



Part 2

LAWS AND REGULATIONS

11 September 2024 / Volume 156

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Part 2 – LAWS AND REGULATIONS

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

Part 2 shall contain:

- (1) Acts assented to;
- (2) proclamations and Orders in Council for the coming into force of Acts;
- (3) regulations and other statutory instruments whose publication in the *Gazette officielle du Québec* is required by law or by the Government;
- (4) regulations made by courts of justice and quasi-judicial tribunals;
- (5) drafts of the texts referred to in paragraphs (3) and (4) whose publication in the *Gazette officielle du Québec* is required by law before they are made, adopted or issued by the competent authority or before they are approved by the Government, a minister, a group of ministers or a government body; and
- (6) any other document published in the French Edition of Part 2, where the Government orders that the document also be published in English.

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Gouvernement du Québec

O.C. 1369-2024, 3 September 2024

Act to amend the Act respecting end-of-life care and other legislative provisions
—Coming into force of certain provisions

COMING INTO FORCE of certain provisions of the Act to amend the Act respecting end-of-life care and other legislative provisions

WHEREAS, under section 59 of the Act to amend the Act respecting end-of-life care and other legislative provisions (2023, chapter 15), the provisions of the Act come into force on 7 June 2023, except as provided in particular by paragraph 2 of section 59 of the Act, amended by section 1470 of the Act to make the health and social services system more effective (2023, chapter 34), sections 15, 17, 18 and 20 of the Act, section 21 of the Act insofar as it enacts the third paragraph of section 30 of the Act respecting end-of-life care (chapter S-32.0001), sections 30.1 and 30.2 of the Act and the heading of subdivision 5 of Division II of Chapter IV of Title II of the Act, section 22 of the Act insofar as it enacts subparagraphs 2 and 3 of the first paragraph of section 31 of the Act, and subparagraph *b* of paragraph 2 of section 30 of the Act, which come into force on the date to be set by the Government, which cannot be later than 7 June 2025;

WHEREAS it is expedient to set 30 October 2024 as the date of coming into force of sections 15, 17, 18 and 20 of the Act, section 21 of the Act insofar as it enacts the third paragraph of section 30 of the Act respecting end-of-life care, sections 30.1 and 30.2 of the Act and the heading of subdivision 5 of Division II of Chapter IV of Title II of the Act, section 22 of the Act insofar as it enacts subparagraphs 2 and 3 of the first paragraph of section 31 of the Act, and subparagraph *b* of paragraph 2 of section 30 of the Act to amend the Act respecting end-of-life care and other legislative provisions;

IT IS ORDERED, therefore, on the recommendation of the Minister Responsible for Seniors and Minister for Health and of the Minister of Health:

THAT 30 October 2024 be set as the date of coming into force of sections 15, 17, 18 and 20 of the Act, section 21 of the Act insofar as it enacts the third paragraph of section 30 of the Act respecting end-of-life care (chapter S-32.0001), sections 30.1 and 30.2 of the Act and the heading of subdivision 5 of Division II of Chapter IV of Title II of the Act, section 22 of the Act insofar as it enacts subparagraphs 2 and 3 of the first paragraph of

section 31 of the Act, and subparagraph *b* of paragraph 2 of section 30 of the Act to amend the Act respecting end-of-life care and other legislative provisions (2023, chapter 15).

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

107027



M.O., 2024**Order 2024-016 of the Minister of Health dated August 23, 2024**

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

Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16)

Regulation respecting health services and social services that may be provided and activities that may be conducted from a distance

THE MINISTER OF HEALTH,

CONSIDERING the first paragraph of section 453.2 of the Act respecting health services and social services (chapter S-4.2), made by section 29 of the Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16), which provides that the Minister may, by regulation, determine the cases in which and the conditions under which the following services may be provided from a distance, in particular to ensure their quality:

—the health services and social services determined under section 105 of the Act respecting health services and social services;

—the services insured under the plan established by the Health Insurance Act (chapter A-29) and provided by a health professional, within the meaning of that Act, who practises in a specialized medical centre referred to in subparagraph 1 of the first paragraph of section 333.3 of the Act respecting health services and social services; and

—the services insured under the plan established by the Health Insurance Act and provided by a health professional, within the meaning of that Act, who practises in a private health facility;

CONSIDERING the second paragraph of section 453.2 of the Act respecting health services and social services, made by section 29 of the Act to increase the supply of primary care services and to improve the management of that supply, which provides that the regulation may also determine the conditions under which the activities determined under section 105 of the Act respecting health services and social services may be conducted from a distance;

CONSIDERING that, in accordance with paragraph 2 of section 31 of the Act to increase the supply of primary care services and to improve the management of that supply, section 453.2 of the Act respecting health services and

social services, made by section 29 of the Act to increase the supply of primary care services and to improve the management of that supply, comes into force on the date of the first regulation made for the purposes of that section;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting health services and social services that may be provided and activities that may be conducted from a distance was published in Part 2 of the *Gazette officielle du Québec* of 6 March 2024 with a notice that it could be made by the Minister of Health on the expiry of 45 days following that publication;

CONSIDERING that it is expedient to make the Regulation without amendment;

ORDERS AS FOLLOWS:

The Regulation respecting health services and social services that may be provided and activities that may be conducted from a distance, attached to this Order, is hereby made.

CHRISTIAN DUBÉ
Minister of Health

Regulation respecting health services and social services that may be provided and activities that may be conducted from a distance

Act respecting health services and social services (chapter S-4.2, s. 453.2).

Act to increase the supply of primary care services and to improve the management of that supply (2022, chapter 16).

1. A health service or a social service provided by an institution, as well as a service insured under the plan instituted by the Health Insurance Act (chapter A-29) provided by a health professional, within the meaning of the Act, practising in a specialized medical centre referred to in subparagraph 1 of the first paragraph of section 333.3 of the Act respecting health services and social services (chapter S-4.2) or in a private health facility may be provided from a distance only if the following conditions are met:

(1) the person receiving the service has consented to the service being provided from a distance;

(2) the service does not require the person providing the service and the person receiving it to be present in person with one another, namely because it involves an examination or support that cannot be provided from a distance;

(3) a contingency plan has been developed in case of problems with the technologies used to provide the service;

(4) an in-person follow-up can be offered to the service user.

An activity organized by an institution can also be conducted from a distance. The conditions provided for in subparagraphs 1 to 3 of the first paragraph apply, with the necessary modifications.

2. Before requesting the consent required under subparagraph 1 of the first paragraph of section 1 from the person concerned, the person must be informed of the following:

(1) the inherent limits of providing services or participating in an activity from a distance;

(2) the means that can be used to communicate and their potential risks with regard to the confidentiality of personal information;

(3) if applicable,

(a) the place where the person can obtain in-person follow-up;

(b) the fact that communications are recorded.

3. Despite subparagraph 1 of the first paragraph of section 1, consent is not required if the life of the person is in danger or the person's integrity is threatened and the person's consent cannot be obtained in due time.

4. The contingency plan referred to in subparagraph 3 of the first paragraph of section 1 may be a joint plan for all professionals practising in the same place of practice or in any place of practice operated by the same person or partnership.

5. The in-person follow-up referred to in subparagraph 4 of the first paragraph of section 1 in the case of a service provided by a health professional, within the meaning of the Health Insurance Act, practising in a specialized medical centre or a private health facility, must be provided by one of the following professionals:

(1) the professional concerned;

(2) other professionals practising in the same place of practice as the professional concerned;

(3) a professional practising in a place of practice whose operator has agreed, by agreement, to the implementation of a service corridor with the professional concerned, allowing in-person follow-up.

6. In addition to the conditions provided for in section 1, where a service provided from a distance requires the establishment of a therapeutic relationship between a professional and the person receiving the service involving long-term follow-up of all aspects of the person's health, the professional must plan a subsequent in-person follow-up visit with the person.

7. For the purposes of the Act respecting health services and social services, and for the purposes of the user's record or the record kept by a professional, as the case may be, the services provided from a distance are deemed to have been provided in the place of practice of the professional who provided the service or in whose support the service was provided. In the case of professionals having more than one place of practice, the services are deemed to have been provided in the place where they would have been provided in person.

For the same purposes, activities conducted from a distance are deemed to have been conducted in the facility where they would have been conducted in person.

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

107021



Draft Regulation

Health Insurance Act
(chapter A-29)

Regulation — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the draft regulation to amend the Regulation respecting the application of the Health Insurance Act, the text of which appears hereafter, may be made by the Government on the expiry of the 45-day period following this publication.

This draft regulation aims to ensure that ultrasonography services rendered for guidance purposes during the provision of an insured service and those rendered for static ultrasonic measurements purposes without assessment of morphology are not services that should not be considered insured services for the purposes of the Health Insurance Act (chapter A-29). Therefore, this draft regulation aims to ensure that these services are insured services for the purposes of this Act.

This draft regulation will have the following effects on citizens and enterprises:

— Citizens will benefit from new insured ultrasonography services;

— Enterprises (small or medium sized enterprises) will benefit from savings of around \$1 million a year.

In accordance with the government's policy entitled *Politique gouvernementale sur l'allègement réglementaire et administratif – Pour une réglementation intelligente*, this draft regulation has been the subject of a regulatory impact analysis with regard to the above-mentioned effects for enterprises. This analysis can be consulted on the ministry's website.

Additional information concerning this draft regulation is available by contacting Stéphane Bergeron, Assistant Deputy Minister, Direction générale des affaires universitaires, médicales, infirmières et pharmaceutiques, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 9^e étage, Québec (Québec) G1S 2M1, email: stephane.bergeron@msss.gouv.qc.ca.

Anyone wishing to comment on this draft regulation may write, before the expiry of the 45-day period mentioned above, to the Minister of Health, at 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1, email: ministre@msss.gouv.qc.ca.

CHRISTIAN DUBÉ
Minister of Health

Regulation to amend the Regulation respecting the application of the Health Insurance Act

Health Insurance Act
(chapter A-29, s. 69, 1st para., subpara. b.1).

1. Section 22 of the Regulation respecting the application of the Health Insurance Act (chapter A-29, r. 5) is amended by adding, at the end of subparagraph *q*, the following subparagraphs:

“v. this service is rendered for guidance purposes during the provision of an insured service;

vi. this service is rendered for static ultrasonic measurements purposes without assessment of morphology;”.

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

107024



Draft Regulation

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

Civil Code of Québec
(Civil Code)

Act to limit lessors' right of eviction and to enhance the
protection of senior lessees
(2024, chapter 23)

Mandatory content of a notice of modification of the lease of a dwelling

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the mandatory content of a notice of modification of the lease of a dwelling, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to prescribe the mandatory particulars that must be included in a notice of modification of the lease of a dwelling.

Study of the matter has shown no impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Benoît Saulnier-Tremblay, Direction des orientations et de la gouvernance municipales, Ministère des Affaires municipales et de l'Habitation, 10, rue Pierre-Olivier-Chauveau, aile Chauveau, 3^e étage, Québec (Québec) G1R 4J3; telephone: 418 691-2015, extension 83607; email: benoit.saulnier-tremblay@mamh.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Benoît Saulnier-Tremblay at the above contact information.

FRANCE-ÉLAINE DURANCEAU
Minister Responsible for Housing

Regulation respecting the mandatory content of a notice of modification of the lease of a dwelling

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

Civil Code of Québec
(Civil Code, art. 1943, 1st par.).

Act to limit lessors' right of eviction and to enhance the
protection of senior lessees
(2024, chapter 23, s. 4).

1. A notice of modification of the conditions of the lease of a dwelling must, in addition to the particulars prescribed by article 1943 of the Civil Code, amended by section 4 of the Act to limit lessors' right of eviction and to enhance the protection of senior lessees (2024, chapter 23), reproduce the text contained in the schedule to this Regulation.

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

SCHEDULE (Section 1)

- 1.** The lessee who receives this notice has three options:
- (1) I agree to the renewal of the lease with the modifications;
 - (2) I object to the proposed modifications and I renew my lease;
 - (3) I do not renew my lease and I will vacate upon termination of the lease.
- 2.** The objection to the proposed modifications requires the lessee to vacate the dwelling upon termination of the lease in the following cases (arts. 1945 and 1955 C.C.Q):
- (1) the section of the lease related to the restrictions of the right to fix the rent and the modification of the lease indicates that the dwelling is situated in a housing cooperative of which the lessee is a member;
 - (2) the section of the lease related to the restrictions of the right to fix the rent and the modification of the lease indicates that the dwelling is situated in an immovable constructed or whose destination has changed in the past 5 years or less.

In addition, if the lease is entered into after 20 February 2024 and the immovable is ready for its intended use after that date, the lessor must also, to set up the restriction of the right to fix the rent against the lessee, indicate in the lease the maximum rent the lessor may impose in the 5 years following the date on which the immovable is ready for habitation.

3. If the lessee objects to the proposed modifications, such as a rent increase, the lessor may apply to the Administrative Housing Tribunal, within one month after receiving the notice of objection, to have the rent fixed or for a ruling on any other modification of the lease.

The lessee and the lessor must then comply with the decision of the Tribunal. If the lessor does not apply to the Tribunal within the month following the objection, the lease is renewed at the same rent and on the same other conditions.

The costs related to the lessor's application are borne by the lessor. The Tribunal has the discretion to order the lessee to reimburse the costs, in particular when the Tribunal grants an increase of the rent requested by the lessor and the lessor had, before filing the proceeding, allowed the lessee to have access to the relevant data in order to make an informed decision on the increase.

107023



Draft Regulation

Environment Quality Act
(chapter Q-2)

Mandatory reporting of certain emissions of contaminants into the atmosphere — 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 mandatory reporting of certain emissions of contaminants into the atmosphere, appearing below, may be made by the Minister of the Environment, the Fight Against Climate Change, Wildlife and Parks on the expiry of 45 days following this publication.

The draft Regulation allows emitters who have acquired from a natural gas distributor within the meaning of section 2 of the Act respecting the Régie de l'énergie (chapter R-6.01) or from another supplier quantities of biomethane as a substitute for natural gas to report, instead of the quantities of natural gas used during the report year, equivalent quantities of biomethane acquired for the year concerned, to the extent that the biomethane acquired meets certain criteria.

It adds protocol QC.35 stating the criteria to be met and the information and documents to be sent so that emitters who wish to report biomethane as a substitute for natural gas may avail themselves of the option.

The draft Regulation also adds information to be reported for emitters who operate an enterprise that distributes biomethane and the requirement to demonstrate that the biomethane distributed meets the criteria in the new protocol QC.35.

The draft Regulation clarifies the visits that are part of the verification of the report and the addition of a time period for sending verification reports or attestations required following a notice of correction.

Lastly, it updates Table 17-1 concerning default greenhouse gas emission factors for Canadian provinces and certain North American markets.

Further information on the draft Regulation may be obtained by contacting Olivier Lacroix, engineer, Direction des inventaires et de la gestion des halocarbures, Ministère

de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs; telephone: 418 521-3868, extension 31028; email: olivier.lacroix@environnement.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Vicky Leblond, Director, Direction des inventaires et de la gestion des halocarbures, Ministère de l'Environnement, de la Lutte contre des changements climatiques, de la Faune et des Parcs, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 10^e étage, boîte 30, Québec (Québec) G1R 5V7; email: vicky.leblond@environnement.gouv.qc.ca.

BENOIT CHARETTE

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

Regulation to amend the Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere

Environment Quality Act
(chapter Q-2, ss. 2.2 and 46.2).

1. The Regulation respecting mandatory reporting of certain emissions of contaminants into the atmosphere (chapter Q-2, r. 15) is amended in section 1 by inserting “or transfers” after “listed in Schedule A.1” in the first paragraph.

2. Section 3 is amended by inserting the following after subparagraph 0.2 of the first paragraph:

“(0.2.1) “biomethane” means a gaseous fuel whose properties are similar to those of natural gas, that is produced from biomass and that is free of fossil carbon;”.

3. Section 6.1.2 is amended by inserting “transferred or” after “listed in Schedule A.1, or” in the first paragraph.

4. Section 6.2 is amended

(1) by inserting the following after subparagraph 4.2 of the first paragraph:

“(4.3) the quantity and description of each type of biomass fuel used;”;

(2) by inserting “be accompanied by the documents provided for in Schedule A.2, if applicable, and” after “in the first paragraph must” in the third paragraph.

5. The following is inserted after section 6.2:

“**6.2.1.** For the purposes of the emissions report referred to in section 6.2, an emitter who acquires from a natural gas distributor within the meaning of section 2 of the Act respecting the Régie de l’énergie (chapter R-6.01) or from another supplier quantities of biomethane as a substitute for natural gas may report, instead of the quantities of natural gas used during the report year, equivalent quantities of biomethane acquired for the year concerned, if the emitter demonstrates that the biomethane acquired meets the criteria in protocol QC.35 and provides all the information and documents specified in that respect. The emitter then reports the quantities of biomethane acquired as if they had been used and the emissions attributable to their combustion or their use in accordance with this Regulation.

An emitter who operates an enterprise that distributes biomethane must also demonstrate, in the report, that the biomethane distributed meets the criteria in protocol QC.35 and provide all the information and documents specified in that respect. Failing that, the quantities of biomethane distributed and the emissions attributable to their combustion or their use must be reported as being respectively quantities of natural gas and emissions attributable to the combustion or use of the natural gas.

The Minister may request any additional information or document the Minister deems necessary to verify that the biomethane reported meets the criteria in protocol QC.35. If the biomethane reported does not meet one of the criteria, the Minister informs the emitter who must file a notice of correction of the report in accordance with section 6.5 to report the quantities of biomethane concerned and the emissions attributable to their combustion or their use as being respectively quantities of natural gas and emissions attributable to the combustion or use of the natural gas.”

6. Section 6.7 is amended

(1) by replacing “include a” in the first paragraph by “send to the Minister, not later than 60 days after the notice, a”;

(2) by adding “within the time period specified in the first paragraph” at the end of the second paragraph.

7. Section 6.8 is amended by adding “and, in the first case, the quantity of greenhouse gases attributable to those changes represent at least 25% of the emissions referred to in subparagraph 2.3 of the first paragraph of section 6.2 of the report of the preceding year” at the end of subparagraph e of the first paragraph.

8. Schedule A.2 is amended

(1) in protocol QC.1,

(a) in QC.1.3,

i. by inserting “or biomethane” after “natural gas” in subparagraph *a* of subparagraph 2 of the first paragraph of QC.1.3.1;

ii. by inserting “biomethane,” after “natural gas,” in subparagraph 3 of the second paragraph of QC.1.3.4;

(b) in QC.1.4, by inserting “or biomethane” after “natural gas” in subparagraph *a* of subparagraph 2 of the first paragraph of QC.1.4.1;

(2) in protocol QC.2, by inserting “, biomethane” after “natural gas” in subparagraph *a* of subparagraph 3 of the first paragraph of QC.2.3.4;

(3) in protocol QC.6,

(a) by inserting “and biomethane” after “natural gas” in subparagraph *i* of subparagraph *a* of paragraph 2 of QC.6.4;

(b) by inserting “or biomethane” after “natural gas” in subparagraph *ii* of subparagraph *a* of paragraph 2 of QC.6.4;

(4) in protocol QC.16,

(a) in QC.16.3,

i. by inserting “biomethane,” after “natural gas,” in the second paragraph;

ii. by inserting “or biomethane” after “natural gas” in paragraph 1 of QC.16.3.2;

(b) in QC.16.4, by inserting “biomethane,” after “natural gas,” in the second paragraph;

(5) by replacing Table 17-1 of QC.17.4 in protocol QC.17 by the following:

“Table 17-1. Default greenhouse gas emission factors for Canadian provinces and certain North American markets, in metric tons CO₂ equivalent per megawatt-hour

Canadian provinces and North American markets	Default emission factor (metric ton GHG /MWh)	Canadian provinces and North American markets	Default emission factor (metric ton GHG /MWh)
Newfoundland and Labrador	0.017	Midwest Independent Transmission System Operator (MISO-RTO), including all or part of the following states:	
Nova Scotia	0.663	–Arkansas	
New Brunswick	0.332	–North Dakota	
Québec	0.001	–South Dakota	
Ontario	0.036	–Minnesota	
Manitoba	0.001	–Iowa	
Vermont	0.006	–Missouri	
New England Independent System Operator (NE-ISO), including all or part of the following states:		–Wisconsin	
–Connecticut		–Illinois	0.465
–Massachusetts		–Michigan	
–Maine	0.267	–Indiana	
–Rhode Island		–Montana	
–Vermont		–Kentucky	
–New Hampshire		–Texas	
New York Independent System Operator (NY-ISO)	0.246	–Louisiana	
Pennsylvania Jersey Maryland Interconnection Regional Transmission Organization (PJM-RTO), including all or part of the following states:		–Mississippi	
–North Carolina		–Manitoba	
–Delaware		Southwest Power Pool (SPP), including all or part of the following states:	
–Indiana		–Kansas	
–Illinois		–Oklahoma	
–Kentucky		–Colorado	
–Maryland	0.428	–Nebraska	
–Michigan		–New Mexico	
–New Jersey		–Texas	
–Ohio		–Louisiana	0.453
–Pennsylvania		–Missouri	
–Tennessee		–Arkansas	
–Virginia		–Iowa	
–West Virginia		–Minnesota	
–District of Columbia		–Montana	
		–North Dakota	
		–South Dakota	
		–Wyoming	

(6) in protocol QC.30,

(a) by inserting the following after paragraph 4 of QC.30.2:

“(5) in the case of an emitter who distributes biomethane,

(a) the annual CO₂ emissions attributable to the use of biomethane distributed for consumption in Québec, excluding biomethane, other than that used for transport purposes, used by an emitter referred to in the first paragraph or in subparagraph 3 of the second paragraph of section 2 or section 2.1 of the Regulation respecting a cap-and-trade system for greenhouse gas emission allowances (chapter Q-2, r. 46.1), and who is required to cover its greenhouse gas emissions under that Regulation;

(b) the total annual quantity of biomethane acquired from suppliers;

(c) the total annual quantity of biomethane acquired not distributed;

(d) the reasons for the difference between the quantity of biomethane reported in accordance with subparagraph *b* and the sum of the quantities of biomethane reported in accordance with subparagraph *c* and subparagraphs 2 and 3.1 of the first paragraph, if applicable;”;

(b) in QC.30.3,

i. by adding “and, in the case of biomethane, CO₂ emissions attributable to its use must be calculated using equation 30-3” at the end of the first paragraph;

ii. by inserting the following after equation 30-2:

“Equation 30-3

$$\text{CO}_2 = Q_{\text{bd}} \times \text{EF}$$

Where:

CO₂ = Annual CO₂ emissions attributable to the use of biomethane, in metric tons;

Q_{bd} = Total annual quantity of biomethane distributed for consumption in Québec, in thousands of cubic metres at standard conditions;

EF = CO₂ emission factor for biomethane, that is, 1.878 metric ton of CO₂ per thousand of cubic metres;”

(7) by inserting the following after protocol QC.34:

“QC.35. SUBSTITUTION OF NATURAL GAS BY BIOMETHANE

QC.35.1 Scope

This protocol applies to an emitter who acquires from a natural gas distributor within the meaning of section 2 of the Act respecting the Régie de l'énergie (chapter R-6.01)

or from another supplier quantities of biomethane as a substitute for natural gas and who wishes to report those quantities and the emissions attributable to their combustion or their use in accordance with the first paragraph of section 6.2.1.

It also applies to an emitter who operates an enterprise that distributes biomethane and who reports the quantities of biomethane distributed and the emissions attributable to their combustion or their use in accordance with the second paragraph of section 6.2.1.

QC.35.2 Reporting requirements and documents to be sent concerning biomethane

In accordance with section 6.2.1, the greenhouse gas emissions report referred to in section 6.2 must include the information and documents making it possible to demonstrate that the biomethane reported is free of fossil carbon, that it is injected in the North American natural gas pipeline network and that the quantities reported are sold only once.

For that purpose, the report must include the following information and documents:

(1) in the case of an emitter referred to in the first paragraph of section 6.2.1 who acquires quantities of biomethane directly from a supplier other than a natural gas distributor within the meaning of section 2 of the Act respecting the Régie de l'énergie (chapter R-6.01),

(a) the name and contact information of each production site of the quantities of biomethane acquired and the annual quantity of biomethane acquired from each site, in thousands of cubic metres;

(b) the contact information of each injection station of the quantities of biomethane acquired in the North American natural gas network, the name of the entity responsible for the station and the contact information of the delivery site at the emitter's establishment;

(c) a copy of any biomethane acquisition contract and any amendment as well as any document pertinent to the contracts that demonstrates that the quantities of biomethane acquired are produced from biomass and are free of fossil carbon;

(d) any document indicating that the acquirer is the sole owner of the quantities of biomethane acquired;

(2) in the case of an emitter referred to in the first paragraph of section 6.2.1 who acquires quantities of biomethane from a natural gas distributor within the meaning of section 2 of the Act respecting the Régie de l'énergie, the information and documents referred to in subparagraphs *a* to *d* of paragraph 1 or a copy of the monthly invoices issued by the distributor;

(3) in the case of an emitter referred to in the second paragraph of section 6.2.1,

(a) the name and contact information of each production site of the biomethane distributed and the annual quantity of biomethane distributed from each site, in thousands of cubic metres;

(b) the contact information of each injection station of the biomethane distributed in the North American natural gas network, the name of the entity responsible for the station and the contact information of each delivery site at the emitter's establishment to which biomethane was distributed;

(c) a copy of any biomethane acquisition contract and any amendment as well as any document pertinent to the contracts that demonstrates that the biomethane distributed is produced from biomass and is free of fossil carbon;

(d) any document indicating that the emitter to which the biomethane was distributed is the sole owner of the quantities of biomethane distributed and the quantities are not sold to other persons.”

9. This Regulation comes into force on 1 January 2025.

107025



Draft Regulation

Act respecting end-of-life care
(chapter S-32.0001)

Procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose

—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 the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation specifies the information that must be forwarded to the Commission sur les soins de fin de vie by

— a competent professional who administers medical aid in dying to a person who has made an advance request for medical aid in dying;

— a competent professional who does not administer medical aid in dying to a person who has made an advance request for medical aid in dying, despite having received it, when one of the events listed in the first paragraph of section 47.1 of the Act respecting end-of-life care (chapter S-32.0001) occurs.

Further information on the draft Regulation may be obtained by contacting Katleen Busque, Director, Direction de l'éthique et de la qualité, Ministère de la Santé et des Services sociaux, 1075, chemin Sainte-Foy, 3^e étage, Québec (Québec) G1S 2M1; email: katleen.busque@msss.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 Responsible for Seniors and Minister for Health, 1075, chemin Sainte-Foy, 15^e étage, Québec (Québec) G1S 2M1; email: ministre.deleguee@msss.gouv.qc.ca.

SONIA BÉLANGER
*Minister Responsible
for Seniors and Minister
for Health*

CHRISTIAN DUBÉ
Minister of Health

Regulation to amend the Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose

Act respecting end-of-life care
(chapter S-32.0001, s. 46, 1st par., s. 47, 1st par.,
and s. 47.1, 2nd par.).

1. The Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose (chapter S-32.0001, r. 1), amended by section 2 of the Regulation to amend the Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose, enacted by Order in Council 1020-2024 dated 26 June 2024, is again amended in section 2

(1) by adding “, in the case of a contemporaneous request for medical aid in dying, or in section 3.1, in the case of an advance request for medical aid in dying” at the end of subparagraph 1;

(2) by striking out “that identifies the competent professional who administered medical aid in dying and the competent professional who gave a second opinion under subparagraph 3 of the first paragraph of section 29 of the Act respecting end-of-life care (chapter S-32.0001), as well as information that allows them to identify the person who requested medical aid in dying” in subparagraph 2.

2. Section 3, amended by section 3 of the Regulation to amend the Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose, enacted by Order in Council 1020-2024 dated 26 June 2024, and by section 4 of the Regulation to amend the Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose, published as a draft in Part 2 of the *Gazette officielle du Québec* dated 31 July 2024, is again amended by replacing “The information” in the part preceding subparagraph 1

of the first paragraph by “If medical aid in dying was administered following a contemporaneous request, the information”.

3. The following is inserted after section 3:

“**3.1.** If medical aid in dying was administered following an advance request, the information constituting the component referred to in paragraph 1 of section 2 is the following:

(1) concerning the person who requested medical aid in dying:

(a) the date of birth;

(b) sex;

(c) an indication that the competent professional verified that the person was insured within the meaning of the Health Insurance Act (chapter A-29) or that the person is considered an insured person within the meaning of the second paragraph of section 29.1 of the Act respecting end-of-life care (chapter S-32.0001);

(d) the main medical diagnosis, vital prognosis and detailed clinical picture;

(e) a description of the clinical manifestations related to the serious and incurable illness leading to the incapacity to consent to care that the person described in the request, as observed by the competent professional along with their recurrent nature;

(f) the nature and description of the person’s disabilities;

(g) the nature and description of physical or psychological suffering and a description of the signs of suffering that the competent professional has observed;

(h) the reasons for which the person’s medical situation leads the competent professional to believe that the person is experiencing enduring and unbearable physical or psychological suffering that cannot be relieved under conditions considered tolerable;

(i) a description of the other services the person has received to relieve the suffering, if any;

(j) an indication that the competent professional made sure that the person was incapable of giving consent to care when medical aid in dying was administered and the reasons leading to that conclusion;

(k) an indication that the competent professional ensured that the person had become incapable of giving consent to care because of the serious and incurable illness leading to the incapacity to consent to care identified in the request;

(l) a description of the behavioural symptoms resulting from the person’s medical state, presented by the person, and the reasons for which the competent professional ruled out the possibility that the patient was refusing to receive medical aid in dying, if applicable;

(m) an indication that the competent professional recorded in writing the behavioural symptoms arising from the person’s medical state that the professional observed and the conclusions of the assessment, if applicable;

(n) the date or dates on which the person was examined as required by section 29.13, 29.14 or 29.15 of the Act respecting end-of-life care;

(2) concerning the request for medical aid in dying:

(a) the date on which the request was completed;

(b) an indication that the competent professional verified that it was made using the form prescribed by the Minister of Health and Social Services under the first paragraph of section 29.2 of the Act respecting end-of-life care;

(c) an indication that the competent professional verified that it was completed fully and correctly;

(d) an indication that the competent professional verified that the request was the most recent one made by the person and recorded in the register referred to in section 29.10 of the Act respecting end-of-life care;

(e) the serious and incurable illness leading to the inability to consent to care identified in the request;

(f) the clinical manifestations of the serious and incurable illness leading to the incapacity to consent to care described by the person in the request;

(g) a medical description of the clinical manifestations made by the competent professional in the request;

(3) concerning the competent professional who administered medical aid in dying:

(a) the date or dates on which the competent professional

i. consulted the record of the person who requested medical aid in dying, and in particular the form used to make the request for medical aid in dying;

ii. examined the person who requested medical aid in dying;

iii. consulted the members of the healthcare team responsible for the person who requested medical aid in dying, if applicable;

(b) an indication that he or she is a physician or a specialized nurse practitioner and, if applicable, was treating the person who requested the medical aid in dying before it was administered;

(c) an indication that the competent professional did or did not carry out the examination required by section 29.13, 29.14 or 29.15 of the Act respecting end-of-life care;

(4) concerning the second competent professional consulted to confirm compliance with the criteria set out in subparagraph 2 of the first paragraph of section 29.1 and the first paragraph of section 29.2 of the Act respecting end-of-life care:

(a) an indication that the professional was independent of both the person who requested medical aid in dying and the competent professional who administered the medical aid in dying;

(b) the date or dates on which the second competent professional consulted the record of the person who requested medical aid in dying, and in particular the form used to make the request for medical aid in dying;

(c) the date or dates on which the second competent professional personally examined the person who requested medical aid in dying;

(d) the second competent professional's opinion concerning compliance with the criteria set out in subparagraph 2 of the first paragraph of section 29.1 and the first paragraph of section 29.2 of the Act respecting end-of-life care and the date on which the opinion was signed;

(e) an indication that the second competent professional is a physician or a specialized nurse practitioner and, if applicable, was treating the person who requested the medical aid in dying before it was administered;

(f) an indication that the second competent professional did or did not carry out the examination required by section 29.13, 29.14 or 29.15 of the Act respecting end-of-life care;

(5) the information on medical aid in dying referred to in subparagraph 4 of the first paragraph of section 3.

The competent professional who administered medical aid in dying also sends to the Commission any other information or comment the competent professional deems relevant for examination by the Commission within the framework of its mandate.”

4. Section 4, amended by section 4 of the Regulation to amend the Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration

of medical aid in dying and the information to be sent to the Commission for that purpose, enacted by Order in Council 1020-2024 dated 26 June 2024, is again amended by replacing “consulted” in the part preceding subparagraph *a* of subparagraph 3 by “who gave a second opinion pursuant to subparagraph 3 of the first paragraph of section 29 of the Act respecting end-of-life care (chapter S-32.0001), in the case of a contemporaneous request for medical aid in dying, or subparagraph 2 of the first paragraph of section 29.19 of that Act, in the case of an advance request for medical aid in dying”.

5. Section 8 is amended by inserting “or section 29.19” after “section 29” of the first paragraph.

6. Section 9, amended by section 6 of the Regulation to amend the Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose, enacted by Order in Council 1020-2024 dated 26 June 2024, is again amended:

(1) by inserting “or section 29.19” after “section 29” in the first paragraph;

(2) by inserting “or the criteria set out in subparagraph 2 of the first paragraph of section 29.1 and the first paragraph of section 29.2 of that Act” after “Act respecting end-of-life care” in the second paragraph.

7. Section 13, amended by section 7 of the Regulation to amend the Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose, enacted by Order in Council 1020-2024 dated 26 June 2024, is again amended

(1) in the first paragraph

(a) by inserting “or section 29.19” after “section 29”;

(b) by replacing “section 29” by “either section”;

(2) by inserting “or section 29.19” after “section 29” in the third paragraph.

8. Section 15.1, enacted by section 8 of the Regulation to amend the Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose, published as a draft in Part 2 of the *Gazette officielle du Québec* dated 31 July 2024, is amended by striking out “that identifies the competent professional having received a request for

medical aid in dying who did not administer such aid to the person having made the request as well as the information that allows the Commission to identify the person who requested medical aid in dying” in subparagraph 2.

9. Section 15.2, enacted by section 8 of the Regulation to amend the Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose, published as a draft in Part 2 of the *Gazette officielle du Québec* dated 31 July 2024, is amended

(1) by inserting “or section 29.19” after “section 29” in the part preceding subparagraph 1;

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

“(1) in the case of a contemporaneous request:

(a) the person’s date of birth and sex;

(b) the person’s main medical diagnosis and the prognosis for the illness or a description of the anticipated clinical course of the physical impairment, if known by the competent professional;

(c) the date on which the request for medical aid in dying was completed;

(d) the health region in which the person’s domicile is located;

(e) the reasons leading the competent professional to conclude that the person no longer meets the criteria set out in section 29 of the Act respecting end-of-life care and the date on which the conclusion was made;

(f) the information concerning any other service offered to and received by the person to relieve suffering, if applicable;

(g) an indication that the competent professional is a physician or a specialized nurse practitioner;

(2) in the case of an advance request:

(a) the person’s date of birth and sex;

(b) the person’s main medical diagnosis and vital prognosis, if known by the competent professional;

(c) the date on which the request for medical aid in dying was completed;

(d) the health region in which the person’s domicile is located;

(e) the reasons leading the competent professional to conclude that the person no longer meets the criteria set out in section 29.19 of the Act respecting end-of-life care and the date on which the conclusion was made;

(f) the information concerning any other service offered to and received by the person to relieve suffering, if applicable;

(g) an indication that the competent professional is a physician or a specialized nurse practitioner.”

10. Section 15.3, enacted by section 8 of the Regulation to amend the Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose, published as a draft in Part 2 of the *Gazette officielle du Québec* dated 31 July 2024, is amended by replacing des paragraphs 1 to 3 by the following:

“(1) in the case of a contemporaneous request:

(a) the reasons why the person withdrew the request, if known by the competent professional;

(b) the competent professional’s opinion regarding compliance with the criteria set out in section 26 of the Act respecting end-of-life care (chapter S-32.0001) before the person withdrew their request, if applicable;

(c) the information referred to in subparagraphs *a* to *d*, *f* and *g* of paragraph 1 of section 15.2;

(2) in the case of an advance request:

(a) the reasons for which why the person withdrew the request, if known by the competent professional;

(b) the date on which the request was deleted from the register referred to in section 29.10 of the Act respecting end-of-life care;

(c) the information referred to in subparagraphs *a*, *c*, *d* and *g* of paragraph 2 of section 15.2.”

11. Section 15.4, enacted by section 8 of the Regulation to amend the Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose, published as a draft in Part 2 of the *Gazette officielle du Québec* dated 31 July 2024, is amended by replacing paragraphs 1 to 5 by the following:

“(1) in the case of a contemporaneous request:

(a) the date on which the administration of medical aid in dying was to take place;

(b) the date on which the competent professional concluded that the person met the criteria set out in section 29 of the Act respecting end-of-life care (chapter S-32.0001);

(c) the facts that made it possible to find that the person had expressed his or her refusal;

(d) the date on which the person's inability to consent to care was observed;

(e) an indication that the person had given consent, in writing by means of the form prescribed by the Minister of Health and Social Services and in the presence of a competent professional, to receive medical aid in dying even if the person became incapable of giving consent to care before the administration of the aid as well as the date on which the form was completed, if applicable;

(f) the person's main medical diagnosis and the prognosis for the illness or a description of the anticipated clinical course of the physical impairment;

(g) the information referred to in subparagraphs *a*, *c*, *d*, *f* and *g* of paragraph 1 of section 15.2;

(2) in the case of an advance request:

(a) the date on which the administration of medical aid in dying was to take place;

(b) the date or dates on which the examination required by section 29.13, 29.14 or 29.15 of the Act respecting end-of-life care was carried out;

(c) the date on which the competent professional concluded that the person met the criteria set out in section 29.19 of the Act respecting end-of-life care;

(d) the facts that made it possible to find that the person had expressed his or her refusal and the reasons leading the competent professional to conclude that they did not constitute behavioural symptoms resulting from the person's medical state that would have led the competent professional to rule out the possibility that the person was refusing to receive medical aid in dying;

(e) the person's main medical diagnosis and vital prognosis;

(f) the date on which the request was deleted from the register referred to in section 29.10 of the Act respecting end-of-life care;

(g) the information referred to in subparagraphs *a*, *c*, *d*, *f* and *g* of paragraph 2 of section 15.2.”

12. Section 15.5, enacted by section 8 of the Regulation to amend the Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose, published as a draft in Part 2 of the *Gazette officielle du Québec* dated 31 July 2024, is replaced by the following:

“**15.5.** If the competent professional forwarded a notice of refusal pursuant to section 31 of the Act respecting end-of-life care (chapter S-32.0001), the information constituting the component referred to in paragraph 1 of section 15.1 is, in addition to the date on which the professional forwarded the notice, the following:

(1) in the case of a notice of refusal of a request for a reason not based on section 29 or section 29.19 of the Act respecting end-of-life care, the information referred to in subparagraphs *a*, *c*, *d*, and *g* of paragraph 1 of section 15.2, in the case of a contemporaneous request, or in subparagraphs *a*, *c*, *d* and *g* of paragraph 2 of that section, in the case of an advance request;

(2) in the case of a notice of refusal to provide assistance to a person in making an advance request:

(a) the date on which the competent professional was asked to assist the person;

(b) the information referred to in subparagraphs *a*, *d* and *g* of paragraph 2 of section 15.2;

(3) in the case of a notice of refusal de provide assistance to a person for the withdrawal of an advance request or a notice of refusal to carry out the examination required by section 29.13, 29.14 or 29.15 of the Act respecting end-of-life care, the information referred to in subparagraphs *a*, *c*, *d* and *g* of paragraph 2 of section 15.2.”

13. Section 15.6, enacted by section 8 of the Regulation to amend the Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose, published as a draft in Part 2 of the *Gazette officielle du Québec* dated 31 July 2024, is amended by replacing paragraphs 1 to 4 by the following:

“(1) in the case of a contemporaneous request:

(a) the date of death of the person, if known by the competent professional;

(b) the competent professional's opinion regarding compliance with the criteria set out in section 26 of the Act respecting end-of-life care (chapter S-32.0001) before the person died, if applicable;

(c) the date on which the administration of medical aid in dying was to take place, if applicable;

(d) the information referred to in subparagraphs *a* to *d*, *f* and *g* of paragraph 1 of section 15.2;

(2) in the case of an advance request:

(a) the date of death of the person, if known by the competent professional;

(b) the competent professional's opinion regarding compliance with the criteria set out in section 29.19 of the Act respecting end-of-life care before the person died, if applicable;

(c) the date on which the administration of medical aid in dying was to take place, if applicable;

(d) the date or dates on which the examination required by section 29.13, 29.14 or 29.15 of the Act respecting end-of-life care was carried out, if applicable;

(e) the date or dates on which the criteria set out in section 29.19 of the Act respecting end-of-life care were assessed, if applicable;

(f) the information referred to in subparagraphs *a* to *d*, *f* and *g* of paragraph 2 of section 15.2.”.

14. Section 15.7, enacted by section 8 of the Regulation to amend the Regulation respecting the procedure followed by the Commission sur les soins de fin de vie to assess compliance with the criteria for the administration of medical aid in dying and the information to be sent to the Commission for that purpose, published as a draft in Part 2 of the Gazette officielle du Québec dated 31 July 2024, is amended by replacing “who made” in paragraph 1 by “concerned by”.

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

107026

Draft Regulation

Civil Code of Québec
(Civil Code; 2019, chapter 28; 2021, chapter 7; 2024,
chapter 2)

Various rules concerning divided co-ownership

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation establishing various rules concerning divided co-ownership, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation determines the form and content of the maintenance log provided for by the Civil Code of Québec with regard to divided co-ownership, as well as the procedure for the keeping and review of the maintenance log. The draft Regulation also sets out the requirements for the establishment and review of such a log.

The draft Regulation also establishes standards relating to the study of the contingency fund of a divided co-ownership and designates, in particular, the professional orders whose members are empowered to perform the study. The draft Regulation determines the frequency at which a new study must be obtained by the board of directors.

In addition, the draft Regulation determines the form and content of the certificate that must be issued by the syndicate of a divided co-ownership when a fraction of an immovable under divided co-ownership is sold.

Lastly, the draft Regulation determines the terms and conditions concerning the deposit in a trust account of the deposit paid to a builder or a developer for the purchase of a fraction of an immovable under divided co-ownership.

The main impact of the draft Regulation on enterprises concerns the cost of producing a maintenance log and a contingency fund study, which must be paid by developers who build immovables held in divided co-ownership, as well as the cost of reviewing the log and the study, which must be paid by co-ownership syndicates, in particular if enterprises co-own the immovables.

Further information on the draft Regulation may be obtained by contacting Nathalie Mallard, Director, Direction de l'analyse et de la stratégie, Société d'habitation du Québec, 1054, rue Louis-Alexandre-Taschereau, Aile Jacques Parizeau, 3^e étage, G1R 5E7; telephone: 418 643-4035, extension 32040; email: nathalie.mallard@shq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nathalie Mallard at the above contact information.

FRANCE-ÉLAINE DURANCEAU
Minister Responsible for Housing

Regulation establishing various rules concerning divided co-ownership

Civil Code of Québec
(Civil Code, art. 1068.1, 1st par., art. 1070.2, 2nd par., art. 1071, 2nd par., and art. 1791.1, 1st par. and 3rd par.; 2019, chapter 28, ss. 35, 38, 39, 66 and 151; 2021, chapter 7, s. 1; 2024, chapter 2, ss. 1 and 2).

DIVISION I MAINTENANCE LOG

1. Every person who meets the following requirements may establish the maintenance log of an immovable provided for in article 1070.2 of the Civil Code, made by section 38 of the Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d'habitation du Québec and various legislative provisions concerning municipal affairs (2019, chapter 28) and amended by section 1 of the Act to amend various legislative provisions with respect to housing (2024, chapter 2):

(1) the person is a member of one of the following professional orders:

- (a) Ordre des ingénieurs du Québec;
- (b) Ordre des évaluateurs agréés du Québec;
- (c) Ordre des architectes du Québec;
- (d) Ordre des technologues professionnels du Québec;

(2) the person's professional activities primarily concern management, construction, renovation or property inspection; and

(3) the person is not a member of the board of directors, or the manager, a co-owner or a resident of the immovable, or the spouse of such a person, and is not a shareholder, officer, director or employee of a legal person that is a co-owner of the immovable.

2. The maintenance log of the immovable contains an inventory and a description of the common portions of the immovable and the materials, apparatus and equipment that compose the common portions. It also contains an inventory and a description of the materials, apparatus and equipment installed in the private portions of the immovable whose maintenance is under the responsibility of the syndicate.

The maintenance log must contain the following information and documents in respect of each material, apparatus and equipment referred to in the first paragraph:

- (1) the date of installation, if known;
- (2) the required maintenance work, except the work referred to in section 3, and the frequency at which the required maintenance work must be carried out and the date on which it was done;
- (3) ordinary repairs and the date on which they were carried out;
- (4) the contracts entered into for the performance of the maintenance work and ordinary repairs referred to in subparagraphs 2 or 3, as the case may be;
- (5) the warranty contracts in force, where applicable;
- (6) the reports of any inspections performed or expert opinions obtained, where applicable;
- (7) the maintenance manuals of the manufacturer, where applicable.

3. The maintenance log also contains, in a separate section used exclusively for that purpose, an assessment of the condition and the remaining useful life of the materials, apparatus and equipment described in the maintenance log in accordance with section 2. On the basis of that assessment, a description of the major repairs and replacements to be carried out on each of those materials, apparatus and equipment, during the next 25 years, must be included in the maintenance log. A year of completion must be indicated for every major repair and replacement to be carried out.

The major repairs and replacements that are carried out and the date of completion are noted in the maintenance log, and the documents relating to that work, such as plans and specifications and contracts, are added to the maintenance log.

4. The maintenance log must be updated at least once a year. The update consists in adding to the maintenance log any new information or document referred to in section 2 or 3.

5. Only a person who meets the requirements provided for in section 1 may review a maintenance log. That person must carry out a complete review of the maintenance log on the basis of, in particular, the information and documents added as part of the annual updates.

The maintenance log must be reviewed at least every 5 years. Despite the foregoing, the maintenance log may be reviewed at least every 10 years if

- (1) the immovable consists of not more than 8 private portions;
- (2) the private portions of the immovable are residential; and
- (3) the immovable does not have more than 2 fully above-ground floors.

If certain work, among the work referred to in section 2 or 3, was planned or required in the maintenance log and was not carried out, the reviewed maintenance log must include a mention to that effect and indicate the reasons why the work was not carried out.

6. The person who establishes or reviews a maintenance log must sign a declaration stating that he or she personally

- (1) conducted, on the premises, an examination of the common portions of the immovable and of the materials, apparatus and equipment referred to in section 2; and
- (2) examined the information and documents in the maintenance log.

The declaration must be dated and included in the maintenance log.

DIVISION II CONTINGENCY FUND STUDY

7. Any person may perform the contingency fund study provided for in the second paragraph of article 1071 of the Civil Code, amended by section 39 of the Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d'habitation du Québec and various legislative provisions concerning municipal affairs (2019, chapter 28) and amended by section 2 of the Act to amend various legislative provisions with respect to housing (2024, chapter 2), provided

- (1) the person meets the requirements set out in section 1; or
- (2) the person is a member of the Ordre des comptables professionnels agréés du Québec and meets the requirements set out in paragraph 3 of section 1.

8. The contingency fund study must be obtained by the board of directors at least every 5 years. It must be performed based on the description, included in the maintenance log in accordance with section 3, of the major repairs and replacements to be carried out over the next 25 years. The study must contain at least the following information:

- (1) the total amount of the contingency fund on the date the study is performed;

(2) an estimate of the cost of each major repair and each replacement in the year of completion indicated in the maintenance log;

(3) a recommendation on the minimum amount that must be available in the contingency fund at the start of each year and on the sums that must be deposited annually in the contingency fund;

(4) the calculations made to establish the amounts referred to in paragraphs 2 and 3.

9. The contingency fund study must be signed and dated by its author.

DIVISION III CERTIFICATE OF THE SYNDICATE

10. The certificate of the syndicate attesting to the condition of the co-ownership provided for in the first paragraph of article 1068.1 of the Civil Code, made by section 35 of the Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d'habitation du Québec and various legislative provisions concerning municipal affairs (2019, chapter 28), must contain at least the following information:

(1) the total amount of the contingency fund and the recommendation of the contingency fund study as to the minimum amount that must be available in the fund at the start of the year in progress;

(2) the total amount of contributions to the common expenses required from co-owners by the syndicate in the 2 previous years and the total amount of contributions to the common expenses paid by co-owners during that period;

(3) the total amount of liquid assets available to the syndicate to pay the current operating expenditures of the co-ownership;

(4) the amount of the annual surplus or deficit appearing in the last 2 financial statements of the co-ownership;

(5) a mention to the effect that the syndicate is the holder of the insurance policies that it must take out under article 1073 of the Civil Code;

(6) the total amount of the self-insurance fund and the amount of the highest deductible provided for by the insurance taken out by the syndicate;

(7) a summary description of

(a) the inspections performed and the expert opinions obtained at the initiative of the syndicate, during the last 5 years, that pertained to the general condition of the immovable or one of its major components;

(b) losses having affected, during the last 5 years, the private portion that is the subject of the sale or the common portions of the immovable;

(c) the major repairs and replacements carried out in the common portions during the last 5 years, and those planned for the next 10 years or that must be carried out quickly following an unforeseen event;

(d) disputes that are underway to which the syndicate is a party and that are the subject of a proceeding before a court.

The certificate must be dated and signed by the person authorized to issue it, and it must indicate the person's name and capacity.

DIVISION IV DEPOSIT

11. Only members of the following professional orders may hold in a trust account a deposit referred to in article 1791.1 of the Civil Code, made by section 66 of the Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d'habitation du Québec and various legislative provisions concerning municipal affairs (2019, chapter 28) and amended by section 1 of the Act to establish a new development regime for the flood zones of lakes and watercourses, to temporarily grant municipalities powers enabling them to respond to certain needs and to amend various provisions (2021, chapter 7):

(1) Barreau du Québec;

(2) Chambre des notaires du Québec;

(3) Ordre des administrateurs agréés du Québec;

(4) Ordre des comptables professionnels agréés du Québec.

12. The builder or the developer must mandate a member of a professional order referred to in section 11 who is charged with receiving in a trust account the deposit referred to in article 1791.1 of the Civil Code, made by section 66 of the Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d'habitation du Québec and various legislative provisions concerning municipal affairs (2019, chapter 28) and amended by section 1 of the Act to establish a new development regime for the flood zones of lakes and watercourses, to temporarily grant municipalities powers enabling them to respond to certain needs and to amend various provisions (2021, chapter 7).

The buyer must pay the deposit directly to the professional mandated under the first paragraph. The builder or developer may in no case make the payment in the place of the buyer.

13. The date agreed upon for the delivery of the fraction of the immovable under co-ownership, within the meaning of the third paragraph of section 1791.1 of the Civil Code, made by section 66 of the Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d'habitation du Québec and various legislative provisions concerning municipal affairs (2019, chapter 28) and amended by section 1 of the Act to establish a new development regime for the flood zones of lakes and watercourses, to temporarily grant municipalities powers enabling them to respond to certain needs and to amend various provisions (2021, chapter 7), may be amended with the consent of the parties to the preliminary contract. To be valid, the new date of delivery must be indicated in the contract and the parties must sign the contract so amended.

DIVISION V TRANSITIONAL AND FINAL

14. In the cases provided for in the second paragraph of section 151 of the Act mainly to regulate building inspections and divided co-ownership, to replace the name and improve the rules of operation of the Régie du logement and to amend the Act respecting the Société d'habitation du Québec and various legislative provisions concerning municipal affairs (2019, chapter 28), the maintenance log or the contingency fund study obtained by the syndicate in the 2 years preceding the coming into force of this Regulation is valid for a period of 5 years as of the date it is obtained by the syndicate, provided that the person who prepared the maintenance log or the contingency fund study met, as the case may be, the requirements provided for in section 1 or 7 of this Regulation.

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

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