans and specifications, prepare, modify, sign and seal the following documents:

(1) a wiring schematic of a control, instrumentation or regulation device for an industrial-scale process or a mechanical, thermal or electrical system of a building;

(2) a component layout schematic of a control or regulation panel that is part of an industrial-scale process or a mechanical, thermal or electrical system of a building;

(3) a pipe, tubing, installation, assembly, connection or localization schematic of a pipe installation that is intended to contain one of the following substances:

(*a*) an inflammable gas or liquid with a gauge pressure of 689 kPa or less;

(*b*) a non-flammable gas with a gauge pressure of 1,720 kPa or less;

(*c*) a non-flammable liquid with a gauge pressure of 50,000 kPa or less;

(4) a connection and control schematic for an electric motor with a capacity of 38 kW or less, the electrical voltage of which is 600 V or less between phases and whose electric power supply has been provided for in the plans and specifications and designed specifically for that work;

(5) a localization or power supply schematic of a lighting device with an electrical voltage of 347 V or less or of one of its devices;

(6) a calculation to determine the required number and positioning of lighting devices with an electrical voltage of 347 V or less;

(7) a localization or installation schematic of a grounding, bonding, an electrical cable tray, instrumentation or communication of electrical equipment or a lightning conductor;

(8) a localization or installation schematic or a shop drawing of plumbing, heating, cooling, ventilation, refrigeration or regulation equipment.

Subparagraph 3 of the first paragraph does not apply to pipe installations or to fire prevention systems in care and detention occupancies.

10. A document prepared, modified, signed or sealed by a professional technologist under this Division may not be produced before the plans and specifications according to which that document was prepared or modified, and must make reference to those plans and specifications, as well as, where applicable, the written opinion.

DIVISION IV
PROFESSIONAL ACTIVITIES ENGAGED IN INDEPENDENTLY

11. A professional technologist may prepare, modify, sign and seal the following documents:

(1) a distribution plan of an electrical installation within the meaning of the Construction Code (chapter B-1.1, r. 2) that meets the following conditions:

(*a*) it is powered only by a public sector electricity distributor;

(*b*) it is not located in a care or detention occupancy or a very high-risk industrial occupancy;

(*c*) its electric power demand is 120 kVA or less;

(d) its phase-to-neutral voltage is 120 V or less;

(2) a load calculation relating to an electrical installation referred to in paragraph 1;

(3) a wiring or component layout schematic of a control or regulation panel when the following conditions are met:

(*a*) the phase-to-neutral voltage of the panel is 120 V or less;

(*b*) the schematic is for the assembly of the panel by a manufacturer that is accredited by a certification body recognized by the Régie du bâtiment du Québec;

(4) a maintenance manual for a control or regulation panel produced by its manufacturer, where the latter is accredited by a certification body recognized by the Régie du bâtiment du Québec and the condition set out in subparagraph *a* of paragraph 3 is met;

(5) a marking plan for a public road on which the maximum authorized speed limit is 70 km/h or less, other than a temporary marking plan in a work zone.

12. A professional technologist may supervise work relating to a structural component or a mechanical, electrical or thermal system of one of the following buildings:

(1) an agricultural establishment, other than a silo or livestock waste storage facility;

(2) a building, other than an industrial occupancy, governed by Part 9 of the National Building Code, as incorporated in the Construction Code (chapter B-1.1, r. 2).

A professional technologist may exercise the activity referred to in the first paragraph where the following conditions are met:

(1) the plans and specifications must be specific to the work carried out and pertain to the execution of that work;

(2) the plans and specifications are signed and sealed, as the case may be, by an engineer or a professional technologist authorized to sign and seal them under this Regulation.

The certificate of compliance of the work produced by the professional technologist must refer to the plans and specifications.

Where the professional technologist notes that an unforeseen element may result in a modification of the original design of the work, the professional technologist must inform the engineer or the professional technologist who signed and sealed the plans and specifications.

13. A professional technologist may inspect, for the purposes of maintenance or the preservation of the asset, a structural component and a mechanical, electrical or thermal system of a building referred to in section 12, as well as prepare, modify, sign and seal a report related to that inspection.

DIVISION V
FINAL

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

106660

Gouvernement du Québec

O.C. 4-2024, 17 January 2024

Professional Code
(chapter C-26)

Professional activities that may be engaged in by a clinical perfusionist
— Amendment

Regulation to amend the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist

WHEREAS, under subparagraph *h* of the first paragraph of section 94 of the Professional Code (chapter C-26), the board of directors of a professional order may, by regulation, determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities; unless it is for the purpose of authorizing persons registered in a program giving access to a permit issued by the order or serving a period of professional training, the board of directors must, before adopting a regulation under that paragraph, consult any order whose members engage in a professional activity described in the regulation;

WHEREAS, in accordance with subparagraph *h* of the first paragraph of section 94 of the Code, the board of directors of the Collège des médecins du Québec consulted the Ordre des infirmières et infirmiers du Québec and the Ordre professionnel des inhalothérapeutes du Québec before adopting, on 16 June 2023, the Regulation to amend the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist;

WHEREAS, pursuant to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government, which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Regulation to amend the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist was published in Part 2 of the *Gazette officielle du Québec* of 6 September 2023, with a notice that it could be examined by the Office then submitted to the Government, which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 10 November 2023 and subsequently submitted it to the Government with its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Government Administration and Chair of the Conseil du trésor:

THAT the Regulation to amend the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the professional activities that may be engaged in by a clinical perfusionist

Professional Code
(chapter C-26, s. 94, 1st par., subpar. *h*)

1. The Regulation respecting the professional activities that may be engaged in by a clinical perfusionist (chapter M-9, r. 3.1.) is amended in section 2 by replacing subparagraph i of subparagraph *a* of paragraph 2 by the following subparagraph:

"i. Master of Science Degree in Cardiovascular Perfusion or Advanced Diploma, Cardiovascular Perfusion awarded by the Michener Institute of Education at UHN;".

2. Section 7 is amended by replacing "2024" by "2027".

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

106661

Gouvernement du Québec

O.C. 14-2024, 17 January 2024

Education Act
(chapter I-13.3)

Student transportation
— Amendment

Regulation to amend the Regulation respecting student transportation

WHEREAS, under subparagraph 4 of the first paragraph of section 453 of the Education Act (chapter I-13.3), the Government may regulate student transportation, namely, to prescribe the minimum stipulations required to be included in a contract and establish standards in respect of its duration;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting student transportation was published in Part 2 of the *Gazette officielle du Québec* of 13 September 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 without amendment;

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

THAT the Regulation to amend the Regulation respecting student transportation, attached to this Order in Council, be made.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting student transportation

Education Act
(chapter I-13.3, s. 453, 1st par., subpar. 4)

1. The Regulation respecting student transportation (chapter I-13.3, r. 12) is amended in section 31 by inserting the following after subparagraph 3 of the first paragraph:

"(3.1) is authorized, notwithstanding subparagraphs 2 and 3, to use, up to the end of the current school year, buses or minibuses 14 years old where

(*a*) the carrier provides the service centre or the educational institution with the certificate provided for in subparagraph 3;

(*b*) the carrier shows to the service centre or the educational institution that he bought, in order to replace each of those buses or minibuses, a fully electric bus or minibus to be delivered before the next school year or that the delivery of the bus or minibus purchased as replacement depends on the seller receiving a fully electric bus or minibus to be delivered before the next school year;".

2. Section 33 is amended by striking out "on the basis of the average change in the monthly Consumer Price Indexes between 1 January and 31 December of the preceding school year in Canada, as indicated in the publication by Statistics Canada, "Consumer prices and price indexes", catalog No. 62-001" in the first paragraph.

3. Subparagraph 3.1 of the first paragraph of section 31 of the Regulation, as inserted by section 1 of this Regulation, ceases to have effect on 30 June 2025.

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

106662

Gouvernement du Québec

O.C. 20-2024, 17 January 2024

Act respecting the Société des loteries du Québec (chapter S-13.1)

Forecast contests and numbers games — Amendment

Regulation to amend Regulation respecting forecast contests and numbers games

WHEREAS, under the first paragraph of section 13 of the Act respecting the Société des loteries du Québec (chapter S-13.1), the Société des loteries du Québec determines by law the general standards and conditions relating to the nature and holding of the lottery schemes it conducts and administers;

WHEREAS, under the second paragraph of section 13 of this Act, the by-law shall be in particular submitted to the Government for approval;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend Regulation respecting forecast contests and numbers games was published in Part 2 of the *Gazette officielle du Québec* of 13 September 2023 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation to amend Regulation respecting forecast contests and numbers games without amendment;

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

THAT the Regulation to amend Regulation respecting forecast contests and numbers games, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend Regulation respecting forecast contests and numbers games

Act respecting the Société des loteries du Québec (chapter S-13.1, s. 13)

1. Section 10 of the Regulation respecting forecast contests and numbers games (chapter S-13.1, r. 2) is amended by striking out "or more than 75%".

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

106663

Gouvernement du Québec

O.C. 24-2024, 17 January 2024

Act respecting lotteries, publicity contests and amusement machines
(chapter L-6)

Conditions governing admission of the public, maintenance of public order and safety of persons in State casinos
— Amendment

Regulation to amend the Rules respecting conditions governing admission of the public, maintenance of public order and safety of persons in State casinos

WHEREAS, under subparagraph g of the first paragraph of section 20.2 of the Act respecting lotteries, publicity contests and amusement machines (chapter L-6), as regards State casinos, the Régie des alcools, des courses et des jeux may prescribe the conditions for admission into a casino and the grounds for exclusion;

WHEREAS, under subparagraph *h* of the first paragraph of section 20.2 of the Act, as regards State casinos, the board may establish standards relating to the maintenance of public order and the safety of persons in State casinos and their appurtenances;

WHEREAS, under the second paragraph of section 20.2 of the Act, the board may, among other things, make distinctions with respect to the rules according to the categories of persons and, in establishing the standards referred to in subparagraph g of the first paragraph of that section, the board may in particular take into account morality and the judicial antecedents of a person;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft regulation to amend the Rules respecting conditions governing admission of the public, maintenance of public order and safety of persons in State casinos was published in Part 2 of the *Gazette officielle du Québec* of 26 July 2023 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS the board approved the Regulation to amend the Rules respecting conditions governing admission of the public, maintenance of public order and safety of persons in State casinos at its plenary session of 11 October 2023;

WHEREAS, under the third paragraph of section 20.2 of the Act, every rule must be submitted to the Government for approval and the standards relating to the maintenance of public order and the safety of persons must be submitted for approval on the joint recommendation of the Minister of Public Security and the Minister of Finance;

WHEREAS it is expedient to approve the Regulation to amend the Rules respecting conditions governing admission of the public, maintenance of public order and safety of persons in State casinos with amendments;

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

THAT the Regulation to amend the Rules respecting conditions governing admission of the public, maintenance of public order and safety of persons in State casinos, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Rules respecting conditions governing admission of the public, maintenance of public order and safety of persons in State casinos

Act respecting lotteries, publicity contests and amusement machines
(chapter L-6, s. 20.2, 1st par., subpars. *g* and *h*, and 2nd par.)

1. The Rules respecting conditions governing admission of the public, maintenance of public order and safety of persons in State casinos (chapter L-6, r. 8) are amended in section 3

(1) by inserting "interfere with public safety or" after "such a nature as to" in paragraph 2;

(2) by inserting the following after paragraph 3:

"(3.1) because he has, in the last 5 years, been convicted of an indictable offence or an offence punishable on summary conviction for which he has not received a pardon with regard to

(*a*) terrorism, gaming and betting, theft, offences resembling theft, robbery and extortion, criminal interest rate, possession and trafficking of property obtained by crime, or forgery and offences resembling forgery, fraudulent transactions, laundering proceeds of crime or a criminal organization under parts II.1, VII, IX, X,XII.2 and XIII of the Criminal Code (Revised Statutes of Canada, 1985, chapter C- 46); or

(*b*) the Controlled Drugs and Substances Act (Statutes of Canada, 1996, chapter 19);

(3.2) because he has, in the last 5 years, been convicted of an indictable offence or an offence punishable on summary conviction under the Criminal Code for which he has not received a pardon, of such a nature as to interfere with the integrity of State casino activities or undermine public trust in the integrity of such activities;".

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

106664

Gouvernement du Québec

O.C. 33-2024, 17 January 2024

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

Occupational health and safety in mines — Amendment

Regulation to amend the Regulation respecting occupational health and safety in mines

WHEREAS, under subparagraphs 7, 9, 19 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations

— prescribing measures for the supervision of the quality of the work environment and standards applicable to every workplace so as to ensure the health, safety and physical and mental well-being of workers, particularly with regard to work organization, lighting, heating, sanitary installations, quality of food, noise, ventilation, variations in temperature, quality of air, access to the establishment, means of transportation used by workers, eating rooms and cleanliness of a workplace, and determining the hygienic and safety standards to be complied with by the employer where he makes premises available to workers for lodging, meal service or leisure activities;

— determining, by category of establishments or construction sites, the individual and common protective means and equipment that the employer must put at the disposal of the workers, free of charge;

— prescribing standards respecting the safety of such products, processes, equipment, materials, contaminants or dangerous substances as it specifies, indicating the directions for their use, maintenance and repair, and prohibiting or restricting their use;

— generally prescribing any other measure to facilitate the application of the Act;

WHEREAS, under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply and may also provide times within which they are to be applied and which may vary according to the object and scope of each regulation;

WHEREAS, under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting occupational health and safety in mines was published in Part 2 of the *Gazette officielle du Québec* of 28 June 2023 with a notice that it could be adopted by the Commission and submitted to the Government for approval on the expiry of 45 days from that publication;

WHEREAS the Commission adopted the Regulation with amendments at its sitting of 16 November 2023;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 of the Act must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting occupational health and safety in mines, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting occupational health and safety in mines

Act respecting occupational health and safety
(chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 19 and 42, 2nd and 3rd pars.)

1. The Regulation respecting occupational health and safety in mines (chapter S-2.1, r. 14) is amended in section 1 by inserting the following definition after the definition of "safety factor":

""seismic excavation" means an excavation in an underground mine where there is a risk of a projection or fall or rock caused by a seismic event;".

2. Section 2 is amended by inserting "402, 402.1," after "375 to 383," in the second paragraph.

3. Section 6 is amended

(1) by replacing "CAN/CSA Standard Z259.11, Shock absorbers and lanyards" in subparagraph 1 by "CSA Standard Z259.11, Personal energy absorbers and lanyards";

(2) by replacing "Dispositifs à cordon autorétractable, CAN/CSA Z259.2.2" in subparagraph 2 in the French text by "Dispositifs autorétractables, CSA Z259.2.2";

(3) by replacing "antichutes" wherever it appears in subparagraphs 3 and 4 in the French text by "d'arrêt de chute";

(4) by replacing "Accessoires de raccordement pour les systèmes personnels de protection contre les chutes, CAN/CSA-Z259.12" in subparagraph 5 in the French text by "Composants de raccordement pour les systèmes individuels d'arrêt de chute, CSA Z259.12".

4. Section 26 is amended

(1) by adding at the end of paragraph 2:

"(*d*) to act as an assistant blaster;";

(2) by replacing subparagraph *a* of subparagraph 3 by the following:

"(*a*) to act as a blaster;".

5. The following is inserted after section 27.7:

"**27.8.** Blasters in a mine must receive the training on explosives safety offered by the employer or the person designated by the employer. The training, given by a person with competency in the field of explosives, must in particular cover the following elements:

(1) the regulations that apply;

(2) the explosives safety data sheets used in the mine;

(3) the manufacturers' recommendations and best practices for the use of the explosives and equipment used;

(4) the procedures and directives drawn up by the employer;

(5) the firing devices;

(6) the inspection of explosives magazines, recesses, boxes and storage areas;

(7) the management of deteriorated or expired explosives.

Blasters must receive refresher training every 5 years.

This section does not apply to assistant blasters or to persons holding a shot-firer's certificate issued by the Commission des normes, de l'équité, de la santé et de la sécurité du travail or by an agency recognized by the latter in accordance with section 292 of the Regulation respecting occupational health and safety (S-2.1, r. 13).".

6. Section 28 is amended by adding the following paragraph at the end:

"Notwithstanding the first paragraph, when scaling is carried out using mechanized equipment, the roofs, walls and working faces of an underground excavation need not be drilled and scaled manually if the following conditions are met:

(1) the scaling is carried out in accordance with a procedure provided in writing by an engineer taking into account the ground control program and the mechanical properties of the rock; and

(2) surface support is installed on the roofs, walls and working faces.".

7. Section 36 is amended by inserting "manually" after "scaling" in the first paragraph.

8. The following is inserted after section 41:

"**41.1.** The presence of a seismic excavation must be determined in writing by an engineer. The written document must be kept with the plans and specifications required pursuant to section 28.01.

The seismic excavation must be delimited and identified before the work begins and only authorized persons may be in the risk zone.

41.2. Scaling, drilling or support installation work in a seismic excavation must be carried out with mechanized equipment in accordance with a procedure established by an engineer.

The equipment must have an enclosed cab that complies with the plans and specifications of an engineer. The cab glass exposed to the risk of rock projection must be covered with metal mesh and of sufficient resistance to ensure worker safety or designed so as to provide safety equivalent to that combination.

Every person authorized to be in the seismic excavation must be in the enclosed cab for the duration of the work.".

9. Section 200 is amended by replacing paragraph 1 by the following:

"(1) comply with section 179.1 and subparagraph 3 of the first paragraph of section 196;".

10. Section 373 is amended by striking out "208 or" in paragraph 3.

11. Section 394 is amended by replacing "CAN/CSA Standard Z259.11, Energy absorbers and lanyards" in the first paragraph by "CSA Standard Z259.11, Personal energy absorbers and lanyards".

12. Section 401.1 is amended in the second paragraph in the French text

(1) by replacing "Dispositifs à cordon autorétractable, CAN/CSA Z259.2.2" in subparagraph *b* of subparagraph 1 by "Dispositifs autorétractables, CSA Z259.2.2";

(2) by replacing "antichutes" wherever it appears by "d'arrêt de chute".

13. The following is inserted before section 403:

"**402.** The employer having authority over an establishment shall adopt an explosives management program adapted to the particularities of the mine site and ensure it is applied. The program shall, in particular, cover the following elements:

(1) the storage of explosives;

(2) the transportation of explosives;

(3) the loading of explosives;

(4) initiation systems;

(5) the keeping of registers for the use of explosives;

(6) the destruction of packaging from explosives;

(7) the destruction of deteriorated or expired explosives;

(8) purchases of explosives and equipment;

(9) information on the equipment used for explosives;

(10) relevant training on explosives.

The employer shall also ensure that every employer or self-employed worker storing, transporting, loading or firing explosives on the mine site complies with the explosives management program.

The explosives management program shall be updated every three years.

402.1. Blasting and any work requiring the use of explosives must be carried out by a blaster who has received the training referred to in section 27.8 or who holds a shot-firer's certificate issued by the Commission des normes, de l'équité, de la santé et de la sécurité du travail or by an agency recognized by the Commission in accordance with section 292 of the Regulation respecting occupational health and safety (S-2.1, r. 13), or by an assistant under the supervision and coordination of such a blaster.

The blaster may not be assisted in such work by more than two assistants.".

14. Section 434 is amended

(1) by replacing "transportation of explosives" in the second paragraph by "the motorized vehicle shall be designed or adapted for the transportation of explosives, and transportation";

(2) by inserting "designed or adapted for the transportation of explosives and" after "be" in subparagraph *a* of subparagraph 4 of the second paragraph;

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

"Paragraph 4 of section 429 does not apply when very insensitive substances with a mass explosion hazard, Class 1.5, referred to in paragraph *e* of section 2.10 of the Transportation of Dangerous Goods Regulations (SOR/2001-286), are transported underground. Such explosive substances shall, however, be secured to prevent their movement or spillage during transportation.".

15. The following is inserted after section 437:

"**437.1.** Before drilling on a working face of an open-pit mine, it must be examined to detect misfires, cut-off holes and remnants of drill holes.

The first paragraph does not apply when the drilling is carried out using a remote control device, under supervision, and when the blasting area is evacuated.

437.2. Notwithstanding section 437.1, drilling in an open-pit mine may be carried out on broken rock without an examination to detect misfires if the drilling pattern is staggered to ensure a distance of 1.5 m between the holes for the previous blasting and the holes drilled.

Drilling under the first paragraph shall be carried out in accordance with a written procedure drawn up by an engineer.".

16. Section 438 is amended

(1) by replacing "section 437" by "sections 437 and 437.1";

(2) by inserting ", except those of a seismic excavation," after "holes";

(3) by adding the following at the end:

"(3) in any other way allowing the remnants of drill holes to be marked.

"However, ground support may be installed on the roofs and walls of an underground mine up to the working face before the remnants of drill holes are marked.".

17. Section 443.1 is amended by replacing paragraph 1 by the following:

"(1) the drill used must have an enclosed cab that complies with the plans and specifications of an engineer and the cab glass exposed to the risk of rock projection must be covered with metal mesh and of sufficient resistance to ensure worker safety or designed so as to provide safety equivalent to that combination;".

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

106665

Gouvernement du Québec

O.C. 34-2024, 17 January 2024

Act respecting collective agreement decrees (chapter D-2)

Industrie des services automobiles – Québec — Levy of the Comité paritaire — Amendment

Regulation to amend the Levy Regulation of the Comité paritaire de l'industrie des services automobiles de la région de Québec

WHEREAS, under subparagraph 3 of subparagraph *i* of the second paragraph of section 22 of the Act respecting collective agreement decrees (chapter D-2), from the mere fact of its formation, the parity committee may, as of right, by a regulation approved by the Government and published in the *Gazette officielle du Québec*, levy upon the professional employer alone or upon both the professional employer and the employee, or upon the employee alone, the sums required for the carrying out of the decree and such levying is to be subject to the following condition in particular:

— the regulation may determine the basis for the calculation of the levy in the case of a workman or artisan who is not serving a professional employer, and determine that the levy is to be collectable from such workman or artisan although demandable only from the professional employer;

WHEREAS the Comité paritaire de l'industrie des services automobiles de la région de Québec made the Regulation to amend the Levy Regulation of the Comité paritaire de l'industrie des services automobiles de la région de Québec at its sitting of 24 October 2022;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Levy Regulation of the Comité paritaire de l'industrie des services automobiles de la région de Québec was published in Part 2 of the G*azette officielle du Québec* of 4 October 2023 with a notice that it could be approved by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Levy Regulation of the Comité paritaire de l'industrie des services automobiles de la région de Québec, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Regulation to amend the Levy Regulation of the Comité paritaire de l'industrie des services automobiles de la région de Québec

Act respecting collective agreement decrees
(chapter D-2, s. 22, 2nd par., subpar. *i*, subpar. 3)

1. The Levy Regulation of the Comité paritaire de l'industrie des services automobiles de la région de Québec[1] is amended in section 4 by replacing "an amount equal to $2 per week" by "a weekly contribution calculated as follows: 0.35% of the wage rate in force for a Class C journeyman multiplied by the duration of the standard workweek provided for in section 3.01 of the Decree respecting the automotive services industry in the Québec region (chapter D-2, r. 11)".

2. This Regulation comes into force on 31 July 2024.

106666

1. The Levy Regulation of the Comité paritaire de l'industrie des services automobiles de la région de Québec was approved by Order in Council 51-96 dated 16 January 1996 (1996, G.O. 2, 998), and its amendments were approved by Order in Council 501-2002 dated 24 April 2002 (2002, G.O. 2, 2322) and Order in Council 828-2008 dated 27 August 2008 (2008, G.O. 2, 4580).

Draft Regulations

Draft Regulation

Act respecting the Institut de la statistique du Québec (chapter I-13.011)

Communication of designated information for research purposes

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the communication of designated information for research purposes, appearing below, may be made by the Minister of Finance on the expiry of 45 days following this publication.

The draft Regulation determines a document that a researcher attached to a public body by a contract of employment must file with the Institut de la statistique du Québec to obtain the communication of designated information as part of the researcher's research activities.

Further information on the draft Regulation may be obtained by contacting Edith Brochu, Director, Direction de la gouvernance, de l'évaluation et des boissons alcooliques, Ministère des Finances, 390, boulevard Charest Est, bureau 613, Québec (Québec) G1K 3H4; telephone: 418 554-5425; email: edith.brochu@finances.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Bertrand Cayouette, Assistant Deputy Minister for tax policy governing businesses, economic development and government corporations, Ministère des Finances, 390, boulevard Charest Est, bureau 606, Québec (Québec) G1K 3H4; email: bertrand.cayouette@finances.gouv.qc.ca.

ERIC GIRARD
Minister of Finance

Regulation respecting the communication of designated information for research purposes

Act respecting the Institut de la statistique du Québec (chapter I-13.011, s. 13.8, par. 4)

DIVISION I
DOCUMENT TO BE FILED TO OBTAIN THE COMMUNICATION OF DESIGNATED INFORMATION

1. To obtain from the Institut de la statistique du Québec the communication of designated information for research purposes, a researcher attached to a public body by a contract of employment must submit with their request a document, issued by the most senior officer of the public body to which the researcher is attached or by a person with management responsibilities who reports directly to the most senior officer, authorizing the researcher to

(1) make a request to the Institut for the communication of designated information as part of the researcher's research activities; and

(2) enter into the communication agreement provided for in section 13.9 of the Act respecting the Institut de la statistique du Québec with the Institut.

2. This Regulation comes into force on (*insert the date occurring 15 days after the date of its publication in the Gazette officielle du Québec*).

106658

Draft Regulation

Act respecting labour standards
(chapter N-1.1)

Labour standards
— 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 labour standards, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation increases, as of 1 May 2024, the general rate of the minimum wage to $15.75 per hour and the rate of the minimum wage payable to an employee who receives gratuities or tips to $12.60 per hour. It also increases, as of the same date, the minimum wage payable to raspberry and strawberry pickers.

The analysis of the regulatory impact shows that the proposed increases in minimum wage would enable the employees concerned by the new wage rates to participate in the collective wealth gain while maintaining the balance between improving the wages and salaries paid to low-income employees and the competitiveness of Québec enterprises.

Further information on the draft Regulation may be obtained by contacting Patrick Bourassa, labour policy adviser, Direction des politiques du travail, Ministère du Travail, 425, rue Jacques-Parizeau, 5e étage, Québec (Québec) G1R 4Z1; telephone: 581 628-8934, extension 82949, or 1 888-628-8934, extension 82949 (toll free); email: patrick.bourassa@travail.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to the Minister of Labour, 200, chemin Sainte-Foy, 6e étage, Québec (Québec) G1R 5S1; email: ministre@travail.gouv.qc.ca.

JEAN BOULET
Minister of Labour

Regulation to amend the Regulation respecting labour standards

Act respecting labour standards
(chapter N-1.1, s. 40, 1st par., s. 89, par. 1, and s. 91, 1st par.)

1. The Regulation respecting labour standards (chapter N-1.1, r. 3) is amended in section 3 by replacing "$15.25" by "$15.75".

2. Section 4 is amended by replacing "$12.20" by "$12.60".

3. Section 4.1 is amended in the first paragraph

(1) by replacing "$4.53" in subparagraph 1 by "$4.68";

(2) by replacing "$1.21" in subparagraph 2 by "$1.25".

4. This Regulation comes into force on 1 May 2024.

106667